



Board of Directors Meeting Agenda

August 11, 2022 7:00 PM / Virtual Meeting via Zoom

Register for Zoom webinar [\[HERE\]](#) | Meeting also livestreamed on YouTube [\[LINK\]](#)

More info on public comment and accessibility given at the end of the agenda

Board Members

President & Chair: Hon. Chappie Jones, San José

Campbell	Hon. Anne Bybee / Alternate: Hon. Susan Landry
Cupertino	Hon. Darcy Paul / Alternate: Hon. Liang Chao
Gilroy	Hon. Peter Leroe-Muñoz / Alternate: Hon. Marie Blankley
Los Altos	Hon. Neysa Fligor / Alternate: Hon. Anita Enander
Los Altos Hills	Hon. Stanley Mok / Alternate: Hon. Lisa Schmidt
Los Gatos	Hon. Rob Rennie / Alternate: Hon. Marico Sayoc
Milpitas	Hon. Carmen Montaña / Alternate: Hon. Evelyn Chua
Monte Sereno	Hon. Javed Ellahie / Alternate: Hon. Bryan Mekechuk
Morgan Hill	Hon. Rich Constantine / Alternate: Hon. Gino Borgioli
Mountain View	Hon. Margaret Abe-Koga / Alternate: Hon. Ellen Kamei
Palo Alto	Hon. Pat Burt / Alternate: Hon. Lydia Kou
San Jose	Hon. Chappie Jones / Alternate: Hon. Matt Mahan
Santa Clara	Hon. Kathy Watanabe / Alternate: Hon. Anthony Becker
Saratoga	Hon. Tina Walia / Alternate: Hon. Kookie Fitzsimmons
Sunnyvale	Hon. Larry Klein / Alternate: Hon. Omar Din
Ex-Officio	SCCCMA Representative – Zane Barnes, San José
Ex-Officio	Acting Executive Director – Joanne Benjamin

Discussion & action may be taken on any of the items below. Times are approximate.

WELCOME AND ROLL CALL (Jones)

1. Consent Agenda
1a. Approval of June Board of Directors Meeting Minutes Attachment: Draft Minutes
2b. Adoption of Resolution to Continue Meeting Exclusively Over Zoom Attachments: Staff Report , Resolution
2. Presentation on Racial Justice (Board Priority)
Overview of Islamophobia; presented by Maha Engenaidi (Formal request by presenter)
3. Presentation on Board Member Development (Board Priority)
Overview of Elected Officials & Appointed Staff Relationships; presented by Kevin Duggan, Former Mountain View City Manager
4. The Board of Directors reviews and approves the Workplan
Attachment: Proposed Workplan
5. Legislative Action Committee Update (Fligor)
6. Santa Clara County City Managers Association Update (Barnes)
7. Executive Director Update (Sirkay)
8. Joys and Challenges (Board Members)

PUBLIC COMMENT

Attachment: [Public Comment from the San Jose All-District Leadership Group](#)

ADJOURNMENT

PUBLIC COMMENT

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to audin@citiesassociation.org
 - Emails will be forwarded to the Board of Directors
 - **IMPORTANT:** identify the Agenda Item number in the subject line of your email. All emails received will be entered into the record for the meeting.

2. Provide oral public comments during the meeting:
 - When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified shortly before they are called to speak.
 - When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Chair).
 - Phone participants:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

ACCESSIBILITY

We strive for our meetings and materials to be accessible to all members of the public. Closed captioning will be enabled for this meeting. For instructions on how to view the closed captioning, please refer [to this Zoom help page](#).

Additional accommodations are available upon request. Please contact our Board Clerk, Audin Leung, at audin@citiesassociation.org at least three business days prior to the meeting to submit a request for accommodations.



Board of Directors Special Meeting Minutes

June 23, 2022 7:00 PM / Virtual Meeting via Zoom

Meeting recording available on YouTube [\[LINK\]](#)

Minutes in Red / Agenda in Black

Board Members

President & Chair: Hon. Chappie Jones, San José

Campbell	Hon. Anne Bybee / Alternate: Hon. Susan Landry
Cupertino	Hon. Darcy Paul / Alternate: Hon. Liang Chao
Gilroy	Hon. Peter Leroe-Muñoz / Alternate: Hon. Marie Blankley
Los Altos	Hon. Neysa Fligor / Alternate: Hon. Anita Enander
Los Altos Hills	Hon. Stanley Mok / Alternate: Hon. Lisa Schmidt
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Palo Alto	Hon. Pat Burt / Alternate: Hon. Lydia Kou
San Jose	Hon. Chappie Jones / Alternate: Hon. Matt Mahan
Santa Clara	Hon. Kathy Watanabe / Alternate: Hon. Anthony Becker
Saratoga	Hon. Tina Walia / Alternate: Hon. Kookie Fitzsimmons
Sunnyvale	Hon. Larry Klein / Alternate: Hon. Omar Din
Ex-Officio	SCCCMA Representative – Zane Barnes, San José
Ex-Officio	Acting Executive Director – Joanne Benjamin

Discussion & action may be taken on any of the items below. Times are approximate.

WELCOME AND ROLL CALL (Jones, 7:00-7:03pm)

Members in attendance (12)

Campbell	Bybee
Cupertino	Paul
Los Altos	Fligor
Los Gatos	Rennie
Monte Sereno	Ellahie
Morgan Hill	Constantine
Mountain View	Abe-Koga
Palo Alto	Kou (alternate)
San José	Jones
Santa Clara	Watanabe
Saratoga	Walia
Sunnyvale	Klein

Members absent (3)

Gilroy	Leroe-Muñoz
Los Altos Hills	Mok
Milpitas	Montano

Others in attendance:

- Joanne Benjamin, Acting Executive Director
- Zane Barnes, SCCMA Representative
- Shali Sirkay, Candidate for Acting Executive Director
- Gary Baum, Counsel
- Audin Leung, Clerk
- Maha Elgenadi, Member of the Public

PUBLIC COMMENT

Maha Elgenadi gave public comment.

CLOSED SESSION (7:03-7:20pm)

1. PUBLIC EMPLOYEE APPOINTMENT pursuant to Government Code Section 54957(b)(1)
Title: (Acting Executive Director- new)

OPEN SESSION

2. Consent Agenda (7:20-7:25pm)										
2a. Approval of May Board of Directors Meeting Minutes										
2b. Adoption of Resolution to Continue Meeting Exclusively Over Zoom										
2c. Receive financial management report for the period ending May 31, 2022										
2d. Approval of Invoices to be paid (Invoices available to Board members upon request) <ul style="list-style-type: none"> - Liebert Cassidy Whitmore - \$1,102.00 (July 31, 2021) - Liebert Cassidy Whitmore - \$608.00 (June 30, 2021) 										
2e. Approve an Amendment to the Consultant Agreement with Joanne Benjamin for assistance with the transition to a new Acting Executive Director, to increase the not to exceed amount by \$7500 and extend the term until December 31, 2022										
<p>Motion to approve consent agenda by Constantine. Seconded by Rennie. Motion adopted 12-0-0-3.</p> <table border="1"> <tr> <td>Bybee</td> <td>AYE</td> </tr> <tr> <td>Paul</td> <td>AYE</td> </tr> <tr> <td>Leroe-Muñoz</td> <td>ABSENT</td> </tr> <tr> <td>Fligor</td> <td>AYE</td> </tr> <tr> <td>Mok</td> <td>ABSENT</td> </tr> </table>	Bybee	AYE	Paul	AYE	Leroe-Muñoz	ABSENT	Fligor	AYE	Mok	ABSENT
Bybee	AYE									
Paul	AYE									
Leroe-Muñoz	ABSENT									
Fligor	AYE									
Mok	ABSENT									

Rennie	AYE
Montano	ABSENT
Ellahie	AYE
Constantine	AYE
Abe-Koga	AYE
Kou (alternate)	AYE
Jones	AYE
Watanabe	AYE
Walia	AYE
Klein	AYE

3. Consideration of New Acting Executive Director (7:25-7:26pm)

- Consideration of Approval of Agreement with Vaishali “Shali” Sirkay for a not to exceed the amount of \$50,000 to serve as Acting Executive Director June 27-December 31, 2022
- Appointment of Vaishali “Shali” Sirkay as Acting Director effective June 27, 2022

Motion by Fligor to approve agreement with Vaishali “Shali” Sirkay for a not to exceed the amount of \$50,000 to serve as Acting Executive Director June 27-December 31, 2022; and appoint Vaishali “Shali” Sirkay as Acting Director effective June 27, 2022. Seconded by Constantine. Motion adopted 12-0-0-3.

Bybee	AYE
Paul	AYE
Leroe-Muñoz	ABSENT
Fligor	AYE
Mok	ABSENT
Rennie	AYE
Montano	ABSENT
Ellahie	AYE
Constantine	AYE
Abe-Koga	AYE

Kou (alternate)	AYE
Jones	AYE
Watanabe	AYE
Walia	AYE
Klein	AYE

4. Legislative Action Committee Update (Fligor, 7:26-7:50pm)

Motion by Ellahie to adopt the following legislative positions as recommended by the Legislative Action Committee:

- AB 2011: Oppose
- AB 2097: Oppose
- SB 897: Oppose
- SB 1087: Support

Seconded by Constantine. Motion adopted 12-0-0-3.

Bybee	AYE
Paul	AYE
Leroe-Muñoz	ABSENT
Fligor	AYE
Mok	ABSENT
Rennie	AYE
Montano	ABSENT
Ellahie	AYE
Constantine	AYE
Abe-Koga	AYE
Kou (alternate)	AYE
Jones	AYE
Watanabe	AYE
Walia	AYE
Klein	AYE

5. Santa Clara County City Managers Association Update (Barnes, 7:50-7:53pm)

6. Executive Director Update (Benjamin)

7. Joys and Challenges (Board Members 7:53-8:00pm)

ADJOURNMENT

Respectfully submitted,



Audin Leung
Board Clerk

DRAFT



Agenda Item No: 2b

Meeting Date: August 11, 2022

Cities Association of Santa Clara County Agenda Report

To: BOARD OF DIRECTORS

Prepared by: Gary M. Baum, General Counsel

TOPIC: CONTINUED MEETINGS OF THE BOARD OF DIRECTORS AND ALL SUBSIDIARY BODIES VIA ZOOM
SUBJECT: ADOPTION OF A RESOLUTION TO PERMIT MEETINGS OF THE BOARD OF DIRECTORS AND SUBSIDIARY BODIES TO MEET OVER ZOOM FOR AN ADDITIONAL PERIOD OF 30 DAYS

RECOMMENDATION:

Approve the attached resolution permitting the Board of Directors and all subsidiary bodies to continue to hold their meetings via Zoom with full public access, electronically, for a period of 30 days.

BACKGROUND:

The Board of Directors previously approved continuing to hold future meetings via Zoom after the Governor's Executive Order expired. This resolution satisfies the legal requirements necessary in order to continue to hold meetings of the Board of Directors, Executive Board and all subsidiary bodies utilizing Zoom. The Board of Directors will be required to pass a similar resolution every thirty days after original passage or at its next subsequent meeting, whichever is later, in order comply with statutory requirements.

As the Covid-19 situation and State and County regulations have continued to change the Resolution has been revised to reflect current Covid-19 circumstances and State and local restrictions. The Board has directed the Acting Executive Director to examine hybrid meetings. This resolution will continue to be necessary and it will be evaluated whether the resolution is necessary after a future hybrid meeting set-up is finalized.

LEGAL ANALYSIS:

AB361 modified Government Code Section 54953 by adding provisions that allow local governmental entities to not comply with certain provisions of the telephonic meeting requirements if there was a declared emergency or an order or recommendation for social distancing.

Specifically, AB 361 **removes** the following requirements:

- The requirement to post an agenda at a private home, business, hotel or wherever the Board Member is located has been lifted.
- The requirement that individual Board Members home, work or current location address be listed on the agenda has been removed.
- The requirement that the location of the Board Member be ADA accessible has been removed. Of course, there are existing laws that require a public building to be ADA accessible.

ADOPTION OF A RESOLUTION TO PERMIT MEETINGS OF THE EXECUTIVE BOARD, BOARD OF DIRECTORS AND SUBSIDIARY BODIES TO MEET OVER ZOOM FOR AN ADDITIONAL PERIOD OF 30 DAYS

Page 2 of 2

- A majority of a quorum is no longer required to be within our jurisdiction, which would be Santa Clara County.

