CITY OF COALINGA
The Sunny Side of the Valley

CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA

August 16, 2018
6:00 PM

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

Notice is hereby given that the City Council will hold a Regular Meeting, on August 16, 2018 in the City Council Chambers, 155 West Durian Avenue, Coalinga, CA. Persons with disabilities who may need assistance should contact the Deputy City Clerk at least 24 hours prior to the meeting at 935-1533 x113. Anyone interested in translation services should contact the Deputy City Clerk at least 24 hours prior to the meeting at 935-1533 x113. The Meeting will begin at 6:00 p.m. and the Agenda will be as follows:

1. CALL TO ORDER

1. Pledge of Allegiance
2. Changes to the Agenda
3. Council's Approval of Agenda

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS

1. Presentation by Chenchula and World Workforce International Regarding an International Air Cargo Facility
2. Presentation by Ranch WIFI - Citywide Wireless Internet Service

3. CITIZEN COMMENTS

This section of the agenda allows members of the public to address the City Council on any item not otherwise on the agenda. Members of the public, when recognized by the Mayor, should come forward to the lectern, identify themselves and use the microphone. Comments are normally limited to three (3) minutes. In accordance with State Open Meeting Laws, no action will be taken by the City Council this evening and all items will be referred to staff for follow up and a report.

4. PUBLIC HEARINGS

1. Consideration of Conditional Use Permit Application 18-03 to Expand a Legal Non-Conforming Use by Constructing a New Commercial Storage Building to be Located at 700 E. Elm Ave.

   Sean Brewer, Community Development Director

5. CONSENT CALENDAR

1. Adoption of Resolution No. 3832 Regarding Certifications and Claims for Collection of Measure “C” Funds for Fiscal Year 2018-19 and Authorization for the Financial Services Director to Sign the Local Transportation Pass Through Revenue Certifications and Claim Forms
2. Direct Staff to Amend the Municipal Code Relating to Truck Parking
3. Direct Staff to Contact Local Prisons to Inquire about Animal Shelter Programs and Report Findings back to Council
4. Report of Findings Regarding the Council's Request of Information on Tower Space Available within City Limits
5. Cannabis Related Revenue Update - Year to Date Fiscal Year 2019

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Discussion, Direction and Potential Action Regarding the Adoption of Resolution No. 3831 Amending the Commercial Cannabis Revenue Raising Fee for Cultivation Operations including Nurseries

   Sean Brewer, Community Development Director
2. Discussion, Direction and Potential Action regarding the Process Related to Timely Billing for Vendor Services

   Marissa Trejo, City Manager
3. Council Review and Potential Action Regarding a Fresno County Project Proposal in the City's Sphere of Influence on Phelps Ave Approximately 0.7 Miles East of the City of Coalinga Corporate Limits (Solar Facility)

   Sean Brewer, Community Development Director
4. Council's Consideration of the League of California Cities Annual Conference Resolutions

   Marissa Trejo, City Manager

7. CITIZEN COMMENTS

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8. ANNOUNCEMENTS

1. City Manager's Announcements

2. Councilmembers' Announcements/Reports
3. Mayor's Announcements

9. FUTURE AGENDA ITEMS

10. CLOSED SESSION

1. REAL PROPERTY NEGOTIATIONS - Government Code Section 54956.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. PROPERTY: APN: 083-233-13S is located on Coalinga Street near the corner of Sacramento and Coalinga Streets. CITY NEGOTIATORS: City Manager, Marissa Trejo and City Attorney, Mario Zamora. NEGOTIATING PARTIES: Marcussen Living Trust. UNDER NEGOTIATION: Price and Terms of Payment

2. CONFERENCE WITH LABOR NEGOTIATORS – Government Code 54957.6. CITY NEGOTIATORS: City Manager, Marissa Trejo; City Attorney, Mario Zamora. EMPLOYEE (ORGANIZATION): General Employees and International Association of Firefighters

11. ADJOURNMENT

Closed Session: A "Closed" or "Executive" Session of the City Council, Successor Agency, or Public Finance Authority may be held as required for items as follows: personnel matters; labor negotiations; security matters; providing instructions to real property negotiators; legal counsel regarding pending litigation; and protection of records exempt from public disclosure. Closed session will be held in the Administration Building at 155 W. Durian Avenue and any announcements or discussion will be held at the same location following Closed Session.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Consideration of Conditional Use Permit Application 18-03 to Expand a Legal Non-Conforming Use by Constructing a New Commercial Storage Building to be Located at 700 E. Elm Ave.
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Sean Brewer, Community Development Director

I. RECOMMENDATION:

City Council approval of Resolution No. 3833, approving conditional use permit application 18-03 with conditions for the expansion of the automotive repair shop at 700 E. Elm Ave for the construction of a new 2,400 square foot storage building.

II. BACKGROUND:

On July 2, 2018 the Community Development Department received a conditional use permit application requesting the construction of storage building at the existing automotive repair shop located at 700 E. Elm Ave.

The purpose of the Conditional Use Permit requirement before the City Council is due to the existing uses legal non-conforming status. The property where the applicant currently operates an automotive repair shop and intends to construct a new storage building, is zoned Commercial General (CG) where this zoning designation does not permit automotive type use classifications. However, since the existing automotive repair shop was legally established under the previous version of the zoning ordinance, the existing automotive repair shop is defined as a legal non-conforming use.

The specific purpose of the non-conforming section of the code is to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Ordinance in a manner that does not impair public health, safety, and general welfare.

In accordance with section 9-6.207 of the planning and zoning code, no legal nonconforming use shall be expanded or changed in operation without the approval of a Conditional Use Permit. The City Council may allow the expansion of a Class 1 use subject to approval of a Conditional Use Permit.

III. DISCUSSION:

Building: The applicant has requested to expand his current facility by proposing a new 2,400 square foot storage metal building for the purpose of storing tools, parts, and customer vehicles that require overnight services. The applicant has stated that they do not intend to use this space for repair operations. The building will be located on the south-east portion of the site and will maintain a 25-foot setback from the existing building, 15-foot setback from the northern property line, with a 10-foot setback from the adjacent property

to the south.

Typically, the zoning code requires a 6-foot block wall to be constructed when a commercial district and a residential district adjoin. However, there is already a 6-foot block wall along the rear property line where the boundaries of the parcels touch. Therefore, the applicant will be required to extend the exiting fencing that currently exists on the southern boundary of subject parcel.

Landscaping: The applicant will be required to landscape along the Cherry Lane frontage with a combination of street trees and shrubs to be consistent with the existing landscaping along their frontage. This will ensure a clean transition on Cherry Lane.

Surrounding Land Uses and Transitional Standards: The proposed location is along the Elm Ave commercial corridor and adjacent to various commercial and residential properties.

Surrounding Land	Existing Use of Land	City Zoning Designation	General Plan Land Use Designation
North	Service Station	MX- Mixed Use	MX- Mixed Use
South	Campus Drive-In	CG- Commercial General	CG- Commercial General
East	Vacant Lot	CG- Commercial General	CG- Commercial General
West	Vacant Lot/West Hills College	MX- Mixed Use/PF- Public Facilities	MX- Mixed Use/PF- Public Facilities

Policy Determination (Non-Conforming Use):

Proposed Automotive Repair Land Use Designation: CG – Commercial General (Automotive Repair, Major/Minor not permitted)

In accordance with section 9-6.207 of the planning and zoning code, no legal nonconforming use shall be expanded or changed in operation without the approval of a Conditional Use Permit. The applicant is requesting the expansion of the existing automotive repair facility to include a new storage building. The planning and zoning code permits the City Council to allow the expansion of a Class 1 use (as below) subject to approval of a Conditional Use Permit.

Class 1 nonconforming uses are designated by the City Council based on findings that:

a. The existing nonconforming use was legally established;

The existing automotive repair facility (known as "Matt's Quick Lube") was approved by City of Coalinga Planning Commission on November 14, 2000 (site plan review application No. 00-07) and all development regulations at time of approval were considered and enforced as part of the approval.

b. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;

There has been no indication that the addition of a storage facility for parts, equipment and customer vehicles will have a detrimental to the public health, safety, or welfare. The construction of a storage building will not increase noise or traffic volumes that would be cause for concern or beyond the level of service tolerated in the general plan.

c. The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City plan;

The General Plan encourages expansion of commercial uses throughout the City as well as redeveloping underutilized properties that pose more of a nuisance in their current state. The construction of the new storage building will eliminate a vacant underutilized section of their lot that is currently being used for outdoor storage which can be more of a nuisance than indoor storage.

d. The proposed use will not depress the value of nearby properties;

By improving this underutilized property it will provide value to the surrounding areas. The intended use is not the type of use that would be detrimental to a surrounding neighborhood and/or depress the property values.

e. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

The location on the property where the storage building is proposed would be undevelopable without the clearance of a conditional use permit unless the use is suspended, and a new permitted use replaces it. Suspending the use is not a practical use of the of the ordinance and no useful purpose would be served.

Environmental (CEQA):

The proposed project has been reviewed for its conformance with the California Environmental Quality Act (CEQA) and determined that this project is to be categorically exempt pursuant to Section 15303 related to the construction of small buildings.

Public Notification:

Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law.

IV. ALTERNATIVES:

The City Council may choose not to approve Resolution 3674 and deny the Conditional Use Permit application.

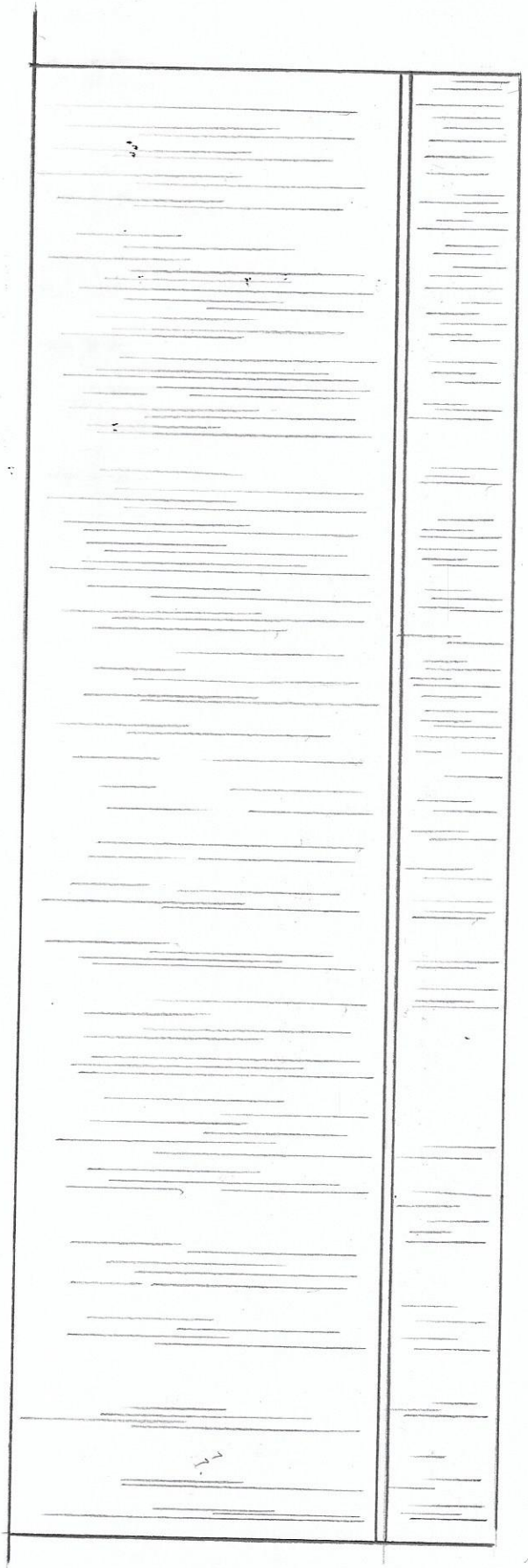
V. FISCAL IMPACT:

None determined at this time.

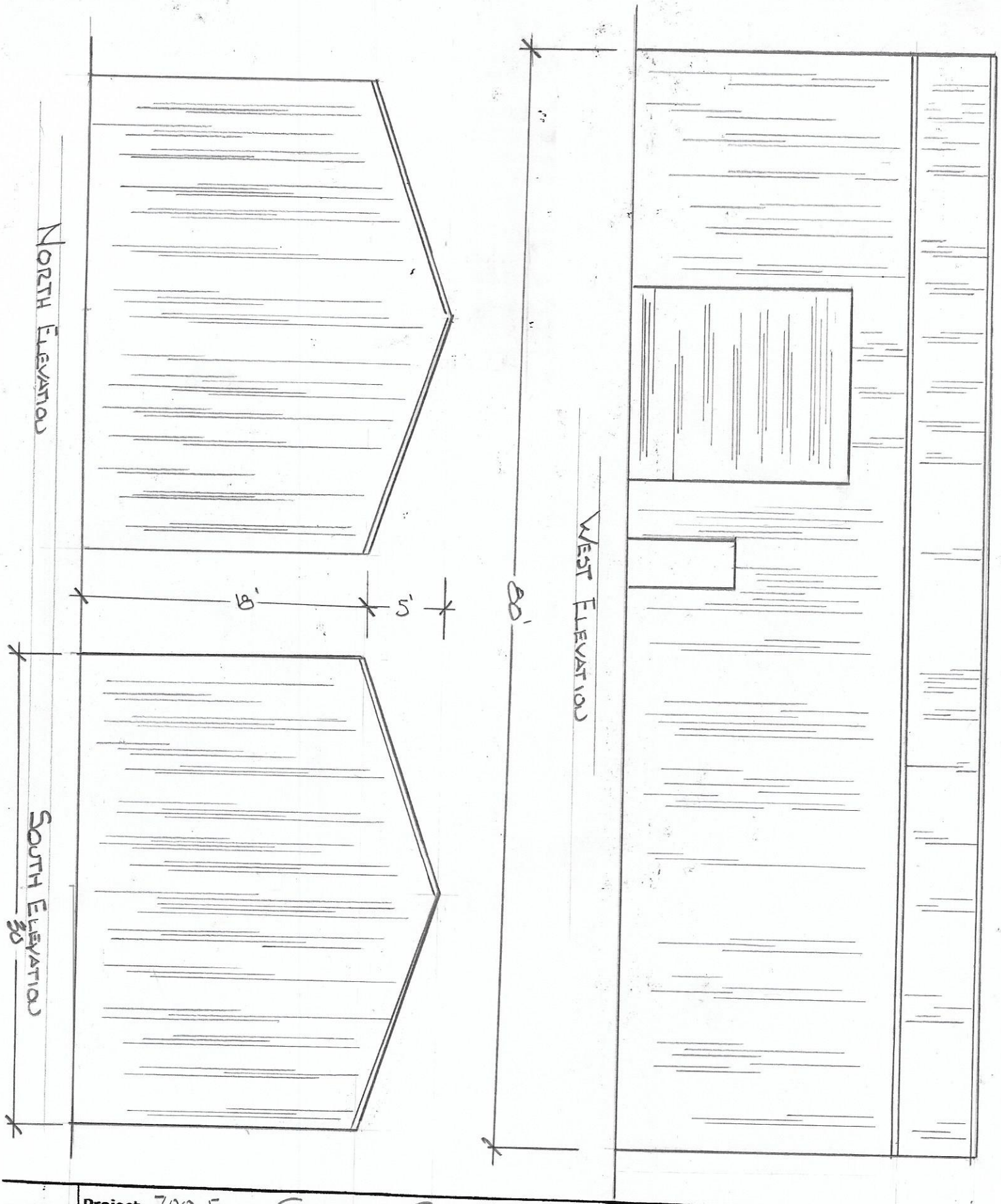
ATTACHMENTS:

File Name	Description
Elevations.pdf	Storage Building Elevations
CUP_18-03_Applications.pdf	Applicaiton CUP 18-03
Site_Plan_CUP_18-03.pdf	Site Plan
RESO#3833_081618_(1).pdf	Resolution No. 3833 with Conditions

EAST ELEVATION



Project 700 ELM COALINGA CA	Campbell Construction P.O. Box 1662 Clovis, CA 93613 Lic # 433745 559-970-9399 jcconstruct@comcast.net
Owner GUILLERMO MONTOYA	
Address	
Sheet	



Project 700 ELM COALINGA CA.	Campbell Construction P.O. Box 1662 Clovis, CA 93613 Lic # 433745 559-970-9399 jcconstruct@comcast.net
Owner GUILLERMO MONTOYA.	
Address	
Sheet	

CITY OF COALINGA
CONDITIONAL USE PERMIT APPLICATION

CUP 1803 — Application Number
07-02-18 — Date

APPLICANT INFORMATION:

Applicant/Property Owner: Guillermo Montoya

Mailing Address: 700 E. ELM Ave, Coalinga CA 93210

Telephone Number: (559) 305-0728 Assessor Parcel Number: 071 090 17 S

Property Location: 700 E. ELM Ave, Coalinga, CA 93210

Legal Description (lot, block, Tracts, etc.) Coalinga Tires LLC.

PROPERTY USE INFORMATION:

Current Zoning: ~~C-4~~ CG (Commercial General)

Existing Number of Lots: 1 Proposed Number of Lots: 1 Area of Parcel: 22,050 ft^2

Proposed Use: Storage

(If additional space is required attach separate sheet of paper)

Describe any new structures or improvements associated with use (indicate total square footage of structures).

New metal storage building. 2,400 sqF
Existing building is 4,900 sqFt
Total for both buildings will be 7,300 sqF

(If additional space is required attach separate sheet of paper)

Describe operational characteristics of use (hours of operation, number of employees, vehicle traffic to and from use, parking requirements, etc.)

Storage = building will be use to storage equipment and customer vehicles. There where no be any employees operating in this building. And customers won't have acces to the building.

The undersigned applicant has the ability and intention to proceed with the actual construction work in accordance with these plans (as approved) within one year from the date of approval and the applicant understands the this conditional use permit, if granted, becomes null and void and of no effect if the applicant does not commence with the actual construction work in accordance with these plans with one year from the date of approval of this application and diligently proceed to completion. An extension to commence the work at a later date may be granted by the planning commission, upon the written petition of applicant for such extension before the expiration of the one-year period. The applicant understands that the Commission may also establish a deadline date for the completion of said project.

Signature of BOTH the APPLICANT and RECORDED PROPERTY OWNER(S) are required below as applicable.

The forgoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signature of APPLICANT/AGENT	Signature of OWNER
Guillermo Montoya	Guillermo Montoya
Name of APPLICANT/AGENT (Please Print)	Name of OWNER (Please Print)
700 E. ELM Ave, Coalinga, CA 93210	700 E. ELM Ave, Coalinga CA
Mailing Address	Mailing Address
(559) 305.0728	(559) 305.0728
Telephone Number	Telephone Number

CITY OF COALINGA
SITE PLAN REVIEW APPLICATION

CUP 18-03
Application Number

07-02-18
Date

APPLICANT INFORMATION:

Applicant/Property Owner Name: Guillermo Montoya

Mailing Address: 700 E. ELM Ave, Coalinga CA 93210

Telephone Number: (559) 305-0728 Assessors Parcel Number: 071 090 175

Property Location (Street Address): 700 E. ELM Ave, Coalinga CA 93210

Property is located: _____ side of _____ Street, between _____ Street and _____ Street

PROJECT INFORMATION:

Current Zoning: ~~C-4~~ CG Proposed Zoning Same

Existing Floor Plan: _____ Proposed Floor Area: _____

Describe structure(s) or improvements planned (two family, multi-family residential, commercial, industrial, wall sign, free standing sign etc.) Commercial = storage

Is project: ■ new construction or ☐ remodeled.

Residential

Number of dwelling units _____ Total of area (in square feet) _____

Total lot coverage of buildings or structures (in square feet) _____ Percentage of lot coverage _____%

Number of off street parking spaces provided. Covered _____ Open _____

Total square feet of sign area _____ Total square feet devoted to recreation and open space _____ sq ft.

Give total percentage of lot devoted to recreation and open space _____ sq ft.
(See instructions or Zoning Ordinance for definitions and requirements).

Total square feet of common recreation and open space area _____

Describe type and material to be used on exterior walls and doors _____

Commercial

Gross floor area or building when complete 2,400 sq ft.

Describe sign (free standing, affixed to wall etc.) Free standing

Number of parking spaces provided Ø Number of customers expected per day Ø

Hours and days of operation Ø

Describe any outside storage of equipment or supplies: None / no outside storage

Industrial

Describe any outside storage of equipment or supplies: _____

_____

Maximum number of employees in any daily shift: _____

Number of delivery or shipping trucks per day: _____

Number of delivery or shipping trucks per day when construction is complete: _____

Site Plan Requirements – Mapping/Drawings

The applicant shall submit fifteen (15) prints of the site plan to the Community Development Director. The Site Plan shall be drawn to scale and indicate clearly and with full dimensions the following information:

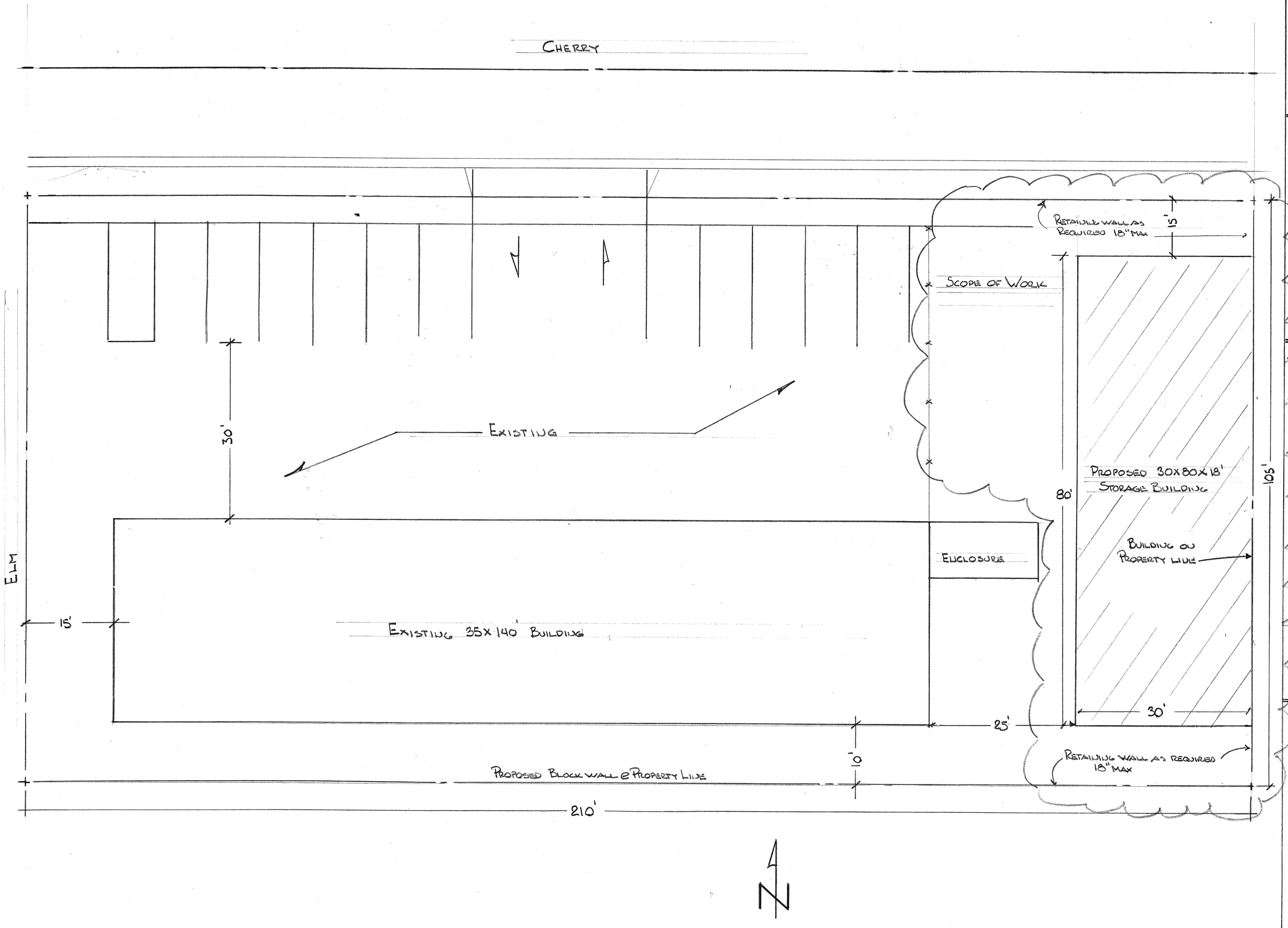
1. The lot dimensions;
2. All building and structures, and their location, elevation, size, height and materials;
3. The yards and spaces between buildings;
4. Walls and fences, and their location, height, and material;
5. Off-street parking, including the location, number of spaces, dimensions of the parking area and internal circulation pattern;
6. Access (pedestrian, vehicular and service), points of ingress and egress, and internal circulation;
7. Signs and their location, size and height;
8. Loading, including the location, dimensions, number of spaces and internal circulation;
9. Lighting, including the location, dimensions, number of spaces and internal circulation;
10. Street Dedications and Improvements;
11. Drainage improvements:
12. Landscaping, including the location and type;
13. Fire-preventions equipment and measures, including the location and type;
14. For two-family and multi-family dwellings, the location and design of all recreation and open-space area, and the recreation equipment to be included thereon;
15. Such other data as may be required to permit the Planning Director to make the required findings.

Applicant's Certification

The undersigned hereby certify that the information presented in this application is correct.

Signature of Applicant _____ Date 07-02-2018

Signature of Record Property Owner _____ Date 07-02-2018



SITE PLAN

SCALE 1" = 10'

OWNER: GUILLERMO MONTOYA
1251 HARRIMAN AVE
DINUBA CA 93618

JOB ADDRESS: 700 ELM
COALINGA CA.
APN # 071 090 175

JOHN CAMPBELL
P.O. BOX 1662
CLOVIS CA 93613
559-970 9399

RESOLUTION 3833

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA APPROVING, WITH CONDITIONS, A CONDITIONAL USE PERMIT APPLICATION NUMBER 18-03 FOR THE EXPANSION OF AN AUTOMOTIVE REPAIR SHOP AT 700 E. ELM AVE

WHEREAS, the City of Coalinga Community Development Department has received an application for a Conditional Use Permit for the expansion of the auto repair facility currently located at 700 E. Elm Ave; and

WHEREAS, The Coalinga Planning and Zoning Code permits the City Council to allow the expansion of a Class 1 non-conforming use subject to approval of a conditional use permit; and

WHEREAS, the City Council held the scheduled and noticed public hearing on August 16, 2018 to take testimony with regard to the proposed application, and;

WHEREAS, the City Council has determined that this project is exempt for further environmental review under CEQA in accordance with Government Code Section 15303 (construction of small buildings), and;

WHEREAS, the City Council completed its review of the proposed development and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail, and;

WHEREAS, the City Council has made the following findings under Class 1 legal non-conforming uses based on the development proposal:

1. The existing nonconforming use was legally established;

2. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;

3. The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City plan;

4. The proposed use will not depress the value of nearby properties; and

5. No useful purpose would be served by strict application of the provisions or requirements of the ordinance with which the use or structure does not conform.

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NOW THEREFORE BE IT RESOLVED, that the City Council approves the proposed storage building expansion as a non-conforming use with conditions (Exhibit A):

PASSED AND ADOPTED, by the City Council of the City of Coalinga at a regularly meeting held on the **16th day of August, 2018** by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____
Nathan Vosburg, Mayor

ATTEST:

_____
City Clerk / Deputy City Clerk

Exhibit A

General On-going Procedural and Operational Conditions of Approval – Conditional Use Permit 18-03

(700 E. Elm Ave – New Storage Building)

REVISIONS: Any proposed change to the approved use or activity on the site shall require submittal, review and approval of an additional land use application. Any minor changes can be reviewed and approved by the Community Development Director unless determined that the City Council shall approve such change.

EXPIRATION: This approval shall become null and void if all conditions have not been completed and the occupancy to the proposed building has not taken place within one (1) year of the effective date of conditional approval.

PERMITS: Prior to occupancy, all licenses and permits shall be obtained from all applicable City Departments (Fire department, Building Department, Business, ect.).

CONTINUOUS EFFECT: All of the conditions of this approval are continuously in effect throughout the operative life of the project for the uses approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all the conditions at any time may result in a public hearing and revocation of the use provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

REVOCATION OF APPROVALS: Any permit granted may be revoked or modified if any of the terms or conditions of approval are violated, or if any State law, statute and regulation, or City Ordinance is violated. The City Council and Planning Commission, by their own action, or following a recommendation from the Community Development Director, may initiate revocation or modification proceedings. A public hearing shall be held pursuant to Section 9-6.114.

PROPERTY MAINTENANCE: The tenant and/or property owner shall continually maintain the property and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of both its employees, patrons and surrounding properties.

SIGNAGE: All signage shall be reviewed and approved by the Community Development Department and in accordance with Chapter 4 Article 5 of the Planning and Zoning Code.

ADDITIONAL CONDITIONS:

AC-1. The project shall conform to all applicable California Building Standards including the provision of engineered stamped drawings.

AC-2. The storage building shall be painted to match the existing building currently at 700 E. Elm Ave.

AC-3. The storage building shall not be used for repair operations and shall only be used for the storage of ancillary equipment related to the automotive repair operation including vehicles that may require periodic overnight storage.

AC-4. Construction activities shall remain on the subject property and shall not encroach upon the adjacent parcels. Since the building is being constructed on the property line, a record of survey will be required as part of the building permit application to verify the subject property line.

AC-5. The applicant shall landscape along Cherry Lane with the same setback that currently exists. Landscaping shall be similar planting as the existing street frontage landscaping.

AC-6. All landscaping shall be reviewed and approved by the Planning Department prior to installation in accidence with the model landscape ordinance.

AC-7. Any roof mounted equipment shall be screened from view.

AC-8. The storage building shall provide package lighting in accordance with the zoning standards for onsite lighting. All light fixtures shall be directed down or shielded so as to prevent glare or spray of light directly onto adjacent properties.

AC-9. Prior to issuance of building permit, the applicant shall pay all applicable City, special district, and regional development impact fees.

AC-10. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Adoption of Resolution No. 3832 Regarding Certifications and Claims for Collection of Measure "C" Funds for Fiscal Year 2018-19 and Authorization for the Financial Services Director to Sign the Local Transportation Pass Through Revenue Certifications and Claim Forms
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Jasmin Bains, Financial Services Director

I. RECOMMENDATION:

City Manager and Financial Services Director recommend City Council adopt Resolution No. 3832 to submit the Local Transportation Purposes Certifications and Claim Forms to Fresno County Transportation Authority (FCTA) for the City of Coalinga to collect its share of Measure "C" for fiscal year 2018-19 and authorize the Financial Services Director to sign the Local Transportation Pass Through Revenue Certifications and Claim Forms.

II. BACKGROUND:

On May 30, 2018, the FCTA Board adopted their Board Resolution No. 2018-02 (Resolution attached) for Measure C Extension Local Transportation Purposes Pass-Through Projects and Program Funds apportionment for fiscal year 2018-19. The following is the Local Transportation Program Pass-Through and Subprograms of which the City of Coalinga will receive Measure C funding:

- 1.80% of $11,642,083 for Street Maintenance Category sub program, or City's share $209,882;
- 1.82% of $404,355 for ADA Compliance Category sub program, or City's share $7,346;
- 2.17% of $11,622,417 for Flexible Funding Category sub program, or City's share $251,628.

Each subprogram has various requirements and exemptions for spending the funds and is outlined in the Measure C Extension 2007 Local Agency Handbook. These are the estimated apportionments scheduled for FY 2018-19 for the City of Coalinga Measure C Extension Program.

To receive these funds monthly, the City must file a separate 2018-19 Certification and Claim form for each sub program (forms attached) along with a City Council Resolution which is to be submitted to the Fresno County Transportation Authority. Once these documents have been accepted, each agency will receive a separate check for each sub program. Measure "C" funds will be distributed on a proportional basis as funds are received.

III. DISCUSSION:

Staff is requesting that the City Council adopt Resolution No. 3832 to submit the City's Local Transportation Program Certifications and Claim forms to the Fresno County Transportation Authority and authorize the signing of the claim forms by the Financial Services Director for the City to begin receiving its

share of Measure “C” funds totaling $468,856.

IV. ALTERNATIVES:

None.

V. FISCAL IMPACT:

The 2018-19 Measure C funding will augment other local transportation fund sources to carry out street maintenance programs and other public transportation improvements during the fiscal year.

ATTACHMENTS:

File Name	Description
Measure_C_Resolution_No._3832_FY18-19.pdf	Measure C Resolution No. 3832 FY18-19
FY2018-19.MeaC_Ext_Coalinga_LTPClaim.StreetMaintenance.pdf	FY2018-19 Measure C Ext Coalinga LTP Street Maintenance Claim
FY2018-19.MeaC_Ext_Coalinga_LTPClaim.ADA.pdf	FY2018-19 Measure C Ext Coalinga LTP ADA Claim
FY2018-19.MeaC_Ext_Coalinga_LTPClaim.Flex.pdf	FY2018-19 Measure C Ext Coalinga LTP Flexible Funding Claim

RESOLUTION NO. 3832

RESOLUTION OF THE CITY OF COALINGA IN THE MATTER CONCERNING LOCALTRANSPORTATION PURPOSE FUNDS (MEASURE "C" EXTENSION FUNDS) FOR FISCAL YEAR 2018-2019

WHEREAS, the ***City of Coalinga*** is an eligible claimant of funds for Measure C Extension Local Transportation Pass-Through Projects and Program Funds pursuant to California Public Utilities Code Section 142257; and

WHEREAS, the Fresno County Transportation Authority has adopted a Resolution of Apportionment for FY 2018-19 Measure C Extension Local Transportation Pass-Through Projects and Program Funds, setting the ***City of Coalinga's*** percentages at the following:

- 1.80% of $11,642,083 (or $209,882) for the Local Transportation Program, Local Allocation – Street Maintenance Category sub program;
- 1.82% of $404,355 (or $7,346) for the Local Transportation Program, Local allocation – ADA Compliance Category sub program;
- 2.17% of $11,622,417 (or $251,628) for the Local Transportation Program, Local Allocation – Flexible Funding Category sub program; which shall be the proportionate share of Measure C Extension Local Transportation Pass-Through Projects and Program Funds to the City shall be entitled within the fiscal year.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS*:*

1) The ***City of Coalinga*** hereby submits its Local Transportation Purposes Certification and Claims for Fiscal Year 2018-19 Measure C Extension Local Transportation Pass-Through Projects and Program Funds;

2) The ***City of Coalinga*** hereby requests the release of funds to the City on a monthly payment basis consistent with the adopted percentages listed above, based on actual receipts;

3) The City Council of the ***City of Coalinga*** further certifies:

   a) That Local Transportation Purpose Funds will not be used to substitute for property tax funds which the ***City of Coalinga*** had previously used for local transportation purposes; and

   b) That the ***City of Coalinga*** has and will segregate property tax revenues used to support local transportation purposes so that verification of non-substitution can be proved through audit; and

   c) That the ***City of Coalinga*** shall separately account for Local Transportation Purposes Funds received, pursuant to Public Utilities Code Section 142257. The City shall maintain records in accordance with generally accepted accounting principles, and shall separately record expenditures for each type of eligible purpose. The City shall

make such records available to the Authority for inspection or audit at any time.

4) The ***City of Coalinga*** understands that should a financial or compliance audit reveal that the ***City of Coalinga*** violated any of the requirements set forth in paragraph 3 (a) (b) or (c), that the Fresno County Transportation Authority may seek to take immediate steps to resolve the violation in accordance with its adopted procedures.

5) The ***City of Coalinga*** understands that it intends to complete the reporting requirements for the 2017-18 Measure C expenditures to the Board by November 15, 2018.

I do hereby certify that the foregoing resolution was duly adopted and passed by the City Council of the City of Coalinga at a regular meeting held on the **16th day of August 2018**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____
Nathan Vosburg, Mayor

ATTEST:

_____
City Clerk / Deputy City Clerk

MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2018-19

TO: Fresno County Transportation Authority

FROM: City of Coalinga
Local Agency Name

Address: 155 W. Duran, Coalinga, CA 93210 Contact: Jasmin Bains, Financial Services Director
Telephone: (559) 935-1533 FAX: _____ Email Address: jbains@coalinga.com

1. Applicable Funding Program: (Check One)

Regional Public Transit Program
- ☐ Fresno Area Express
- ☐ Clovis Transit
- ☐ FCRTA
- ☐ PTIS/Transit Consolidation
- ☐ ADA/Seniors/Paratransit
- ☐ Farmworker Van Pools
- ☐ Car/Van Pools
- ☐ New Technology Reserve

Local Transportation Program
- ☒ Street Maintenance
- ☐ ADA Compliance
- ☐ Flexible Funding
- ☐ Pedestrian/Trails Urban
- ☐ Pedestrian/Trails Rural
- ☐ Bicycle Facilities

Regional Transportation Program
- ☐ Fresno Airports

Alternative Transportation Program
- ☐ Rail Consolidation Subprogram

Environmental Enhancement Program
- ☐ School Bus Replacement
- ☐ Transit Oriented Infrastructure for In-Fill

Administrative/Planning Program
- ☐ Fresno COG

2. The **City of Coalinga** ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2018-2019 setting **1.80%** of $11,642,083 (or **$209,882**) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:
(a) Monthly payments consistent with adopted percentage, based on actual receipts
(b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Revenue Program Funding

4. On behalf of claimant, I hereby certify as follows:
(a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
(b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
(c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: _____

Title: Financial Services Director_____

Date: _____

ATTACHMENT: Evidence of Formal Action for Approval and Submittal
Approved by: Fresno County Transportation Authority Board on: _____

MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2018-19

TO: Fresno County Transportation Authority

FROM: City of Coalinga
Local Agency Name

Address: 155 W. Duran, Coalinga, CA 93210 Contact: Jasmin Bains, Financial Services Director
Telephone: (559) 935-1533 FAX: _____ Email Address: jbains@coalinga.com

1. Applicable Funding Program: (Check One)

Regional Public Transit Program
- ☐ Fresno Area Express
- ☐ Clovis Transit
- ☐ FCRTA
- ☐ PTIS/Transit Consolidation
- ☐ ADA/Seniors/Paratransit
- ☐ Farmworker Van Pools
- ☐ Car/Van Pools
- ☐ New Technology Reserve

Local Transportation Program
- ☐ Street Maintenance
- ☒ ADA Compliance
- ☐ Flexible Funding
- ☐ Pedestrian/Trails Urban
- ☐ Pedestrian/Trails Rural
- ☐ Bicycle Facilities

Regional Transportation Program
- ☐ Fresno Airports

Alternative Transportation Program
- ☐ Rail Consolidation Subprogram

Environmental Enhancement Program
- ☐ School Bus Replacement
- ☐ Transit Oriented Infrastructure for In-Fill

Administrative/Planning Program
- ☐ Fresno COG

2. The **City of Coalinga** ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2018-2019 setting **1.82%** of $404,355 (or **$7,346**) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:
(a) Monthly payments consistent with adopted percentage, based on actual receipts
(b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Revenue Program Funding

4. On behalf of claimant, I hereby certify as follows:
(a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
(b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
(c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: _____

Title: Financial Services Director _____

Date: _____

ATTACHMENT: Evidence of Formal Action for Approval and Submittal
Approved by: Fresno County Transportation Authority Board on: _____

MEASURE C EXTENSION
LOCAL TRANSPORTATION PASS THROUGH REVENUES
CERTIFICATION AND CLAIM FOR FY2018-19

TO: Fresno County Transportation Authority

FROM: City of Coalinga
Local Agency Name

Address: 155 W. Duran, Coalinga, CA 93210 Contact: Jasmin Bains, Financial Services Director
Telephone: (559) 935-1533 FAX: _____ Email Address: jbains@coalinga.com

1. Applicable Funding Program: (Check One)

Regional Public Transit Program
- ☐ Fresno Area Express
- ☐ Clovis Transit
- ☐ FCRTA
- ☐ PTIS/Transit Consolidation
- ☐ ADA/Seniors/Paratransit
- ☐ Farmworker Van Pools
- ☐ Car/Van Pools
- ☐ New Technology Reserve

Local Transportation Program
- ☐ Street Maintenance
- ☐ ADA Compliance
- ☒ Flexible Funding
- ☐ Pedestrian/Trails Urban
- ☐ Pedestrian/Trails Rural
- ☐ Bicycle Facilities

Regional Transportation Program
- ☐ Fresno Airports

Alternative Transportation Program
- ☐ Rail Consolidation Subprogram

Environmental Enhancement Program
- ☐ School Bus Replacement
- ☐ Transit Oriented Infrastructure for In-Fill

Administrative/Planning Program
- ☐ Fresno COG

2. The **City of Coalinga** ("claimant") is an eligible claimant of funds for local transportation purposes pursuant to
Local Agency Name
California Public Utilities Code Section 142257.

3. The Fresno County Transportation Authority has adopted a Resolution of Apportionment for Fiscal Year 2018-2019 setting **2.17%** of $11,622.417 (or **$251,628**) for the Subprogram or Category of funds checked above and available to the claimant. On behalf of claimant, I hereby request release of the funds to claimant in accordance with:
(a) Monthly payments consistent with adopted percentage, based on actual receipts
(b) Compliance with Steps A and B of the Strategic Implementation Plan (SIP) – Local Agency Pass Through Funding programs and Other Revenue Program Funding

4. On behalf of claimant, I hereby certify as follows:
(a) That the Subprogram or Category of funds checked above are not being used to substitute for property tax funds which claimant had previously used for local transportation purposes. Such substitution of property tax funds is prohibited by California Public Utilities Code Section 142257.
(b) That claimant has segregated property tax revenues from claimant's other general fund revenues used to support the Subprogram or Category of funds checked above so that verification of non-substitution can be proved through audit or that the non-substitution of funds shall apply to claimant's entire general fund.
(c) That claimant shall account for Subprogram or Category of funds checked above and received pursuant to Public Utilities Code Section 142257. Claimant shall maintain current records in accordance with generally accepted accounting principles and shall separately record expenditures for each type of eligible purpose. Claimant shall make such records available to the Authority for inspection or audit at any time.

5. Claimant understands that should financial or compliance audit exceptions be found, the Fresno County Transportation Authority will take immediate steps to resolve the exceptions in accordance with its adopted procedures.

Authorized Signature: _____

Title: Financial Services Director _____

Date: _____

ATTACHMENT: Evidence of Formal Action for Approval and Submittal
Approved by: Fresno County Transportation Authority Board on: _____

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Direct Staff to Amend the Municipal Code Relating to Truck Parking
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. This item was requested as a Future Agenda Item by Mayor Vosburg at the request of several residents. This item is on the Consent Calendar as it simply directs Staff to bring back an Amendment for Council consideration.

II. BACKGROUND:

III. DISCUSSION:

Complaints from residents have been received that trucks are being parked in town at residences and out at the Industrial Park.

Suggested amendment would be to remove the language in red:

Sec. 4-7.722. – Truck parking restriction.

When authorized signs are in place giving notice of such restriction, no person shall park any vehicle exceeding a maximum gross weight of three (3) tons on any public City street or alley for a period of time longer than four (4) hours, except when loading or unloading property or when such vehicle is parked in connection with and in aid of the performance of a service to or on a property in the block in which the vehicle is parked.
(Ord. 536, eff. October 3, 1987)

IV. ALTERNATIVES:

Do not direct Staff to bring back an Amendment.

V. FISCAL IMPACT:

None

ATTACHMENTS:

File Name	Description
No Attachments Available	

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Direct Staff to Contact Local Prisons to Inquire about Animal Shelter Programs and Report Findings back to Council
Meeting Date:	Thursday, August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. This was requested as a Future Agenda Item by Councilman Adkisson. This item is on consent as it simply directs staff to inquire about programs. Staff will report findings back to Council on a future agenda.

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

File Name	Description
No Attachments Available	

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Report of Findings Regarding the Council's Request of Information on Tower Space Available within City Limits
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Michael Salvador, Chief of Police

I. RECOMMENDATION:

There is no staff recommendation. This item was requested as a Future Agenda Item by Mayor Vosburg on June 21, 2018. On July 5, 2018 Council approved an item directing staff to determine tower space available within city limits and report the findings back to the Council.

II. BACKGROUND:

III. DISCUSSION:

Police Department staff has researched available tower sites and report the following:

PALMER CELL SITES
2 tower locations
Cell owners are CCATT and T-Moble
Location of the PD's repeater

CHEVRON SITES
2 sites
blocked by terrain

LUCILLE / ELM SITE
Cell tower
Owed by Crown Castle

PRISON SITE
Cell Site
Owned by Fresno MSA

TANK FARM
Short tower
Owned by Equillon Pipeline

OLD COMCAST
Not licensed
Owned by TEG Inc.

CITY OWNED PROPERTY
Airport Beacon
Old Police Department tower
Unlicensed / limit

IV. ALTERNATIVES:

None. This item is informational only.

V. FISCAL IMPACT:

None.

ATTACHMENTS:

File Name	Description
No Attachments Available	

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Cannabis Related Revenue Update - Year to Date Fiscal Year 2019
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Jasmin Bains, Financial Services Director

I. RECOMMENDATION:

There is no staff recommendation. This item was requested as a Future Agenda Item by Mayor Vosburg at the City Council meeting on August 2, 2018.

Historical information is provided. A supplemental revenue analysis shall be provided in the future with revenue projections for future years.

II. BACKGROUND:

None.

III. DISCUSSION:

The Cannabis Related Revenue provided as an attachment is only historical revenues collected for the Fiscal Years 2016-2017, 2017-2018, and YTD 2018-2019. Staff is in the process of completing an in depth revenue analysis with revenue projection for future years.

There are several factors still pending City Council action which will affect revenue projections for future years such as; the reduction of cultivation tax, the estimated operational date for the single cannabis dispensary (Have A Heart) approved by City Council, and the applications currently in the approval stage to be operational in the upcoming fiscal years.

IV. ALTERNATIVES:

None.

V. FISCAL IMPACT:

None.

ATTACHMENTS:

File Name	Description
Cannabis_Related_Revenue_YTD_08-09-2018.pdf	Cannabis Related Revenue Update FYTD 2019 08-09-2018

City of Coalinga					
FY 2017-2019					
Cannabis Related Revenue					
GL Account	**Description**	**Unaudited FY 2017**	**Unaudited FY 2018**	**YTD FY 2019**	**Total YTD**
101-400-4217	Cannabis Application Fees	94,800.00	67,818.00	2,055.00	164,673.00
101-400-4218	Cannabis Regulatory Permit Renewal	2,400.00	-	-	2,400.00
101-400-4219	Cannabis Revenue Raising Fee (Tax)	83,139.00	169,858.67	7,542.94	260,540.61
101-400-4220	Cannabis Regulatory Licensing Fee	70,091.00	93,383.74	534.60	164,009.34
					-
Total		**250,430.00**	**331,060.41**	**10,132.54**	**591,622.95**

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Discussion, Direction and Potential Action Regarding the Adoption of Resolution No. 3831 Amending the Commercial Cannabis Revenue Raising Fee for Cultivation Operations including Nurseries
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Sean Brewer, Community Development Director

I. RECOMMENDATION:

The Community Development Director recommends that the City Council adopt Resolution No. 3831 updating the City of Coalinga's Commercial Cannabis Cultivation Taxes including Nurseries.

II. BACKGROUND:

This was a future agenda brought by Mayor Vosburg requesting staff to research and recommend a reduced tax rate for commercial cannabis cultivation operations to include nurseries. The intent was to development a tax rate that was reasonable and representative of the current cultivation environment to ensure operational success. The State of California has seen a slow pace of cultivators applying for licenses than any of the other license classes such as manufacturing, distribution and retail. At the same time there are several licensed cultivators shutting down their operations due to the intensity of the regulatory climate including high tax rates. Cultivators are an important piece of the industry in California.

Many jurisdictions have recognized the ongoing issue with cultivation and we are seeing cultivation tax rates in California communities continuing to decline. Jurisdictions are reducing their taxes on cultivation due to many factors the regulated market has created, from the price of flower and trim, high state excise taxes, and a very demanding regulatory environment causing increased costs and significant barriers to entry.

Section 3-9.01 of Chapter 9 of Title 3 of the Coalinga Municipal Code establishes an annual business operations tax for commercial cannabis operations. The City Council approved ordinance no. 810 amending 3-9.01 to allow the established tax rates for various cannabis operations to be amended by resolution rather than through an ordinance amendment to ensure a competitive advantage to the fluid tax situation related to cannabis operations.

Currently Section 3-9.01 of the Coalinga Municipal Code reads as "every person engaged in commercial cannabis operations in the City shall pay an annual business operations tax *not to exceed* as follows: twenty-five dollars ($25.00) per square foot used in connection with each commercial Cannabis operation for the first 3,000 square feet, and ten dollars ($10.00) per square foot for each additional square foot thereafter. The square footage calculation shall be determined by including all portions of the premises deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the commercial Cannabis operation (such as a janitorial closet). The City Council may amend the established the annual business operations tax rate and square foot calculation determination by resolution".

This tax applies to all commercial cannabis operations in the City of Coalinga except for retail cannabis facilities.

Staff is recommending a reduction in the tax rate for cultivation including nurseries. All other cannabis operations will continue to pay the existing established rate.

III. DISCUSSION:

Staff has been reviewing the taxation trends occurring in the cannabis market where several cities and counties are in the process or have already reduced their tax rates for various cannabis operations but primarily within the realm of cultivation including nurseries. There are over 112 cities and counties who have established tax rates for cultivation operations and many of them have already reduced their rates significantly recognizing the need to do so. There are also 25 jurisdictions who have already submitted ballot language for the November 2018 ballot to establish and/or reduce their tax rates.

These tax rates can vary from a percentage of gross receipts to a price per square foot tax on the physical building and/or canopy. There are roughly 42 jurisdictions who charge a gross receipts tax ranging from 0% to up to %15 with an average rate of roughly 6.5%. There are approximately 55 jurisdictions who charge their tax by the square foot which range from $2.00 up to $30.00 per square foot. Average is very difficult to calculate since several agencies have different formulas similar to Coalinga and some have both a gross receipts tax and square foot tax. Staff utilized data provided through CannaRegs to establish a reasonable jurisdictional average for cultivation. This was a very daunting task considering there are 58 counites and 482 municipalities in the State.

In determining a reasonable square foot tax rate for cultivators in Coalinga, staff began by eliminating the high square foot taxes that were in the range of $20 - $30 per square foot since these rates are inherently high and representative of an unregulated market without State participation. Also, in jurisdictions where tax rates are high, there are very few active cultivators, and/or the jurisdiction has an approved tax by its voters without a regulatory framework to license cultivators. Staff concluded that the current average going tax rate for indoor cultivation is roughly $8.50 per square foot. Considering the ongoing trend and continual reduction in cultivation related taxes throughout the state, staff is recommending a tax rate approximately 20% less than the average identified in staff's analysis. Therefore, staff recommends a cultivation tax rate of $7.00 per square foot.

Nurseries in seven jurisdictions have specific square foot tax rates that average $1.50 per square foot. That is representative of only 12% of taxing jurisdictions who have dedicated nursery square foot tax rates, therefore, all other nursery tax rates are taxed at the same rate as all other cultivation operations. Staff recognizes that nurseries play a different role within the cultivation market where charging the same tax rate as other cultivators placed them at a disadvantage. With that understanding, staff is recommending a slight increase from the average tax rate specific for nurseries at a rate of $2.00 per square foot. This is due to the limited data available to the City to gage an accurate rate specific to nurseries. However, based on the data available to the City, $2.00 per square foot is a reasonable rate at this current time.

In conclusion, staff is recommending the following tax structure for cultivation operations:

Activity	Tax Rate
Cultivation (Indoor)	$7.00 Per Square Foot
Nursery	$2.00 Per Square Foot

The suggested rate structure would apply to cultivation canopy only, including nurseries, in order to simplify the calculation of determining the tax due to the City.

IV. ALTERNATIVES:

The City Council may choose to adjust the tax rate up or down based on the information provided in this report. Rates must be in the form of price per square foot as the voters approved and may not go higher than that of the established voter rate but may be reduced lower.

V. FISCAL IMPACT:

There will be a decrease in expected revenue compared to the existing tax structure, however, licensed cultivators have been slow to progress and open due to the high tax rates statewide and the heavily regulated environment. Therefore, a 22,000 indoor cultivation facility will generate $154,000 per year in taxes including the annual licensing fee of $54,307.00 totaling $208,307 per year.

ATTACHMENTS:

File Name	Description
Resolution_3831.doc	Resolution 3831 - Cultivation Tax Rates
City-County_Cultivation_Tax_Rates.pdf	City-County Cultivation Tax Rates

RESOLUTION 3831

A RESOLUTION OF THE CITY OF COALINGA CITY COUNCIL AMENDING THE ANNUAL BUSINESS OPERATIONS TAX RATE FOR LICENSED COMMERICAL CANNABIS CULTIVATION AND NURSERY OPERATIONS

WHEREAS, the City of Coalinga has established regulations to permit and license Commercial Cannabis operations within the City limits including the establishment of an annual business operations tax (revenue raising fee); and

WHEREAS, in accordance with Section 3-9.01 of Coalinga Municipal Code the City Council, by Resolution, may amend the established annual business operations tax rate and square foot calculation for each permitted cannabis operation type; and

NOW THEREFORE BE IT RESOLVED, that the City Council adopts the following annual business operations tax rate for cultivation operations and nurseries:

Cultivation:	$7.00 Per Square Foot of Canopy
Nursery:	$2.00 Per Square Foot of Canopy

PASSED AND ADOPTED, by the City of Coalinga City Council at a regularly scheduled meeting held on the 16th Day of August 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Mayor/Mayor Pro-Tem

ATTEST:

_____
City Clerk/Deputy City Clerk

City/County		Cultivation/Nursery Tax Rate(s)	
Adelanto (City)		$4.25 Per S/F or 5% Gross Receipts	SF
Atascadero	Ballot Nov 2018	$7.00 Per Square Foot (Cultivation), $1.00 Per Square Foot (Nursery)	SF
Bellflower (City)		$15 Per Square Foot Canopy	SF
		Nursery ($2.00)	SF
Benicia (City)	Ballot Nov 2018	2.5% Gross Receipts	GR
Berkeley (City)		5% Gross Receipts	GR
Blythe (City)		$3.00 Per Sqaure Foot	SF
Brisbane (City)		$5.00 Per Sqaure Foot Canopy $70/$15 Per lb weight	SF
Calaveras County		$5.00 Per Sqaure Foot Canopy	SF
California City (City)		$7.00 Per Sqaure Foot (Indoor)	SF
Campbell (City)		7%-15% Gross Receipts	GR
Carson (City)		$25 Per Sqaure foot + 15% Gross Receipts	SF
Cathedral City (City)		$15 Per Sqaure Foot	SF
Chula Vista (City)	Ballot Nov 2018	UNKNOWN	
Cloverdale (City)		4.5 % Gross Receipts	GR
Coachella (City)		$15 per square foot for the first 20,000 square feet $7.50/square foot for the remainder of the grow canopy area for the facility.	SF
Colfax	Ballot Nov 2018	$10.00 Per Square Foot	SF
Costa Mesa (City)		6% Gross Receipts	GR
Cotati (City)		$25 Per Sqaure Foot or 8% Gross	SF
Culver City (City)		$12 Per Square Foot	SF
Davis (City)		10% Gross	GR
Del Norte County		$3.00 Per Sqaure Foot	SF
Del Rey Oaks (City)		5%-10% Gross	GR
Desert Hot Springs (City)		$25/$10 Square Foot Model (Coalinga)	SF
Dixon (City)		15% Grosss	GR
Dunsmuir (City)	Ballot Nov 2018	$3.50 Dry Weight - Flower, Trim, Fresh Cannabis Plant	SF
El Monte (City)		$12 per sqaure foot of canopy	SF
Emeryville (City)	Ballot Nov 2018	UNKOWN	
Farmersville (City)		$12 Per Sqaure Foot or 8.75% Gross (Whichever is Higher)	SF
Fillmore (City)		$30 Per Sqaure Foot (First 3,000) + $15 Per Sqaure Foot After of Cannabis Related Areas	SF
Firebaugh (City)	Ballot Nov 2018	UNKOWN	
Gonzales (City)		$15 Per Sqaure Foot (Considering INCREASE to $25)	SF
Greenfield (City)		$15 Per Sqaure Foot (Tax Cap Based on Canopy Sqaure Footage)	SF
Grover Beach (City)		$5.00 Per Sqaure Foot Building Floor Area	SF
Hayward (City)		6% Gross Receipts	GR
Humboldt County		$3.00 Per Sqaure Foot	SF
Imperial County		$15 Per Sqaure Foot until 2020, Rasies to $20 until 2022, Rasies to $25 in 2022.	SF
Inyo County		5% Gross with OPTIONAL INCREASE IN 2020 by 2.5%	GR
King City		$25 First 5,000 SF, $10 Thereafter, NURSERIES $5.00	SF
La Mesa (City)	Ballot Nov 2018	UNKOWN	
Lake County		$3.00 Per Sqaure Foot	SF
Lompoc (City)		1% Gross Receipts (ADULT USE ONLY)	GR
Long Beach (City)		$12 Per Sqaure Foot	SF
Los Angeles (City)		2% Gross	GR
Malibu	Ballot Nov 2018	2.5% Gross Receipts	GR
Mammoth Lakes (City)		2% Gross	GR
Marysville (City)		$15 Per Sqaure Foot Canopy	SF
Maywood (City)		Development Agreement	
Mendocino County		2.5% Gross	GR
Merced (City)		$7.00 Per Sqaure foot OR 4% (WHICHEVER GREATER)	SF
		NURSERIES ($0.50 Per Sqaure Foot)	SF
Modesto (City)		10% Gross Receipts	GR
Mono County		NURSERIES $0.50 Per Sqaure Foot - MAX $1.00	SF
		$2.00 Per Sqaure Foot - MAX $3.00	SF

Monterey County		$8.00 Per Sqaure Foot - Increase $1 Per Yr.	SF
		NURSERIES $1.00 Per Sqaure Foot - Increased $1 Per Yr.	SF
Moreno Valley (City)	Ballot Nov 2018	UNKOWN	
Mount Shasta (City)	Ballot Nov 2018	UNKOWN	
Mountain View (City)	Ballot Nov 2018	9% Gross Receipts	GR
Needles (City)		10% Gross	GR
Nevada City		$4.00 Per Sqaure Foot Canopy (MAX $7.00)	SF
		NURSERIES $0.50 Per Sqaure foot Canopy (MAX)	SF
Oakdale (City)	Ballot Nov 2018	UNKOWN	
Oakland (City)		5% Gross	GR
Oroville (City)	Ballot Nov 2018	5% Gross Receipts (Cultivation), 3% Gross Receipts (Nursery)	GR
Pacifica (City)		6% Gross Receipts	GR
Palm Springs (City)		$10 Per Sqaure Foot Cultivation Area	SF
Parlier (City)		($10.00) per square foot for the first 5,000 ($7.00) per square foot for the next 5,001 to 20,000 ($5.00) per square foot for the next 20,001 to 40,000 ($2.00) per square foot for all remaining space utilized in connection with each Commercial Cannabis Operation. In the alternative, the Revenue Raising Fee shall equal three percent (3%) of gross receipts of the Commercial Cannabis Operation, if that amount is greater than the fee calculated using the formula set forth.	SF
Pasadena (City)		$7.00 Per Square Foot (MAX $10.00)	SF
Perris (City)		$25 Per Square Foot	SF
Pittsburg (City)		10% Gross	GR
Placerville	Ballot Nov 2018	$10.00 Per Square Foot (inflation adjustment)	SF
Point Arena (City)		Rec (7% Gross), Medical (3% Gross)	GR
Port Hueneme (City)	Ballot Nov 2018	UNKOWN	
Rancho Cordova (City)		$120 Per $1,000 Gross + 100 Per Sqaure Foot	SF
Redding	Ballot Nov 2018	$25 Per Sqaure Foot	SF
Richmond (City)		5% Gross	GR
Rio Dell (City)		$2.00 Per Sqaure Foot Initial Rate	SF
Sacramento (City)		4% Gross	GR
Salinas (City)		$15 Per Sqaure Foot (Increases to $25 in Dec 2019)	SF
San Benito County		$3.00 - $17.00 Per Sqaure Foot	SF
San Carlos (City)	Ballot Nov 2018	10% Gross Receipts	GR
San Diego (City)		CURRENT (5%), July 1, 2019 (8%)	GR
San Jacinto (City)		$25 Per Square Foot (indoor)	SF
San Jose (City)		10% Gross	GR
San Leandro (City)		CURRENT (6%), June 30, 2019 (7%)	GR
San Luis Obispo (City)		4% + 2% Increase Annually	GR
San Rafael (City)		Not to Exceed 8%	GR
Santa Ana (City)	Ballot Nov 2018	$0.25 - $35.00 Per Sqaure Foot & up to 10% Gross Receipts	SF
Santa Barbara (City)		2% Gross	GR
Santa Barbara County		4% Gross	GR
Santa Cruz (City)		8% Gross - Considering 10%	GR
Santa Cruz County		5% Gross	GR
Santa Rosa (City)		2% Gross or $5.00 Per Sqaure Foot	GR
Seaside (City)		2% Gross	GR
Shasta Lake (City)		$7.00 (<5,000 SF)	SF
		$10.00 (>5,000 - <10,000)	
		$15.00 (>10,000)	
		NURSERIES 3% Gross	
Solano County		Up to 15% Gross	GR
Sonoma County		NURSERIES 0%	GR
		Specialty Cottage $3.75	
		Specialty Indoor $7.50	
		Small $11.25	
		Medium $11.25	
So. San Francisco	Ballot Nov 2018	2-4% Gross Receipts	GR

Stockton (City)		15% Gross	GR
Thousand Oaks (City)	Ballot Nov 2018	UNKOWN	
Tracy (City)	Ballot Nov 2018	UNKOWN	
Tuolumne County	Ballot Nov 2018	$0-$15 Per Sqaure Foot + CPI	SF
Union City (City)	Ballot Nov 2018	UNKOWN	
Vallejo (City)		10% Gross	GR
Watsonville (City)		$20 Per Sqaure Foot Canopy	SF
Weed (City)		$26 Per Sqaure Foot	SF
Willits	Ballot Nov 2018	$10.00 Per Sqaure Foot Canopy	SF
Woodlake (City)		$6.00 Per Sqaure Foot	SF
Yolo County		4% Gross Receipts	GR

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Discussion, Direction and Potential Action regarding the Process Related to Timely Billing for Vendor Services
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. This item was requested as a Future Agenda Item by Mayor Vosburg.

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

File Name	Description
No Attachments Available	

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Council Review and Potential Action Regarding a Fresno County Project Proposal in the City's Sphere of Influence on Phelps Ave Approximately 0.7 Miles East of the City of Coalinga Corporate Limits (Solar Facility)
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Sean Brewer, Community Development Director

I. RECOMMENDATION:

Staff has no recommendation as this was requested as a future agenda item by Mayor Vosburg. Staff is just seeking review and comment from the Council for staff to provide to County staff related to the proposed project.

II. BACKGROUND:

Staff was contacted by the County of Fresno to provide comments related to a proposed solar facility about 0.7 miles east of the City Limits on Phelps Ave. This project is within the City's Sphere of Influence (SOI) and when development projects are proposed to the county where they are located within the City's SOI, the county is required, under our tax sharing agreement, to solicit comments from the City to ensure consistency with the City's future plans and ensure there is no significant opposition to the development application.

The City Manager solicited comments from the Council as it relates to the County's request and it was subsequently requested by the Mayor to discuss this at the next available Council meeting as a future agenda item.

III. DISCUSSION:

The proposed project uses a small portion (11.5 acres) of a 54-acre parcel for a 1-MW solar farm. The parcel is unusually shaped, being a mile long and only about 450 feet deep. The parcel already contains a smaller, 4.7-acre solar field, previously developed by the property owner and separate from the one now being proposed by a lessee (ForeFront Power). A copy of the Fresno County Solar Permit application can be found on their website at CUP 3610 Fresno County Application

In November of 2017 the City responded to the project applicants releasing the processing of the application with Fresno County with the assurance that the City would still have the ability to review and comment on the application. The release served only as a confirmation that the City, at the present time, did not desire to annex the property since there are no development proposals in the area pending triggering the need for annexation nor would the annexation of this project meet the standards of annexation due to its proximity to the City Limits and limited size in comparison to required annexed land.

The land use designation for this location is Commercial with adjacent residential uses. Although the development is not necessarily consistent with the future land use plans within the City's SOI, the Council would need to determine if the City would reasonably grow to this area in the near future and oppose any development

inconsistent with its plan. Staff feels that there are several areas that can develop in the future, within the City Limits, including locations directly adjacent to the City Limits, prior to the necessity of needing lands for annexation in locations near this site. The developer has provided a summary of the project and potential community benefits for the Councils review.

Staff will be providing comments to County staff regarding the Councils review and comments of the proposed development application. Staff does not have a recommendation on the project proposal other than providing future land use information mentioned above that may or may not hold significant bearing on the Councils position as future plans can always change over time outside the City limits.

IV. ALTERNATIVES:

None

V. FISCAL IMPACT:

None determined at this time.

ATTACHMENTS:

File Name	Description
Coalinga_CC_Outreach.pdf	Phelps Ave Solar Facility Overview
FF_ECR_Flyer_PGE_6.28.2017.pdf	PGE Community Solar Porgram

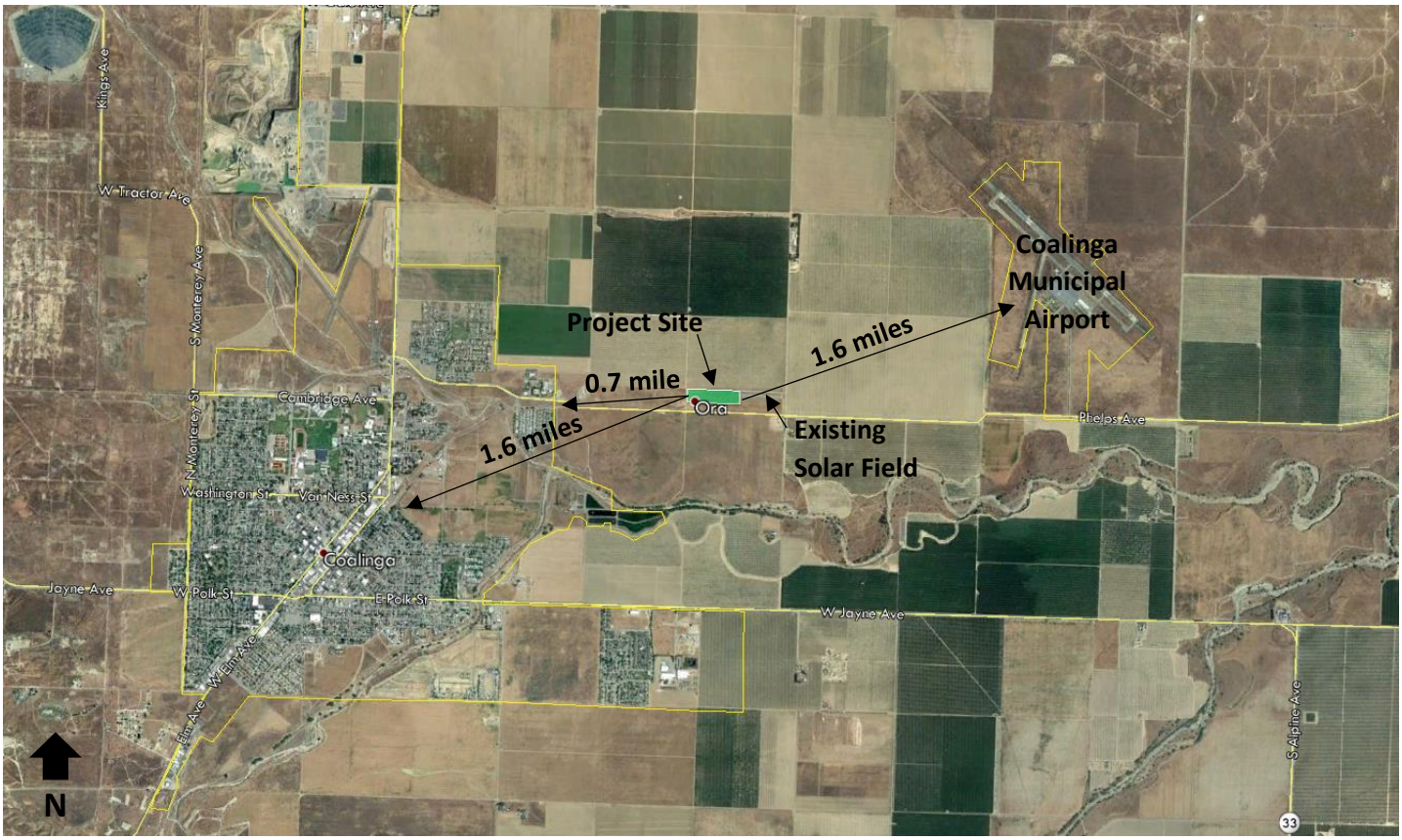
August 8, 2018

Coalinga 1-1109 Solar Project

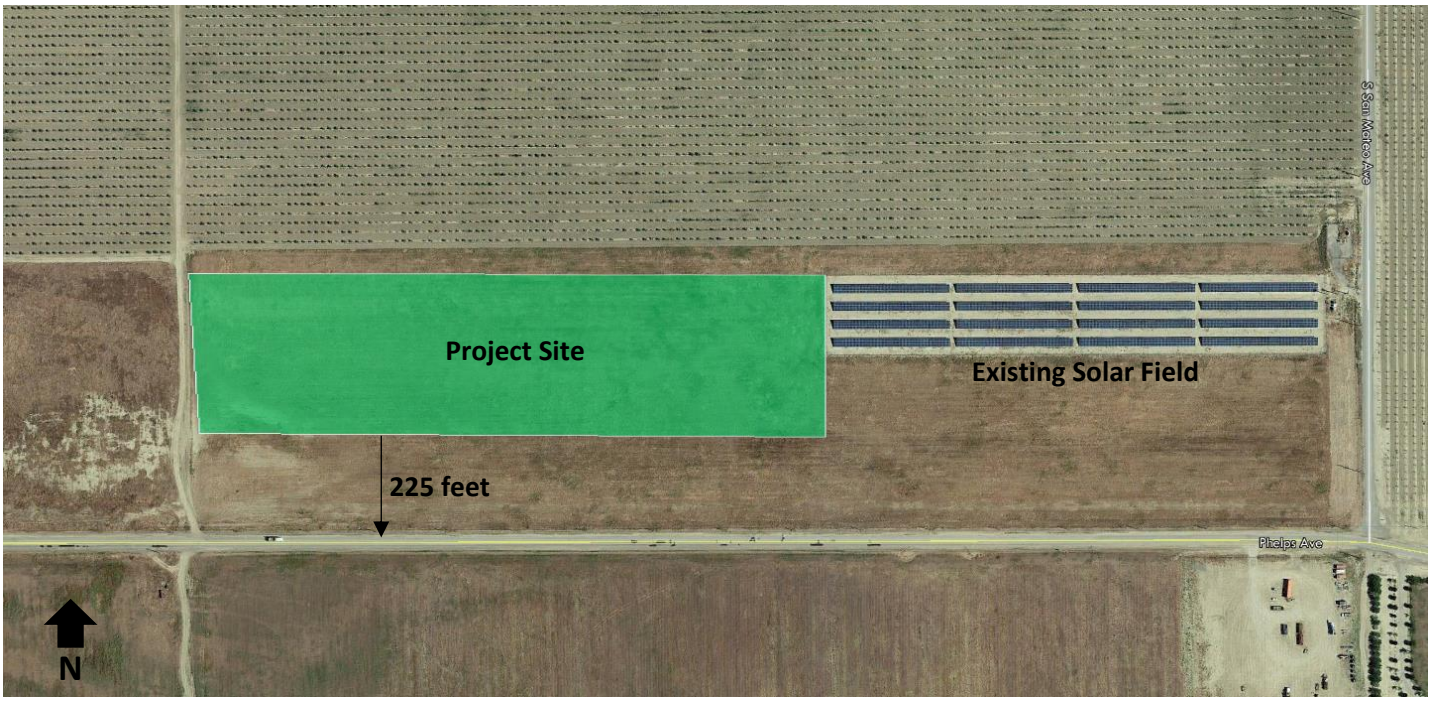
Part of the Community Solar Program

- The Coalinga 1-1109 Solar project is a small, 1 MW solar farm on approximately 16 acres of a 54-acre parcel.
- The project site is about 0.7 mile east of the Coalinga city limits and 1.6 miles east of the city's urbanized area, in a location that has seen very little demand for new development over the past decade. The site is surrounded by agriculture and fallow and vacant lands.
- Coalinga Municipal Airport is 1.6 miles to the east and would be unaffected by the solar farm.
- The project site is not within the City of Coalinga, nor does it abut the City's boundary, but it is within the City's Sphere of Influence.
- An existing solar field is present on the parcel. While the proposed project would service the broader community, the existing solar field is used to power local agricultural land uses under the same ownership. Therefore, the proposed solar facility would be compatible with the existing use and not result in environmental effects.
- The project was submitted by Fresno County to the City of Coalinga for consideration of annexation in November 2017. The City responded in November 2017 that they would not seek annexation of the site. (Annexation of the site would require annexation of several parcels controlled by unrelated property owners.)
- Discussions with City staff have indicated there is no interest to annex the site now or in the foreseeable future.
- Based on the City's November 2017 response, the County and the project applicant have continued processing the application and have spent significant funds as part of the process.
- The County has stopped the process until a response is received from the City indicating that the project should continue per the County's permit process.
- The project site is oddly shaped, being one mile long but less than 500 feet wide, making it unattractive for most urban land uses, particularly commercial uses which the City General Plan has applied to the site.
- The project is part of the Community Solar Program, which allows consumers to subscribe to a local solar project to increase their renewable energy use and reduce utility bills typically by 5 percent.
- Further delays to the process is negatively affecting the project; therefore, we ask you to allow the project to proceed through the County permitting process.

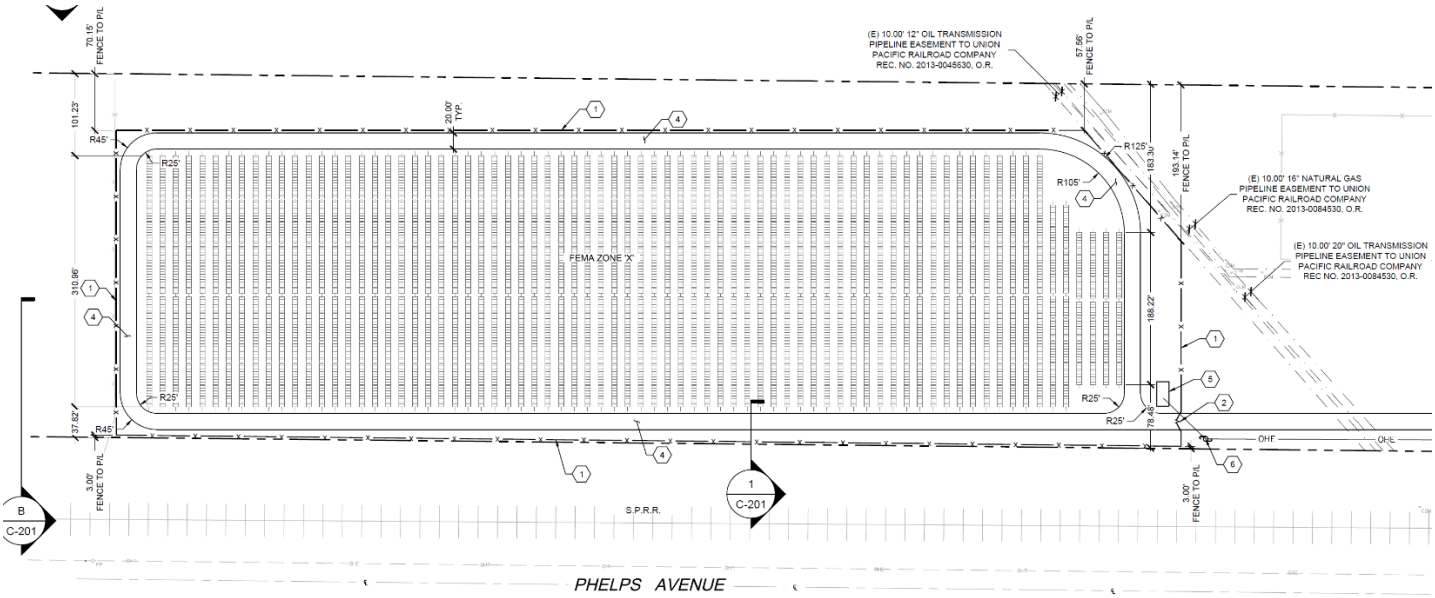
Location Map



Site Aerial



Site Plan


70.15'
FENCE TO P/L
101.23'
R45'
R25'
310.96'
37.82'
R45'
R25'
3.00'
FENCE TO P/L
B
C-201
20.00'
TYP.
FEMA ZONE 'X'
S.P.R.R.
1
C-201
(E) 10.00' 12" OIL TRANSMISSION
PIPELINE EASEMENT TO UNION
PACIFIC RAILROAD COMPANY
REC. NO. 2013-0045630, O.R.
57.56'
FENCE TO P/L
R125'
183.30'
193.14'
FENCE TO P/L
R105'
(E) 10.00' 16" NATURAL GAS
PIPELINE EASEMENT TO UNION
PACIFIC RAILROAD COMPANY
REC. NO. 2013-0084530, O.R.
(E) 10.00' 20" OIL TRANSMISSION
PIPELINE EASEMENT TO UNION
PACIFIC RAILROAD COMPANY
REC NO. 2013-0084530, O.R.
188.22'
R25'
R25'
73.48'
OHF
OHL
3.00'
FENCE TO P/L
PHELPS AVENUE

FOREFRONT POWER

COMMUNITY SOLAR IS HERE.

Interested in clean, predictable electricity? You can now subscribe to a local[1] solar project to lower your utility bills and enable renewable energy investment.[2]

Save on Electricity

The percentage allocation of your Community Solar array is set for your contract term. With our fixed rate option, you can hedge energy price volatility. You pay no money down and can save from the first day.[2]

Flexibility

Community Solar is located at an off-site location in your community, eliminating on-site solar limitations. As long as you're located within the same county as the project (or within 10 miles), you can participate.

Community

As a subscriber of a local solar project, you can be a community leader. You also join other local businesses and residents that want the benefits of community solar.

Sustainability

Meet Corporate Social Responsibility (CSR) goals as you participate in clean energy.

Experience

Over the last decade, the ForeFront Power team has developed over 800 MW of capacity across more than 1,000 projects and raised over $3 billion in project financing.[3]

Local Jobs

ForeFront Power regularly works with local contractors to develop new projects. The solar industry requires about 15.5 workers per installed megawatt, according to the Solar Foundation. This means more jobs for your community.[4]

[1]Projects are located within the same county or within 10 miles of the community solar subscriber.
[2]Savings will vary. Your savings are determined by the difference between the credit you receive on your PG&E bill and your solar contract rate with ForeFront Power. This credit varies over time. For more information, see our Upfront Disclosures. Green-e does not verify the accuracy of the cost savings statements as they apply to specific customers but instead requires that full information and methodology be disclosed to customers.
[3]See www.forefrontpower.com for more information.
[4]Data according to the Solar Foundation National Jobs Census. See www.thesolarfoundation.org for more information.

Frequently Asked Questions

HOW DO I SAVE MONEY?

Each month, you will receive a Community Solar credit from PG&E on your typical bill. By enrolling in Community Solar, you will also pay ForeFront Power for your portion of solar electricity production. Savings are determined by the difference between the PG&E credit, which varies over time, and your solar rate with ForeFront Power. Depending on the solar rate schedule, there is a chance that the credit may not exceed the solar rate.

WILL MY SITE'S ENERGY USE BE AFFECTED?

You will continue to receive your PG&E bill each month while a credit will be applied for your share (in kilowatt-hours) produced from the local project. This credit will change over time. Demand charges (kW) and fixed charges are unaffected by the Community Solar program.

WHERE WILL MY PROJECT BE LOCATED?

Your solar project will be located within the same county or within 10 miles of your facility. By subscribing to our Community Solar Program, you will support clean, renewable energy and local investment.

WHERE CAN I FIND OUT MORE?

This flyer is accompagnied by a brochure with additional information on ForeFront Power, the ECR program, and Green-e. See our section on Upfront Disclosures for terms and conditions.

PG&E has reviewed these materials but does not recommend, endorse, favor or warrant any particular participating solar provider or its project. Refer to participating solar provider website for program terms and conditions.

Your organization can be a leading Community Solar subscriber, up to 100% of your usage.

The remaining production will be subscribed by other local residents, businesses, and organizations.

Contact us.

Nate Butler
(415) 766-8712
nbutler@forefrontpower.com

FOREFRONT POWER

At ForeFront Power, our goal is to assist business, public sector, utility, and residential customers by providing leading renewable energy technology.

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STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject:	Council's Consideration of the League of California Cities Annual Conference Resolutions
Meeting Date:	August 16, 2018
From:	Marissa Trejo, City Manager
Prepared by:	Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. This item was requested as a Future Agenda Item by Mayor Pro-Tem Stolz.

II. BACKGROUND:

The League's 2018 Annual Conference is scheduled for September 12-14 in Long Beach, California. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, September 14, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League Policy.

In order to vote at the Annual Business Meeting, the City Council must designate a voting delegate and up to two alternate voting delegates. The City Council has designated Mayor Vosburg and this year's voting delegate and Mayor Pro-Tem Stolz as the alternate voting delegate, whom may vote in the event that Mayor Vosburg is unable to serve in his capacity.

III. DISCUSSION:

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

Mayor Pro-Tem Stolz has requested this item be brought before the Council to ensure the Council's consensus of the resolutions to be voted on.

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

File Name	Description
2018_Annual_Conference_Resolution_Packet.pdf	League Resolutions

Annual Conference Resolutions Packet

2018 Annual Conference Resolutions

Long Beach, California

September 12 – 14, 2018

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Five policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality, Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, September 12, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 13, at the Hyatt Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, September 14, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, September 13. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing League policy.

4. The resolution should be directed at achieving one of the following objectives:

   (a) Focus public or media attention on an issue of major importance to cities.

   (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.

   (c) Consider important issues not adequately addressed by the policy committees and board of directors.

   (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings
Wednesday, September 12, 9:00 – 11:00 a.m.
Hyatt Regency Long Beach
200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality
2. Governance, Transparency & Labor Relations
3. Housing, Community & Economic Development
4. Revenue & Taxation
5. Transportation, Communication & Public Works

General Resolutions Committee
Thursday, September 13, 1:00 p.m.
Hyatt Regency Long Beach
200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon
Friday, September 14, 12:30 p.m.
Long Beach Convention Center
300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
2	Repeal Preemption of Regulating Pesticides			

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

REVENUE & TAXATION POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

A	Approve
D	Disapprove
N	No Action
R	Refer to appropriate policy committee for study
a	Amend+
Aa	Approve as amended+
Aaa	Approve with additional amendment(s)+
Ra	Refer as amended to appropriate policy committee for study+
Raa	Additional amendments and refer+
Da	Amend (for clarity or brevity) and Disapprove+
Na	Amend (for clarity or brevity) and take No Action+
W	Withdrawn by Sponsor

Procedural Note:
The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: Resolution Process.

1. **RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE LEAGUE TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE AND EXPLORE THE PREPARATION OF A BALLOT MEASURE AND/OR CONSTITUTIONAL AMENDMENT THAT WOULD FURTHER STRENGTHEN LOCAL DEMOCRACY AND AUTHORITY**

Source: City of Beverly Hills
Concurrence of five or more cities/city officials: Cities: Arcadia, Burbank, Cupertino; Duarte; Oceanside; Ontario; Palo Alto; Redondo Beach; Santa Cruz; Sunnyvale; Torrance; West Hollywood
Referred to: Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works Policy Committees

WHEREAS, the State of California is comprised of diverse communities that are home to persons of differing backgrounds, needs, and aspirations; yet united by the vision that the most accessible, responsive, effective, and transparent form of democratic government is found at the local level and in their own communities; and

WHEREAS, subsidiarity is the principle that democratic decisions are best made at the most local level best suited to address the needs of the People, and suggests that local governments should be allowed to find solutions at the local level before the California Legislature imposes uniform and overreaching measures throughout the State; and

WHEREAS, the California Constitution recognizes that local self-government is the cornerstone of democracy by empowering cities to enact local laws and policies designed to protect the local public health, safety and welfare of their residents and govern the municipal affairs of charter cities; and

WHEREAS, over recent years there have been an increasing number of measures introduced within the Legislature or proposed for the state ballot, often sponsored by powerful interest groups and corporations, aimed at undermining the authority, control and revenue options for local governments and their residents; and

WHEREAS, powerful interest groups and corporations are willing to spend millions in political contributions to legislators to advance legislation, or to hire paid signature gatherers to qualify deceptive ballot proposals attempting to overrule or silence the voices of local residents and their democratically-elected local governments affected by their proposed policies; and

WHEREAS, powerful interest groups and corporations propose and advance such measures because they view local democracy as an obstacle that disrupts the efficiency of implementing corporate plans and increasing profits and therefore object when local residents—either through their elected city councils, boards of supervisors, special district boards, or by action of local voters—enact local ordinances and policies tailored to fit the needs of their individual communities; and

WHEREAS, public polling repeatedly demonstrates that local residents and voters have the highest levels of confidence in levels of government that are closest to the people, and thus would be likely to strongly support a ballot measure that would further strengthen the ability of communities to govern themselves without micromanagement from the state or having their authority undermined by deep-pocketed and powerful interests and corporations.

RESOLVED that the League of California Cities should assess the increasing vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and/or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy to best preserve their local quality of life.

Background Information on Resolution No. 1

Source: City of Beverly Hills

Background:
The relationship between the state and cities functions best as a partnership where major policy issues are approached by the state with careful consideration of the varied conditions among the state's 482 cities and 58 counties. There should be an appreciation of the importance of retaining local flexibility to tailor policies to reflect the needs and circumstances of the local community. Still, cities have had to respond to state legislation that undermines the principle of "local control" over important issues such as land use, housing, finance, infrastructure, elections, labor relations and other issues directly affecting cities.

Alexis de Tocqueville's "Democracy in America" examined the operation of the principle of subsidiarity in the early 19th century. Subsidiarity is an organizing principle that states matters should be handled by the smallest, lowest or least centralized competent authority. Tocqueville wrote that "Decentralization has not only an administrative value, but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs; it makes them get accustomed to using freedom." Tocqueville's works were first published in 1835 with a second volume published in 1840. The United States had a population of just 17 million people in 1840, less than 50% of the population of California today and yet there was value found in decentralization.

Another consideration is to examine how the European Union ("EU") operates. There are two prime guiding principles for the EU. The first is principle of conferral, which states that the EU should act only within the limits of the competences conferred on it by the treaties. The second, which is relevant to this resolution, is the principle of subsidiarity, which states that the EU should act only where an objective cannot be sufficiently achieved by the member states acting alone. Sacramento should operate in a similar manner and only govern when objectives need to be achieved at a much larger level than a local government.

For years, Governor Jerry Brown himself has spoken on the principle of "subsidiarity." Governor Brown has asserted for numerous years that local officials should have the flexibility to act without micromanagement from Sacramento.

Legislation introduced in both 2017 and 2018 by the state legislature has continually threatened local control in flagrant opposition to the principle of subsidiarity. This has included, but not been limited to, Senate Bill 649 (Hueso) Wireless Telecommunications Facilities ("SB 649") in 2017; AB 252 (Ridley-Thomas) Local government: taxation: prohibition: video streaming services ("AB 252") in 2017; and Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus ("SB 827") in 2018.

SB 649 would have applied to all telecommunications providers and the equipment they use, including "micro-wireless," "small cell," and "macro-towers," as well as a range of video and cable services. The bill would have allowed the use of "small cell" wireless

antennas and related equipment without a local discretionary permit in all zoning districts as a use by-right, subject only to an administrative permit. Additionally, SB 649 provided a de facto CEQA exemption for the installation of such facilities and precluded consideration by the public for the aesthetic, nuisance, and environmental impacts of these facilities. SB 649 would have also removed the ability for cities to obtain fair and reasonable compensation when authorizing the use of public property and rights of way from a "for profit" company for this type of use.

SB 649 passed out of the State Assembly by a vote of 46-16-17 and out of the State Senate by a vote of 22-10-8 despite over 300 cities and 47 counties in California providing letters of opposition. Ultimately, Governor Brown vetoed the bill as he believed "that the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill." It is strongly believed that the issue of wireless telecommunications facilities is not over and it is anticipated that legislation will be introduced on this topic in January 2019.

Another example of an incursion into local control was AB 252, which would have prohibited any tax on the sale or use of video streaming services, including sales and use taxes and utility user taxes. Over the last two decades, voters in 107 cities and 3 counties have adopted measures to modernize their Utility User Tax ("UUT") ordinances. Of these jurisdictions, 87 cities and 1 county approved ordinances to allow a UUT on video providers. Prior to its first Committee hearing, AB 252 received opposition letters from 37 cities, the League of California Cities, South Bay Council of Governments, California Contract Cities Association, and nine other organizations. This bill failed in the Assembly Revenue and Taxation Committee 8-0-2, which the author of the Committee chaired.

More recently, SB 827 would have overridden local control on housing development that was within ½ mile of a major transit stop or ¼ mile from a high-quality bus corridor as defined by the legislation with some limitations. On April 17, 2018, SB 827 failed in the Senate Transportation and Housing Committee 4-6-3 but was granted reconsideration. State legislators have indicated they will continue to introduce legislation that will override local zoning ordinances for the development of affordable housing in conjunction with mixed use and/or luxury condominium/apartment housing.

These are just three examples of the increasing attempts by Sacramento to supersede local control. Presently, there are discussions occurring in Sacramento to ban cities from creating their own municipal broadband or to prohibit local ordinances over the regulation of shared mobility devices such as dockless electric scooters. These decisions should remain with each individual jurisdiction to decide based on the uniqueness of their community and the constituents that live in each city.

Often fueled by the actions of special interest groups, Sacramento is continually attempting to overreach their authority with various incursions on local control. The desire in Sacramento to strip communities of their ability to make decisions over issues which should remain at the local level seems to intensify each state legislative cycle. Increasingly, legislation is being introduced with a "one-size-fits-all" approach which is detrimental in a

state with over 40 million residents that have extremely diverse communities from the desert to the sea, from the southern to the northern borders.

Loren King in the book “Cities, Subsidiarity and Federalism” states, “Decisions should be made at the lowest feasible scale possible”. The proposed resolution directs the League of California Cities to assess the increasing vulnerabilities to local authority, control and revenue. It also directs the League of California Cities to explore the preparation of a ballot measure and/or constitutional amendment which would aim to ensure that decisions are made as close to home as possible.

Local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state’s voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic. Any ballot measure and/or constitutional amendment should institutionalize the principle of subsidiarity, while encouraging inclusive regional cooperation that recognizes the diversity of California’s many individual communities. The time has come to allow the residents of California’s voters to decide if they prefer top down governance from Sacramento or bottom up governing from their own locally elected officials.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Dan Carrigg, Johnnie Pina
Committees: Governance, Transparency and Labor Relations
Housing, Community & Economic Development
Revenue & Taxation
Transportation, Communication and Public Works

Summary:
This Resolution states that the League of California Cities should assess the vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

Background:
The City of Beverly Hills is sponsoring this resolution in reaction to their concerns over measures coming from the Legislature and the initiative process attempting to roll back local control and hinder cities from providing optimal services to their residents.

As examples, the city cites the 2017-2018 legislative cycle, the Legislature introduced bills such as Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, and AB 252 (Ridley-Thomas) proposing to prohibit taxes on video streaming services, and more recently Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing. SB 649 was vetoed by the Governor and SB 827 died in policy committee, however if these measures had been signed into law they would have impinged on the ability of a local government to be responsive to the needs of their constituents.

The city maintains that "local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state's voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic."

Fiscal Impact:
By requesting the League to "assess" vulnerabilities and "explore" the preparation of a ballot measure that would further protect local authority, there are no proposals to be quantified. But it is presumed that the League would not pursue a measure that did not have positive impacts of further protecting local authority.

For the League as an organization, however, the fiscal impact of sponsoring a ballot measure can be very expensive. It can take several million dollars to qualify a measure via signature gathering, and much more to fund an effective campaign and overcome organized opposition.

Comments:

1) Ballot measure advocacy is a settled aspect of California's political process. This year's November ballot is an example of that, with proposals ranging from dividing California

into three states, restoring rent control, repealing transportation funding, to funding housing and water bonds. Three other measures are not on the November ballot after their sponsors spent millions gathering signatures to qualify measures, then leveraged last-minute legislative deals in exchange for pulling them from the ballot.

2) Most major stakeholder organizations in Sacramento have realized that they cannot rely on legislative advocacy alone to protect their interests, but must develop and maintain the capacity to protect their interests in the ballot process as well.

3) The League has been engaged in ballot advocacy for nearly 20 years. In the early 2000's, city officials were angered by repeated state raids of local revenues. These concerns led to the League –-for the first time in its then 100-year history—developing a ballot advocacy infrastructure that included forming and fundraising for an issues political action committee (PAC), establishing a network of regional managers, and building a coalition with other organizations that ultimately led to the passage of Prop. 1A of 2004. Over the years, the League's successful campaigns include the passage of Proposition 1A and Proposition 99 and the defeat of Propositions 90 and 98.

a. Yes on Proposition 1A (2004)
As a result of the passage of Prop 1A, local government revenues that otherwise would have been raided by the state legislature were kept in local coffers. This resulted in increased funding for public safety, health, libraries, parks and other locally delivered services. Proposition 1A PASSED WITH 83.7% OF THE VOTE.

b. No on Proposition 90 (2006)
Prop. 90 was a well-financed special interest-backed initiative that sought to eliminate most of local governments' land use decision making authority. Led by the League, the opposition educated voters on how this measure's far reaching provisions would have cost taxpayers billions of dollars by driving up the cost of infrastructure projects, prevented voters and state and local agencies from enacting environmental protections, jeopardized public safety services and more. Proposition 90 FAILED WITH 52.4% OF THE VOTERS VOTING NO.

c. No on Proposition 98 Yes on Proposition 99 (2008)
Given the hidden agendas within Prop 98, our message was not always an easy one to communicate to the electorate. The No on 98/ Yes on 99 campaign was able to educate voters on the important differences between both measures. As a result, important eminent domain reforms were enacted and both land use decision making and rent control were preserved within our communities. Proposition 98 FAILED WITH 61.6% OF THE VOTERS VOTING NO. Proposition 99 PASSED BY 61% OF THE VOTE.

d. Yes on Proposition 22 (2010)
As a result of the passage, local governments have been able to pay for infrastructure investment, create local jobs and avoid devastating cuts in our communities. Proposition 22 APPROVED BY 60.7% OF VOTERS.

4) While the League has been able to recently defeat several major legislative proposals aimed and undermining local authority, and avoid a battle over the Business Roundtable's measure in November due to the "soda tax" deal, the threats to local authority and revenue remain a constant concern. Other interest groups may be emboldened by some of the recent "deals" cut by ballot proponents and seek to implement similar strategies for the 2020 ballot. The next Governor may also have different philosophies then Governor Jerry Brown on "subsidiarity."
5) The League's President opted to send this resolution to four policy committees for several reasons: (a) the recent major threats to local control covered broad policy areas: telecom, land use, contracting, and revenue; and (b) having this issue vetted broadly within the League policy process will provide a better assessment of the depth of concern for the vulnerability to local control within the membership
6) If the membership chooses to approve this measure, it is strongly advisable to retain continued flexibility for the League to "assess" vulnerabilities and "explore" options. Any ballot initiative consideration must be approached very carefully by the organization. It is a difficult and very expensive endeavor that can have additional political ramifications. For 120 years the League's core mission has been to protect local control -- and it has gone to the ballot successfully before to do so -- but any such effort must be approached thoughtfully, prudently and cautiously.

Existing League Policy:

Related to this Resolution, existing policy provides:

- The League of California Cities' Mission Statement is, "To expand and protect local control for cities through education and advocacy. To enhance the quality of life for all Californians"
- The League of California Cities' Summary of Existing Policy and Guidelines states, "We Believe
    - Local self-governance is the cornerstone of democracy.
    - Our strength lies in the unity of our diverse communities of interest.
    - In the involvement of all stakeholders in establishing goals and in solving problems.
    - In conducting the business of government with openness, respect, and civility.
    - The spirit of public service is what builds communities.
    - Open decision-making that is of the highest ethical standards honors the public trust.
    - Cities are the economic engine of California.
    - The vitality of cities is dependent upon their fiscal stability and local autonomy.
    - The active participation of all city officials increases the League's effectiveness.
    - Focused advocacy and lobbying is most effective through partnerships and collaboration.
    - Well-informed city officials mean responsive, visionary leadership, and effective and efficient
    - city operations."
- Click here to view the **Summary of Existing Policy and Guiding Principles 2018**.

Support:
The following letters of concurrence were received: Steven Scharf, Cupertino City Council Member; Michael S. Goldman, Sunnyvale City Council; Lydia Kou, Palo Alto City Council Member; David Terrazas, Mayor of Santa Cruz; Peter Weiss, Mayor of Oceanside; Alan D. Wapner, Mayor pro Tem of Ontario; Patrick Furey, Mayor of Torrance; Lauren Meister, West Hollywood Council Member; Liz Reilly, Duarte Mayor Pro Tem; Bill Brand, Mayor of Redondo Beach; Sho Tay, Mayor of Arcadia; Emily Gabel-Luddy, Mayor of Burbank.

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Source: City of Malibu
Concurrence of five or more cities/city officials: Cities: Agoura Hills; Calabasas; Davis; Menlo Park; Moorpark; Ojai; Oxnard; Richmond; West Hollywood
Referred to: Environmental Quality

WHEREAS, anticoagulant rodenticides are poisonous bait products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals, including pets, that accidentally ingest the products. Approximately 10,000 children under the age of six are accidentally poisoned by anticoagulant rodenticides each year nationwide; and

WHEREAS, in response to these harms, the California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides; and

WHEREAS, the state of California currently only recognizes the harm posed by second-generation anticoagulant rodenticides, which are prohibited in state wildlife habitat areas but are still available for agricultural purposes and by certified applicators throughout the state of California; and

WHEREAS, first-generation anticoagulant rodenticides are still available to the public and used throughout California without limitation; and

WHEREAS, nonpoisonous rodent control methods, such as controlling trash, sealing buildings, setting traps, erecting raptor poles and owl boxes, and removing rodent nesting areas are also effective rodent control methods; and

WHEREAS, the state of California preempts cities from regulating pesticides; and

WHEREAS, many cities across California have passed resolutions restricting pesticide use on city property and have expressed the desire to ban the use of pesticides within their jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Long Beach, California on September 14, 2018, to do as follows:

1. Encourage the state of California to fund and sponsor further research into the negative impacts of anticoagulant rodenticides to determine whether the use of these products should be further restricted or banned statewide.

2. Direct the League of California Cities staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impact of anticoagulant rodenticides;

3. Encourage cities throughout California to eliminate use of anticoagulant rodenticides as part of their maintenance program in city-owned parks, lands, and facilities and to report on the effectiveness of other rodent control methods used in in their maintenance program;

4. Encourage property owners throughout California to eliminate use of anticoagulant rodenticides on their properties;

5. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of anticoagulant rodenticides;

6. Endorse a repeal of California Food and Agriculture Code § 11501.1 to end local preemption of regulating pesticides; and

7. Call for the Governor and the Legislature to work with the League of California Cities and other stakeholders to consider and implement this reform.

Background Information on Resolution

Source: City of Malibu
Background:

A. Anticoagulant rodenticides are unnecessarily destructive and dangerous

Anticoagulant rodenticides contain lethal agents that disrupt the normal blood clotting or coagulation process causing dosed rodents to die from uncontrolled bleeding or hemorrhaging. Deaths typically occur between four days and two weeks after rodents begin to feed on the bait. Animals commonly targeted by anticoagulant rodenticides include rats, mice, gophers and squirrels. Non-target predator wildlife victims, which are exposed to an 80-90% risk of poisoning, include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. The endangered species at risk of poisoning include fishers, spotted owls, and San Joaquin foxes. The use of anticoagulant rodenticides not only harms rodents, but it commonly harms pets, such as dogs, cats, and bunnies, and other wildlife that mistakenly eat the bait through primary poisoning or that unknowingly consume animals that have ingested the anticoagulant rodenticide through secondary poisoning. Children also suffer poisoning by mistakenly ingesting anticoagulant rodenticides.

California recognizes the grave harm that can be caused by anticoagulant rodenticides and has partially restricted access to second-generation anticoagulant rodenticides by the public:

> Because of documented hazards to wildlife, pets and children, the California Department of Pesticide Regulation has restricted public access to some of these materials in California. As of July 1, 2014, rodenticide products containing the active ingredients brodifacoum, bromadiolone, difethialone and difenacoum are only to be used by licensed applicators (professional exterminators).[1]

California has also prohibited the use of these ingredients in any "wildlife habitat area," which is defined as "any state park, state wildlife refuge, or state conservancy."[2]

The United State Environmental Protection Agency[3] and the California Department of Pesticide Regulation[4] have both documented in detail the damage to wildlife from second-generation anticoagulant rodenticides in support of the 2014 consumer ban on the purchase and use of the products. While first-generation anticoagulant rodenticides are less toxic, they are far more abundant due to their continued availability to all members of public.[4] The California Department of Fish & Wildlife was tasked with collecting data on poisoning incidents to ascertain the effectiveness of the restrictions on second-generation anticoagulant rodenticides. After almost four years of collecting data, there was no evidence supporting a reduction in the number of poisonings.

[1] https://www.wildlife.ca.gov/living-with-wildlife/rodenticides.
[2] Cal. Food and Agric. Code § 12978.7.
[3] https://www.epa.gov/rodenticides/restrictions-rodenticide-products
[4] https://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/brodifacoum_final_assess.pdf

Recent studies by the University of California, Los Angeles and the National Park Service on bobcats have shown that first-generation anticoagulant rodenticide poisoning levels similar to the second-generation anticoagulant rodenticides poisoning levels.[5] A comprehensive study of 111 mountain lions in 37 California counties found first-generation anticoagulant rodenticides in the liver tissue of 81 mountain lions (73% of those studied) across 33 of the 37 counties, and second-generation anticoagulant rodenticides in 102 mountain lions (92% of those studied) across 35 of the 37 counties.[6] First-generation anticoagulant rodenticides were identified as contributing to the poisoning of Griffith Park mountain lion, P-22, (who was rescued), and the deaths of Newbury Park mountain lion, P-34, and Verdugo Hills mountain lion, P-41.

This data demonstrates the inadequacy of current legislative measures to ameliorate the documented problem caused by both second-generation and first-generation anticoagulant rodenticides.

B. State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides

A general law city may not enact local laws that conflict with general state law.[7] Local legislation that conflicts with state law is void.[8] A local law conflicts with state law if it (1) duplicates, (2) contradicts, or (3) enters a field that has been fully occupied by state law, whether expressly or by implication. A local law falling into any of these categories is "preempted" and is unenforceable.

State law expressly bars local governments from regulating or prohibiting pesticide use. This bar is codified in the California Food and Agricultural Code § 11501.1(a):

> This division and Division 7 . . . are of statewide concern and occupy the whole field of regulation regarding the registration, sale, transportation, or use of pesticides to the exclusion of all local regulation. Except as otherwise specifically provided in this code, no ordinance or regulation of local government, including, but not limited to, an action by a local governmental agency or department, a county board of supervisors, or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the registration, transportation, or use of pesticides, and any of these ordinances, laws or regulations are void and of no force or effect.

State law also authorizes the state to take action against any local entity that promulgates an ordinance or regulation that violates § 11501.1(a).[9] The statute was specifically adopted to overrule a 30 year old court decision in *People v. County of Mendocino*,[10] which had held that a

[5] L. E. K. Serieys, et al, "Anticoagulant rodenticides in urban bobcats: exposure, risk factors and potential effects based on a 16-year study," *Ecotoxicology* (2015) 24:844–862.
[6] J. Rudd, et al, "Prevalence of First-Generation and Second-Generation Rodenticide Exposure in California Mountain Lions," Proceeding of the 28th Vertebrate Pest Conference, February 2018.
[7] Cal. Const. art. XI § 7.
[8] *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc*. (2013) 56 Cal. 4th 729, 743.
[9] Cal. Food and Agric. Code § 11501.1, subd. (b).
[10] *People ex rel. Deukmejian v. County of Mendocino* (1984) 36 Cal. 3d 476.

local regulation prohibiting aerial application of phenoxy herbicides was not then preempted by state or federal law.[11]

The use of pesticides is broadly regulated by state law. In the language of preemption law, the state "occupies the field," leaving no room for additional local law on the subject. Accordingly, a city's ban on the use of anticoagulant rodenticides would be unenforceable.

C. California should repeal the preemption in Cal. Food and Agric. Code § 11501.1 to provide cities with the authority to decide how to regulate pesticides within their own jurisdictions based on local concerns

The state of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

Recognizing that cities' power to "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations" is presently preempted by the general laws of the state, cities throughout California request that the state provide cities with the authority to decide how to deal with rodents based on their land use.

Depending on such land use, cities may decide to allow the use of nonpoisonous control methods, non-anticoagulant rodenticides, or anticoagulant rodenticides, if necessary. Nonpoisonous methods to control rodent pests, include sealing entrances to buildings, sanitizing property, removing rodent habitats, such as ivy or wood piles, setting traps, and erecting raptor poles or owl boxes. For example, a recent landmark study by Ventura County established that installing raptor poles for hawks and owls was more effective than anticoagulant rodenticides in reducing the damage to water control levees caused by ground squirrel burrows. Burrows decreased by 66% with the change.[12]

The ultimate goal is to allow cities to address their local concerns with the input of community members at open and public meetings. Presently, cities are unable to adequately address local concerns; they are limited to encouraging or discouraging behavior.

D. Conclusion

The negative effects from the use of anticoagulant rodenticides across California has garnered the interest of cities and community members to remedy the problem. By presenting this resolution to the League of California Cities, the City of Malibu hopes to organize support and gain interest at the state level to repeal the preemption in Cal. Food and Agric. Code § 11501.1 to provide cities with the authority to regulate pesticides based on individual, local concerns.

[11] *IT Corp. v. Solano County Bd. Of Supervisors* (1991) 1 Cal. 4th 81, fn. 9; *Turner v. Chevron USA Inc.*, 2006 WL 1314013, fn. 14 (unpublished).
[12] http://vcportal.ventura.org/BOS/District2/RaptorPilotStudy.pdf

League of California Cities Staff Analysis on Resolution No. 2

Staff: Erin Evans-Fudem
Committee: Environmental Quality

Summary:
This resolution seeks to have the state and the League study the negative impacts of anticoagulant rodenticides and address the inability of cities to regulate the use of rodenticides and pesticides.

Specifically related to anticoagulant rodenticides, the resolution would encourage the state to fund research into the negative impacts and a potential restriction or ban; direct the League to consider creating a task force to study and report on the unintended negative consequences; encourage cities and property owners to eliminate use; and encourage cities to join advocacy efforts. In addition, the resolution would direct the League to endorse repeal of a statute that preempts local regulation of pesticides.

Background:
The City of Malibu is sponsoring this resolution out of concern about the effect of a certain type of rodent control (anticoagulant rodenticides) has on other wildlife. According to the City, anticoagulant rodenticides disrupt the blood clotting process and therefore cause rodents to die from bleeding or hemorrhaging. This rodenticide is commonly used on rats, mice, gophers, and squirrels. Predator animals that eat rodents can be exposed to anticoagulant rodenticides if they consume animals that have eaten the bait. These animals include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. Furthermore, pets can also be exposed to anticoagulant rodenticides if they eat the bait or consume animals that have eaten the bait.

Some cities have passed “ceremonial resolutions” locally. For example, the City of Malibu has two ordinances in place to discontinue use of rodenticides and traps in city-owned parks, roads, and facilities, as well as encourage businesses and property owners not to use anticoagulant rodenticides on their property.

Fiscal Impact:
Costs to cities would include using alternative methods of rodent control and studying the efficacy. Since the resolution encourages, but does not mandate action by cities, city costs would be taken on voluntarily.

Fiscal impact to the League would include costs associated with the task force, scientific research, and educating League staff and members. For the task force, the League may incur costs associated with staffing, convening, and educating a task force to study anticoagulant rodenticides, as well as the cost of writing a report. This could include a need for outside experts with knowledge of pesticides and their ecological impacts. League resources would also be utilized to support proposals to repeal the statute preempting local regulation of pesticides; however, this cost may be absorbed with existing staff resources.

Comments:

Pesticides are regulated by federal and state governments. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) reserves for the federal government authority over pesticide labeling. States can adopt stricter labeling requirements and can effectively ban sale and use of pesticides that do not meet state health or safety standards.[1] For 51 years, California has reserved regulation of pesticides for the state only, preempting local regulation.[2] This preemption has been ratified and confirmed in subsequent court decisions and legislation. However, County Agricultural Commissioners work to enforce the state laws. Local governments may regulate or restrict pesticide use in their own operations, including use in municipal buildings or parks.[3][4]

Broad direction. This resolution would direct the League to take a position allowing broad local discretion over pesticide regulation in general. Because the regulation of anticoagulant rodenticides is largely based in science, additional or outside expertise may be needed to ensure full understanding of the science behind rodent control methods. The resolution itself is not limited to allowing local governments to regulate anticoagulant rodenticides, which this resolution otherwise targets.

Rodent control methods. There are numerous methods of controlling rodents, including lethal traps, live traps, and poison baits. There are two generations of rodenticide poisons because after rodents became resistant to the first generation, the second was developed. The U.S. Environmental Protection Agency (U.S. EPA) provides the following information below related to the science and use of anticoagulant rodenticides:

> Most of the rodenticides used today are anticoagulant compounds that interfere with blood clotting and cause death from excessive bleeding. Deaths typically occur between four days and two weeks after rodents begin to feed on the bait.
>
> First-generation anticoagulants include the anticoagulants that were developed as rodenticides before 1970. These compounds are much more toxic when feeding occurs on several successive days rather than on one day only. Chlorpophacinone, diphacinone and warfarin are first-generation anticoagulants that are registered to control rats and mice in the United States.
>
> Second-generation anticoagulants were developed beginning in the 1970s to control rodents that are resistant to first-generation anticoagulants. Second-generation anticoagulants also are more likely than first-generation anticoagulants to be able to kill after a single night's feeding. These compounds kill over a similar course of time but tend to remain in animal tissues longer than do first-generation ones. These properties mean that second-generation products pose greater risks to nontarget species that might feed on bait only once or that might feed upon animals that have eaten the bait. Due to these

[1] California Department of Pesticide Regulation (CDPR), *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 9, https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf.
[2] California Food and Agriculture Code § 11501.1 (1967).
[3] CDPR, *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 9, https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf.
[4] County Agricultural Commissioners work with CDPR to enforce state laws. CDPR, *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 13, https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf.

risks, second-generation anticoagulant rodenticides no longer are registered for use in products geared toward consumers and are registered only for the commercial pest control and structural pest control markets. Second-generation anticoagulants registered in the United States include brodifacoum, bromadiolone, difenacoum, and difethialone.

Other rodenticides that currently are registered to control mice include bromethalin, cholecalciferol and zinc phosphide. These compounds are not anticoagulants. Each is toxic in other ways.[5]

Legislative attempts to ban. Several legislative measures have been introduced to ban the use of certain anticoagulant rodenticides (AB 1687, Bloom, 2017. AB 2596, Bloom, 2016). However, neither of these measures were heard and failed to pass key legislative deadlines.

Existing League Policy:
The League does not have policy related to pesticides or rodenticides.

Related to federal regulation, League policy states:

- The League supports flexibility for state and local government to enact environmental and other standard or mandates that are stronger than the federal standards. However, the League reserves the right to question or oppose stronger standards on the merits. The League also opposes legislation that prohibits state and local governments from enacting stricter standards.

Support:
The following letters of concurrence were received: William Koehler, Mayor of Agoura Hills; Fred Gaines, Mayor of Calabasas; Brett Lee, Mayor Pro Tem of Davis; Catherine Carlton, Menlo Park City Council Member; Janice Parvin, Mayor of Moorpark; Suza Francina, Ojai City Council Member; Carmen Ramirez, Oxnard City Council Member; Tom Butt, Mayor of Richmond; Lindsey Horvath, West Hollywood City Council Member

[5] U.S. EPA, Restrictions on Rodenticide Products, https://www.epa.gov/rodenticides/restrictions-rodenticide-products

LETTERS OF CONCURRENCE

Resolution No. 1

Local Municipal Authority, Control and Revenue

City of Arcadia

Office of the City Council

Sho Tay
Mayor

April A. Verlato
Mayor Pro Tem

Peter M. Amundson
Council Member

Tom Beck
Council Member

Roger Chandler
Council Member

July 10, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE

Dear Committee:

As the Mayor of the City of Arcadia, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that prohibits constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, I strongly support this resolution.

Sincerely,

Sho Tay
Mayor, City of Arcadia

cc: City of Arcadia City Council
Vice Mayor John Mirisch, City of Beverly Hills

240 West Huntington Drive
Post Office Box 60021
Arcadia, CA 91066-6021
(626) 574-5403 City Hall
(626) 446-5729 Fax
www.ArcadiaCA.gov

CITY OF BURBANK

OFFICE OF THE MAYOR

July 11, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE

Dear Committee:

As the Mayor of the City of Burbank, on my own behalf, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

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These continual incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

Emily Gabel-Luddy

Emily Gabel-Luddy
Mayor, City of Burbank

cc: Vice Mayor John Mirisch, City of Beverly Hills
Jennifer Quan, League Regional Public Affairs Manager (via email)

From: Steven Scharf <scharf.steven@gmail.com>
Sent: Sunday, July 08, 2018 8:34 PM
To: Cindy Owens
Subject: Letter of Support for California League of Cities Resolution

Dear Ms. Cowens,

I was forwarded your email requesting support for a resolution in support of "the preparation of a ballot measure and/or state constitutional amendment that would strengthen local authority and preserve the role of local democracy at the local level as the state legislature is continually attempting to override the local authority of cities."

