

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS RELATED TO THE BAY AREA WATER SUPPLY AND CONSERVATION AGENCY PILOT WATER TRANSFER

WHEREAS, the Bay Area Water Supply & Conservation Agency (BAWSCA) is a public agency created under a special act of the California Legislature and formed by its member agencies to provide regional water supply planning, resource development, and conservation program services for the benefit of its 26 member agencies; and

WHEREAS, Hayward is a member agency of BAWSCA; and

WHEREAS, Hayward receives wholesale water supplies from the San Francisco Public Utility Commission (SFPUC) Regional Water System under the terms of two agreements: 1) the 1962 Water Sales Contract between Hayward and the City and County of San Francisco; and 2) the 2009 Water Supply Agreement between BAWSCA member agencies and the City and County of San Francisco; and

WHEREAS, the Regional Intertie is jointly owned by East Bay Municipal Utility District (EBMUD) and SFPUC, and connects the EBMUD and SFPUC regional water systems through Hayward using Hayward-owned infrastructure; and

WHEREAS, the First Amended Joint Exercise of Powers Agreement between City and County of San Francisco Public Utilities Commission, East Bay Municipal Utility District, and City of Hayward for Long-term Operation and Maintenance of the Emergency/Maintenance Water System Intertie Project dated July 10, 2007 (“Regional Intertie Operating Agreement”), provides for the use of the Hayward Intertie only during emergencies or planned critical maintenance work, and under no other circumstances; and

WHEREAS, SFPUC has planned shutdowns of the Hetch Hetchy supply system for planned critical maintenance during the winter of 2019-2020, which will require the entire San Francisco Regional Water System to be served by local water supplies; and

WHEREAS, BAWSCA has proposed a one-time Pilot Water Transfer, in which Hayward would operate the Regional Intertie during the SFPUC's planned 2019-2020 Hetch Hetchy shutdown, and modify operation of the Hayward Water System in order to accept transferred water deliveries from an alternative source arranged by BAWSCA in lieu of Hayward's SFPUC supply in order to (1) identify technical, financial and institutional issues associated with a potential water transfer and (2) test the ability to implement a

water transfer by securing approvals needed to deliver transfer water for a limited duration during planned critical maintenance work; and

WHEREAS, under these limited circumstances the Pilot Water Transfer offers an opportunity to exercise the Regional Intertie in support of staff training and emergency preparedness; and

WHEREAS, the parties participating in the Pilot Water Transfer have developed agreements necessary to implement the BAWSCA pilot water transfer, of which Hayward is a party to three of the agreements, specifically: the BAWSCA-Hayward Pilot Water Transfer Agreement; the Regional Intertie Side Agreement between SFPUC, EBMUD, and Hayward; and the Hayward-SFPUC Pilot Water Transfer Agreement (“Agreements”); and

WHEREAS, the terms of these Agreements, including pricing and reimbursement, shall not be a precedent to future agreements between the parties, including but not limited to any future water transfers, and shall not bind the parties to any future program of water transfers; and

WHEREAS, BAWSCA has determined as the lead agency for the project under the California Environmental Quality Act (CEQA) that the project is exempt pursuant to CEQA Guidelines sections 15301(b) and 15061, and has issued a Notice of Exemption detailing these findings; and

WHEREAS, water delivered to Hayward during the pilot water transfer shall meet all federal and state standards for drinking water without the need for further treatment of any kind; and

WHEREAS, the agreements provide for Hayward to be reimbursed for costs to operate the Regional Intertie during the Pilot Water Transfer; and

WHEREAS, the Pilot Water Transfer will result in negligible or no expansion of use of Hayward’s existing facilities; and

WHEREAS, based on the forgoing, Hayward is satisfied its approval of the Agreements will not have a significant effect on the environment, and the Pilot Water Transfer therefore is exempt from the California Environmental Quality Act under Guidelines sections 15301(b) and 15061.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute three agreements related to the BAWSCA Pilot Water Transfer, in a form approved by the City Attorney.

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