



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND THE
LOCAL REDEVELOPMENT AUTHORITY BOARD
MEETINGS**

(The City Council also serves as the LRA Board)
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA • 95367

***REVISED AGENDA**

TUESDAY, AUGUST 22, 2017– 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK'S OFFICE AND AT WWW.RIVERBANK.ORG)

- CALL TO ORDER:** Mayor/Chair Richard D. O'Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O'Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Leanne Jones Cruz
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 4 Darlene Barber-Martinez
Council/Authority Member Cal Campbell
- CHANGES TO THE AGENDA:** Mayor/Chair Richard D. O'Brien

CONFLICT OF INTEREST

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.
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1. PRESENTATIONS

***Item 1.1:** Recycled Waste Water Project Update.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the August 8, 2017, City Council and Local Redevelopment Authority Minutes.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

Item 4.1: Second Reading by Title Only and Adoption of Proposed Ordinance No. 2017-007 Amending Title XI: Business Regulations, By Repealing In Its Entirety Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation and Substituting In Its Place a New Chapter 120: Cannabis Regulations; and Repealing Section 110.19: Delivery By Vehicle In Chapter 110: Business License Tax of the Riverbank Municipal Code of Ordinances – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2017-007 and consider its adoption by roll call vote.

5. PUBLIC HEARINGS There are no items to consider.

6. NEW BUSINESS

Item 6.1: Direction on League of California Cities Annual Conference Resolutions – It is recommended that the City Council provide direction to the voting member regarding the City of Riverbank's position on the two resolutions which will be considered at this year's League of California Cities Annual Conference General Assembly.

7. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board adjourning to Closed Session.

Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
 Property: 6612 Central Avenue, Riverbank, CA
 Agency Negotiator: City Manager Sean Scully
 Property Negotiator: Daniel Vidal
 Under Negotiation: Price, terms of payment, or both

Item 8.2: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6
 Agency representative: City Manager Sean Scully
 Employee organizations: Riverbank Miscellaneous Employees
 Riverbank Mid-Management Bargaining Unit

9. REPORT FROM CLOSED SESSION**Item 9.1: Report from Closed Session Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS****Item 9.2: Report from Closed Session Item 8.2: CONFERENCE WITH LABOR NEGOTIATORS**

ADJOURNMENT (The next regular City Council meeting – Tuesday, Sept. 12 @ 6:pm)

UPCOMING EVENTS:

City Hall Friday Office Hours	• <u>City Offices are Closed Alternating Fridays</u> - o Friday: August 18 and September 1 – OPEN from 8:am to 5:p.m. - o Friday: August 25 and September 8 – CLOSED
2017 Canceled Regular City Council Meetings	• <u>City Council voted to cancel the following regular meetings:</u> - o Tuesday, May 23, 2017 - o Tuesday, July 11, 2017 - o Tuesday, December 26, 2017

AFFIDAVIT OF POSTING

*I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing **revised** agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.*

Posted this 18th day of August, 2017

/s/Annabelle H. Aguilar, CMC, City Clerk /LRA Recorder

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification (72) hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION

Meeting Schedule	The City Council Members also serve as the LRA Board Members. The Riverbank City Council/LRA Board meets in the City Hall North Council Chambers. Regular City Council meetings are held on the 2nd and 4th Tuesdays of each month at 6:00 p.m. The Local Redevelopment Authority Board meets on an "as needed" basis. Meetings are held as indicated, unless otherwise noticed.
City Council / LRA Agenda & Reports	The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings	In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
Televised / Video of Meetings	City Council/LRA meetings are televised on Charter Channel 2 and AT&T Uverse Channel 99. Video of the meeting and the schedule of replays may be seen on the City's website, under the "Action 2" Icon. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

ADDED REPORT

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	August 22, 2017
Subject:	Recycled Waste Water Project Update
From:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council receive the update presentation on the Recycled Waste Water Project as part of the City's strategic plan objectives to consider.

SUMMARY

Over the past year Council has discussed the potential future wastewater needs of the community as well as likely regulatory changes passed down by the State of California with regard to waste water. During strategic planning, Council discussed looking at future waste water projects (specifically a tertiary treatment system). Staff has been working with Wastewater Engineers KNS Inc. to scope the feasibility of a potential recycled waste water / combined tertiary treatment project. KSN has developed a preliminary analysis that has previously been presented to Council, and the purpose of this presentation is to provide an update on that analysis as well as discuss potential grant funding streams that could (partially) fund the project should Council decide to move forward at some point in the future.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

There are no attachments to this item.

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	August 22 , 2017
Subject:	Waiver of Readings
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B**

SECTION 3: CONSENT CALENDAR

Meeting Date:	August 22, 2017
Subject:	Approval of the August 8, 2017, City Council and Local Redevelopment Authority Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the August 8, 2017, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. August 8, 2017, City Council and LRA Minutes



**City of Riverbank
REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY BOARD
MEETINGS**

(The City Council also serves as the LRA Board)

**MINUTES OF
TUESDAY, AUGUST 8, 2017**

Verbatim proceedings of the meetings may be viewed on-line or a copy may be provided for a fee.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE:

Mayor/Chair Richard D. O'Brien

INVOCATION:

Reverend Charles Neal, Riverbank Ministerial Association

ROLL CALL:

Present

Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Leanne Jones Cruz
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 4 Darlene Barber-Martinez
Council/Authority Member Cal Campbell

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – *No changes were made.*

CONFLICT OF INTEREST

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Proclamation – National Health Center Week – August 2017.

Mayor O'Brien presented the proclamation to Mr. Matt Stevens who accepted it on behalf of Golden Valley Health Centers.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

No one spoke.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the July 25, 2017, City Council and Local Redevelopment Authority Minutes.

Item 3.C: **A Resolution [No. 2017-058] Approving Final Map 01-2017 for McRoy Wilbur Diamond Bar Estates – West McRoy Wilbur Communities VTM No. 01-2014** – Approve the Final Map (“FM”) for Diamond Bar Estates - West based on the required finding that the map is in conformity with the provisions of state law and city code. Final Map 01-2017 Diamond Bar Estates – West – APN: 062-020-005, -019, and -027. The project consists of a General Plan Amendment, Rezone, and Tentative Map to subdivide approximately 11.34± acres into fifty-eight (58) single-family detached residential lots (overall density of 5.11 du/acre), one (1) storm drainage basin, associated street, sewer, water, and storm drainage improvements.

Recommendation:

It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

Reference Item 3.B: Councilmember Barber-Martinez clarified her comments made on July 25, 2017, and stated that the information on the Briefing for the Recess of the League of California Cities had been sent to all the Members of the City Council and the City Manager.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A, 3.B, and 3.C as presented; Motion carried by unanimous City Council and LRA Board roll call vote.*

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor/Chair O’Brien

NAYS: None / ABSENT: None / ABSTAINED: None

4. UNFINISHED BUSINESS

There were no items to consider.

5. PUBLIC HEARINGS

The public hearing notice for Item 5.1 was published in the Modesto Bee on 07/29/2017.

Item 5.1: Conduct the First Reading by Title Only and Introduction of A Proposed Ordinance [No. 2017-007] Amending Title XI: Business Regulations, Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation; and Amending Title XI: Business Regulations, Chapter 110, Section 110.19: Delivery by Vehicle to the Riverbank Municipal Code of Ordinances – Based on direction from Council, it is recommended that the City Council conduct the public hearing for the first reading and introduction of the proposed ordinance and consider its approval as presented, which initiates the second reading by title only at the August 22, 2017, regular City Council meeting or soon thereafter to consider its adoption.

Planning and Building Manager Donna Kenney presented the staff report.

Mayor O'Brien opened the public hearing at 6:18 p.m.

- *Mrs. Evelyn Halbert, Riverbank, commented.*
- *Mr. Ed Neuseal, Modesto, CA, commented.*

Mayor O'Brien closed the public hearing at 6:24 p.m.

City Council and Staff discussion ensued; City Attorney Tom Hallinan and Attorney Embert Madison of Churchwell White, LLP responded to questions.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to approve the first reading and introduction of the proposed Ordinance [No. 2017-007] with the following amendments: 1) Eliminate the 16,000 per residents for the [cannabis] testing [labs], 2) To have one (1) initial inspection [when permitting] of private grows, with just an annual [inspection], 3) Include a Risk Management Plan for dispensaries and commercial grows, 4) Eliminate the "Employment Permits" provisions, which will be addressed in the Development Agreement, as well as "loitering" throughout. Approval initiated the second reading by title only and its consideration for adoption at the August 22, 2017, City Council meeting.*

Motion carried by unanimous City Council roll call vote.

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

6. NEW BUSINESS

Item 6.1: A Resolution [No. 2017-059] Adopting either Track 1 or Track 2 of the Statewide Trash Provisions Ordered by the State Water Resources Control Board under Section 13383 to meet the Statewide Water

Quality Objective for Zero Trash – It is recommended that the City Council receive presentation on Statewide Trash Provisions ordered by the Water Board under Section 13383 and consider adopting a method of compliance to meet the statewide water quality objective for zero trash in the City's storm drain systems.

Development Services Administration Manager Kathleen Cleek introduced Mr. Steve Teravskis of WGR Southwest, who presented the report.

ACTION: *By motion moved and seconded (Campbell / Jones Cruz / passed 5-0) to adopt Resolution No. 2017-059 adopting Track 1 of the Statewide Trash Provisions ordered by the State Water Resources Control Board, as presented.*

Motion carried by unanimous City Council roll call vote.

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.2: **A Resolution [No. 2017-060] Approving and Adopting the Revised City of Riverbank Expenditure Plan Project List for Measure L Funds and Approve a \$130,000 Loan from the Local Transportation Fund (LTF) to complete the Project** – It is recommended that the City Council consider adopting the proposed changes to the City of Riverbank's Measure L Expenditure Plan Project List for local streets and roads, traffic management, and bike and pedestrian improvement projects, and approve a loan from the Local Transportation Fund (LTF) to complete the project. Funds will be repaid upon the receipt of Measure L Funds.

Development Services Administration Manager Kathleen Cleek presented the staff report; City Council and Staff discussed the item.

Public comment: Mr. Scott McRitchie, Riverbank, commented.

ACTION: *By motion moved and seconded (Barber-Martinez / Jones Cruz / passed 5-0) to adopt Resolution No. 2017-060 as presented, approving the revised City of Riverbank Expenditure plan Project List for Measure L Funds and approving a \$130,000 loan from the Local Transportation Fund to complete projects; funds to be repaid upon receipt of Measure L funds.*

Motion carried by unanimous City Council roll call vote.

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.3: **A Resolution of the City Council of the City of Riverbank, California, Authorizing the Expenditure of the Awarded Housing Related Parks Grant Funds for: 1.) the Renovation of the Community Pool Locker Rooms and ADA Improvements; or 2.) the Partial Renovation of the**

Community Center – It is recommended that the City Council receive information on the Housing Related Parks Grant Funds awarded to the City and by roll call vote select an option for the expenditure of the funds.

Director of Parks and Recreation Sue Fitzpatrick presented the staff report. The staff report had been revised to present Option 3:

- *Update the conceptual design and cost estimate for both projects. This would take place in August/September Submit the CDBG application for the community center renovation in December, 2017.*
- *In March, 2018 the grant awards for CDBG will be announced. If successful, we proceed with both projects.*
- *If the grant is not awarded, staff will return to the City Council for direction on use of the Housing Related Parks Grant funding options.*

City Council, by consensus, continued this item [for further consideration at a later date].

7 COMMENTS/REPORTS

A brief report on attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

Item 7.1: Staff - *No comments were made.*

Item 7.2: Council/Authority Member

- *Council/Authority Member Fosi thanked the Riverbank Chamber of Commerce for their efforts on providing the Farmer's Market.*
- *Council/Authority Member Campbell reported on his attendance of the Stanislaus County Youth Development Committee, a sub-committee of the Stanislaus County Work Alliance Board.*
- *Council/Authority Member Barber-Martinez announced that there was a dedication of the Access Center, one-stop shop of services, for the homeless.*
- *Vice Mayor/Chair Jones Cruz announced that the Riverbank Budget Advisory Committee had vacancies to be filled.*

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) announced that a vacancy existed on the Planning Commission, and 2) announced the beginning of a process by the nine (9) Cities to collectively discuss with the County a renegotiated [property] tax sharing agreement and also property facilities fees. A meeting to begin this process will take place tomorrow at the Ceres Council Chambers.

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED THE ITEMS FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE ADJOURNED AND THE CITY COUNCIL WENT INTO CLOSED SESSION AT 7:53 P.M.

Item 8.1: CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency representative: Sean Scully, City Manager

Employee organizations: Riverbank Miscellaneous Employees
Riverbank Mid-Management Bargaining Unit

Item 8.2: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: 1 potential case

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 8:35 P.M.

Item 9.1: Report on Closed Session on Item 8.1: CONFERENCE WITH LABOR NEGOTIATORS

Mayor O'Brien reported that direction was provided to staff.

Item 9.2: Report from Closed Session Item 8.2: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: 1 potential case .

Mayor O'Brien reported that direction was provided to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 8:36 p.m.

ATTEST: (Adopted 08/22/2017)

APPROVED:

**Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder**

**Richard D. O'Brien
Mayor / Chair**

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: August 22, 2017

Subject: Second Reading by Title Only and Adoption of Proposed **Ordinance No. 2017-007** Amending Title XI: Business Regulations, By Repealing In Its Entirety Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation and Substituting In Its Place a New Chapter 120: Cannabis Regulations; and Repealing Section 110.19: Delivery By Vehicle In Chapter 110: Business License Tax of the Riverbank Municipal Code of Ordinances

From: Sean Scully, City Manager

Submitted by: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2017-007 and consider its adoption by roll call vote.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on August 8, 2017, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only.

After consideration of the proposed ordinance, City Council provided staff direction to modify the ordinance as follows:

- Remove the requirement that Cannabis Testing Labs can only be permitted at 1 per 16,000 in population.
- Change from two required inspections to one required inspection after the submittal of an Administrative Cultivation Permit.
- Require a Risk Management Plan as part of a application submittal for Commercial Cultivation and Cannabis Dispensaries.
- Remove the requirement for Employee Permits.
- Require anti-loitering signage and its enforcement for Cannabis Dispensaries.

The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2017-007) which moved said Ordinance to the August 22, 2017, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

Over the past three months, the City Council has participated in a number of workshops and study sessions on the land use and regulatory issues surrounding recreational and medical marijuana. The workshops have been designed as an in-depth legal analysis of Proposition 64 - The Control, Regulate and Tax Adult Use of Marijuana Act ("Prop 64") and the associated regulatory decisions that required Council direction. Although Prop 64 has been enacted, some components of the law will not become fully realized until January 2018. Legal counsel has advised that decisions on regulation of those activities should be made prior to that time.

On April 25th, 2017 Council participated in the first of these workshops, which centered on Personal Cultivation. On June 13th, 2017 Council held a second workshop on Commercial Cultivation, Warehousing, and Manufacturing of Marijuana, and their associated land uses within Riverbank. The third and final workshop on June 22, 2017 focused on Retail Dispensaries and Lab Testing Facilities. Council provided direction on all of these topics and staff has returned with an ordinance to regulate them (Attachment 1). The ordinance also addresses related issues like cannabis deliveries, signage, and waste management.

BACKGROUND AND ANALYSIS

Prop 64 was passed by voters on November 8, 2016. It allows adults aged 21 years and older to possess and use cannabis for recreational purposes. According to the Act, municipalities that ban cultivation or retail sales will not be eligible to receive certain tax revenues meant to enhance law enforcement, fire protection, or other public safety programs. On June 27, 2017, Governor Jerry Brown signed into law Senate Bill 94 which created a single regulatory scheme for both medical and non-medical cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").

In 2008, the City Council passed Ordinance 2008-005 placing a ban on medical marijuana dispensaries within the City. In order to maintain local land use control of medical and commercially grown marijuana, the City then adopted Ordinance No. 2016-001 prohibiting the sale, cultivation and distribution of medical marijuana, with a limited exception for personal indoor cultivation. The adoption of Ordinance No. 2017-XXX would repeal and replace these two ordinances.

Cannabis Delivery:

Every person who delivers products of any kind by the use of vehicles in the city is currently required to maintain compliance with RMC §110.19 DELIVERY BY VEHICLE and pay a fee of \$10.00 per quarter. The proposed ordinance includes the delivery of all

cannabis and cannabis products in Section 110.19 and replaces the \$10 fee with “as amended time to time.”

- **Cannabis Dispensaries:**

Cannabis dispensary licenses will be available for issuance at the State level. However, these licenses will require that the applicants first obtain local land use approval. Based on Council's direction, the attached ordinance permits one (1) cannabis dispensary for every sixteen thousand (16,000) in population and requires that a Development Agreement (“DA”) within specific commercial, research and development, and industrial zoning districts is obtained. Loitering signage and enforcement are also required.

- **Cannabis Cultivation for Personal Use:**

An Administrative Cultivation Permit (“ACP”) is required to cultivate indoors a maximum of six (6) plants per residence for personal use. “Indoors” includes both a personal residence and a secure shed or greenhouse located on the same property as the residence. Property owner permission is required. The residence must remain occupied and keep a functioning kitchen, bathroom(s), and a 2-car garage for their intended purposes. Ventilation, filtration, electrical, plumbing, building, and security or other plans must be submitted for staff review as each individual project dictates. One inspection by a city inspector is required to obtain an ACP, which expires in one (1) year. At that time, an additional inspection is required to renew the permit.

- **Commercial Cannabis Cultivation:**

Commercial cultivation is only permitted indoors in a Cannery District (CD), Industrial District (I), or Light Industrial District (M-1) with a Development Agreement. Other requirements include a Conditional Use Permit, a Secure Building, a Security Plan, Insurance, a Risk Management Plan, and a Waste Management Plan.

- **Commercial or Personal Use:**

Outdoor cultivation is expressly prohibited in all zones and planned development areas in the City of Riverbank and no permit(s) will be issued in any zone for it.

- **Cannabis Signage:**

Required for all Commercial and Industrial Cannabis Activities and Operations. All signage must comply with zoning district requirements. A “Green Cross” is required near the main entrance of each building for wayfinding and to alert first-responders.

- **Cannabis Testing Laboratory:**

Prop 64 created provisions for independent laboratories which will be responsible for testing the commercial cannabis products to ensure that the THC, CBD and other details of the products are accurately represented to consumers. The facilities will likely operate similarly to most laboratory testing facilities but independent from any cultivator or dispensary to ensure unbiased results. A Conditional Use Permit is required, which will provide additional review and consideration by the Planning Commission.

Cannabis Waste Management - Commercial:

All commercial cannabis operations will need an approved waste management plan describing how their cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station or landfill. Any future reuse or recycling of the shredded materials to be used for hemp paper or cloth is required to be in their development agreement or conditional use permit. The recycling of light bulbs is also addressed.

CONCLUSION

Staff has tried to implement the direction Council provided during the three workshops held on cannabis. In addition, based on staff research, regulations were added on topics not discussed including the delivery of cannabis to dispensaries, cannabis waste management, and signage. Related items that will be brought to Council in the near future include amendments to affected zoning districts, the adoption of permit fees to cover implementation costs such as processing and inspections, and the development agreements required to commercially cultivate and dispense cannabis.

