

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE COOPERATING AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT FOR PREPARATION OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE EAST BAY PLAIN SUBBASIN

WHEREAS, the California Legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act of 2014 (SGMA), which authorizes local agencies to ensure sustainable management of groundwater resources; and

WHEREAS, SGMA requires that by January 31, 2022, all groundwater basins designated by the California Department of Water Resources (DWR) as high- or medium-priority basins that are not subjected to critical conditions of overdraft be managed under a single Groundwater Sustainability Plan (GSP), coordinated GSPs prepared by the Groundwater Sustainability Agency or Agencies (GSA) managing the basin, or an alternative plan, as provided for in Cal. Water Code Section 10720.7(a); and

WHEREAS, the East Bay Plain Subbasin 2-009.04 (East Bay Plain Subbasin) is categorized as a medium-priority groundwater basin and subject to the provisions of SGMA; and

WHEREAS, Hayward and East Bay Municipal Utility District (EBMUD) are the exclusive GSAs for their respective management areas in the East Bay Plain Subbasin; and

WHEREAS, Hayward and EBMUD have agreed that working cooperatively to prepare a single GSP that covers the entire East Bay Plain Subbasin would be feasible and mutually beneficial; and

WHEREAS, on June 5, 2018, the Hayward City Council authorized the City Manager to execute a Cooperating Agreement with EBMUD to set forth the roles, responsibilities, cost-sharing, and other commitments to jointly develop a single GSP for the East Bay Plain Subbasin in compliance with SGMA; and

WHEREAS, the Cooperating Agreement was fully executed on June 25, 2018; and

WHEREAS, the Cooperating Agreement included a preliminary scope of work, schedule, and budget based on information available at the time of execution; and

WHEREAS, the Cooperating Agreement anticipated the use of outside technical resources to support the preparation of the GSP; and

WHEREAS, Hayward staff worked closely with EBMUD staff to develop a Request for Proposals, evaluate consultant proposals, and select the most qualified consulting firm; and

WHEREAS, the final scope of work, schedule and budget have been negotiated with the consultant, and it is in the best interests of both parties to amend the Cooperating Agreement to incorporate the updated information; and

WHEREAS, amending the Cooperating Agreement will have no material effect on the terms and provisions of the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward authorizes the City Manager to amend the Cooperating Agreement with East Bay Municipal Utility District for preparation of a Groundwater Sustainability Plan for the East Bay Plain Subbasin to reflect the final scope of work, schedule and budget for the project.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward