

Attachment 1

**Monterey County Board of Supervisors
Referral Submittal Form**

**Referral No. 2025.01
Assignment Date: 2/04/25**

SUBMITTAL - Completed by referring Board office and returned to CAO no later than noon on Thursday prior to Board meeting:

Date: 1/21/2025	Submitted By: Luis Alejo	District #: 1
Referral Title: Monterey County Fracking Ban		
Referral Purpose: The purpose of this referral is to draft an ordinance that would prohibit fracking in Monterey County.		
Brief Referral Description: Hydraulic fracturing, otherwise known as fracking, is the process of injecting liquid into shale beds at high pressure in order to free up petroleum resources, such as oil or natural gas. The Board of Supervisors considered directing staff to prepare an interim ordinance for a fracking moratorium on March 17, 2015, but voted to reject the proposal with a 3-2 vote.		
On November 8, 2016, Measure Z aimed to prohibit fracking as well other restrictions on the oil industry, and was approved by voters with 56% of the vote. The Monterey County Superior Court issued a writ of mandate invalidating the measure primarily on the long established doctrine that state law and regulations preempt a local ballot measure. In 2021, the California Court of Appeal affirmed the trial court's ruling and the California Supreme Court also affirmed on August 3, 2023.		
However, the courts did not rule on the fracking ban portion of the measure because there had never been any fracking in Monterey County and there were no plans to use the technique here. The California Supreme Court stated, that fracking "is not an issue here because none of the plaintiffs use, or have any plans to use, such methods." <i>Chevron U.S.A., Inc., et al. v. County of Monterey, et al.</i> (2023).		
On September 25, 2024, Governor Gavin Newsom signed Assembly Bill 3233 that authorized local governments to limit or prohibit oil operations, such as fracking. That law went into effect on January 1, 2025.		
Since banning fracking was the primary concern by the public in approving Measure Z, this referral now request that our County draft an ordinance that would prohibit fracking in Monterey County. Such a measure will only ensure that fracking will not take place within our County, will fulfill the will of the voters, and will protect future generations in Monterey County and our environment.		
Classification - Implication		Mode of Response
<input type="checkbox"/> Ministerial / Minor <input checked="" type="checkbox"/> Land Use Policy <input type="checkbox"/> Social Policy <input type="checkbox"/> Budget Policy <input type="checkbox"/> Other:	<input type="checkbox"/> Memo <input checked="" type="checkbox"/> Board Report <input checked="" type="checkbox"/> Presentation	
	Requested Response Timeline	
	<input type="checkbox"/> 2 weeks <input checked="" type="checkbox"/> 1 month <input type="checkbox"/> 8 weeks	
	<input type="checkbox"/> Status reports until completed <input type="checkbox"/> Other: _____ <input type="checkbox"/> Specific Date: _____	

ASSIGNMENT – Provided by CAO at Board Meeting. Copied to Board Offices and Department Head(s) Completed by CAO's Office:

Department(s): <u>County Counsel</u>	Referral Lead: <u>Susan Blich</u>	Board Date: <u>2/04/25</u>
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REASSIGNMENT – Provided by CAO. Copied to Board Offices and Department Head(s). Completed by CAO's Office:

Department(s):	Referral Lead:	Original Date:
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ANALYSIS - Completed by Department and copied to Board Offices and CAO:

Department analysis of resources required/impact on existing department priorities to complete referral:	
Analysis Completed By:	Department's Recommended Response Timeline

<p>_____</p> <p>Date: _____</p>	<p><input type="checkbox"/> By requested date</p> <p><input type="checkbox"/> 2 weeks <input type="checkbox"/> 1 month <input type="checkbox"/> 6 weeks <input type="checkbox"/> 6 months</p> <p><input type="checkbox"/> 1 year <input type="checkbox"/> Other/Specific Date: _____</p>
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REFERRAL RESPONSE/COMPLETION - Provided by Department to Board Offices and CAO:

Referral Response Date:	Board Item No.:	Referrals List Deletion:
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