AB 361 **added** the following requirements:

- The meeting must allow a call-in option **or** an internet-based option for public participation. SVRIA will meet this requirement.
- Should either the call-in option or internet-based option stop working, the Board can take no further action until the access to the public is restored.
- Starting 30 days after the first meeting held under this new approach the Board must pass findings every 30 days, or at a subsequent meeting that an emergency continues to exist or there are requirement or recommendations for social distancing.
- Staff must list the access and method for public participation on the agenda.

Two of the former requirements from 54953 continue:

- All votes taken must be roll call votes. (54953(b)(2))
- The agenda must also be posted at the usual location at SCPD. (54953(b)(3))

FISCAL IMPACT:

There will be a small amount of additional work and possible minor costs incurred by staff to continue to utilize Zoom and attempt to maintain its reliability during public meetings.

OPTIONS:

The Board of Directors has the following options to consider on this matter:

1. Staff's recommended action to approve the resolution.
2. Adopt resolution with modifications.
3. Direct staff to return with more information.
4. Take no action, which would result in the requirement for in person meetings.

RECOMMENDED ACTION:

Approve the resolution to continue holding meetings over Zoom.

ATTACHMENTS:

1. Attachment "1" Resolution to Continue to Permit Holding Meetings Utilizing Zoom due to the Public Emergency



RESOLUTION NO. 2022-0_

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITIES ASSOCIATION OF SANTA CLARA COUNTY RECOGNIZING A STATE OF EMERGENCY AND THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020 AND AUTHORIZING REMOTE TELECONFERENCED PUBLIC MEETINGS OF THE EXECUTIVE BOARD, BOARD OF DIRECTORS AND SUBSIDIARY OR ADVISORY BODIES TO ALLOW THEM TO CONTINUE TO HOLD PUBLIC MEETINGS SOLELY BY TELECONFERENCE OR OTHERWISE ELECTRONICALLY PURSUANT TO AB 361

WHEREAS, all public meetings of the Cities Association of Santa Clara County (“CASCC”) Executive Board, Board of Directors and subsidiary bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch them conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, as a result of Executive Order N-29-20, the Executive Board, Board of Directors and subsidiary bodies held remote teleconferenced remote meetings for their meetings via Zoom, and for purposes of Brown Act teleconferenced meetings the term “legislative body” includes the Board of Directors, Executive Board and advisory bodies; and

WHEREAS, on August 2, 2021, in response to the Delta variant of COVID-19, the Santa Clara County Health Department ordered a mask mandate for indoor public settings; and

WHEREAS, since the issuance of Executive Order N-92-20, the Delta variant has emerged followed by the Omicron variant BA.1, followed by the Omicron BA.2 subvariant and the BA.3, BA.4 and BA.5 subvariants, causing a rising spike in COVID-19 cases throughout the state; and

WHEREAS, the Center for Disease Control has determined that Santa Clara County is now a “red county” signifying that there are now high levels of community transmission; and

WHEREAS, The Santa Clara County Health Department has collected wastewater sampling data showing an increase in SARS CoV-2 virus present in all wastewater treatment plants in the County; and

WHEREAS, while hospitalizations and severe illnesses have decreased in the last month, new COVID-19 variants continue to emerge, including a recent variant with increased transmissibility that may potentially impact the County's hospital capacity. Holding in-person meetings with all members of the legislative body, staff, and the public in attendance in a shared indoor meeting space could particularly impact persons who are at higher risk of severe illness; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows local legislative bodies and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions, including that the Executive Board and Board of Directors make specified findings; and

WHEREAS, on September 21, 2021, the Santa Clara County Health Officer issued the "Recommendation Regarding Continued Remote Public Meetings of Governmental Entities," basing the recommendation on: 1) the continued threat of COVID-19 to the community, 2) the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and 3) the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission; and

WHEREAS, for the reasons set forth in the Santa Clara County Health Officer's recommendation, CASCC is concerned about the health and safety of all individuals who attend open and public meetings of the Board of Directors and Working Committee; and

