

RESOLUTION NO. 3532-2012

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR AN ORDINANCE REGULATING SINGLE-USE CARRYOUT BAGS AT RETAIL ESTABLISHMENTS WITHIN THE CITY

WHEREAS, in February 2011, the Fort Bragg City Council directed its staff to prepare a draft ordinance (the "Project") regulating the distribution of single-use carryout bags at retail stores within the City of Fort Bragg and asked the Mendocino Solid Waste Management Authority to prepare an environmental impact report (hereinafter, "EIR") on the proposed ordinance; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 *et seq.*, and California Code of Regulations, Title 14, Chapter 3 (collectively, "CEQA"), requires that the City consider the environmental effects of the Project prior to approving the ordinance; and

WHEREAS, on or about April 1, 2011, the City issued a Notice of Preparation ("NOP") for the EIR on the Project to provide interested agencies and the general public an opportunity to express their concerns regarding the potential environmental effects of the Project. The NOP was received by the State Clearinghouse and circulated for 30 days, as mandated by CEQA; and

WHEREAS, the Draft EIR (State Clearinghouse No. 2011042014) was completed on or about October 25, 2011, and a Notice of Completion was filed with the State Clearinghouse for transmittal of the Draft EIR to State agencies for review and comment; and

WHEREAS, on November 1, 2011, the City issued a Notice of Availability for the Draft EIR which was published in a local newspaper of general circulation and posted on the City's website and which indicated that public comments would be accepted up until the date of the public hearing by the City Council on the Draft EIR; and

WHEREAS, the City Council conducted a public hearing on the Draft EIR on January 23, 2012 and written and oral comments on the Draft EIR have been received, responses to which have been prepared in the form of a Final EIR for the Project which incorporates the Draft EIR by reference; and

WHEREAS, during the public comment period that ended on January 23, 2012, the City received written comments on the Draft EIR from North Coast Regional Quality Control Board and from Save the Plastic Bag Coalition; and

WHEREAS, a Final EIR was prepared to provide good faith, reasoned responses to comments received during the public review period and to present minor revisions to the Project based on issues raised by comments on the Draft EIR; and

WHEREAS, the minor revisions to the Project do not add significant new information sufficient under CEQA Guidelines Section 15088.5 to require recirculation of the document for additional public review; and

WHEREAS, the EIR provides a comprehensive analysis of the projected environmental effects of the Project, and it concluded that the Project would have no significant harmful environmental impacts; and

WHEREAS, the EIR has been posted on the City website and has been reviewed by the Fort Bragg City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fort Bragg, that the City Council finds, determines and certifies as follows:

1. The above recitals are true and correct, and are incorporated herein by reference.
2. The EIR for the Project consists of the Draft EIR dated November 2011, including Appendices A, B and C, and the Final EIR dated April 2012 (collectively, the "EIR").
3. The EIR was prepared in compliance with the requirements of CEQA.
4. The EIR was presented to the City Council, the decision-making body for the City, the lead agency for the project, and the City Council has reviewed and considered the information contained in the EIR.
5. The EIR reflects the City Council's independent judgment and analysis as to the environmental effects of the Project.
6. Minor changes have been incorporated into the Project in response to comments received on the EIR and none of the changes introduces significant new information which would require recirculation of any portion of the EIR pursuant to CEQA.
7. All of impacts analyzed under the EIR were found to be less than significant even without mitigation.
8. The City Council has, by its review of the evidence and analysis presented in the EIR and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Council to make fully informed, thoroughly considered decisions on these important issues.
9. Based on the evidence and testimony presented at the public hearings, and all information contained in the record of proceedings and the City's files related to the Project, the City Council does hereby certify the EIR, in accordance with Section 15090 of the CEQA Guidelines.
10. The location of the documents or other material that constitute the record of proceedings upon which the decision is based is the City of Fort Bragg Office of the City Clerk, 416 North Franklin Street, Fort Bragg CA 95437; the official custodian of said records is the City Clerk of the City of Fort Bragg.
11. This resolution shall take effect immediately upon its adoption and the City Clerk is directed to file a Notice of Determination, in accordance with CEQA.
12. All portions of this resolution are severable. Should any portion of this resolution be adjudged invalid and unenforceable by a body of competent jurisdiction, then the remaining portions shall be and continue in full force and effect, except as to those portions that have been adjudged invalid. The City Council hereby declares that it would have adopted this resolution and each section, subsection, clause, sentence, phrase and other portion

thereof, irrespective of the fact that one or more section, subsection, clause, sentence, phrase or other portion may be held invalid or unconstitutional.

The above and foregoing Resolution was introduced by Councilmember Courtney, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 23rd day of April, 2012, by the following vote:

- AYES:** Councilmembers Courtney, Deitz, Gjerde, Hammerstrom, and Mayor Turner.
- NOES:** None.
- ABSENT:** None.
- ABSTAIN:** None.

A handwritten signature in black ink, appearing to read "Dave Turner", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

**DAVE TURNER,
Mayor**

ATTEST:

Cynthia M. VanWormer
Cynthia M. VanWormer, CMC
City Clerk