

RESOLUTION 11-12

A JOINT RESOLUTION OF THE GOVERNING BOARD OF THE WILLIAMS REDEVELOPMENT AGENCY AND CITY COUNCIL OF THE CITY OF WILLIAMS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING REPORTING PROGRAM FOR THE ADOPTION OF THE WILLIAMS REDEVELOPMENT PLAN PROJECT

WHEREAS, The Williams Redevelopment Agency (“Agency”) has prepared a proposed Redevelopment Plan (“Redevelopment Plan”) for the Williams Redevelopment Plan (“Project”) pursuant to the Community Redevelopment Law (Health and Safety Code § 33000 *et seq.*) (“CRL”); and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 *et seq.*) and the State CEQA Guidelines (14 CCR § 15000 *et seq.*), the Agency is the lead agency for the Redevelopment Plan; and

WHEREAS, the Agency, as lead agency, determined that an Environmental Impact Report (“EIR”) should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the Redevelopment Plan; and

WHEREAS, a Notice of Preparation of a Draft EIR was filed with the State of California, Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (State Clearinghouse) on November 5, 2010, and was circulated for public comments December 6, 2010, pursuant to State CEQA Guidelines sections 15082(a), 15103 and 15375; and

WHEREAS, on January 28, 2011, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse, to those public agencies that have jurisdiction by law with respect to the Redevelopment Plan or which exercise authority over resources that may be affected by the Redevelopment Plan, and to other interested parties and agencies as required by law; and

WHEREAS, an official forty-five (45) day public comment period for the Draft EIR was established, commencing on January 31, 2011 and ending on March 16, 2011; and

WHEREAS, during the 45-day public comment period for the Draft EIR, the Agency consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines section 15086; and

WHEREAS, following closure of the public comment period, all comments received on the Draft EIR during the public comment period, the Agency’s written responses to the

significant environmental points raised in those comments, and additional information added by the Agency were added to the Draft EIR to produce the Final EIR; and

WHEREAS, the Planning Commission of the City of Williams held a duly noticed public hearing on February 28, 2011, at which time all persons wishing to testify in connection with the Redevelopment Plan were heard, and at which time the Planning Commission carefully considered all relevant testimony and the staff reports presented during the hearing for the Redevelopment Plan and the EIR; and

WHEREAS, as contained herein, the Agency has endeavored in good faith to set forth the basis for its decision on the EIR and the Redevelopment Plan; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the Agency for the Final EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Redevelopment Plan have been evaluated properly, focusing on broad policy alternatives and area wide mitigation measures; and

WHEREAS, the Final EIR prepared in connection with the Redevelopment Plan sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Redevelopment Plan's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and

WHEREAS, the Agency and the City held a duly noticed joint public hearing on April 20, 2011, at which time all persons wishing to testify in connection with the Redevelopment Plan were heard; and

WHEREAS, the Agency and City fully studied the proposed Redevelopment Plan and Final EIR, and considered all public comments on the Redevelopment Plan; and

WHEREAS, all of the findings and conclusions made by the Agency Board and City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the Agency Board and City Council have heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the Final EIR reflects the independent judgment of the Agency Board and is deemed adequate for purposes of making decisions on the merits of the Redevelopment Plan; and

WHEREAS, no additional comments made in the joint public hearing or any additional information submitted to the Agency have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5; and

WHEREAS, the Agency, having considered and weighed the economic, legal, social, technological, region-wide and statewide environmental and other benefits of the Redevelopment Plan against the Redevelopment Plan's unavoidable adverse impacts, has determined that the benefits of the Redevelopment Plan outweigh the potential unavoidable adverse impacts and desires to adopt the Statement of Overriding Considerations for the Redevelopment Plan, which is attached hereto as Exhibit A and incorporated herein by this reference, in accordance with State CEQA Guidelines section 15093; and

WHEREAS, the Findings in Exhibit A conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn. These mitigation measures are not merely informational or advisory, but constitute a binding set of obligations that will come into effect upon adoption of the Redevelopment Plan; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE GOVERNING BOARD OF THE WILLIAMS REDEVELOPMENT AGENCY AND CITY COUNCIL OF THE CITY OF WILLIAMS DO HEREBY FIND AND RESOLVE AS FOLLOWS:

Section 1. The Agency and City hereby certify that (1) the EIR has been prepared in accordance with the requirements of CEQA (Public Resources Code Section 21000 *et seq.*) and State CEQA Guidelines (California Code Regs., Title 14, §15000 *et seq.*), (2) the Final EIR was presented to the Agency and City and the Agency and City have reviewed and considered the information contained in the Final EIR prior to considering adoption of the Redevelopment Plan, and (3) the Final EIR reflects the independent judgment and analysis of the Agency and City.

Section 2. The Agency and City hereby adopt the CEQA Findings and the Statement of Overriding Considerations attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth herein.

Section 3. The Agency and City hereby adopt pursuant to Public Resources Code Section 21081.6 the Mitigation Monitoring and Reporting Program contained in the Final EIR attached hereto as Exhibit B and incorporated herein by this reference. The Agency and City find that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the implementation of the Redevelopment Plan, the Agency, City, and any other responsible parties implement the components of the Redevelopment Plan and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program.

Section 4. The documents and materials that constitute the record of proceedings on which the findings set forth in this Resolution have been based are located at the Williams Redevelopment Agency, which is located at 810 E Street, P.O. Box 310, Williams, California, 95987. The custodian for these records is Agency Secretary/City Clerk. This information is provided in compliance with Public Resources Code section 21081.6.

Section 5. The Agency Governing Board hereby authorizes and directs that a Notice of Determination be filed within five (5) days of the adoption of this Resolution.

PASSED AND ADOPTED by the Board of the Williams Redevelopment Agency and City Council of the City of Williams this _____ day of _____, 2011 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Angela Plachek-Fulcher, Chair/Mayor

ATTEST:

APPROVED AS TO FORM:

Charles Bergson, Interim Agency
Secretary/City Clerk

Ann Siprelle, Agency Counsel/City
Attorney, Best Best & Krieger LLP

EXHIBIT A

**WILLIAMS REDEVELOPMENT PLAN
FINAL ENVIRONMENTAL IMPACT REPORT
FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

[Attached behind this cover page]

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

[Attached behind this cover page]