WHEREAS, the Board of Directors does hereby find that the existence of the March 4, 2020 Proclamation of a State Emergency, and the described conditions, including the spread of the Omicron variant, pose an imminent risk to health and safety of meeting attendees; and

WHEREAS, Government Code Section 54953(e)(3) requires that the Board of Directors review the need and make findings for continuing the teleconferencing without complying with the agenda posting and public comment requirements at least once every thirty (30) days until Governor terminates the state of emergency; and,

WHEREAS, for the reasons set forth herein, the Board of Directors does hereby find that the Executive Board, Board of Directors and advisory or subsidiary bodies ("subsidiary bodies") shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the associated emergency conditions are ongoing and there is a need to continue teleconferencing for public meetings without posting the teleconferencing locations on the agenda and without requiring the teleconference locations to be accessible to the public during the current Governor-proclaimed COVID-19 state of emergency and this Resolution if approved, will be in effect for 30 days and will expire on June 13, 2022; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITIES ASSOCIATION OF SANTA CLARA COUNTY MAKES THE FOLLOWING FINDINGS IN COMPLIANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e) AND OTHER APPLICABLE PROVISIONS OF THE BROWN ACT:

1. The Board of Directors hereby recognizes the Governor of the State of California's March 4, 2020 Proclamation of a State of Emergency.
2. The Board of Directors finds that the state of emergency continues to impact the ability of the CASCSC's Executive Board, Board of Directors and subsidiary bodies, as well as staff and member of the public, to meet safely in person. State or local officials continue to impose or recommend measures to promote social distancing. The County Health Officer has recommended that legislative bodies continue to meet remotely to promote social distancing as one means to reduce the risk of Covid-19 transmission.
3. The Board of Directors authorizes and directs the Acting Executive Director, to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon adoption and shall be effective until the earlier of thirty (30) days from the date of adoption of this Resolution, or such time as the Board of Directors votes, by majority vote in accordance with Government Code section 54953(e)(3), whether to extend the time during which the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

Chappie Jones
Board President
Vice Mayor of the City of San Jose

Shali Sirkay
Acting Executive Director

Motion to approve by:

Seconded by:

AYES:	
NOES:	
ABSTENTION:	
ABSENT:	

About the Cities Association of Santa Clara County:

The Cities Association of Santa Clara County is an association of the fifteen cities of the county and the elected representatives of more than 1.9 million Bay-Area residents. Since 1990, the city representatives have been gathering to discuss and find consensus and solutions for regional issues. The cities of our association are diverse and include cities of a few thousand people and a city of a million people.



*A Unified Voice for the 15 Cities
of Santa Clara County*

CASCC Workplan: July 2022-December 2022

July:

No formal meetings

Board of Directors Meeting August 11:

- Overview of Islamophobia (Racial Justice) – Presenter: Maha Elgenaidi, Founder and Innovation Director of Islamic Networks Group (ING)
- Elected Officials & Appointed Staff Relationships (Board Member Development) – Presenter: Kevin Dugan, former City Manager of Campbell and Mountain View; has served as President of both the City Manager’s Department of the League of California Cities and Cal-ICMA. Contact Person: Steve Preminger

Board of Directors Meeting September 8:

- Discussion: CASCC Dues Structure (Operational Goals)
- Discussion: Formation of JPA (Joint Powers Authority) (Operational Goals) – Contact: Margaret Abe-Koga & Gary Baum
- Possible longer discussion of Elected Officials & Appointed Staff Relationships

Board of Directors Meeting October 13:

- Appointment of Nominating Committee for 2023 Officers
- VTA Update (Local Control Items of Interest) – Presenter: Margaret Abe Koga, VTA Board Member
- Transportation Updates: Caltrain & MTC - Contacts Glenn Hendricks (Caltrain) & Margaret Abe-Koga (MTC)

Board of Directors Meeting November 10:

- Nominating Committee Report
- Update Planning Collaborative (Local Control Items of Interest – Presenter Paul Peninger
- Update BAAQMD Air Quality Concerns (Climate Protection) Contacts- Margaret Abe-Koga & Sergio Lopez
- Update: Water & Drought Conditions (Climate Protection) Contact – Linda LeZotte

Holiday Party – General Membership Meeting December 8:

