



BALLOT MEASURE SUBMITTAL FORM

Official Use Only: Date Stamp
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Alameda County
DEC 06 2023
Reg. of Voters

All fields with an * are required.

BALLOT MEASURE QUESTION	
Jurisdiction Name*: City of Berkeley	Election Date*: Nov. 5, 2024
<p>Note: The information as it appears within the text box will be printed on the ballot and voter guide.</p> <p>Insert ballot question text here*:</p> <p>Shall the measure prohibiting the establishment within the City of Berkeley of facilities where livestock are kept for 45 days or more in a 12-month period and which meet size and other regulatory thresholds established by the Environmental Protection Agency; prohibiting the expansion of existing facilities; requiring existing facilities to cease operations within one year; establishing a penalty of \$10,000 per violation per day; and allowing enforcement by the City Council or by private lawsuit, be adopted?</p>	
TYPE OF MEASURE*	PERCENTAGE NEEDED TO PASS*
<input checked="" type="checkbox"/> Regular Measure <input type="checkbox"/> Parcel Tax <input type="checkbox"/> Bond Measure <input type="checkbox"/> Charter Amendment	<input checked="" type="checkbox"/> 50% + 1 <input type="checkbox"/> 66.6667% <input type="checkbox"/> 2/3 <input type="checkbox"/> Other: Click or tap here to enter text.
FULL-TEXT OPTION*	
Full Text to be printed in the Voter Information Pamphlet: <input checked="" type="checkbox"/> YES (note: must provide an MS Word file) <input type="checkbox"/> NO – Do not print, but it’s accessible at: Click or tap here to enter text.	
AUTHORIZED REPRESENTATIVE/CONTACT PERSON*	
<i>(office use)</i>	
Print Name: Mark Numainville	Signature: [REDACTED]
Phone #: [REDACTED]	Email: [REDACTED]
CONTACT INFORMATION	
<i>(public use)</i>	
Phone #: 510-981-6908	Email: elections@berkeleyca.gov
	Website: https://berkeleyca.gov/your-government/elections

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Reg. of Voters

RESOLUTION NO. 71,095-N.S.

CALLING THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 AND SUBMITTING TO THE BERKELEY ELECTORATE AN INITIATIVE ORDINANCE PROHIBITING CONCENTRATED ANIMAL FEEDING OPERATIONS IN THE CITY OF BERKELEY

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 5, 2024 General Municipal Election, an initiative measure prohibiting Concentrated Animal Feeding Operations in the City of Berkeley; and

WHEREAS, certain actions are required in connection with said election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the General Municipal Election to be held in the City of Berkeley on November 5, 2024, is hereby called.

BE IT FURTHER RESOLVED as follows:

1. In accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Berkeley General Municipal Election with the Presidential General Election to be held November 5, 2024, and to authorize the county elections official to render services specified.
2. The Registrar of Voters of Alameda County is requested to perform services in connection with said election at the request of the City Clerk. These services include all necessary services related to signature checking for nomination petitions and signatures-in-lieu of filing fee, official ballot creation, sample ballot and voter information pamphlet preparation, vote-by-mail, drop boxes, voting centers, poll workers, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the consolidated election.
3. The Board of Supervisors of Alameda County is requested to include on the ballots and sample ballots, all qualified measures submitted by the City Council to be ratified by the qualified electors of the City of Berkeley.
4. That the City of Berkeley acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.
5. The City Clerk is hereby directed to cause the posting, publication, and printing of all notices or other election materials pursuant to the requirements of the Charter of the City of Berkeley and the Elections and Government Codes of the State of California.
6. The City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services,

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and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the November General Municipal Election.

- 7. The City of Berkeley agrees to reimburse the County of Alameda in full for the cost of election services performed.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED that full text of the measure and the City Attorney's analysis shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED that Pursuant to Elections Code Section 9285 (b), the City Council hereby adopts the provisions of Elections Code Section 9285 (a) providing for the filing of rebuttal arguments for city ballot measures.

BE IT FURTHER RESOLVED that said proposed initiative measure shall appear and be printed upon the ballots to be used at said election as follows:

CITY OF BERKELEY INITIATIVE ORDINANCE	
Shall the measure prohibiting the establishment within the City of Berkeley of facilities where livestock are kept for 45 days or more in a 12-month period and which meet size and other regulatory thresholds established by the Environmental Protection Agency; prohibiting the expansion of existing facilities; requiring existing facilities to cease operations within one year; establishing a penalty of \$10,000 per violation per day; and allowing enforcement by the City Council or by private lawsuit, be adopted?	YES
	NO

BE IT FURTHER RESOLVED that the text of the initiative ordinance be shown as Exhibit A, attached hereto and made a part hereof.

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The foregoing Resolution was adopted by the Berkeley City Council on November 7, 2023 by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Arreguin.



Ben Bartlett, Mayor Pro Tempore

Attest:



Mark Numainville, City Clerk

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PROHIBITION ON CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

The People of the City of Berkeley ordain as follows:

That Chapter 23.336 Prohibition on Concentrated Animal Feeding Operations (CAFOs) be added to to Title 23 ZONING of the Berkeley Municipal Code as follows:

Chapter 23.336 Prohibition on Concentrated Animal Feeding Operations (CAFOs)

Section 23.336.010 Findings.

