

Board Members

Doug Verboon, District 3, Chairman
Craig Pedersen, District 4, Vice Chairman
Joe Neves, District 1
Richard Valle, District 2
Richard Fagundes, District 5



Staff

Rebecca Campbell, County Administrative Officer
Lee Burdick, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors Regular Meeting Agenda

Date: Tuesday, October 20, 2020
Time: 9:00 a.m.
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ FAX (559) 585-8047 ❖ website: <https://www.countyofkings.com>

COUNTY OF KINGS PUBLIC MEETING PROTOCOL IN RESPONSE TO CORONAVIRUS COVID-19

California Governor Gavin Newsom issued Executive Orders N-25-20 and N-29-20 on March 12, 2020 and March 17, 2020, respectively, relating to the convening of public agency meetings in light of the COVID-19 pandemic. The County of Kings hereby provides notice that it will convene its regularly scheduled public meetings of the Board of Supervisors by video and teleconference going forward, and will close its Board Chambers to the public generally, except as described below, until further notice.

Pursuant to the Executive Orders, and to maintain the orderly conduct of the meeting, Kings County will allow the Board Supervisors, County staff and interested members of the public to attend the meeting telephonically or by the Internet, and to participate in the meeting to the same extent as if they were present in the Board's Chambers. Only those members of the public who cannot participate virtually, due to a need for a special accommodation (vision, hearing, etc.), may attend the meeting in the Board Chambers. A maximum of 10 individuals will be allowed in the Chambers at a time. To secure the accommodation consistent with the American's with Disabilities Act and to attend in person, interested parties will need to contact the Clerk of the Board of Supervisors as directed below no later than 8:30 a.m. the morning of the meeting.

Members of the public who wish to observe the meeting virtually can do so via the worldwide web at:

<https://youtu.be/MaSKb2QNfRQ> or go to www.countyofkings.com and click on the "Join Meeting" link.

Members of the public who wish to comment may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether it is on the agenda for Board consideration or action, and those comments will be entered into the administrative record of the meeting. To submit written comments by U.S. Mail or email for inclusion in the meeting record, they must be received by the Clerk of the Board of Supervisors no later than 9:00 a.m. on the morning of the noticed meeting. To submit written comments by email, please forward them to either bosquestions@co.kings.ca.us. To submit such comments by U.S. Mail, please forward them to: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230

To comment during the meeting by telephone or the Internet, E-mail the Clerk of the Board at any time before or during the meeting at bosquestions@co.kings.ca.us for a phone number, access code and meeting link.

- I. 9:00 AM CALL TO ORDER**
ROLL CALL – Clerk of the Board
INVOCATION – By Invitation
PLEDGE OF ALLEGIANCE

II. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.



III. APPROVAL OF MINUTES

- A.** Approval of the minutes from the October 13, 2020 regular meeting.

IV. CONSENT CALENDAR

A. Community Development Agency:

1. Consider:
 - a. Finding that Notices of Partial Non-Renewals are Categorically Exempt from the California Environmental Quality Act Guidelines (CEQA) Section 15317 environmental review; and
 - b. Authorizing the Chairman to sign the Partial Non-Renewals for the following Contracts: Land Conservation Contract Nos. 557, 185 and 653.

V. REGULAR AGENDA ITEMS

A. Community Development Agency – Greg Gatzka

Consider adopting a Resolution delegating authority to the Community Development Agency Director to enter into Indemnification and Reimbursement Agreements.

**B. County Counsel – Lee Burdick
Agriculture Department – Jimmy Hook**

Consider waiving the second reading of Ordinance No. 696 adding Article XI to Chapter 14 of the County Code of Ordinances regarding the ongoing regulations for Industrial Hemp cultivation in unincorporated areas of Kings County and adopting the Ordinance as presented.

C. District Attorney’s Office – Keith Fagundes/Phil Esbenshade

Consider adopting a Resolution designating the month of October 2020 as Kings County Domestic Violence Awareness Month.

D. Elections Department – Lupe Villa

Receive an update on the November 3, 2020 general election.

E. Department of Public Health - Edward Hill/Nancy Gerking

1. Consider:
 - a. Authorizing the Director of Public Health to sign the Acceptance of Allocation agreement for the Kings County Tobacco Control Program; and
 - b. Authorizing the Director of Public Health to sign all of the Prospective Payment Invoices related to the program.

F. Human Services Agency – Sanja Bugay

1. Consider
 - a. Appointing the Human Services Director as the County’s Negotiator to negotiate the purchase of the Stardust Motel, located at 8595 Lacey Boulevard in Hanford, California; and
 - b. Directing the negotiator to seek services of a real estate broker to negotiate on County’s behalf and manage the documentation required for the real estate transaction to execute the purchase by December 2, 2020.

G. Job Training Office- Lance Lippincott

Consider authorizing the Kings County Job Training Office to re-allocate funding reserved for the Kings County COVID-19 Small Business Assistance Program from County areas without sufficient applications to areas where more applications have been received.



**H. Administration - Rebecca Campbell
Department of Public Health - Edward Hill**

1. a. Receive an update on the local emergency in Kings County due to the imminent and proximate threat of exposure of COVID-19 on the residents of the County of Kings and take action as deemed necessary; and
- b. Receive an update on the State's roadmap for modifying the statewide order and take action as necessary.

VI. 10:00 AM PUBLIC HEARING

A. Community Development Agency- Greg Gatzka/Kao Nou Yang

Hold a Public Hearing to receive public testimony regarding the Implementation of Section 51244(b), which allows for the 10% reduction in the Williamson Act and Farmland Security Zone Contract terms. Consider adopting Implementation of Section 51244(b), which will require the following actions:

- a. Determine that the State funded less than one-half (1/2) of Kings County's actual forgone property tax revenues in the prior fiscal year (FY 2019/2020); and
- b. State that landowners may choose to not participate in implementation of Section 51244(b) by serving a notice of non-renewal within 90 days of the date of notice of the opportunity to prevent the modification and re-evaluation of contracts authorized by Section 51244(b) or before February 1, 2021; and
- c. Amend the County's Land Conservation Act Program Procedures by extending the deadline for landowners to file notices of non-renewal for calendar year 2020 to February 1, 2021; and
- d. Adopt a resolution authorizing implementation of Section 51244(b).

VII. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

- ◆ Board Correspondence
- ◆ Upcoming Events
- ◆ Information on Future Agenda Items

VIII. CLOSED SESSION

- ◆ **Worker's Compensation Claim: (1 case)** [Govt. Code Section 54956.95]
- ◆ **Conference with Real Property Negotiator [Govt. Code Section 54956.8]**
Property: 8595 Lacey Blvd., Hanford, CA (APN 016-052-029-000)
Negotiating Parties: Sanja Bugay, Human Services Agency Director, for County

Suryakant Patel, Owner
Under Negotiation: Purchase of property for public use

IX. 11:00 AM CALIFORNIA PUBLIC FINANCE AUTHORITY REGULAR MEETING

X. 11:00 AM CALIFORNIA COMMUNITY HOUSING AGENCY REGULAR MEETING



XI. ADJOURNMENT

The next regularly scheduled meeting will be held on October 27, 2020, at 9:00 a.m.

<i>FUTURE MEETINGS AND EVENTS</i>		
October 27	9:00 AM	Regular Meeting
November 3	9:00 AM	Regular Meeting
November 10	9:00 AM	Regular Meeting
November 17	9:00 AM	Regular Meeting
November 24	9:00 AM	Regular Meeting

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Board Members

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Craig Pedersen, District 4, Vice Chairman
Joe Neves, District 1
Richard Valle, District 2
Richard Fagundes, District 5



Staff

Rebecca Campbell, County Administrative Officer
Lee Burdick, County Counsel
Catherine Venturella, Clerk of the Board

Board of Supervisors

Regular Meeting Action Summary

Date: Tuesday, October 13, 2020
Time: 9:00 a.m.
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

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To comment during the meeting by telephone or the Internet, E-mail the Clerk of the Board at any time before or during the meeting at bosquestions@co.kings.ca.us for a phone number, access code and meeting link.

I. 9:00 AM CALL TO ORDER

ROLL CALL – Clerk of the Board

INVOCATION – Robert Needham – Kings County Sheriff's Chaplain

PLEDGE OF ALLEGIANCE

ALL MEMBERS PRESENT

II. UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.

None



- III. APPROVAL OF MINUTES**
- A.** Approval of the minutes from the October 6, 2020 regular meeting.
ACTION: APPROVED AS PRESENTED (RF, JN, RV, CP, DV-Aye)

- IV. CONSENT CALENDAR**
- A. Public Works Department:**
Consider accepting the dedication for In-Lieu Parcel Map 20-02 (Alan R. Asdoorian and Lora Asdoorian) into the County Maintained Mileage.
- B. Sheriff's Office:**
1. Consider:
 - a. Approving a grant Agreement with the California Department of Parks and Recreation for the Boating Safety and Enforcement Equipment Grant; and
 - b. Adopting the budget change. **(4/5 vote required) [Agmt #20-126]**
- C. Administration/California Public Finance Authority:**
Consider adopting a Resolution approving the tax-exempt financing and the issuance of the bonds by the by the California Public Finance Authority for Crossroads Christian Schools of Corona. **[Reso #20-068]**
ACTION: APPROVED CONSENT CALENDAR AS PRESENTED (JN, RF, RV, CP, DV-Aye)

- V. REGULAR AGENDA ITEMS**
- A. County Counsel – Lee Burdick**
- Agriculture Department – Jimmy Hook**
Consider introducing and waiving the first reading of an Ordinance adding Article XI to Chapter 14 of the County Code of Ordinances regarding the ongoing regulations for industrial hemp cultivation in unincorporated areas of Kings County. **[Ord. 696]**
ACTION: APPROVED AS PRESENTED (CP, RF, JN, DV-Aye, RV-Abstain)
- B. Public Health Department – Edward Hill/Nancy Gerking**
1. Consider authorizing the Chairman to sign the Fiscal Year 2020-2021 Maternal, Child and Adolescent Health Agreement Funding Application. **[Agmt #20-127]**
ACTION: APPROVED AS PRESENTED (CP, RF, JN, RV, DV-Aye)
 2. Consider authorizing the Chairman to sign the Agreement with K.W.P.H. Enterprises dba American Ambulance for the provision of exclusive emergency ambulance and paramedic ambulance services to continue effective November 1, 2020. **[Agmt #20-128]**
ACTION: APPROVED AS PRESENTED (JN, RF, RV, CP, DV-Aye)
 3. Consider adopting a Resolution recognizing October 2020 as Breast Cancer Awareness month in Kings County. **[Reso #20-069]**
ACTION: APPROVED AS PRESENTED (JN, RF, RV, CP, DV-Aye)
- C. Fire Department – Bill Lynch/Amanda Verhaege**
1. Consider:
 - a. Authorizing the Chairman to sign an Agreement for fire services with the City of Corcoran. and
 - b. Adopting the budget change. **(4/5 vote required) [Agmt #18-080.1]****ACTION: APPROVED AS AMENDED (RF, JN, RV, DV-Aye, CP-Abstain)**
 2. Consider:
 - a. Encouraging county agencies, businesses, and members of the public to register to participate in the Great ShakeOut drill and to prepare for emergencies in the County of Kings; and
 - b. Adopting a Resolution of support for the Great California ShakeOut that works towards becoming a safer community. **[Reso #20-070]****ACTION: APPROVED AS PRESENTED (JN, CP, RV, RF, DV-Aye)**



- D. Public Works Department – Kevin McAlister/Dominic Tyburski**
Consider authorizing the Chairman to sign the Notice of Completion for the Congestion Mitigation and Air Quality Program – Seal of Various Kings County Roadways Project.
ACTION: APPROVED AS PRESENTED (JN, RF, RV, CP, DV-Aye)
- E. Elections Department – Lupe Villa**
Receive an update on the November 3, 2020 general election.
INFORMATION ONLY - NOA
- F. Administration - Rebecca Campbell**
Department of Public Health - Edward Hill
1. a. Receive an update on the local emergency in Kings County due to the imminent and proximate threat of exposure of COVID-19 on the residents of the County of Kings and take action as deemed necessary; and
 - b. Receive an update on the State’s roadmap for modifying the statewide order and take action as necessary.
 - c. Receive direction from the Board on placements of two 10 x 20 banners for the “I Mask Campaign”.
- THE BOARD RECEIVED AN UPDATE AND AUTHORIZED STAFF TO WORK TO GET THE TWO BANNERS UP IN THE COUNTY (CP, RV, JN, RF, DV-Aye)**

VI. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

Supervisor Valle stated that he met with leaders at Our Lady of Lourdes Catholic Church in Corcoran to discuss logistics for an upcoming mobile testing event.

Supervisor Pedersen stated that he received a call from a constituent regarding issues with having to replace his fence at Highway 198 and 16th Avenue multiple times due to accidents.

Supervisor Neves stated that he participated in the Kings County Children & Families First meeting on October 6, 2020, participated in the South Fork Kings Groundwater Sustainability Agency Policy Committee meeting on October 7, 2020, participated in the CalVans meeting on October 8, 2020, participated in the housing for the homeless program meeting on October 12, 2020 and gave his condolences to the family of Coach Donnye Ross who was the West Hills College men’s basketball coach and recently passed away.

Supervisor Verboon stated that he participated in the Tachi Tribal Memorandum of Understanding meeting on October 8, 2020 and stated that he would participate in the follow up meeting on October 15, 2020.

- ♦ **Board Correspondence: Rebecca Campbell stated that the Board received a letter from the SPCA to pursue conversations with county officials on the possibility of a long-term lease agreement and/or donation of land for use to continue within the County. She stated that the Board received a WARN notice from Southwestern & Pacific Specialty Finance, Inc – notice of closing store no. 1453 North Eleventh Avenue, Hanford and three employees will be laid off as a result of the closure. She stated that the Board received an email from the California Public Utilities Commission (CPUC) advising the CPUC has various proceedings, hearings and commission voting meetings that affect our community in the month of October.**



- ◆ Upcoming Events: **Rebecca Campbell** stated that the **Public Safety Appreciation Event** will now be a **“watch video”** event with the launch date to be determined. She stated that the **General Election** will be held on **Tuesday, November 3, 2020** and the **CSAC Annual Meeting**, online meeting from **November 12 – 19, 2020**.
- ◆ Information on Future Agenda Items: **Rebecca Campbell** stated the following items would be on a future agenda: **Administration - Covid-19 update**, **Elections – update on General Election**, **District Attorney’s Office – Domestic Violence Awareness Month**, **Community Development Agency – Resolution delegating authority to execute indemnification & reimbursement agreement**, **Community Development Agency – Public Hearing on Implementation of government code section 51244(B) resulting in the modification of the CA Land Conversation “Williamson” Act program**, **Community Development Agency – Notice of non-renewals of land conservation “Williamson” act contracts**, **Health Department – Acceptance of allocation agreement & prospective payment invoices for FY 20/21 tobacco control program**, **Job Training Office – Re-allocation of KC Covid-19 small business assistance program funding**, **Health Department– Agreement for emergency medical services provider for emergency ambulance services and paramedic support**, **Health Department– Agreement with Fresno Pacific University to allow nursing students to gain education field experience with Health Department**.

VII. CLOSED SESSION

Conference with Labor Negotiator/Meet and Confer: [Govt. Code Section 54957.6]
 Negotiators: Rebecca Campbell, Henie Ring, Che Johnson of Liebert Cassidy Whitmore

- ◆ Blue Collar – SEIU
- ◆ Detention Deputy Association
- ◆ Deputy Sheriff’s Association
- ◆ Firefighters’ Association
- ◆ General – CLOCEA
- ◆ Probation Officers Association
- ◆ Prosecutors Association
- ◆ Supervisors – CLOCEA
- ◆ Unrepresented Management

REPORT OUT: Lee Burdick, County Counsel sated that she did not anticipate any reportable action being taken in closed session today.

VIII. ADJOURNMENT

The next regularly scheduled meeting will be held on October 20, 2020, at 9:00 a.m.

<i>FUTURE MEETINGS AND EVENTS</i>		
October 20	9:00 AM	Regular Meeting
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COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: Community Development Agency – Greg Gatzka/Kao Nou Yang

SUBJECT: COUNTY INITIATED PARTIAL NOTICE OF NON-RENEWALS OF LAND CONSERVATION “WILLIAMSON ACT” CONTRACTS

SUMMARY:

Overview:

The Kings County Community Development Agency has issued a building permit for one (1) undersized parcel and received two (2) applications for Site Plan Review Agricultural Land Division: one (1) for the purpose of retaining an existing farm home and one (1) for a transfer of title. These applications created property less than the ten (10) acres in size, and are restricted by Land Conservation “Williamson Act” Contracts. These Partial Non-Renewals will change only a portion of Contract No. 185, 557, and 653 as other properties will remain active under these contracts.

Recommendation:

- 1. Find that Notices of Partial Non-Renewals are Categorically Exempt from the California Environmental Quality Act Guidelines (CEQA) Section 15317 environmental review; and**
- 2. Authorize the Chairman to sign the Partial Non-Renewals for the following Contracts: Land Conservation Contract Nos. 557, 185 and 653.**

Fiscal Impact:

The Partial Non-Renewal of Land Conservation “Williamson Act” Contracts will remove approximately 7.13 acres of land from the County’s Land Conservation Program over the next nine years. Approval of these Non-Renewals will cause the taxes on the properties to increase incrementally up to the market value until they are no longer under contract.

(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2020.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

COUNTY INITIATED NOTICE OF PARTIAL NON-RENEWALS OF LAND CONSERVATION “WILLIAMSON ACT” CONTRACTS

October 20, 2020

Page 2 of 2

BACKGROUND:

The *California Land Conservation Act of 1965 (The Williamson Act)* Section 51222 states that “...agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.” And also, the *California Subdivision Map Act* Section 66474.4 (b) (1) states that “...land shall be conclusively presumed to be in parcels too small to sustain their agricultural use if the land is (A) less than 10 acres in size in the case of prime agricultural land, or (B) less than 40 acres in size in the case of land that is not prime agricultural land.”. Section 51245 of the *California Land Conservation Act of 1965* allows either the landowner or the County in any year to serve a written Notice of Non-Renewal upon the other party in advance of the annual renewal date of said contract.

In 2006, the Kings County Board of Supervisors directed the Community Development Agency – Planning Department to initiate Non-Renewals on undersize parcels whenever a farm home retention or transfer of title to an immediate family member is approved, when a building permit is issued for a non-farm related structure on an undersized parcel, or when issuing building permits for any residence on pre-existing undersized parcels.

The proposed Partial Non-Renewals are Categorically Exempt from environmental review pursuant to Section 15317 of the *Guidelines for the California Environmental Quality Act (CEQA Guidelines)*. Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process. The proposed Partial Non-Renewals are already within established Ag Preserves, and being filed in order to maintain the open space character of the area. Therefore, the Partial Non-Renewals qualify for CEQA Categorical Exemption.

In conclusion, properties fewer than ten (10) acres in size are not considered as able to sustain a commercial farming operation and therefore the Community Development Agency is initiating Partial Non-Renewals of contracts on said parcels. The Partial Non-Renewal will affect a total of approximately 7.13 acres from Land Conservation “Williamson Act”. Please see the attached spreadsheet for the corresponding list of Partial Non-Renewals which will include the Assessor’s Parcel Number (APN), the Property Owner at the time of the recordation, the Agricultural Preserve Number, and the Land Conservation Contract.

APN	Address	Owner	Preserve	Contract	Type	Acres	Permit No.
2020							
014-070-074	8290 Flint Ave	SANDRIDGE PARTNERS LP	217	557	WLM	2.5	IPM 19-06
016-190-067	8159 Houston Ave	MARTELLA, RICHARD REVOC TRUST	71	185	WLM	1.66	IPM 19-12
017-010-002	15821 Lacey Blvd	ROCHA, RICK & RITA 1999 FAMILY TRUST	259	653	WLM	2.97	BP # 2003-064

Total Acreage

7.13



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: Community Development Agency- Greg Gatzka

SUBJECT: RESOLUTION DELEGATING AUTHORITY TO EXECUTE
INDEMNIFICATION AND REIMBURSEMENT AGREEMENTS

SUMMARY:

Overview:

The Community Development Agency regularly processes applicant initiated land use projects that can incur extraordinary costs beyond the adopted fee schedule. In order for the County to not absorb these extraordinary applicant related costs, the County's Development Code and California Environmental Quality Act (CEQA) Implementation Guidelines allow the County to enter into an Indemnification and Reimbursement Agreement for Extraordinary Costs to recover costs resulting from an applicant-initiated project. County Counsel's Office establishes the standard agreement, which Community Development Agency then brings before this Board for approval. As these are standardized agreements, the Board can streamline this process by delegating authority to the Community Development Agency Director to sign on behalf of the County.

