

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**  
**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 03/22/2022 by the following vote:

**AYE:** ☐

**NO:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐



**Resolution No. 2022/81**

**RESOLUTION OF THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS TO EXECUTE THE SECOND AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING TO IMPLEMENT A GROUNDWATER SUSTAINABILITY PLAN FOR THE EAST CONTRA COSTA SUBBASIN, (5-22.19 SAN JOAQUIN VALLEY)**

**Recitals**

- A. WHEREAS, in August 2014, the California Legislature passed, and in September 2014 the Governor signed legislation creating the Sustainable Groundwater Management Act ("SGMA") to provide local groundwater sustainability agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater (Wat. Code, §10720, (d)); and
- B. WHEREAS, SGMA requires sustainable management through the development of groundwater sustainability plans ("GSPs"), which can be a single plan developed by one or more groundwater sustainability agencies ("GSAs") or multiple coordinated plans within a basin or subbasin (Wat. Code, §10727); and
- C. WHEREAS, SGMA requires a GSA be formed to manage groundwater in all basins designated by the California Department of Water Resources ("DWR") as a medium or high priority subbasin; and
- D. WHEREAS, on April 25, 2017, the Contra Costa County Board of Supervisors ("County") became the groundwater sustainability agency for portions of the Tracy Subbasin that are in Contra Costa County; and
- E. WHEREAS, the City of Antioch, City of Brentwood, Byron-Bethany Irrigation District, Contra Costa Water District ("CCWD"), Diablo Water District, Discovery Bay Community Services District, and East Contra Costa Irrigation District, were formed as GSAs [except CCWD] for the purposes of sustainably managing groundwater in the Tracy Subbasin within their jurisdictional boundaries that are in Contra Costa County, pursuant to the requirements of SGMA; and
- F. WHEREAS, the GSAs have the authority to draft, adopt, and implement a Groundwater Sustainability Plan (Wat. Code, §10725 et seq.); and
- G. WHEREAS, on May 9, 2017, the GSAs entered a Memorandum of Understanding with other GSAs within the Tracy Subbasin along with CCWD for the purpose of jointly developing a single GSP for the portion of the subbasin within Contra Costa County and coordinating sustainable groundwater management in the Subbasin (Wat. Code, §10727(a)(2)); and
- H. WHEREAS, the Brentwood GSA submitted an Initial Notification to DWR on behalf of all the GSAs to jointly develop a GSP for the Subbasin on February 12, 2018; and
- I. WHEREAS, on February 11, 2019, the California Department of Water Resources approved dividing the Tracy Subbasin into two subbasins (e.g., East Contra Costa Subbasin and the Tracy Subbasin) thereby creating a separate groundwater basin entirely within Contra Costa County called the East Contra Costa Subbasin, (DWR Basin 5-22.19, San Joaquin Valley); and
- J. WHEREAS, on April 13, 2020, the GSAs and CCWD entered into an Amended and Restated Memorandum of Understanding to ensure clarity for future decisions by the Board the reflect DWRs determination that, for purposes of SGMA, the East Contra Costa Subbasin is separate and distinct from other portions of the Tracy Subbasin; and
- K. WHEREAS, a group ("Working Group") consisting of the GSAs and CCWD has coordinated in the Subbasin to draft a single GSP; and
- L. WHEREAS, the County on June 9, 2021, via certified mail, sent the Notice of Intent to adopt a groundwater sustainability

plan pursuant to Water Code §10728.4; and

M. WHEREAS, on behalf of the GSAs, the Working Group developed the draft GSP and released portions of the draft GSP for public and local agency review during GSP development and released the entire draft on September 7, 2021; and

N. WHEREAS, the Working Group reviewed and responded to comments on the draft GSP; and

O. WHEREAS, the Working Group released the final GSP on October 15, 2021; and

P. WHEREAS, on October 15, 2021, the Working Group recommended each of the GSAs adopt the final GSP for their respective jurisdictions; and

Q. WHEREAS, on November 26, 2021, notice was given in the Contra Costa Times, a newspaper of general circulation, that the Contra Costa County Board of Supervisors will hold a public hearing on December 7, 2021, to consider approval and adoption of the groundwater sustainability plan; and

R. WHEREAS, on December 7, 2021, the County Board of Supervisors adopted Resolution No. 2021/397 and approved the October 15, 2021, GSP for the East Contra Costa Subbasin; and

S. WHEREAS, on January 25, 2022, the GSP was submitted to the DWR.

Now, Therefore, Be It Resolved:

1. Contra Costa County is the Groundwater Sustainability Agency for portions of the East Contra Costa Subbasin (DWR Basin 5-22.19) as shown in Exhibit "A".
2. The Second Amended and Restated Memorandum of Understanding (MOU) for the Implementing the Groundwater Sustainability Plan for the East Contra Costa Subbasin, (DWR Basin 5-22.19, San Joaquin Valley) attached hereto as Exhibit "B", is hereby approved.
3. The Director of Conservation and Development, or designee, is authorized to execute, on behalf of the County, all actions the County performs under the MOU.

Attachments:

- Exhibit "A" - Map: Groundwater Sustainability Agencies within the East Contra Costa Subbasin (DWR Basin 5-22.19, San Joaquin Valley)
- Exhibit "B" - Second Amended and Restated Memorandum of Understanding

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**Contact: Ryan Hernandez, 925-655-2919**

**ATTESTED: March 22, 2022**

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

**cc:**