Concerning the issuing of state licenses for various cannabis activities, Prop 64 states under Health and Safety §26054 (b) No licensee under this division shall be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. Under this code, the City would have the authority to modify a radius within a development agreement or conditional use permit.

FINANCIAL IMPACT

The financial impacts are not known at this time. Staff will analyze service demands and survey other cities to determine the fees associated with the issuance of permits, which will be brought to Council for approval. In addition, the City will negotiate and approve the costs, benefits, and amenities in each development agreement and conditional use permit as they come forward.

ENVIRONMENTAL DETERMINATION

The approval of any ordinance regarding cannabis is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in a physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the ordinance is required.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. Under the Goal of “Enhance Public Safety,” two Objectives apply:

1. Recommend to the City Council for consideration marijuana option(s) for Riverbank. *This goal was met with the three workshops conducted by staff on April 25, June 13, and June 22, 2017.*
2. Present to the City Council for consideration the need for Code Enforcement Personnel to conduct marijuana oversight. *This staff report is the first step in achieving that goal. After staff analyzes service demands and completes its survey of other cities' fees, we will have a better understanding of the need for Code Enforcement Personnel to conduct oversight.*

ATTACHMENT

1. Proposed Ordinance 2017-007
2. Zoning Maps

**THE CITY COUNCIL
OF THE CITY OF RIVERBANK
ORDINANCE NO. 2017-007**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING TITLE XI: BUSINESS REGULATIONS, BY REPEALING
CHAPTER 120: BAN ON MEDICAL MARIJUANA DISPENSARIES AND
COMMERCIAL AND OUTDOOR CULTIVATION IN ITS ENTIRETY AND
SUBSTITUTING IN ITS PLACE A NEW CHAPTER 120: CANNABIS REGULATIONS;
AND REPEALING SECTION 110.19: DELIVERY BY VEHICLE IN CHAPTER 110:
BUSINESS LICENSE TAX OF THE RIVERBANK MUNICIPAL CODE OF
ORDINANCES**

WHEREAS, on October 9, 2015, Governor Jerry Brown signed three bills into law (Assembly Bill 266, Assembly Bill 243, and Senate Bill 643) which are collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"). MCRSA establishes a statewide regulatory system for medical cannabis cultivation, manufacturing, delivery, testing, and dispensing; and

WHEREAS, in 2016, the voters of the State of California approved Proposition 64 entitled "Control, Regulate and Tax Adult Use of Marijuana" ("AUMA" or "Prop 64"); and

WHEREAS, Prop 64 has legalized the nonmedical use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six (6) cannabis plants within a residence; and

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 which repealed MCRSA, included certain provisions of MCRSA in the licensing provisions of AUMA, and created a single regulatory scheme for both medical and non-medical cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity could operate in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the State, within that local jurisdiction. Furthermore, MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a cannabis business if approval of the State license will violate the provisions of any local ordinance or regulation; and

WHEREAS, Local decisions on the regulation of cannabis activities should be made prior to January 1, 2018, when the State of California will begin issuing cannabis licenses; and

WHEREAS, the City Council finds that (1) outdoor cannabis cultivation, whether for medicinal or adult-use purposes, can adversely affect the health, safety, and well-being of city residents and shall be prohibited both commercially and personally; (2) city-wide regulation of indoor cannabis activities is proper and necessary to avoid the risks of criminal activity and the degradation of the natural environment that could result from indoor cultivation; and (3) that cannabis activity without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, the City Council of the City of Riverbank finds that this ordinance is consistent with the city's current prohibition of outdoor cultivation and that keeping cannabis activities indoors is in the best interest of the health, welfare and safety of the public.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 120: Ban on Medical Marijuana Dispensaries and Commercial and Outdoor Cultivation, of Title XI: Business Regulations, of the Riverbank Municipal Code shall be repealed in its entirety and replaced with a new Chapter 120: Cannabis Regulations, which shall read as follows:

CHAPTER 120: CANNABIS REGULATIONS.

GENERAL PROVISIONS

§120.01 LEGISLATIVE INTENT

It is the intent of the city to encourage responsible personal and commercial cannabis activities and to discourage violations of related state laws, especially those that prohibit the sale, use, or distribution of cannabis and cannabis products to minors. It is not the intent of the city to expand, reduce, or alter the penalties for violations of state cannabis laws.

§120.02 CANNABIS DEFINITIONS

(A) Definitions. For the purposes of this chapter, the following definitions shall apply.

- (1) CANNABIS has the same meaning as that term is defined by Cal. Business and Professions Code § 26001.

- (2) CANNABIS BUSINESS means any business engaged in commercial cannabis activity including, but not limited to, a cannabis dispensary, and a cannabis testing laboratory.
- (a) CANNABIS BUSINESS shall not include any of the following, as long as the location of such uses are otherwise regulated by this code or applicable law including Cal. Health and Safety Code §§ 1136.7 *et seq.*:
- a. A clinic licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 1.
 - b. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 3.01.
 - c. A residential care facility for the elderly licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 3.2.
 - d. A residential hospice or a home health agency licensed pursuant to Cal. Health and Safety Code Division 2, Chapter 8 and Chapter 8.5.
- (b) CANNABIS BUSINESS as defined herein is not intended, nor shall it be construed, to apply to the cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined in Cal. Health and Safety Code § 11362.7 provided such activity complies strictly with all applicable state law, including but not limited to, Cal. Health and Safety Code §§ 11362.5 and 11362.765.
- (3) CANNABIS DELIVERY. Any cannabis business that, pursuant to a Type 10 or Type 12 state cannabis license, delivers, makes available, or distributes cannabis and cannabis products to a consumer.
- (4) CANNABIS DISPENSARY. Any physical location where medicinal or adult-use cannabis or cannabis products are sold at retail to customers pursuant to Business and Professions Codes § 26000 *et seq.*
- (5) CANNABIS TESTING LABORATORY. A laboratory licensed pursuant to Business and Professions Codes § 26100 *et seq.* that meets the accreditation criteria in the International Organization for Standardization (ISO) guidelines known as ISO 17025. A Cannabis Testing Laboratory may test for cannabinoids, pesticides, water activity (microbial growth), and other substances in cannabis and cannabis products. A Cannabis Testing Laboratory may conduct other testing unrelated to cannabis.
- (6) COMMERCIAL CANNABIS WASTE means cannabis plants and plant materials that are discarded by a cannabis business, including but not limited to extra vegetative plants, failed clones, and harvest waste. Said waste shall be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper or cloth shall be covered under a

development agreement or conditional use permit. This definition shall not apply to indoor cultivation.

- (7) COMMERCIAL CANNABIS ACTIVITY includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, including industrial manufacturing activities, or sale of cannabis or cannabis products that require a state license pursuant to Medicinal and Adult-Use Cannabis Regulation and Safety Act (Cal. Business & Professions Code § 26000 *et seq.*).
- (8) CULTIVATION means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (9) CULTIVATION SITE means the location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occur.
- (10) DAY CARE means a facility, center, or home requiring a license that is issued by the State of California which provides for the care, health, safety, supervision, or guidance of a child's social, emotional, and educational growth on a regular basis, in a place other than the child's own home, or any facility meeting the definition of California Health and Safety Code Section 1596.76.
- (11) GROUP HOME means any community care facility regulated and licensed by a Federal or State agency. Unlicensed community care facilities or those community care facilities the regulation of which is not otherwise preempted by State or Federal law shall not constitute group homes.
- (12) INDOOR CULTIVATION means the cultivation of cannabis for personal use within a fully enclosed and secure structure that has a complete roof in which cannabis plants cannot be seen from any public right of way. Indoor cultivation does not include any commercial cannabis activity.
- (13) OUTDOOR CULTIVATION means the cultivation of cannabis that does not meet the definition of indoor cultivation.
- (14) CANNABIS FOR PERSONAL USE means the use or possession of cannabis that does not require a license pursuant to Cal. Business and Professions Code §§ 26000 *et seq.*
- (15) PRIMARY CAREGIVER has the same meaning as that term is defined by Cal. Health and Safety Code §§ 11362.7.
- (16) QUALIFIED PATIENT has the same meaning as that term is defined by Cal. Health and Safety Code §§ 11362.7.

- (17) YOUTH CENTER means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities

§ 120.03 ALL STATE AND LOCAL LICENSES REQUIRED.

- (A) Any cannabis business that does not have all applicable state licenses is prohibited within the city.
- (B) Any cannabis business allowed in the city shall be permitted pursuant a development agreement, a city business license, a conditional use permit, or a combination of the three, as set forth in this chapter.
- (C) At the time of application to the city, every cannabis business applicant shall submit to the Director of Community Development or his/her designee a copy of its state license or state license application required for its operation.

REGULATIONS FOR CULTIVATION OF CANNABIS FOR PERSONAL USE

§ 120.04 CULTIVATION OF CANNABIS FOR PERSONAL USE: ADMINISTRATIVE CULTIVATION PERMIT.

- (A) It shall be unlawful for any person to cultivate cannabis outdoors for personal use within the City.
- (B) It shall be unlawful for any person to cultivate cannabis for personal use within a private residence without first having secured an Administrative Cultivation Permit from the Community Development Department.
- (C) A person shall be limited to a maximum of one (1) Administrative Cultivation Permit at a time.
- (D) An Administrative Cultivation Permit is not transferable. The Administrative Cultivation Permit shall only be used by the permittee to whom it is issued.
- (E) Administrative Cultivation Permit shall expire one (1) year from the date of approval and may be renewed annually.

§ 120.05 APPLICATION FOR ADMINISTRATIVE CULTIVATION PERMIT.