Recommendation:

Adopt a Resolution delegating authority to the Community Development Agency Director to enter into Indemnification and Reimbursement Agreements.

Fiscal Impact:

None to the General Fund. The Indemnification and Reimbursement agreements allow the County to recover extraordinary costs (i.e. staff time, county counsel review etc.) related to applicant initiated land use projects. Indirect cost savings will result from staff time savings to Community Development Agency and County Counsel who will no longer have to prepare these routine Board Agenda Items.

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2020.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

RESOLUTION DELIGATING AUTHORITY TO EXECUTE INDEMNIFICATION AND REIMBURSEMENT AGREEMENTS

October 20, 2020

Page 2 of 2

BACKGROUND:

The Kings County Development Code Article 1, Section 111 and 112 establishes the authority for the County to enter into an Indemnification and Reimbursement Agreement with a project applicant when extraordinary costs are anticipated to occur. This County agreement is prepared by County Counsel's Office using a standard form and routinely brought before the Board for approval. Once executed, this agreement ensures that the County can recover costs associated with an applicant initiated land use project. The types of projects that may pose extraordinary costs include but are not limited to applications requiring environmental impact reports, specific plans, General Plan amendments, Development Code amendments, change of zone district boundaries, discretionary development projects, and project decisions that are appealed or challenged through lawsuits.

Indemnification and Reimbursement Agreements are standard practice by local governments that serve as lead agencies under the CEQA when reviewing land use projects. This agreement provides a mechanism for the applicant to bear the full cost of a project's processing and any associated financial risk should there be any legal challenge. Absent this agreement, extraordinary costs of a private development project processing would place the County at potentially significant risk of greater financial uncertainty and expenditure of public funds to support private development including legal defense coverage. When executed, these agreements allow a lead agency the flexibility to cover any necessary additional environmental consultants, application processing, Public Records Act requests associated with the project, outside legal counsel, and indemnification for lawsuits associated with the project.

County Counsel's Office in coordination with the Community Development Agency has developed a Standardized Indemnification and Reimbursement Agreement that is routinely used. Community Development Agency gathers the required signatures and prepares the Board Agenda Item in coordination with County Counsel that is then reviewed by Administration and set on the Board's Agenda by the Clerk to the Board. These Agenda Items are routinely placed on the Board's Consent Calendar. As County Departments look to make more efficient use of resources, these routine agreements have been identified as a possible opportunity to reduce staff time and streamline an application process. The Board can delegate their authority for signing Indemnification and Reimbursement Agreements to the Community Development Agency Director and thereby reduce staff time from multiple departments on the preparation, review and posting of a routine consent calendar item. Any substantive change or alteration to the standard Indemnification and Reimbursement Agreement form proposed by an applicant would require further review and approval by the Board.

The Resolution has been reviewed and approved by County Counsel as to form.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF DELEGATING

RESOLUTION NO.

____ AUTHORITY TO

THE KINGS COUNTY
COMMUNITY DEVELOPMENT AGENCY
DIRECTOR TO EXECUTE
INDEMNIFICATION AND
REIMBURSEMENT AGREEMENTS _____ /

WHEREAS , Pursuant to Article 1, Section 111 and 112 of the Kings County Development Code (Kings County Code of Ordinances, Appendix A - Zoning) the County is authorized to enter into Indemnification and Reimbursement Agreements with project applicants to recover project related extraordinary costs;

WHEREAS, County Counsel's Office has established a standard Indemnification and Reimbursement Agreement form used by the Community Development Agency that is routinely brought before the Board of Supervisors under the consent agenda;

WHEREAS, processing these agreements is routine in nature and requires multiple agency staff time from Community Development Agency, County Counsel and the Clerk to the Board which can be reduced if delegation of authority is assigned to the Community Development Agency Director; and

WHEREAS, the Board of Supervisors has the discretion to delegate authority to a Director on matters that are standardized and routine in nature, and when it will enhance staff workflow and productivity.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Delegation of Authority. Commencing _____, the Kings County Community Development Agency Director is hereby delegated the authority to execute on behalf of the County all Indemnification and Reimbursement Agreements required by Kings County Development Code Article 1, Sections 111 and 112 that are in the same form as the County's standard Indemnification and Reimbursement Agreement attached hereto as Exhibit A.

2. The Kings County Community Development Agency Director's authority shall continue until revoked by the Board of Supervisors.

3. Any substantive modifications to the standard Indemnification and Reimbursement Agreement that may be requested by an applicant shall require Board of Supervisors approval.

The foregoing resolution was adopted upon motion by Supervisor _____, seconded by Supervisor _____, at a regular meeting held on the ____ day of _____ 2020, by the following vote:

AYES:
NOES:
ABSENT:

Doug Verboon, Chairperson of the
Board of Supervisors,

County of Kings

WITNESS my hand and seal of said Board of Supervisors this ____ day of _____, 2020.

Clerk of said Board of Supervisors

AGREEMENT NO. _____

**AGREEMENT
BETWEEN THE COUNTY OF KINGS
AND _____ FOR INDEMNIFICATION AND
REIMBURSEMENT FOR EXTRAORDINARY COSTS**

THIS AGREEMENT is entered into on this _____ day of _____, 2020 by and between _____ (collectively referred to herein as “Applicant”) and the County of Kings, a political subdivision of the State of California (hereinafter referred to as “County”) on the terms and conditions hereinafter set forth.

RECITALS

WHEREAS, Applicant has applied to the County for a conditional use permit for a _____ located _____ (hereinafter referred to as the “Project”); and

WHEREAS, the consideration of the Project by County will involve the issuance of a conditional use permit for the Project, as well as potential subsequent amendments to the conditional use permit, which may involve review under the California Environmental Quality Act (hereinafter referred to as “CEQA”); and

WHEREAS, County may incur extraordinary costs (hereinafter referred to as “Extraordinary Costs”) described in connection with the Project approval process and the CEQA process for the Project; and

WHEREAS, the parties desire to allocate responsibility and liability for such Extraordinary Costs pursuant to the terms of this Agreement.

THEREFORE, it is hereby agreed as follows:

TERMS AND CONDITIONS

1. Conditions to the Project Approval and Processing. The processing of Project documents by County and the effectiveness of all approvals, permits and consents for the Project by the County are expressly conditioned upon performance by Applicant of the following terms and conditions:

1.1. Full performance of all conditions imposed in connection with the applicable Project or the Project review.

1.2. Full compliance with the terms, conditions, provisions and requirements of the Project review process.

1.3. Posting of all applicable fees for CEQA review required by the provisions of California Fish & Game Code section 711.4, which at the time of execution of this Agreement are in the amount of \$2,406.75 for a negative declaration and \$3,343.25 for an environmental impact report.

1.4. Full performance of the terms and conditions of this Agreement.

1.5. Compliance with all required mitigation measures of an approved CEQA environmental document for the Project.

1.6. Payment of all deposits, if required by the County, for fulfillment of any of the above-described terms and conditions.

1.7. Timely payment by Applicant of all amounts invoiced by County under Section 6 below and of all demands made by County for deposit of funds under Section 7 below.

2. Obligation for Extraordinary Costs. In the event the Project requires, or appears likely to require, processing in excess of ordinary time and resource allocation, additional fees will be charged to cover the costs of such extraordinary processing (hereinafter referred to as "Extraordinary Costs"). Applicant shall be responsible for all Extraordinary Costs in connection with Project processing and all necessary environmental review processing and for all Extraordinary Costs associated with Project preparation, review, and approval and all litigation arising therefrom. In the event that Applicant refuses to make deposits or to pay amounts incurred and invoiced for such Extraordinary Costs, the County may terminate the Project processing and may recover from Applicant the costs incurred.

3. Extraordinary Events. The following are examples of Extraordinary Events which shall give rise to Applicant's obligation to pay for Extraordinary Costs under the terms of this Agreement:

3.1. Incomplete or inaccurate information provided by Applicant.

3.2. A change in the Project scope by means of an amendment, correction or similar circumstance.

3.3. Significant opposition to the Project by any person, group, organization or entity.

3.4. Any appeal of a Project decision.

3.5. Non-compliance in whole or in part by Applicant with a condition of Project approval.

3.6. Significant delays in processing the Project caused by Applicant or Applicant's agents.

3.7. Unique, novel or irregular demands or requests by Applicant.

3.8. Litigation involving or challenging the Project, or arising in any way from the Project's consideration, review, negotiation or approval by County.

3.9. Other circumstances or events outside of the County's control that significantly increase the workload of County staff to process the Project.

3.10. Preparation of an environmental impact report or mitigated negative declaration under CEQA, including all costs of outside consultants and legal counsel employed by County or Applicant for the preparation of such environmental documents.

The determination by County that an Extraordinary Event has occurred and that Applicant shall thereafter be responsible for the payment of Extraordinary Costs shall be in the sole and absolute discretion of County.

4. Charging for Extraordinary Costs. County shall charge Applicant for Extraordinary Costs as hereinafter set forth. Applicant shall pay for all Extraordinary Costs either through the Deposit Process described in Section 7 below, or as and when invoiced by County, under the Invoice Process described in Section 6 below. The determination as to whether to utilize the Deposit Process or the Invoice Process shall be at the sole and absolute discretion of the County, after consultation with Applicant.

4.1. Extraordinary Cost Schedule. Extraordinary Costs shall include, but shall not be limited to, the following and shall be billed by County as set forth below:

4.1.1. All damages, costs and/or attorneys' fees awarded against County, or any of County's officers, agents, employees or representatives, or against Applicant by a court in the course of litigation challenging the Project.

4.1.2. Costs incurred in preparation of CEQA documents by Consultants and outside counsel.

4.1.3. Costs incurred by County Staff, Consultants, County Counsel and outside counsel employed by County to defend litigation filed against the County and/or Applicant arising out of, purporting to arise out of, or relating in any manner to the Project approval process and/or the CEQA process for the project.

4.2. Rates for Charges. The rates at which Applicant shall be billed for Extraordinary Costs shall be as follows:

Planning Staff	Gross salary per hour of each employee x hours Billed.
County Counsel	Gross salary per hour of each employee x hours Billed.
County Counsel Staff	Gross salary per hour of each employee x hours Billed.
Special Counsel	As billed to County.
Consultants	As billed to County.
Other Costs	As authorized by County Ordinance or Resolution.

Extraordinary Costs shall also include the total dollar amount of all other County Department employees' time (computed on the basis of hours spent multiplied by the salary and benefit rate paid by the County to such individual employees), all fees and costs charged by outside consultants and Project personnel, and all amounts expended by County for photocopies, telephone calls, facsimile charges, postage, trip expenses (gas, meals, lodging, parking, transportation) and any and all other direct costs incurred or expended by the County in connection with the Project.

As used herein, "gross salary" means a County employee's standard cost recovery billing rate, which includes salary, benefits, and a proportionate share of office overhead.

5. Notice of Extraordinary Event. In the event that one or more Extraordinary Events arises, or is reasonably foreseen to arise, the Director of the Kings County Community Development Agency (the "Director" and the "Agency" respectively) shall after consultation with Applicant give written notice thereof to Applicant together with either a request for deposit of Extraordinary Costs or a statement that the County intends to utilize the Invoice Process described in Section 6 below. Deposits shall be made as set forth in this Section and in Section 7 below.

5.1. Submission of Initial Deposit. Upon receipt of a Notice of Extraordinary Event which demands deposit, Applicant shall within ten (10) days deposit the sums requested in the Notice. Failure to comply with a deposit demand shall be governed by Subsection 7.6 below.

5.2. Obligation After Deposit. In the event Applicant decides to proceed with the application and makes the initial deposit as requested, the County shall proceed with processing the Project, and Applicant shall thereafter be responsible for all Extraordinary Costs incurred, whether or not the latter are covered by or included in the Initial Deposit.

6. Invoices. As an alternative to the Deposit Process described in Sections 5 and 7 herein, County may in its sole and absolute discretion determine that it will directly invoice Applicant in arrears for Extraordinary Costs. County shall invoice Applicant for such costs within thirty days of County's receipt of invoice therefor, or, in the case of such costs for which an invoice would not ordinarily be submitted to County, within thirty days of the last day of the month in which such costs are actually incurred. Applicant agrees to make payment to County for such invoiced amounts within thirty days of the date on which County places the invoice in the mail to Applicant addressed as specified in Section 25.

7. Deposits. Deposits shall be made by Applicant and handled by County pursuant to the terms of this Section. All Deposits made by Applicant shall be deposited in an interest bearing account, and all interest shall accrue to the account of Applicant. Interest amounts shall either be applied to the payment of Extraordinary Costs or shall be credited to Applicant to be ultimately returned pursuant to the provisions of Subsection 7.7 below at the conclusion of the Project.

7.1. Initial Deposit. Applicant shall provide funds in the amount set forth in the "Notice of Extraordinary Costs" in the form of a check made payable to the "County of Kings" as set forth in Section 5.1 above.

7.2. Incremental Deposits. The County may request deposits in advance of expenditures or obligations for expenditures. Depending on the nature and size of the project, and except for requests for deposit on consulting or outside legal service Projects, individual deposit requests shall generally not exceed \$100,000.

7.3. Additional Deposits. If the deposit or any increase therein is inadequate to pay for costs actually incurred by the County, Applicant will be notified of the need to supplement the deposit. Applicant shall make payments of additional deposits within thirty days of receipt of notice of the need to supplement the deposit. Further deposit will be required in the full amount of any Project or Projects for consulting services. Any request for Applicant to make deposit to the County must be made in writing and mailed, emailed or telefaxed to Applicant, in accord with "Notices" set forth in Section 25.

7.4. Use of Deposits. The Initial Deposit constitutes an initial estimate of Extraordinary Costs associated with processing the Application and the initial study. County may use the Initial Deposit funds and all future deposit funds to cover all

Extraordinary Costs, including qualifying expenses incurred on the Project from its inception. Credit shall be given for any standard application permit fee paid by Applicant.

7.5. Draw Down of Deposit. On a monthly basis, or on such other time intervals as the Director may deem necessary and appropriate, Costs incurred shall be deducted from the Deposit, and an accounting of the status of the Deposit shall be provided to Applicant. In the case of Costs expended against billings from outside consultants, copies of such billing statements shall be provided to Applicant. Applicant shall not be entitled to any detail revealing the substantive contents or “detail of billings” pertaining to legal advisement to the County by Project attorneys or County Counsel, but shall be entitled to an accounting of the total amounts paid to such attorneys or reimbursement to the County General Fund, as the case pertains.

7.6. Failure to Make Deposits. In the event that Applicant does not make deposits as requested pursuant to the terms hereof, the County may suspend the processing of the Application. The failure to make a requested deposit within thirty days after request shall constitute an abandonment of the Project by Applicant and shall terminate all processing on the Application. The County shall not be liable for such termination and Applicant hereby indemnifies and holds the County harmless from any and all claims arising out of such termination, including those of Applicant.

7.7. Deposits in Excess of Costs. At the conclusion of the Project, if the actual total of the Extraordinary Costs is less than the total of the Deposits plus interest accrued thereon, the excess amount along with any accrued interest will be returned to Applicant or, at the option of Applicant, applied toward subsequent phases of environmental review on Applicant's Project or any subsequent projects, including the costs of an environmental impact report, negative declaration or any other environmental reviews.

8. Project Accounting. The County shall maintain books and records necessary to track all costs associated with the Project, and to account for all sums deposited and/or paid by Applicant, which records may be inspected in the Agency by Applicant at any time during the Agency’s normal business hours, and a report of which shall be provided to Applicant on a monthly basis.

9. Right of Withdrawal and Termination of the Agreement. Applicant has the right to withdraw its application or abandon the Project by filing written notice thereof with the County. Notwithstanding the above provision, this Agreement shall survive such abandonment or withdrawal and remain in full force and effect until Applicant has fully complied with its obligation to reimburse and indemnify County for all Extraordinary Costs regardless of the date such costs are incurred. In addition, if the Project is pending before the Planning Commission or the Board of Supervisors at the time of receipt of such written notice, the matter shall not be considered withdrawn or abandoned until the

withdrawal is approved by the Planning Commission or the Board of Supervisors, whichever is applicable. In addition, if the application is approved and the conditional use permit has been issued, this Agreement shall automatically terminate without further action by any party upon the expiration of all applicable limitations or appeal periods, provided that this Agreement shall survive such termination and remain in full force and effect until Applicant has fully complied with its obligation to reimburse and indemnify County for all Extraordinary Costs incurred up to and including the date of such termination. Notwithstanding the foregoing, in the event that Applicant later seeks to amend the conditional use permit for the Project, Applicant expressly understands and agrees that full performance of the terms and conditions of this Agreement in connection with the amendment shall be a condition of the County's consideration of the application for the amendment, without the need to enter into a subsequent agreement for indemnification and reimbursement of extraordinary costs.

10. Indemnification. Applicant shall indemnify, defend and hold the County, its officers, agents, and employees harmless from and against any and all costs, claims, damages, judgments, or payments in compromise and settlement, including therein all Extraordinary Costs as defined herein and all direct and administrative costs, attorneys' fees, including, but not limited to county counsel or special counsel fees incurred with respect to any action to attack, set aside, void, or annul any approvals or denials by the County, arising out of or in connection with the Project, whether by way of court action or administrative proceeding. In the event that any action is filed, including, but not limited to, notice of administrative appeal, summons and complaint, or writ proceeding (collectively referred to as "Action"), the County may request and Applicant shall make a deposit in the amount requested by the Director in the initial amount which shall not exceed fifty thousand dollars (\$50,000) to cover initial cost and fees, and shall replenish the deposit on an ongoing basis as may be requested during the ongoing proceedings, if any. In the event that actual costs are less than the sums deposited, the unused balance shall be returned to Applicant by warrant made payable to Applicant as they mutually advise in writing. Any special counsel hired to defend County under the provisions of this Agreement must be approved by the Board of Supervisors. The litigation deposit, provided for under the provisions of this Section, are additional to and supplemental to any other deposit or deposits required under the terms of this Agreement. It is intended as security only and it is in no way intended to limit, and shall not be construed to limit, the obligations of Applicant to fully reimburse County for all Extraordinary Costs.

11. Bonding Requirement. If the County determines that an additional Reimbursement Agreement and/or an Indemnification Agreement is required for litigation, the Applicant will be required to provide a bond in an amount sufficient to remedy any failure of the Applicant to provide the County with required reimbursements for the extraordinary cost of the application review and processing under the terms of the Reimbursement Agreement and to ensure that the Applicant's indemnification of the County is sufficient to protect the public interest in case of challenges to the process or action of the County

related to the project under the Indemnification Agreement. The form, nature and amount of the bond and/or bonds required under the terms of these provisions shall be determined by the County in the light of any risks associated with a particular project and shall be in the sole and absolute discretion of the County.

12. Waiver. A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is express, in writing and signed by the party so waiving.

13. Assignment. This Agreement constitutes a contract for personal services and neither party shall assign or transfer this Agreement, or any part hereof, without the prior written consent of the other, unless such transfer is otherwise expressly permitted hereby.

14. Completeness of Instrument. This Agreement, together with its specific references and attachments, constitutes the entire agreement of the parties relating to the subject matter hereof. Unless set forth herein, neither party shall be liable for any representations made express or implied.

15. Supersedes Prior Agreements. It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations, or agreements, written or oral, between the parties hereto.

16. Attorney's Fees. If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, which may be set by the Court in the same action or in a separate action brought for that purpose, in addition to any other relief which such party may be entitled.

17. Rules of Construction. Unless otherwise provided in this Agreement, or unless the context otherwise requires, the following definitions and rules of construction shall apply herein.

