



County of Monterey

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May 13, 2024

The Honorable Dawn Addis
California State Assembly
State Capitol, Room 5350
Sacramento, CA 95814

Re: AB 3233 (Addis) Oil and gas: operations: restrictions: local authority – SUPPORT

Dear Assemblymember Addis,

The County of Monterey is pleased to support your measure Assembly Bill 3233. This bill affirms local control over oil and gas operations by authorizing a local entity to, by ordinance, prohibit oil and gas operations or development in its jurisdiction or impose regulations, limits, or prohibitions on oil and gas operations or development that are more protective of public health, the climate, or the environment than those prescribed by a state law, regulation, or order. It authorizes those limitations or prohibitions to cover methods of oil and gas operations or development and the locations of oil and gas operations or development.

Currently in California, depending on the well location and other factors, the jurisdictional powers of a local government vary. Some jurisdictions have taken action to confirm their authority through ordinances or local ballot measures.

In *Chevron U.S.A. Inc. v. County of Monterey* (2023), the California Supreme Court invalidated a local initiative ordinance intended to ban fracking, new oil and gas wells, and wastewater disposal and impoundment. The Court found the initiative preempted by Public Resources Code §3106(b), which allows state regulators to approve certain methods and practices of oil and gas production. The decision does not align with other statutes that preserve local governments' authority to protect community health and safety through reasonable regulation of oil production. Moreover, it creates an alarming precedent for future litigation against local governments and their decisions to limit this activity.

Pollution from oil and gas production causes grave harm to our health, climate, and environment. For more than a century, cities and counties have protected their residents' health and safety by deciding whether, where, and under what conditions to allow oil and gas projects to operate. As California transitions away from its dependency on fossil fuels, more cities and counties have introduced ordinances to ban oil and gas operations. Assembly Bill 3233 uplifts the voices of our local communities by codifying their right to enact these policies.

Notably, AB 3233 is permissive, not mandatory. It extends authority to local jurisdictions to regulate oil and gas operations in accordance with the public health and environmental needs of their communities and maintains state regulatory oversight where local control is not enacted.



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For these reasons, the County of Monterey strongly supports AB 3233. Should you have any questions, please feel free to contact Monterey County's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

DRAFT

Glenn Church, Chair
Board of Supervisors

cc: Members, Assembly Appropriations Committee
 Nikita Koraddi, Principal Consultant, Assembly Appropriations Committee
 The Honorable Anna Caballero, 14th Senate District
 The Honorable John Laird, 17th Senate District
 The Honorable Robert Rivas, 29th Assembly District
 California State Association of Counties (CSAC)
 Rural County Representatives of California (RCRC)