



COUNCIL REPORT

DATE:	May 9, 2023
CATEGORY:	Consent
DEPT.:	Public Works
TITLE:	Appointment of a Representative to the Bay Area Water Supply and Conservation Agency Board of Directors and Bay Area Regional Water System Financing Authority

RECOMMENDATION

Appoint Councilmember Lisa Matichak as the City of Mountain View's representative to the Bay Area Water Supply and Conservation Agency Board of Directors and related Bay Area Regional Water System Financing Authority for the term starting on July 1, 2023 through December 31, 2024.

BACKGROUND

The Bay Area Water Supply and Conservation Agency (BAWSCA) was created on May 27, 2003 to represent the interests of cities, water districts, and private utilities in Alameda, Santa Clara, and San Mateo Counties that purchase water on a wholesale basis from the San Francisco regional water system (Hetch-Hetchy system). BAWSCA is governed by a 26-member Board of Directors representing the 24 cities and water districts and two private utilities (Stanford University and California Water Service Company) that are member agencies of BAWSCA. The Board of Directors has the authority to:

- Coordinate water conservation, supply, and recycling activities for its agencies;
- Acquire and make water available to other agencies on a wholesale basis;
- Act as arbiter in disputes regarding San Francisco Public Utilities Commission (SFPUC) rate calculations;
- Finance projects, including improvements to the regional water system; and
- Build facilities jointly with other local public agencies or on its own to carry out the agency's purposes.

The Bay Area Regional Water System Financing Authority (RFA) was created by the California Legislature in 2002 to raise money, if needed, to help rebuild the San Francisco Bay Area regional

water system. The RFA is also governed by a 26-member Board of Directors plus a San Francisco representative and has the authority to:

- Issue revenue bonds to fund projects to improve the reliability of the regional water system;
- Provide proceeds of revenue bonds to San Francisco under specified conditions; and
- Apply for and receive State and Federal grants, loans, and other financial assistance.

On [April 23, 2019](#), the Mountain View City Council appointed Councilmember Lisa Matichak as the City's representative to both boards. Councilmember Matichak's term on these boards ends on June 30, 2023.

Attachment 1 is a letter dated January 26, 2023 to Mayor Alison Hicks from the BAWSCA General Manager regarding the appointment of a new director from the City. Enabling legislation for BAWSCA and the RFA requires the appointment be completed through action of the City Council. Although the City has until September 30, 2023 to complete the appointment process, BAWSCA requests the appointment be made before June 30, 2023 to ensure there is a quorum for both boards on July 1, 2023.

The appointee must be a resident of and registered voter in Mountain View and ideally will possess a strong interest in and desire to understand Bay Area water supply issues. There is no requirement to appoint the same representative to both boards, and Council is not required to appoint a Councilmember. However, the BAWSCA Board and the RFA address related issues, and having one individual serving on both boards will provide continuity for the City. Enabling legislation for BAWSCA and the RFA does not provide for alternate members.

On January 3, 2019, Council took action to revise the City Council Code of Conduct to add Section 2.6, which states: "Appointment by Council to Regional Boards: Appointments to regional boards shall terminate upon the expiration of the Councilmember's term unless: (1) the Councilmember is reelected and can serve the full term on the regional board; or (2) action is taken by the Council to reappoint the individual to the regional board."

ANALYSIS

The next appointee, whose term will run from July 1, 2023 through June 30, 2027, will represent the City as the BAWSCA Board addresses water supply issues, works with the SFPUC to ensure the water supply system is properly maintained, and ensures member agencies and their customers are treated fairly in the allocation of capital improvement and operating costs.

Councilmember Matichak has indicated an interest in continuing to serve as the City's representative on both boards. Although Councilmember Matichak's second City Council term ends on December 31, 2024 and she would not be able to fulfill the full four-year term of the BAWSCA and RFA positions as a Councilmember, staff recommends that she be reappointed to take advantage of her knowledge and experience from serving on the Boards since 2019. If Council approves reappointing Councilmember Matichak to both boards, staff will return to Council in fall 2024 for Council to consider appointing another Councilmember to finish the term or to continue Councilmember Matichak's appointment to the boards after December 31, 2024 as a resident of the City.

FISCAL IMPACT—None.

ALTERNATIVE

Appoint another individual to serve on the BAWSCA Board of Directors and RFA for the term starting on July 1, 2023.

PUBLIC NOTICING—Agenda posting.

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Attachment: 1. Letter from Nicole Sandkulla, BAWSCA General Manager, Dated January 26, 2023