SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

KEVIN P. BUNDY
Attorney
bundy@smwlaw.com

December 18, 2020

Via Electronic Mail

Mark Lunn
Clerk-Recorder, Registrar of Voters
County of Ventura
Hall of Administration, Lower Plaza
800 South Victoria Avenue
Ventura, CA 93009
E-Mail: elections@ventura.org

Re: Referendum of County of Ventura Ordinances No. 4567 and No. 4568

Dear Mr. Lunn:

This firm represents Climate First: Replacing Oil and Gas ("CFROG") with respect to matters involving Ventura County Ordinances No. 4567 and No. 4568. Los Padres ForestWatch, Sierra Club Los Padres Chapter, and Food & Water Watch also join in the arguments raised in this letter.

At its November 10, 2020 meeting, the Ventura County Board of Supervisors ("Board") adopted those ordinances, which amended Article 5, Section 8175-5.7 of the Ventura County Coastal Zoning Ordinance and Article 7, Section 8107-5 of the Ventura County Non-Coastal Zoning Ordinance. As amended, these ordinances require discretionary review of certain new and expanded oil and gas exploration and production activities in Ventura County and compliance with modern health and safety standards governing those operations.

The oil and gas industry-funded group "Working Families for Jobs and Energy Independence" circulated two referendum petitions for signatures, one challenging Ordinance No. 4567 and the other challenging Ordinance No. 4568. We understand the group submitted these petitions to your office on December 10, 2020. By way of a Public Records Act request, CFROG obtained blank copies of both petitions on December 11, 2020.

Fatal defects in the petitions, as well as misrepresentations by petition circulators, require that the Registrar reject both petitions. Each petition failed to include the full "text" of the subject ordinance, in violation of Elections Code section 9147. Lack of that complete text prevented potential signatories from understanding the effect of the ordinances and the referendum petitions. Moreover, community members observed and have documented a pattern of petition circulators making false and misleading statements to potential petition signatories about the effect of the ordinances and of their potential repeal. Under Election Code section 18600, intentional false statements and misrepresentations concerning the contents, purport or effect of a referendum petition are misdemeanors. The pattern of false and misleading information presented by petition circulators, in combination with the petitions' failure to include the full text of the amendments, made it difficult if not impossible for signers to understand the referendums' effects. Given these violations, the petitions fail to comply with the letter and purpose of the Elections Code, and the Registrar may not certify their sufficiency to the Board of Supervisors.

I. The petitions violate the Elections Code's full text requirement.

Both petitions violate Elections Code section 9147, which requires that a referendum petition include the full "text" of an ordinance that it seeks to repeal. The full and complete text of the changes to existing law made by Ordinances No. 4567 and No. 4568, for purposes of Elections Code 9147, is reflected only in the County's "Legislative Format" or redlined version of the code sections each ordinance amended. In those versions, which were part of the Board packet accompanying the Board's November 10, 2020 agenda, newly added text is plainly visible in underline and deleted text is shown in ~~strikethrough~~. *See* Exhibit ("Exh.") 1 at 6, 12 (11/10/20 Board Letter, referencing and attaching "Legislative Format" amendments); Exh. 2 (Legislative Format amendments to § 8107-5, Exh. 34 to 11/10/20 Board Letter); Exh. 3 (Legislative Format amendments to § 8175-5.7, Exh. 35 to 11/10/20 Board Letter). Only these versions of the amendments enable a reader to understand the changes each ordinance makes to existing law. Yet the petitions omit the Legislative Format versions, and include only "clean" copies of each ordinance without any indication as to what provisions were changed, or what the effect of validating or rejecting those changes might be. As a result, prospective signatories were not presented with the full text of the ordinances, rendering the petitions invalid.

The underlying purposes of the "text" requirement in the Elections Code are to "reduce confusion as to the contents of referendum petitions," to "apprise prospective signers of the substantive portions of the challenged ordinance," and to "provide the electors with the information they need to intelligently exercise their rights under the referendum law." *Billig v. Voges* (1990) 223 Cal.App.3d 962, 966. Courts have

repeatedly looked to these purposes when evaluating whether particular omitted documents or information should be considered part of the full text of a referendum or initiative petition under the Elections Code.

For example, in *Mervyn's v. Reyes* (1998) 69 Cal.App.4th 93, the court held that a petition to repeal an ordinance changing a city's local land use designations lacked the ordinance's full text where it omitted provisions of the city's general plan that the ordinance had enacted. *Id*. at 104-105, 99. The court found that including those provisions would be imperative to allow "persons evaluating whether to sign the petition [to] be advised which laws are being challenged and which will remain the same." *Id*. at 104. Given their omission, the city had a ministerial duty to reject the petition. *Id*. at 104-05.

Likewise, in *Chase v. Brooks* (1986) 187 Cal.App.3d 657, the court determined that a referendum petition against a rezoning ordinance was "fatally defective" for failing to include the "complete text" of an ordinance where it omitted an ordinance exhibit containing the full legal description of the affected property. *Id*. at 660. In reaching its holding, the court emphasized that including this description of the property's location would "improv[e] the chances prospective signers will not be confused regarding the breadth of the challenged ordinance." *Id*.

Here, the Legislative Format documents similarly must be considered part of the full text of Ordinances No. 4567 and No. 4568. These versions of the amended Code sections allowed readers to see precisely where the ordinances would add new requirements to the Zoning Code, and which provisions they would remove. The petitions' omission of Legislative Format documents is material. Without them, a reader of the petitions had no way to determine what changes the ordinances made to the County's Zoning Code, or what provisions the referendum would reinstate if either the Board of Supervisors or the voters were to reject the ordinances. Nothing in the materials included with the petitions adequately explains those changes.

Only by reviewing the Legislative Format versions could a prospective signatory see that the amendments include new language bringing all oil and gas exploration and production operations in unincorporated Ventura County under County regulation, *except* where such regulation would violate a vested right, and that they remove language limiting such regulation to permits issued on or after March 24, 1983. *See* Exh. 2 at 1, Sec. 8107-5.2; Exh. 3 at 1, Sec. 8175-5.7.2. Prospective signatories also would have seen that amendments added text expanding the circumstances in which new and expanded oil and gas operations must obtain discretionary permits. *See* Exh. 2 at 1, Sec. 8107-5.2(c); Exh. 3 at 1-2, Sec. 8175-5.7.2(c).

Regulation of the oil and gas industry is a longstanding and contentious issue in Ventura County. As discussed further below, petition circulators have falsely claimed these ordinances will immediately shut down oil and gas production. Many potential signatories might have declined to sign the petition if they had been able to ascertain that the ordinances simply codified the County's authority to review and regulate new and expanded oil and gas operations, and contained an express exemption for existing operations subject to vested rights. Signatories simply did not have the full "text" of the ordinances, as Elections Code section 9147 required, which they needed to make an informed decision about the petitions.

This compels the conclusion that the petitions did not comply with the purposes underlying Elections Code section 9147. The focus and substance of the challenged ordinances were revealed only in the Legislative Format documents' redline text edits to the existing Code provisions, and were not evident from the "clean" version of the ordinances alone. In determining whether a referendum petition is in "substantial compliance" with statutory requirements, "the court's primary task is to evaluate the defect in the petition in light of the Legislature's intent and the values underlying the statute." *Hebard v. Bybee* (1998) 65 Cal.App.4th 1331, 1343. The omission of the redline materials in this case entirely frustrated the purpose of the Elections Code's full text requirement, "which is to make sure that prospective signers have adequate information about the substance of a proposed ordinance to make an informed decision about whether to sign the referendum petition." *Defend Bayview Hunters Point Com. v. City and County of San Francisco* (2008) 167 Cal.App.4th 846, 858. Because the petitions fail to comply substantially with section 9147, the Registrar has a ministerial duty to reject them.

