RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ADOPTING A NEGATIVE DECLARATION AND MAKING RELATED CEQA FINDINGS RELATING TO ADOPTION OF AN ORDINANCE Restricting USE OF EXPANDED POLYSTYRENE FOOD AND BEVERAGE CONTAINERS IN UNINCORPORATED SANTA CLARA COUNTY

WHEREAS, the County seeks to reduce the detrimental effects of expanded polystyrene food and beverage containers to the environment, public health and welfare; and

WHEREAS, the manufacture and distribution of expanded polystyrene food and beverage containers requires utilization of natural resources and results in the generation of Greenhouse Gas Emissions; and

WHEREAS, expanded polystyrene food and beverage containers contribute to environmental problems, including litter on roadways and in aquatic environments; and

WHEREAS, expanded polystyrene food and beverage containers provided by food vendors impose unseen costs on consumers, local governments, the state and taxpayers; and

WHEREAS, recycling these containers is not currently an option because the containers must be clean and free of food residue to be properly recycled and recycling is not economically feasible; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), an Initial Study and Negative Declaration, which is attached hereto as Exhibit A (need to attached Exhibit A), was prepared for the adoption of an ordinance restricting expanded polystyrene food and beverage containers for prepared eat-in and take-out food and beverages in unincorporated Santa Clara County ("Project"); and

WHEREAS, at its regular meeting on May 22, 2012, the Board of Supervisors convened a duly noticed public hearing to consider the Project.

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THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO CEQA:

(a) The Board finds that the Negative Declaration was prepared in accordance with all legal requirements, including all public notice and comment period requirements; and
(b) The Board declares that it has considered the Negative Declaration and all comments received within the public comment period, as well as all written and oral comments received after the public comment period and prior to the date of this Resolution, and finds that the Negative Declaration reflects the County's independent judgment and analysis; and
(c) The Board finds that there is no substantial evidence in the record that the Project, as described, will have a significant effect on any of the environmental factors potentially affected; and
(d) The Board designates the Clerk of the Board of Supervisors and the County Planning Office as the location and custodian of the documents and other material constituting the record of proceedings upon which this decision is based.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, based upon the oral and documentary evidence received, that the Negative Declaration is hereby adopted.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on ________________ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____________________________
George Shirakawa, President
Board of Supervisors

ATTEST:

_____________________________
Lynn Regadanz
Interim Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

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Mark Bernal
Deputy County Counsel

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