17.1. Captions. The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

17.2. Number and Gender. In this Agreement, the neuter gender includes the feminine and masculine, and the singular includes the plural, the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

17.3. Mandatory and Permissive. The terms “shall” and “will” and “agrees” are mandatory. “May” is permissive.

17.4. Term Includes Extensions. All references to the term of this Agreement or the Agreement Term shall include any extensions of such term.

17.5 Ambiguities Not Construed Against Drafter. This Agreement represents the contributions of both parties, who each have the ability to be represented by competent counsel, and it is expressly agreed and understood that the rule stated in Civil Code section 1654, that ambiguities in a contract should be construed against the drafter, shall have no application to the construction of the Agreement.

18. Successors and Assigns. All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

19. Modification. No modification or waiver of any provisions of this Agreement or its attachments shall be effective unless such waiver or modification shall be in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which it is given.

20. Counterparts. This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

21. Other Documents. The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

22. Partial Invalidity. If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants and provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

23. Jurisdiction and Venue. It is agreed by the parties hereto that unless otherwise expressly waived by them in writing, action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Kings, State of California, notwithstanding Code of Civil Procedure section 394.

24. Controlling Law. The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

25. Notices. All notices and demands of any kind which either party may require or desire to serve on the other in connection with this Agreement must be served in writing either by personal service or by registered or certified mail, return receipt requested, and shall be deposited in the United States Mail, with postage thereon fully prepaid, and addressed to the party so to be served as follows:

To County:
Chairman, Board of Supervisors
County of Kings
1400 W. Lacey Blvd.
Hanford, California 93230

To Applicant:

With a copy to:
County Counsel
County of Kings
1400 W. Lacey Blvd.
Hanford, California 93230

With a copy to Applicant's Consultant:

26. Incorporation of Exhibits. All exhibits mentioned herein and attached hereto are specifically incorporated herein by this reference and made a part of this Agreement.

27. Time is of the Essence. Time is of the essence in this Agreement and in each covenant, term and condition herein.

28. Authority. All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other Project or agreement to which such party is obligated, which such breach would have a material effect hereon.

THIS AGREEMENT is entered into by and between the parties and is effective as of the date and year first set forth above.

APPLICANT

Date:

COUNTY

Date:

Greg Gatzka, Director
County of Kings Community
Development Agency



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: County Counsel – Lee Burdick
Agriculture Commissioner-Sealer – Jimmy Hook

SUBJECT: AN ORDINANCE ADDING ARTICLE XI OF CHAPTER 14 OF THE KINGS COUNTY CODE OF ORDINANCES AND ESTABLISHING ONGOING REGULATIONS FOR INDUSTRIAL HEMP CULTIVATION IN THE UNINCORPORATED AREAS OF KINGS COUNTY FOLLOWING EXPIRATION OF THE INTERIM URGENCY ORDINANCE ON DECEMBER 31, 2020

SUMMARY:

Overview:

On October 13, 2020, the Board introduced Ordinance No. 696, proposing to create a permanent and ongoing regulatory framework for the cultivation of industrial hemp in the unincorporated areas of Kings County. On October 8, 2020, the Clerk of the Board caused a summary of Ordinance No. 696 to be published in the *Hanford Sentinel*, a paper of general circulation in the County. The Board may, following a second hearing adopt the ordinance to be effective on January 1, 2021.

Recommendation:

Adopt and waive the second reading of Ordinance No. 696 adding Article XI to Chapter 14 of the County Code of Ordinances regarding the ongoing regulations for industrial hemp cultivation in unincorporated areas of Kings County and adopt as presented.

Fiscal Impact:

Unknown.

BACKGROUND:

Under Article XI, Section 7, of the California Constitution, the County of Kings (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens. Under Section 25123, subdivision (d), of the Government Code, the Board of
(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2020.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

AN ORDINANCE ESTABLISHING ONGOING REGULATIONS FOR INDUSTRIAL HEMP CULTIVATION IN THE UNINCORPORATED AREAS OF KINGS COUNTY

October 20, 2020

Page 2 of 2

Supervisors may pass an ordinance that is effective immediately if necessary to preserve the public peace, Health, or safety. On June 25, 2019, consistent with Government Code Section 25123, the Board of Supervisors adopted an Interim Urgency Ordinance Requiring Permitting and Registration for Hemp Cultivation set forth at Article XI of Chapter 14 of the Kings County Code of Ordinances (“Interim Ordinance”), which is set to expire on December 31, 2020, unless otherwise amended or repealed.

Since the Board’s adoption of the Interim Ordinance, the County has had the experience of two growing seasons for industrial hemp. As a result, the Agricultural Commissioner-Sealer convened an internal working group, including, but not limited to, Chair Verboon, Supervisor Neves, Sheriff Dave Robinson, District Attorney Keith Fagundes, the Community Development Agency, County Counsel’s Office, and others to consider and forward for adoption a permanent ordinance, as amended from time to time, that incorporates and addresses that experience. In addition, in bringing this ordinance forward, the working group has considered and incorporated, where appropriate, regulating language that has been adopted in several other counties.

Such local regulation is necessary to limit the location of hemp plants, to reduce the spread of mites and other insects to nearby crops, and to address the concerns of residents, including concerns about public safety, odors, increased traffic, and declination in property values and air quality. The limitation of (1) acre per permit holder for hemp research or educational purposes is reasonable and necessary to protect the public’s health, safety, and welfare, and to prevent abuse of the County’s registration and permitting requirements.

Included with this staff report is both a clean copy of the proposed ordinance and a redlined copy of the ordinance showing with specificity how the proposed ordinance differs from the Interim Ordinance. The purpose of this ordinance is to establish an ongoing regulatory framework for the cultivation of industrial hemp in the unincorporated areas of Kings County after the current Interim Ordinance expires on December 31, 2020.

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE REQUIRING
PERMITTING AND REGISTRATION
FOR HEMP CULTIVATION**

**AN ORDINANCE ADDING ARTICLE XI OF CHAPTER 14 OF THE KINGS COUNTY
CODE OF ORDINANCES AND ESTABLISHING ONGOING REGULATIONS FOR
INDUSTRIAL HEMP CULTIVATION IN THE UNINCORPORATED AREAS OF KINGS
COUNTY FOLLOWING EXPIRATION OF THE INTERIM URGENCY ORDINANCE
ON DECEMBER 31, 2020**

The Board of Supervisors of the County of Kings, State of California, ordains as follows:

Section 1: Findings and Declarations.

The Board of Supervisors makes the following findings in support of the enactment of this ordinance:

A. Pursuant to Article XI, ~~section~~Section 7, of the California Constitution, the County of Kings ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

~~B. Pursuant to Section 25123, subdivision (d), of the Government Code, the Board of Supervisors may pass an ordinance that is effective immediately if necessary to preserve the public peace, health, or safety.~~

~~C.B.~~ The Board of Supervisors finds that this ordinance is necessary for the preservation of the public peace, health, and safety based upon the following facts:

1. In September 2018, ~~SB 1409 was~~the California Legislature enacted ~~in~~SB 1409 which ~~amended (1)~~ the definition of "industrial hemp" in ~~Health and Safety Code~~ Section 11018.5, subdivision (a), ~~of the Health and Safety Code was amended deleting to delete~~ the reference to its being a crop ~~solely~~ for fiber or oilseed production. ~~Section 81006 of the, and (2) Food and Agricultural Code was also amended to its current form, including amendment of Section 81006~~ to remove ~~the~~ requirement for dense planting and restrictions against pruning, tending, or culling. - SB 1409 included the finding: "By removing limitations on the manner in which industrial hemp may be grown and the uses for which it may be grown, this act removes barriers to the growth of industrial hemp as an agricultural product, and for agricultural or academic research." -The bill, however, did not address the product safety regarding cannabis products. -Under ~~Section 81007 of the~~ Food and Agricultural Code ~~Section 81007~~, the California Department of Food and Agriculture ~~(("CDFA"))~~ is authorized to establish by regulation an agricultural pilot program pursuant to Section 7606 of the federal Agricultural Act of 2014, as codified at Section 5940, title 7, U.S. Codes. -The CDFA has not yet adopted regulations to participate in, or promote, research projects recognized ~~by~~under federal law.

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2. In December 2018, the President signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances, authorized the U.S. Department of Agriculture to create quality control standards for hemp production, and gave states the ability to adopt their own ~~state~~ plans to exercise primary regulatory authority over the production of hemp within the state. ~~The Any~~ state plan may include a reference to a law of the state regulating the production of hemp, to the extent said law is consistent with federal law.

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3. Under Food and Agricultural Code Section 81006, subdivisions (d)(3) and (5), ~~of the Food and Agricultural Code~~, the CDFA is required to establish regulations for sampling procedures and approved laboratories for sample testing of all hemp crops no more than 30 days before harvest.

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4. In late May 2019, the CDFA proposed emergency regulations to establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction ~~for~~ of industrial hemp cultivation. In its submission, the CDFA declared that the absence of hemp regulations constituted an emergency, and immediate action was necessary to prevent serious harm to the general welfare of ~~the citizens of~~ California citizens.

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5. CDFA further found a pressing need for the swift establishment of regulations to prevent delay of the first industrial hemp harvest, which could occur as early as June 2019. Based on its calculations, the absence of regulation could result in a potential direct loss of over \$43,000,000 to California farmers.

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6. ~~_____ [Deleted]~~

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7.6. _____ Industrial hemp strains grown for their cannabidiol (CBD) oil properties are indistinguishable in many ways from the high-~~THC~~ cannabis strains used for medicinal and recreational purposes. Permitting hemp cultivation without a limitation on the acreage and location of hemp plants may lead to the same type of odor and public safety issues facing cannabis operations in counties ~~allowing~~ that allow the cultivation of cannabis.

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8.7. _____ Hemp can serve as a host to mites and other insects. At this time, there are no pesticides registered for hemp that specifically address such mites or other insects. The pesticides that have been approved for hemp are not always effective, which allows for such insects to move to nearby crops. The cultivation of hemp ~~prior to the adoption of~~ must be done consistent with reasonable regulations ~~is therefore harmful to avoid harm~~ to the welfare of residents, ~~creates a~~ public ~~nuisance~~ nuisances, and ~~threatens~~ threats to the safety and viability of nearby crops.

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9.8. _____ A limitation of one (1) acre per permit holder on the amount of land that may be used to cultivate hemp for research or educational purposes, whether grown by an established agricultural research institution or any other individual or entity, is reasonable and necessary to protect the public's health, safety, and welfare and prevent abuse of the County's registration and permitting requirements.

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~~10.—The Kings County Agricultural Commissioner Sealer reported that the hemp growing season is soon to be underway with most planting expected to occur within the next two to three weeks. While there are no hemp plants in the ground as of June 20, 2019, at least two growers have made known their plans to plant between June 21 and 23, 2019. Any delay in adopting an ordinance addressing the cultivation of hemp will hamper enforcement efforts, place growers who planted early in an untenable position, and leave the citizens of the County without the reasonable protections afforded them by the County’s registration and permitting requirements.~~

~~11.—At the June 18, 2019, Kings County Board of Supervisors meeting, five County residents addressed the Board regarding their concerns for the proximity of their residential properties to unregulated cultivation of hemp. Their concerns included safety, odors, increased traffic, and declination in property values and air quality. The cultivation of hemp is a matter of concern for the residents of the County, thereby necessitating an ordinance for the preservation of the public peace, health, and safety.~~

C. Pursuant to California Government Code Section 25123, subdivision (d), the Board of Supervisors may pass an ordinance that is effective immediately if necessary to preserve the public peace, health, or safety. On June 25, 2019, consistent with Government Code Section 25123, the Board of Supervisors adopted an Interim Urgency Ordinance Requiring Permitting and Registration for Hemp Cultivation set forth at Article XI of Chapter 14 of the Kings County Code of Ordinances (“Interim Ordinance”), which is set to expire on December 31, 2020, unless otherwise amended or repealed. The purpose of this ordinance is to repeal and replace the Interim Ordinance with a permanent and ongoing regulatory framework, as may be amended from time to time, for the cultivation of industrial hemp in the unincorporated areas of Kings County.

Section 2: Article XI of Chapter 14, attached hereto and incorporated herein by reference, is hereby added to the Kings County Code of Ordinances: following the expiration of the current Interim Ordinance on December 31, 2020.

Section 3: ~~Article XI of Chapter 14 shall remain in effect until December 31, 2020, unless otherwise amended or repealed.~~

~~Section 4.—This ordinance shall take effect immediately on January 1, 2021 following its adoption by four-fifths of the Board of Supervisors and, before the expiration of fifteen (15) days after its passage, shall be published once with the names of the members of the Board of Supervisors voting for and against the same in the *Hanford Sentinel*, a newspaper of general circulation published in the County of Kings within fifteen (15) days after its passage.~~

The foregoing ordinance was introduced at a regular meeting of this Board of Supervisors of the County of Kings held on June 25, 2019~~October~~, 2020, and was adopted at a regular meeting ~~held of the Board of Supervisors~~ on June 25, 2019~~October~~, 2020, by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors

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ABSTAIN: Supervisors

Chairman of the

~~Joe Neves, Doug Verboon~~

Board of Supervisors
County of Kings, State of California

WITNESS my hand and seal of said Board of Supervisors this ____ day of _____,
2019~~2020~~.

Catherine Venturella

Clerk ~~of said~~to the Board of Supervisors

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ARTICLE XI. CULTIVATION OF HEMP

Sections:

- 14-190 Purpose
- 14-191 Authority
- 14-192 Definitions
- 14-193 Establishment and promulgation of County regulations
- 14-194 Hemp cultivation registration and permit required
- 14-195 Requirements for registration and issuance of a permit
- 14-196 Terms and conditions of permits
- 14-197 ~~Limitation on the County's liability~~ Destruction of non-compliant Hemp plants
- 14-198 Permit revocation
- ~~14-199~~ Limitation on the County's liability
- ~~14-200~~ Violations declared a public nuisance
- ~~14-199201~~ Each violation is a separate offense
- ~~14-200202~~ Severability
- ~~14-203~~ Cumulative remedies

14-190 Purpose.

It is the purpose and intent of this article to implement an ~~urgent interim ongoing~~ program to regulate the cultivation of ~~hemp industrial Hemp~~ in a responsible manner ~~in order~~ to protect the health, safety, and welfare of the residents of the County of Kings and ~~to~~ enforce rules and regulations consistent with state law. ~~It is further the purpose and intent of this article to require all persons cultivating hemp Hemp to register and to obtain a permit to operate within the County of Kings. -Nothing in this article is intended to authorize the cultivation of hemp Hemp for purposes that violate state or federal law.- The provisions of this article are in addition to any other permits, licenses, and approvals, which may be required to conduct activity in the county. -The provisions of this article shall expire on December 31, 2020.~~

14-191 Authority.

Pursuant to Section 7 of Article XI of the California Constitution, the County of Kings is authorized to adopt ordinances that establish standards, requirements, and regulations for the permitting of ~~hemp Hemp~~ cultivation. ~~-Any All~~ standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the County of Kings to all ~~hemp Hemp~~ cultivation.

14-192 Definitions.

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When used in this article, the following words shall have the meaning ascribed to them as set forth herein. -Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

A. ~~“Applicant” shall include any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, activity trust, receiver, syndicate, or any other group or combination acting as a unit, in the plural as well as the singular, who is eligible to cultivate industrial Hemp under this article.~~

A.B. ~~“Hemp cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of hemp industrial Hemp, including activities carried out by seedHemp breeders or by established agricultural research institutions for research or educational purposes.~~

B.C. ~~“Hemp” has the same meaning as in Section 11018.5 of the Health and Safety Code. Section 11018.5 and is used interchangeably with “industrial Hemp.”~~

C.D. ~~“SeedHemp breeder” has the same meaning as in Section 81000 of the Food and Agricultural Code Section 81000.~~

D.E. ~~“Established agricultural research institution” has the same meaning as in Section 81000 of the Food and Agricultural Code Section 81000.~~

E. ~~“Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, activity trust, receiver, syndicate, or any other group or combination acting as a unit, in the plural as well as the singular.~~

F. ~~“Grow Field” shall mean the specific land area that is designated for the permitted cultivation of Hemp.~~

G. ~~“Landlord” and “Owner” shall mean the deed holder of any land upon which Hemp is allowed to be cultivated where the Landlord/Owner is not the permitted grower.~~

F.H. ~~“Sensitive Receptor” includes any church, child daycare, school, youth-oriented facility, and Residential Zone Districts established by in the Kings County Development Code.~~

I. ~~“Processing” shall mean the operation of receiving, grading, packing, fermenting, distilling, extracting, preserving, grinding, crushing or changing the form of any Hemp, including without limitation any and all methods, for the purpose of preparing~~

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it for market or of marketing such Hemp.

J. “Regrowth” shall mean all spontaneously generated Hemp plants resulting from the prior cultivation of Hemp, whether on the same site as the original crop or off-site as a result of volunteer seed.

K. “Tenant” shall mean the permitted cultivator of Hemp who does not own the property on which the cultivation is permitted.

14-193 Establishment and promulgation of county regulations.

A. In addition to any regulations adopted by the Board of Supervisors by resolution, the Agricultural Commissioner-Sealer, or his designee, is authorized to establish additional rules, regulations, or standards governing the issuance or denial of ~~hemp~~Hemp permits, the ongoing operation of ~~hemp~~Hemp cultivation, and the county’s monitoring and inspection activities if the Agricultural Commissioner-Sealer determines the rule, regulation, or standard is necessary to carry out the purposes of this article.

~~B.A.~~ Regulations issued by the Agricultural Commissioner-Sealer shall be published on the county’s website. -A copy of the regulations established by the Agricultural Commissioner-Sealer shall be filed with the clerk of the ~~board~~Board.

~~E.B.~~ Regulations promulgated by the Agricultural Commissioner-Sealer shall become effective upon the date of publication.

14-194 Hemp cultivation registration and permit required.

Except as authorized in this article, no person, including an established agricultural research institution, shall cultivate ~~hemp~~Hemp in the unincorporated area of the County of Kings without first registering and obtaining a permit to cultivate as provided in this article. -A permit issued under this article does not grant any interest in real property or create any interest of value and is not transferable.

14-195 Requirements for registration and issuance of a permit.

Prior to the cultivation of ~~hemp~~Hemp in the unincorporated area of the county, the following requirements shall be met:

A. Applicants shall demonstrate that they meet the standards established in the application requirements or further amendments thereof as established by the Agricultural Commissioner-Sealer. -A person may be issued only one ~~hemp~~Hemp cultivation permit.

B. Applicants must be the ~~deed holder~~Owner, or their designated agent, of the

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land upon which ~~hemp~~Hemp is to be cultivated or provide a notarized county consent form signed by the ~~deed holder~~Owner or the Owner's designated agent.

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C. The land upon which ~~hemp~~Hemp is to be cultivated must be located in General Agricultural Zone Districts (AG-20, AG-40), and must have:

1. Have a minimum of a one-half a-mile set backsetback from any Sensitive Receptor,~~and must be located outside;~~

~~C.2. Have a minimum of a Local Agency Formation Commission (LAFCO) Sphere of Influence one-half mile setback from municipal jurisdictional boundaries, unless that municipality permits Hemp Processing and cultivation, in which case, no setback in the unincorporated area of the County is required;~~

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3. Have a minimum setback of two hundred feet (200') from the property boundary of any parcel containing non-Hemp, agricultural cultivation not owned by the Applicant, unless notarized written consent is obtained; and

4. Have a minimum setback of seven hundred feet (700') from the property boundary of any parcel containing a residence not owned by the Applicant, unless notarized written consent is obtained.

D. Applicants shall provide all information as showing they satisfy the registration requirements set forth in ~~Section 81003, subdivision (a), of the~~ Food and Agricultural Code Section 81003.

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E. Applicants shall pay the state registration fee as set forth in ~~Section 4900, title 3, of the~~ California Code of Regulations title 3, Section 4900.

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F. Applicants shall obtain and provide an Operator Identification or Restricted Materials Permit from the Agricultural Commissioner-Sealer where appropriate.

G. Applicants shall submit a destruction plan that addresses the destruction, removal and abatement of a non-compliant crop, an abandoned crop, and all Regrowth to the Agricultural Commissioner-Sealer as part of its initial application for registration and a permit.

