

RESOLUTION NO. 2017-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD REGARDING THE CITY OF BRENTWOOD'S INTENT, FOLLOWING A NOTICED PUBLIC HEARING, TO FORM A GROUNDWATER SUSTAINABILITY AGENCY THROUGH A MEMORANDUM OF UNDERSTANDING WITH OTHER EAST CONTRA COSTA COUNTY WATER AGENCIES PURSUANT TO WATER CODE SECTION §10723.

WHEREAS, on March 22, 2016, by Resolution No. 2016-34, City Council approved and authorized the City Manager or designee to submit an initial notification to the Department of Water Resources ("DWR") regarding the City of Brentwood's intent to pursue a request to modify the boundary of the Tracy Subbasin, Basin 5-22.15 San Joaquin Valley ("Tracy Subbasin") to comply with the Sustainable Groundwater Management Act ("SGMA") to promote the local, sustainable management of groundwater supplies; and

WHEREAS, the SGMA, effective January 1, 2015, established a framework of priorities and requirements to facilitate sustainable groundwater management throughout the State of California; the legislative intent of the SGMA is for groundwater to be managed in California's groundwater basins by local public agencies and newly-formed GSAs; and

WHEREAS, in accordance with DWR's published Basin Boundary emergency regulation regarding basin boundary modifications, local agencies could request scientific or jurisdictional modifications to basins during a 90 day period beginning January 1, 2016; and

WHEREAS, the City's service area overlays a portion of the Tracy Sub-basin in East Contra Costa County, which has been identified by the State as Basin 5-22.15 San Joaquin Valley; and

WHEREAS, the Tracy Subbasin has been designated a medium priority basin by the DWR and must form a GSA; and

WHEREAS, local agencies participating in the formation of GSAs include the City of Antioch, City of Brentwood, Byron-Bethany Irrigation District, Contra Costa Water District, Contra Costa County, Diablo Water District, East Contra Costa Irrigation District, and Town of Discovery Bay; and

WHEREAS, if the City does not form a GSA on its own or in combination with the other area agencies, the State will step in, manage the groundwater in the area, develop and administer a GSA at the expense of the local agencies; local public agencies intending to form a GSA for all or a portion of the basin, must notify DWR by June 30, 2017; and

WHEREAS, Water Code Section §10723 requires that public agencies seeking to participate in a GSA conduct a public hearing to solicit public comments; and

WHEREAS, pursuant to Section §6066 of the Government Code, notice for the public hearing indicating the City's intent to participate in the formation of a GSA was published in the Brentwood Press on March 17, 2017, and March 24, 2017; and

WHEREAS, on March 28, 2017, the City Council of the City of Brentwood conducted a public hearing about the City's consideration of forming a GSA with surrounding local agencies; and

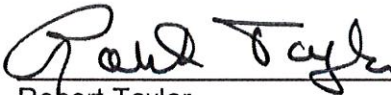
WHEREAS, an agreement amendment with Luhdorff & Scalmanini, Inc. for technical assistance for the planning and compliance with the 2014 SGMA is in process and the estimated total not to exceed agreement amount to \$48,660, of which \$23,656 has been expended to date, and a Legal Services Agreement for groundwater issues in the amount of \$25,000 with Downey Brand LLC, will be expended through the Water Enterprise Fund; the FY 2016/17 funds are included in the City Council adopted 2016/17 Operating budget.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Brentwood as follows:

1. The City of Brentwood hereby decides to become the GSA for the areas of the Tracy Subbasin with the City of Brentwood boundary, effective April 20, 2017, as set forth in the map attached hereto as Exhibit A.
2. Within thirty (30) days of April 20, 2017, the City Manager or designee is directed to provide notice of this decision to the California Department of Water Resources, as required by Water Code section 10723.8.
3. The City Manager or designee shall facilitate and assist in commencing discussions as soon as practical with other GSAs in order to begin the process of coordinating the development of a groundwater sustainability plan for the portion of the Tracy Subbasin in Contra Costa County, as contemplated by the Groundwater Sustainability Management Act.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Brentwood at a regular meeting held on the 28th day of March, 2017 by the following vote:

AYES:	Barr, Bryant, Rarey, Staton, Taylor
NOES:	None
ABSENT:	None
RECUSE:	None


Robert Taylor
Mayor

ATTEST:


Margaret Wimberly, MMC
City Clerk