

Resolution No. 2022-009 N.C.S.
of the City of Petaluma, California

**RESOLUTION AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND
EXECUTION FOR THE RECYCLED WATER MASTER PLAN**

WHEREAS, the City of Petaluma is a California municipal corporation and charter city authorized to provide water services within certain boundaries in accordance with Government Code Section 38730 *et seq.*, Title 15 of the Petaluma Municipal Code, and other applicable law; and

WHEREAS, the Sonoma County Water Agency (Sonoma Water) is a wholesale supplier of water to the City of Petaluma and other municipal water contractors pursuant to the Restructured Agreement for Water Supply ("Restructured Agreement,") executed on June 23, 2006, by and between Sonoma Water, the Cities of Cotati, Petaluma, Rohnert Park, Santa Rosa, Sonoma and Forestville, the North Marin and Valley of the Moon Water Districts and the Town of Windsor, collectively known as the Water Contractors; and

WHEREAS, the City's primary source of water supply is Sonoma Water, which delivers imported water from the Russian River and from groundwater wells in the Santa Rosa Plain to the City of Petaluma pursuant to the Restructured Agreement; and

WHEREAS, Lake Mendocino and Lake Sonoma, Sonoma Water's water storage reservoirs, are at unprecedented low levels due to consecutive, critically dry years; and

WHEREAS, on March 22, 2021, the State Water Resources Control Board (SWRCB) reported that 95% of California is experiencing Moderate to Exceptional Drought and called upon all water users to prepare for drought impacts; and

WHEREAS, on April 21, 2021, Governor Newsom declared a drought emergency; and

WHEREAS, on April 27, 2021, the Sonoma County Board of Supervisors adopted Resolution Proclaiming a Local Emergency Due to Drought Conditions in the Sonoma County Operational Area and Requesting the Governor to Seek a Presidential Declaration; and

WHEREAS, historical dry conditions have resulted in severely low storage levels in Lake Mendocino (36.5% of capacity as of December 7, 2021), requiring the SWRCB to adopt an emergency regulation authorizing the Division of Water Rights to issue curtailment notices to water rights holders in the Russian River watershed to protect water storage levels; and

WHEREAS, the storage level in Lake Sonoma (49.4% of capacity as of December 7, 2021) is significantly below average, and on June 14, 2021, the SWRCB issued an order to protect lake storage levels that reduced instream flow requirements in the lower Russian River and required that Sonoma Water and its contractors reduce total diversion from the Russian River by 20% compared to the same period of 2020 from July 1 through October 31; and

WHEREAS, Sonoma Water, in response to the SWRCB order issued on June 14, 2021, required all water contractors, including the City of Petaluma, to meet a mandatory 20% reduction in water use from July 1, 2021, through October 31, 2021, as compared to the same period of 2020; and

WHEREAS, the City of Petaluma has the authority and pursuant to the Restructured Agreement is obligated to adopt water demand reduction measures within its area of service during water supply shortages in accordance with water supply reductions imposed by Sonoma Water; and

WHEREAS, on June 21, 2021, the City Council adopted Resolution No. 2021-103 N.C.S. Implementing the City's 2020 Water Shortage Contingency Plan; and

WHEREAS, the continuous use of local groundwater to augment supply from Sonoma Water is reducing local groundwater supply availability over time; and

WHEREAS, due to ongoing drought conditions in our area, the City of Petaluma proposes to develop a Recycled Water Master Plan; and

WHEREAS, the City of Petaluma has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, the California State Water Resources Control Board offers financial assistance in the form of grant funding through its Water Recycling Funding Program water recycling planning; and

WHEREAS, the City of Petaluma intends to apply for grant funding from SWRCB's Water Recycling Funding Program for the Recycled Water Master Plan; and

WHEREAS, the maximum grant amount that the Water Recycling Funding Program may award is \$150,000 per application; and

WHEREAS, the Water Recycling Funding Program requires that at least half of the total cost of the plan be provided by the requesting agency; and

WHEREAS, the grant application to develop a Recycled Water Master Plan is exempt in accordance with CEQA Guidelines Section 15262 as the project involves a feasibility study for potential future actions and does not commit the City to a definite course of action. (See City of Irvine v. County of Orange (2013) 221 Cal 4th 846, 865 (County's decision to apply for state funding for potential jail expansion was not project approval), and any future actions that result from the Recycled Water Master Plan will require its own CEQA analysis.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Petaluma as follows:

1. The above recitals are hereby declared to be true and correct and to be findings of the City Council of the City of Petaluma.
2. Finds that the grant application to develop a Recycled Water Master Plan is exempt in accordance with CEQA Guidelines Section 15262 as the project involves a feasibility study for potential future actions and does not commit the City to a definite course of action. (See City of Irvine v. County of Orange (2013) 221 Cal 4th 846, 865 (County's decision to apply for state funding for potential jail expansion was not project approval). And any future actions that result from the Recycled Water Master Plan will require its own CEQA analysis.
3. That pursuant and subject to all of the terms and provisions of Budget Act of 2021 (Stats. 2021, Ch. 240, § 80), the City of Petaluma's City Manager or designee is hereby authorized and directed to sign and

file, for and on behalf of the City of Petaluma, a Financial Assistance Application for a grant agreement from the California State Water Resources Control Board's Water Recycling Funding Program for the Recycled Water Master Plan in the amount of approximately \$150,000 to \$250,000.

4. The City of Petaluma's City Manager or designee is hereby designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement with the State Water Resources Control Board and any amendments or changes thereto.
5. The City of Petaluma's City Manager or designee is hereby designated to represent the City of Petaluma in carrying out the City's responsibilities under the grant agreement, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws.
6. If a grant award is made by the California State Water Resources Control Board, the City of Petaluma commits to provide the match for the amount approximately \$150,000 to \$250,000 in funding from the City's wastewater enterprise fund for the Recycled Water Master Plan plus any remaining balance.
7. This resolution shall become effective immediately.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE: I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 24th day of January 2022, by the following vote:

Approved as to form:

DocuSigned by:

City Attorney, Eric Donly

AYES: Mayor Barrett, Barnacle, Fischer, Healy, King, McDonnell, Vice Mayor Pocekay

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:


City Clerk, Kendall Rose

DocuSigned by:

Teresa Barrett

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Mayor, Teresa Barrett