H. Before a permit is issued under this article, the Applicants shall submit a bond or other form of security acceptable to the Agricultural Commissioner-Sealer in the amount of one hundred percent (100%) of the estimated cost to fully abate a crop of Hemp that does not meet the requirements for legal harvest under applicable laws and regulations and to implement the destruction plan submitted pursuant to subsection (G) above. The financial security provided shall be released to the Applicant after the Agricultural Commissioner-Sealer determines that the security is no longer needed to secure the abatement of a non-compliant or abandoned Hemp crop or its Regrowth.

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~~F.I.~~ All applications for ~~hemp~~Hemp cultivation registration and permits shall be submitted to the Agricultural Commissioner-Sealer. Applicants shall be responsible for the actual costs, including, but not limited to, the costs of staff time, associated with processing a registration and permit for ~~hemp~~Hemp cultivation.

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~~J.~~ Any person who has been convicted of a felony related to a controlled substance under state or federal law shall be ineligible to hold a county Hemp cultivation permit during the 10-year period following the conviction. Each Applicant will be required to undergo a criminal background check before a permit will be granted.

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14-196 Terms and Conditions of Permits.

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Permit holders shall comply with the following terms and conditions:

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A. Hemp cultivation by established agricultural research institutions for research or educational purposes shall be limited to a total of one (1) acre per permit holder within the County of Kings. Seed that is bred under research conditions may only be planted and cultivated by established agricultural research institutions for research or educational purposes.

B. ~~On site processing~~Processing of ~~hemp~~Hemp onsite is prohibited. ~~For purposes of this section, on site processing~~This prohibition does not include those general agricultural cultivation practices as defined in Section 14-192, subsection ~~A~~B, above.

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C. ~~In order to~~To maintain the public health, safety, and welfare, permit holders shall allow monitoring and inspection of any ~~hemp~~Hemp cultivation site ~~by drones operated in any manner deemed necessary~~ by the Kings County Sheriff's Office, any law enforcement agency, or any other ~~county~~ department of the County of Kings, including monitoring and surveillance by drones. Permit holders shall be responsible for payment of the actual costs, including, but not limited to, the costs of staff time, for monitoring and inspection activities. Permit holders may be responsible for the actual costs of each law enforcement response to complaints of non-compliance at the permitted cultivation site.

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~~D.~~ Hemp cultivation shall be conducted in accordance compliance with state and local laws and regulations related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

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~~E.D.~~ Hemp cultivation shall be in compliance with all state and local laws and regulations, including, but not limited to, any rules, regulations or standards adopted by the Agricultural Commissioner-Sealer.

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E. Each parcel permitted for Hemp cultivation shall be surrounded by a physical barrier, including, but not limited to, fencing, an irrigation ditch, or similar impediment to access, the adequacy of which shall be approved by the Agricultural

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Commissioner-Sealer. All access points to the parcel must have the ability to be secured.

F. Each parcel permitted for Hemp cultivation shall post signage indicating that Hemp is being cultivated at the site. The signage shall comply with the following requirements:

1. Required signage shall be posted at the corners of and at all usual points of entry to the parcel, including, but not limited to, each road, footpath, walkway or aisle that enters the cultivation area;

2. If the permitted parcel is adjacent to a public right-of-way, such as a road, path or trail, signage shall be posted at intervals not exceeding six hundred feet (600') along the boundary between the parcel and the right-of-way;

3. The signage shall contain letters, numbers and symbols at least five inches (5") in height in colors that contrast sharply with the immediate background to be visible and legible to a person with normal vision from a distance of twenty-five feet (25'); and

4. The signage shall include, at a minimum, the words "Industrial Hemp", "THC no more than .3%", and "No Trespassing".

G. Each structure used for the Hemp cultivation shall have all necessary permits required under state and county law and regulations. Structures for the indoor cultivation of Hemp shall:

1. Be subject to the same zoning and setback requirements as for outdoor cultivation;

2. Be fully enclosed, securable, and permitted under state and county laws and regulations;

3. Be subject to additional monitoring requirements as established by the Agricultural Commissioner-Sealer in consultation with the Sheriff's Office; and

4. Implement measures for odor control, the adequacy of which will be determined, approved and permitted by the Community Development Agency.

5. All new lighting shall be oriented away from sensitive uses, and shall be hooded, shielded and located to direct light pools downward and to prevent glare.

F.H. Each registration and permit issued pursuant to this article shall expire on ~~December 31, 2020~~ one (1) year from the date of its issuance.

14-197 Destruction of non-compliant Hemp plants.

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A. A Hemp crop that does not comply with the provisions of this article and all applicable provisions of state law, county codes and associated regulations, as well as a crop that has not been harvested by the expiration date of the applicable permit without having secured a new permit, shall be destroyed. Crop destruction shall proceed as provided in all applicable laws and regulations, which includes Food and Agricultural Code section 81006 and California Code of Regulations, title 3, sections 4950 and 4950.1. The Agricultural Commissioner-Sealer shall approve the method of destruction. A Hemp grower who fails to destroy a Hemp crop as required shall forfeit the financial security provided under Section 14-195, subsection G above, and the Agricultural Commissioner-Sealer may proceed to destroy the non-compliant crop.

B. In the event the Tenant abandons a non-compliant Hemp crop, the Landlord will be responsible for destruction and removal of the crop consistent with the Tenant's destruction plan. If the Tenant's financial security provided under Section 14-195, subsection G above is inadequate to cover the actual costs of the abatement of the crop, the Landlord will be responsible for any costs remaining after application of the bond.

C. The Hemp grower shall have forty-five (45) days from the date any test reveals the Hemp crop contains THC levels in excess of one percent (1%) or following a second test for a Hemp crop that initially tests between three-tenths of one percent (.3%) and one percent (1%) during which to destroy the crop. If a Tenant abandons the crop, the Landlord must initiate the process of destroying the crop within twenty-four (24) hours of receiving notice from the Agricultural Commissioner-Sealer directing the destruction and must complete the destruction within forty-five (45) days from the date of the initiation.

D. Once a Hemp crop is harvested, destroyed or removed, the Tenant and the Landlord are jointly responsible for abating all Regrowth from the harvested or destroyed crop at any time following the permitted cultivation season.

14-198 Permit revocation.

A. Any Person who violates this article knowingly and willfully may have their permit revoked and, if the permit is revoked, shall be ineligible to apply for a permit to cultivate Hemp within the County of Kings for three (3) years from the date of the final decision of the Agricultural Commissioner-Sealer that a violation has been made knowingly and willfully.

B. The Agricultural Commissioner-Sealer, Sheriff, District Attorney or County Counsel shall have the right to petition the Kings County Board of Supervisors for revocation of a Hemp cultivation permit upon a showing of good cause.

14-199 Limitations on ~~county's~~county's liability.

To the fullest extent permitted by law, the County of Kings shall not assume any liability whatsoever with respect to having registered and issued a permit to cultivate ~~hemp~~Hemp pursuant to this article or otherwise approving the operation of any ~~hemp~~Hemp cultivation.

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14-~~198~~200 Violations declared a public nuisance.

Each and every violation of the provisions of this article is hereby deemed unlawful and a public nuisance.

14-~~199~~201 Each violation is a separate offense.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Code of Ordinances of the County of Kings. Each and every day a violation of this article continues shall constitute a separate violation subject to all authorized remedies and enforcement measures.

14-~~200~~202 Severability.

The provisions of this article are hereby declared to be severable.- If any provision, clause, word, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

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14-203 Cumulative remedies

Nothing in this article shall prohibit or prevent prosecution for violations under any other law. All remedies provided for in this article are cumulative and not exclusive.

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ORDINANCE NO. _____

AN ORDINANCE ADDING ARTICLE XI OF CHAPTER 14 OF THE KINGS COUNTY CODE OF ORDINANCES AND ESTABLISHING ONGOING REGULATIONS FOR INDUSTRIAL HEMP CULTIVATION IN THE UNINCORPORATED AREAS OF KINGS COUNTY FOLLOWING EXPIRATION OF THE INTERIM URGENCY ORDINANCE ON DECEMBER 31, 2020

The Board of Supervisors of the County of Kings, State of California, ordains as follows:

Section 1: Findings and Declarations.

The Board of Supervisors makes the following findings in support of the enactment of this ordinance:

A. Pursuant to Article XI, Section 7, of the California Constitution, the County of Kings (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The Board of Supervisors finds that this ordinance is necessary for the preservation of the public peace, health, and safety based upon the following facts:

1. In September 2018, the California Legislature enacted SB 1409 which amended (1) the definition of “industrial hemp” in Health and Safety Code Section 11018.5, subdivision (a), to delete the reference to its being a crop solely for fiber or oilseed production, and (2) Food and Agricultural Code Section 81006 to remove the requirement for dense planting and restrictions against pruning, tending, or culling. SB 1409 included the finding: “By removing limitations on the manner in which industrial hemp may be grown and the uses for which it may be grown, this act removes barriers to the growth of industrial hemp as an agricultural product, and for agricultural or academic research.” The bill, however, did not address the product safety regarding cannabis products. Under Food and Agricultural Code Section 81007, the California Department of Food and Agriculture (“CDFA”) is authorized to establish by regulation an agricultural pilot program pursuant to Section 7606 of the federal Agricultural Act of 2014, as codified at Section 5940, title 7, U.S. Codes. The CDFa has not yet adopted regulations to participate in, or promote, research projects recognized under federal law.

2. In December 2018, the President signed into law the 2018 Federal Farm Bill, H.R. 2, P.L. 115-334, which removed industrial hemp from the federal list of controlled substances, authorized the U.S. Department of Agriculture to create quality control standards for hemp production, and gave states the ability to adopt their own plans to exercise primary regulatory authority over the production of hemp within the state. Any state plan may include a reference to a law of the state regulating the production of hemp, to the extent said law is consistent with federal law.

3. Under Food and Agricultural Code Section 81006, subdivisions (d)(3) and (5), the CDFA is required to establish regulations for sampling procedures and approved laboratories for sample testing of all hemp crops no more than 30 days before harvest.

4. In late May 2019, the CDFA proposed emergency regulations to establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction of industrial hemp cultivation. In its submission, the CDFA declared that the absence of hemp regulations constituted an emergency, and immediate action was necessary to prevent serious harm to the general welfare of California citizens.

5. CDFA further found a pressing need for the swift establishment of regulations to prevent delay of the first industrial hemp harvest, which could occur as early as June 2019. Based on its calculations, the absence of regulation could result in a potential direct loss of over \$43,000,000 to California farmers.

6. Industrial hemp strains grown for their cannabidiol (CBD) oil properties are indistinguishable in many ways from the high-THC cannabis strains used for medicinal and recreational purposes. Permitting hemp cultivation without a limitation on the acreage and location of hemp plants may lead to the same type of odor and public safety issues facing cannabis operations in counties that allow the cultivation of cannabis.

7. Hemp can serve as a host to mites and other insects. At this time, there are no pesticides registered for hemp that specifically address such mites or other insects. The pesticides that have been approved for hemp are not always effective, which allows for such insects to move to nearby crops. The cultivation of hemp must be done consistent with reasonable regulations to avoid harm to the welfare of residents, public nuisances, and threats to the safety and viability of nearby crops.

8. A limitation of one (1) acre per permit holder on the amount of land that may be used to cultivate hemp for research or educational purposes, whether grown by an established agricultural research institution or any other individual or entity, is reasonable and necessary to protect the public's health, safety, and welfare and prevent abuse of the County's registration and permitting requirements.

C. Pursuant to California Government Code Section 25123, subdivision (d), the Board of Supervisors may pass an ordinance that is effective immediately if necessary to preserve the public peace, health, or safety. On June 25, 2019, consistent with Government Code Section 25123, the Board of Supervisors adopted an Interim Urgency Ordinance Requiring Permitting and Registration for Hemp Cultivation set forth at Article XI of Chapter 14 of the Kings County Code of Ordinances ("Interim Ordinance"), which is set to expire on December 31, 2020, unless otherwise amended or repealed. The purpose of this ordinance is to repeal and replace the Interim Ordinance with a permanent and ongoing regulatory framework, as may be amended from time to time, for the cultivation of industrial hemp in the unincorporated areas of Kings County.

Section 2: Article XI of Chapter 14, attached hereto and incorporated herein by reference, is hereby added to the Kings County Code of Ordinances following the expiration of the current Interim Ordinance on December 31, 2020.

Section 3: This ordinance shall take effect on January 1, 2021 following its adoption by four-fifths of the Board of Supervisors and shall be published once with the names of the members of the Board of Supervisors voting for and against the same in the *Hanford Sentinel*, a newspaper of general circulation published in the County of Kings within fifteen (15) days after its passage.

The foregoing ordinance was introduced at a regular meeting of this Board of Supervisors of the County of Kings held on October __, 2020, and was adopted at a regular meeting of the Board of Supervisors on October __, 2020, by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

Doug Verboon
Chairman of the Board of Supervisors
County of Kings, State of California

WITNESS my hand and seal of said Board of Supervisors this ____ day of _____, 2020.

Catherine Venturella
Clerk to the Board of Supervisors

ARTICLE XI. CULTIVATION OF HEMP

Sections:

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- 14-203 Cumulative remedies

14-190 Purpose.

It is the purpose and intent of this article to implement an ongoing program to regulate the cultivation of industrial Hemp in a responsible manner to protect the health, safety, and welfare of the residents of the County of Kings and to enforce rules and regulations consistent with state law. It is further the purpose and intent of this article to require all persons cultivating Hemp to register and to obtain a permit to operate within the County of Kings. Nothing in this article is intended to authorize the cultivation of Hemp for purposes that violate state or federal law. The provisions of this article are in addition to any other permits, licenses, and approvals, which may be required to conduct activity in the county.

14-191 Authority.

Pursuant to Section 7 of Article XI of the California Constitution, the County of Kings is authorized to adopt ordinances that establish standards, requirements, and regulations for the permitting of Hemp cultivation. All standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the County of Kings to all Hemp cultivation.

14-192 Definitions.

When used in this article, the following words shall have the meaning ascribed to them as set forth herein. Any reference to California statutes includes any regulations

promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

A. “Applicant” shall include any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, activity trust, receiver, syndicate, or any other group or combination acting as a unit, in the plural as well as the singular, who is eligible to cultivate industrial Hemp under this article.

B. “Hemp cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of industrial Hemp, including activities carried out by Hemp breeders or by established agricultural research institutions for research or educational purposes.

C. “Hemp” has the same meaning as in Health and Safety Code Section 11018.5 and is used interchangeably with “industrial Hemp.”

D. “Hemp breeder” has the same meaning as in Food and Agricultural Code Section 81000.

E. “Established agricultural research institution” has the same meaning as in Food and Agricultural Code Section 81000.

F. “Grow Field” shall mean the specific land area that is designated for the permitted cultivation of Hemp.

G. “Landlord” and “Owner” shall mean the deed holder of any land upon which Hemp is allowed to be cultivated where the Landlord/Owner is not the permitted grower.

H. “Sensitive Receptor” includes any church, child daycare, school, youth-oriented facility, and Residential Zone Districts established in the Kings County Development Code.

I. “Processing” shall mean the operation of receiving, grading, packing, fermenting, distilling, extracting, preserving, grinding, crushing or changing the form of any Hemp, including without limitation any and all methods, for the purpose of preparing it for market or of marketing such Hemp.

J. “Regrowth” shall mean all spontaneously generated Hemp plants resulting from the prior cultivation of Hemp, whether on the same site as the original crop or off-site as a result of volunteer seed.

K. “Tenant” shall mean the permitted cultivator of Hemp who does not own the property on which the cultivation is permitted.

14-193 Establishment and promulgation of county regulations.

In addition to any regulations adopted by the Board of Supervisors by resolution, the Agricultural Commissioner-Sealer, or his designee, is authorized to establish additional rules, regulations, or standards governing the issuance or denial of Hemp permits, the ongoing operation of Hemp cultivation, and the county's monitoring and inspection activities if the Agricultural Commissioner-Sealer determines the rule, regulation, or standard is necessary to carry out the purposes of this article.

A. Regulations issued by the Agricultural Commissioner-Sealer shall be published on the county's website. A copy of the regulations established by the Agricultural Commissioner-Sealer shall be filed with the clerk of the Board.

B. Regulations promulgated by the Agricultural Commissioner-Sealer shall become effective upon the date of publication.

14-194 Hemp cultivation registration and permit required.

Except as authorized in this article, no person, including an established agricultural research institution, shall cultivate Hemp in the unincorporated area of the County of Kings without first registering and obtaining a permit to cultivate as provided in this article. A permit issued under this article does not grant any interest in real property or create any interest of value and is not transferable.

14-195 Requirements for registration and issuance of a permit.

Prior to the cultivation of Hemp in the unincorporated area of the county, the following requirements shall be met:

A. Applicants shall demonstrate that they meet the standards established in the application requirements or further amendments thereof as established by the Agricultural Commissioner-Sealer. A person may be issued only one Hemp cultivation permit.

B. Applicants must be the Owner, or their designated agent, of the land upon which Hemp is to be cultivated or provide a notarized county consent form signed by the Owner or the Owner's designated agent.

C. The land upon which Hemp is to be cultivated must be located in General Agricultural Zone Districts (AG-20, AG-40), and must:

1. Have a minimum of a one-half mile setback from any Sensitive Receptor;

2. Have a minimum of a one-half mile setback from municipal jurisdictional boundaries, unless that municipality permits Hemp Processing and cultivation, in which case, no setback in the unincorporated area of the County is

required;

3. Have a minimum setback of two hundred feet (200') from the property boundary of any parcel containing non-Hemp, agricultural cultivation not owned by the Applicant, unless notarized written consent is obtained; and

4. Have a minimum setback of seven hundred feet (700') from the property boundary of any parcel containing a residence not owned by the Applicant, unless notarized written consent is obtained.

D. Applicants shall provide all information showing they satisfy the registration requirements set forth in Food and Agricultural Code Section 81003.

E. Applicants shall pay the state registration fee as set forth in the California Code of Regulations title 3, Section 4900.

F. Applicants shall obtain and provide an Operator Identification or Restricted Materials Permit from the Agricultural Commissioner-Sealer where appropriate.

G. Applicants shall submit a destruction plan that addresses the destruction, removal and abatement of a non-compliant crop, an abandoned crop, and all Regrowth to the Agricultural Commissioner-Sealer as part of its initial application for registration and a permit.

H. Before a permit is issued under this article, the Applicants shall submit a bond or other form of security acceptable to the Agricultural Commissioner-Sealer in the amount of one hundred percent (100%) of the estimated cost to fully abate a crop of Hemp that does not meet the requirements for legal harvest under applicable laws and regulations and to implement the destruction plan submitted pursuant to subsection (G) above. The financial security provided shall be released to the Applicant after the Agricultural Commissioner-Sealer determines that the security is no longer needed to secure the abatement of a non-compliant or abandoned Hemp crop or its Regrowth.

I. All applications for Hemp cultivation registration and permits shall be submitted to the Agricultural Commissioner-Sealer. Applicants shall be responsible for the actual costs, including, but not limited to, the costs of staff time, associated with processing a registration and permit for Hemp cultivation.

J. Any person who has been convicted of a felony related to a controlled substance under state or federal law shall be ineligible to hold a county Hemp cultivation permit during the 10-year period following the conviction. Each Applicant will be required to undergo a criminal background check before a permit will be granted.

14-196 Terms and Conditions of Permits.

Permit holders shall comply with the following terms and conditions:

A. Hemp cultivation by established agricultural research institutions for research or educational purposes shall be limited to a total of one (1) acre per permit holder within the County of Kings. Seed that is bred under research conditions may only be planted and cultivated by established agricultural research institutions for research or educational purposes.

B. Processing of Hemp onsite is prohibited. This prohibition does not include those general agricultural cultivation practices as defined in Section 14-192, subsection B, above.

C. To maintain the public health, safety, and welfare, permit holders shall allow monitoring and inspection of any Hemp cultivation site in any manner deemed necessary by the Kings County Sheriff's Office, any law enforcement agency, or any other county department, including monitoring and surveillance by drones. Permit holders shall be responsible for payment of the actual costs, including, but not limited to, the costs of staff time, for monitoring and inspection activities. Permit holders may be responsible for the actual costs of each law enforcement response to complaints of non-compliance at the permitted cultivation site.

