

## RESOLUTION NO. 4440-2021

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL RATIFYING AND AUTHORIZING THE CITY MANAGER'S EXECUTION OF PURCHASE ORDER/PURCHASE AGREEMENT FOR GROUNDWATER TREATMENT EQUIPMENT AND SPARE PARTS FOR THE DESALINATION PRETREATMENT FILTRATION SYSTEM, AMOUNT NOT TO EXCEED \$154,624 BUDGET AMENDMENT No. 2022-07(ACCOUNT NO. 651-6130-0731)

**WHEREAS**, the City of Fort Bragg has experienced significantly less rainfall over the past two years placing the City in an extreme drought condition; and

**WHEREAS**, the water flows from the City's three raw water sources continue on a downward trend; and

**WHEREAS**, the high tides during periods of low flow levels on the Noyo River, the City's primary surface water source during summer/fall months, increases salinity content 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

**WHEREAS**, on March 5, 2021, the USDA declared that 50 counties in California, including Mendocino County were designated as a primary natural disasters area 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 District's Well during times of water shortage in order to treat and inject the water back into the Fort Bragg Water System; and

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

**WHEREAS**, use of the water from the District's Well requires groundwater treatment as recommended and approved by the Division of Drinking Water; and

**WHEREAS**, staff provided a list of filtration equipment to the Division of Drinking Water for their review and approval; and

**WHEREAS**, Ryan Process submitted the lowest and most comprehensive bid from Aqua Clear Water Treatment Specialists for the groundwater treatment system; and

**WHEREAS**, staff has been informed that the Groundwater Treatment Equipment is expected to require four to five weeks to complete the order for, ship and receive the system; and

**WHEREAS**, every day of the water emergency without additional water supply available presents a risk 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**, Fort Bragg Municipal Code Section 3.20.030 provides an exception to the City's regular purchasing policies, in the case of an emergency, when public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property; and

**WHEREAS**, the City Manager authorized staff to initiate the purchase of the Groundwater Treatment Equipment on August 25, 2021, in order to protect public interest and to safeguard life, health or property pursuant to Fort Bragg Municipal Code Section 3.20.030; and

**WHEREAS**, the Temporary Use and treatment 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. That 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. Time is of the essence in procuring Ground Water Treatment approved by the Division of Drinking Water that will treat water made available from the Fort Bragg Unified School District per the terms of the Temporary Water Sharing Agreement.
4. 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 Fort Bragg City Council does hereby ratify the City Manager's preliminary approval for the purchase of the Groundwater Treatment Equipment and further authorizes purchase of spare parts for the Desalination Pretreatment Filtration in a total amount not to exceed \$154,624 and authorizes the City Manager's execution of any purchase agreements, purchase orders or documents associated therewith.

**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 30th day of August, 2021, by the following vote:**

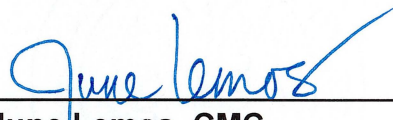
**AYES:** Councilmembers Albin-Smith, Morsell-Haye, Peters, Rafanan, and Mayor Norvell  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.



---

**BERNIE NORVELL**  
Mayor

**ATTEST:**



---

June Lemos, CMC  
City Clerk

