



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: 8/3/10
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Michael F. Brown, County Executive Officer
Director(s)
Contact Info: Terri Nisich, Assistant CEO, 568-3400
SUBJECT: Legislative Program Committee Recommendation on the California Jobs Initiative
(Proposition 23) on November 2010 Ballot

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

The Legislative Program Committee recommends that the Board of Supervisors adopt a resolution opposing Proposition 23, the California Jobs Initiative, that would suspend implementation of AB 32 Clean Energy and Air Pollution Control Standards.

Summary Text:

On June 22, 2010, the "California Jobs Initiative" qualified for placement on the November 2, 2010 election ballot. This initiative would suspend the implementation of Assembly Bill 32, the Global Warming Solutions Act of 2006, until the State unemployment rate is 5.5% or less for four consecutive quarters. The County's Legislative Program Committee considered this item during its June 24, 2010 meeting and recommended (3-1 with one member absent) to bring this matter for Board consideration with a recommendation to oppose the initiative.

Background: Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006 was passed by the State legislature and signed into law by Governor Schwarzenegger on September 27, 2006. This legislation requires the State to reduce statewide greenhouse gas emissions to 1990 level by 2020. It requires the State to: (1) adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions; (2) adopt market-based compliance mechanisms; (3) adopt a schedule of fees to be paid by regulated sources of greenhouse gas emissions and (4) monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism adopted by the state board, pursuant to specified provisions of existing law (see attached text of AB 32).

California Jobs Initiative on November 2010 Ballot

2 of 2

On February 17, 2009, the Board of Supervisors adopted a resolution establishing the County's Climate Change Guiding Principles and Supporting the County's Efforts to Reduce Greenhouse Gas Emissions.

On December 22, 2009, the California Jobs Initiative (Initiative 1454) was submitted to the State Attorney General (text attached). On June 22, 2010, this initiative qualified for the November 2010 election ballot and is now entitled Proposition 23.

According to the California Secretary of State website (<http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures.htm>), Proposition 23, "Suspends Air Pollution Control Laws Requiring Major Polluters to Report and Reduce Greenhouse Gas Emissions That Cause Global Warming Until Unemployment Drops Below Specified Level for Full Year" suspends State laws requiring reduced greenhouse gas emissions that cause global warming, until California's unemployment rate drops to 5.5 percent or less for four consecutive quarters. Requires State to abandon implementation of comprehensive greenhouse-gas-reduction program that includes increased renewable energy and cleaner fuel requirements, and mandatory emission reporting and fee requirements for major polluters such as power plants and oil refineries, until suspension is lifted.

Supporters of Proposition 23 have stated that AB 32 regulation will impede the ability to maintain jobs and protect the economy, resulting in the loss of up to 1.1 million jobs statewide; cost the average family \$3,857 a year in increased cost for housing, transportation, food and energy; and cost \$49,691 per small business. Additional arguments in favor of this initiative argue that California only produces 1.4% of the world's greenhouse gas emissions and that AB 32 increases government control of individual decisions. Supporters of Proposition 23 are listed at http://www.suspendab32.org/jobs_initiative.htm

Opponents of Proposition 23 have stated that the primary funders of the initiative are large oil companies whose oil refineries are among the top ten polluters within the State. Suspension of AB 32 requirements will prevent these companies and other industries from reducing emission levels and developing cleaner energy sources. This will increase air pollution and associated public health risks, increase dependence on oil and increase costs (for example, increase household electricity costs in California by 33%, reduce economic output by more than \$80 billion and cost over a half million jobs by 2020) and stifle competition from the state's newly emerging clean energy businesses (Since 2005, California green jobs have grown 10 times faster than the statewide average; there are more than 12,000 clean tech companies in the State and 500,000 employees work in clean technology or green jobs.) Opponents of Proposition 23 are listed at <http://www.stopdirtyenergyprop.com/our-coalition.php>

Fiscal and Facilities Impacts:

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government, as provided on the Secretary of State website, states "potential positive, short-term impacts on state and local government revenues from the suspension of regulatory activity, with uncertain longer-run impacts, potential foregone state revenues from the auctioning of emission allowances by state government, by suspending the future implementation of cap-and-trade regulations." Supporters of this initiative have stated that AB 32 implementation will negatively impact jobs and the economy while opponents have articulated that AB 32 will spur green jobs and renewable energy industries.

