

RESOLUTION NO. 16-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RESCINDING RESOLUTION NO. 14-068 WHICH MADE A VESTED RIGHTS DETERMINATION AND APPROVED AN AMENDED RECLAMATION PLAN FOR THE HARRIS QUARRY

WHEREAS, 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 7 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; and

WHEREAS, on June 24, 2014, Keep the Code, Incorporated, a California non-profit corporation ("KTC") filed a verified petition for writ of mandate challenging the County's approval of Resolution No. 14-068; and

WHEREAS, on December 21, 2015, Honorable Judge Richard Henderson of the Mendocino County Superior Court issued a peremptory writ of mandate requiring the County to set aside the vested rights determination and approval of the Amended Reclamation Plan; and

WHEREAS, the peremptory writ of mandate requires the County to file and serve a return to the writ no later than 30 days after service of the writ, which was received by the County on January 4, 2016; and

WHEREAS, the Board of Supervisors desires to take action in order to comply with the peremptory writ of mandate.

NOW, THEREFORE, BE IT RESOLVED that, to comply with the peremptory writ of mandate issued by the Mendocino County Superior Court, the Board of Supervisors hereby rescinds its approval of Resolution No. 14-068.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 2nd day of February, 2016, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, Acting County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy