



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 4(e)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 14 complete sets (original, single-sided+13 copies) – Items must be signed-off by appropriate departments and/or County Counsel
- Transmittal of electronic Agenda Summaries and associated records must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Agenda Transmission Checklist: Agenda Summary Records If applicable, list other online information below
- Executed records will be returned to the department within one week. Arrangements for expedited processing must be made in advance

TO: Board of Supervisors **DATE:** January 15, 2016

FROM: County Counsel **MEETING DATE:** February 2, 2016

DEPARTMENT RESOURCE/CONTACT: Matthew Kiedrowski **PHONE:** 234-6896 Present On Call
Katharine L. Elliott **PHONE:** 234-6885 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: N/A

AGENDA TITLE: Adoption of Resolution Rescinding Resolution No. 14-068 Which Made a Vested Rights Determination and Approved an Amended Reclamation Plan for the Harris Quarry

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: On May 20, 2014, the Board of Supervisors adopted Resolution No. 14-068, which made a vested rights determination for the Harris Quarry mine (located approximately seven miles south of Willits on two parcels identified as Assessor Parcel Nos. 147-180-08 and 147-180-13), approved an Amended Reclamation Plan for the Harris Quarry and the mitigated negative declaration related thereto.

SUMMARY OF REQUEST: The Board’s approval of Resolution No. 14-068 was challenged by Keep the Code, Inc., which filed a verified petition for writ of mandate to overturn the Board’s approval. The Mendocino County Superior Court ruled in favor of Keep the Code and issued a peremptory writ of mandate requiring the County to set aside the vested rights determination and the approval of the Amended Reclamation Plan. The County has until February 3, 2016, to file and serve its return to the writ, specifying what the County has done to comply with the writ. If approved, County Counsel intends to submit the adopted resolution along with its return to the writ on that date.

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

SUPERVISORIAL DISTRICT: 1 2 3 4 5 All **VOTE REQUIREMENT:** Majority 4/5ths

RECOMMENDED ACTION/MOTION: Adopt Resolution rescinding Resolution No. 14-068 which made a vested rights determination and approved an amended Reclamation Plan for the Harris Quarry; and authorize Chair to sign same.

ALTERNATIVES: None recommended.

CEO REVIEW (NAME): Alan D. Flora, Assistant CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____