- (A) An applicant shall be at least twenty-one (21) years of age.
- (B) The Administrative Cultivation Permit application shall require all of the following:
 - a. Written consent signed by the legal property owner of the intended cultivation.
 - b. Identification of any chemicals, fertilizers, or pesticides that will be used to cultivate plants to aid public safety officials in case of an emergency response to the location.
- (C) An Applicant shall pay a nonrefundable Administrative Cultivation Permit application fee as established by resolution of the City Council.
- (D) Within sixty (60) calendar days, the city will provide written notification of the complete application to the applicant, indicating whether the application has been approved or denied.

§ 120.06 REGULATIONS FOR ADMINISTRATIVE CULTIVATION PERMIT.

- (A) A private residence shall not include more than one cultivation site.
- (B) A person shall not cultivate more than six (6) living plants at a private residence. All marijuana plants and anything produced by the plants shall be kept within the permit holder's private residence, or upon the grounds of that private residence, and not be visible by normal unaided vision from a public place.
- (C) A private residence shall not also be used for a day care, youth center, or group home. The private residence shall remain occupied and is required to maintain a functioning kitchen, bathroom(s), and the use of the two-car garage for their intended purposes.
- (D) Each of the following shall apply to the cultivation site:
 - 1. The cultivation site shall be located within the private residence.
 - 2. To prevent safety hazards, the private residence shall not have plumbing, electrical, or other utilities that violate applicable local or state regulations.
 - 3. To prevent persons under twenty one (21) years of age from entering the cultivation site, the cultivation site shall have lockable door(s).
 - 4. The cultivation site shall not produce odors, sounds, or other emissions that are detectable by persons with reasonable sensitivity.
- (E) All of the following shall be prohibited in the cultivation site:
 - 1. Volatile solvents including, but not limited to explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂.
 - 2. Dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Trichloro-ethylene, unless evidence of a current license to operate such solvents is provided.
 - 3. Generators or gas products used to power electrical or lighting fixtures or equipment.
- (F) Multiple Administrative Cultivation Permit holders may cultivate marijuana at the same private residence; however, the private residence shall not include more than one cultivation site or more than a total of six (6) plants at one time.
- (G) Each applicant shall pass an initial inspection of their cultivation site by a city inspector to ensure that the private residence meets the requirements of § 120.07 and does not pose a health or safety risk to the Applicant or public. If the inspection is denied, the applicant will have ten (10) calendar days to have the cultivation site re-inspected.

§ 120.07 EXPIRATION AND RENEWAL OF AN ADMINISTRATIVE CULTIVATION PERMIT.

- (A) An Administrative Cultivation Permit may be renewed no sooner than sixty (60) days of expiration.
- (B) The Administrative Cultivation Permit holder shall pass a re-inspection of the cultivation site by the city inspector.
- (C) Renewal of an Administrative Cultivation Permit is subject to a renewal fee as approved by resolution by the City Council.

§ 120.08. SUSPENSION AND TERMINATION.

- (A) The City may suspend or terminate an Administrative Cultivation Permit at any time for failure to comply with this chapter or state law or regulation.
- (B) If a person's Administrative Cultivation Permit is suspended, terminated, or expired, the permit holder's marijuana plants that exceed 28.5 grams may be assessed fines by the City until both of the following are met:
 - 1. The person reinstates their Administrative Cultivation Permit.
 - 2. The person pays an administration penalty pursuant to § 120.15 PENALTIES.
- (C) A person may appeal any suspension or termination of an Administrative Cultivation Permit pursuant to § 120.14 APPEALS PROCEDURE.

§ 120.09 MULTIPLE ADMINISTRATIVE CULTIVATION PERMIT APPLICATIONS.

- (A) Application for Administrative Cultivation Permit in a New Private Residence.
 - 1. An Administrative Cultivation Permit holder may apply for an Administrative Cultivation Permit for a private residence other than the private residence specified on the existing permit. If the application is approved, the former Administrative Cultivation Permit shall be immediately null and void. If the application is denied, the existing Administrative Cultivation Permit shall continue under its applicable terms and conditions. If the applicant appeals a denial of the application, the existing Administrative Cultivation Permit shall continue under its applicable terms and conditions.
- (B) Application for a Different Cultivation Site within the Same Private Residence.
 - 1. If a current Administrative Cultivation Permit holder applies for an Administrative Cultivation Permit for the private residence on the existing permit but for a cultivation site other than specified on the existing permit, the existing permit will terminate upon approval of the application.
- (C) Application for the Same Cultivation Site in Same Private Residence.
 - 1. If an additional person applies for an Administrative Cultivation Permit for the same cultivation site within the same private residence of a current Administrative Cultivation Permit holder, a permit shall not be issued if the existing permit has been terminated or suspended. If the Administrative Cultivation Permit is approved for the additional Applicant, the total number of marijuana plants within a single private residence shall be limited to six (6). In no event shall the number of marijuana plants exceed six (6).
 - 2. An additional Administrative Cultivation Permit for the same cultivation site shall only be issued if all Administrative Cultivation Permits related to that cultivation site are in good standing with the City.

REGULATIONS FOR COMMERCIAL CANNABIS CULTIVATION

§ 120.10 COMMERCIAL CANNABIS CULTIVATION.

- (A) A commercial cannabis cultivation business may be permitted within the city pursuant to a development agreement pursuant to California Government Code section 65864 *et seq.*, known as the Development Agreement Statute. The Development Agreement shall include a Risk Management Plan.

- (B) A commercial cannabis cultivation business shall only be allowed in a Cannery District (CD), Industrial District (I), or Light Industrial (M-1) zoning district.
- (C) A commercial cannabis cultivation business shall not cultivate outdoors anywhere within the city.
- (D) All commercial cannabis cultivation businesses shall comply with all of the following:
- a. **Conditional Use Permit.** Concurrently with applying for a development agreement, the applicant shall obtain a conditional use permit pursuant to RMC §153.216 USE PERMIT of the Riverbank Municipal Code. Information that may be duplicative in the two applications can be incorporated by reference. The conditional use permit shall run with the development agreement and not the land.
 - b. **Secure Building.** All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the cannabis operation cannot be seen, heard or smelled beyond the property line.
 - c. **Security Plan.** A commercial cannabis cultivation business shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.
 - d. **Insurance.** A commercial cannabis cultivation business shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.
 - e. **Waste Management Plan.** A commercial cannabis cultivation business shall submit and comply with an approved commercial cannabis waste management plan describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be

addressed under a development agreement or conditional use permit. If applicable, the plan shall include a description of measures to be taken relating to light bulb recycling.

- f. **Risk Management Plan.** A commercial cannabis cultivation business shall submit and comply with an approved risk management plan, which is used for identifying, analyzing and responding to risk factors throughout the life of the project. The risk management plan shall contain at a minimum these five (5) steps:
 - Step 1 – An identification of the risks;
 - Step 2 – An analysis of the risks;
 - Step 3 – An evaluation or ranking of the risks;
 - Step 4 – Recommended treatment for the risks; and
 - Step 5 – Discussion of a method to monitor and review the risks.
- g. **Signage.** Signage informing the public of a commercial cannabis cultivation business shall conform to the applicable zoning district requirements and include one (1) “green cross” logo, maximum four (4) square feet in size, lighted or unlighted, on the structure near the main entrance to each building for wayfinding. If unlighted, the sign shall be reflective. The green cross shall not count towards the maximum square footage of signage permitted for the site nor restrict the use of green crosses on other signage.

REGULATIONS FOR CANNABIS TESTING LABORATORIES

§ 120.11 CANNABIS TESTING LABORATORY.

- (A) A cannabis testing laboratory may be permitted with a conditional use permit pursuant to RMC §153.216 USE PERMITS.
- (B) Cannabis testing laboratories shall only be located in a General Commercial (C-2), Commercial-Industrial (CM), Downtown General (DG), Cannery District (CD), or Research and Development (R&D) zoning districts.
- (C) All cannabis testing laboratories shall obtain the proper state permit(s), maintain a city business license, and maintain compliance with all of the following:
 - a. **Standard Operating Procedures.** All commercial cannabis activities shall provide a copy of their State-required standard operating procedures.
 - b. **Secure Building.** All commercial cannabis activity shall occur entirely inside of a building that is secure, locked, and fully enclosed, with a ceiling, roof, or other enclosure. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures and

include material strong enough to prevent entry except through an open door.

- c. **Security Plan.** A cannabis testing laboratory shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.
 - d. **Insurance.** A cannabis testing laboratory shall maintain insurance in the amounts and of the types that are acceptable to the City Manager or his or her designee. The city shall be named as additional insured on all city-required insurance policies.
 - e. **Waste Management Plan.** A cannabis testing laboratory shall submit and comply with an approved commercial cannabis waste management plan describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be addressed under the conditional use permit.
 - f. **Signage.** Signage informing the public of a cannabis testing laboratory shall conform to the applicable zoning district requirements and include one (1) "green cross" logo, maximum four (4) square feet in size, lighted or unlighted, on the structure near the main entrance to each building for wayfinding. If unlighted, the sign shall be reflective. The green cross shall not count towards the maximum square footage of signage permitted for the site nor restrict the use of green crosses on other signage.
- (D) This section shall not apply to cannabis testing laboratories established pursuant to a development agreement and conditional use permit.

REGULATIONS FOR CANNABIS DISPENSARIES

§ 120.12 CANNABIS DISPENSARIES.

- (A) A cannabis dispensary may be permitted at one (1) for every sixteen thousand (16,000) population pursuant only to a development agreement.
- (B) Cannabis dispensaries shall only be located in a General Commercial (C-2), Commercial-Industrial (CM), Cannery District (CD), Highway Boulevard (HB), Downtown General (DG), Downtown Core (DC), Light Industrial (M-1) or Research and Development (R&D) zoning district and at least six hundred (600) feet from a school, day care facility, or youth center. Therefore it shall be prohibited and no permit shall be issued in any other zoning district or planned development zone.

