

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: City Manager

SUBJECT: Bay Area Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Appointments

DATE: March 5, 2015

City Council Goals:

To promote intergovernmental opportunities that enhances services and/or reduces cost of operations and services to city residents. (#10)

Purpose:

To appoint representatives for the City and GVMID water systems to BAWSCA and RFA.

Recommendation:

1. Identify an individual to represent the City of Brisbane as a member of the BAWSCA and RFA Boards of Directors for an additional four-year term (7/1/15 - 6/30/19).
2. Identify an individual to represent the Guadalupe Valley Municipal Improvement District (GVMID) as a member of the BAWSCA and RFA Boards of Directors for an additional four-year term (7/1/15 - 6/30/19).
3. Direct the City Clerk to provide the BAWSCA office with a record of the council action making the appointments.

Background:

The attached staff report from the Council's May 21, 2006 provides detailed background information on this item. The only missing chronology within the discussion on appointments to BAWSCA and RFA found in the attachment is that then Councilmember Sepi Richardson was appointed to represent the City of Brisbane after then Councilmember Bologoff's term on the Council ended. Ms. Richardson has indicated her desire and willingness to continue representing the City on these Boards.

The City's Director of Public Works/City Engineer Randy Breault has represented GVMID on both BAWSCA and the RFA since the establishment of these agencies in 2003. Mr. Breault is presently the 2015-2016 Chair for both BAWSCA and the RFA.

Fiscal Impact:

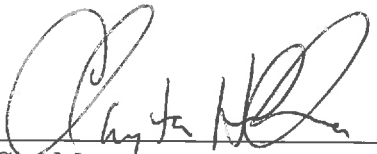
None as a direct result of the action recommended herein.

Measure of Success

Continued representation on the BAWSCA and RFA Boards, which strive to ensure the following three goals are met with regards to their member agencies' drinking water; a reliable supply, high quality water, and a fair price for the water.

Attachments:

- May 21, 2006 Staff Report
- January 22, 2015 letters (2) to Mayor O'Connell from BAWSCA requesting appointments from the City and GVMID to the BAWSCA and RFA Boards



City Manager

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Director of Public Works/City Engineer via City Manager

SUBJECT: Bay Area Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Appointments

DATE: May 21, 2006

Recommendation

1. Appoint Council Member Bologoff to represent the City of Brisbane as a member of the BAWSCA and RFA Boards of Directors.
2. Appoint City Engineer Breault to represent the Guadalupe Valley Municipal Improvement District as a member of the BAWSCA and RFA Boards of Directors.
3. Direct the City Clerk to swear in both appointees, and to provide the BAWSCA office with the signed oaths of office and a record of the council action making the appointments.

City Council Goals:

To promote intergovernmental opportunities that enhances services and/or reduces cost of operations and services to city residents. (#10)

Purpose:

To appoint representatives for the City and GVMID water systems to BAWSCA and RFA.

Background:

RFA SB 1870 is one of three bills related to improving the Bay Area Regional Water System that was passed by the state legislature in fall 2002. The enactment of this bill created a Financing Authority which allowed all members of the Bay Area Water Users Association (BAWUA – the predecessor to BAWSCA) and the City and County of San Francisco (if certain conditions were met) to jointly issue revenue bonds needed to pay for reliability improvements to the regional water system that is operated by the City and County of San Francisco (CCSF), and which serves BAWSCA members as well as CCSF residents.

The bill created the Authority and required that each member public entity appoint a representative to the Board of Directors of the Financing Authority no later than March 1, 2003.

At its February 10, 2003 meeting, the Council/Board appointed the following representatives to the RFA Board of Directors:

City of Brisbane: Council Member Lee Panza
GVMID: City Engineer Randy Breault

When Mr. Panza's term on the City Council expired in the fall of 2005, he subsequently resigned his position as Director representing the City on the RFA; the Council then appointed Council Member Bologoff to complete the remaining term on this Board.

BAWSCA The Council/Board held a public hearing on March 10, 2003, and subsequently approved Resolution Nos. 2003-15 and GVMID 2003-02 to form and become a member of the Bay Area Water Supply and Conservation Agency, all in accordance with the enabling legislation of AB 2058. Unanimous votes by the tri-county agencies named in this bill triggered BAWSCA's creation; participating members are required to name representatives as Directors on the BAWSCA Board.

Also at the March 10, 2003 meeting, the Council/Board appointed the following representatives to the BAWSCA Board of Directors:

City of Brisbane: Council Member Lee Panza
GVMID: City Engineer Randy Breault

When Mr. Panza's term on the City Council expired in the fall of 2005, he subsequently resigned his position as Director representing the City on BAWSCA; the Council then appointed Council Member Bologoff to complete the remaining term on this Board.

BAWSCA has in fact taken over the functions previously served by BAWUA and has worked earnestly to review the San Francisco Public Utilities System (SFPUC) proposed seismic and capacity upgrade capital improvement program known as the Water System Improvement Program. BAWSCA is also serving as the lead negotiator for all member agencies in discussions with SFPUC regarding the renewal of water supply master agreements that are scheduled to expire in 2009.

Fiscal Impact:

None as a direct result of the action recommended herein.

