



BOARD MEMBERS

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538
(510) 668-4200 • www.acwd.org

MANAGEMENT

AZIZ AKBARI
JAMES G. GUNTHER
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JOHN H. WEED

ED STEVENSON
General Manager
KURT ARENDS
Operations and Maintenance
GIRUM AWOKE
Engineering and Technology
LAURA J. HIDAS
Water Resources
JONATHAN WUNDERLICH
Finance and Administration

NOTICE OF SPECIAL MEETING OF THE ACWD BOARD OF DIRECTORS

Date: February 23, 2023

Time: 4:00 P.M.

Location: Members of the public may participate in this meeting in person at the District office located at 43885 South Grimmer Boulevard in Fremont or via webinar <https://us02web.zoom.us/j/83774776696?pwd=clc4dGVZS3dRUmttMFNGTEw1Vm9BQT09> (PASSCODE: **537004**), OR BY CALLING ANY OF THE FOLLOWING PHONE NUMBERS: 1-669-900-9128 or 1-346-248-7799 or 1-301-715-8592 FOLLOWED BY **837 7477 6696**.

Due to the COVID-19 pandemic and in accordance with Assembly Bill 361, which modifies Government Code Section 54953, this meeting will be conducted by webinar and teleconference. Board members and members of the public also may attend this meeting in person at the District office located at 43885 South Grimmer Boulevard, Fremont.

Board of Directors meetings that are held through webinar/teleconference will allow remote public participation and comment. Members of the public are encouraged to submit comments to the District Secretary: gina.markou@acwd.com at least one hour prior to the scheduled start time of the meeting.

Please Take Notice that the Alameda County Water District Board of Directors hereby calls a special meeting on February 23, 2023, at 4:00 P.M., at which time the Board will convene for the following purposes:

1. Roll Call
2. Salute to the Flag
3. Public Comments on Matters on this Notice of Special Meeting
4. Action Calendar
5. Emergency Preparedness Workshop
6. General Manager's Reports
7. Director's Comments and/or Agenda Item Requests
8. Adjournment

This Notice of the Date, Time, and Location of this special meeting of the Alameda County Water District Board of Directors is given this 17th day of February 2023.

Date this Notice Posted: February 17, 2023


Gina Markou, District Secretary

ALAMEDA COUNTY WATER DISTRICT

43885 So. Grimmer Boulevard
Fremont, CA 94538

SPECIAL BOARD OF DIRECTORS MEETING

A G E N D A

February 23, 2023

4:00 P.M.

ACCESSIBLE PUBLIC MEETINGS: Upon request, ACWD will provide written agenda materials in appropriate alternative formats, or disability-related modifications or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request at least 72 hours before the meeting to the District Secretary, ACWD, 43885 S. Grimmer Blvd., Fremont, CA 94538, or to gina.markou@acwd.com stating your name, mailing address, phone number, and a brief description of the requested materials and preferred alternative format or auxiliary aid or service.

MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THIS MEETING IN PERSON AT THE DISTRICT OFFICE LOCATED AT 43885 SOUTH GRIMMER BOULEVARD, FREMONT OR VIA WEBINAR OR TELECONFERENCE DUE TO THE COVID-19 PANDEMIC AND IN ACCORDANCE WITH ASSEMBLY BILL 361, WHICH MODIFIES GOVERNMENT CODE SECTION 54953.

TO PARTICIPATE VIA ZOOM WEBINAR: USE THE FOLLOWING LINK: <https://us02web.zoom.us/j/83774776696?pwd=clc4dGVZS3dRUmttMFNGTEw1Vm9BQT09> (PASSCODE: **537004**). ZOOM MAY REQUEST ENTRY OF A NAME AND EMAIL ADDRESS. ACWD IS UNABLE TO MODIFY THIS FEATURE. MEMBERS OF THE PUBLIC ARE NOT REQUIRED TO IDENTIFY THEMSELVES WHEN ATTENDING PUBLIC MEETINGS, AND MAY ENTER “ANONYMOUS” UNDER NAME, AND ENTER A FICTIONAL EMAIL ADDRESS (e.g., “attendee@acwd.com”). TO MAKE COMMENTS OR ASK QUESTIONS DURING THE MEETING, “RAISE YOUR HAND” OR USE THE CHAT OR Q&A FEATURE IN THE ZOOM APP AT ANY TIME, OR UNMUTE AND SPEAK WHEN INVITED.

