

*Citizens to Enforce CEQA, et al. v. City of Rohnert Park*, Aug. 19, 2005, 131 Cal.App.4<sup>th</sup> 1594

Citizens sued the City over a Memorandum of Understanding (MOU) that the City entered into with the Graton Rancheria tribe regarding construction of a casino. The tribe is a landless tribe that has identified a site adjoining Rohnert Park which it will submit to the Secretary of the Interior for inclusion in the tribe's replacement reservation land. The MOU included obligations on the part of the tribe to fund possible future public improvements. The City did not prepare a CEQA document before entering the MOU.

The Appeal Court found that the MOU with the tribe was not a development agreement (as defined under Government Code Section 65865 et seq.) because it includes few, if any, of the requisite contents. Further, it is not a project under CEQA because it is solely a funding mechanism and neither sets a time for development of future improvements nor does it obligate the City to undertake any particular project.