



CITY OF PETALUMA

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Mike Healy
Councilmember

May 3, 2010

The Honorable Ronald George
Chief Justice
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: Support for Petition for Review in *Parchester Village
Neighborhood Council v. City of Richmond, et al.*,
Docket No. S163348

Dear Chief Justice George:

I write in support of the Petition for Review filed by appellant Parchester Village Neighborhood Council in the above matter. The City of Petaluma has long been a leader among California municipalities in seeking a proper balance between environmental quality and economic growth. We have consistently supported full environmental review for major developments that pose potential traffic congestion, air pollution or other impacts because we recognize that our citizens want and deserve a healthy environment. Thorough environmental disclosure leads to more informed and wiser land use decisions, benefiting all citizens.

We have observed with growing concern the proliferation of Indian casinos in urban and rural areas throughout California without adequate local oversight and mitigation of their environmental impacts. Often adjacent cities are asked to construct fire or police stations and traffic improvements to accommodate Indian casinos, literally paving the way for substantial increases in traffic and attendant noise, air pollution and congestion. I support the Petition for Review in the *Parchester Village* case because cities should comply with CEQA when considering approval of municipal service agreements that require physical improvements designed to benefit Indian casinos.

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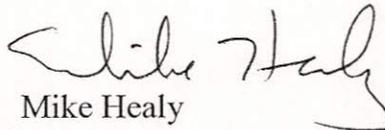
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This Court's review of the Court of Appeal's Opinion is necessary to secure uniformity of decision and to settle an important question of law. The Opinion's holding that a city's municipal services agreement ("MSA") to provide street and fire station improvements for an Indian casino is not a "project" under CEQA is misguided and conflicts with the Third District Court of Appeal's ruling in *County of Amador v. City of Plymouth* (2007) 149 Cal.App.4th 1089. In *Amador*, the Court correctly held that a city's entry into an MSA requiring the city to build street and fire station improvements for a casino, and to support the casino's approval by state and federal agencies, is a "project" subject to CEQA review. *Amador* at 1095. The Court of Appeal's ruling in *Parchester* that such MSAs are exempt from environmental review defeats CEQA's mandate that agencies fully assess a project's impacts – and alternatives and mitigations that would reduce those impacts – *before* deciding whether to approve the MSA.

One particularly troublesome aspect of these MSAs is that a city neighboring a proposed casino can enter into an agreement with a tribe that addresses purely local traffic and other impacts, but ignores serious broader regional impacts, such as freeway traffic or regional water supply issues. Indeed, we are now grappling with precisely that issue in Sonoma County. This problem cries out for CEQA analysis.

For the foregoing reasons, I respectfully urge this Court to grant review in the above matter.

Very truly yours,



Mike Healy
Councilmember
City of Petaluma

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cc: All parties as listed in the attached Proof of Service