

BEFORE THE BOARD OF SUPERVISORS OF SAN BENITO COUNTY

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE)
COUNTY OF SAN BENITO, REPEALING ORDINANCE 991) Ordinance No.:
_____)**

WHEREAS, on September 24, 2019, the San Benito County Board of Supervisors adopted Ordinance 991, related to establishing text changes to the San Benito County Code in regard to new C-3 Zoning; and,

WHEREAS, because Ordinance 991 was subject to a successful referendum, Ordinance 991 never went into effect; and,

WHEREAS, State law allows the Board of Supervisor to entirely repeal Ordinance 991;

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS FOLLOWS:

SECTION 1. Purpose and Authority

The purpose of this Ordinance is to repeal Ordinance 991 in response to the referendum petition submitted on October 23, 2019, as certified by the Elections Official, and presented to the Board on November 19, 2019.

SECTION 2. Environmental Review/California Environmental Quality Act (CEQA).

Adoption of this Ordinance does not constitute the approval of a project under CEQA, will not cause a direct physical change in the environment, nor a reasonably foreseeable indirect physical change in the environment, and is exempt from CEQA as this ordinance repeals new zoning text which was adopted and takes no other action. (Pub. Res. Code Section 21065, CEQA Guidelines Sections 15060(c)(2),(3), 15061(b)(3).

SECTION 3: Repeal of Ordinance 991

Ordinance 991 adopted by the Board of Supervisors on September 24, 2019 is hereby repealed in its entirety.

SECTION 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner than imposes upon the County or any officer or employee thereof a mandatory duty of care towards persons or property within the County, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5: Severability

If any section, subsection, sentence, clause, portion, or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 6: Codification/Captions/Effective Date:

This ordinance shall be not be codified. The titles and headings of this ordinance and the sections hereunder are not part of this ordinance and shall have no effect upon the construction or interpretation of any part thereof. This ordinance shall become effective thirty (30) days from the date of final passage by the Board of Supervisors. Prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same.

In regular session of the Board of Supervisors of the County of San Benito introduced on the 19th of November, 2019, and adopted this 10th day of December 2019, on regular roll call of the members of said Board by the following vote:

AYES: Supervisor(s)

NOES: Supervisor(s)

ABSENT OR NOT VOTING:

Mark Medina
Chair, Board of Supervisors

ATTEST:

Janet Slibsager, Clerk of the Board

By: _____
Clerk of the Board

APPROVED AS TO LEGAL FORM:

San Benito County Counsel

By: _____
Barbara Thompson
County Counsel