- New Board Installed
- Thank You – 2022 CASCC President Jones

Date: Tue, Aug 9, 2022 at 3:15 PM
Subject: CITIES ASSOCIATION MEETING 8-11-22 -- REQUEST LEGAL ACTION
AGAINST FIREWORKS SUPPLIERS
To: Jones, Chappie

Hon. Charles "Chappie" Jones

Vice-Mayor

Councilmember, District 1

Vice-Mayor Jones:

The San Jose All District Leadership Group has been engaged with San Jose Councilmembers, as well as the San Jose City Manager, Police Chief and Fire Chief to address the dangers of illegal fireworks activities in San Jose which also occur throughout Santa Clara County. We are herein requesting that the Cities Association of Santa Clara County place a discussion of Illegal Fireworks on its next Agenda.

There are many other jurisdictions throughout California that are actively seeking solutions to illegal fireworks. For example, the Sacramento County Board of Supervisors letter to California's Attorney General requested that the AG institute legal action against the Nevada retail stores supplying fireworks that are illegal in our cities, as well as against those who transport these substances into California for sale and/or personal use.

Please find attached:

1. Statement for public comments period at the CASCC Board of Directors meeting Thursday, August 11; and
2. City of San Jose June letter to California Attorney General Rob Bonta, and
3. Sacramento Board of Supervisors letter to California Attorney General Rob Bonta

We urge that the Cities Association of Santa Clara County join other California Cities and Counties in requesting action by the AG to address illegal fireworks. We also hope that each member of the Cities Association of Santa Clara County will consider placing an item on their City Council meeting to take similar action. We expect that these combined voices will create momentum for the AG to take action so we can gain control over a problem affecting virtually every city here and across California.

Thank you for your support.

o/b/o San Jose All District Leadership Group

Steven Spivak

Director

District 2 Leadership Council

San Jose All District Leadership Group

DATE: August 8, 2022

TO: CITIES ASSOCIATION OF SANTA CLARA COUNTY

SUBJECT: – PLEASE URGE CALIFORNIA DEPARTMENT OF JUSTICE TO TAKE LEGAL ACTION AGAINST NEVADA BUSINESSES SUPPLYING MOST ILLEGAL FIREWORKS IN CALIFORNIA.

SITUATION: Up-to 70% of all illegal fireworks exploding in San Jose, in Santa Clara County and across California are sold by the same thirteen Nevada retail businesses. Even as cities struggle to enforce fireworks ordinances, anyone can easily obtain not only safe and sane ground-based products but also professional grade aerial rockets and bombs.

AVAILABLE LEGAL RELIEF: Cities cannot control imported illegal fireworks by themselves. California law requires the Attorney General to bring legal consequences against those who provide and transport these illegal substances into California. Recognizing this, the City of San Jose and other jurisdictions recently asked California Attorney General Rob Bonta to take legal action against the Nevada businesses.

In its letter, COSJ specifically requested that the Attorney General “be vigilant in his obligation:”

“..... as set forth in Section 12704 of the Health and Safety Code which requires the State Fire Marshall and Attorney General to: (i) meet annually to identify parties supplying illegal fireworks into California; and (ii) issue notice to such parties that California will be requesting federal authorities prosecute any violations of federal law related to the supplying of illegal fireworks into the state.”

RESULTS: Unfortunately, the Attorney General’s office has declined to take any action.

ACTION REQUESTED: Members of the San Jose All District Leadership Group request that the Cities Association of Santa Clara County, as well as each individual member city, immediately urge the California Attorney General to institute all necessary legal action, and to confirm his commitment to do so.

San Jose All District Leadership Group

June 28, 2022

The Honorable Rob Bonta
Attorney General
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244

RE: Import of Illegal Fireworks

Dear Attorney General Bonta,

I am writing to urge your actions to protect the residents of San José and the rest of the State of California from the illegal sale of fireworks acquired from Nevada.

The sale and use of illegal fireworks has reached epidemic proportions. While tragedies with fireworks abound, there are two recent tragic examples which resulted in the death of two individuals in Ontario, CA and the injury of 17 people along with damage to businesses and homes in Los Angeles, CA. The City of San José urges you to act on this important issue ahead of a busy summer season which historically brings a rise in firework use.

