

RESOLUTION NO. 2023-15

RESOLUTION OF THE MENDOCINO UNIFIED SCHOOL DISTRICT ADOPTING A SUBSEQUENT MITIGATED NEGATIVE DECLARATION, APPROVING THE WATER SYSTEM RECONSTRUCTION PROJECT – WATER SUPPLY AND STORAGE IMPROVEMENTS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Mendocino Unified School District (District) owns, operates, and maintains a Public Water System to provide potable and fire water system to serve its K-8 School, High School and District Office, as well as Friendship Park and the Community Center of Mendocino; and

WHEREAS, a previous inspection of the District's water system conducted by the California State Water Resources Control Board (SWRCB) Division of Drinking Water identified certain deficiencies at its water supply and storage site located at 44020 Little Lake Road, including inadequate source capacity to meet the District's maximum day demand and certain system deficiencies due to components of the water system nearing the end of their useful life; and

WHEREAS, the District received a Drinking Water Construction Loan from the SWRCB Drinking Water State Revolving Fund (Agreement No. D2202005) to make improvements to address the source capacity and identified system deficiencies; and

WHEREAS, the District prepared an Initial Study/Proposed MND (State Clearinghouse No. 2020080439) for the improvements that would address the system deficiencies, and adopted a MND, Mitigation Monitoring and Reporting Program, and approved the Project on October 15, 2020; and

WHEREAS, after adoption of the MND and approval of the Project on October 15, 2020, the District agreed to coordinate with the Mendocino City Community Services District (MCCSD) to allow additional water supply and storage improvements on the District property; and

WHEREAS, MCCSD, in cooperation with the District, received a grant in response to a drought scenario from the State of California Department of Water Resources through the Urban and Multibenefit Drought Relief (UMBDR) grant program (Agreement No. 4600014624) to help serve emergency water needs of eligible MCCSD customers; and

WHEREAS, the UMBDR grant Agreement No. 4600014624 identifies the District and MCCSD as Implementing Agencies; and

WHEREAS, the UMBDR grant funding is for the development of 500,000 gallons of potable water storage at the District's water supply and storage site for MCCSD use, the drilling of up to ten new groundwater supply wells at the District's water supply and storage site for emergency water supply purposes, and a connection to the District's water distribution system; and

WHEREAS, a reevaluation of the overall potable water storage strategy at the District's water supply and storage site was conducted to implement an improved and more integrated design solution; and

WHEREAS, the District and MCCSD entered into a Memorandum of Understanding on April 20, 2023 to combine the funded improvements into a single system for better long-term management, maximizing the available funding, leveraging economy of scale, and reducing the total number of water tanks and the project footprint; and

WHEREAS, the grant administrators at the California State Water Resources Control Board and the State of California Department of Water Resources determined that combining the funding to create one project that achieves the overall goals of both projects is acceptable; and

WHEREAS, the grant administrators at the California State Water Resources Control Board and the State of California Department of Water Resources confirmed that the District should remain the CEQA Lead Agency, and both the District board and MCCSD board took no exception to maintaining District's CEQA Lead Agency role; and

WHEREAS, in a Memorandum of Understanding between the District and MCCSD dated April 20, 2023, it was mutually agreed that the District would remain the CEQA Lead Agency for the modified project; and

WHEREAS, the Modified Water System Reconstruction Project – Water Supply and Storage Improvements ("Modified Project"), includes both District improvements to address existing identified District water system deficiencies and improvements in conjunction with the MCCSD to provide an emergency water supply for MCCSD customers, all of which would be located at the District's water supply and storage site; and

WHEREAS, the District, serving as the CEQA Lead Agency, prepared a Subsequent MND for the Modified Project in compliance with Section 15162 of the CEQA Guidelines; and

WHEREAS, the Subsequent MND was made publicly available from May 11 to June 9, 2023 for a required 30-day public review period under CEQA; and

WHEREAS, the District filed a Notice of Intent to Adopt the Subsequent MND at the office of the Mendocino County Clerk on May 11, 2023; and

WHEREAS, the District published the Notice of Intent to Adopt the Subsequent MND in the Mendocino Beacon on May 11, 2023; and

WHEREAS, the District posted the Subsequent MND on its website and made a hardcopy available for public review at the District office located at 44141 Little Lake Road, Mendocino, CA 95460; and

WHEREAS, the District caused the Subsequent MND to be circulated through the State Clearinghouse on May 11, 2023 (State Clearinghouse No. 2020080439) and submitted the Notice of Intent to Adopt a Subsequent MND to applicable Responsible and Trustee Agencies, to owners and occupants of property contiguous to the Project site, and to interested parties; and

WHEREAS, the District prepared a Mitigation Monitoring and Reporting Program (MMRP) to ensure compliance with the mitigation measures identified and proposed in the Subsequent MND; and

WHEREAS, the District and the Board have reviewed and considered the public comments received during the 30-day review period, have prepared and posted a Response to Comments and Final MND on its website, and have provided notice to agencies and individuals that commented on the Subsequent MND; and

WHEREAS, the Board has determined the Project will not have a significant unavoidable effect on the environment which cannot be mitigated, and no grounds for recirculating the Subsequent MND have been identified, as outlined under CEQA Guidelines Section 15073.5.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MENDOCINO UNIFIED SCHOOL DISTRICT AS FOLLOWS:

- Section 1. The foregoing Recitals are true and correct and made a part of this Resolution.
- Section 2. The Subsequent MND has been prepared and completed in compliance with the requirements of CEQA and the CEQA Guidelines. All noticing and review periods required by CEQA have been satisfied. The Subsequent MND reflects the independent analysis and judgment of the District and Board.
- Section 3. The Board has independently reviewed and analyzed the Subsequent MND and MMRP, and other information in the record and has considered the information contained therein prior to acting upon or approving the Project.
- Section 4. On the basis of the whole record before it, including the Subsequent MND and comments received therein, the Board finds that the Project as proposed with mitigation will not have a significant unavoidable adverse impact on the environment.
- Section 4. The Board hereby approves and adopts the Subsequent MND for the Project.
- Section 5. The mitigation measures in the Subsequent MND are made a condition of approval of the Project and a Mitigation Monitoring and Reporting Program, attached as Exhibit A, is adopted.
- Section 6. The record of proceedings of the District and Board on which this Resolution is based are on file and available for public inspection during normal business hours at 44141 Little Lake Road, Mendocino, CA 95460. The custodian of these documents is the District.
- Section 7. The District hereby ratifies its approval of the Project.
- Section 8. Following adoption of this Resolution, District staff is authorized and directed to file a Notice of Determination with the Mendocino County Clerk and the State Clearinghouse pursuant to CEQA.

APPROVED AND ADOPTED this 28th day of June, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Chair, Board of Directors

Secretary, Board of Directors