

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE TIER 2
DROUGHT RESPONSE IMPLEMENTATION PLAN PURSUANT TO SECTION
3.11.C OF THE AMENDED AND RESTATED WATER SUPPLY AGREEMENT

WHEREAS, the City of Hayward (Hayward) is one of twenty-six (26) agencies in San Mateo, Santa Clara and Alameda Counties (Wholesale Customers) which purchase water from the City and County of San Francisco (San Francisco) pursuant to a Water Supply Agreement entered into in 2009, and amended in 2018, 2021 and 2025 (WSA). Collectively these 26 agencies are referred to in the WSA as Wholesale Customers; and

WHEREAS, Section 3.11 of the WSA addresses situations when the San Francisco Regional Water System (RWS) has insufficient water to meet the full demands of all users. Section 3.11.C provides that during periods of water shortage caused by drought, the San Francisco Public Utilities Commission (SFPUC) will allocate available water between its retail customers and the Wholesale Customers collectively, in accordance with a schedule contained in the Water Shortage Allocation Plan set forth in Attachment H to the WSA (Tier 1 Plan); and

WHEREAS, Section 3.11.C authorizes the Wholesale Customers to adopt a Drought Allocation Plan, including a methodology for allocating the available water among the individual Wholesale Customers (Tier 2 Plan), which was originally adopted by the Wholesale Customers' governing bodies in 2011. The WSA also commits the SFPUC to honor allocations of water unanimously agreed to by all Wholesale Customers or, if unanimous agreement cannot be achieved, water allocations that have been adopted by the Board of Directors of the Bay Area Water Supply and Conservation Agency (BAWSCA). The WSA also provides that the SFPUC can allocate water supplies as necessary during a water shortage emergency if no agreed upon plan for water allocation has been adopted by the 26 Wholesale Customers or the BAWSCA Board of Directors; and

WHEREAS, Commencing in January 2022, representatives of each of the Wholesale Customers began meeting and developed a set of principles to serve as guidelines for an equitable allocation methodology, and to develop formulas and procedures, in order to implement those principles; and

WHEREAS, The Tier 2 Plan, has been endorsed by all of the Wholesale Customer representatives who participated in the formulation process and they have each recommended that it be formally adopted by the governing body of their respective agencies; and

WHEREAS, BAWSCA has advised Hayward that the other twenty-five Wholesale Customers have already adopted resolutions approving the updated Tier 2 Plan and Hayward is the only remaining agency; and

WHEREAS, The Tier 2 Plan allocates the collective Wholesale Customer share of RWS supply made available by the SFPUC among each of the 26 Wholesale Customers through December 31, 2034 and is coordinated with the term of the WSA, and extension and renewal terms.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the updated Tier 2 Drought Response Implementation Plan.

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to sign the approved updated Tier 2 Drought Implementation Plan among the Wholesale Customers in the form approved by the Wholesale Customers.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2025

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