We urge you to be vigilant in your obligations as set forth in Section 12704 of the Health and Safety Code which requires the State Fire Marshall and Attorney General to: (i) meet annually to identify parties supplying illegal fireworks into California; and (ii) issue notice to such parties that California will be requesting federal authorities prosecute any violations of federal law related to the supplying of illegal fireworks into the state.

The sale and use of illegal fireworks present a major public safety challenge. We urge you to act on any violations pertaining to the sale and use of illegal fireworks in the State of California.

Sincerely,



Sarah Zárate
Director, Office of Administration, Policy,
and Intergovernmental Relations



CHAIRMAN
BOARD OF SUPERVISORS
COUNTY OF SACRAMENTO
700 H STREET, SUITE 2450 · SACRAMENTO, CA 95814

DON NOTTOLI
SUPERVISOR, FIFTH DISTRICT
Telephone (916) 874-5465
FAX (916) 874-7593
E-MAIL: nottolid@saccounty.net

June 6, 2022

The Honorable Rob Bonta
Attorney General
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244

Subject: Import of Illegal Fireworks

Delivered via email to Rob.Bonta@doj.ca.gov

Dear Attorney General Bonta:

I am writing you as a result of a unanimous request by the Sacramento County Board of Supervisors to urge you to exercise your authority to protect the residents of Sacramento County and people throughout the State of California against the importation of illegal fireworks from the State of Nevada.

Specifically, the Sacramento County Board of Supervisors is requesting your office, in consultation with the Office of the California State Fire Marshal, immediately notify the following 13 Nevada fireworks stores, and their principals and/or owners, that if these stores are found to be supplying and/or facilitating the unauthorized importation of dangerous illegal fireworks, as defined in California Health and Safety Code Section 12505 and Title 19, California Code of Regulations Chapter 6, your office will prosecute these entities to the fullest extent of the law.

These aforementioned fireworks stores include *Area 51 Fireworks, Blackjack Fireworks, Inc. Phantom Fireworks of Pahrump, Red Apple Fireworks and Outlaw Pyro*, all located in Pahrump, Nevada; *Teepee Fireworks, Bad Jack's Fireworks*, and *Four Season Fireworks* in Schurz, Nevada; and *Rollercoaster Fireworks* in Battle Mountain, Nevada. Lastly, three fireworks stores in and around Pyramid Lake, Nevada including *Pyramid Fireworks (Sutcliff, NV)*, *Pyramid Fireworks (Wadsworth, NV)* and *Pyramid Fireworks (Nixon, NV)* should also be notified.

Letter to The Honorable Rob Bonta
Import of Illegal Fireworks
June 6, 2022
Page 2 of 2

The sale and use of illegal fireworks in California has reached epidemic proportions. One need only reflect on two striking and tragic examples of this escalation in illegal fireworks issues: the death of two people in a massive explosion in Ontario, California as well as the injuries to 17 people and the destruction of the Los Angeles Police Department Bomb containment vehicle and multiple homes and businesses in the City of Los Angeles, to understand what has elevated the concerns of so many people.

It is our understanding the above-referenced stores sell a full range of fireworks which are deemed dangerous and illegal in California. Informed estimates suggest these stores alone may account for 60 to 70 percent of the illegal fireworks used in California. Regrettably, since the 2008 enactment of Health and Safety Code Section 1270, the California Attorney General's Office has not taken action against nor notified these stores that any unauthorized shipments of fireworks into our state will result in an immediate report to Federal officials with a request for Federal prosecution.

In closing, we respectfully request that your office immediately put these stores on formal notice and take appropriate legal actions against any stores where evidence shows violations of the above-referenced statutes.

Sincerely,



Don Nottoli
Chairman, Sacramento County Board of
Supervisors

c: Michael Richwine, California State Fire Marshal
Clerk of the Board of Supervisors, Sacramento County
Honorable Phil Serna, Supervisor, District 1
Honorable Patrick Kennedy, Supervisor, District 2
Honorable Rich Desmond, Supervisor, District 3
Honorable Sue Frost, Supervisor, District 4
Ann Edwards, County Executive
Eric Jones, Deputy County Executive, Public Safety and Justice
Dennis Revell, President/CEO, Revell Communications