TO PARTICIPATE VIA TELECONFERENCE, CALL ANY OF THE FOLLOWING PHONE NUMBERS: 1-669-900-9128 OR 1-346-248-7799 OR 1-301-715-8592 FOLLOWED BY **837 7477 6696**. TO MAKE COMMENTS OR ASK QUESTIONS DURING THE MEETING, TYPE *9 ON YOUR DIAL PAD TO “RAISE” OR “LOWER” YOUR “HAND” AT ANY TIME, OR TYPE *6 TO MUTE OR UNMUTE AND SPEAK WHEN INVITED.

MEMBERS OF THE PUBLIC ARE ALSO ENCOURAGED TO SUBMIT COMMENTS TO THE DISTRICT SECRETARY AT gina.markou@acwd.com AT LEAST ONE HOUR PRIOR TO THE SCHEDULED START TIME OF THE MEETING.

THIS AGENDA AND ALL ACCOMPANYING MATERIALS CAN BE VIEWED ON THE ALAMEDA COUNTY WATER DISTRICT WEBSITE AT: www.acwd.org.

1. ROLL CALL
2. SALUTE TO THE FLAG
3. PUBLIC COMMENTS ON MATTERS ON THIS NOTICE OF SPECIAL MEETING
4. ACTION CALENDAR

4.1 Resolution Authorizing the General Manager to Enter into An Agreement Among the Department of Water Resources of the State of California, Alameda County Water District and Kern County Water Agency for Storage of a Portion of Alameda County Water District's State Water Project Water Supplies in Semitropic Water Storage District and Determining Actions are Exempt from the California Environmental Quality Act

5. EMERGENCY PREPAREDNESS WORKSHOP

This is the second of two Board workshops focused on the District's emergency preparedness planning and approach. District staff will review the outcome of the first workshop and present a draft workplan intended to increase the District's emergency preparedness.

Emergency preparedness is critical to maintaining and restoring the District's core business functions during and after an emergency. Potential threats and hazards include human and malevolent acts such as cyberattacks, natural disasters such as earthquakes, and the loss of critical support functions such as electrical power or fuel. Taking actions to prepare for, minimize the effects of, and recover from such events are essential to fulfilling the District's mission of providing a reliable supply of high-quality water at a reasonable price to our customers.

6. GENERAL MANAGER'S REPORTS
7. DIRECTOR'S COMMENTS AND/OR AGENDA ITEM REQUESTS
8. ADJOURNMENT

ALAMEDA COUNTY WATER DISTRICT

MEMORANDUM

DATE: February 17, 2023
TO: Board of Directors
FROM: Ed Stevenson
SUBJECT: STAFF REPORT, ACTION CALENDAR ITEM FOR FEBRUARY 23, 2023

- 4.1 RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AN AGREEMENT AMONG THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF CALIFORNIA, ALAMEDA COUNTY WATER DISTRICT AND KERN COUNTY WATER AGENCY FOR STORAGE OF A PORTION OF ALAMEDA COUNTY WATER DISTRICT'S STATE WATER PROJECT WATER SUPPLIES IN SEMITROPIC WATER STORAGE DISTRICT AND DETERMINING ACTIONS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
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SUMMARY: The California Department of Water Resources (DWR) requires an agreement for the delivery of District water supplies to the Semitropic Groundwater Banking and Exchange Program. This agreement, called "Agreement Among the Department of Water Resources of the State of California, Alameda County Water District and Kern County Water Agency for storage of a portion of Alameda County Water District's State Water Project Water Supplies in Semitropic Water Storage District" (Agreement), requires approval by DWR, Kern County Water Agency (the regional water wholesaler for Semitropic Water Storage District) and the District. Under the existing point of delivery (POD) Agreement, the provision allowing the District to deliver new water to the Semitropic Water Storage District (Semitropic) expired at the end of 2020. The new Agreement, covering delivery through 2030 and recovery through 2035, has been negotiated and reviewed by District staff and General Counsel and is now ready for execution. The District must also file a Notice of Exemption for the Agreement under the California Environmental Quality Act (CEQA). This item is scheduled to be reviewed with the Water Resources and Conservation Committee on February 22, 2023. Board approval of this action will help meet the District's Strategic Plan Goal 2.2 – Protect Existing Imported Water Supplies.

RECOMMENDATION: By motion, adopt a resolution 1) authorizing the General Manager to enter into an Agreement Among the Department of Water Resources of the State of California, Alameda County Water District and Kern County Water Agency for storage of a portion of Alameda County Water District's State Water Project Water Supplies in Semitropic Water Storage District; and 2) determining the actions are exempt from CEQA.

