



Mendocino County Board of Supervisors Agenda Summary

Item #: 5h)

To: Board of Supervisors

From: County Counsel

Meeting Date: February 26, 2019

Department Contact: Matthew Kiedrowski

Phone: 234-6885

Item Type: Regular Agenda

Time Allocated for Item: 30 minutes

Agenda Title:

Discussion and Possible Adoption of Urgency Ordinance Establishing a Temporary Moratorium on the Cultivation of Genetically Modified Organisms Within the Unincorporated Areas of Mendocino County Pending the Study and Consideration of Land Use and Other Regulations Pertaining to Such Cultivation (Sponsor: County Counsel)

Recommended Action/Motion:

Adopt Urgency Ordinance establishing a temporary moratorium on the cultivation of genetically modified organisms within the unincorporated areas of Mendocino County pending the study and consideration of land use and other regulations pertaining to such cultivation; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On February 5, 2019, the Board of Supervisors directed staff to prepare an ordinance establishing a moratorium on the cultivation of genetically modified organisms. In March 2004, Measure H-2004 - which was to protect the County's agriculture, environment, economy, and private property from genetic pollution by genetically modified organisms, passed by the people of Mendocino County. This Measure was codified as Chapter 10A.15 - Prohibition on the Propagation, Cultivation, Raising and Growing of Genetically Modified Organisms in Mendocino County. Further, on April 4, 2004, the Board of Supervisors adopted Resolution No. 04-043 urging the Federal Government to require truth in source-labeling for foodstuffs containing GMOs produced in the United States of America and on June 15, 2004, adopted Resolution No. 04-102 urging the Federal Government to institute a moratorium on the planting in the environment of new genetically engineered crops.

Summary of Request:

As discussed at the Board of Supervisors meeting on February 5, 2019, there are many concerns that the existing GMO ban adopted by passage of Measure H might not cover new genetic modification technologies. The will of the people of Mendocino County is to have an effective ban on GMOs.

Direction was given to legal counsel to prepare a new moratorium on the cultivation of GMOs within the unincorporated areas of Mendocino County. The proposed ordinance references statements made in 2004 in support of Measure H that show the concern of the voters was protecting the County from genetically modified organisms in general, and these concerns would apply equally to newer techniques that create genetically modified organisms.

Item #: 5h)

The moratorium includes an expanded definition of “genetically modified organism.” Part of the purpose of the moratorium is to give staff sufficient time to ensure that the final ordinance contains the most appropriate definition of the term, as well as creating an ordinance that includes the relevant procedures for enforcing the ordinance.

The proposed ordinance is exempt from CEQA review for various reasons, as set forth in the ordinance. If the Board adopts the Ordinance, staff will file a Notice of Exemption.

Alternative Action/Motion:

Provide alternative direction.

Supervisory District: All

vote requirement: 4/5ths

Supplemental Information Available Online At:

Fiscal Details:

source of funding: n/a

current f/y cost: n/a

annual recurring cost: n/a

budget clarification: n/a

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Meribeth Dermond, Deputy Clerk II

Date: February 27, 2019

Final Status: **Adopted**

Executed Item Number: **Ordinance** Item
Number: 4425