



Legislation Text

File #: 2024-0575, **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) Pursuant to Elections Code sections 9115 and 9111, and Board direction given on April 14, 2024, receive reports regarding the impacts on Sonoma County from the Initiative Petition entitled "Sonoma County Prohibition on Concentrated Animal Feeding Operations." from the Agricultural Commissioner, Permit Sonoma, the Auditor-Controller-Treasurer-Tax Collector, UCCE Sonoma County, Department of Health Services, Human Services Department, Sonoma County Agricultural Preservation and Open Space District, and Economic Development Board.
- B) After receiving the County department reports, take one of the allowable actions pursuant to Elections Code section 9118, subdivision (c):
 - i) Adopt the proposed Ordinance, without alteration; or
 - ii) Submit the proposed Ordinance to the voters by adopting a Resolution calling a special election for November 5, 2024, on the proposed Initiative Petition entitled "Sonoma County Prohibition on Concentrated Animal Feeding Operations," and combining the special election with the statewide election on November 5, 2024, pursuant to Elections Code section 1405.
- C) Consider providing comment on the proposed Initiative Petition entitled "Sonoma County Prohibition on Concentrated Animal Feeding Operations" and taking a position in support of or opposition to the proposed Initiative.

Executive Summary:

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.

Once the Registrar of Voters certifies the sufficiency of signatures to the Board, Elections Code section 9118 requires the Board to take one of three actions: (1) adopt the ordinance (2) submit the ordinance to the voters, or (3) order a report on the ordinance. Your Board requested reports from County agencies and departments on the proposed ordinance.

Attached to this Board item are reports from the Agricultural Commissioner, Permit Sonoma, the Auditor-Controller-Treasurer-Tax Collector, UCCE Sonoma County, Department of Health Services, Human Services Department, and Economic Development Board.

Further, Elections Code section 9118, subdivision (c), requires that when the reports described above are

“presented to the board of supervisors, the board shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).” Attached to this Board item is a resolution to place the proposed Initiative Petition entitled “Sonoma County Prohibition on Concentrated Animal Feeding Operations” on the November 5, 2024, general election ballot.

Discussion:

Reports from County Agencies and Departments

In response to a proposed ballot initiative, California Elections Code section 9111(a) allows the Board of Supervisors to “refer the proposed initiative measure to a county agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the county’s general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on county actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community’s ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the board of supervisors requests to be in the report.”

Any such reports “shall be presented to the board of supervisors within the time prescribed by the board of supervisors, but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition.” Elections Code section 9111(b).

At the April 14, 2024, Board meeting, 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. At the same meeting, your Board requested reports from any County agency or department with information responsive to the categories of impacts described in Elections Code section 9111(a).

Your Board additionally asked staff to analyze the ballot measure through an equity lens. Unfortunately, because the ballot measure is not a County initiative and due to the short timeframe for these section 9118 reports, it is not possible to conduct an equity review through the County’s Equity Toolkit at this time. Because the measure is not a County project, there is no opportunity to establish goals and shape the ordinance in accordance with the equity analysis. Further, there is no time to do outreach or research on the effect of the CAFO ordinance from an equity perspective. Some of the equity considerations that have been raised by staff

include the potential unemployment of disadvantaged workers and food security issues and on the other side the potential for improved water and air quality that often disproportionately impact marginalized communities. There are many possible angles to explore beyond unemployment or environmental justice, such that it is not possible to do a comprehensive equity analysis under the time constraints in the Elections Code. That does not mean there are not impacts to equity, only that there is insufficient time to meaningfully identify and quantify them. However, if the measure passes, the implementing departments with support from the Office of Equity would employ the Racial Equity Toolkit to conduct an equity analysis that could help shape implementing policies and activities such as the job retraining program.

Pursuant to the time limits contained in Elections Code section 9111(b), County Agencies and Departments have produced the attached reports for your Board’s consideration.

Resolution Placing Initiative Measure on the Ballot

Pursuant to Elections Code section 9118, subdivision (c), your Board must now take one of the following actions:

- i) Adopt the proposed Ordinance, without alteration; or
- ii) Submit the proposed Ordinance to the voters by adopting a Resolution calling a special election for November 5, 2024, on the proposed Initiative Petition entitled “Sonoma County Prohibition on Concentrated Animal Feeding Operations,” and combining the special election with the statewide election on November 5, 2024, pursuant to Elections Code section 1405.

If your Board selects the second option and decides to submit the Ordinance to the voters, a Resolution placing the proposed initiative measure on the November 5, 2024, ballot is attached to this Board item.

Comment on the proposed Initiative Petition and consider taking a position in support of or opposition to the proposed Initiative.

If your Board desires to take a position in support of or in opposition to the proposed Initiative, the County Administrator’s Office can assist the Chair in drafting a letter of support or opposition.

Strategic Plan:

N/A
This item directly supports the County’s Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

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.

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 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:

N/A

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 -Resolution for 11-5-2024 Election
- Ag Weights and Measures Report CAFO
- APOSD Report CAFO Initiative
- EDB Board Report CAFO Initiative
- HSD Report CAFO Initiative
- Permit Sonoma Report CAFO Initiative
- UCCE Sonoma County Report CAFO Initiative
- Assessor Report CAFO Initiative
- Full Text of Proposed Ordinance
- Ballot Title and Summary

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

None