II. Petition circulators misrepresented the effect of the ordinances and the petitions.

In the course of gathering signatures, the referendum proponents' petition circulators misrepresented the ordinances' impact and the effects of the referendums. These misrepresentations and falsehoods greatly compounded the effect of the petitions' failure to include the full text of the challenged ordinances. Because the defective petitions and the circulators' misstatements completely frustrated signers' ability to understand what they were signing, the County must reject the petitions.

Elections Code §18600 prohibits willfully and knowingly making or circulating "any false statement or misrepresentation concerning the contents, purport or effect" of any referendum petition "for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition." In instances where this provision has been violated, courts have upheld election officials' decision to not place

the underlying petition on the ballot. *See San Francisco Forty-Niners v. Nishioka* (1999) 75 Cal.App.4th 637, 643, 650. In *San Francisco Forty-Niners v. Nishioka*, proponents of an initiative to repeal two measures providing for construction of a new football stadium were found to have made false statements to induce individuals to sign their petition. *Id*. at 646. The court emphasized that petition proponents "falsely represented" the "purported adverse impact on the City" of the challenged enactments. *Id*. Proponents "misled voters as to the tenor, substance and purpose of their initiative by claiming it was justified by facts which were materially false." *Id*.

Proponents of the referendum petitions here likewise provided wildly inaccurate information to prospective signatories regarding the purpose and effect of the ordinances and the impact of the petition and referendum. In interactions between circulators and members of the public, circulators claimed that the ordinances would shut down the oil and gas industry in Ventura County. *See* Exh. 4, Affidavit of J. Brehm; Exh. 5, Transcripts of J. Brehm interactions with petition circulators. For example, one circulator asserted that the ordinances "pull the plug" on the local oil and gas industry and will "completely end the industry in the area." Exh. 5 at 12 (12/1/20, Kohl's, Telephone Rd., Ventura); Exh. 4 at 3. Another claimed that the Board of Supervisors "want[s] to ban gas and oil exploration in the county. . . . Or they already did. They passed the orders which does." Exh. 5 at 15 (12/4/20, Michael's, Telephone Road, Ventura); Exh. 4 at 3. A circulator also claimed that the petitions were intended to "lower the prices on gas." Exh. 5 at 1 (12/2/20, Walmart, Rose Ave., Oxnard); Exh. 4 at 1-2; *see also* Exh. 6, Affidavit of K. Kaye (circulator claimed that signing the petitions would prevent gas prices from rising in Ventura County). Another stated that the ordinances would affect "20,000 jobs in Ventura County." Exh. 5 at 18 (12/1/20, Michael's, Telephone Road, Ventura); Exh. 4 at 3. And one circulator claimed that the petitions were to oppose an effort to "replace [an] old power plant with a new efficient one." Exh. 7 (Affidavit of E. Beall); Exh. 8 (Transcript of E. Beall 11/20/20 interaction with petition circulator).

The above statements are all plainly false, and together demonstrate a pattern of serious misrepresentation by petition circulators. First, the ordinances do not "ban" or "completely end" oil and gas exploration in the County. Instead, they merely require discretionary review of new and expanded oil and gas development throughout the County, and would ensure that all new development complies with modern local health and safety standards. Indeed, the ordinances expressly exempt existing operations subject to vested rights from current regulations. Second, the claim that the ordinances would impact 20,000 jobs in Ventura County is exaggerated. Indeed, this number far exceeds the total number of existing jobs in the county's oil and gas industry. According

to an April 2019 publication by the Ventura County Community College District ("VCCCD") Economic Development and Workforce Division, there were only 854 jobs in the category "Mining, Quarrying, and Oil and Gas Extraction" in Ventura County in 2019.[1] The claim that 20,000 jobs are at stake thus appears misleading at best. Third, a referendum revoking the ordinances and reestablishing prior Zoning Code provisions would not lower gas prices or ensure that they stay at existing levels. An analysis of local pipelines shows that much of Ventura County's extracted fossil fuel resources head to refineries in Los Angeles that produce asphalt and bunker fuel, not gasoline.[2] In other words, much of the oil produced in Ventura County never makes it to the gas pump, and therefore likely has little to no bearing on consumer gas prices. And finally, neither the ordinances nor the petitions have anything at all to do with power plant development.

"Ordinary citizens with a sense of trust should be able to believe in the accuracy of what they are signing." *San Francisco Forty-Niners*, 75 Cal.App.4th at 649. That principle was violated here. In soliciting signatories on the petitions, it appears that circulators used misinformation as a tactic to gather the required signatures quickly, within the short 30-day window the Election Code requires. The pervasiveness of this misinformation fundamentally undermines the validity of the signatures gathered, as people could have based their decisions to sign upon false and misleading statements about the petitions' purported effects. "The law is clear that election officials have a ministerial duty to reject initiative petitions which suffer from a substantial . . . statutory defect which directly affects the quality of information provided to the voters." *Id*. at 644. The Registrar must reject the referendum petitions here.

III. The Registrar of Voters has an obligation to reject the petitions.

As described above, the petitions failed to include the complete text of the ordinances by omitting the redlined Legislative Format documents, and thus failed to substantially comply with Elections Code section 9147. Moreover, while circulating the petitions for signature, signature gatherers made false and misleading statements about the effect of the ordinances the petitions sought to repeal. Each violation compounded the

---

[1] *Ventura County Comprehensive Economic Development Strategy*, VCCCD Economic and Workforce Development Division, Economic Development Collaborative, April 2019, pg. 6, available at: https://www.vcccd.edu/sites/default/files/departments/economic-development/a_2019_ceds.pdf.

[2] *The Oil Shipping Lines under the City of Ventura,* A. Anderle, Feb. 2, 2017, available at: http://collegeareacouncil.com/wp/wp-content/uploads/2017/07/2017_06_28_Ventura_Oil_Pipelines_AA.pdf.

effect of the other. Potential signatories were deprived of the ordinances' full text in the petition documents and could not review the substantive provisions of the amendments, while signature gatherers made patently false claims to potential signatories about the effect of the ordinances and the referendum petitions. "[W]here a petition does not comply with the reasonable objectives of statutes designed to protect electors from confusing or misleading information, its deficiencies threaten the integrity of the election process, warranting a refusal to file the petition." *Billig*, 223 Cal.App.3d at 966. Because the Election Code's purposes were entirely frustrated by the defective form of the petitions and false information that circulators provided about them, the County Registrar must exercise its ministerial duty to reject the petitions. *See id*. at 968-69.

I appreciate your attention to this matter. If I can provide clarification or further information on any points, please contact me at bundy@smwlaw.com or 415-552-7272.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Kevin P. Bundy
Marlene Dehlinger

List of Exhibits:

1. 11/10/20 Board Letter
2. Legislative Format for Final Non-Coastal Zoning Ordinance § 8107-5 Amendment
3. Legislative Format for Final Coastal Zoning Ordinance § 8175-5.7 Amendment
4. Affidavit of James Brehm
5. Transcripts of James Brehm Interactions with Referendum Petition Circulators, 12/1/20 to 12/6/20
6. Affidavit of Karina Kaye
7. Affidavit of Elizabeth Beall
8. Transcript of Elizabeth Beall Interaction with Referendum Petition Circulator, 11/20/20

cc: Jeffrey Barnes, Ventura County Counsel's Office

1317839.10

EXHIBIT 1

November 10, 2020

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Public Hearing to Consider Adoption of County-Initiated Amendments to Article 7, Section 8107-5 of the Ventura County Non-Coastal Zoning Ordinance and Article 5, Section 8175-5.7 of the Ventura County Coastal Zoning Ordinance to Modify Permitting Requirements for Certain New Oil and Gas Exploration and Production Operations and to Address the Applicability of the County's Oil Development Regulations; Find Project Exempt from California Environmental Quality Act (PL20-0052); Adoption of Resolution Establishing One Regular Full-Time Position Allocation in the Resource Management Agency, Planning Division; Authorization for Auditor-Controller to Process Necessary Budgetary Transactions to Fund New Full-Time Position; All Supervisorial Districts. (Recommended Action No. 9 Requires 4/5ths Vote)

I. RECOMMENDED ACTIONS

1. **CERTIFY** that your Board has reviewed and considered this Board letter, the staff report for the July 30, 2020 Planning Commission hearing (hereinafter, Planning Commission staff report) regarding the project and all exhibits thereto (Exhibits 1 through 28), and has considered all comments received during the public hearing process;

2. **FIND** on the basis of the entire record including the Planning Commission staff report (Exhibit 1) that the adoption of the proposed ordinance amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 32) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308 as actions by a regulatory agency to assure the maintenance and protection of the environment because the project would implement a regulatory process involving procedures for protection of the environment; **FIND** that no substantial evidence exists precluding the use of this categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2; **FIND** that adoption of the

proposed ordinance amending the Ventura County Coastal Zoning Ordinance (Exhibit 33) is statutorily exempt pursuant to Public Resources Code section 21080.9 as an amendment to the County's Local Coastal Program; and **FIND**, to the extent commenters have raised issues about the application of new 2040 General Plan policies to new oil and gas wells, that those impacts factually are the same as the impacts evaluated in the certified environmental impact report (EIR) for the 2040 General Plan, that there is no new or substantially more severe impact requiring a further EIR under CEQA Guidelines section 15162, and that it is appropriate to rely on that certified EIR for the extension of those policies to new oil and gas wells, and reliance on that EIR is an independent basis under CEQA for the adoption of the proposed zoning ordinance amendments.

3. **FIND** on the basis of the entire record and as set forth in the Planning Commission staff report (Exhibit 1) and Ventura County General Plan consistency analysis (Exhibit 36) that the proposed ordinance amending the Ventura County Non-Coastal Zoning Ordinance (Exhibit 32) is consistent with the goals, policies and programs of the Ventura County General Plan and good planning practices and is in the interest of public health, safety and general welfare;

4. **FIND** on the basis of the entire record and as set forth in the Planning Commission staff report (Exhibit 1) that the proposed ordinance amending the Ventura County Coastal Zoning Ordinance (Exhibit 33) is consistent with the goals, policies and programs of the Ventura County General Plan, the Ventura County Coastal Area Plan, the Coastal Act (Exhibit 8) and good planning practices, and is in the interest of public health, safety and general welfare;

5. **ADOPT** the proposed ordinance amending Ventura County Non-Coastal Zoning Ordinance Section 8107-5 (Exhibit 32);

6. **ADOPT** the proposed ordinance amending Ventura County Coastal Zoning Ordinance Section 8175.5.7 (Exhibit 33), subject to California Coastal Commission certification, and **ADOPT** a resolution (Exhibit 37) directing submittal of the ordinance to the California Coastal Commission for certification of this proposed amendment to the Ventura County Local Coastal Program;

7. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which the foregoing actions and decisions are based;

8. **ADOPT** a resolution establishing one regular full-time position allocation in the Resource Management Agency Planning Division, Budget Unit 2911, effective November 29, 2020 (Exhibit 38) as follows:

Class Code	Classification Title	FTE	Range	Annual Salary	Unit
00805	Planner III	1	$33.718389 - $47.382096	$70,134.25 - $98,554.76	2911

9. **AUTHORIZE** the Auditor-Controller to process the necessary accounting transactions to Budget Unit 2911 to adjust appropriations and revenue as follows for FY 2020-21 (**requires 4/5ths vote**): RMA Planning Division Permitting (Unit 2911)

INCREASE 2900-2911	Salaries and Benefits	$85,000
INCREASE 2900-2911	Charges for Services	$85,000

II. FISCAL IMPACTS/MANDATES

Mandated:	No
Source of Funding:	Fees
Funding Match Required:	None
Impact on Other Departments:	None

Summary of Revenue and Costs	FY 2020-21	FY 2021-22
Revenues:	$ 82,500	$ 125,000
Costs:		
Direct	$ 82,500	$ 125,000
Indirect – Department	$ -	$ -
Indirect Costs	$ -	$ -
	$ 82,500	$ 125,000
Net Costs	$ -	$ -
Recovered Indirect Costs	$ -	$ -

Current FY 2020-21 Budget Projection for RMA Planning - Division 2910, Unit 2911				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/Deficit
Appropriations	$ 6,755,420	$ 6,755,420	$ 6,755,420	$ -
Revenue	$ 4,385,935	$ 4,385,935	$ 4,385,935	$ -
Net Cost	$ 2,369,485	$ 2,369,485	$ 2,369,485	$ -

The recommended legislative actions, including related post-adoption actions, can be completed with existing Planning Division staff and within the existing Planning Division budget allocation.

The Planning Division's oil and gas program currently includes one staff planner processing applications for both discretionary and ministerial permits in addition to performing condition compliance review and administrative program tasks, with oversight from a planning manager who also manages other staff planners processing other commercial/industrial permits. Staff anticipates that the proposed zoning ordinance amendments' requirement for certain new proposed oil and gas development to be authorized by discretionary approval, in lieu of the current ministerial approval that would otherwise apply to the proposed development, would require one new staff planner at this time, and the opportunity to monitor future workload and staffing needs for the oil and gas program.

If the proposed zoning ordinance amendments are approved by your Board, staff is recommending approval of one new full-time position allocation to process the additional discretionary workload anticipated to result from the amendments (Exhibit 38). The annual cost of additional one full time equivalent Planner III would be $125,000 for mid-range salary and benefits, and the cost for the position in FY 2020-21 is $82,500. There is no net County cost for this position as the time would be billed out to discretionary permit applicants. CEO-HR has reviewed the proposed addition to the FTE classification and approved the recommendation of the Planner III classification.

III. EXECUTIVE SUMMARY

The proposed zoning ordinance amendments would establish a single, consistent permitting process for all new oil and gas development proposals, regardless of the age of the original underlying permit, and consistent application of current oil and gas development and operational standards, and would ensure some level of environmental review of the new development being proposed. This Board letter (1) describes your Board's 2019 direction for staff to prepare and process this legislative matter; (2) describes the proposed zoning ordinance amendments; (3) describes the Planning Commission's July 30, 2020 hearing and recommendations regarding this legislative matter; (4) addresses environmental review and CEQA compliance; and (5) provides a summary of staff consultation with, and required certification by, the California Coastal Commission regarding the proposed amendment to the Coastal Zoning Ordinance.

IV. BACKGROUND/DISCUSSION

This legislative matter arises from item 46 of your Board's April 9, 2019 regular public meeting addressing your Board's concern regarding the potential contamination of local groundwater caused by oil and gas exploration and production operations. This concern was based on the preliminary findings from a United States Geologic Survey (USGS) study of groundwater quality in potable groundwater aquifers underlying the Oxnard Plain in an area where the process of cyclic steam injection has been utilized to extract heavy oil from shallow reserves known as the Vaca tar sands.