(C) All cannabis dispensaries shall obtain any applicable state permit, obtain a city business license, and maintain compliance with all of the following:

- a. **Security Plan.** A cannabis dispensary shall comply with security requirements acceptable to the Police Chief on an individual project basis. The security requirements will specify at a minimum provisions for perimeter fencing plan, interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.
- b. **Waste Management Plan.** A cannabis dispensary shall submit and comply with an approved commercial cannabis waste management plan describing how cannabis waste will be documented, shredded, blended 50/50 with shredded cardboard or paper, bagged up, and taken to a transfer station/landfill. Any reuse or recycling of the shredded materials for hemp paper and cloth or other uses shall be addressed under a development agreement or conditional use permit. If applicable, the plan shall include a description of measures to be taken relating to light bulb recycling.
- c. **Risk Management Plan.** A commercial cannabis dispensary shall submit and comply with an approved risk management plan, which is used for identifying, analyzing and responding to risk factors throughout the life of the project. The risk management plan shall contain at a minimum these five (5) steps:
Step 1 – An identification of the risks;
Step 2 – An analysis of the risks;
Step 3 – An evaluation or ranking of the risks;
Step 4 – Recommended treatment for the risks; and
Step 5 – Discussion of a method to monitor and review the risks.
- d. **No Loitering Signage.** A cannabis dispensary shall be posted with “No Loitering” signage and enforce it pursuant to RMC §130.02 Loitering.

REGULATIONS FOR CANNABIS DELIVERY

§ 120.13 CANNABIS DELIVERY.

All cannabis delivery is prohibited within the city unless the cannabis business obtains a city business license and maintains compliance with §120.12 and RMC §110.19 DELIVERY BY VEHICLE.

APPEALS AND ENFORCEMENT

§ 120.14 APPEALS PROCEDURE.

- (A) Any permit applicant may appeal any adverse action taken under this chapter to the City Council.
- (B) All appeals taken under this chapter must be taken within 30 days after the adverse action by filing with the office of the City Clerk a written notice of appeal specifying the grounds thereof. An appeal shall be accompanied by a non-refundable filing fee, as established by resolution adopted by the City Council from time to time.
- (C) The City Clerk, upon the filing of such appeal and payment of an appeal fee, shall place the matter upon the agenda for the next regular meeting of the City Council occurring not earlier than five days after the filing of the appeal, and shall notify the appealing permit applicant by letter of the meeting date and place at which the appeal will be heard.

§ 120.15 PENALTIES.

- (A) Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Cal. Code of Civil Procedure § 731 or any other remedy available to the City.
- (B) In addition to any other enforcement permitted by this chapter, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.
- (C) Violations of this chapter shall be subject to an administrative penalty. The amount of the administrative penalty shall be two hundred and fifty dollars (\$250) for the first offense, five hundred dollars (\$500) for the second offense, and one thousand dollars (\$1,000.00) for any subsequent offense.

§ 120.16 COST RECOVERY.

- (A) The city shall be entitled to recover its abatement and enforcement costs incurred in obtaining compliance with this chapter. Costs incurred by the city are recoverable even if a public nuisance, Municipal Code, or other violation of law is corrected by the property owner or other responsible party.
- (B) The cost of abating a public nuisance or enforcing this chapter shall either be a special assessment and lien on the subject property or the personal obligation of the owner of the subject property or the responsible party. If there is more than one responsible party, each party shall be jointly and severally liable for the costs.

(C) For purposes of this chapter, the following additional definitions shall apply:

1. "Abatement costs" include the actual and reasonable costs incurred by the city to abate a public nuisance. These costs include all direct and indirect costs to the City that result from the total abatement action, including but not limited to, investigation costs, costs to enforce the Municipal Code and any applicable State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct actual abatement of the nuisance. Costs include personnel costs, administrative overhead, costs for equipment such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys' fees incurred by city.
2. "Enforcement costs" include all actual and reasonable costs incurred by the city to enforce compliance with the Municipal Code and any applicable State, County, or city public health and safety law that are not included within abatement costs. Enforcement costs shall also include, but are not limited to, costs of fringe benefits for personnel, administrative overhead, costs of equipment, costs of materials, costs related to investigations, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Municipal Code or State or County law violations, and reasonable attorneys' fees related to these activities.
3. "Responsible party" means a person or entity responsible for creating, causing, committing, or maintaining the violation of this chapter or State or County law.
4. "Subject property" means the real property that is the subject of any abatement or enforcement action by the city for which the city incurred costs and seeks recovery under this chapter.

§ 120.17 SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 2: Amending Title XI: Business Regulations by repealing in its entirety Section 110.19: Delivery by Vehicle of Chapter 110: Business License Tax, and shall be replaced by a new Section 110.19, which shall read as follows:

CHAPTER 110 SECTION §110.19: DELIVERY BY VEHICLE.

(A) Every person not having a fixed place of business within the city, and not being herein otherwise licensed or classified, who delivers goods, wares, or merchandise of any

kind by the use of vehicles in the city, shall pay a license fee at a rate set by the City Council, as amended time to time.

(B) Subsection (A) shall apply to all cannabis businesses that provide delivery service within the city unless that business is expressly exempt from this section.

SECTION 3. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4: This Ordinance shall become effective thirty (30) days from and after its final passage (____), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on August 8, 2017. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 22nd day of August, 2017; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