- A. Hundreds of concentrated animal feeding operations (CAFOs) presently operate in California.
- B. Animal agriculture is responsible for 38% of methane emissions in the United States, and it is projected that the global agriculture sector will nearly double in greenhouse gas emissions by 2050.
- C. By worsening climate change via the release of greenhouse gases, CAFOs are a major contributor to the drought and wildfires in California.
- D. CAFOs are contributing to the ongoing water crisis in California, with some facilities using up to 4 million gallons of water per day and others polluting water sources with chemical fertilizers and manure.
- E. Globally, animal agriculture is the primary driver of biodiversity loss through its dependence on inputs such as fertilizer, pesticides, energy, land, and water, and on practices such as monocropping and heavy tilling, which in turn reduces the variety of landscapes and habitats.
- F. It is a well-established scientific fact, as supported by 2,500 studies exploring animal cognition, that nonhuman animals have emotions, personalities, and the ability to feel pain, fear, and stress.
- G. Millions of nonhuman animals are routinely confined and abused in CAFOs across California.
- H. The treatment of nonhuman animals in CAFOs routinely violates California animal cruelty laws, with little to no enforcement.
- I. Three out of four emerging infectious diseases are zoonotic, and CAFOs pose a serious risk to public health.
- J. Investigators have found antibiotic resistant bacteria and infectious diseases in CAFOs in California and across the U.S.
- K. Workers in the animal agriculture industry experience higher rates of substance abuse, post-traumatic stress disorder (PTSD), and domestic violence.
- L. In summary, CAFOs are a leading cause of environmental destruction, pose grave risks to public health, abuse and kill nonhuman animals, and often create dangerous and exploitative conditions for workers.

Section 23.336.020 Prohibition on Establishment and Operation of Concentrated Animal Feeding Operations (CAFOs)

- A. *Definitions.* For purposes of this chapter, the following definition shall apply:
 - a. "Concentrated Animal Feeding Operation" or "CAFO" means an agricultural operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and which meets

the regulatory definition set out by the Environmental Protection Agency seen in the following table

Regulatory Definitions of Large CAFOs, Medium CAFO, and Small CAFOs

A **Large CAFO** confines at least the number of animals described in the table below.

A **Medium CAFO** falls within the size range in the table below and either:

- Has a manmade ditch or pipe that carries manure or wastewater to surface water; **or**
- the animals come into contact with surface water that passes through the area where they're confined.

If an operation is found to be a significant contributor of pollutants, the permitting authority may designate a medium-sized facility as a CAFO.

A **Small CAFO** confines fewer than the number of animals listed in the table **and** has been designated as a CAFO by the permitting authority as a significant contributor of pollutants.

Animal Sector	Size Thresholds (number of animals)		
	Large CAFOs	Medium CAFOs ¹	Small CAFOs ²
cattle or cow/calf pairs	1,000 or more	300 - 999	less than 300
mature dairy cattle	700 or more	200 - 699	less than 200
veal calves	1,000 or more	300 - 999	less than 300
swine (weighing over 55 pounds)	2,500 or more	750 - 2,499	less than 750
swine (weighing less than 55 pounds)	10,000 or more	3,000 - 9,999	less than 3,000
horses	500 or more	150 - 499	less than 150
sheep or lambs	10,000 or more	3,000 - 9,999	less than 3,000
turkeys	55,000 or more	16,500 - 54,999	less than 16,500
laying hens or broilers (liquid manure handling systems)	30,000 or more	9,000 - 29,999	less than 9,000
chickens other than laying hens (other than a liquid manure handling systems)	125,000 or more	37,500 - 124,999	less than 37,500
laying hens (other than a liquid manure handling systems)	82,000 or more	25,000 - 81,999	less than 25,000

ducks (other than a liquid manure handling systems)	30,000 or more	10,000 - 29,999	less than 10,000
ducks (liquid manure handling systems)	5,000 or more	1,500 - 4,999	less than 1,500

¹ Must also meet one of two "method of discharge" to be defined as a CAFO or may be designated.

² Never a CAFO by regulatory definition, but may be designated as a CAFO on a case-by-case basis.

B. Prohibition.

- a. No person, corporation, or other entity shall establish a CAFO of any size within the city of Berkeley.
- b. No person, corporation, or other entity shall expand an existing CAFO of any size within the city of Berkeley.
- c. Any CAFO in operation within the city of Berkeley at the time of this initiative's passage shall be phased out within a period of 1 year.

Section 23.336.030 Enforcement and Penalties.

- A. The The City Council shall have the authority to enforce this initiative, including the power to inspect premises suspected of violating its provisions.
- B. This Chapter also provides a private right of action upon any person or entity to seek injunctive relief and penalties against a person or business who violates this prohibition.
- C. Any person that violates this prohibition is civilly liable for a penalty in an amount of \$10,000 per violation per day.
- D. A court shall award a plaintiff who prevails on a cause of action reasonable attorney's fees and costs.

Section 23.336.040 Severability.

If any provision of this initiative is found to be invalid or unconstitutional, such finding shall not affect the validity or constitutionality of the remaining provisions.

Section 23.336.050 Effective Date.

This initiative shall become effective immediately after its passage by the voters.