D. Hemp cultivation shall be conducted in compliance with state and local laws and regulations related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters, including, but not limited to, any rules, regulations or standards adopted by the Agricultural Commissioner-Sealer.

E. Each parcel permitted for Hemp cultivation shall be surrounded by a physical barrier, including, but not limited to, fencing, an irrigation ditch, or similar impediment to access, the adequacy of which shall be approved by the Agricultural Commissioner-Sealer. All access points to the parcel must have the ability to be secured.

F. Each parcel permitted for Hemp cultivation shall post signage indicating that Hemp is being cultivated at the site. The signage shall comply with the following requirements:

1. Required signage shall be posted at the corners of and at all usual points of entry to the parcel, including, but not limited to, each road, footpath, walkway or aisle that enters the cultivation area;

2. If the permitted parcel is adjacent to a public right-of-way, such as a road, path or trail, signage shall be posted at intervals not exceeding six hundred feet (600') along the boundary between the parcel and the right-of-way;

3. The signage shall contain letters, numbers and symbols at least five inches (5") in height in colors that contrast sharply with the immediate background to be visible and legible to a person with normal vision from a

distance of twenty-five feet (25'); and

4. The signage shall include, at a minimum, the words “Industrial Hemp”, “THC no more than .3%”, and “No Trespassing”.

G. Each structure used for the Hemp cultivation shall have all necessary permits required under state and county law and regulations. Structures for the indoor cultivation of Hemp shall:

1. Be subject to the same zoning and setback requirements as for outdoor cultivation;

2. Be fully enclosed, securable, and permitted under state and county laws and regulations;

3. Be subject to additional monitoring requirements as established by the Agricultural Commissioner-Sealer in consultation with the Sheriff’s Office; and

4. Implement measures for odor control, the adequacy of which will be determined, approved and permitted by the Community Development Agency.

5. All new lighting shall be oriented away from sensitive uses, and shall be hooded, shielded and located to direct light pools downward and to prevent glare.

H. Each registration and permit issued pursuant to this article shall expire one (1) year from the date of its issuance.

14-197 Destruction of non-compliant Hemp plants.

A. A Hemp crop that does not comply with the provisions of this article and all applicable provisions of state law, county codes and associated regulations, as well as a crop that has not been harvested by the expiration date of the applicable permit without having secured a new permit, shall be destroyed. Crop destruction shall proceed as provided in all applicable laws and regulations, which includes Food and Agricultural Code section 81006 and California Code of Regulations, title 3, sections 4950 and 4950.1. The Agricultural Commissioner-Sealer shall approve the method of destruction. A Hemp grower who fails to destroy a Hemp crop as required shall forfeit the financial security provided under Section 14-195, subsection G above, and the Agricultural Commissioner-Sealer may proceed to destroy the non-compliant crop.

B. In the event the Tenant abandons a non-compliant Hemp crop, the Landlord will be responsible for destruction and removal of the crop consistent with the Tenant’s destruction plan. If the Tenant’s financial security provided under Section 14-195, subsection G above is inadequate to cover the actual costs of the abatement of the

crop, the Landlord will be responsible for any costs remaining after application of the bond.

C. The Hemp grower shall have forty-five (45) days from the date any test reveals the Hemp crop contains THC levels in excess of one percent (1%) or following a second test for a Hemp crop that initially tests between three-tenths of one percent (.3%) and one percent (1%) during which to destroy the crop. If a Tenant abandons the crop, the Landlord must initiate the process of destroying the crop within twenty-four (24) hours of receiving notice from the Agricultural Commissioner-Sealer directing the destruction and must complete the destruction within forty-five (45) days from the date of the initiation.

D. Once a Hemp crop is harvested, destroyed or removed, the Tenant and the Landlord are jointly responsible for abating all Regrowth from the harvested or destroyed crop at any time following the permitted cultivation season.

14-198 Permit revocation.

A. Any Person who violates this article knowingly and willfully may have their permit revoked and, if the permit is revoked, shall be ineligible to apply for a permit to cultivate Hemp within the County of Kings for three (3) years from the date of the final decision of the Agricultural Commissioner-Sealer that a violation has been made knowingly and willfully.

B. The Agricultural Commissioner-Sealer, Sheriff, District Attorney or County Counsel shall have the right to petition the Kings County Board of Supervisors for revocation of a Hemp cultivation permit upon a showing of good cause.

14-199 Limitations on county's liability.

To the fullest extent permitted by law, the County of Kings shall not assume any liability whatsoever with respect to having registered and issued a permit to cultivate Hemp pursuant to this article or otherwise approving the operation of any Hemp cultivation.

14-200 Violations declared a public nuisance.

Each and every violation of the provisions of this article is hereby deemed unlawful and a public nuisance.

14-201 Each violation is a separate offense.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Code of Ordinances of the County of Kings. Each and every day a violation of this article continues shall constitute a separate violation subject to all authorized remedies and enforcement measures.

14-202 Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

14-203 Cumulative remedies

Nothing in this articles shall prohibit or prevent prosecution for violations under any other law. All remedies provided for in this article are cumulative and not exclusive.

[341248]

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF PROCLAIMING
OCTOBER 2020 AS KINGS COUNTY
DOMESTIC VIOLENCE VIOLENCE
AWARENESS MONTH /

RESOLUTION NO. _____

WHEREAS, domestic violence impacts our families, homes, communities, schools, and workplaces on a daily basis;

WHEREAS, ending violence in the home, at work, and in the community, requires vigilance and dedication from every part of our society;

WHEREAS, during the month of October, the Kings County District Attorney's Office, and Kings County District Attorney's Office Victim Witness Assistance Program, social service workers, probation, law enforcement agencies and many other organizations come together to connect those who work to end violence, and to celebrate those who have survived and mourn those who have died because of domestic violence;

WHEREAS, it is critical that those seeking help or services have access to proper care and treatment;

WHEREAS, Domestic Violence Awareness Month is an opportunity to stand with domestic violence survivors, to celebrate the progress made in combating these crimes, and to recommit to reducing domestic violence in Kings County;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Kings as follows:

1. The Kings County Board of Supervisors proclaims the month of October, 2020, to be Kings County Domestic Violence Awareness Month.
2. That this official proclamation is to be presented to the Kings County District Attorney's Victim Witness Program on October 20, 2020.

The foregoing resolution was adopted upon motion by Supervisor _____, seconded by Supervisor _____ at a regular meeting held on the

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

By: _____
Chairperson of the Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this _____ day of October, 2020.

By: _____
Clerk of the Board of Supervisors



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: Elections Department- Lupe Villa

SUBJECT: NOVEMBER 3, 2020 GENERAL ELECTION UPDATE

SUMMARY:

Overview:

The Registrar of Voters will give the Board an update on all activities related to the upcoming November 3, 2020 General Election.

Recommendation:

Receive an update on the November 3, 2020 General Election.

Fiscal Impact:

None.

BACKGROUND:

The General Election is coming up on November 3, 2020. The Registrar of Voters will provide an update on all activities related to the upcoming election. This update will cover issues related to the upcoming election including, but not limited to, training, poll workers, polling locations, drop boxes, safety measures, and ballots.

BOARD ACTION:

APPROVED AS PRESENTED: _____ OTHER: _____

I hereby certify that the above order was passed
and adopted on _____, 2020.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: Department of Public Health – Edward Hill/Nancy Gerking

SUBJECT: ACCEPTANCE OF ALLOCATION AGREEMENT AND PROSPECTIVE
PAYMENT INVOICES FOR THE FISCAL YEAR 2020-2021 TOBACCO
CONTROL PROGRAM

SUMMARY:

Overview:

The Tobacco Control Program has been a long-standing Kings County program. The California Tobacco Control Program (CTCP) has again awarded Kings County a funding allocation for Fiscal Year (FY) 2020-2021, which must be authorized for acceptance by the Board.

Recommendation:

- a. Authorize the Director of Public Health to sign the Acceptance of Allocation agreement for the Kings County Tobacco Control Program; and
- b. Authorize the Director of Public Health to sign all of the prospective payment invoices related to the program.

Fiscal Impact:

There is no cost to the County General Fund associated with the recommended actions. Revenue from Proposition 99 of \$150,000 is included in the FY 2020-2021 Adopted Budget. The Proposition 56 Revenue in the amount of \$150,000 was requested in the FY 20-21 budget process. Due to an increase in the Proposition 56 allocation, the amount has been increased to \$155,715, which requires a budget change to include the additional \$5,715. Additionally, the Department recommends rolling over FY 2019-2020 Proposition 99 funds into the FY 2020-2021 Adopted Budget in the amount of \$120,000.

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2019.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

ACCEPTANCE OF ALLOCATION AGREEMENT AND PROSPECTIVE PAYMENT INVOICES FOR THE FISCAL YEAR 2020-2021 TOBACCO CONTROL PROGRAM

October 20, 2020

Page 2 of 2

BACKGROUND:

The Tobacco Control Program funding is allocated to local jurisdictions for the purpose of conducting a variety of local tobacco activities to reduce the impacts of tobacco, electronic smoking devices (vapes), secondhand smoke, and third hand smoke. The CTCP identifies priority areas for the Kings County Tobacco Control Program. The Kings County Tobacco Control Program then develops specific activities to address those priorities to meet their objectives and requirements for the funding that was allocated for our County. The funding that has been allocated for Kings County allows the Health Department to facilitate these activities which include community education on secondhand smoke, third-hand smoke, drifting tobacco smoke in multi-unit housing, vape smoke, community trainings, tobacco retail licensing, the impact of tobacco advertising on youth, and recruitment of adults and youth for participation in program activities. Acceptance of the Fiscal Year 2020-2021 allocation is necessary to complete the CTCP work planned for the year.

County Counsel has reviewed and approved this agreement as to form.

KINGS COUNTY
OFFICE OF THE AUDITOR-CONTROLLER
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only	
Date	
J/E No.	
Page	of

(A) New Appropriation

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
GENERAL	HEALTH-TOBACCO	SPECIAL DEPARTMENTAL	100000	412000/ 402000	92063	23,974
TOTAL						23,974

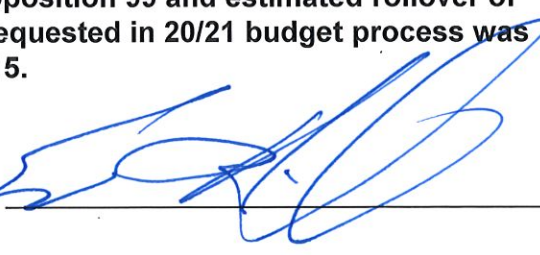
Funding Sources:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
GENERAL	HEALTH-TOBACCO	ST AID-AB75-TOBACCO	100000	412000/ 402000	85039	18,259
GENERAL	HEALTH-TOBACCO	ST AID-PROP 56-TOBACCO	100000	412000/ 402000	85095	5,715
TOTAL						23,974

(B) Budget Transfer:

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
TOTAL						

Transfer To:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount Transferred In
TOTAL						

Explanation: **We are requesting to account for Tobacco Proposition 99 Trust 4150 19/20 additional rollover funds of \$18,259. We have already requested the annual \$150,000 Proposition 99 and estimated rollover of \$120,000 in the FY 20/21 budget process. Proposition 56 allocation requested in 20/21 budget process was \$150,000, we are requesting to account for the rollover funds of \$5,715.**

Auditor Approval _____ Department Head  _____
 CAO Approval _____ Board Approval _____



SANDRA SHEWRY, MPH, MSW
Acting Director

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

August 27, 2020

TO: LOCAL LEAD AGENCY (LLA) PROJECT DIRECTORS
TOBACCO CONTROL EDUCATION PROGRAMS

FROM: CONTRACTS AND BUSINESS OPERATIONS SECTION
CALIFORNIA TOBACCO CONTROL PROGRAM (CTCP)

SUBJECT: PROGRAM LETTER 20-03
LLA ALLOCATION AGREEMENT FOR PROPOSITION 99 AND PROPOSITION 56 FUNDS
FUNDING PERIOD: JULY 1, 2020 THROUGH JUNE 30, 2021

Purpose Release the *Acceptance of Allocation Agreement for Fiscal Year 2020-2021*

Effective Date Immediately

Inclusions

1. Acceptance of Allocation Agreement
Funding Period: July 1, 2020 through June 30, 2021
2. Revised APPENDIX 1, California Tobacco Control Program, Local Lead Agency Allocation Table for Proposition 99 and Proposition 56 Funds, FY 2017/18 - FY 2020/21 (Dated 8/20/2020) previously released in the 2017 - 2021 LOCAL LEAD AGENCY COMPREHENSIVE TOBACCO CONTROL PLAN GUIDELINES

Required Action

1. Please print, sign, and date the Acceptance of Allocation Agreement for Fiscal Year 2020-2021. The signature, on the Acceptance of Allocation Agreement, must match the official Agency Signatory identified in CTCP's Online Tobacco Information System (OTIS).
2. Return the Acceptance of Allocation Agreement for Fiscal Year 2020-2021, bearing an original signature, to your assigned CTCP Procurement Manager (PM) at the following address:

USPS Mailing Address:

Attention: "Name of assigned CTCP PM"
California Department of Public Health
CHC/California Tobacco Control Program MS
7206
P. O. Box 997377
Sacramento, CA 95899-7377



Why The Agreement is Needed

Signing the Acceptance of Allocation Agreement serves as acceptance of the allocation for Fiscal Year (FY) 2020-2021 and acknowledges the conditions attached to the funds. The California Department of Public Health (CDPH) does not require a Board of Supervisors Resolution for allocation agreements.

Please be advised, Prospective Payment Invoices (PPIs) cannot be processed for payment until CTCP receives the Acceptance of Allocation Agreement for FY 2020-2021, from your city/county, bearing the original signature of the official Agency Signatory identified in OTIS.

Budget Information

The amount of Proposition 99 and Proposition 56 funds identified on the Acceptance of Allocation Agreement for FY 2020-2021 is based on the updated LLA Allocation Table (Dated 8/20/2020) for the FY 2017-2021 plan period.

Additional Information

During the plan period, LLA Project Directors will receive feedback from CTCP's:

- PMs who analyze the cost reports and spending patterns.
- Program Consultants (PCs) who monitor the progress reports and associated percent deliverables to ensure adequate progress is being made toward completion of the Comprehensive Tobacco Control Plan for FY 2017-2021.

If it appears LLAs are not spending the allocations according to the negotiated budget/budget justification in a timely manner and/or are not making sufficient progress on plan activities, CTCP may withhold future PPIs.

Unspent balances must be returned to the CDPH/CTCP when the 2017 – 2021 Local Lead Agency Comprehensive Tobacco Control Plan ends on June 30, 2021.

Contact Person For Further Information

Your assigned CTCP PM.

**ACCEPTANCE OF ALLOCATION AGREEMENT
for
FISCAL YEAR 2020-2021**

County of Kings

Agreement Number: CTCP-17-16

Agreement Amount: \$300,000.00

Proposition 56: \$150,000.00

Proposition 99: \$150,000.00

FUNDING PERIOD: JULY 1, 2020 THROUGH JUNE 30, 2021

I certify this Tobacco Control Program will comply with all applicable policies, procedures, and legal requirements as described in the Comprehensive Tobacco Control Plan Guidelines including: the Allocation Agreement Terms; Local Lead Agency Administrative and Policy Manual; and, any statutes, program letters, and other conditions stipulated by the California Tobacco Control Program.

Authorized Signature

Date

Printed Name and Title

**California Tobacco Control Program
Local Lead Agency Allocation Table
for Proposition 99 and Proposition 56 Funds
FY 2017/18 - FY 2021/22 (Dec '21)**

FY 17/18

LLA	Agreement	FY 17/18 Prop 99 @ Budget Act Jul-17	FY 17/18 Prop 99 Adjustment @ Jan 2018 GB	FY 17/18 Total Prop 99 @ Jan 2018 GB	FY 17/18 Prop 56 @ BA & GB	FY 17/18 TOTAL Prop 99+56 @ BA & GB
Alameda	CTCP-17-01	\$150,000		\$150,000	\$1,886,917	\$2,036,917
Berkeley	CTCP-17-01A	\$150,000		\$150,000	\$175,190	\$325,190
Alpine	CTCP-17-02	\$150,000		\$150,000	\$219,105	\$369,105
Amador	CTCP-17-03	\$150,000		\$150,000	\$219,105	\$369,105
Butte	CTCP-17-04	\$150,000		\$150,000	\$319,042	\$469,042
Calaveras	CTCP-17-05	\$150,000		\$150,000	\$219,105	\$369,105
Colusa	CTCP-17-06	\$150,000		\$150,000	\$219,105	\$369,105
Contra Costa	CTCP-17-07	\$150,000		\$150,000	\$784,024	\$934,024
Del Norte	CTCP-17-08	\$150,000		\$150,000	\$219,105	\$369,105
El Dorado	CTCP-17-09	\$150,000		\$150,000	\$224,068	\$374,068
Fresno	CTCP-17-10	\$150,000		\$150,000	\$1,167,644	\$1,317,644
Glenn	CTCP-17-11	\$150,000		\$150,000	\$219,105	\$369,105
Humboldt	CTCP-17-12	\$150,000		\$150,000	\$219,105	\$369,105
Imperial	CTCP-17-13	\$150,000		\$150,000	\$219,105	\$369,105
Inyo	CTCP-17-14	\$150,000		\$150,000	\$219,105	\$369,105
Kern	CTCP-17-15	\$150,000		\$150,000	\$742,762	\$892,762
Kings	CTCP-17-16	\$150,000		\$150,000	\$219,105	\$369,105
Lake	CTCP-17-17	\$150,000		\$150,000	\$150,000	\$300,000
Lassen	CTCP-17-18	\$150,000		\$150,000	\$219,105	\$369,105
Los Angeles	CTCP-17-19	\$1,637,246	(\$492,702)	\$1,144,544	\$17,831,129	\$18,975,673
Pasadena	CTCP-17-19B	\$150,000		\$150,000	\$291,083	\$441,083
Long Beach	CTCP-17-19A	\$150,000		\$150,000	\$924,331	\$1,074,331
Madera	CTCP-17-20	\$150,000		\$150,000	\$219,105	\$369,105
Marin	CTCP-17-21	\$150,000		\$150,000	\$418,708	\$568,708
Mariposa	CTCP-17-22	\$150,000		\$150,000	\$219,105	\$369,105
Mendocino	CTCP-17-23	\$150,000		\$150,000	\$150,000	\$300,000
Merced (CHC)	17-10006	\$150,000		\$150,000	\$314,966	\$464,966
Modoc	CTCP-17-25	\$150,000		\$150,000	\$219,105	\$369,105
Mono	CTCP-17-26	\$150,000		\$150,000	\$219,105	\$369,105
Monterey	CTCP-17-27	\$150,000		\$150,000	\$562,496	\$712,496
Napa	CTCP-17-28	\$150,000		\$150,000	\$219,105	\$369,105
Nevada	CTCP-17-29	\$150,000		\$150,000	\$219,105	\$369,105
Orange	CTCP-17-30	\$227,230	(\$77,230)	\$150,000	\$2,234,068	\$2,384,068
Placer	CTCP-17-31	\$150,000		\$150,000	\$160,744	\$310,744
Plumas	CTCP-17-32	\$150,000		\$150,000	\$219,105	\$369,105
Riverside	CTCP-17-33	\$150,000		\$150,000	\$1,383,869	\$1,533,869
Sacramento	CTCP-17-34	\$150,000		\$150,000	\$1,431,435	\$1,581,435
San Benito	CTCP-17-35	\$150,000		\$150,000	\$219,105	\$369,105
San Bernardino (CHC)	17-10038 / 18-10380	\$150,000		\$150,000	\$1,651,007	\$1,801,007
San Diego	CTCP-17-37	\$265,214	(\$67,453)	\$197,761	\$2,607,515	\$2,805,276
San Francisco	CTCP-17-38	\$238,357	(\$60,622)	\$177,735	\$2,343,463	\$2,521,198
San Joaquin	CTCP-17-39	\$150,000		\$150,000	\$757,110	\$907,110
San Luis Obispo	CTCP-17-40	\$150,000		\$150,000	\$352,011	\$502,011
San Mateo	CTCP-17-41	\$150,000		\$150,000	\$634,019	\$784,019
Santa Barbara	CTCP-17-42	\$150,000		\$150,000	\$344,271	\$494,271
Santa Clara	CTCP-17-43	\$231,953	(\$58,993)	\$172,960	\$2,280,505	\$2,453,465
Santa Cruz	CTCP-17-44	\$150,000		\$150,000	\$335,184	\$485,184
Shasta	CTCP-17-45	\$150,000		\$150,000	\$258,374	\$408,374
Sierra	CTCP-17-46	\$150,000		\$150,000	\$219,105	\$369,105
Siskiyou	CTCP-17-47	\$150,000		\$150,000	\$219,105	\$369,105
Solano	CTCP-17-48	\$150,000		\$150,000	\$579,764	\$729,764
Sonoma	CTCP-17-49	\$150,000		\$150,000	\$670,943	\$820,943
Stanislaus	CTCP-17-50	\$150,000		\$150,000	\$556,234	\$706,234
Sutter	CTCP-17-51	\$150,000		\$150,000	\$219,105	\$369,105
Tehama	CTCP-17-52	\$150,000		\$150,000	\$219,105	\$369,105
Trinity	CTCP-17-53	\$150,000		\$150,000	\$219,105	\$369,105
Tulare	CTCP-17-54	\$150,000		\$150,000	\$598,627	\$748,627
Tuolumne	CTCP-17-55	\$150,000		\$150,000	\$219,105	\$369,105
Ventura	CTCP-17-56	\$150,000		\$150,000	\$672,716	\$822,716
Yolo	CTCP-17-57	\$150,000		\$150,000	\$261,051	\$411,051
Yuba	CTCP-17-58	\$150,000		\$150,000	\$219,105	\$369,105
		\$11,000,000	(\$757,000)	\$10,243,000	\$51,752,000	\$61,995,000

