



COUNCIL REPORT

DATE: December 17, 2024

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Bay Area Water Supply and Conservation Agency and Bay Area Regional Water System Financing Authority— Representative Appointment**

RECOMMENDATION

Appoint Mayor Pat Showalter as the City of Mountain View’s Board of Directors representative to the Bay Area Water Supply and Conservation Agency and related Bay Area Regional Water System Financing Authority for the term beginning January 1, 2025 and concluding June 30, 2027.

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 and 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.

Enabling legislation for BAWSCA and the RFA requires the appointment of the City representative to be completed through action of the City Council. 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, but 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.”

On [May 9, 2023](#), Council appointed Vice Mayor Lisa Matichak as the City’s representative to both boards. As Vice Mayor Matichak’s Council term ends on December 31, 2024, her term on the two boards will also end.

ANALYSIS

The next appointee, whose term will run from January 1, 2025 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.

Mayor Pat Showalter has indicated an interest to serve as the City’s representative on both boards. Her former long-term occupation with Valley Water and ongoing work on water supply issues will be valuable for the City in dealings with BAWSCA and SFPUC, as staff is working on upcoming amendments to the SFPUC Water Supply Agreement and Drought Allocation Plan. The Mayor’s next council term will be between January 2025 to December 2029, providing continuity with the BAWSCA and RFA term.

FISCAL IMPACT—None.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the “X” in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

EXEMPT FROM THE LEVINE ACT

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html.

ALTERNATIVES

Appoint another individual to serve on the BAWSCA and RFA Board of Directors for the term starting on January 1, 2025.

PUBLIC NOTICING—Agenda posting.

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