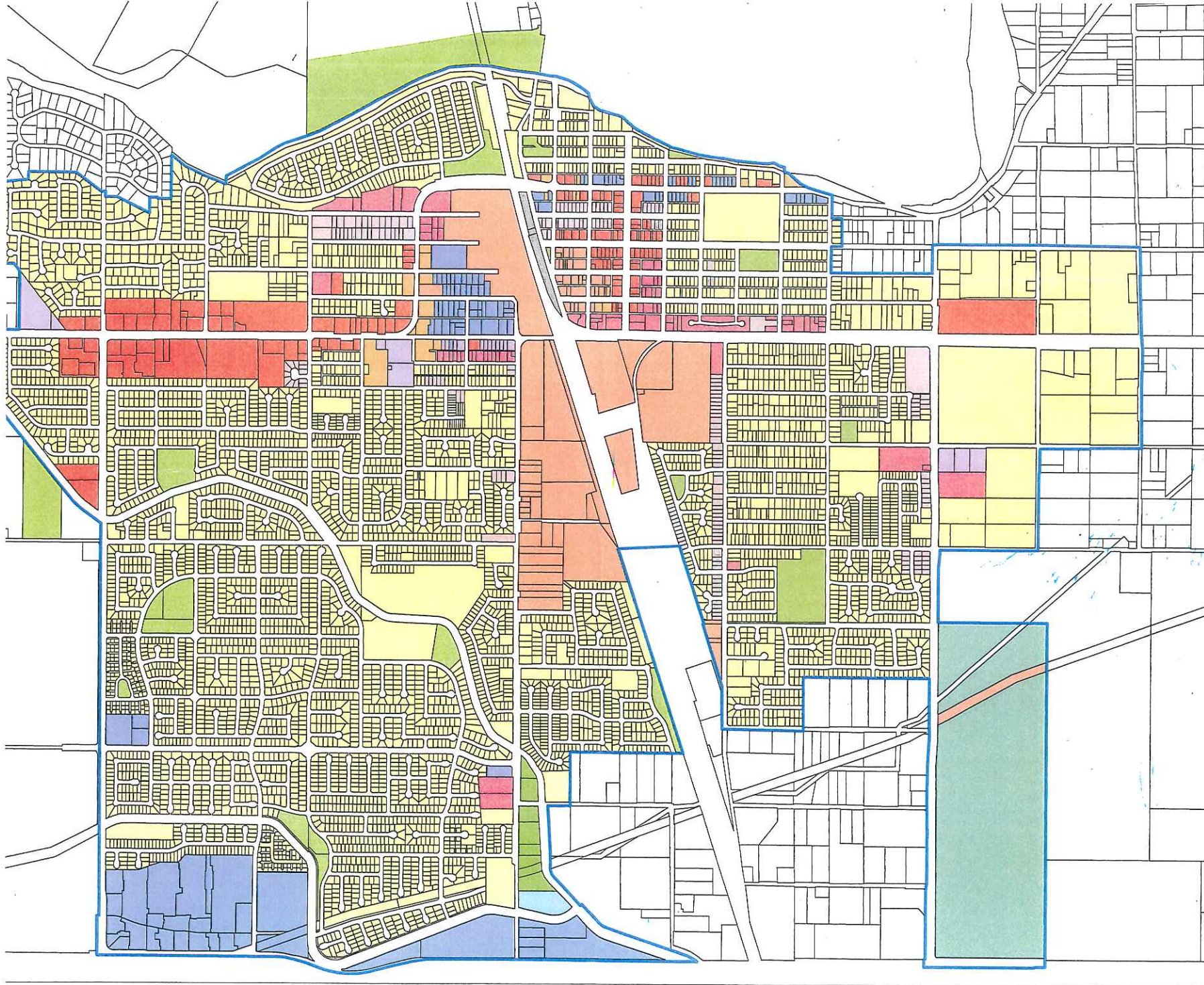
Tom P. Hallinan, City Attorney



City of Riverbank ZONING

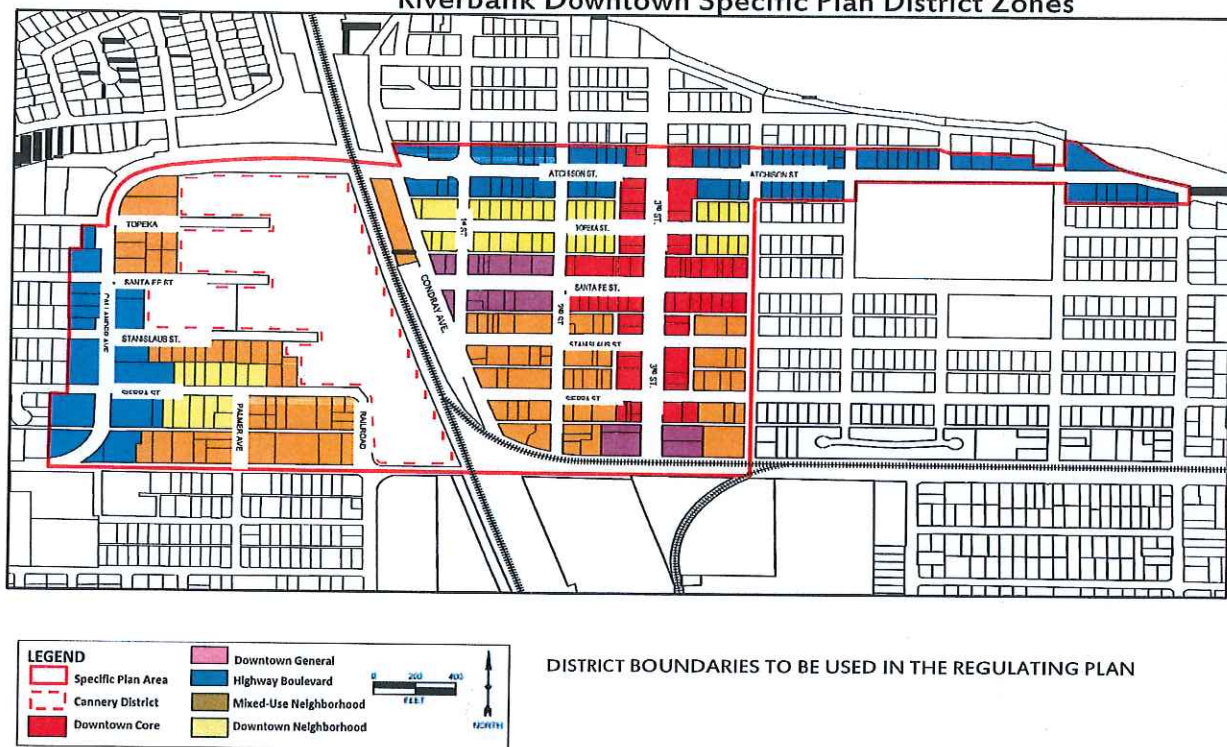
-  Neighborhood Commercial (C-1)
-  General Commercial (C-2)
-  Commercial - Industrial (CM)
-  Light Industrial (M-1)
-  Mixed Use (CX-1)
-  Park
-  Single Family Residential (R-1)
-  Duplex Residential (R-2)
-  Multiple Family Residential (R-3)
-  Rural to Low Residential (RLR - SP1)
-  Public/Quasi Public (PQP)
-  Riverbank Industrial Complex Park
-  Unassigned
-  City Limits

August 2015



2.1 DISTRICT ZONE REGULATIONS

Riverbank Downtown Specific Plan District Zones



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	August 22, 2017
Subject:	Direction on League of California Cities Annual Conference Resolutions
From:	Sean Scully, City Manager
Submitted by:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council provide direction to the voting member regarding the City of Riverbank's position on the two resolutions which will be considered at this year's League of California Cities Annual Conference General Assembly.

SUMMARY:

This year the general assembly will be considering two resolutions which were submitted prior to the July 15 deadline. Both resolutions will start at the Public Safety Policy Committee and then carry a recommendation to the General Assembly, typically held on the last day of the conference. The first resolution submitted by the City of Whittier requests that the League call upon the Governor and Legislation to enter into discussions with the League and public safety stakeholders to identify and implement strategies that will reduce the unintended negative impacts of existing criminal law. While the resolution title is fairly broad, the resolution primarily seeks to address the crime related effects of AB 109 and Propositions 47 and 57. The narrative of the resolution notes that a result of these actions has been increase in crime and a reduction in police officer safety. The resolution has a number of suggested policy changes to mitigate the increasing crime trends.

The second resolution submitted by the City of Tracy requests support for amendments to amend government code section 38611 to clarify the definition of "local control" to provide broad statutory authority for local officials to determine emergency service levels and direct emergency medical service (EMS) response within their jurisdictions. Current law allows for most of these decisions to be made by a County EMS Agency (County EMS Director) in coordination with the State EMS Agency and the EMS provisions of the Health and Safety Code. The resolution seeks to broaden Cities ability to direct these types of EMS responses making the specific nexus that in many cases the local jurisdictions are paying these services and therefore should have more a say in the direction of response.

BACKGROUND:

The League of California Cities has distributed a resolutions packet to the member Cities. The annual conference resolutions are put forth as a process for making decisions on importance issues that face municipalities in California. In general the annual conference resolutions are broad policy decisions that do not focus on specific geographic areas or more targeted issues that are within the purview of the various league policy committees.

Both of the resolutions submitted for consideration this year will be considered for a recommendation by the League Public Safety Policy committee. The general assembly will consider the resolutions during the final day of the conference.

Resolution Number 1: “A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW”

The resolution seeks to urge the Governor and Legislature to reform specific policy and law within the public safety realm to work toward offsetting the negative impacts that many believe have been the result of AB 109, SB 45 and SB 47. Council may recall that AB 109 and Prop 47 both reclassified a variety of offenses from felony to misdemeanors while Prop 57 changed rules for nonviolent offenders. Many in public policy and law enforcement have stated that the cumulative effect of these actions have contributed to an increase in crime in California which has placed an increased and excessive burden on local jurisdictions. The resolution seeks to accomplish three key reforms (see attached resolution and associated league analysis for specific details).

- Address Issues with AB 109 - The resolution notes specific preferred changes to AB 109 which would alter the criteria that justifies “the release of non-violent, non-serious, non sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.”
- Revise the Definition of Violent Crime – Calls the League to propose amendments to the California Constitution to include specific offenses as “violent offenses” including – murder, rape, mayhem, various forms of assault, arson, lewd acts on a child, kidnapping, robbery, etc (see attachment for full list).
- Data Sharing – Requests the state to make improvements to the Smart Justice platform to “provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and offenders.”

The leagues analysis references Public Policy Institute of California data that indicates overall rising levels of crime since 2015 with property crime up 145% and violent crime up 54%. This has led to increased pressure on municipal general funds to account for

the need for additional law enforcement services. The analysis comments that if the suggested solutions are carried out, some of the pressures to general funds should be alleviated but the specific amount is undetermined.

Resolution Number 2: “A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS”

Resolution number 2 seeks to amend Government Code Section 38611 “would clarify local control and allow the local governing bodies to determine which services are directly provided within their respective jurisdictions. The existing law is extremely limited in scope having been last amended in 1957, at a time when fire departments did not routinely provide many of the specialized services of today. Changes in services provided include but are not limited to hazardous materials response, specialized rescue and emergency medical services. The amendment aims to support the long-standing tradition in California of local control over the types, levels and availability of these services.”

While the amendment is fairly broad in scope, it is submitted with the specific intent of clarifying authority for local control related to EMS in particular. The league analysis (attached) notes that when the Emergency Medical Services (EMS) Act was passed in 1980 it was created because of a “concern that there was a lack of medical oversight and coordination of emergency medical services.” The act was responsible for the creation of a two-tiered system which created a State EMS Agency whose duties are to coordinate and develop policies which are applied to the local level across the state.

The act stated that each local EMS Agency be directed by a “medical director” which provides direction and oversight for cities and special fire districts in the delivery of EMS services. The resolution would allow for Cities who have invested significant resources in EMS services to more directly dictate how those services are carried out. While clearly a local control issue, the specifics of this resolution have less impact on Riverbank since most EMS services are handled by the contracted EMS provider and/or Stanislaus Consolidated Fire.

FINANCIAL IMPACT:

No direct financial impact at this time.

ATTACHMENTS:

- 1) Resolutions and Analysis by League



***Annual Conference
Resolutions Packet***

2017 Annual Conference Resolutions



***Sacramento, California
September 13 – 15, 2017***

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 by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: One policy committee will meet at the Annual Conference to consider and take action on the resolutions referred to it. The committee is Public Safety. The committee will meet from 9:00 – 11:00 a.m. on Wednesday, September 13, at the Hyatt Regency. 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 14, at the Hyatt Regency in Sacramento, to consider the report of the policy committee 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 15, at the Sacramento 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 14. 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 principles 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 13

Hyatt Regency Sacramento

1209 L Street, Sacramento

9:00 – 11:00 a.m.: Public Safety

General Resolutions Committee

Thursday, September 14, 1:00 p.m.

Hyatt Regency Sacramento

1209 L Street, Sacramento

Annual Business Meeting and General Assembly Luncheon

Friday, September 15, 12:30 p.m.

Sacramento Convention Center

1400 J Street, Sacramento

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

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Implement Strategies to Reduce Negative Impacts of Recent Changes to Criminal Laws			
2	Local Control for Emergency Medical Response			

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

KEY TO ACTIONS TAKEN

- | | |
|---|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

- | | |
|-----|---|
| 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](#).