On February 25, 2019, the USGS[1] reported it had found indications that petroleum-related gases are migrating into the Fox Canyon aquifer system in the vicinity of existing oil wells utilizing cyclic steam injection. Your Board deemed this concern to be urgent, particularly in light of an application then under review by the Planning Division for Peak Operator LLC (Peak) to develop a new 65-well oil production facility that would utilize cyclic steam injection in the same area.

At the conclusion of the April 9, 2019 item, your Board directed staff to prepare an interim urgency ordinance pursuant to Government Code section 65858 temporarily prohibiting the drilling of new oil wells, and the re-drilling of existing wells, that would utilize steam injection in the vicinity of potable groundwater aquifers while the County studied potential regulatory changes to address the concern. On April 23, June 4, and November 5, 2019, your Board approved and then extended the proposed interim urgency ordinance prohibiting County approval of new oil wells, and the re-drilling of existing wells, that would utilize steam injection on a portion of the Oxnard Plain overlying the Fox Canyon aquifer that is the subject of the USGS study. This interim urgency ordinance will remain in effect until December 7, 2020 unless terminated sooner by your Board.

The April 9, 2019 item also addressed your Board's related concern regarding uncertainty over the extent of the County's discretionary permitting authority over, and environmental review regarding, development of new oil and gas production facilities under "antiquated" permits such as those cited in Peak's application for its proposed 65-well oil production project. The Board letter for the April 9, 2019 item explained how Peak's proposal highlighted the need to study the County's regulation and permitting of new oil and gas development under these older permits.

At the conclusion of the April 9, 2019 item, your Board directed County staff to "study potential amendments to the County's zoning ordinances to require discretionary approval of new development under antiquated oil and gas permits." In response to this direction, County Counsel, in consultation with the Planning Division, provided your Board with a written report that was the subject of item 35 of your Board's September 10, 2019 regular public meeting. The report states, among other things, that the County has a strong legal argument it can require discretionary approval and environmental review of proposed new oil and gas production facilities on land covered by antiquated permits, and that the County can, in general, apply its oil development standards to all existing oil and gas production facilities.

A potential draft amendment to the Ventura County Non-Coastal Zoning Ordinance that would accomplish these objectives was attached to the September 10, 2019 staff report. At the conclusion of the September 10, 2019 item, your Board directed "the Planning Division to prepare draft amendments to the County's zoning ordinances that are consistent with the potential draft amendment attached to the County Counsel report to be processed through the standard land use public hearing process."

The Planning Commission staff report (Exhibit 1), at Section B, describes the history of permitting oil and gas facilities, including a comparison of antiquated permits to modern-

---

[1] According to USGS communication, a third-party review of the February 25, 2019 study is underway and anticipated in 2021.

era permits, explains the distinction between ministerial and discretionary permit decisions, and describes the challenges associated with the Planning Division's processing of applications for new oil and gas development proposed on land covered by antiquated permits.

Zoning Ordinance Amendments

The proposed zoning ordinance amendments would establish a single, consistent permitting process for all new oil and gas development proposals, regardless of the age of the original underlying permit, consistent application of current oil and gas development and operational standards, and would ensure some level of environmental review of the new development being proposed.

First, the zoning ordinance amendments would amend Ventura County Non-Coastal Zoning Ordinance (NCZO) section 8107-5.2, and Coastal Zoning Ordinance (CZO) section 8175-5.7.2, to require the issuance of a new discretionary conditional use permit (CUP), or approval of a discretionary permit adjustment or modification, to authorize all new oil and gas development, including that proposed under antiquated permits, unless the proposed development is already specifically described as being authorized under an existing CUP. New development triggering the need for discretionary approval would include, but not be limited to, the installation of new wells, tanks and other oil field facilities, and the re-drilling or deepening of existing wells. The proposed zoning ordinance amendments are shown in Exhibits 32 (NCZO, § 8107-5) and 33 (CZO, § 8175-5.7), and are provided in legislative format in Exhibits 34 (NCZO, § 8107-5) and 35 (CZO, § 8175-5.7). Because these approvals would require a discretionary permit the projects would be subject to environmental review under CEQA.

Second, the zoning ordinance amendments would amend NCZO section 8107-5.2, and CZO section 8175-5.7.2, to state that the County's current oil development design guidelines and operational standards uniformly apply to all oil and gas exploration and production operations to the extent: (i) such guidelines and standards would impose more stringent requirements than those set forth in existing permit conditions, laws, or regulations applicable to the operation; and (ii) application of such guidelines and standards would not impair any vested right of an operator under California law.

Third, the zoning ordinance amendments would amend NCZO section 8107-5.4, and CZO section 8175-5.7.5, to limit the level of new development that could be authorized under a single zoning clearance in order to make these existing provisions consistent with the zoning ordinances' general rule regarding the 180-day timeframe within which improvements that are the subject of a zoning clearance must be developed. Other non-substantive revisions have been made to the zoning ordinances' oil and gas regulations to clarify existing provisions and to use consistent terms for the same provisions and section headings that are included in both the NCZO and CZO.

These changes are discussed in greater detail in the Planning Commission staff report (Exhibit 1), in Section C.

V. PLANNING COMMISSION HEARING

On July 30, 2020, the Planning Commission considered the proposed zoning ordinance amendments at a public hearing. Thirteen public speakers commented, and thirteen emails were read, during the hearing. In addition, staff received 59 unique comment letters and three form letters (submitted by 188, 243, and 20 individuals for a total of 451 form letter commenters) regarding the proposed zoning ordinance amendments which are attached to the Planning Commission staff report as Exhibits 9 through 27.

Themes from public comment, both in opposition and support of the zoning ordinance amendments, included the following:

- Concern about the zoning ordinance amendments' economic impact to the oil and gas industry with its higher-wage jobs and impacts to the larger county economy, particularly in light of the pandemic's negative impact on the entire economy;
- Questions regarding status of the USGS study;
- Concern that the zoning ordinance amendments would take private property rights and lead to litigation against the County;
- Concern that property owners would lose oil and gas royalties based on claim that existing operators would be required to shut down;
- Location of many oil and gas facilities in sensitive areas where environmental review and protections are needed;
- Value of the zoning ordinance amendment to require discretionary review, including the requirement for environmental review and a public hearing; and
- Need to address climate change impacts.

Naval Base Ventura County (NBVC) also provided comment (Exhibit 27) on the zoning ordinance amendments seeking development regulations limiting structures, aboveground utility/ communication lines, and associated lighting and glare from structures and activities to be located outside of certain base operational zones. These comments are beyond the scope of the Board's 2019 direction to staff regarding the proposed zoning ordinance amendments. However, as noted below, the adoption of the 2040 General Plan does contain policy direction for coordination with the NBVC on permit applications. Additionally, the Land Use Element includes Policy LU-21.2, which requires that the County utilize the Joint Land Use Study (JLUS) and NBVC Air Installations Compatible Use Zones (AICUZ) studies to guide land use and resource management decisions and plan updates.

The Planning Commission voted 4-1 (Commissioner McPhail dissenting) to approve staff's recommended actions and to take staff's recommended actions regarding the Coastal Commission staff suggestions on the CZO. A resolution stating the Planning Commission's recommendation to your Board is attached as Exhibit 29.

