

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-014

Introduced by Council Member Zermeño

RESOLUTION ELECTING TO BECOME THE
GROUNDWATER SUSTAINABILITY AGENCY FOR
THE EAST BAY PLAIN SUBBASIN OF THE SANTA
CLARA VALLEY BASIN WITHIN THE CITY OF
HAYWARD CITY BOUNDARY

WHEREAS, the comprehensive groundwater legislation referred to as the Sustainable Groundwater Management Act (“SGMA”) was signed into law on September 16, 2014, with an effective date of January 2, 2015, and is codified in California Water Code Section 10720 et seq; and

WHEREAS, the stated purpose of SGMA is to provide for the sustainable management of groundwater basins and subbasins at a local level by providing local agencies, including agencies with water supply and/or land use responsibilities, the legal authority, and technical and financial assistance to sustainably manage groundwater; and

WHEREAS, SGMA further provides for and anticipates that eligible local agencies overlying basins or subbasins designated by the California Department of Water Resources (“DWR”) as “high priority” or “medium priority” will form Groundwater Sustainability Agencies (“GSAs”) and empowers those GSAs to pursue groundwater sustainability through the adoption and implementation of Groundwater Sustainability Plans (“GSPs”) and related management actions; and

WHEREAS, in order to use the authority granted in SGMA, a local agency or combination of local agencies must elect to become a GSA, following notice and a public hearing; and

WHEREAS, where more than one local agency overlies a groundwater basin, SGMA calls on local agencies to cooperate to manage the groundwater basin in a sustainable manner; and

WHEREAS, the City of Hayward (“City”) overlies an unadjudicated basin, the East Bay Plain Subbasin of the Santa Clara Valley Basin (“East Bay Plain”); and

WHEREAS, the East Bay Plain Subbasin has been designated as a medium priority subbasin by DWR, and therefore must have all GSAs identified by June 30, 2017 and must have a GSP or DWR-approved alternative in place by January 31, 2022; and

WHEREAS, the City currently has water supply and land use responsibilities within its boundaries, which overlie a portion of the East Bay Plain, and it is appropriate for the City to serve as a GSA in that basin; and

WHEREAS, the City has the technical expertise and resources to perform the functions of a GSA, including the expertise and resources to contribute to the development of a GSP and to ensure the on-going sustainable management of the East Bay Plain; and

WHEREAS, the City has coordinated closely with other local agencies and interested stakeholders that overlie the East Bay Plain, including the East Bay Municipal Utility District that has formed a GSA to manage the portion of the East Bay Plain north of the City limits, and intends to continue such coordination; and

WHEREAS, it is the intent of the City to work cooperatively with other water agencies, cities and counties, as may be appropriate, to sustainably manage the East Bay Plain; and

WHEREAS, a notice of public hearing to consider the decision to become a GSA was published pursuant to Government Code Section 6066, and notice was provided to interested parties; and

WHEREAS, the Hayward City Council held a public hearing before adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City elects to become the GSA for the entire portion of the East Bay Plain that underlies the City's boundaries; and

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City will continue to coordinate with other local agencies and stakeholders that overlie the East Bay Plain and neighboring groundwater basins or subbasins; and

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the City will provide broad opportunity for public involvement in the ongoing management of the portion of the East Bay Plain for which the GSA has responsibility; and

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the decision to become a GSA is not a "Project" pursuant Public Resources Code Section 21065 and therefore is not subject to the requirements of the California Environmental Quality Act. (See Title 14, Cal. Code Regs. §15378(b)(5).)

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that staff is directed to notify DWR of the City's decision to become a GSA and to submit all required documentation in accordance with Water Code Section 10723.8(a).

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that staff is directed to begin the process of developing a Groundwater Sustainability Plan for the East Bay Plain. Staff is further directed to develop those plans in consultation and close coordination with other local agencies, as contemplated by SGMA.

IN COUNCIL, HAYWARD, CALIFORNIA February 7, 2017

ADOPTED BY THE FOLLOWING VOTE:

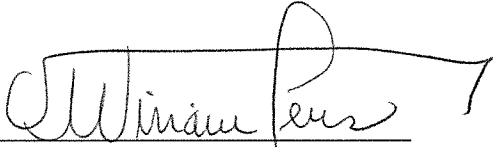
AYES: COUNCIL MEMBERS: Zermeno, Márquez, Mendall, Peixoto, Lamnin, Salinas
MAYOR: Halliday

NOES: COUNCIL MEMBERS: None

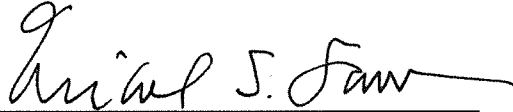
ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST:


City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward