



Legislation Text

File #: 2024-0735, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): County Counsel

Staff Name and Phone Number: Chief Deputy Joshua Myers (707) 565-2421

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Initiative Petition for Sonoma County Prohibition on Concentrated Animal Feeding Operations Ordinance.

Recommended Action:

- A) Adopt a Resolution modifying Resolution 24-0197 that placed the Initiative Petition for Sonoma County Prohibition on Concentrated Animal Feeding Operations Ordinance on the November 5, 2024, ballot to align with Elections Code section 13119.
- B) Consider delegation of authority to Chair to write "argument against" measure in the ballot materials provided to the voters.

Executive Summary:

At the May 14, 2024, Board meeting, your Board adopted Resolution No. 24-0197, which placed the Concentrated Animal Feeding Operations (CAFO) Ordinance Measure on the November 5, 2024, general Presidential election ballot. Resolution No. 24-0197 also contained ballot question language that has since been determined to be incompatible with the mandates of Elections Code section 13119, subdivision (c), which requires that the "statement of the measure shall be a true and impartial synopsis of the purpose of the proposed measure, and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure." The proposed revised resolution removes the problematic language. All other terms and conditions of Resolution No. 24-0197 remain unchanged.

Further, your Board could consider delegating authority to the Chair to draft the "argument against" the CAFO measure in the ballot materials supplied to the Voters.

Discussion:

Resolution Modifying Resolution 24-0197

On April 14, 2024, your Board accepted the Registrar of Voter's certificate of sufficiency demonstrating that the proponents of the Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition gathered sufficient valid signatures to qualify the initiative for the ballot. Further, pursuant to Elections Code sections 9111 and 9115, your Board requested reports on the impact of the CAFO Measure from County agencies and departments.

On May 14, 2024, your Board received reports from County agencies and departments pursuant to Elections Code sections 9111 and 9118 and adopted Resolution No. 24-0197 that placed the CAFO Measure on the

November 5, 2024, Presidential general election.

The Elections Code does not contain detailed instructions for crafting the ballot question language. The ballot statement or question must only be 75 words long, and Elections Code section 13119, subdivision (c) requires that the “statement of the measure shall be a true and impartial synopsis of the purpose of the proposed measure, and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure.”

Resolution No. 24-0197 contained the following ballot question language:

SONOMA COUNTY PROHIBITION ON CONCENTRATED ANIMAL FEEDING OPERATIONS To promote animal welfare, water quality, and other goals, should the County Code be amended to prohibit, outside of the Coastal Zone, farms and other animal production operations that meet the definition of “Concentrated Animal Feeding Operations” (CAFOs), as defined by federal regulations, require phase out of existing CAFOs over three years, authorize daily financial penalties for violations, and require, among other things, the Agricultural Commissioner to create a job retraining program for CAFO workers?	YES NO
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After further review, staff believes the initial phrase “To promote animal welfare, water quality, and other goals,” violates the requirement in Election Code section 13119, subdivision(c), that the ballot question must be “neither argumentative nor likely to create prejudice for or against the measure.”

As described in the County agency and department reports received by the Board on May 14, 2024, there is little evidence that adopting the CAFO measure would promote animal welfare or water quality in Sonoma County. For example, if the CAFO measure passes, and many Sonoma County animal production farms must cease operations, then the animals at those farms would be sold or shipped to other farms outside of Sonoma County, thereby not promoting those animals’ welfare. Additionally, the CAFO definition comes from the federal Environmental Protection Agency in relations to waste discharges into protected waterways. Currently, there are no farms in Sonoma that actually discharge waste into protected waterways. Finally, the language says nothing about the negative impact on Sonoma County the CAFO Measure would have by undermining local food security, jeopardizing existing fire breaks, hurting the local economy, eliminating carbon sequestration opportunities, and impose an unfunded mandate on government services, as described in the County agency and department reports presented to the Board on May 14, 2024.

Therefore, staff recommend adopting the attached resolution that revises the ballot question language to remove the initial phrase “To promote animal welfare, water quality, and other goals,” but keep unchanged the remaining terms and conditions of Resolution No. 24-0197. The ballot question language would then only contain neutral language regarding the changes made by the CAFO Measures, if adopted.

Argument in Opposition to Measure

In addition, your Board may decide to draft the official argument against the CAFO measure that is included in the county voter information guide. Elections Code section 9162, subdivision (a), states: “The board of supervisors or any member or members of the board, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of these voters and associations may file a written argument for or against any county measure. An argument shall not exceed 300 words in length. The county elections official shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and shall enclose a copy of both arguments preceded by the analysis with each county voter information guide.” Additionally, your Board may either draft a rebuttal argument to whoever drafts the argument for the CAFO measure. See Elections Code section 9167.

If your Board decides to author the argument against, staff recommends delegating authority to do so to the Chair.

Strategic Plan:

N/A

Racial Equity:**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

Prior Board Actions:

On April 14, 2024, your Board accepted the sufficiency from the Registrar of Voters demonstrating that the proponents of the Sonoma County Prohibition on Concentrated Animal Feeding Operations Initiative Petition gathered sufficient valid signatures to qualify the initiative for the ballot and ordered County agencies and departments to report on the impacts of the Initiative Petition.

On May 14, 2024, your Board received reports from County agencies and departments pursuant to Elections Code sections 9111 and 9118 and adopted Resolution No. 24-0197 that placed the CAFO Measure on the November 5, 2024, Presidential general election.

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			

General Fund Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

There is no fiscal impact related to this item.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

CAFO Initiative Revised Resolution for November 5, 2024 Election

Related Items "On File" with the Clerk of the Board:

None.