Attachments:

1. Resolution Opposing Proposition 23 that Would Suspend AB 32
2. Resolution No. 09-059 Adopting the County's Climate Change Guiding Principles and Supporting the County's Efforts to Reduce Greenhouse Gas Emissions
3. California Jobs Initiative submittal to Attorney General

BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

A RESOLUTION OF THE BOARD OF
SUPERVISORS OF THE COUNTY OF
SANTA BARBARA OPPOSING
PROPOSITION 23 THAT WOULD
SUSPEND ASSEMBLY BILL 32, THE
GLOBAL WARMING SOLUTIONS ACT

Resolution No. _____

WHEREAS, Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006 was passed by the State legislature and signed into law by Governor Schwarzenegger on September 27, 2006; and,

WHEREAS, as per Section 38501 of AB 32, the Legislature finds and declares that global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California, and will have detrimental effects on some of California's largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry; and,

WHEREAS, as per Section 38501 of AB 32, California has long been a national and international leader on energy conservation and environmental stewardship efforts, including the areas of air quality protections, energy efficiency requirements, renewable energy standards, natural resource conservation, and greenhouse gas emission standards for passenger vehicles. The program established by this division will continue this tradition of environmental leadership by placing California at the forefront of national and international efforts to reduce emissions of greenhouse gases; and,

WHEREAS, AB 32 requires the State to reduce statewide greenhouse gas emissions to 1990 level by 2020 and adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions; and,

WHEREAS, the California Secretary of State, on June 22, 2010, qualified an initiative known as the "California Jobs Initiative" for placement on the November 2, 2010 election ballot, and this initiative is known as Proposition 23; and,

WHEREAS, the "California Jobs Initiative" would suspend the implementation of AB 32 until the State's unemployment rate drops to 5.5 percent or less for four consecutive quarters; and,

WHEREAS, air pollution contributes to public health issues and suspending AB 32 implementation, including mandatory emission reporting and fee requirements for

major polluters such as power plants and oil refineries would halt efforts to reduce air pollution from these sources; and,

WHEREAS, there are concerns that suspension of increased renewable energy and cleaner fuel requirements under AB 32 would damage the State's newly emerging clean energy industry tasked with developing renewable energies that will reduce energy costs and dependence on non-renewable energy and create new green jobs; and,

WHEREAS, opposing Proposition 23 is consistent with the Board of Supervisors adoption on March 17, 2009 of Resolution No. 09-059, a Resolution of the Board of Supervisors in the Matter of Adoption of Santa Barbara County's Climate Change Guiding Principles and Supporting the County's Efforts to Reduce Greenhouse Gas Emissions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Santa Barbara Opposes Proposition 23, the "California Jobs Initiative," and includes the opposition to this and any other initiatives and ballot propositions to suspend AB 32 implementation into the County's 2010 legislative platform.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 3rd day of August 2010, by the following vote:


AYES:
NOES:
ABSENT:
ABSTAIN:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk

Approved as to Form:
DENNIS MARSHALL
COUNTY COUNSEL

By: 
Rachel Van Mullem
Deputy County Counsel

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING SANTA BARBARA)
COUNTY'S CLIMATE CHANGE GUIDING PRINCIPLES)
AND SUPPORTING COUNTY EFFORTS TO REDUCE) RESOLUTION NO. 09- 059
GREENHOUSE GAS EMISSIONS)

WITH REFERENCE TO THE FOLLOWING:

WHEREAS, as a result of scientific research and growing public awareness and concern regarding climate change, in 2005, Governor Arnold Schwarzenegger unveiled his plan to reduce California's greenhouse gas emissions. This led to a series of recent climate laws, which present a new policy framework in which all segments of the economy will be required to undertake efforts to reduce Statewide greenhouse gas emissions; and,