2040 General Plan Consistency Analysis

The 2040 General Plan took effect on October 15, 2020 following the Planning Commission hearing. The Planning Commission staff report contained an analysis of the proposed zoning ordinance amendments' consistency with both the then-operative General Plan and the draft 2040 General Plan. In addition, staff has prepared a more detailed analysis of the proposed zoning ordinance amendments' consistency with the

2040 General Plan, including the vision statement, guiding principles and policies, for your Board's review in Exhibit 36.

The proposed zoning ordinance amendments are consistent with, and would help to implement, the General Plan's vision statement, guiding principles and numerous policies because the proposed discretionary permit review and approval process for new oil and gas development would help ensure that the County's natural resources are protected by operational development standards consistently applied to all oil and gas facilities; that potential hazards and environmental impacts are identified and mitigated during environmental review in accordance with numerous General Plan policies intended to safeguard the environment and public health; and that permitted operators and their associated employment base could continue to extract important mineral resources using appropriate environmental stewardship and regulatory oversight that advances the economic vitality of the County. The 2040 General Plan policies that the zoning ordinance amendments would help to implement are set forth in Exhibit 36.

The 2040 General Plan's Economic Vitality Element contains policies addressing a broad range of economic issues including business development, infrastructure and resource needs, housing supply and job growth. Some key policies are for the County to:

- Prioritize investment in infrastructure, services, safety net programs and other assets that are critical to future economic vitality, including public safety, healthcare, library services, water supply and quality, transportation, energy, and environmental resources (Policy EV-1.2);
- Focus on retention of existing businesses (Policy EV-3.1);
- Work proactively to retain and facilitate the expansion of firms in key industries (Policy EV-3.3);
- Encourage the development and expansion of businesses that advance social equity, environmental quality, and economic sustainability, as well as capitalize on key industry strengths (EV-4.3); and
- Collaborate with the Workforce Development Board to assess employment changes expected over the next 20 years and evaluate opportunities for job training and education to meet new economic opportunities, particularly in green energy and in designated disadvantaged communities within the county (Policy EV-6.7).

Of these policies, the zoning ordinance amendments are most consistent with Policies EV-1.2 and EV-4.3 addressing the protection of environmental resources and expansion of businesses that incorporate sustainable environmental operations. However, the proposed zoning amendments could slow and/or reduce the potential expansion of new local oil and gas development, which in turn could have a negative economic impact on this economic sector and its employment base, due to the increased permitting costs and uncertainty that would be associated with the proposed discretionary permitting and environmental review process that would be required for certain new oil and gas development. In addition, the new 2040 General Plan Policies COS 7.2 (increasing minimum well setback distances from sensitive uses), 7.7 (requiring oil and produced water to be transported offsite by pipeline) and 7.8 (prohibiting flaring of produced gas) reduce

the locations where, and types of, new oil production facilities that can be discretionarily permitted by the County. The proposed zoning amendments would make these new policies applicable to a broader range of proposed oil and gas development based on the new discretionary approval requirement for projects which, under the status quo, only requires a ministerial approval. The potential economic impacts associated with the proposed zoning amendments are not known given the numerous variables associated with the oil and gas industry's potential future development plans and are driven in large part by global oil prices. Nevertheless, based on these potentially negative economic ramifications, the proposed zoning ordinance amendments could be considered inconsistent with Policies EV-3.1 and 3.3.

In summary, by applying a discretionary permit approval and environmental review process to certain new oil and gas development proposals that at present require a ministerial permit and no environmental review, the zoning ordinance amendments would slow and/or reduce the potential expansion of certain new local oil and gas development which in turn could negatively impact this economic sector and its employment base. Nevertheless, the proposed zoning ordinance amendments are consistent with the General Plan. They would provide for the consistent application of numerous important General Plan policies and County oil and gas regulations, and for consistent environmental review and public participation, regarding new oil and gas development.

VI. ENVIRONMENTAL REVIEW

Planning Division staff has determined, and recommends that your Board find, that the adoption of the proposed NCZO amendment is exempt from CEQA pursuant to CEQA Guidelines section 15308 as an action taken by a regulatory agency, as authorized by state or local ordinance, "to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." Staff has determined that no unusual circumstances or other exceptions set forth in CEQA Guidelines section 15300.2 preclude use of this categorical exemption. Section D – CEQA Compliance of the Planning Commission staff report (Exhibit 1) contains the discussion and rationale supporting this determination.

The proposed CZO amendment constitutes an amendment to the County's Local Coastal Program (LCP). Section 21080.9 of the Public Resources Code (which is part of CEQA) exempts local governments from preparing an environmental impact report or other CEQA document in connection with an amendment to an LCP. Instead, certification of an LCP amendment by the California Coastal Commission (Coastal Commission) is required and is subject to Coastal Commission review for compliance with the California Coastal Act of 1972. The Coastal Commission's regulatory program for the preparation, approval and certification of LCPs has been certified by the Natural Resources Agency under Public Resources Code section 21080.5 as the functional equivalent of CEQA review.

VII. CALIFORNIA COASTAL COMMISSION CONSULTATION

In submitting a proposed LCP amendment to the Coastal Commission for review and certification, cities and counties are required, pursuant to California Code of Regulations, title 14, section 13552, to include an analysis of the amendment's consistency with the jurisdiction's LCP and the Coastal Act. To this end, the Planning Division has prepared a consistency analysis of the proposed CZO/LCP amendment, which is included in Exhibit 1, Planning Commission staff report, see PC-Exhibit 8). Staff would file the required consistency analysis, along with the Board's resolution (Exhibit 37) to transmit and file the LCP amendment application. The Coastal Commission would be anticipated to certify or certify with modifications the proposed CZO amendment sometime in 2021.

During the public notice period prior to the Planning Commission hearing, Coastal Commission staff contacted Planning Division staff providing five suggested revisions to the proposed CZO amendment which were reviewed by staff and discussed during the Planning Commission hearing. Two suggested revisions to the proposed CZO amendment clarified, but did not substantively change, Section 8175-5.7.4 and Section 8175-5.7.5.b. The Planning Commission recommended that your Board approve these revisions.

However, three other suggested revisions required further consideration which Planning Division staff conducted, including a second discussion with Coastal Commission staff in September 2020. These proposed changes related to "maintenance and repair" activities of existing oil and gas facilities and changing the terminology of Oil Development "Guidelines" section heading to "Measures." Planning Division staff explained that these suggested revisions are substantive and could create inconsistent application of allowances for maintenance and repair which are exempt from permit requirements. Further, Planning Division staff explained that maintaining the term "guidelines" is appropriate as certain provisions in this section use the term "should" versus "shall," thereby providing guidance and flexibility to staff and decision-makers during permit review and action, as opposed to stating mandating regulations which the term "measures" could imply. While none of these suggested revisions were incorporated into the CZO amendment that staff recommends be approved by your Board, Coastal Commission staff and Planning Division staff had a productive dialogue.

VIII. PUBLIC NOTICE

The Planning Division provided public notice of this hearing by publishing a notice, along with a summary of the proposed zoning ordinance amendments, in the Ventura County Star on October 31, 2020, and in the Ojai Valley News and Mountain Enterprise on October 30, 2020. Staff also mailed notice of this public hearing to all oil and gas operators of record in the unincorporated area. Planning Division staff also e-mailed notice to all interested parties who requested to be notified of public hearings regarding this item, and provided at least six-week notification of the proposed Local Coastal Program amendment to the CZO by publishing in the Ventura County Star, posting on the Planning Division website and sending notification to the Coastal Commission, Ventura County's

coastal cities (Oxnard, Port Hueneme and Ventura), Naval Base Ventura County and Ventura County's neighboring coastal counties (Los Angeles and Santa Barbara).

