

ORIGINAL
CLERK OF THE BOARD
ORANGE COUNTY

**Memorandum of Understanding
Regarding Preparation
Of An
Environmental Impact Report**

The County of Orange ("County"), as the owner and operator of John Wayne Airport ("JWA"), the City of Newport Beach, a charter city and municipal corporation ("City"), Stop Polluting Our Newport Corporation, a California tax exempt corporation ("SPON"), and the Airport Working Group of Orange County, Inc., a California tax exempt corporation ("AWG") (each individually referred to as a "party," collectively referred to herein as the "Parties") have entered into this Memorandum of Understanding ("MOU") effective April 16th 2013.

The purpose of this MOU is to allow the Parties to define procedures and protocols they agree to follow with respect to the preparation of an Environmental Impact Report ("EIR") pursuant to the requirements of the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §21000 et seq.) and State CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), which will study the environmental implications of the Project, as defined in Section 1.7, *infra*. The Project, in part, would constitute the second extension of the stipulation that settled litigation in *County of Orange v. Air California, et al.* (U.S.D.C., C.D. Cal., Case No.CV-85-1542 TJH (Mcx) (1985)) ("Action") and imposed certain restrictions on the development and operation of JWA. The MOU is made, in part, in light of the following recitals:

1.0 RECITALS

1.1 In November 1985, the Parties, by their respective counsel of record, entered into a stipulation to settle the Action between the Parties concerning the proposed expansion of JWA ("the 1985 Settlement Agreement"). On December 15, 1985, the United States District Court entered a final judgment pursuant to the 1985 Settlement Agreement settling the Action ("Judgment"). Under the terms of the 1985 Settlement Agreement, the Court retained jurisdiction to enforce the terms of the 1985 Settlement Agreement.

1.2 On May 22, 2001, the County Board of Supervisors ("Board") approved a Memorandum of Understanding between the County and City pursuant to which the County would act as lead agency for the preparation of an EIR that would support the amendment and extension of the 1985 Settlement Agreement.

1.3 After substantial negotiations between the Parties, the results of which were evaluated in a certified EIR, the Parties executed a stipulation in February 2003 to modify the Judgment ("2003 Amended Stipulation"). The term of the 2003 Amended Stipulation is through December 31, 2015. Notwithstanding the foregoing, however, the Parties agree that none of the operational or facility limits contained in the 2003 Amended Stipulation will expire at the end of the 2003 Amended Stipulation's term, absent affirmative action by the Board to alter those limits that is taken in accordance with CEQA and other applicable laws.

WHEREFORE, the County, the City, AWG and SPON approve this MOU as indicated by the signatures of their authorized representatives below.

COUNTY OF ORANGE


_____, Chair of the Board of Supervisors



FACSIMILE SIGNATURE AUTHORIZED
PER G.C. SEC. 25103, RESO 79-1535
SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

ATTEST:

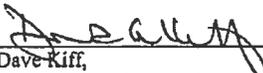

SUSAN NOVAK
CLERK OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

APPROVED AS TO FORM:



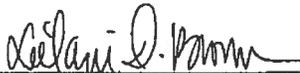
Paul Albarian, Deputy County Counsel

**CITY OF NEWPORT BEACH,
A Municipal Corporation**



Dave Kiff,
City Manager for the City of Newport Beach

ATTEST:



Leilani Brown, City Clerk

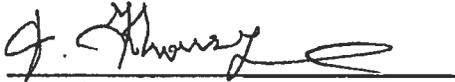


APPROVED AS TO FORM:



Aaron C. Harp, City Attorney

AIRPORT WORKING GROUP



Tony Khoury, President

APPROVED AS TO FORM:



Barbara Lichman

STOP POLLUTING OUR NEWPORT

Marko Popovich, President

APPROVED AS TO FORM:

Steven Taber

[END SIGNATURES]

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Steven M. Taber

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[END SIGNATURES]