2017 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

- 1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW**

Source: City of Whittier

Concurrence of five or more cities/city officials: Cities: La Mirada; Lakewood; Monrovia; Pico Rivera; Rolling Hills; Santa Fe Springs; and South Gate

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, during the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences; and

WHEREAS, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little to no prison time; and

WHEREAS, negative impacts from State legislative changes have been far reaching and crime rates and the number of victims are skyrocketing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders; and

WHEREAS, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities; and

WHEREAS, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in incarcerations, resulting in lower-level criminals being released early, directly impacting rising property crime rates throughout the State; and

WHEREAS, many probationers who have severe mental illness are released into communities where they continue to commit crimes that adversely impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors—drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs; and

WHEREAS, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal injury to a child as “non-violent” felonies and offenders convicted of violating such laws are able to avoid appropriate prison sentences; and

WHEREAS, under Proposition 57, criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim and allows repeat criminals to be eligible for release after the same period of incarceration as first time offenders; and

WHEREAS, cities must join together to voice their concerns for these legislative changes that have created an adverse impact on the safety of residents and businesses in local communities.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 15, 2017, to:

1. Direct League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent and future criminal law based on appropriate documentation by local agencies to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.
2. Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.
3. Continue to advocate to place into law that for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following:
 - Murder or voluntary manslaughter.
 - Mayhem.
 - Rape.
 - Sodomy by force, violence, duress, menace, or threat of great bodily harm.
 - Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
 - Lewd acts on a child under the age of 14 years.
 - Any felony punishable by death or imprisonment in the state prison for life.
 - Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.
 - Attempted murder.
 - Assault with intent to commit rape or robbery.

- Assault with a deadly weapon or instrument on a peace officer.
 - Assault by a life prisoner on a non-inmate.
 - Assault with a deadly weapon by an inmate.
 - Arson.
 - Exploding a destructive device or any explosive with intent to injure.
 - Exploding a destructive device or any explosive causing great bodily injury.
 - Exploding a destructive device or any explosive with intent to murder.
 - Robbery.
 - Kidnapping.
 - Taking of a hostage by an inmate of a state prison.
 - Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
 - Any felony in which the defendant personally used a dangerous or deadly weapon.
 - Escape from a state prison by use of force or violence.
 - Assault with a deadly weapon.
 - Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22.
 - Carjacking.
 - Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
 - Throwing acid or flammable substances with intent to injure.
 - Continuous sexual abuse of a child.
4. Request the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.
 5. Encourage the collection and organization of real world data from cities and counties on the universe of post-release community supervision (PRCS) offenders.
 6. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent policy changes to the criminal justice system.
 7. Call for the Governor and the Legislature to work with the League and others stakeholders to consider and implement such criminal justice system reforms.

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Background Information on Resolution No. 1

Source: City of Whittier

Background:

During the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Some changes have been needed, as not all crimes should be punished with jail sentences. These changes included AB 109 as well as Propositions 47 and 57.

Approved in 2011, AB 109 was approved, transferring nearly 45,000 felons from the State prison system to local jail systems, resulting in lower-level criminals being released early. Then, Proposition 47, so called The Safe Neighborhoods and Schools Act, was approved by California voters in 2014. It reclassified and downgraded a number of serious crimes from felonies to misdemeanors. Similarly, Proposition 57, called The Public Safety and Rehabilitation Act, was approved by voters in 2016 and allows the State to provide for the release of up to 30,000 criminals convicted of "non-violent" felonies, including rape by intoxication, driveby shooting, human trafficking involving sex act with minors, assault with a deadly weapon, to name a few. Additionally, under Prop 57 repeat criminals are eligible for release after the same period of incarceration as first time offenders.

Now, California cities and counties are facing increasing crime rates which are being connected to these legislative actions which created a situation where violent and career criminals are serving little to no prison time while low-level offenders commit multiple crimes with limited consequences. This increasing level of crime endangers the health and safety of our residents, police officers, and property. Negative impacts from these State legislative changes have been far reaching, and crime rates and the number of victims are increasing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders.

As an example, the Public Policy Institute of California reports since 2015:

- California has experienced an uptick in overall crime
- Property crime is up 145%, violent crime up 54%
- One in four Californians view violence and street crime in their community as a substantial problem
- Arrests dropped 31% for property crimes and 68% for drug offenses (due to Prop. 47)
- The report concludes auto theft increase is a direct result of AB109

To make matters even worse, during the past two years we've seen officers shot, wounded and killed in communities throughout California including Whittier, Downey, Lancaster, Palm Springs, San Diego, Stanislaus County, and Modoc County. Further, the number of U.S. police officers killed in the line of duty hit a five-year high in 2016. The National Law Enforcement Officers Memorial Fund's preliminary report shows that this year's 135 fatalities were a 10% increase over the 123 officers who died in the line of duty last year.

When taken together the increases in crime in our communities and reductions in arrests for many crimes plus violent attacks against police officers underscores the need for a call to action amongst California's state and local leaders. This conference resolution is an important first step and seeks to initiate both a dialogue as well as actions to begin reforming California's criminal justice system by requesting that League staff analyze the negative impacts of recent criminal law, identify necessary changes, and work with stakeholders to promote support for such advocacy efforts. The resolution also calls on the Governor, Legislature, cities, and other stakeholders to work together toward reforms.

The resolution contains three specific reforms:

1. Address Issues with AB 109

The conference resolution promotes the amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.

2. Revise the Definition of Violent Crime

The resolution calls for the League to advocate to place into law for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following crimes:

- Murder or voluntary manslaughter
- Mayhem
- Rape
- Sodomy by force, violence, duress, menace, or threat of great bodily harm
- Oral copulation by force, violence, duress, menace, or threat of great bodily harm
- Lewd acts on a child under the age of 14 years
- Any felony punishable by death or imprisonment in the state prison for life
- Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven
- Attempted murder
- Assault with intent to commit rape or robbery
- Assault with a deadly weapon or instrument on a peace officer
- Assault by a life prisoner on a non-inmate
- Assault with a deadly weapon by an inmate
- Arson
- Exploding a destructive device or any explosive with intent to injure
- Exploding a destructive device or any explosive causing great bodily injury
- Exploding a destructive device or any explosive with intent to murder
- Robbery
- Kidnapping
- Taking of a hostage by an inmate of a state prison

- Attempt to commit a felony punishable by death or imprisonment in the state prison for life
- Any felony in which the defendant personally used a dangerous or deadly weapon
- Escape from a state prison by use of force or violence
- Assault with a deadly weapon
- Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22
- Carjacking
- Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
- Throwing acid or flammable substances with intent to injure.
- Continuous sexual abuse of a child.

3. Data Sharing

The resolution requests the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Tim Cromartie
Committee: Public Safety

Summary:

This Resolution seeks to address increases in crime in the wake of AB 109 (2011), Proposition 47 (2014), which reclassified a host of felony offenses as misdemeanors, and Proposition 57 (2016), which revised the rules of parole for what are designated “non-violent” offenders under the California Penal Code, but in fact comprise a number of criminal acts that are violent in nature, or may be committed to facilitate a violent outcome (for example, discharging a firearm from a motor vehicle).

This Resolution would direct staff to seek legislation expanding the term “violent felony” as defined in the California Penal Code; to tighten the criteria for the release of non-violent, non-serious, non-sex offender inmates; to mandate consideration of an inmate’s entire criminal history as part of the deliberations involving whether to grant individual parole; and to consider creation of a task force that would be charged with issuing a report recommending further changes in law, and supported by documentation collected by local agencies and other key stakeholders.

Background:

Since 2011, changes in state law, starting with AB 109, altered the fabric of California's criminal justice system. In 2011, AB 109 began to shift nearly 45,000 felons from the state prison system to local county jails. Prior to AB 109, many of California's more heavily populated counties already had jail systems that were operating under court-ordered or self-imposed population caps. As a result, AB 109 implementation triggered changes in that county jails experienced over time an influx of a rougher class of offender, and many lower level petty criminals committing new offenses were simply booked and released, serving no jail time at all.

Proposition 47 followed in 2014, reclassifying a host of felony offenses as misdemeanors and increasing the threshold amount for a felony charge of grand theft from \$450.00 to \$900.00. The effect of this change was to significantly stimulate the volume of petty theft, shoplifting, auto theft, and organized retail theft (shoplifting involving multiple persons with cell phones, designated getaway drivers, and a pre-determined escape route often involving a short trip to a major highway). Proposition 57, approved by voters in 2016, facilitates the potential early release of a large number of "non-violent" offenders by providing that inmates are eligible for parole once they have served 100% of their base sentence, without regard to any time served as a result of any sentencing enhancements. The universe of "non-violent" offenders could include individuals who have committed the following offenses: rape by intoxication, attempted drive-by shooting, assault with a deadly weapon, throwing acid with the intent to disfigure, to name but a few offenses. Since current law defines a "non-violent offender" based on the individual's most recent commitment offense, even if the individual is a repeat offender, the State Parole Board must still consider that person's parole application.

This state of affairs includes factors such as a higher proportion of offenders at large on our city streets, many of whom have had little in the way of rehabilitation programming while incarcerated, some with drug habits, who are more violent now than when initially incarcerated. Unless they engage in major illegal activity (murder, rape, arson, armed robbery), the available sanctions for any violations they commit, such as flash incarceration, i.e. temporary incarceration for 48-72 hours in a city or county jail, scarcely provide a meaningful deterrent to further criminal activity.

Communities in California are now facing increasing crime rates which can be linked to these recent legislative changes, which probation officers and local law enforcement are struggling to monitor and contain a situation in which a dramatically increase universe of offenders are at large in our communities.

The Public Policy Institute of California reports that since 2015:

- California has experienced an increase in overall crime
- Property crime is up 145%
- Violent crime is up 54%
- One in four Californians view violence and street crime in their community as a substantial problem
- Arrests dropped 31% for property crimes and 68% for drug offenses (due to Prop. 47)
- The report concludes auto theft increase is a direct result of AB 109

Support:

Cities of La Mirada, Lakewood, Monrovia, Pico Rivera, Rolling Hills, Santa Fe Springs, and South Gate

Opposition:

None received.

Fiscal Impact:

The collective and cumulative effect of the current criminal justice policies has led to increased pressure on county general funds for increased resources for probation supervision and incarceration in county jails, as well as identical pressure on municipal general funds related to increased law enforcement activity and in some areas, increased emergency medical services calls. Should the objectives outlined by the resolution be achieved, those pressures will be alleviated to a significant but undetermined amount.

