

**AN ORDINANCE REPEALING SECTIONS 17.06.100 THROUGH 17.06.140 OF THE GENERAL ORDINANCE CODE TO REMOVE THE PROHIBITION ON HIGH-INTENSITY OIL AND GAS OPERATIONS IN UNINCORPORATED ALAMEDA COUNTY**

WHEREAS, on August 2, 2016 the Board of Supervisors adopted Ordinance No. O-2016-38, amending Chapter 17.06 of the General Ordinance Code, to prohibit high-intensity oil and gas operations in the unincorporated area of Alameda County; and

WHEREAS, on August 3, 2023, the California Supreme Court issued a unanimous opinion in the case of *Chevron U.S.A., Inc. v. County of Monterey (Project Monterey County)*, (2023) 532 P.3d 1120 (“*Chevron*”); and

WHEREAS, in *Chevron* the Supreme Court invalidated a Monterey County voter initiative that prohibited oil and gas wastewater injection and impoundment and the drilling of new oil and gas wells in Monterey County’s unincorporated areas; and

WHEREAS, in *Chevron* the Supreme Court held that the initiative was preempted by state law (Public Resource Code section 3106) granting a state agency (not local governments) the authority to regulate the methods and practices used for oil and gas extraction; and

WHEREAS, Ordinance No. O-2016-38 (codified as Sections 17.06.100 through 17.06.140) purport to regulate the methods and practices used for oil and gas extraction in the unincorporated area of Alameda County and not the location at which oil or gas may be extracted; and

WHEREAS, based upon the holding in *Chevron*, Ordinance No. O-2016-38 is pre-empted by state law and should be repealed;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda, State of California, does ordains as follows:

Section I

Sections 17.06.100 through Section 17.06.140 of the Alameda County General Ordinance Code be and hereby are repealed.

Section II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

\_\_\_\_\_  
Nate Miley, President  
Board of Supervisors

ATTEST:

ANIKA CAMPBELL-BELTON, Clerk of the Board

By: \_\_\_\_\_

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: \_\_\_\_\_

Andrea L. Weddle  
Chief Assistant County Counsel