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RESOLUTION NO. 08-62

A Resolution of the Albany City Council Urging the State of California to Repeal Preemption of Local Regulation of Pesticides

WHEREAS, In 1979 Mendocino County sought to ban the use of aerial spraying of herbicides within its borders when drift from pesticides applied by private industry caused toxic chemicals to drift onto local school buses; and,

WHEREAS, In 1984 the State of California adopted a law that prohibits local government from regulating the registration, sale, transportation, or use of pesticides; and

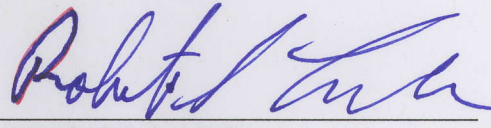
WHEREAS, In 1991, the U.S. Supreme Court ruled that, absent state law to the contrary, federal pesticide law does not preempt local regulations dealing with the use of pesticides (*Wisconsin Public Intervenor v. Ralph Mortier*), and,

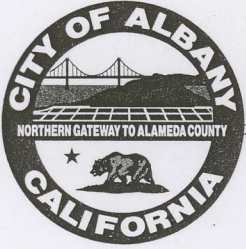
WHEREAS, In that case, the U.S. Supreme Court ruled that the Federal Insecticide Fungicide Rodenticide Act (FIFRA) leaves local regulation of pesticides in the hands of local authorities under existing state laws; and,

WHEREAS, California law prohibits local ordinances regulating pesticides, thus making the aforementioned 1991 U.S. Supreme Court decision irrelevant in California; and,

WHEREAS, the City of Albany has adopted an Integrated Pest Management ordinance that restricts or and seeks to eliminate pesticide use on city property and wishes to retain the right to freely adopt regulations regarding pesticide use in its jurisdiction;

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the Albany City Council: Urges the Legislature of the State of California to repeal the local government preemption of controls on pesticides as stated in the California Food and Agriculture Code Section 11501.1; Supports re-establishment of the right of local governments to adopt pesticide regulations that are stricter than state laws; Will work with other California cities, counties and the League of California Cities to reform state pesticide practices to limit or eliminate use of pesticides and to overturn state preemption of local pesticide regulations.


ROBERT S. LIEBER
MAYOR



City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

CITY ADMINISTRATOR
PH. (510) 528-5710
FAX (510) 528-5797

CITY ATTORNEY
PH. (510) 524-9205
FAX (510) 526-9190

CITY CLERK
PH. (510) 528-5720
FAX (510) 528-5797

CITY COUNCIL
PH. (510) 528-5720
FAX (510) 528-5797

COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES

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- Planning

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FAX (510) 528-5774

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PH. (510) 528-5714
FAX (510) 528-5797

POLICE

PH. (510) 525-7300
FAX (510) 525-1360

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1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914

- Friendship Club/
Childcare Program
PH. (510) 524-0135
- Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
- Teen Center
PH. (510) 525-0576

RESOLUTION NO. 08-62

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 6th day of October, 2008, by the following votes:

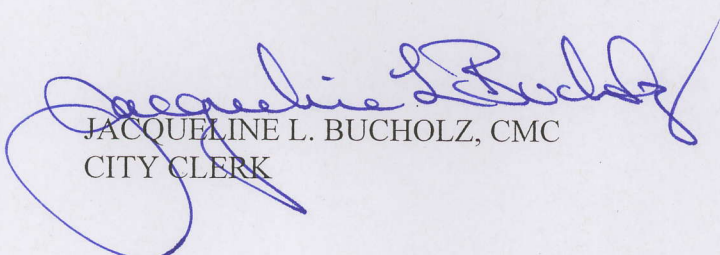
AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 9th

day of October, 2008.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.



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