

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-__

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 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 prepare 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, on March 29, 2019, the Cooperating Agreement was amended to reflect the final scope of work, schedule, and budget for the development of the GSP; and

WHEREAS, on December 22, 2020, the Cooperating Agreement was amended to incorporate additional groundwater monitoring and analysis, including installation of new monitoring wells within Hayward’s boundaries, and to develop a Data Management System; and

WHEREAS, the Parties wish to further amend the Amended Cooperating Agreement to allocate responsibility for the new monitoring wells and appoint a Plan Manager as required by DWR; and

WHEREAS, sufficient funding is approved in the Water Improvement Fund in the adopted FY 2022-2031 Capital Improvement Fund; and

WHEREAS, it is in the best interests of both parties to amend the Cooperating Agreement to allocate responsibility for the monitoring wells and appoint a Plan Manager, and amending the Cooperating Agreement will have no material effect on the terms and provisions of the Agreement; and

WHEREAS, the Parties wish to further amend the Amended Cooperating Agreement to allocate responsibility for the new monitoring wells and appoint Grace Su, EBMUD Associate Civil Engineer, as Plan Manager as required by DWR; and

WHEREAS, the Parties wish to further amend the Amended Cooperating Agreement to allocate responsibility for the new monitoring wells and appoint Grace Su, EBMUD Associate Civil Engineer, as Plan Manager as required by DWR; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby 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 allocate responsibility for monitoring wells and appoint a Plan Manager.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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