

**COUNCIL DATE: September 13, 2011****SUBJECT: Appointments to the Bay Area Water Supply and Conservation Agency and the San Francisco Regional Water System Financing Authority to Serve Remainder of Four Year Terms: July 2011 – June 2015****BACKGROUND**

On May 24, 2011, the City of Sunnyvale re-appointed Councilmember Ron Swegles as director to the Bay Area Water Supply and Conservation Agency (BAWSCA), and to the San Francisco Regional Water System Financing Authority (the Authority). Each appointment was for four year terms which would have expired on June 30, 2015. With the passing of Councilmember Swegles in July, the City Council is now asked to appoint the next director(s) to represent the City.

DISCUSSION

The Bay Area Water Supply and Conservation Agency (BAWSCA) is an independent agency that was created in 2003 pursuant to AB 2058. Sunnyvale was one of the agencies that took part in creating BAWSCA, and appoints one director to the BAWSCA Board of Directors. The San Francisco Regional Water System Financing Authority (the Authority) was created in 2002 by the State legislature to assist in funding the San Francisco regional water improvements. Generally, these two positions have been held by the same person.

The appointee to BAWSCA and the Authority need not be a council member and is not recallable by the City once appointed. The only requirements to be appointed to the board are that the appointee be a registered voter residing within the boundaries of the member public entity whose governing board appoints him or her. Appointments are for four (4) year terms, and are to be filled by the appointing agency within 90 days of becoming vacant.

There are good reasons to suggest that the appointee be a City councilmember. The issues before BAWSCA and the Authority are often of a policy nature. Most, but not all, of the other directors are elected officials, as shown on the attached list of current board of director members for both agencies. (Attachment A, Roster of Current BAWSCA Board of Directors). Other agencies have appointed council members, mayors, former council members, former mayors, agency directors or CEOs, and one public works director. Some

directors have removed themselves when they left their respective governing boards, but that has been a voluntary action. Some have stayed on and were reappointed even after leaving office.

The work of the two boards is closely related, and the service areas overlap. The BAWSCA Board of Directors currently meets bimonthly, on Thursday evenings (the third Thursday of January, March, May, July, September, and November). The Authority meets only once or twice per year. When held, Authority meetings typically occur on the same nights as BAWSCA meetings. All cities and water districts have appointed the same individual to serve on both boards of directors.

EXISTING POLICY

From the Legislative Sub-Element of the General Plan:

Goal 7.3C: Participate in intergovernmental activities, including national, state and regional groups, as a means to represent the City's interests, influence policy and legislation, and enhance awareness.

Policy 7.3C.1 Represent City policy in intergovernmental activities in accordance with adopted policy guidelines.

The State Water Code Division 31 describes the Bay Area Water Supply and Conservation Agency (BAWSCA), and Division 31.7 describes the San Francisco Bay Area Regional Water System Financing Authority (the Authority). The Water Code provides for appointment of directors, states that the appointees **may** (emphasis added) be a member of the local governing body, and that being on both bodies (BAWSCA/Authority, and the local governing body) shall not be considered incompatible. Directors "may vote on contracts or other matters involving the member public entity he or she represents."

FISCAL IMPACT

This action does not have any fiscal impact. The City pays assessments to BAWSCA as a member, and wholesale water charges to San Francisco. These functions are unaffected by this action.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center, and Department of Public Safety; posting the agenda and report on the City's Web

site; and making the report available at the Library and the Office of the City Clerk.

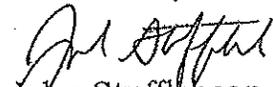
ALTERNATIVES

1. Appoint a member of the City Council to serve as a director of both the Bay Area Water Supply and Conservation Agency (BAWSCA), and the San Francisco Regional Water System Financing Authority (Authority).
2. Appoint a non-Council member resident of the community to serve as a director of both the Bay Area Water Supply and Conservation Agency (BAWSCA), and the San Francisco Regional Water System Financing Authority (Authority), and establish a schedule of semi-annual briefing memoranda on BAWSCA and Authority issues, to be provided by the appointee or staff.
3. Make separate appointments of different qualifying individuals to serve, one as a director for the Bay Area Water Supply and Conservation Agency (BAWSCA), and one as a director for the San Francisco Regional Water System Financing Authority (Authority), and establish a schedule of semi-annual briefing memoranda on BAWSCA and Authority issues, to be provided by the appointees or staff.

RECOMMENDATION

Staff recommends that the same person be appointed to the two boards, and that a schedule of regular briefings or updates on the organizations meetings be established to allow Council to be kept informed of important regional water issues.

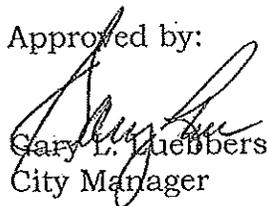
Reviewed by:



John Stufflebean, Director, Department of Environmental Services

Prepared by: John Stufflebean, Director of Environmental Services

Approved by:



Gary L. Quibbers
City Manager

Attachments

- A. Roster of Current BAWSCA Board of Directors

ATTACHMENT A

The Bay Area Water Supply and Conservation Agency is governed by a 26-member Board of Directors comprised of respected community leaders representing the 24 cities and water districts that are member agencies of BAWSCA, and two private utilities that also have appointees to the board, Stanford University and California Water Service Company.

In June 2004, The Board Policy Committee (BPC) was formed to carry the functions of advising the General Manager and Board on matters of policy. Its composition fully reflects that of the board.

The Board of Directors includes the following members (*current BPC member):

<u>Robert Anderson*</u>	Purissima Hills Water District
Ruben Abrica*	East Palo Alto
<u>Randy Breault*</u>	Guadalupe Valley Municipal Improvement District
<u>Cyril Bologoff</u>	City of Brisbane
Thomas Chambers	Westborough Water District
<u>Ken Coverdell</u>	Coastside County Water District
<u>Kelly Fergusson</u>	City of Menlo Park
<u>Michael Guingona</u>	City of Daly City
<u>Rob Guzzetta*</u>	California Water Service Company
<u>Armando Gomez</u>	City of Milpitas
<u>Tom Kasten</u>	Town of Hillsborough
<u>Larry Klein*</u>	City of Palo Alto
<u>Marty Laporte</u>	Stanford University
<u>Patricia Mahan</u>	City of Santa Clara
<u>Irene O'Connell</u> (Vice-Chair)	City of San Bruno
<u>Rosalie O'Mahony</u>	City of Burlingame
<u>Matt Pear</u>	City of Mountain View
<u>Barbara Pierce</u> (Chair)	City of Redwood City
<u>Tom Piccolotti*</u>	North Coast County Water District
<u>Dan Quigg</u>	City of Millbrae
<u>Bill Quirk*</u>	City of Hayward
<u>Chuck Reed</u>	City of San Jose
<u>Chris Reynolds</u>	Skyline County Water District
<u>Ron Swegles</u>	City of Sunnyvale
<u>Louis Vella</u>	Mid-Peninsula Water District
<u>John H. Weed</u>	Alameda County Water District
<u>Rick Wykoff</u>	Estero Municipal Improvement District