This letter was reviewed by the County Executive Office, the Auditor-Controller's Office, and the County Counsel's Office. If you have any questions regarding this item, please contact me at (805) 654-2481 or via email at dave.ward@ventura.org. You may also contact Mindy Fogg Commercial Industrial Manager, at (805) 654-5192 or by email at mindy.fogg@ventura.org.

Dave Ward, AICP, Planning Director

Ventura County Planning Division

EXHIBITS

Exhibit 1	July 30, 2020 Planning Commission Staff Report
Exhibit 2	Maps of Project Areas - Applicable Non-Coastal and Coastal Use Zones
Exhibit 3	Ordinance Amending NCZO Section 8107-5
Exhibit 4	Amendments to NCZO Section 8107-5 in Legislative Format
Exhibit 5	Ordinance Amending CZO Section 8175-5.7
Exhibit 6	Amendments to CZO Section 8175_5.7 in Legislative Format
Exhibit 7	Representative Antiquated Permit
Exhibit 8	Coastal Act Consistency Analysis
Exhibit 9	Public Comments Industry 1_07-27-20
Exhibit 10	Public Comments_POCE_Batch 1
Exhibit 11	Public Comments_POCE_Batch 2
Exhibit 12	Public Comments Industry 2 7-27-20 Afternoon
Exhibit 13	Public Comments_POCE_Batch 3
Exhibit 14	Public Comments_POCE_Batch 4
Exhibit 15	Public Comments Industry 3 7-28-2020
Exhibit 16	Public Comments Industry 4_7-29-2020
Exhibit 17	Public Comments POCE Batch 5
Exhibit 18	Public Comments Individuals 1
Exhibit 19	Public Comments NGOs and Businesses
Exhibit 20	Public Comments POCE Batch 6
Exhibit 21	Public Comments Springboard letters

Exhibit 22 Public Comments Reynolds and CFROG
Exhibit 23 Public Comments Industry 5
Exhibit 24 Public Comments Individuals 2
Exhibit 25 Public Comments CRC, AERA and ABA
Exhibit 26 Emails read during Public Comment
Exhibit 27 Naval Base Ventura County Letter & Email Comment
Exhibit 28 Staff PowerPoint
Exhibit 29 Planning Commission Resolution Recommending Ordinance Amendments
Exhibit 30 Public Comments since Planning Commission – Part 1
Exhibit 31 Public Comments since Planning Commission – Part 2
Exhibit 32 Final NCZO Ordinance Amendment
Exhibit 33 Final CZO Ordinance Amendment
Exhibit 34 Legislative Format for Final NCZO Ordinance Amendment
Exhibit 35 Legislative Format for Final CZO Ordinance Amendment
Exhibit 36 2040 General Plan Goal and Policies Consistency Analysis
Exhibit 37 Board Resolution for LCP Amendment
Exhibit 38 Board Resolution for Planner Position

EXHIBIT 2

Sec. 8107-5 - Oil and Gas Exploration and Production

Sec. 8107-5.1 - Purpose

The purpose of this section is to establish reasonable and uniform limitations, safeguards and controls for oil and gas exploration and production ~~facilities and~~ operations within the ~~County which~~ non-coastal portions of the unincorporated area that will allow for the reasonable use of ~~an~~ important ~~County resource. These~~resources. The regulations in this section shall also ensure that development activities will be conducted in harmony with other ~~uses of~~ land ~~within the County~~uses and that the rights of surface and mineral owners are balanced.

Sec. 8107-5.2 - Application

~~Unless otherwise indicated~~Section 8107-5 shall apply to all oil and gas exploration and production operations, as provided herein~~, the purposes and provisions of Section 8107-5 et seq. shall be and are hereby automatically imposed on and made a part of any permit for oil or gas exploration and development issued by Ventura County on or after March 24, 1983. Such provisions shall be imposed in the form of permit conditions when permits are issued for new development or for~~:

a. All existing ~~wells/facilities without permits, or when existing permits are modified. These conditions may be modified at the discretion of the Planning Director, pursuant to Sec. 8111-5.2 *(Incorrect reference; see Sec. 8111-4.2)*. Furthermore, said provisions shall apply to any~~ oil and gas exploration and production operations are subject to the oil development operational standards set forth in Section 8107-5.6 to the extent: (i) such standards impose greater restrictions than those set forth in existing permit conditions, laws, or regulations applicable to the operation, and (ii) application of such standards does not impair any vested right of an operator under California law.

b. The oil development design guidelines set forth in Section 8107-5.5 and oil development ~~operation initiated on or after March 24, 1983, upon Federally owned lands for which no land use permit is required by Ventura County. No permit is required by the County of Ventura for~~operational standards set forth in Section 8107-5.6 shall be utilized to evaluate consistency of proposed development with this Chapter and to develop conditions of approval for all new, adjusted and modified discretionary permits authorizing oil and gas exploration and production operations ~~conducted on Federally owned lands pursuant~~.

c. Notwithstanding any provision set forth in Article 13 of this Chapter, a new Conditional Use Permit, or a discretionary permit adjustment or modification, as applicable, is required under this Chapter to authorize any new oil and gas exploration and production operation, or component thereof, including but not limited to: (1) the drilling of any new well unless specifically identified by location and number in an active discretionary permit issued under this Chapter; (2) the re-drilling or deepening of any existing well unless specifically authorized by an active discretionary permit issued under this Chapter; or (3) the installation of any permanent structure unless the structure is specifically identified by an active discretionary permit issued under this Chapter or unless the structure replaces an existing structure with the same dimensions at the same location. This subsection (c) does not apply to maintenance and repair activities.

~~a.~~d. The provisions of Section 8107-5 shall apply to oil and gas operations upon federally owned lands. Pursuant to the provisions of the Mineral ~~Lands~~ Leasing Act of 1920 (30 U.S.C. Section 181 et seq~~.). (AM. ORD. 3810 - 5/5/87)~~.), operations conducted on federally owned lands do not require issuance of a land use development permit from the County; however, the review and permitting of such projects by federal agencies should take into account the provisions of Section 8107-5.

Sec. 8107-5.3 - Definitions

Unless otherwise defined herein, or unless the context clearly indicates otherwise, the definition of petroleum-related terms shall be that used by the ~~State~~California Geologic and Energy Management Division ~~of Oil and Gas.~~(CalGEM).

Sec. 8107-5.4 - Required Permits

a. No oil or gas exploration or production related use may commence without or be inconsistent with a Conditional Use Permit approved pursuant to this Chapter. Furthermore, a Zoning Clearance must be obtained by the permittee to confirm consistency with ~~the Zoning Ordinance~~this Chapter and~~/or~~ Conditional Use Permit prior to drilling every well, commencing site preparation for such well(s), or installing related appurtenances, as defined by the Planning Director. ~~However, a~~

b. A single Zoning Clearance may be issued for more than one well ~~or~~, drill site ~~or~~, structure or appurtenance; however, the construction or installation of each separate improvement that is a subject of a Zoning Clearance must reasonably be able to commence within 180 days in order to be authorized by the Zoning Clearance.

c. Possession of an approved Conditional Use Permit and Zoning Clearance shall not relieve the operator of the responsibility of securing and complying with any other permit which may be required by other County ~~Ordinances~~ordinances, or ~~State~~state or ~~Federal~~federal laws. No condition of a Conditional Use Permit for uses allowed by this Chapter shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. When more than one set of rules apply, the stricter one shall take precedence. ~~(AM. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.5 - Oil Development Design Guidelines

The general oil development design guidelines that follow shall be used in the evaluation of projects and development of conditions which will help ensure that oil development projects generate minimal negative impacts on the environment. The guidelines shall be applied whenever physically and economically feasible and practicable, unless the strict application of a particular guideline~~(s)~~ would otherwise defeat the intent of other guidelines. An applicant should use the guidelines in the design of the project and anticipate their use as potential permit conditions, unless the applicant can demonstrate that they are not feasible or practicable. More restrictive requirements may be imposed on a project through the conditions of the permit.

