

Attachment A

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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Resolution of the Monterey County Board of)
Supervisors to amend the County of Monterey)
Condition of Approval and Mitigation)
Monitoring and Reporting Program .)

WHEREAS, the California Environmental Quality Act (Public Resources Code section 21000 et seq., "CEQA") and its implementing regulations in Title 14 of the California Code of Regulations commencing at Section 15000 et seq., "CEQA Guidelines") requires public agencies approving projects based upon a mitigated negative declaration or an EIR to adopt a monitoring or reporting program designed to ensure compliance with mitigation measures imposed as conditions of project approval; and

WHEREAS, on October 9, 2001, in compliance with a settlement of litigation, the Board of Supervisors adopted Resolution No. 01-391, "Resolution Adopting a Mitigation Monitoring and Reporting Program for the County of Monterey In Accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines," adopting departmental CEQA procedures to ensure the implementation of mitigation monitoring and reporting requirements under CEQA; and

WHEREAS, Save Our Peninsula Committee ("SOPC") filed litigation in 2012 alleging that the County was not complying with its obligations under the prior settlement and under CEQA (SOPC v. County of Monterey (Monterey County Superior Court Case No. M110694); and

WHEREAS, the County and SOPC reached a settlement of that litigation whereby the County would revise its Mitigation Monitoring and Reporting Program; and

WHEREAS, on January 24, 2012, in compliance with the settlement of that litigation, the County adopted a revised Condition of Approval and Mitigation and Monitoring and Reporting Program; and

WHEREAS, with the goal of improving its compliance with CEQA, its related mitigation monitoring and reporting procedures, and the ability of the public to review and monitor compliance with CEQA and its own procedures, the County desires to revise the 2012 Mitigation Monitoring and Reporting Program; and

WHEREAS, the amendments to the Program are intended to provide greater clarity and more detailed guidance to all County land use departments involved in monitoring and reporting on condition compliance and establish procedures for use of a County electronic database to monitor condition compliance; and

WHEREAS, the amendments to the Program are an administrative activity of the County that will not result in direct or indirect physical changes in the environment and are therefore not a project under CEQA, pursuant to CEQA Guidelines section 15378 (b)(5); and

WHEREAS, pursuant to the settlement agreement in the above-referenced litigation filed by SOPC, County staff duly notified the attorney for SOPC of the proposed amendments, met and conferred with the SOPC, and made modifications as result of that consultation; and

WHEREAS, a public hearing on the proposed amendments to the Program was duly noticed and held by the Board of Supervisors on December 16, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Monterey as follows:

1. The Condition of Approval and Mitigation Monitoring and Reporting Program ("Program"), attached hereto as Exhibit A, is hereby adopted.
2. The Program shall not be substantially changed, revised, or modified, unless such change, revision, or modification is submitted to and approved by the Board of Supervisors.
3. A copy of this Resolution and the Program shall be forwarded by the Clerk of the Board of Supervisors to RMA-Planning, RMA-Public Works, RMA-Environmental Services, the Parks Department, the Economic Development Department, and the Environmental Health Bureau of the Health Department, the Monterey County Water Resources Agency, and the Fire Districts with jurisdiction within the unincorporated areas of Monterey County.

PASSED AND ADOPTED on this 16th day of December, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy