

## **RESOLUTION NO. 4435-2021**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING THE REVISED TEMPORARY WATER SHARING AGREEMENT BETWEEN THE CITY OF FORT BRAGG AND THE FORT BRAGG UNIFIED SCHOOL DISTRICT**

**WHEREAS**, the City of Fort Bragg (“City”) has experienced significantly less rainfall in the last twenty-four (24) months than would be considered normal; and

**WHEREAS**, the water flow in the Noyo River has declined to and below water levels in the summer of 1977, which is the worst drought on record for the City of Fort Bragg; and

**WHEREAS**, historically, in the months of August, September and October, the Noyo River experiences high tides, where the gravitational pull between the sun and the moon increase tide levels to a foot or two higher than normal tide levels. High tides during periods of low flow levels on the Noyo River increase salinity content and shorten pump run times, impairing the City’s ability to replenish water supply from the Noyo River; and

**WHEREAS**, the weather forecasts continue to show no significant rainfall in the area in the coming weeks and months; and

**WHEREAS**, City is the owner of a public water system that supplies water within and just outside its boundaries; and

**WHEREAS**, on March 5, 2021, the USDA declared that 50 counties in California, including Mendocino County, were designated as primary natural disaster areas due to recent drought; and

**WHEREAS**, on April 21, 2021, Governor Newsom declared a state of emergency in Mendocino County due to drought conditions; and

**WHEREAS**, on July 12, 2021, the Fort Bragg City Council declared a Stage 2 Water Warning for the Fort Bragg Water System; and

**WHEREAS**, on August 9, 2021, after a properly noticed public hearing, the City Council declared a Stage 3 Water Emergency and implemented Stage 3 Water Conservation Restrictions for the Fort Bragg Water System; and

**WHEREAS**, on September 13, 2021 after a properly noticed public hearing, the City Council will be asked to consider declaring a Stage 4 Water Crisis and implementing Stage 4 Water Conservation Restrictions for the Fort Bragg Water System if water supply has deteriorated to a level appropriate for such action; and

**WHEREAS**, the Fort Bragg Unified School District (“District”) is the owner of certain real property (“District Property”) located in the City of Fort Bragg, Mendocino County, California; and

**WHEREAS**, the District Property includes water supply improvements, including, but not limited to a groundwater well and pump (collectively, “Well”), which District uses to supply water for the District’s various irrigation needs; and

**WHEREAS**, current drought conditions have the potential to cause harm to the health, safety and welfare of the residents, visitors and businesses who depend on the City's Water System as their sole and primary source of water used for consumption, health and sanitation; and

**WHEREAS**, City desires to extract certain supplies of water from the Well during times of water shortage in order to treat and inject the water back into the Fort Bragg Water System; and

**WHEREAS**, the Fort Bragg Unified School District approved a revised Temporary Water Sharing Agreement on August 25, 2021; and

**WHEREAS**, the Temporary Use of the District's Well water is exempt pursuant to the California Environmental Quality Act ("CEQA") and Title 14, the California Code of Regulations ("CEQA Guidelines"), Section 15269 (c) as an emergency project to prevent or mitigate an emergency; and

**WHEREAS**, based on all the evidence presented, the City Council finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Resolution.
2. It is in the best interests of the City's Water System customers to provide sufficient water to ensure the health, sanitation and safety of its customers.
3. Temporary use of the water from the Fort Bragg Unified School District well will increase the water supply available to the City during the current Water drought Emergency.

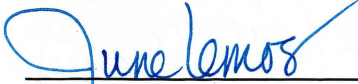
**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the revised Temporary Water Sharing Agreement and authorizes the City Manager to execute the same.

**The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Morsell-Haye, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 30<sup>th</sup> day of August, 2021, by the following vote:**

**AYES:** Councilmembers Albin-Smith, Morsell-Haye, Peters, Rafanan and Mayor Norvell.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.

  
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**BERNIE NORVELL**  
Mayor

**ATTEST:**

  
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**June Lemos, CMC**  
City Clerk