

## **RESOLUTION NO. 2024-XX**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SOLID WASTE ORGANICS DIVERSION PROJECT, CIP PROJECT NO. 542-54021**

**WHEREAS**, on February 22, 2022, by Resolution No. 2022-23, the City Council adopted a Notification of Intent to Comply ("NOIC") with SB 1383 regulations and authorized staff to submit the NOIC to CalRecycle for approval; and

**WHEREAS**, on February 22, 2022, by Resolution No. 2022-25, the City Council adopted the City of Brentwood Strategic Plan FY 2022/23 – 2023/24 and directed staff to incorporate strategic plan costs into the Operating and CIP Budgets, as well as in the City's ten-year General Fund Fiscal Model, which includes the Organics Management strategic initiative; and

**WHEREAS**, on June 28, 2022, by Resolution No. 2022-85, the City Council adopted the FY 2022/23 – 2026/27 Capital Improvement Program, which includes the Solid Waste Organics Diversion Project, CIP Project No. 542-54021 ("Project"); and

**WHEREAS**, on April 23, 2024, by Resolution No. 2024-43, the City Council approved the contract documents and authorized the City Manager or his designee to execute an agreement with Robertson-Bryan, Inc., for environmental compliance services for the Project; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA," codified at Public Resources Code Section 21000, et. seq.) and its implementing regulations (the "CEQA Guidelines," found at 14 CCR Section 15000, et. seq.), the City is the lead agency for the Project; and

**WHEREAS**, the City reviewed the Project application and prepared an Initial Study for the Project in accordance with Section 15063 of the CEQA Guidelines; and

**WHEREAS**, on the basis of the Initial Study prepared for the Project and pursuant to Section 15170 of the CEQA Guidelines, and pursuant to Section 15170 of the CEQA Guidelines, the City prepared a Mitigated Negative Declaration ("MND") for the Project, which MND is attached hereto, along with the Initial Study, attached as Exhibit 'A' and incorporated herein by this reference; and

**WHEREAS**, pursuant to Section 15097 of the CEQA Guidelines, the City has prepared a Mitigation Monitoring and Reporting Program ("MMRP") to accompany the Initial Study and MND, which is attached hereto as a component part of Exhibit 'B' and incorporated herein by this reference; and

**WHEREAS**, pursuant to Section 15072 of the CEQA Guidelines, the City provided Notice of Intent to adopt a MND for the Project, and pursuant to Public Resources Code Section 20191(b) and Section 15073 of the CEQA Guidelines, the City circulated the proposed MND for public review from August 7, 2024, through September 6, 2024; and

**WHEREAS**, on August 7, 2024, a Notice of Public Hearing and Intent to Adopt a MND was posted at the City's Municipal Services Center and Contra Costa County Clerk-Recorder's office, submitted to the State Clearinghouse, and mailed to the City's list of agencies and other interested parties regarding CEQA documents available for review and property owners within 300 feet of the Project site, and on August 9, 2024, the Notice of Public Hearing was published in the Brentwood Press; and

**WHEREAS**, mitigation measures in the proposed MND were revised based on comments received during the public review period, and the revisions result in mitigation measures that are equivalent or more effective in mitigating or avoiding potential significant effects of the Project, and would not cause any new potentially significant effect on the environment; and

**WHEREAS**, the City Council has considered the information provided to it by those testifying; has reviewed and considered the information provided in the Staff Report; has read and considered the report and supporting data; and has considered comments received.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Brentwood does hereby find that:

1. The recitals set forth above are true and correct and are incorporated herein by this reference.
2. The MND and MMRP have been prepared and completed in accordance with the requirements of CEQA and the CEQA Guidelines.
3. The City Council has reviewed and considered the MND and MMRP, together with all comments received during the public review process, as well as the written responses prepared to such comments, the staff report, testimony by staff and the public, and all other materials and evidence submitted to the City relating to the Project.
4. The Initial Study, MND, and MMRP reflect the independent judgment and analysis of the City, and identified all potentially significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level.
5. All mitigation measures identified in the final, revised MND are adopted and will be implemented as part of the Project.
6. There is no substantial evidence that the Project as mitigated in the MND will have a significant impact on the environment.

7. The monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the MMRP incorporated into the Project. Adoption of the MMRP will constitute fulfillment of the CEQA monitoring and/or reporting.
8. The City's custodian of record of proceedings for the Project is the Director of Public Works and the record of proceedings is maintained in the City's files at 150 City Park Way, Brentwood, California.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 22th day of October 2024 by the following vote:

EXHIBIT 'A'