DISCUSSION: The District has contracted to store up to 150,000 acre-feet of water with Semitropic, located in Kern County, for drought contingency planning purposes. The balance of water currently stored at Semitropic as of December 31, 2022, is 105,529 acre-feet. The primary elements of the new Agreement include provisions that the District may use the California Aqueduct to convey water delivered to Kern County Water Agency (KCWA) for storage at Semitropic, and the District may have water returned by either a Table A water exchange with

KCWA on behalf of Semitropic or by pump-in to the California Aqueduct. The Agreement allows for the return of water stored at Semitropic through 2035. There are three primary changes between the new Agreement and previous POD Agreements. First, the new Agreement incorporates the 2021 Water Management Tools contract amendment with regard to limitations on the sale or transfer of “Stored Water” (i.e., the District’s State Water Project [SWP] Water stored in Semitropic). Second, the new Agreement outlines the operational mechanisms and charges related to delivery of Stored Water into San Luis Reservoir for temporary storage, including future Gianelli pumping costs once DWR determines how these charges will be calculated. Third, the new Agreement establishes that credits for delivery of water to KCWA for storage will be determined based on the costs incurred when the District’s SWP Water was originally delivered from the Delta to KCWA for storage, as opposed to being calculated from the costs incurred in the year District’s SWP Water is returned from Semitropic, as was the historical practice. Staff and legal counsel have reviewed these changes and found them to be acceptable. KCWA will review the Agreement and will schedule for their Board’s consideration for approval in February 2023. DWR has already approved the Agreement and will execute it once it is executed by both the District and KCWA. Given the recent increase in the 2023 SWP Table A allocation, expeditious approval and execution of the Agreement will allow the District greater flexibility in managing SWP supplies under changing conditions this spring.

The updated Agreement qualifies for a Categorical Exemption under CEQA Guidelines Section 15301 (Existing Facilities) because the transfer and storage of the water under the Agreement involves the continued operation of existing water supply diversion, storage, and conveyance facilities with no expansion of use and would not expand the District’s allocated water supply use. The construction of new, expanded, or modified facilities is not required to implement the transfer and storage and it does not result in significant environmental impacts, and does not involve unusual circumstances, a uniquely sensitive environment, or significant cumulative impacts from projects of the same type in the same place. If adopted, the District would file a Notice of Exemption (NOE) under CEQA with the Alameda County Clerk and the California Office of Planning and Research.

RESOLUTION NO. _____

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AN AGREEMENT AMONG THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF CALIFORNIA, ALAMEDA COUNTY WATER DISTRICT AND KERN COUNTY WATER AGENCY FOR STORAGE OF A PORTION OF ALAMEDA COUNTY WATER DISTRICT'S STATE WATER PROJECT WATER SUPPLIES IN SEMITROPIC WATER STORAGE DISTRICT, AND DETERMINING ACTIONS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, Alameda County Water District (District) has a long-term water supply contract with the State of California Department of Water Resources (DWR) for the delivery of State Water Project water; and

WHEREAS, the District has a long-term water banking contract with the Semitropic Water Storage District; and

WHEREAS, the District has negotiated a new agreement to continue deliveries to the Semitropic Water Storage District and update terms and operations with DWR and Kern County Water District; and

WHEREAS, the recommended action qualifies for a Categorical Exemption under California Environmental Quality Act (CEQA) Guidelines §15301: "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use," and none of the exceptions under the CEQA Guidelines §15300.2 exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ALAMEDA COUNTY WATER DISTRICT that:

1. The General Manager is authorized to execute an Agreement Among the Department of Water Resources of the State of California, Alameda County Water District and Kern County Water Agency for storage of a portion of Alameda County Water District's State Water Project water supplies in Semitropic Water Storage District.

2. The actions are determined to be exempt from the California Environmental Quality Act under Categorical Exemption Class 1 – operation of existing facilities with no expansion of use (CEQA Guidelines Section 15301).
3. District staff is directed to prepare and file a Notice of Exemption within five working days of the approval of this Resolution.

PASSED AND ADOPTED this 23rd day of February 2023, by the following vote:

AYES:

NOES:

ABSENT:

Paul S. Sethy, President
Board of Directors
Alameda County Water District

ATTEST:

APPROVED AS TO FORM:

Marian Hsu, Assistant District Secretary
Alameda County Water District
(Seal)

Patrick T. Miyaki, General Counsel
Alameda County Water District

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Alameda County Water District held on 23rd day of February 2023.

Clerk/Secretary: _____