**California Tobacco Control Program
Local Lead Agency Allocation Table
for Proposition 99 and Proposition 56 Funds
FY 2017/18 - FY 2021/22 (Dec '21)**

FY 18/19

LLA	Agreement	FY 18/19 Prop 99 (Estimate)	FY 18/19 Prop 99 Adjustment @Budget Act	FY 18/19 Total Prop 99 @Budget Act Jul-18	FY 18/19 Prop 56 (Estimate)	FY 18/19 Prop 56 Adjustment @ Budget Act	FY 18/19 Total Prop 56 @ Budget Act Jul-18	FY 18/19 TOTAL Prop 99+56 @ Budget Act
Alameda	CTCP-17-01	\$150,000	\$0	\$150,000	\$1,429,105	(\$150,815)	\$1,278,290	\$1,428,290
Berkeley	CTCP-17-01A	\$150,000	\$0	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Alpine	CTCP-17-02	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Amador	CTCP-17-03	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Butte	CTCP-17-04	\$150,000	\$0	\$150,000	\$245,020	(\$23,086)	\$221,934	\$371,934
Calaveras	CTCP-17-05	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Colusa	CTCP-17-06	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Contra Costa	CTCP-17-07	\$150,000	\$0	\$150,000	\$600,384	(\$57,340)	\$543,044	\$693,044
Del Norte	CTCP-17-08	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
El Dorado	CTCP-17-09	\$150,000	\$0	\$150,000	\$172,082	(\$16,214)	\$155,868	\$305,868
Fresno	CTCP-17-10	\$150,000	\$0	\$150,000	\$894,150	(\$85,397)	\$808,753	\$958,753
Glenn	CTCP-17-11	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Humboldt	CTCP-17-12	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Imperial	CTCP-17-13	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Inyo	CTCP-17-14	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Kern	CTCP-17-15	\$150,000	\$0	\$150,000	\$568,787	(\$54,323)	\$514,464	\$664,464
Kings	CTCP-17-16	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Lake	CTCP-17-17	\$150,000	\$0	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Lassen	CTCP-17-18	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Los Angeles	CTCP-17-19	\$1,343,320	(\$1,193,320)	\$150,000	\$13,654,591	(\$1,304,106)	\$12,350,485	\$12,500,485
Pasadena	CTCP-17-19B	\$150,000	\$0	\$150,000	\$222,903	(\$21,289)	\$201,614	\$351,614
Long Beach	CTCP-17-19A	\$150,000	\$0	\$150,000	\$707,827	(\$67,602)	\$640,225	\$790,225
Madera	CTCP-17-20	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Marin	CTCP-17-21	\$150,000	\$0	\$150,000	\$321,563	(\$30,299)	\$291,264	\$441,264
Mariposa	CTCP-17-22	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Mendocino	CTCP-17-23	\$150,000	\$0	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Merced (CHC)	17-10006	\$150,000	\$0	\$150,000	\$241,192	(\$23,035)	\$218,157	\$368,157
Modoc	CTCP-17-25	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Mono	CTCP-17-26	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Monterey	CTCP-17-27	\$150,000	\$0	\$150,000	\$430,744	(\$41,139)	\$389,605	\$539,605
Napa	CTCP-17-28	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Nevada	CTCP-17-29	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Orange	CTCP-17-30	\$192,754	(\$42,754)	\$150,000	\$1,710,789	(\$163,392)	\$1,547,397	\$1,697,397
Placer	CTCP-17-31	\$150,000	\$0	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Plumas	CTCP-17-32	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Riverside	CTCP-17-33	\$150,000	\$0	\$150,000	\$1,059,729	(\$101,211)	\$958,518	\$1,108,518
Sacramento	CTCP-17-34	\$150,000	\$0	\$150,000	\$1,096,154	(\$104,690)	\$991,464	\$1,141,464
San Benito	CTCP-17-35	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
San Bernardino (CHC)	17-10038 / 18-10380	\$150,000	\$0	\$150,000	\$1,264,296	(\$120,749)	\$1,143,547	\$1,293,547
San Diego	CTCP-17-37	\$224,974	(\$74,974)	\$150,000	\$1,996,764	(\$190,705)	\$1,806,059	\$1,956,059
San Francisco	CTCP-17-38	\$202,192	(\$52,192)	\$150,000	\$1,794,560	(\$171,392)	\$1,623,168	\$1,773,168
San Joaquin	CTCP-17-39	\$150,000	\$0	\$150,000	\$579,774	(\$55,372)	\$524,402	\$674,402
San Luis Obispo	CTCP-17-40	\$150,000	\$0	\$150,000	\$269,560	(\$25,745)	\$243,815	\$393,815
San Mateo	CTCP-17-41	\$150,000	\$0	\$150,000	\$485,515	(\$46,370)	\$439,145	\$589,145
Santa Barbara	CTCP-17-42	\$150,000	\$0	\$150,000	\$263,634	(\$25,179)	\$238,455	\$388,455
Santa Clara	CTCP-17-43	\$196,760	(\$46,760)	\$150,000	\$1,746,348	(\$166,788)	\$1,579,560	\$1,729,560
Santa Cruz	CTCP-17-44	\$150,000	\$0	\$150,000	\$256,675	(\$24,514)	\$232,161	\$382,161
Shasta	CTCP-17-45	\$150,000	\$0	\$150,000	\$198,428	(\$18,696)	\$179,732	\$329,732
Sierra	CTCP-17-46	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Siskiyou	CTCP-17-47	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Solano	CTCP-17-48	\$150,000	\$0	\$150,000	\$445,251	(\$41,953)	\$403,298	\$553,298
Sonoma	CTCP-17-49	\$150,000	\$0	\$150,000	\$515,276	(\$48,551)	\$466,725	\$616,725
Stanislaus	CTCP-17-50	\$150,000	\$0	\$150,000	\$425,949	(\$40,681)	\$385,268	\$535,268
Sutter	CTCP-17-51	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Tehama	CTCP-17-52	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Trinity	CTCP-17-53	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Tulare	CTCP-17-54	\$150,000	\$0	\$150,000	\$458,412	(\$43,781)	\$414,631	\$564,631
Tuolumne	CTCP-17-55	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
Ventura	CTCP-17-56	\$150,000	\$0	\$150,000	\$515,148	(\$49,200)	\$465,948	\$615,948
Yolo	CTCP-17-57	\$150,000	\$0	\$150,000	\$199,906	(\$19,092)	\$180,814	\$330,814
Yuba	CTCP-17-58	\$150,000	\$0	\$150,000	\$168,270	(\$15,855)	\$152,415	\$302,415
		\$10,560,000	(\$1,410,000)	\$9,150,000	\$39,745,536	(\$3,744,936)	\$36,000,600	\$45,150,600

**California Tobacco Control Program
Local Lead Agency Allocation Table
for Proposition 99 and Proposition 56 Funds
FY 2017/18 - FY 2021/22 (Dec '21)**

Appendix 1

REVISED FY 19/20 @ BA Jul 2020

LLA	Agreement	FY 19/20 Total Prop 99 @ BA Jul-19	FY 19/20 Prop 56 @ Budget Act Jul-19	FY 19/20 Prop 56 Adjustment Revised @GB Jan 2020	FY 19/20 Revised Prop 56 @BA2020	FY 19/20 TOTAL Prop 99+56
Alameda	CTCP-17-01	\$150,000	\$1,522,157	(\$120,809)	\$1,401,348	\$1,551,348
Berkeley	CTCP-17-01A	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Alpine	CTCP-17-02	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Amador	CTCP-17-03	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Butte	CTCP-17-04	\$150,000	\$259,283	(\$18,500)	\$240,783	\$390,783
Calaveras	CTCP-17-05	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Colusa	CTCP-17-06	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Contra Costa	CTCP-17-07	\$150,000	\$635,763	(\$45,932)	\$589,831	\$739,831
Del Norte	CTCP-17-08	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
El Dorado	CTCP-17-09	\$150,000	\$182,099	(\$12,993)	\$169,106	\$319,106
Fresno	CTCP-17-10	\$150,000	\$946,840	(\$68,407)	\$878,433	\$1,028,433
Glenn	CTCP-17-11	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Humboldt	CTCP-17-12	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Imperial	CTCP-17-13	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Inyo	CTCP-17-14	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Kern	CTCP-17-15	\$150,000	\$602,304	(\$43,515)	\$558,789	\$708,789
Kings	CTCP-17-16	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Lake	CTCP-17-17	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Lassen	CTCP-17-18	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Los Angeles	CTCP-17-19	\$150,000	\$14,459,208	(\$1,044,629)	\$13,414,579	\$13,564,579
Pasadena	CTCP-17-19B	\$150,000	\$236,038	(\$17,053)	\$218,985	\$368,985
Long Beach	CTCP-17-19A	\$150,000	\$749,537	(\$64,152)	\$685,385	\$845,385
Madera	CTCP-17-20	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Marin	CTCP-17-21	\$150,000	\$340,281	(\$24,279)	\$316,002	\$466,002
Mariposa	CTCP-17-22	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Mendocino	CTCP-17-23	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Merced (CHC)	17-10006	\$150,000	\$255,405	(\$18,452)	\$236,953	\$386,953
Modoc	CTCP-17-25	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Mono	CTCP-17-26	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Monterey	CTCP-17-27	\$150,000	\$456,126	(\$32,954)	\$423,172	\$573,172
Napa	CTCP-17-28	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Nevada	CTCP-17-29	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Orange	CTCP-17-30	\$150,000	\$1,811,600	(\$130,883)	\$1,680,717	\$1,830,717
Placer	CTCP-17-31	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Plumas	CTCP-17-32	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Riverside	CTCP-17-33	\$150,000	\$1,122,175	(\$81,074)	\$1,041,101	\$1,191,101
Sacramento	CTCP-17-34	\$150,000	\$1,160,747	(\$83,861)	\$1,076,886	\$1,226,886
San Benito	CTCP-17-35	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
San Bernardino (CHC)	17-10038 / 18-10380	\$150,000	\$1,338,797	(\$96,724)	\$1,242,073	\$1,392,073
San Diego	CTCP-17-37	\$150,000	\$2,114,426	(\$152,761)	\$1,961,665	\$2,111,665
San Francisco	CTCP-17-38	\$150,000	\$1,900,308	(\$137,292)	\$1,763,016	\$1,913,016
San Joaquin	CTCP-17-39	\$150,000	\$613,939	(\$44,356)	\$569,583	\$719,583
San Luis Obispo	CTCP-17-40	\$150,000	\$285,445	(\$20,623)	\$264,822	\$414,822
San Mateo	CTCP-17-41	\$150,000	\$514,125	(\$37,144)	\$476,981	\$626,981
Santa Barbara	CTCP-17-42	\$150,000	\$279,169	(\$20,169)	\$259,000	\$409,000
Santa Clara	CTCP-17-43	\$150,000	\$1,849,255	(\$133,603)	\$1,715,652	\$1,865,652
Santa Cruz	CTCP-17-44	\$150,000	\$271,800	(\$19,637)	\$252,163	\$402,163
Shasta	CTCP-17-45	\$150,000	\$209,979	(\$14,982)	\$194,997	\$344,997
Sierra	CTCP-17-46	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Siskiyou	CTCP-17-47	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Solano	CTCP-17-48	\$150,000	\$471,169	(\$33,618)	\$437,551	\$587,551
Sonoma	CTCP-17-49	\$150,000	\$545,271	(\$38,906)	\$506,365	\$656,365
Stanislaus	CTCP-17-50	\$150,000	\$451,049	(\$32,587)	\$418,462	\$568,462
Sutter	CTCP-17-51	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Tehama	CTCP-17-52	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Trinity	CTCP-17-53	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Tulare	CTCP-17-54	\$150,000	\$485,425	(\$35,070)	\$450,355	\$600,355
Tuolumne	CTCP-17-55	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
Ventura	CTCP-17-56	\$150,000	\$545,504	(\$39,411)	\$506,093	\$656,093
Yolo	CTCP-17-57	\$150,000	\$211,886	(\$15,294)	\$196,592	\$346,592
Yuba	CTCP-17-58	\$150,000	\$178,065	(\$12,705)	\$165,360	\$315,360
		\$9,150,000	\$42,056,600	(\$3,000,000)	\$39,056,600	\$48,206,600

**California Tobacco Control Program
Local Lead Agency Allocation Table
for Proposition 99 and Proposition 56 Funds
FY 2017/18 - FY 2021/22 (Dec '21)**

REVISED FY 20/21 @ BA Jul 2020

LLA	Agreement	FY 20/21 Total Revised Prop 99 @BA2020	FY 20/21 Prop 56 (Estimate) @ BA 2019	FY 20/21 Prop 56 Adjustment	FY 20/21 Total Revised Prop 56 @BA2020	FY 20/21 TOTAL Prop 99+56
Alameda	CTCP-17-01	\$150,000	\$1,152,463	\$40,182	\$1,192,645	\$1,342,645
Berkeley	CTCP-17-01A	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Alpine	CTCP-17-02	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Amador	CTCP-17-03	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Butte	CTCP-17-04	\$150,000	\$204,548	\$5,416	\$209,964	\$359,964
Calaveras	CTCP-17-05	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Colusa	CTCP-17-06	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Contra Costa	CTCP-17-07	\$150,000	\$495,203	\$15,278	\$510,481	\$660,481
Del Norte	CTCP-17-08	\$150,000	\$150,000	\$0	\$150,000	\$300,000
El Dorado	CTCP-17-09	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Fresno	CTCP-17-10	\$150,000	\$737,505	\$22,752	\$760,257	\$910,257
Glenn	CTCP-17-11	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Humboldt	CTCP-17-12	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Imperial	CTCP-17-13	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Inyo	CTCP-17-14	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Kern	CTCP-17-15	\$150,000	\$469,141	\$14,474	\$483,615	\$633,615
Kings	CTCP-17-16	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Lake	CTCP-17-17	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Lassen	CTCP-17-18	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Los Angeles	CTCP-17-19	\$150,000	\$11,262,454	\$347,452	\$11,609,906	\$11,759,906
Pasadena	CTCP-17-19B	\$150,000	\$183,853	\$5,672	\$189,525	\$339,525
Long Beach	CTCP-17-19A	\$150,000	\$583,823	\$18,012	\$601,835	\$751,835
Madera	CTCP-17-20	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Marin	CTCP-17-21	\$150,000	\$268,447	\$7,109	\$275,556	\$425,556
Mariposa	CTCP-17-22	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Mendocino	CTCP-17-23	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Merced (CHC)	17-10006	\$150,000	\$198,938	\$6,138	\$205,076	\$355,076
Modoc	CTCP-17-25	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Mono	CTCP-17-26	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Monterey	CTCP-17-27	\$150,000	\$355,282	\$10,961	\$366,243	\$516,243
Napa	CTCP-17-28	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Nevada	CTCP-17-29	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Orange	CTCP-17-30	\$150,000	\$1,411,077	\$43,533	\$1,454,610	\$1,604,610
Placer	CTCP-17-31	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Plumas	CTCP-17-32	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Riverside	CTCP-17-33	\$150,000	\$874,076	\$26,965	\$901,041	\$1,051,041
Sacramento	CTCP-17-34	\$150,000	\$904,120	\$27,892	\$932,012	\$1,082,012
San Benito	CTCP-17-35	\$150,000	\$150,000	\$0	\$150,000	\$300,000
San Bernardino (CHC)	17-10038 / 18-10380	\$150,000	\$1,042,805	\$32,171	\$1,074,976	\$1,224,976
San Diego	CTCP-17-37	\$150,000	\$1,646,952	\$50,810	\$1,697,762	\$1,847,762
San Francisco	CTCP-17-38	\$150,000	\$1,480,172	\$45,665	\$1,525,837	\$1,675,837
San Joaquin	CTCP-17-39	\$150,000	\$478,204	\$14,753	\$492,957	\$642,957
San Luis Obispo	CTCP-17-40	\$150,000	\$222,336	\$6,859	\$229,195	\$379,195
San Mateo	CTCP-17-41	\$150,000	\$400,458	\$12,354	\$412,812	\$562,812
Santa Barbara	CTCP-17-42	\$150,000	\$217,448	\$6,708	\$224,156	\$374,156
Santa Clara	CTCP-17-43	\$150,000	\$1,440,407	\$44,437	\$1,484,844	\$1,634,844
Santa Cruz	CTCP-17-44	\$150,000	\$211,708	\$6,532	\$218,240	\$368,240
Shasta	CTCP-17-45	\$150,000	\$165,652	\$4,387	\$170,039	\$320,039
Sierra	CTCP-17-46	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Siskiyou	CTCP-17-47	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Solano	CTCP-17-48	\$150,000	\$371,704	\$9,844	\$381,548	\$531,548
Sonoma	CTCP-17-49	\$150,000	\$430,163	\$11,391	\$441,554	\$591,554
Stanislaus	CTCP-17-50	\$150,000	\$351,327	\$10,839	\$362,166	\$512,166
Sutter	CTCP-17-51	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Tehama	CTCP-17-52	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Trinity	CTCP-17-53	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Tulare	CTCP-17-54	\$150,000	\$378,103	\$11,665	\$389,768	\$539,768
Tuolumne	CTCP-17-55	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Ventura	CTCP-17-56	\$150,000	\$424,899	\$13,109	\$438,008	\$588,008
Yolo	CTCP-17-57	\$150,000	\$164,885	\$5,087	\$169,972	\$319,972
Yuba	CTCP-17-58	\$150,000	\$150,000	\$0	\$150,000	\$300,000
		\$9,150,000	\$33,178,153	\$878,447	\$34,056,600	\$43,206,600

**California Tobacco Control Program
Local Lead Agency Allocation Table
for Proposition 99 and Proposition 56 Funds
FY 2017/18 - FY 2021/22 (Dec '21)**

