



REQUEST FOR COUNCIL ACTION

Title: Request for Council Action – Approving Resolution 34 to Declare a Continuous Commitment to Water Quality

Preferred Agenda: November 28, 2023

Submitted By: Kelcey Young, City Manager

Reviewed By: Kelcey Young, City Manager

Type of Action: Resolution X Motion Roll Call Other

Relevant Code/Policy: Resolution 33 Declaring a Continuous Commitment to Water Quality

Towards Council Goal: Effective and efficient government, viable and sustainable essential services

Attachments: Resolution No. 34

Purpose of this RCA:

Determining to approve the Resolution for the City to pursue potential litigation in order to mitigate and alleviate the unintended consequences caused by the injunction from the U.S. District Court of Oregon requiring the U.S. Army Corps of Engineers (USACE) to lower Green Peter Reservoir.

Background/Context:

In 2021, an interim injunction was issued requiring the USACE to take certain actions across multiple Willamette Valley dams that were intended to improve fish passage and water quality. One such action was the requirement to lower Green Peter Reservoir to historically low levels, including surface elevations it has not seen since construction. There have been ongoing negative impacts to water quality, wildlife, the local economy and more since the drawdown began in earnest this fall.

The Challenge/Problem:

The City of Sweet Home is spending unplanned time and money to combat water quality issues and maintain safe drinking water for the community. The drawdown, which is planned for subsequent years, has already had devastating effects on the environment and is negatively impacting the local economy. Litigation may be necessary to try to stop future drawdowns and mitigate future impacts to Sweet Home.

Stakeholders:

- City of Sweet Home Citizens – Citizens of Sweet Home deserve a beautiful, functional environment, access to recreational facilities, quality drinking water, and economic opportunities.

- City of Sweet Home Employers – Local businesses are negatively impacted by the drawdown and its consequences.
- City of Sweet Home Staff – Staff is spending increased time and money to mitigate the impact of the drawdown.
- City of Sweet Home City Council – The City Council desires to take action to protect the community of Sweet Home.

Issues and Financial Impacts:

Staff will pursue available litigation options and determine the time, cost, and efforts required if there is an option likely to be successful in achieving the City's desired outcomes.

Elements of a Stable Solution:

The City of Sweet Home must seek options to preserve the environment, safety, and prosperity of Sweet Home and ensure solutions are legally and fiscally viable for the City and its taxpayers.

Options:

1. Do Nothing – Do not authorize the resolution.
2. Adopt Resolution No. 34 for 2023 as currently proposed – Adoption of the resolution formalizes the City's commitment to pursuing litigation options in response to the drawdown of the Green Peter Reservoir.
3. Adopt Resolution No. 34 for 2023 with amendments – City Council could propose changes to the resolution prior to adoption.

Recommendation:

Option 2 is the recommended option: Motion to pass the Resolution as presented.