

**HERCULES CITY COUNCIL
RESOLUTION NO. 25-XX**

A RESOLUTION OF THE CITY COUNCIL ADOPTING AN UPDATED LOCAL HAZARD MITIGATION PLAN (LHMP) TO REPLACE THE EXISTING LHMP ATTACHMENT TO THE GENERAL PLAN SAFETY ELEMENT, MAKING MINOR TEXT MODIFICATIONS TO THE SAFETY ELEMENT FOR CONSISTENCY PURPOSES, AND FINDING THE ACTION EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3).

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires all cities to adopt a Local Hazard Mitigation Plan to receive disaster mitigation funding from the Federal Emergency Management Agency (FEMA); and

WHEREAS, pursuant to Assembly Bill No. 2140, passed in 2006, California cities may qualify to be considered for additional State cost-share on eligible public assistance projects by adopting a FEMA-approved Local Hazard Mitigation Plan as part of their General Plan Safety Element; and

WHEREAS, the City of Hercules' Local Hazard Mitigation Plan was prepared in conjunction with the countywide Hazard Mitigation Plan update led by Contra Costa County as the lead agency; and

WHEREAS, the Local Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Action of 2000, and the City of Hercules affirms that the Plan will be reviewed and updated as necessary no less than every five (5) years; and

WHEREAS, the proposed LHMP and consistency modifications to the Safety Element are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption, in that the LHMP is a data collection, assembly and assessment document that does not allow or require any action that might have a physical effect on the environment. Further, none of the circumstances described in CEQA Guidelines Section 15300.2 applies; and

WHEREAS, the City completed the Senate Bill 18 Tribal Notification process, with two (2) tribes, Confederated Villages of Lisjan Nation and the Indian Canyon Band of Costanoan Ohlone People, requesting consultation within the 90-day consultation timeframe, both of which have been concluded; and

WHEREAS, minor revisions to the Safety Element are being made to replace the existing Local Hazard Mitigation Plan with the newly adopted version, to update the description and to revise the references to the adoption date, as shown in Exhibit A; and

WHEREAS, the Planning Commission at its April 21, 2025 meeting passed Resolution 25-02 recommending City Council adoption of an updated Local Hazard Mitigation Plan (LHMP) to replace the existing LHMP attachment to the General Plan Safety Element, making minor text modifications to the Safety Element for consistency purposes, and finding the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

WHEREAS, on May 13, 2025, the City Council held a duly noticed public hearing to consider the proposed Resolution related to the Local Hazard Mitigation Plan and Safety Element text amendments, received the staff report and staff presentation, received comments from the public and interested parties and discussed the matter.

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

1. Adopt the Local Hazard Mitigation Plan as a replacement of the existing attachment to the Safety Element.
2. Approve minor text modifications to the Safety Element for consistency purposes, attached as Exhibit A.
3. Find the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

The foregoing Resolution was duly and regularly adopted at a special meeting of the City Council of the City of Hercules held on the 13th day of May, 2025 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dion Bailey, Mayor

ATTEST:

Eibleis Melendez, City Clerk

Exhibit A – Minor Text Modifications to Hercules Safety Element