Comment:

This measure is a response to a trend of rapidly mounting frustration among cities beset by calls for more law enforcement resources as a result of ongoing, sustained criminal activity. There is a growing sense among law enforcement professionals and local elected officials that current policies which have reduced criminal penalties, reclassified felonies as misdemeanors and facilitated what amounts to early release of many offenders who are not truly non-violent, will in time result in a high-profile tragedy involving significant loss of life.

Existing League Policy:

In regard to incarceration policy, the League supports stiffer penalties for violent offenders. In 2014, the League joined the California Police Chiefs in opposing Proposition 47, which reduces sentencing penalties for specified non-serious and non-violent drug and property crimes. It directed that the following offenses would be treated as misdemeanors, in most instances irrespective of the circumstances:

- Commercial Burglary
- Forgery
- Passing Bad Checks
- Grand Theft
- Receipt of Stolen Property
- Petty Theft with a Prior Offense
- Drug Possession

In 2013, the League Board of Directors approved a resolution pertaining to AB 109 (2011), which implemented Public Safety Realignment and brought significant changes to the state's incarceration policy. Specifically, it provided that specified categories of felony offenders previously sentenced to state prison, would prospectively be sentenced to terms in county jails.

The League's Resolution had two significant components relevant to this resolution:

- 1) It urged the Governor's office to adjust the implementation of Public Safety Realignment so that the criteria examined to evaluate the appropriateness of release of non-violent, non-serious, non-sex offender inmates would include their total criminal and mental

history, instead of merely the most recent criminal conviction for which they are currently committed; and

- 2) It urged the Governor's office to expedite the development of an effective statewide data sharing mechanism allowing state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

Finally, the League in 2016 opposed Proposition 57, which altered rules for parole eligibility for non-violent felons, potentially facilitating parole before an individual has served any time toward a sentencing enhancement, and ushered in new rules for good time behavior seeking to incentivize inmates to undergo rehabilitation programming of an educational/vocational nature.

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS

Source: City of Tracy

Concurrence of five or more cities/city officials: Cities: Lathrop, Lodi, Manteca, Stockton, and Consummes Fire Department (Cities of Elk Grove and Galt)

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, Government Code Section 38611 was last amended in 1957 and does not contain language clarifying the broad scope of emergency services as provided by present day fire departments; and

WHEREAS, Government Code Section 38611 requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body; and

WHEREAS, pursuant to Section 7 of Article XI of the California Constitution, municipal governments are vested with police power which imposes on the responsibility to protect public safety and public health and municipal governments must provide or contract for fire and/or emergency medical services; and

WHEREAS, the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state; and

WHEREAS, local fire and/or emergency medical services are financed by local taxpayers and the availability and use of such services is determined by the local governing body of the jurisdiction to which services are directly provided; and

WHEREAS, amending Government Code Section 38611 would provide the chief of a fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

RESOLVED, that the League of California Cities General Assembly, assembled at the League Annual Conference on September 15, 2017 in Sacramento, calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

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Background Information on Resolution No. 2

Source: City of Tracy

Background:

In 1980, the State Legislature enacted the Emergency Medical Services (EMS) Act in response to the development of paramedic services and a concern that there was a lack of medical oversight and coordination of emergency medical services. The EMS Act contains 100 different provisions in nine separate chapters of the California Health and Safety Code. The EMS Act created a two-tiered system that established a State EMS Agency to coordinate state-wide EMS activities and to develop state-wide minimum EMS policies and a local tier (Local EMS Agency) to plan, implement and evaluate an EMS System. The statute also includes language that establishes *"The medical direction and management of an emergency medical services system shall be under the medical control of the medical director of the local EMS Agency."* In each county, the local EMS Agency sets local EMS policy, administers and provides medical oversight for cities and special fire districts to deliver EMS services within the county.

In the late 1970's, as the EMS Act was being developed, the League of California Cities weighed heavily concerning the impact of the proposed EMS Act on cities. The League of California Cities argued against depriving a city of local control over EMS service levels. The League of California Cities wrote, *"We believe (local control) is important because city taxpayers financially support (EMS) programs and city management is responsible for their efficient utilization. The city council is responsible for the level of service and the cost of the program, wholly unrelated to the medical questions."* Based on that argument, additional language was included in the EMS policy that allowed local agencies that were providing EMS service to continue (and even obligated) them to continue to provide EMS services at the same levels as prior to 1980. This addition to the EMS Act (Section 1797.201 – became known as "201

Rights”) has been very controversial and has led to several lawsuits between cities/special districts and local EMS Agencies.

The City of Tracy in San Joaquin County has become the epicenter on the issue of local control as it relates to who has the authority to determine which resources will respond to medical emergencies. Several incidents have been noted where poor patient outcomes were the result of a failed county policy (SJCEMS Agency Policy 3202) that restricts local fire departments from responding to “low-level” emergencies. The EMS policy decisions within San Joaquin County have potential implications on every local community within the state of California and increasingly threaten local control.

Proposed Amendment

The proposed amendment to Government Code Section 38611 would clarify local control and allow the local governing bodies to determine which services are directly provided within their respective jurisdictions. The existing law is extremely limited in scope having been last amended in 1957, at a time when fire departments did not routinely provide many of the specialized services of today. Changes in services provided include but are not limited to hazardous materials response, specialized rescue, and emergency medical services. The amendment aims to support the long-standing tradition in California of local control over the types, levels, and availability of these services.

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League of California Cities Staff Analysis on Resolution No. 2

Staff: Tim Cromartie
Committee: Public Safety

Summary:

This resolution calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Background:

In 1980, the State Legislature enacted the Emergency Medical Services (EMS) Act in response to the development of paramedic services and a concern that there was a lack of medical oversight and coordination of emergency medical services. The EMS Act contains 100 different provisions in nine separate chapters of the California Health and Safety Code. The EMS Act created a two-tiered system that established a State EMS Agency to coordinate state-wide EMS activities and to develop state-wide minimum EMS policies and a local tier (Local EMS Agency) to plan, implement and evaluate an EMS System.

The statute also includes language that establishes “*The medical direction and management of an emergency medical services system shall be under the medical control of the medical director*”

of the local EMS Agency.” In each county, the local EMS Agency sets local EMS policy, administers and provides medical oversight for cities and special fire districts to deliver EMS services within the county.

In the late 1970’s, as the EMS Act was being developed, the League of California Cities weighed heavily concerning the impact of the proposed EMS Act on cities. The League argued against depriving a city of local control over EMS service levels. The League wrote, *“We believe (local control) is important because city taxpayers financially support (EMS) programs and city management is responsible for their efficient utilization. The city council is responsible for the level of service and the cost of the program, wholly unrelated to the medical questions.”* Based on that argument, additional language was included in the EMS policy that allowed local agencies that were providing EMS service to continue (and even obligated) them to continue to provide EMS services at the same levels as prior to 1980. This addition to the EMS Act (Section 1797.201 – became known as “201 Rights”) has been very controversial and has led to several lawsuits between cities/special districts and local EMS Agencies.

The City of Tracy in San Joaquin County has become one of the epicenters on the issue of local control as it relates to who has the authority to determine which resources will respond to medical emergencies. Several incidents have been noted where poor patient outcomes have been attributed by some observers to a county policy (SJCEMS Agency Policy 3202) that restricts local fire departments from responding to “low-level” emergencies. The EMS policy decisions within San Joaquin County have potential implications on every local community within the state of California and increasingly threaten local control.

Support:

Cities of Lathrop, Lodi, Manteca, City of Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt)

Opposition:

None received.

Fiscal Impact:

This resolution, if its directive can be achieved, will have no direct fiscal impact on cities. It will however, provide an atmosphere in which cities that have invested significant resources in building up and maintaining an independent EMS capability can have confidence that it will be deployed as intended.

Comment:

While this resolution calls for very specific action to clarify the rules governing emergency medical services, ideally it would be more generally worded to allow greater flexibility in pursuing legislative and other solutions to a problem that has existed for decades, spawning both legislation and multiple incidents of litigation.

However, it accurately expresses the legitimate frustration of cities in their efforts to provide emergency medical services (EMS) while abiding by the directives of their local emergency medical services authorities (LEMSA’s), which are county entities. Counties have broad

discretion under existing case law in how they administer EMS under the doctrine of medical control. To the degree there is dissatisfaction on the part of cities within a given county or counties, the following should be noted:

- 1) A task force convened by the California Emergency Medical Services Authority, the state entity with jurisdiction over this subject matter, made significant headway in crafting regulations governing the provision of ground emergency medical transport -- until disputes over local control and the criteria under which a local (municipal) agency could lay claim to the exclusive right to provide EMS in a specific operating area led to a lawsuit being filed by the California Fire Chiefs Association. That suit effectively suspended the work of the Task Force.
- 2) Over the past two decades, multiple attempts at legislation to resolve this issue have been tried, most without success. It was in part the multiple attempts at legislation that triggered the formation of the above-referenced task force.

Existing League Policy:

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc. as well as cities' authority and discretion to provide all emergency services to their communities.

The League supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided within local boundaries for the purpose of improving the level of pre-hospital emergency medical service.

The League supports legislation to provide the framework for a solution to longstanding conflict between cities, counties, the fire service and LEMSA's particularly by local advisory committees to review and approve the EMS plan and to serve as an appeals body. Conflicts over EMS governance may be resolved if stakeholders are able to participate in EMS system design and evaluation and if complainants are given a fair and open hearing.

The League opposes legislation, regulations and standards that impose minimum staffing and response time standards for city fire and EMS services since such determinations should reflect the conditions and priorities of individual cities.

The League supports Emergency 911 systems to ensure cities and counties are represented on decisions affecting emergency response.