

RESOLUTION NO. 3942-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CONFIRMING THE CONTINUED EXISTENCE OF A LOCAL DROUGHT EMERGENCY IN THE CITY OF FORT BRAGG

WHEREAS, California Government Code section 8630 empowers the Fort Bragg City Council to proclaim the existence of a local emergency when the City is threatened or likely to be threatened by the conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City; and

WHEREAS, California Government Code section 8558(c) states that a "local emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the territorial limits of the City, including conditions caused by the drought; and

WHEREAS, on August 10, 2015, the Fort Bragg City Council adopted Resolution No. 3837-2015 declaring a Stage 1 Water Emergency and calling for immediate implementation of water conservation measures; and

WHEREAS, on September 30, 2015, the Fort Bragg City Council conducted an emergency meeting at which the City Manager reported that the City's Noyo River diversion was not reliably providing water due to low flows and high salinity content, thus critically impairing the City's ability to replenish water; and

WHEREAS, based on the aforementioned circumstances, the Fort Bragg City Council adopted Resolution No. 3856-2015, by which it declared a Stage 3 Water Emergency and instituted mandatory water conservation measures intended to reduce water use by 30% from the same period in the previous year as described in Title 14, Section 14.06 of the City of Fort Bragg Municipal Code; and

WHEREAS, at a regular meeting on October 13, 2015, the Fort Bragg City Council adopted Resolution No. 3857-2015, by which it reaffirmed Resolution No. 3856-2015 and its declaration of a Stage 3 Water Emergency; and

WHEREAS, at a regular meeting on October 13, 2015, the Fort Bragg City Council adopted Resolution No. 3858-2015, declaring a local drought emergency in the City of Fort Bragg; and

WHEREAS, at a regular meeting on November 9, 2015, the City Council of the City of Fort Bragg adopted Resolution No. 3865-2015, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on December 14, 2015, the City Council of the City of Fort Bragg adopted Resolution No. 3875-2015, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on December 14, 2015, the Fort Bragg City Council unanimously voted to reduce the Stage 3 Water Emergency to a Stage 1 Water Emergency; and

WHEREAS, at a regular meeting on January 11, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3883-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on February 8, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3887-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on March 14, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3890-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on April 11, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3893-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on May 9, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3900-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on June 13, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3905-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on July 11, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3918-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on July 25, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3924-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, at a regular meeting on August 22, 2016, the City Council of the City of Fort Bragg adopted Resolution No. 3924-2016, by which it continued the local drought emergency for an additional 30 days in accordance with California Government Code section 8630(c); and

WHEREAS, while the immediate threat to the Noyo River diversion has receded as a result of recent precipitation, the City of Fort Bragg's water system remains imperiled unless and until the Summers Lane Reservoir is constructed, filled, and

capable of providing supplemental water during periods of extreme low flows in the Noyo River;

NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED by the City Council of the City of Fort Bragg that for reasons set forth herein, said local emergency shall be deemed to continue to exist until the City Council of the City of Fort Bragg, State of California, proclaims its termination; and

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg will review the need for continuing the local drought emergency at least once every 30 days until the City Council terminates the local drought emergency; and

BE IT FURTHER RESOLVED that this resolution confirming the continued existence of a local drought emergency shall be forwarded to the Director of the Governor's Office of Emergency Services and the Governor of the State of California, as well as the Mendocino County Office of Emergency Services.

The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Peters, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 26th day of September 2016, by the following vote:

AYES: Councilmember Cimolino, Hammerstrom, Peters, and Mayor Turner.
NOES: None.
ABSENT: Councilmember Deitz.
ABSTAIN: None.
RECUSED: None.



DAVE TURNER
Mayor

ATTEST:



Brenda Jourdain
Acting City Clerk