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MAY 12 2014

SUSAN M. RANOCHAK  
COUNTY CLERK-RECORDER

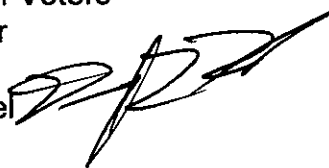
**County of Mendocino  
Office of the County Counsel  
501 Low Gap Road, Room 1030  
Ukiah, CA 95482  
(707) 234-6885**

**MEMORANDUM**

**DATE:** May 12, 2014

**TO:** Katrina Bartolomie, Assistant Registrar of Voters  
Sue Ranochak, Assessor Clerk Recorder

**FROM:** Douglas L. Losak, Acting County Counsel



**RE:** Impartial Analysis/Initiative Measure **Opinion #14-0006**

Please find attached the above-referenced County Counsel Impartial Analysis pursuant to your request.

Thank you.

DLL/rma

Attachment

File: Elections-Impartial Analysis

## IMPARTIAL ANALYSIS

### Initiative Measure to be Submitted Directly to the Voters

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

**An Initiative to Assert the Rights of Residents of Mendocino County in Order to Secure Clean Water, Air and Soil and Freedom From Chemical Trespass. The Proposed Ordinance Would Ban Hydraulic Fracturing “fracking”, Directional and Horizontal Drilling, and Waste Injection Wells in the County of Mendocino and Invalidate Any and All Laws Contrary to this Purpose to the Extent They Effect the County of Mendocino.**

The proposed ordinance would establish a “Community Bill of Rights”. This Community Bill of Rights provides in part that “[a]ll residents, natural communities and ecosystems in Mendocino County possess the right to water, air and soil that is untainted by toxins, carcinogens, particulates, nucleotides, and hydrocarbons introduced into the environment through unconventional extraction of hydrocarbons.”

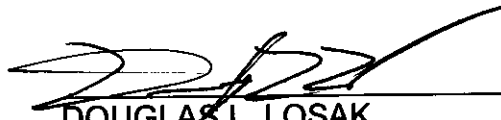
The proposed ordinance would also ban certain types of oil/gas extraction, which are called “unconventional extraction of Hydrocarbons” in the proposed ordinance. The ordinance defines “unconventional extraction of Hydrocarbons” as “hydraulic fracturing, “fracking”, directional and horizontal drilling, and waste injection wells”. The proposed ordinance creates strict liability for any damages to any person or property inside Mendocino County caused by “unconventional extraction” done by anyone inside or outside of the County of Mendocino.

The initiative would also declare null and void, within Mendocino County, any State, Federal or International law or other regulation that would violate the prohibitions contained within the proposed ordinance. The ordinance would also prohibit any corporations from asserting State, Federal or International laws to overturn this ordinance. The ordinance would also repeal all provisions of any ordinance, regulation or rules of any type, adopted by Mendocino County that are inconsistent with the provisions of the ordinance.

The proposed Ordinance, if enacted, would mandate “one year in county jail and...a fine of \$10,000 for each violation”. The proposed ordinance also states that “[e]ach time a pump is turned on, and each stroke of the pump shall be a separate violation....” Furthermore, the ordinance would make it a violation “[e]ach day that fracking infrastructure equipment is staged or located in Mendocino County for more than 8 hours, whether or not the equipment is actually used for fracking.”

The proposed ordinance would also require the County to schedule community meetings focused on changes to County government that would secure the rights of the people to local self-government if any government, corporation or natural person uses the legislature or courts to overturn any provision of the proposed ordinance.

12 May 2014  
Dated

  
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DOUGLAS L. LOSAK  
Acting County Counsel