Speaking only for myself, and not on behalf of the City of Cupertino or other Cupertino City Council Members, I hereby give my support for such a measure. You may use my name as a supporter.

Sincerely,
Steven Scharf
Cupertino City Council Member

City of Duarte
1600 Huntington Drive | Duarte, CA 91010 | Bus. 626.357.7931 | Fax 626.358.0018 | www.accessduarte.com

July 10, 2018

Mayor
John Fasana

Mayor Pro Tem
Liz Reilly

Councilmembers
Margaret E. Finlay
Samuel Kang
Tzeitel Paras-Caracci

City Manager
Darrell J. George

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL, AND REVENUE

Dear Committee:

The City of Duarte supports the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) (Wireless Telecommunications Facilities) or the more recently introduced Senate Bill 827 (Wiener) (Planning and Zoning: Transit-Rich Housing Bonus) that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a State ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents in local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result of the passage of that Assembly Bill, the State ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the State legislature and powerful interest groups should be prohibited in areas where it is unwarranted, and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, the City of Duarte strongly supports this resolution.

Sincerely,

Liz Reilly

Liz Reilly
Mayor Pro Tem

cc: Vice Mayor John Mirisch, City of Beverly Hills

CITY OF OCEANSIDE

MAYOR
PETER WEISS

COUNCIL MEMBERS
JACK FELLER
JEROME KERN
CHARLES "CHUCK" LOWERY
ESTHER SANCHEZ

July 10, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE

Dear Committee:

I'm writing on behalf of the City of Oceanside to support the League of California Cities' ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents in local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the state legislature and powerful interest groups should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

CIVIC CENTER • 300 NORTH COAST HIGHWAY • OCEANSIDE, CA 92054-2885 • TELEPHONE (760) 435-4500

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, I strongly support this resolution.

Sincerely,

Peter Weiss
MAYOR

cc: Vice Mayor John Mirisch, City of Beverly Hills

CITY OF ONTARIO
303 EAST "B" STREET, CIVIC CENTER ONTARIO CALIFORNIA 91764-4105
(909) 395-2000
FAX (909) 395-2070

PAUL S. LEON
MAYOR

ALAN D. WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA DORST-PORADA
RUBEN VALENCIA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

July 10, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Re: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE

Dear Committee Members,

As Mayor pro Tem for the City of Ontario, I support the Annual Conference Resolution proposed by the City of Beverly Hills calling for the League of California Cities to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

In recent years, the state legislature has aggressively ramped up its efforts to wrestle authority away from local government. In the past session alone, we saw egregious and unprecedented attacks on local control with several bills that strike at the heart of local government. These bills, including Senate Bill 649 (Hueso – Wireless Telecommunications Facilities) and Senate Bill 827 (Wiener – Planning and Zoning: Transit-Rich Housing Bonus) show a blatant contempt for the ability of local governments to meet the needs of the local community.

Unfortunately, these bills are likely only the beginning. As such, there is a need for a ballot measure and/or constitutional amendment to clearly enshrine the role of local government in regulating local issues. The passage of the proposed resolution by the City of Beverly Hills recognizes that it is local government, not the state legislature, that best understands the local community and is therefore best-situated to regulate and respond to local issues. For these reasons, I strongly support this resolution.

Sincerely,

Alan D. Wapner
Mayor pro Tem – City of Ontario

cc: Vice Mayor John Mirisch, City of Beverly Hills

Printed on recycled paper.

DocuSign Envelope ID: 48D4AEF4-48B3-442A-A3E1-12DFA5002A14

City of Palo Alto
Office of the Mayor and City Council

July 11, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Re: EXPLORING A RESOLUTION TO RESPOND TO INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY

Dear Committee Members:

As one Councilmember of the City of Palo Alto, and in my individual capacity and not on behalf of the Council as a body, or the City, I write to support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills. This resolution asks the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide voters an opportunity to further strengthen local authority and preserve the role of local democracy. If the resolution passes, I encourage the League to ensure any potential measure includes both charter and general law cities.

State legislation introduced in both 2017 and 2018 has continually threatened to erode local control. Whether this was SB 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced SB 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned on constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I support this resolution.

Sincerely,

DocuSigned by:
Lydia Kou
5BE1B1835F4F4B6...

Lydia Kou
Councilmember, City of Palo Alto

cc:
Palo Alto City Council
Mayor John Mirisch, City of Beverly Hills
James Keene, Palo Alto City Manager

P.O. Box 10250
Palo Alto, CA 94303
650.329.2477
650.328.3631 fax

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Bill Brand
Mayor

415 Diamond Street, P.O. BOX 270
Redondo Beach, California 90277-0270
www.redondo.org

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ext. 2260
fax 310 374-2039

July 9, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE

Dear Committee:

As Mayor of Redondo Beach, I support the League of California Cities Annual Conference Resolution proposed by the City of Beverly Hills calling for the LCC to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the Legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, The State Legislature is continuing to introduce proposals that impinge on the ability of local governments to institute discretionary legislation that is responsive to the needs of their communities.

These continual incursions into local control by the State Legislature, and powerful special interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

Bill Brand

cc: Vice Mayor John Mirisch, City of Beverly Hills

CITY OF
SANTA CRUZ

MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

July 9, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL, AND REVENUE

Dear General Resolutions Committee Members:

As Mayor of the City of Santa Cruz, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the Legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a State ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents of local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the State ballot initiative was pulled from the November 2018 Ballot.

These continual incursions into local control by the State Legislature and powerful interest groups should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

David Terrazas
Mayor

cc: Vice Mayor John Mirisch, City of Beverly Hills

From: Michael Goldman <miklg@yahoo.com>
Sent: Saturday, July 07, 2018 4:37 PM
To: Cindy Owens
Subject: Letter of Support for California League of Cities Resolution

Dear Ms. Cowens,

I was forwarded your email requesting support for a resolution in support of "the preparation of a ballot measure and/or state constitutional amendment that would strengthen local authority and preserve the role of local democracy at the local level as the state legislature is continually attempting to override the local authority of cities."

Speaking solely on my own behalf, I hereby give my whole-hearted support for such a measure. The essence of democracy is the control by the people of their community. As public servants, we elected officials serve the democratically expressed will of the public.

Sincerely,

Michael S. Goldman

Sunnyvale City Council, Seat 7

CITY OF
TORRANCE

PATRICK J. FUREY
MAYOR

July 5, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE

Dear Committee:

As Mayor of the City of Torrance, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned on constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continually incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

Patrick J. Furey
Mayor

cc: Vice Mayor John Mirisch, City of Beverly Hills

3031 Torrance Boulevard • Torrance, California 90503 • Telephone 310/618-2801

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City of West Hollywood
California 1984

CITY OF WEST HOLLYWOOD

CITY HALL
8300 SANTA MONICA BLVD.
WEST HOLLYWOOD, CA
90069-6216
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FAX: (323) 848-6562

TTY: For hearing impaired
(323) 848-6496

CITY COUNCIL

JOHN J. DURAN
Mayor

JOHN D'AMICO
Mayor Pro Tempore

JOHN HEILMAN
Councilmember

LINDSEY P. HORVATH
Councilmember

LAUREN MEISTER
Councilmember

July 11, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE

Dear Committee:

As a Councilmember of the City of West Hollywood, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

During the current 2017-2018 regular session of the California Legislature, legislators introduced several pieces of legislation that have attempted to erode local control. Whether this was Senate Bill (SB) 649 (Hueso) Wireless Telecommunications Facilities, or more recently SB 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus, which was defeated in Committee, legislators continue to introduce proposals that impinge on the ability of local governments to self-determine.

Another good example of how the Legislature takes actions that are detrimental to local governments' control is the legislative compromise between the Legislature and beverages' manufacturers who agreed to withdraw their ballot initiative in exchange for the approval of Assembly Bill (AB) 1838 (Committee on Budget): Local government: taxation: prohibition: groceries, (Chapter 61, Statutes of 2016). As you know, AB 1838 basically prohibited the adoption of a local "soda tax" by any municipality for the next twelve years.

These incursions into local control by the Legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

Lauren Meister,
Councilmember

cc: Vice Mayor John Mirisch, City of Beverly Hills

LETTERS OF CONCURRENCE

Resolution No. 2

Repeal Preemption of Regulating Pesticides

CITY OF

AGOURA HILLS

"Gateway to the Santa Monica Mountains National Recreation Area"

July 10, 2018

The Honorable Rich Garbarino
League of California Cities
1400 K Street
Sacramento, CA 95814

Re: RESOLUTION OF LEAGUE OF CALIFORNIA CITIES DECLARING ITS CONTRACT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE §11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino:

The City of Agoura Hills supports the proposed above referenced resolution that supports the repeal of preemption in California Food and Agriculture Code §11501.1 that prevents local Governments from regulating pesticides.

Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on September 14, 2018.

As the gateway to the Santa Monica Mountains we have been witness to the harmful effects of anticoagulant rodenticides on wildlife in our community, and surrounding areas.

For this reason, the City of Agoura Hills is supportive of this resolution, and requests the league's support.

Sincerely,

WILLIAM D. KOEHLER
Mayor - City of Agoura Hills

cc: Ms. Meg Desmond - mdesmond@cacities.org
Ms. Mary Linden - mlinden@malibucity.org
Mr. Greg Ramirez - gramirez@ci.agoura-hills.ca.us

30001 Ladyface Court, Agoura Hills, CA 91301-2583 • Telephone (818) 597-7300 • Fax (818) 597-7352
e-mail: ci.agoura-hills.ca.us

CITY of CALABASAS

FRED GAINES
Mayor

July 9, 2018

ORIGINAL BY U.S. MAIL

VIA EMAIL mdesmond@cacities.org

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Re: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE §11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino:

The City of Calabasas supports the proposed resolution to support the repeal of the preemption clause in California Food and Agriculture Code Section 11501.1 regarding pesticide use and regulation so that each city in the State of California is able to decide how to regulate pesticides within their own jurisdiction to adequately address local concerns.

Accordingly, we concur in the submission by the City of Malibu of the above-referenced resolution for consideration by the League of Cities General Assembly at its annual meeting on September 14, 2018.

The City of Calabasas has identified the devastating effect of anticoagulent rodenticides on wildlife in our community and on the ecosystem in our native Santa Monica Mountains. While our City has adopted resolutions and implemented programs to discourage the use of the pesticides by our residents and businesses, we are limited by State law from taking more effective actions.

100 Civic Center Way
Calabasas, CA 91302
(818) 224-1600
Fax (818) 224-7324

The City of Calabasas is in strong support of providing cities across the State of California with the authority to regulate pesticides based on local concerns in the communities and supports the proposed Resolution.

Sincerely,

Fred Gaines
Mayor

cc: Mary Linden (MLinden@malibucity.org)

July 13, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: A Resolution of the League of California Cities Declaring Its Commitment to Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 That Prevents Local Governments from Regulating Pesticides

Dear President Garbarino:

Anticoagulant rodenticides poison unintended targets, including predator wildlife in California and pets that ingest the products. These poisons cause painful, internal hemorrhaging in non-target animals. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

Brett Lee
Mayor Pro Tem

July 5, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

Anticoagulant rodenticides are products that are poisoning 80% to 90% of predator wildlife in our cities and throughout California. These poisons cause painful, internal hemorrhaging in non-target animals - including pets - that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

My own mother lost a dearly loved pet dog, who was poisoned when it ate a poisoned rat!

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

State law now preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

Catherine Carlton

Environmental Committee Vice Chair for the League of California Cities

CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 12, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino:

The City of Moorpark supports the above referenced resolution being brought to a vote at the upcoming League of California Cities Conference on September 14, 2018.

As a community surrounded by the beauty of the Santa Monica Mountains and its wildlife, the City adopted a resolution in 2013 urging Moorpark residents and businesses to not use anticoagulant rodenticides in Moorpark. In 2014, the City applauded passage of AB 2657, which removed many second generation anticoagulant rodenticides from the state.

However, as we are all unfortunately aware, scientific research continues to find anticoagulant rodenticides in non-target animals, including the natural predators that help regulate rodent populations and endangered species throughout California. Accordingly, the City has supported subsequent legislative proposals to ban all anticoagulant rodenticides statewide, including AB 2422, which is currently stalled in the state legislature.

The City further believes that local governments should have the opportunity to regulate pesticide usage within their jurisdictions if the communities they represent desire to do so. Therefore, the City supports the above referenced resolution being brought to a vote.

Yours truly,

Janice Parvin
Mayor

JANICE S. PARVIN, Mayor | ROSEANN MIKOS, Ph.D., Councilmember | DAVID POLLOCK, Councilmember | KEN SIMONS, Councilmember | MARK VAN DAM, Councilmember

cc: City Council
City Manager
Assistant City Manager
Assistant to the City Manager
League of California Cities, Meg Desmond (mdesmond@cacities.org)
City of Malibu, Mary Linden (MLinden@malibucity.org)

Councilmember Suza Francina
City of Ojai
401 South Ventura Street, Ojai, CA 93023
Email: Suzaojaicitycouncil@gmail.com
Cell: 805 603 8635

July 9, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

Anticoagulant rodenticides are products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,
Suza Francina
Councilmember, City of Ojai

July 12, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

I write as one council member of the City of Oxnard regarding the state law that preempts general law cities such as ours from regulating the use of pesticides. Our city is heavily impacted with environmental burdens associated with pesticide use as well as other industrial toxins, which affect the health of the people, wildlife and our environment. Oxnard residents are requesting that the use of pesticides in our public spaces be curtailed and restricted. This would include anticoagulant rodenticides, products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018. Thank you very much for your attention to this.

Sincerely,

Carmen Ramirez

Richmond
CALIFORNIA
OFFICE OF MAYOR TOM BUTT
Bay Front. Home Front. Out Front.

July 6, 2018

The Honorable Rich Garbarino
President, League of California Cities
1400 K Street
Sacramento, California 95814

Re: In Support to Repeal the Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from regulating pesticides

Dear President Garbarino,

Anticoagulant rodenticides poison 80% to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides, which has minimized the impact of the State's ban. Despite collecting data for almost four years, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to the partial restriction of the supply.

As a member of the League of California Cities' Environmental Quality Policy Committee, I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

Mayor Tom Butt
Richmond, California

City of West Hollywood
California 1984

CITY OF WEST HOLLYWOOD

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CITY COUNCIL

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Mayor

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JOHN HEILMAN
Councilmember

LINDSEY P. HORVATH
Councilmember

LAUREN MEISTER
Councilmember

July 13, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: A Resolution of the League of California Cities Declaring its Commitment to Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from Regulating Pesticides

Dear President Garbarino,

I am writing to express my support for the above-mentioned resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 in order to give cities across California the authority to regulate and/or prohibit the use of pesticides in their local communities. I concur with the submission of the proposed resolution to the League of California Cities General Assembly annual meeting on September 14, 2018.

Granting local governments the ability to self-regulate pesticide use better enables cities to protect the health and safety of the public, animals, and the environment. Given that no two cities are identical, local governments must have the power to take a systematic approach to pesticide use and regulation that fits the specific needs of their city. Repealing this section of the code will provide cities the opportunity to act in the best interest of their jurisdiction to set a standard of regulation that offers comprehensive protection, better formulated to protect a community's individual needs.

The City of West Hollywood is in strong support of environmentally-sensitive pest management practices that minimize risk to people, companion and wild animals, resources, and the environment. As the proposed resolution explains, anticoagulant rodenticides have devastating effects on wildlife. The City of West Hollywood has implemented an Integrated Pest Management Program that supports environmentally-sensitive pest management while protecting the health and safety of the public. This policy is in compliance with the State and Federal regulations while catering to and prioritizing the needs of the City of West Hollywood.

Sincerely,

Lindsey Horvath
Councilmember

cc: Meg Desmond, League of CA Cities
Councilmember Laura Z. Rosenthal, City of Malibu
Elizabeth Shavelson, Assistant to the City Manager, City of Malibu
Mary Linden, Executive Assistant, City of Malibu