

**RESOLUTION NO. 18-8603**

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA  
AUTHORIZING THE BAY AREA WATER SUPPLY AND  
CONSERVATION AGENCY (BAWSCA) TO NEGOTIATE ON  
BEHALF OF THE CITY WITH THE CITY AND COUNTY OF SAN  
FRANCISCO FOR THE PURPOSE OF AMENDING THE 2009  
WATER SUPPLY AGREEMENT**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, in April 2003, the City of Santa Clara and other retail water suppliers in Alameda, San Mateo and Santa Clara counties established the Bay Area Water Supply and Conservation Agency (BAWSCA), as authorized by Water Code Section 81300 *et seq.* pursuant to State Legislation (AB 2058) enacted in 2002;

**WHEREAS**, the City of Santa Clara is represented on the BAWSCA Board of Directors;

**WHEREAS**, the Santa Clara City Council approved the 2009 Water Supply Agreement (Agreement) between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County by Resolution (Resolution # 09-7639) at its regular meeting on June 9, 2009;

**WHEREAS**, BAWSCA has proposed to serve as the representative of its members in discussions and negotiations with the City and County of San Francisco leading toward the resolution of a number of discrete, but important amendments to address substantive issues that have risen during implementation of the Agreement;

**WHEREAS**, BAWSCA has the capabilities required to serve in this capacity by virtue of Agency staff and consultants in relevant disciplines including civil engineering, water supply planning, finance, economics, accounting, and law; and,

**WHEREAS**, BAWSCA's CEO/General Manager has met with the City of Santa Clara's representatives to update them on the matters at issue in this negotiation.

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**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the City of Santa Clara hereby appoints BAWSCA as its authorized representative in discussions and negotiations with the City and County of San Francisco to amend the Agreement to address issues arising from the implementation of the Agreement.
2. That BAWSCA, through its CEO/General Manager, shall confer with and keep the City of Santa Clara's representatives informed on the status of these discussions and negotiations.
3. That this appointment shall continue unless and until revoked by the Santa Clara City Council.
4. That this resolution confers no authority on BAWSCA to enter into a contract with the City and County of San Francisco or to make any commitments legally binding on the City of Santa Clara. The authority to enter into any contracts is expressly reserved to the Santa Clara City Council.
5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 18<sup>th</sup> DAY OF SEPTEMBER, 2018, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Davis
ABSTAINED:	COUNCILORS:	None

ATTEST:

  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference: None