WHEREAS, the most comprehensive of these State policies, Assembly Bill (AB) 32, states that climate change "poses a serious threat to the economic well-being, public health, natural resources, and the environment of California" and "will have detrimental effects on some of the State's largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry." AB 32 established a benchmark for greenhouse gas emission reductions to 1990 levels by 2020 (15% or 169 million metric tons) and to 80 percent below 1990 levels by 2050, and outlined a process of regulatory and market mechanisms to achieve these benchmarks, including implementation of an eighteen-point emission reduction plan; and,

WHEREAS, Subsequent to AB 32, more than a dozen implementing laws have been adopted and many more are expected to be enacted in the near term. Notable bills include Senate Bill 375, which aligns housing, transportation and greenhouse gas planning to reduce vehicle miles traveled, and Senate Bill 97, which requires local jurisdictions to address and mitigate greenhouse gas emissions during CEQA review. Many of these laws contain requirements, implications and opportunities for local jurisdictions; and,

WHEREAS, emerging State and Federal legislation, including H.R.1, the American Recovery and Reinvestment Act of 2009 ("Federal Economic Stimulus") enacted on February 17, 2009, is poised to reward communities that incentivize investment in energy efficiency and "green" infrastructure improvements, while simultaneously providing opportunity to protect and preserve components vital and unique to regional economic stability; and,

WHEREAS, local governments play an important role in reducing greenhouse gas emissions through operating practices in public facilities and assets, effective land use and transportation planning, integrated waste management services, protection of natural habitat and rural agricultural resources, promotion of renewable energy, efficient use of energy, and other means to achieve a larger cumulative change; and,

WHEREAS, the 2009 California Planners' Book of Lists, published by the Governor's Office of Planning and Research, indicates that over 135 jurisdictions, including a third of Counties in California have already adopted policies and/or programs to address climate change and the effects of greenhouse gases; and,

WHEREAS, Santa Barbara County has a long tradition of environmental stewardship, specifically in promoting the preservation of agricultural land and open space, an important component of greenhouse gas mitigation. Additionally, the County has already begun to engage in activities to reduce greenhouse gas emissions such as regional housing and transportation planning, the County Carbon Footprint Project, the Innovative Building Review Program, the Sustainable Public Architecture Directive, Tajiguas Landfill Gas Collection System and the recently approved Lompoc Wind Energy development; and,

WHEREAS, in November 2008, the Board of Supervisors reconstituted the County Sustainability and Conservation Team, charged with increasing energy efficiency and reducing greenhouse gas emissions from municipal operations; and,

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

1. The above recitation is true and correct.
2. In acknowledgement of the growing and urgent concerns regarding global climate change and the expanding regulatory environment, the Santa Barbara County Board of Supervisors will:
 - a. Adopt Exhibit 1, The Santa Barbara County Climate Change Guiding Principles.
 - b. Take immediate, cost effective and coordinated steps to reduce the County's collective greenhouse gas emissions.
 - c. Direct County staff to seek funding, including grants and rebates, to offset general fund costs of preparing the County's greenhouse gas emission reduction strategy and implementing programmatic actions that support climate protection.


PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 17th day of March, 2009, by the following vote:

AYES: Supervisors Carbajal, Wolf, Farr, Gray and Centeno

NOES: None

ABSTAIN: None


ABSENT: None



JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

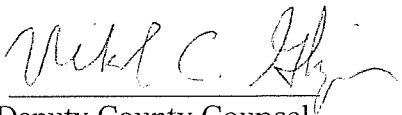
MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: 

Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: 