Sec. 8107-5.5.1
Permit areas and drill sites should generally coincide and should only be as large as necessary to accommodate typical drilling and production equipment.

Sec. 8107-5.5.2
The number of drill sites in an area should be minimized by using centralized drill sites, directional drilling and other techniques.

Sec. 8107-5.5.3
Drill sites and production facilities should be located so that they are not readily seen.

Sec. 8107-5.5.4
Permittees and operators should share facilities such as, but not limited to, permit areas, drill sites, access roads, storage, production and processing facilities and pipelines.

Sec. 8107-5.5.5
The following guidelines shall apply to the installation and use of oil and gas pipelines:

a. Pipelines should be used to transport petroleum products off-site to promote traffic safety and air quality.

b. The use of a pipeline for transporting crude oil may be a condition of approval for expansion of existing processing facilities or construction of new processing facilities.

c. New pipeline corridors should be consolidated with existing pipeline or electrical transmission corridors where feasible, unless there are overriding technical constraints or significant social, aesthetic, environmental or economic reasons not to do so.

d. When feasible, pipelines shall be routed to avoid important resource areas, such as recreation, sensitive habitat, geological hazard and archaeological areas. Unavoidable routing through such areas shall be done in a manner that minimizes the impacts of potential spills by considering spill volumes, durations, and projected paths. New pipeline segments shall be equipped with automatic shutoff valves, or suitable alternatives approved by the Planning Director, so that each segment will be isolated in the event of a break.

e. Upon completion of pipeline construction, the site shall be restored to the approximate previous grade and condition. All sites previously covered with native vegetation shall be reseeded with the same or recovered with the previously removed vegetative materials, and shall include other measures as deemed necessary to prevent erosion until the vegetation can become established, and to promote visual and environmental quality.

~~(AM. ORD. 3810 - 5/5/87; AM. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.5.6
Cuts or fills associated with access roads and drill sites should be kept to a minimum to avoid erosion and visual impacts. They should be located in inconspicuous areas, and generally not exceed ten vertical feet. Cuts or fills should be restored to their original grade once the use has been discontinued.

Sec. 8107-5.5.7
Gas from wells should be piped to centralized collection and processing facilities, rather than being flared, to preserve energy resources and air quality, and to reduce fire hazards and light sources. Oil should also be piped to centralized collection and processing facilities, in order to minimize land use conflicts and environmental degradation, and to promote visual quality. ~~(AM. ORD. 3810 - 5/5/87)~~

Sec. 8107-5.5.8
Wells should be located a minimum of 800 feet from occupied sensitive uses. Private access roads to drill sites should be located a minimum of 300 feet from occupied sensitive uses, unless this requirement is waived by the occupant.

Sec. 8107-5.5.9
Oversized vehicles should be preceded by lead vehicles, where necessary for traffic safety.

Sec. 8107-5.5.10
Lighting should be kept to a minimum to approximate normal nighttime light levels.

Sec. 8107-5.5.11
In the design of new or modified oil and gas production facilities, best accepted practices in drilling and production methods should be utilized, if capable of reducing factors of nuisance and annoyance. ~~(REP. ORD. 3810 - 5/5/87; ADD. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6 - Oil Development Operational Standards
The following are minimum operational standards and requirements which shall be applied pursuant to Sec. 8107-5.2. More restrictive requirements may be imposed on a project through the conditions of the permit. Measurements are taken from the outside perimeter of the noise receptors noted below: ~~(AM. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.1 - Setbacks
No well shall be drilled and no equipment or facilities shall be permanently located within:

a. 100 feet of any dedicated public street, highway or nearest rail of a railway being used as such, unless the new well is located on an existing drill site and the new well would not present a safety or right-of-way problem. If aesthetics is a problem, then the permit must be conditioned to mitigate the problem.

b. 500 feet of any building or dwelling not necessary to the operation of the well, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall the well be located less than 100 feet from said structures. ~~(AM. ORD. 3730 - 5/7/85);~~

c. 500 feet of any institution, school or other building used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall any well be located less than 300 feet from said structures. ~~(AM. ORD 3730 - 5/7/85);~~

d. 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County ~~Flood Control~~Watershed Protection

District (~~VCFCD),~~VCWPD), and 100 feet from the existing banks of all other channels appearing on the most current United States Geologic Services (USGS) 2,000' scale topographic map as a blue line. These setbacks shall prevail unless the permittee can demonstrate to the satisfaction of the Public Works Agency that the subject use can be safely located nearer the stream or channel in question without posing an undue risk of water pollution, and impairment of flood control interests. In no case shall setbacks from streams or channels be less than 50 feet. All drill sites located within the 100-year flood plain shall be protected from flooding in accordance with ~~Flood Control District~~VCWPD requirements.

e. The applicable setbacks for accessory structures for the zone in which the use is located.

f. 100 feet from any marsh, small wash, intermittent lake, intermittent stream, spring or perennial stream appearing on the most current USGS 2000' scale topographic map, unless a qualified biologist, approved by the County, determines that there are no significant biological resources present or that this standard setback should be adjusted.

~~(AM. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.2 - Obstruction of Drainage Courses
Drill sites and access roads shall not obstruct natural drainage courses. Diverting or channeling such drainage courses may be permitted only with the authorization of the Public Works Agency.

Sec. 8107-5.6.3 - Removal of Equipment
All equipment used for drilling, ~~redrilling~~re-drilling, and maintenance work on approved wells shall be removed from the site within 30 days of the completion of such work unless a time extension is approved by the Planning Director.

Sec. 8107-5.6.4 - Waste Handling and Containment of Contaminants
Oil, produced water, drilling fluids, cuttings and other contaminants associated with the drilling, production, storage and transport of oil shall be contained on the site unless properly transported off-site, injected into a well, treated or re-used in an approved manner on-site or if allowed, off-site. Appropriate permits, permit modifications or approvals must be secured when necessary, prior to treatment or re-use of oil field waste materials. The permittee shall furnish the Planning Director with a plan for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters. The plan shall be consistent with requirements of County, ~~State~~state and ~~Federal~~federal laws. ~~(AM.ORD.3900-6/20/89)~~

Sec. 8107-5.6.5 - Securities
Prior to the commencement or continuance of drilling or other uses on an existing permit, the permittee shall file, in a form acceptable to the County Counsel and certified by the County Clerk, a bond or other security in the penal amount of not less than $10,000.00 for each well that is drilled or to be drilled. Any operator may, in lieu of filing such a security for each well drilled, ~~redrilled~~re-drilled, produced or maintained, file a security in the penal amount of not less than $10,000.00 to cover all operations conducted in the County of Ventura, a political subdivision of the

State of California, conditioned upon the permittee well and truly obeying, fulfilling and performing each and every term and provision in the permit. In case of any failure by the permittee to perform or comply with any term or provision thereof, the Planning Commission may, after notice to the permittee and a public hearing, by resolution, determine the amount of the penalty and declare all or part of the security forfeited in accordance with its provisions. The sureties and principal will be jointly and severally obligated to pay forthwith the full amount of the forfeiture to the County of Ventura. The forfeiture of any security shall not insulate the permittee from liability in excess of the sum of the security for damages or injury, or expense or liability suffered by the County of Ventura from any breach by permittee of any term or condition of said permit or of any applicable ordinance or of this security. No security shall be exonerated until after all the applicable conditions of the permit have been met.

