

# City of Sacramento

## Legislation Text

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File #: 2020-00977, Version: 1

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**Title:**

**Authority to Make Payments to Various Joint Powers Authorities, Agreements and Cost Sharing Agreements**

File ID: 2020-00977

**Location:** Citywide

**Recommendation:**

Pass a Motion authorizing the City Manager or the City Manager's designee to approve annual payments of up to: 1) \$77,751 for dues to the Regional Water Authority (RWA) for Fiscal Year (FY) 2020/21 per the Amended and Restated Joint Exercise of Powers Agreement (2019-0786); 2) \$10,706 to the RWA per the Landscape Imagery Project Agency Agreement (2019-0787) for FY2020/21; 3) \$40,000 to the RWA per the Regional Water Efficiency Program (2007-0122) for FY2020/21; 4) \$172,156 for FY2020/21 for dues to the Joint Powers Agreement (JPA) (2000-0074A) creating the Sacramento-Groundwater Authority; 5) \$25,000 to the Northern California Water Association (NCWA) for services performed under the Joint Defense and Expert Cost Sharing Agreement (CSA) (2013-0773); 6) \$40,000 for dues, per Sites Project Authority Joint Exercise of Powers Agreement (2018-0738), for FY2020/21; 7) \$41,750 for services performed under the American River Joint Defense and Expert CSA (2016-1224); and 8) \$60,000 to the City of Roseville for services performed under the CSA for Issue Management Services (2020-0350).

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**Presenter:** None

**Attachments:**

- 1-Description/Analysis
- 2-2019-0786 Amended and Restated Joint Exercise of Powers Agreement - RWA
- 3-2019-0787 Landscape Imagery Project Agency Agreement - RWA
- 4-2007-0122 Regional Water Efficiency Program - RWA
- 5-2000-0074A Sacramento Groundwater Authority JPA
- 6-2013-0773 Joint Defense and Expert CSA - Northern California Water Association (NCWA)
- 7-2018-0738 Sites Project Authority Joint Exercise of Powers Agreement
- 8-2016-1224 American River Joint Defense and Expert CSA
- 9-2020-0350 CSA - City of Roseville

**Description/Analysis**

**Issue Detail:** The Department of Utilities (DOU) is a partnering member of a number of Joint Power Authorities and regional partnering programs focused on regional water management. Annual dues and fees are required to maintain the City of Sacramento's (City) participation in these programs.

The specific Agreement payments are listed here and described more thoroughly in the Background section of this report below:

- Amended and Restated Joint Exercise of Powers Agreement (2019-0786)
- Landscape Imagery Project Agency Agreement (2019-0787)
- Regional Water Efficiency Program (2007-0122)
- Sacramento Groundwater Authority JPA (2000-0074A)
- Joint Defense and Expert CSA NCWA (2013-0773)
- Sites Project Authority Joint Exercise of Powers Agreement (2018-0738)
- American River Joint Defense and Expert CSA (2016-1224)
- CSA Roseville (2020-0350)

**Policy Considerations:** Participation in Joint Powers and CSAs is consistent with a number of General Plan policies described further in the Background section.

**Economic Impacts:** None

**Environmental Considerations:** The annual dues and fees for various Joint Power Authorities and regional partnering programs has been determined to not be considered a "project" under the California Environmental Quality Act (CEQA) Guidelines. The action is a continuing administrative activity and an organizational or administrative activity that will not result in direct or indirect physical changes in the environment [CEQA Guidelines section 15378 (b) (2 and 5)] and is not subject to CEQA [CEQA Guidelines Section 15060(c)(3)].

**Sustainability:** The approval of these dues is consistent with the 2035 General Plan Policies: U 2.1.1 (Exercise and Protect Water Rights) which requires the City to exercise and protect its water rights and entitlements in perpetuity; U 2.1.2 (Increase water supply sustainability), which requires the City to maintain a surface water/groundwater conjunctive use program, which uses more surface water when it is available and more groundwater when surface water is limited; U 2.1.7 (Water Supply During Emergencies) which requires the City, to the extent feasible, to maintain adequate water supply during emergencies and; U 2.1.9 (New Development) which requires the City to ensure that water supply capacity is in place prior to granting building permits for new development.