Appendix 1

FY 21/22 Estimate @ BA Jul 2020

LLA	Agreement	FY 21/22 Prop 99 (Annual Estimate) @ BA 2020	21/22 Prop 99 Jul-Dec '21 Est @ BA 2020	21/22 Prop 99 Jan-Jun '22 Est @ BA 2020	FY 21/22 Prop 56 (Annual Estimate) @ BA 2020	21/22 Prop 56 Jul-Dec '21 Est @ BA 2020	21/22 Prop 56 Jan-Jun '22 Est @ BA 2020	FY 21/22 TOTAL Prop 99+56 Jul-Dec '21 Est.
Alameda	CTCP-17-01	\$150,000	\$75,000	\$75,000	\$1,036,879	\$518,440	\$518,439	\$593,440
Berkeley	CTCP-17-01A	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Alpine	CTCP-17-02	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Amador	CTCP-17-03	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Butte	CTCP-17-04	\$150,000	\$75,000	\$75,000	\$188,953	\$94,476	\$94,477	\$169,476
Calaveras	CTCP-17-05	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Colusa	CTCP-17-06	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Contra Costa	CTCP-17-07	\$150,000	\$75,000	\$75,000	\$451,258	\$225,629	\$225,629	\$300,629
Del Norte	CTCP-17-08	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
El Dorado	CTCP-17-09	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Fresno	CTCP-17-10	\$150,000	\$75,000	\$75,000	\$672,057	\$336,028	\$336,029	\$411,028
Glenn	CTCP-17-11	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Humboldt	CTCP-17-12	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Imperial	CTCP-17-13	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Inyo	CTCP-17-14	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Kern	CTCP-17-15	\$150,000	\$75,000	\$75,000	\$427,509	\$213,754	\$213,755	\$288,754
Kings	CTCP-17-16	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Lake	CTCP-17-17	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Lassen	CTCP-17-18	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Los Angeles	CTCP-17-19	\$150,000	\$75,000	\$75,000	\$10,262,994	\$5,131,497	\$5,131,497	\$5,206,497
Pasadena	CTCP-17-19B	\$150,000	\$75,000	\$75,000	\$167,537	\$83,768	\$83,769	\$158,768
Long Beach	CTCP-17-19A	\$150,000	\$75,000	\$75,000	\$532,014	\$266,007	\$266,007	\$341,007
Madera	CTCP-17-20	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Marin	CTCP-17-21	\$150,000	\$75,000	\$75,000	\$247,980	\$123,990	\$123,990	\$198,990
Mariposa	CTCP-17-22	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Mendocino	CTCP-17-23	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Merced (CHC)	17-10006	\$150,000	\$75,000	\$75,000	\$181,284	\$90,642	\$90,642	\$165,642
Modoc	CTCP-17-25	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Mono	CTCP-17-26	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Monterey	CTCP-17-27	\$150,000	\$75,000	\$75,000	\$323,753	\$161,876	\$161,877	\$236,876
Napa	CTCP-17-28	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Nevada	CTCP-17-29	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Orange	CTCP-17-30	\$150,000	\$75,000	\$75,000	\$1,285,855	\$642,928	\$642,927	\$717,928
Placer	CTCP-17-31	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Plumas	CTCP-17-32	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Riverside	CTCP-17-33	\$150,000	\$75,000	\$75,000	\$796,508	\$398,254	\$398,254	\$473,254
Sacramento	CTCP-17-34	\$150,000	\$75,000	\$75,000	\$823,886	\$411,943	\$411,943	\$486,943
San Benito	CTCP-17-35	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
San Bernardino (CHC)	17-10038 / 18-10380	\$150,000	\$75,000	\$75,000	\$950,264	\$475,132	\$475,132	\$550,132
San Diego	CTCP-17-37	\$150,000	\$75,000	\$75,000	\$1,500,798	\$750,399	\$750,399	\$825,399
San Francisco	CTCP-17-38	\$150,000	\$75,000	\$75,000	\$1,348,818	\$674,409	\$674,409	\$749,409
San Joaquin	CTCP-17-39	\$150,000	\$75,000	\$75,000	\$435,767	\$217,884	\$217,883	\$292,884
San Luis Obispo	CTCP-17-40	\$150,000	\$75,000	\$75,000	\$202,606	\$101,303	\$101,303	\$176,303
San Mateo	CTCP-17-41	\$150,000	\$75,000	\$75,000	\$364,920	\$182,460	\$182,460	\$257,460
Santa Barbara	CTCP-17-42	\$150,000	\$75,000	\$75,000	\$198,151	\$99,076	\$99,075	\$174,076
Santa Clara	CTCP-17-43	\$150,000	\$75,000	\$75,000	\$1,312,582	\$656,291	\$656,291	\$731,291
Santa Cruz	CTCP-17-44	\$150,000	\$75,000	\$75,000	\$192,921	\$96,460	\$96,461	\$171,460
Shasta	CTCP-17-45	\$150,000	\$75,000	\$75,000	\$153,022	\$76,511	\$76,511	\$151,511
Sierra	CTCP-17-46	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Siskiyou	CTCP-17-47	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Solano	CTCP-17-48	\$150,000	\$75,000	\$75,000	\$343,365	\$171,682	\$171,683	\$246,682
Sonoma	CTCP-17-49	\$150,000	\$75,000	\$75,000	\$397,366	\$198,683	\$198,683	\$273,683
Stanislaus	CTCP-17-50	\$150,000	\$75,000	\$75,000	\$320,150	\$160,075	\$160,075	\$235,075
Sutter	CTCP-17-51	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Tehama	CTCP-17-52	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Trinity	CTCP-17-53	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Tulare	CTCP-17-54	\$150,000	\$75,000	\$75,000	\$344,550	\$172,275	\$172,275	\$247,275
Tuolumne	CTCP-17-55	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Ventura	CTCP-17-56	\$150,000	\$75,000	\$75,000	\$387,193	\$193,596	\$193,597	\$268,596
Yolo	CTCP-17-57	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
Yuba	CTCP-17-58	\$150,000	\$75,000	\$75,000	\$150,000	\$75,000	\$75,000	\$150,000
		\$9,150,000	\$4,575,000	\$4,575,000	\$30,650,940	\$15,325,468	\$15,325,472	\$19,900,468

**California Tobacco Control Program
Local Lead Agency Allocation Table
for Proposition 99 and Proposition 56 Funds
FY 2017/18 - FY 2021/22 (Dec '21)**

**REVISED
TOTAL**

LLA	Agreement	FY 17/18 - Dec '21 PROP 99 + PROP 56 TOTALS
Alameda	CTCP-17-01	\$6,952,640
Berkeley	CTCP-17-01A	\$1,375,190
Alpine	CTCP-17-02	\$1,436,880
Amador	CTCP-17-03	\$1,436,880
Butte	CTCP-17-04	\$1,761,199
Calaveras	CTCP-17-05	\$1,436,880
Colusa	CTCP-17-06	\$1,436,880
Contra Costa	CTCP-17-07	\$3,328,009
Del Norte	CTCP-17-08	\$1,436,880
El Dorado	CTCP-17-09	\$1,449,042
Fresno	CTCP-17-10	\$4,626,115
Glenn	CTCP-17-11	\$1,436,880
Humboldt	CTCP-17-12	\$1,436,880
Imperial	CTCP-17-13	\$1,436,880
Inyo	CTCP-17-14	\$1,436,880
Kern	CTCP-17-15	\$3,188,384
Kings	CTCP-17-16	\$1,436,880
Lake	CTCP-17-17	\$1,350,000
Lassen	CTCP-17-18	\$1,436,880
Los Angeles	CTCP-17-19	\$62,007,140
Pasadena	CTCP-17-19B	\$1,659,975
Long Beach	CTCP-17-19A	\$3,802,783
Madera	CTCP-17-20	\$1,436,880
Marin	CTCP-17-21	\$2,100,520
Mariposa	CTCP-17-22	\$1,436,880
Mendocino	CTCP-17-23	\$1,350,000
Merced (CHC)	17-10006	\$1,740,794
Modoc	CTCP-17-25	\$1,436,880
Mono	CTCP-17-26	\$1,436,880
Monterey	CTCP-17-27	\$2,578,392
Napa	CTCP-17-28	\$1,436,880
Nevada	CTCP-17-29	\$1,436,880
Orange	CTCP-17-30	\$8,234,720
Placer	CTCP-17-31	\$1,360,744
Plumas	CTCP-17-32	\$1,436,880
Riverside	CTCP-17-33	\$5,357,783
Sacramento	CTCP-17-34	\$5,518,740
San Benito	CTCP-17-35	\$1,436,880
San Bernardino (CHC)	17-10038 / 18-10380	\$6,261,735
San Diego	CTCP-17-37	\$9,546,161
San Francisco	CTCP-17-38	\$8,632,628
San Joaquin	CTCP-17-39	\$3,236,936
San Luis Obispo	CTCP-17-40	\$1,866,146
San Mateo	CTCP-17-41	\$2,820,417
Santa Barbara	CTCP-17-42	\$1,839,958
Santa Clara	CTCP-17-43	\$8,414,812
Santa Cruz	CTCP-17-44	\$1,809,208
Shasta	CTCP-17-45	\$1,554,653
Sierra	CTCP-17-46	\$1,436,880
Siskiyou	CTCP-17-47	\$1,436,880
Solano	CTCP-17-48	\$2,648,843
Sonoma	CTCP-17-49	\$2,959,270
Stanislaus	CTCP-17-50	\$2,557,205
Sutter	CTCP-17-51	\$1,436,880
Tehama	CTCP-17-52	\$1,436,880
Trinity	CTCP-17-53	\$1,436,880
Tulare	CTCP-17-54	\$2,700,656
Tuolumne	CTCP-17-55	\$1,436,880
Ventura	CTCP-17-56	\$2,951,361
Yolo	CTCP-17-57	\$1,558,229
Yuba	CTCP-17-58	\$1,436,880
		\$198,558,800



SANDRA SHEWRY, MPH, MSW
Acting Director

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

August 27, 2020

TO: LOCAL LEAD AGENCY (LLA) PROJECT DIRECTORS TOBACCO CONTROL EDUCATION PROGRAMS

FROM: CONTRACTS AND BUSINESS OPERATIONS SECTION CALIFORNIA TOBACCO CONTROL PROGRAM (CTCP)

SUBJECT: PROGRAM LETTER 20-04
PROPOSITION (PROP) 99 AND PROP 56 PROSPECTIVE PAYMENT INVOICES (PPI) FOR FIRST AND SECOND QUARTERS
FUNDING PERIOD: JULY 1, 2020 THROUGH JUNE 30, 2021

Purpose: Release the:

1. First quarter PPI (07/01/20 to 09/30/20) – Prop 99
2. First quarter PPI (07/01/20 to 09/30/20) – Prop 56
3. Second quarter PPI (10/01/20 to 12/31/20) – Prop 99
4. Second quarter PPI (10/01/20 to 12/31/20) – Prop 56

Effective Date: Immediately

Inclusions:

1. PPI-F20-Q1-P99 for Prospective Payment Period: 07/01/20 to 09/30/20 – Prop 99
2. PPI-F20-Q1-P56 for Prospective Payment Period: 07/01/20 to 09/30/20 – Prop 56
3. PPI-F20-Q2-P99 for Prospective Payment Period: 10/01/20 to 12/31/20 – Prop 99
4. PPI-F20-Q2-P56 for Prospective Payment Period: 10/01/20 to 12/31/20 – Prop 56
5. Page 4 of 6 of the revised APPENDIX 1, California Tobacco Control Program, Local Lead Agency Allocation Table for Proposition 99 and Proposition 56 Funds, FY2017/18 – FY 2020/21 (Dated 8/20/20) released in CTCP Program Letter 20-03.

Required Action: Ensure the PPIs are: (1) printed; (2) signed (by an authorized representative); and (3) dated. Submit the signed PPI's electronically via the Online Tobacco Information System (OTIS) Communication Log.



**Additional
Information:**

The attached LLA Allocation Table for FY 20/21 reflects the Prop 99 and Prop 56 adjustments identified in the FY 20/21 Budget Act, signed on June 26, 2020. CTCP will provide LLAs with the dates for the "open revision" period approximately one-month prior to accepting requests that: have merit; conform to required business rules; and meet required due dates.

CTCP may delay processing your PPIs for any of the following reasons: (1) allocation agreement is not signed/returned; (2) significant concerns about your comprehensive tobacco control plan for 2017-2021 (Phase II); (3) disapproved progress and/or cost reports; (4) unmet deliverables; and/or (5) unspent funds.

As a reminder:

- Funding is contingent upon available revenues and appropriations by the Legislature, State Budget, and any subsequent revisions.
- Per the 2017-2021 Local Lead Agency Allocation Agreement Terms and Conditions, Exhibit B, paragraph 7.A., Trust Account and Expenditure Provisions; the annual allocation to the LLA shall be deposited into separate Prop 99 and Prop 56 interest-bearing, insured trust accounts.

**Contact Person
For Further
Information:**

Your assigned CTCP PM.

**California Tobacco Control Program
Local Lead Agency Allocation Table
for Proposition 99 and Proposition 56 Funds
FY 2017/18 - FY 2021/22 (Dec '21)**

REVISED FY 20/21 @ BA Jul 2020

LLA	Agreement	FY 20/21 Total Revised Prop 99 @BA2020	FY 20/21 Prop 56 (Estimate) @ BA 2019	FY 20/21 Prop 56 Adjustment	FY 20/21 Total Revised Prop 56 @BA2020	FY 20/21 TOTAL Prop 99+56
Alameda	CTCP-17-01	\$150,000	\$1,152,463	\$40,182	\$1,192,645	\$1,342,645
Berkeley	CTCP-17-01A	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Alpine	CTCP-17-02	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Amador	CTCP-17-03	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Butte	CTCP-17-04	\$150,000	\$204,548	\$5,416	\$209,964	\$359,964
Calaveras	CTCP-17-05	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Colusa	CTCP-17-06	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Contra Costa	CTCP-17-07	\$150,000	\$495,203	\$15,278	\$510,481	\$660,481
Del Norte	CTCP-17-08	\$150,000	\$150,000	\$0	\$150,000	\$300,000
El Dorado	CTCP-17-09	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Fresno	CTCP-17-10	\$150,000	\$737,505	\$22,752	\$760,257	\$910,257
Glenn	CTCP-17-11	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Humboldt	CTCP-17-12	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Imperial	CTCP-17-13	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Inyo	CTCP-17-14	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Kern	CTCP-17-15	\$150,000	\$469,141	\$14,474	\$483,615	\$633,615
Kings	CTCP-17-16	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Lake	CTCP-17-17	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Lassen	CTCP-17-18	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Los Angeles	CTCP-17-19	\$150,000	\$11,262,454	\$347,452	\$11,609,906	\$11,759,906
Pasadena	CTCP-17-19B	\$150,000	\$183,853	\$5,672	\$189,525	\$339,525
Long Beach	CTCP-17-19A	\$150,000	\$563,823	\$18,012	\$601,835	\$751,835
Madera	CTCP-17-20	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Marin	CTCP-17-21	\$150,000	\$268,447	\$7,109	\$275,556	\$425,556
Mariposa	CTCP-17-22	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Mendocino	CTCP-17-23	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Merced (CHC)	17-10006	\$150,000	\$198,938	\$6,138	\$205,076	\$355,076
Modoc	CTCP-17-25	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Mono	CTCP-17-26	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Monterey	CTCP-17-27	\$150,000	\$355,282	\$10,961	\$366,243	\$516,243
Napa	CTCP-17-28	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Nevada	CTCP-17-29	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Orange	CTCP-17-30	\$150,000	\$1,411,077	\$43,533	\$1,454,610	\$1,604,610
Placer	CTCP-17-31	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Plumas	CTCP-17-32	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Riverside	CTCP-17-33	\$150,000	\$874,076	\$26,965	\$901,041	\$1,051,041
Sacramento	CTCP-17-34	\$150,000	\$904,120	\$27,892	\$932,012	\$1,082,012
San Benito	CTCP-17-35	\$150,000	\$150,000	\$0	\$150,000	\$300,000
San Bernardino (CHC)	17-10038 / 18-10380	\$150,000	\$1,042,805	\$32,171	\$1,074,976	\$1,224,976
San Diego	CTCP-17-37	\$150,000	\$1,646,952	\$50,810	\$1,697,762	\$1,847,762
San Francisco	CTCP-17-38	\$150,000	\$1,480,172	\$45,665	\$1,525,837	\$1,675,837
San Joaquin	CTCP-17-39	\$150,000	\$478,204	\$14,753	\$492,957	\$642,957
San Luis Obispo	CTCP-17-40	\$150,000	\$222,336	\$6,859	\$229,195	\$379,195
San Mateo	CTCP-17-41	\$150,000	\$400,458	\$12,354	\$412,812	\$562,812
Santa Barbara	CTCP-17-42	\$150,000	\$217,448	\$6,708	\$224,156	\$374,156
Santa Clara	CTCP-17-43	\$150,000	\$1,440,407	\$44,437	\$1,484,844	\$1,634,844
Santa Cruz	CTCP-17-44	\$150,000	\$211,708	\$6,532	\$218,240	\$368,240
Shasta	CTCP-17-45	\$150,000	\$165,652	\$4,387	\$170,039	\$320,039
Sierra	CTCP-17-46	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Siskiyou	CTCP-17-47	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Solano	CTCP-17-48	\$150,000	\$371,704	\$9,844	\$381,548	\$531,548
Sonoma	CTCP-17-49	\$150,000	\$430,163	\$11,391	\$441,554	\$591,554
Stanislaus	CTCP-17-50	\$150,000	\$351,327	\$10,839	\$362,166	\$512,166
Sutter	CTCP-17-51	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Tehama	CTCP-17-52	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Trinity	CTCP-17-53	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Tulare	CTCP-17-54	\$150,000	\$378,103	\$11,665	\$389,768	\$539,768
Tuolumne	CTCP-17-55	\$150,000	\$150,000	\$0	\$150,000	\$300,000
Ventura	CTCP-17-56	\$150,000	\$424,899	\$13,109	\$438,008	\$588,008
Yolo	CTCP-17-57	\$150,000	\$164,885	\$5,087	\$169,972	\$319,972
Yuba	CTCP-17-58	\$150,000	\$150,000	\$0	\$150,000	\$300,000
		\$9,150,000	\$33,178,153	\$878,447	\$34,056,600	\$43,206,600

**Local Lead Agency
PROSPECTIVE PAYMENT INVOICE
Proposition 99 Fund 0231**

- 1. Treasurer of Kings County
P.O. Box 13728
Sacramento, CA 95853-3728**
- 2. Allocation Agreement Number: CTCP-17-16**
- 3. Prospective Payment Period: 07/01/20 to 09/30/20**
- 4. Amount to be Paid: \$37,500.00**

I certify this prospective payment will be used in accordance with this Local Lead Agency's (LLA's) approved local plan and budget/budget justification contained in the local plan; expenditures will be supportable by proper documentation; will be used only to pay for expenditures not previously reimbursed under the Agreement; and is in compliance with all terms/conditions, laws, and regulations governing its payment.

Date

Signature of LLA Representative

Title

Complete in Duplicate. Original to State. Agency retain one copy.

FOR STATE USE ONLY

Amount to be paid from Prop 99 Fund 0231
FY 2020-21 LLA Allocation
\$37,500.00

Invoice No.: **PPI-F20-Q1-P99**
Program No.: 4045019
Fi\$Cal ID No.: 11818

COA: FY 20/21, 0231, 111, 2020, 4045019, 5440000, 51201

I certify this claim is in all respects true, correct, supportable by available documentation, and in compliance with all terms/conditions, laws and regulations governing its payment.

Date

Signature of CTCP Representative

**Local Lead Agency
PROSPECTIVE PAYMENT INVOICE
Proposition 56 Fund 3322**

- 1. Treasurer of Kings County
P.O. Box 13728
Sacramento, CA 95853-3728**
- 2. Allocation Agreement Number: CTCP-17-16**
- 3. Prospective Payment Period: 07/01/20 to 09/30/20**
- 4. Amount to be Paid: \$37,500.00**

I certify this prospective payment will be used in accordance with this Local Lead Agency's (LLA's) approved local plan and budget/budget justification contained in the local plan; expenditures will be supportable by proper documentation; will be used only to pay for expenditures not previously reimbursed under the Agreement; and is in compliance with all terms/conditions, laws, and regulations governing its payment.

Date

Signature of LLA Representative

Title

Complete in Duplicate. Original to State. Agency retain one copy.