Attachments: (not included with 3/5/15 Staff Report)

- April 3, 2007 letters (2) to Mayor Waldo from BAWSCA requesting appointments from the City and GVMID to the BAWSCA and RFA Boards
- Oath of Office templates for each board

Director of Public Works/City Engineer

City Manager

Bay Area Water Supply & Conservation Agency (BAWSCA) and
Bay Area Regional Water System Financing Authority (RFA) Appointments

BAWSCA

Bay Area Water Supply & Conservation Agency

January 22, 2015

The Hon. Terry O'Connell, Mayor
City of Brisbane
50 Park Place
Brisbane, CA 94005

Subject: Appointment of a Director to the Boards of the Bay Area Water Supply & Conservation Agency and the Bay Area Regional Water System Financing Authority

Dear Mayor O'Connell,

The four-year term of Sepi Richardson on the board of directors of the Bay Area Water Supply & Conservation Agency (BAWSCA) will end on June 30, 2015, as will her term on the Bay Area Regional Water System Financing Authority (RFA). Action by your agency must be taken promptly.

The enabling acts for both agencies allow the city to reappoint its director for an unlimited number of terms or to appoint a new director at the end of each term. The appointment will be for a four-year term. Hence, whoever is appointed will have a term that extends to June 2019.

The enabling acts for both agencies require that a vacancy on their boards be filled no later than 90 days from the date the vacancy occurs. As applied, the statutes require action by your Council no later than September 30, 2015.

However, we encourage your agency to make the appointments before June 30, effective July 1, 2015, so that a quorum of both boards can be ensured and so that your agency is continuously represented.

Statutory qualifications:

- The appointee must be a resident of, and a registered voter in, the City.
- He or she may, but need not, be a member of your City Council.

Mechanics of the appointment process:

- The appointments must be made at a public meeting of the City Council and be properly agendaized.
- The appointments must be made by action of the full City Council, rather than by unilateral action of the Mayor.
- The appointments do not need to be memorialized in a resolution; a motion duly passed and recorded in the minutes of the meeting is sufficient.
- A copy of the record of the council actions making the appointment should be sent to BAWSCA. The Oaths of Office must be administered prior to the appointee's first meeting as a director on the BAWSCA and RFA Boards.

The two questions most frequently asked about an appointment are:

- Should the appointee be an elected member of the appointing agency's governing board?
- Should the same person be appointed to the boards of both agencies?

Both of these are matters of policy left entirely to the discretion of your council. I offer the following observations, based on BAWSCA's experience over the past twelve years, for whatever use they may be.

- The great majority of cities and districts which are participants in BAWSCA and the RFA do select a member of their city council or governing board to serve on the BAWSCA and RFA boards.

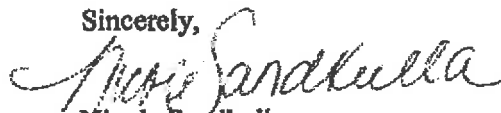
One advantage of appointing a currently serving or former elected member of your council to the board is the stature that his or her presence gives BAWSCA in its dealings with San Francisco, regulatory agencies and legislators. Another is the familiarity and experience he or she already has in addressing policy matters for the City. The governing body of each individual agency is, of course, in the best position to evaluate these, and other relevant considerations.

- With no exceptions, cities and districts have appointed the same individual to both the BAWSCA and RFA boards.

Appointing one person to represent the City on both boards offers an advantage because, although the two agencies have distinct roles, they are closely related. The familiarity with the issues gained through service on one board will be useful in participating on the other. Additionally, having the same person appointed to both boards assures greater continuity in presenting your agency's perspective.

Please see that your council places this matter on an agenda for action by the end of June 30, 2015. I may be reached at (650) 349-3000 if you have any questions.

Sincerely,



Nicole Sandkulla

Chief Executive Officer/General Manager

cc: Sepi Richardson, BAWSCA Board Member
Jerry Flanagan, BAWSCA Water Management Representative

BAWSCA

Bay Area Water Supply & Conservation Agency

January 22, 2015

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Brisbane Public Works Dept.

The Hon. Terry O'Connell, Mayor
Gudalupe Valley MID
50 Park Place,
Brisbane, CA 94005

Subject: Appointment of a Director to the Boards of the Bay Area Water Supply & Conservation Agency and the Bay Area Regional Water System Financing Authority

Dear Mayor O'Connell,

The four-year term of Randy Breault on the board of directors of the Bay Area Water Supply & Conservation Agency (BAWSCA) will end on June 30, 2015, as will his term on the Bay Area Regional Water System Financing Authority (RFA). Action by your agency must be taken promptly.

The enabling acts for both agencies allow the district to reappoint its director for an unlimited number of terms or to appoint a new director at the end of each term. The appointment will be for a four-year term. Hence, whoever is appointed will have a term that extends to June 2019.

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Statutory qualifications:

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- He or she may, but need not, be a member of your Board of Directors.

Mechanics of the appointment process:

- The appointments must be made at a public meeting of the Board of Directors and be properly agendaized.
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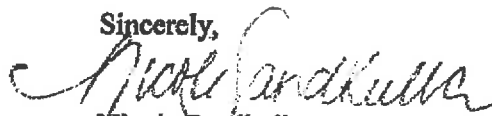
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Sincerely,



Nicole Sandkulla

Chief Executive Officer/General Manager

cc: Randy Breault, BAWSCA Board Member
Jerry Flanagan, BAWSCA Water Management Representative