**Commission/Committee Action:** None

**Rationale for Recommendation:** In partnering with other agencies, the City is pooling its staff and financial resources regionally to engage in legislative or regulatory matters that will improve its water supply reliability, maintain its water entitlements, and improve efficiency by reducing costs. Additional rationale is provided in the background section.

**Financial Considerations:** Sufficient funding exists in the DOU FY2019/20 and FY2020/21 Operating Budgets. Future payments under the agreements will be subject to available funding in the applicable fiscal year.

There are no General Funds allocated or planned for this project.

**Local Business Enterprise (LBE):** None

**Background:** Staff requests authorization for the following payment obligations:

**RWA Membership Dues** - The City joined the RWA Amended and Restated Joint Exercise of Powers Agreement 2019-0786 to serve and represent the regional water supply interests and assist the members of the RWA in protecting and enhancing the reliability, availability, affordability, and quality of water resources. The agreement was restated in 2013.

**RWA Landscape Imagery Project** - In 2018, the RWA purchased aerial imagery services through the Sacramento Area Council of Governments. The purpose of the imagery is to estimate the quantity of water used outdoors and to prepare for complying with the requirements in AB 1668/SB 606.

**RWA Water Efficiency Program** - The City entered into City contract 2007-0122 in 2007 to provide school education, public outreach and other water conservation Best Management Practices utilizing widespread marketing.

**Sacramento Groundwater Authority Membership Dues** - The Sacramento Groundwater Authority was established in 1998 to manage the groundwater basin north of the American River.

**NCWA Joint Defense and Expert CSA** - The Parties are cooperating on efforts to analyze, review, comment on and participate in various quasi-judicial, quasi-legislative, administrative and other regulatory proceedings related to the San Francisco Bay/Sacramento-San Joaquin Delta Estuary ("Bay-Delta"), which are reasonably likely to result in regulatory action affecting and/or litigation by, or against, the Parties.

**Sites Project Authority Joint Exercise of Powers Agreement** - The Sites Reservoir is an off-stream reservoir that will have the capacity to store up to 1.8 million acre-feet. City agreement 2018-0738 was established to allow the City to participate in as part of the governing authority to implement the project. The purpose of the agreement is to establish an independent special agency to serve as a proponent and facilitator; to design the facility and potentially acquire property; and to construct, manage, govern, and operate Sites Reservoir and related facilities.

The City and Sacramento County Water Agency (SCWA) have entered into an agreement that allows for participation in the Authority will be on a rotational basis, with the City and SCWA participating for one-year terms while the agreement is in effect.

**American River Joint Defense and Expert CSA** - The parties are cooperating on efforts to protect their water rights and water supplies, and to analyze, review, and comment on various proposals that could affect or impair those water rights and supplies. Those proposals include, but are not limited to, the Bay-Delta Conservation Plan; the State Water Resources Control Board (SWRCB) development of amendments to the Bay-Delta Water Quality Control Plan (WQCP) and implementation of any such amendments; the Bureau of Reclamation's (Reclamation) development of the Area Capacity Computer Program (ACAP) remand environmental impact statement and the Central Valley Project (CVP) Municipal and Industrial Shortage Policy; the development and implementation of biological opinions for Reclamation's operations of the CVP; the Department of Water Resources' operation of the State Water Project; and the Water Forum's Lower American River flow management standard. One or more of these proposals may result in adversarial quasi-legislative or quasi-judicial administrative proceedings, litigation in state or federal courts or both.

**CSA for Issue Management Services** - The City of Sacramento, City of Roseville and Placer County Water Agency have collectively worked with the consulting firm, Hermocillo-Azavedo Strategic Communications LLC (HASC) throughout 2017 on various matters related to long-term water use efficiency legislation. City agreement 2020-0350 established a four (4) year agreement commencing on December 19, 2019 and ending on December 19, 2023