Deputy County Counsel

EXHIBIT 1: SANTA BARBARA COUNTY CLIMATE CHANGE GUIDING PRINCIPLES

1. Protecting the community from the effects of climate change is a high priority for Santa Barbara County (County).
2. The County recognizes the State of California's climate change goals, regulations, and requirements set forth by AB 32 to reduce Statewide greenhouse gas (GHG) emissions and will implement programs to comply with these requirements.
3. As outlined in the State's AB 32 Scoping Plan, the benefits of investing in actions to reduce GHG emissions can outweigh the costs in numerous ways, including: economic vitality; public health and safety; natural resource protection; and infrastructure stability.
4. In order to maintain long-term regional well-being, health and prosperity of current residents, as well as future generations of residents, the County will preserve and balance our shared social wellbeing, economic prosperity, environmental resources, and biodiversity.
5. The County recognizes that challenges associated with climate change are regional in nature and can best be addressed in partnership with both public and private sectors.
6. The County has three strategic roles to play in reducing GHG emissions: 1) a producer of GHG emissions, 2) a regulator of GHG emitting activities, and 3) an incentivizer of communitywide enhancements to reduce GHG emissions.
7. The County will preserve its fiscal health by conserving resources and promoting renewable resources, thereby reducing costs.
8. The County will enhance our local economy through the incubation of clean technology, by attracting innovative firms and talent through private sector incentives, and by creating opportunities for local residents to attain jobs and training in the growing regional green economy.
9. A key component in a successful climate strategy is the development of an effective and inclusive decision making process that promotes the sharing of information and encourages diverse public input.
10. Through coordinated planning, measurement, evaluation, and reporting, the County will continue to address state requirements, capitalize on economic opportunities, and protect the regional quality of life while strategically progressing towards regional sustainability.

THOMAS W. HILTACHK

455 Capitol Mall, Suite 801
Sacramento, California 95814
(916) 442-7757

December 22, 2009

09 - 0104

Initiative Coordinator
Office of the Attorney General
State of California
1300 I Street
Sacramento, CA 94244-25550

RECEIVED

DEC 22 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative
California Jobs Initiative [v-1]

Dear Ms. Paris:

Pursuant to Article II, Section 10(d) of the California Constitution, I am submitting the attached proposed statewide ballot measure ("California Jobs Initiative [v-1]") to your office and request that you prepare a title and summary of the measure as provided by law. I have also included with this letter the required signed statement pursuant to California Elections Code section 9608, and a check in the amount of \$200. My address as registered to vote is shown on Attachment 'A' to this letter.

Should you have any questions or require additional information, please contact me at 455 Capitol Mall, Suite 801, Sacramento, CA 95814 or (916) 442-7757. Thank you.

Very truly yours,

Thomas W. Hiltachk

Initiative Measure to be Submitted to Voters

California Jobs Initiative

SECTION 1. STATEMENT OF FINDINGS

- A. In 2006, the Legislature and Governor enacted a sweeping environmental law, AB 32. While protecting the environment is of utmost importance, we must balance such regulation with the ability to maintain jobs and protect our economy.
- B. At the time the bill was signed, the unemployment rate in California was 4.8%. California's unemployment rate has since skyrocketed to more than 12%.
- C. Numerous economic studies predict that complying with AB 32 will cost Californians billions of dollars with massive increases in the price of gasoline, electricity, food and water, further punishing California consumers and households.
- D. California businesses cannot drive our economic recovery and create the jobs we need when faced with billions of dollars in new regulations and added costs; and
- E. California families being hit with job losses, pay cuts and furloughs cannot afford to pay the increased prices that will be passed onto them as a result of this legislation right now.

SECTION 2. STATEMENT OF PURPOSE

- A. The people desire to temporarily suspend the operation and implementation of AB 32 until the state's unemployment rate returns to the levels that existed at the time of its adoption.

SECTION 3. SUSPENSION OF AB 32

Division 25.6 (commencing with section 38600) of the Health and Safety Code is hereby added to read:

§38600(a) From and after the effective date of this measure, Division 25.5(commencing with section 38500) of the Health and Safety Code is suspended until such time as the unemployment rate in California is 5.5% or less for four consecutive calendar quarters.

(b) While suspended, no state agency shall propose, promulgate, or adopt any regulation implementing Division 25.5(commencing with section 38500) and any regulation adopted prior to the effective date of this measure shall be void and unenforceable until such time as the suspension is lifted.