

## ATTACHMENT E

### RESOLUTION NO. 2021- 55

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING A WATER SHORTAGE CONTINGENCY PLAN

**WHEREAS**, the Urban Water Management Planning Act, California Water Code Section 10610 *et seq.* (“Act”), mandates every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000-acre feet of water annually to prepare an Urban Water Management Plan (“UWMP”), the primary objective of which is to plan for the conservation and efficient use of water, and further mandates it be updated at least once every five years, reviewed periodically, and any amendments or changes to the UWMP indicated by the review be adopted;

**WHEREAS**, California Water Code Section 10632 requires urban water suppliers to prepare and adopt a Water Shortage Contingency Plan (“WSCP”) as part of UWMP;

**WHEREAS**, the City of Newport Beach (“City”) is an urban water supplier under the Act;

**WHEREAS**, the City must file its WSCP along with its 2020 UWMP with the California Department of Water Resources by July 1, 2021;

**WHEREAS**, pursuant to California Water Code Section 10652, the California Environmental Quality Act (Division 13, commencing with Section 21000, of the California Public Resources Code) (“CEQA”) does not apply to the preparation and adoption of a WSCP as part of a UWMP; and

**WHEREAS**, a public hearing was held by the City Council on June 8, 2021 at 4:00 p.m., or soon thereafter, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California, in person and via teleconferencing, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the public hearing was given in accordance with California Water Code Section 10642, California Government Code Section 6066, and California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”). Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

**NOW, THEREFORE**, the City Council of the City of Newport Beach resolves as follows:

**Section 1:** The City Council does hereby adopt the City's WSCP as part of the 2020 UWMP and directs that it be filed with the City Clerk, filed with the California Department of Water Resources no later than July 1, 2021, and filed with the California State Library and the County of Orange within 30 days of the adoption of this resolution.

**Section 2:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 3:** If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 4:** The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to California Water Code Section 10652 and further pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 5:** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

**ADOPTED** this 8<sup>th</sup> day of June, 2021.

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Brad Avery  
Mayor

**ATTEST:**

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Leilani I. Brown  
City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE



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Aaron C. Harp  
City Attorney