FOR STATE USE ONLY

Amount to be paid from Prop 56 Fund 3322
FY 2020-21 LLA Allocation
\$37,500.00

Invoice No.: **PPI-F20-Q1-P56**
Program No.: 4045
Fi\$Cal ID No.: 11818

COA: FY 20/21, 3322, 611, 2016, 4045, 5440000, 51218

I certify this claim is in all respects true, correct, supportable by available documentation, and in compliance with all terms/conditions, laws and regulations governing its payment.

Date

Signature of CTCP Representative

**Local Lead Agency
PROSPECTIVE PAYMENT INVOICE
Proposition 99 Fund 0231**

- 1. Treasurer of Kings County
P.O. Box 13728
Sacramento, CA 95853-3728**
- 2. Allocation Agreement Number: CTCP-17-16**
- 3. Prospective Payment Period: 10/01/20 to 12/31/20**
- 4. Amount to be Paid: \$37,500.00**

I certify this prospective payment will be used in accordance with this Local Lead Agency's (LLA's) approved local plan and budget/budget justification contained in the local plan; expenditures will be supportable by proper documentation; will be used only to pay for expenditures not previously reimbursed under the Agreement; and is in compliance with all terms/conditions, laws, and regulations governing its payment.

Date

Signature of LLA Representative

Title

Complete in Duplicate. Original to State. Agency retain one copy.

FOR STATE USE ONLY

Amount to be paid from Prop 99 Fund 0231
FY 2020-21 LLA Allocation
\$37,500.00

Invoice No.: **PPI-F20-Q2-P99**
Program No.: 4045019
Fi\$Cal ID No.: 11818

COA: FY 20/21, 0231, 111, 2020, 4045019, 5440000, 51201

I certify this claim is in all respects true, correct, supportable by available documentation, and in compliance with all terms/conditions, laws and regulations governing its payment.

Date

Signature of CTCP Representative

**Local Lead Agency
PROSPECTIVE PAYMENT INVOICE
Proposition 56 Fund 3322**

- 1. Treasurer of Kings County
P.O. Box 13728
Sacramento, CA 95853-3728**
- 2. Allocation Agreement Number: CTCP-17-16**
- 3. Prospective Payment Period: 10/01/20 to 12/31/20**
- 4. Amount to be Paid: \$37,500.00**

I certify this prospective payment will be used in accordance with this Local Lead Agency's (LLA's) approved local plan and budget/budget justification contained in the local plan; expenditures will be supportable by proper documentation; will be used only to pay for expenditures not previously reimbursed under the Agreement; and is in compliance with all terms/conditions, laws, and regulations governing its payment.

Date

Signature of LLA Representative

Title

Complete in Duplicate. Original to State. Agency retain one copy.

FOR STATE USE ONLY

Amount to be paid from Prop 56 Fund 3322
FY 2020-21 LLA Allocation
\$37,500.00

Invoice No.: **PPI-F20-Q2-P56**
Program No.: 4045
Fi\$Cal ID No.: 11818

COA: FY 20/21, 3322, 611, 2016, 4045, 5440000, 51218

I certify this claim is in all respects true, correct, supportable by available documentation, and in compliance with all terms/conditions, laws and regulations governing its payment,

Date

Signature of CTCP Representative



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: Human Services Agency – Sanja Bugay

SUBJECT: APPOINTMENT OF A NEGOTIATOR TO NEGOTIATE THE PURCHASE OF THE STARDUST MOTEL FOR USE AS A SITE IN PROJECT HOMEKEY

SUMMARY:

Overview:

The Human Services Agency (HSA) was notified on October 9, 2020, that it was approved for a reservation for funds for its COVID-19 Project Homekey proposal involving the purchase, renovation, and use of the property located at 8595 Lacey Blvd. in Hanford, California, i.e., the Stardust Motel, for permanent housing of individuals experiencing homelessness or at risk of homelessness. This project, as approved, can operate immediately as transitional housing, but must convert to permanent housing within a specified timeframe. In order to purchase the Stardust Motel, the County will need to appoint a negotiator, who will negotiate a fair price for the subject property, subject to any other terms the Board wishes to impose. The purchase must be negotiated, executed, and recorded by December 2, 2020.

Recommendation:

- a. **Appoint the Human Services Director as the County’s Negotiator to negotiate the purchase of the Stardust Motel, located at 8595 Lacey Boulevard in Hanford, California; and**
- b. **Direct the negotiator to seek services of a real estate broker to negotiate on County’s behalf and manage the documentation required for the real estate transaction to execute the purchase by December 2, 2020.**

Fiscal Impact:

The cost of the purchase of the Stardust will be reimbursed by the State as part of the County’s award of funds, up to the appraised value of the property. The payment for the real estate broker’s fee will come from State funds.

(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2020.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

APPOINTMENT OF A NEGOTIATOR TO NEGOTIATE THE PURCHASE OF THE STARDUST MOTEL FOR THE USE AS A SITE IN PROJECT HOMEKEY

October 20, 2020

Page 2 of 2

BACKGROUND:

To combat the rise of COVID-19 throughout the State, the Legislature allocated some of its Federal CARES Act funding to house homeless people who were at risk of contracting and spreading the virus. A Notice of Funding Opportunity was issued and the HSA submitted an application for funding on behalf of the County on August 8, 2020. In the application, although the County was the lead agency, the County partnered with two (2) private entities, UP Holdings, LLC, dba UP HOLDINGS California LLC and RH Community Builders. The partnership was critical to the application for funding for the Stardust Motel product as RH Community Builders already had a notice of intent to purchase the subject property, which the County required to demonstrate the necessary site control over the selected location.

On October 9, 2020, after being initially waitlisted for an award of funds, the HSA received notification from the State that it now had a reservation of funds, subject to the County being able to close escrow on the Stardust Motel by December 2, 2020.

The HSA subsequently notified its partners of the reservation of funds, only to learn that both entities were withdrawing from the project due to insufficient resources to work on this project as well as other ongoing projects. This has resulted in the County needing to immediately initiate and conclude negotiations with the owner of the Stardust Motel, Mr. Suryakant Patel, to meet the State's deadline.

Due to the need to expeditiously determine whether or not the County will be able to purchase this property, the Agency recommends the Board appoint Sanja Bugay, Human Services Director as the County's negotiator for these negotiations with the assistance of a real estate broker.

While the partnerships for this Homekey project are proposed to change, the structure of the project would remain as initially presented to the Board. The County would procure the property utilizing the Homekey application funds and transfer the ownership to a new partner to own and operate the property, initially as transitional housing and in partnership with the County to convert it to permanent housing to ultimate use of permanent housing for the target population. The deed would restrict the use of the property for 55 years as required by the Homekey application.

The Kings Community Action Organization (KCAO) is planning to partner with the County to become the owner and operator of the property. The County is planning to secure additional contractors (developers) and partner with KCAO for conversion of the property to its ultimate use of permanent housing.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: Job Training Office – Lance Lippincott

SUBJECT: COVID-19 SMALL BUSINESS ASSISTANCE PROGRAM RE-ALLOCATION OF FUNDING

SUMMARY:

Overview:

The requested re-allocation of funding is to allow greater flexibility in making final awards from funding allocated to areas without sufficient applications for the Kings County COVID-19 Small Business Assistance Program, to those areas that have received applications exceeding the approved allocation by area. Re-allocation will allow funding to be issued within the applicable period prior to December 30, 2020 to prevent a loss of funding.

Recommendation:

Authorize the Kings County Job Training Office to re-allocate funding reserved for the Kings County COVID-19 Small Business Assistance Program from County areas without sufficient applications to areas where more applications have been received.

Fiscal Impact:

No impact from this action, Coronavirus Aid, Relief, and Economic Security Act (CARES) funding for the Kings County COVID-19 Small Business Assistance Program has already been allocated. The requested item is for re-allocation within the Program only.

BACKGROUND:

In order to provide support to Kings County small businesses that have been negatively impacted by shutdowns
(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2020.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

COVID-19 SMALL BUSINESS ASSISTANCE PROGRAM RE-ALLOCATION OF FUNDING

October 20, 2020

Page 2 of 2

during the current COVID-19 pandemic, the Kings County Board of Supervisors approved the Kings County COVID-19 Small Business Assistance Program in July 2020. CARES Act funding in the amount of five million dollars was allocated per capita to all municipalities and the unincorporated areas of the County to broaden the impact. The Kings County Job Training Office is one of several organizations that have partnered to process applications and conduct intensive outreach efforts resulting in 304 applications being received for the program. To date, the majority of the funding for the program has been awarded, but several areas did not receive sufficient applications to issue awards for their full allocations. The Kings County Job Training Office is requesting permission to re-allocate funding from underspent areas to areas that have received a large number of applications to complete issuing funding within the program timelines. If additional applications are received from businesses located in areas where funding was re-allocated, those applications will take priority and be awarded first from the re-allocated funds.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: Administration – Rebecca Campbell
Department of Public Health – Edward Hill

SUBJECT: NOVEL CORONAVIRUS 2019 COUNTY UPDATE

SUMMARY:

Overview:

On March 4, 2020, the Governor of California proclaimed a State of Emergency throughout California because of the increase in cases reported of the novel coronavirus, a disease now known as COVID-19. The President of the United States likewise declared a national emergency because of the COVID-19 outbreak on March 13, 2020. On March 17, 2020, the Board proclaimed a local emergency in Kings County due to the imminent and proximate threat of exposure of COVID-19 on the residents of the County of Kings.

Recommendation:

- a. Receive an update on the local emergency in Kings County due to the imminent and proximate threat of exposure of COVID-19 on the residents of the County of Kings and take action as deemed necessary; and
- b. Receive an update on the State's roadmap for modifying the statewide order and take action as necessary.

Fiscal Impact:

The County is tracking costs and revenue losses related to the emergency.

BACKGROUND:

A Novel Coronavirus (COVID-19) was first detected in Wuhan City, Hubei Province, China, in December 2019. The Centers for Disease Control and Prevention (CDC) considers the virus to be a very serious public
(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2020.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

NOVEL CORONAVIRUS 2019 COUNTY UPDATE

October 20, 2020

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health threat. The exact modes of transmission, the factors facilitating human-to-human transmission, the extent of asymptomatic viral shedding, the groups most at-risk of serious illness, the attack rate, and the case fatality rate all remain active areas of investigation. The CDC believes at this time that symptoms appear two to 14 days after exposure. Currently, there is no vaccine or specific antiviral treatment for COVID-19.

County staff has been working diligently to assess and provide resources and information to the community regarding COVID-19. Staff will provide an update to the Board on County related activities and response. Staff will also provide an update on the status of the State's roadmap for modifying the statewide order.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM October 20, 2020

SUBMITTED BY: Community Development Agency – Greg Gatzka/Kao Nou Yang

SUBJECT: PUBLIC HEARING ON IMPLEMENTATION OF GOVERNMENT CODE SECTION 51244(B) RESULTING IN THE MODIFICATION OF THE CALIFORNIA LAND CONSERVATION “WILLIAMSON” ACT PROGRAM

SUMMARY:

Overview:

In July 2011, the California Legislature enacted Assembly Bill 1265 (AB 1265) which amended Section 51244 of the *California Government Code* authorizing Counties to reduce the terms of the Williamson Act and Farmland Security Zone contracts to nine (9) and eighteen (18) years respectively, resulting in a 10 percent (10%) reduction in the landowners' property tax relief. The legislation was to expire on January 1, 2016, however, the State Legislature in September of 2014 amended Section 51244 to eliminate the expiration date and allow a jurisdiction to implement the contract reductions in any year that subvention funds are not received.

Recommendation:

Hold a Public Hearing to receive public testimony regarding the Implementation of Section 51244(b), which allows for the 10% reduction in the Williamson Act and Farmland Security Zone Contract terms. If the Board adopts Implementation of Section 51244(b) the following actions are also required:

- a. **Determine that the State funded less than one-half (1/2) of Kings County's actual forgone property tax revenues in the prior fiscal year (FY 2019/2020); and**
- b. **State that landowners may choose to not participate in implementation of Section 51244(b) by serving a notice of non-renewal within 90 days of the date of notice of the opportunity to prevent the modification and re-evaluation of contracts authorized by Section 51244(b) or before February 1, 2021; and**

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2020.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

PUBLIC HEARING ON IMPLEMENTATION OF GOVERNMENT CODE SECTION 51244(B) RESULTING IN THE MODIFICATION OF THE CALIFORNIA LAND CONSERVATION “WILLIAMSON” ACT PROGRAM

October 20, 2020

Page 2 of 3

- c. Amend the County’s Land Conservation Act Program Procedures by extending the deadline for landowners to file notices of non-renewal for calendar year 2020 to February 1, 2021; and**
- d. Adopt a resolution authorizing implementation of Section 51244(b).**

Fiscal Impact:

If the Board chooses to implement Section 51244(b), it would allow the County to recapture a portion of foregone property tax revenue by decreasing land conservation contract terms by 10%, but allowing landowners to retain 90% of their reduced tax benefits. In addition to staff time, the cost of implementing Section 51244(b) would include expending approximately \$2,000 for the two notices sent to the approximate 1,800 landowners subject to this process.

BACKGROUND:

In 1965, the California State Legislature adopted the *California Land Conservation Act of 1965* (commonly referred to as the “Williamson Act”). This Act provided property tax relief to agricultural landowners who voluntarily agreed to devote their land to long-term commercial agricultural use (Williamson Act – Ten (10) Year Contract or a Farmland Security Zone – Twenty (20) Year Contract). The County of Kings implemented this program in late 1969, only after the State Legislature began developing legislation to reimburse Counties for the tax revenue loss that resulted from implementing the Land Conservation Act “Williamson Act” Program.

Historically, the State budget had included over \$37 million in Williamson Act subvention funding, but in the 2009-2010 State budget, the Governor provided for only \$1,000 in subvention funding. This represented a \$2.5 million revenue loss to Kings County. A similar cut was proposed for fiscal year 2010-2011, until the California Farm Bureau Federation sponsored Assembly Bill No. 2530 (AB 2530), which was later replaced by Senate Bill No. 863 (SB 863), which provided a temporary solution to this unfunded State program.

SB 863 was a budget trailer bill that offered \$10 million in subventions to be allocated to Counties that implemented a program to re-capture a portion of foregone tax revenue by decreasing Williamson Act and Farmland Security Zone contract terms by 10% and allowing landowners to retain 90% of their reduced tax benefits. It was designed as a temporary funding strategy to encourage Counties to maintain a program that benefits local farmers and ranchers. It became effective October 19, 2010. In March of 2011, SB 863 was repealed by Senate Bill No. 80 (SB 80), thus removing the \$10 million allocated for Fiscal Year 2010-2011 subventions and repealing the reduced contract terms. AB 1265, enacted in July 2011, re-established the reduced nine (9) and eighteen (18) year term contracts and was specifically declared retroactive, applying from January 1, 2011 to January 1, 2016. In September 2014, the Legislature amended Section 51244 to remove the expiration date and allow jurisdiction’s to annually implement the reduced contract terms as necessary.

The Board has implemented the contract reductions from 2011 through 2019 which included a reduction of property tax relief benefits and related reduction of the term of the contracts to nine (9) years (for Williamson Act contracts) or eighteen (18) years (for Farmland Security Zone contracts) to be effective calendar years 2012 through 2020.

Agenda Item

PUBLIC HEARING ON IMPLEMENTATION OF GOVERNMENT CODE SECTION 51244(B) RESULTING IN THE MODIFICATION OF THE CALIFORNIA LAND CONSERVATION “WILLIAMSON” ACT PROGRAM

October 20, 2020

Page 3 of 3

Should the Board elect to continue the implementation of Section 51244(b), a number of steps are required:

1. County must make a determination that the State funded less than one-half (1/2) of Kings County's actual forgone property tax revenues in the prior fiscal year (FY 2018/2019).
 - In Fiscal Year 2019/2020 the County received no subvention funding from the State.
2. County must record a Notice of Intent to implement the program and include the affected parcel number(s) and current owner's names.
3. County of Kings has approximately 1,800 landowners/contract notifications that would need to be completed. County must provide timely written notice to landowners under contract regarding the initial hearing date at which the Board will consider the implementation of Section 51244(b).
 - Notices of today's public hearing were mailed to all landowners on October 7, 2020.
4. County to notify all contracted landowners of the final decision of the Board to implement or not implement Section 51244(b) combined with a statement that the landowner may prevent reduction of his/her contract term by serving a Notice of Non-Renewal to the County by February 1, 2021.

If the implementation of Section 51244(b) is approved by the Board, the Assessor's Office will be required to make the appropriate modifications to the assessed values as of January 1, 2021, and the Assessor and the Department of Finance will be required to modify the Fiscal Year 2021/2022 tax bills to reflect the assessment changes. The Community Development Agency, the Assessor's Office and the Clerk Recorder will process all Notices of Non-Renewals received.

The Resolution has been reviewed and approved as to form by County Counsel.

BEFORE BOARD OF SUPERVISORS
COUNTY OF KINGS, STATE OF CALIFORNIA

* * * * *

AUTHORIZING IMPLEMENTATION OF SECTION) Resolution No. 20-_____
51244(b) MODIFYING WILLIAMSON ACT AND FARM-)
LAND SECURITY ZONE CONTRACTS TO INCLUDE)
A REDUCTION OF PROPERTY TAX RELIEF AND A)
RELATED REDUCTION OF THE TERM OF THE)
CONTRACTS TO 9/18 YEARS, RESPECTIVELY, TO)
BE EFFECTIVE CALENDAR YEAR 2021)

WHEREAS, in 2010-11 the Legislature did not fund the Williamson Act Subvention Program; and

WHEREAS, subsequently the Legislature enacted and then repealed legislation to offset a portion of the lost subvention funds; and

WHEREAS, in July 15, 2011 the Legislature enacted Assembly Bill (AB) 1265 which amended *Section 51244* of the *Government Code* authorizing counties to reduce the terms of Williamson Act and Farmland Security Zone contracts to nine (9) and eighteen (18) years respectively, resulting in a ten (10%) percent reduction in landowners' property tax relief; and

WHEREAS, the contract term reductions were declared retroactive to January 1, 2011 and in September 2014, *Section 51244* was amended to allow jurisdictions the ability to implement the contract reductions as necessary; and

WHEREAS, on October 20, 2020, the Board held a public hearing to receive any testimony regarding implementation of *Government Code Section 51244(b)*; and

WHEREAS, Notice of the October 20, 2020 hearing was mailed to all contracted landowners on October 9, 2020.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. For FY 2020-21, the County has made the determination that no subvention funds have been received from the State and thus implementation of *Section 51244(b)* can be authorized.

2. The Board authorizes the implementation of *Section 51244(b)* to modify the Williamson Act and Farmland Security Zone contracts to include a reduction of property tax relief benefits and related reduction of the term of the contracts to nine (9) years (for Williamson Act contracts) or eighteen (18) years (for Farmland Security Zone contracts) to be effective calendar year 2020.

3. The Board authorizes the County's Implementation Procedures for the California Land Conservation "Williamson" Act of 1965 to be amended to allow landowners to file notices of non-renewal for calendar year 2020 up to and including February 1, 2021. The following

language is proposed to be added to the implementation procedures on page 4 under subsection E.3 Non-Renewal Application Filing Period: "If the Board implements *Government Code Section 51244(b)*, then the deadline for filing a notice of non-renewal shall be extended. The extended deadline for calendar year 2020 is February 1, 2021."

4. The Board directs that notice of this decision be served upon all contracted landowners along with notice of their right to opt out by filing a notice of non-renewal up to February 1, 2021.

5. The Board directs the Assessor, Auditor, Tax Collector, Clerk Recorder and Community Development Agency Director to take all necessary steps to implement *Government Code Section 51244(b)* including but not limited to recording a notice(s) that states the affected parcel numbers and current owner's names, making the appropriate modifications to all affected properties assessed values, and modifying the FY 2021-2022 tax bills to reflect the assessment changes and supplemental fees associated with the reduced tax benefit, displayed separately on the taxpayer's annual bill.

The foregoing resolution was adopted upon motion by Supervisor _____, seconded by Supervisor _____ at a regular meeting held on the ____ day of _____ by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

Doug Verboon, Chairperson
Board of Supervisors
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this ____ day of _____.

Catherine Venturella, Clerk of said Board