Sec. 8107-5.6.6 - Dust Prevention and Road Maintenance
The drill site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust. Access roads shall be designed and maintained so as to minimize erosion, prevent the deterioration of vegetation and crops, and ensure adequate levels of safety. ~~(AM. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.7 - Light Emanation
Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. Lighting shall be kept to a minimum to maintain the normal night-time light levels in the area, but not inhibit adequate and safe working light levels. The location of all flood lights and an outline of the illuminated area shall be shown on the landscape plan, if required, or on the requisite plot plan. ~~(AM. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.8 - Reporting of Accidents
The permittee shall immediately notify the Planning Director and Fire Department and all other applicable agencies in the event of fires, spills, or hazardous conditions not incidental to the normal operations at the permit site. Upon request of any County Agency, the permittee shall provide a written report of any incident within seven calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used and the steps taken to prevent recurrence of the incident.

Sec. 8107-5.6.9 - Painting
All permanent facilities, structures, and aboveground pipelines on the site shall be colored so as to mask the facilities from the surrounding environment and uses in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the Planning Director prior to painting of facilities.

Sec. 8107-5.6.10 - Site Maintenance
The permit area shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions such as debris; pools of oil, water, or other liquids; weeds; brush; and trash. Equipment and materials may be stored on the site which are appurtenant to the operation and maintenance of the oil well

located thereon. If the well has been suspended, idled or shut-in for 30 days, as determined by ~~the Division of Oil and Gas~~CalGEM, all such equipment and materials shall be removed within 90 days.

Sec. 8107-5.6.11 - Site Restoration
Within 90 days of revocation, expiration or surrender of any permit, or abandonment of the use, the permittee shall restore and revegetate the premises to as nearly its original condition as is practicable, unless otherwise requested by the landowner.

Sec. 8107-5.6.12 - Insurance
The permittee shall maintain, for the life of the permit, liability insurance of not less than $500,000 for one person and $1,000,000 for all persons and $2,000,000 for property damage. This requirement does not preclude the permittee from being self-insured.

Sec. 8107-5.6.13 - Noise Standard
Unless herein exempted, drilling, production, and maintenance operations associated with an approved oil permit shall not produce noise, measured at a point outside of occupied sensitive uses such as residences, schools, health care facilities, or places of public assembly, that exceeds the following standard or any other more restrictive standard that may be established as a condition of a specific permit. Noise from the subject property shall be considered in excess of the standard when the average sound level, measured over one hour, is greater than the standard that follows. The determination of whether a violation has occurred shall be made in accordance with the provisions of the permit in question.

Nomenclature and noise level descriptor definitions are in accordance with the Ventura County General Plan Goals, Policies and Programs and the Ventura County General Plan Hazards Appendix. Measurement procedures shall be in accordance with the Ventura County General Plan Hazards Appendix.

The maximum allowable average sound level is as follows:

One Hour Average Noise Levels (LEQ)

Time Period	Drilling and Maintenance Phase ~~Maintenance Phase~~	Producing Phase
Day (6:00 a.m. to 7:00 p.m.)	55 dB(A)	45 dB(A)
Evening (7:00 p.m. to 10:00 p.m.)	50 dB(A)	40 dB(A)
Night (10:00 p.m. to 6:00 a.m.)	45 dB(A)	40 dB(A)

For purposes of this section, a well is in the "producing phase" when hydro-carbons are being extracted or when the well is idled and not undergoing maintenance. It is presumed that a well is in the "drilling and maintenance phase" when not in the "producing phase."

~~(AM.ORD.3900-6/20/89)~~

Sec. 8107-5.6.14 - Exceptions to Noise Standard
The noise standard established pursuant to Sec. 8107-5.6.13 shall not be exceeded unless covered under any of the following provisions:

a. Where the ambient noise levels (excluding the subject facility) exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels plus 3 dB(A).

b. Where the owners/occupants of sensitive uses have signed a waiver pursuant to Sec. 8107-5.6.25 indicating that they are aware that drilling and production operations could exceed the allowable noise standard and that they are willing to experience such noise levels. The applicable noise levels shall apply at all locations where the owners/occupants did not sign such a waiver.

~~(AM. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.15 - Compliance with Noise Standard
When a permittee has been notified by the Planning Division that his operation is in violation of the applicable noise standard, the permittee shall correct the problem as soon as possible in coordination with the Planning Division. In the interim, operations may continue; however, the operator shall attempt to minimize the total noise generated at the site by limiting, whenever possible, such activities as the following:

a. hammering on pipe;

b. racking or making-up of pipe

c. acceleration and deceleration of engines or motors;

d. drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by use of a slower rotational speed;

e. picking up or laying down drill pipe, casing, tubing or rods into or out of the drill hole.

If the noise problem has not been corrected by 7:00 p.m. of the following day, the offending operations, except for those deemed necessary for safety reasons by the Planning Director upon the advice of the Division of Oil and Gas, shall be suspended until the problem is corrected.

Sec. 8107-5.6.16 - Preventive Noise Insulation
If drilling, ~~redrilling~~re-drilling, or maintenance operations, such as pulling pipe or pumps, are located within 1,600 feet of an occupied sensitive use, the work platform, engine base and draw works, crown block, power sources, pipe rack and other probable noise sources associated with a drilling or maintenance operation

shall be enclosed with soundproofing sufficient to ensure that expected noise levels do not exceed the noise limits applicable to the permit. Such soundproofing shall be installed prior to the commencement of drilling or maintenance activities, and shall include any or all of the following: acoustical blanket coverings, soundwalls, or other soundproofing materials or methods which ensure that operations meet the applicable noise standard. ~~(AM. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.17 - Waiver of Preventive Noise Insulation

The applicant may have a noise study prepared by a qualified acoustical consultant, approved by the County. If the findings of the study conclude that the proposed project will meet the County Noise standards contained in Section 8107-

5.6.13 and do not constitute a nuisance, then the soundproofing requirement may be waived. If the findings show that a noise level will be generated above and beyond the County standards, then soundproofing must be installed sufficient to meet the applicable noise standard. Where a waiver pursuant to Sec. 8107-5.6.25 is signed, no preventive noise insulation will be required. ~~(REP./REEN. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.18 - Soundproofing Material

All acoustical blankets or panels used for required soundproofing shall be of fireproof materials and shall comply with California Industrial Safety Standards and shall be approved by the Ventura County Fire Protection District prior to installation. ~~(REP./REEN. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.19 - Hours of Well Maintenance

All nonemergency maintenance of a well, such as the pulling of pipe and replacement of pumps shall be limited to the hours of 7:00 a.m. to 7:00 p.m. of the same day if the well site is located within 3,000 feet of an occupied residence. This requirement may be waived by the Planning Director if the permittee can demonstrate that the applicable noise standard can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Sec. 8107-5.6.25. ~~(REP. as 8107-5.6.17 and REEN. by ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.20 - Limited Drilling Hours

All drilling activities shall be limited to the hours of 7:00 a.m. through 7:00 p.m. of the same day when they occur less than 800 feet from an occupied sensitive use. Nighttime drilling shall be permitted if it can be demonstrated to the satisfaction of the Planning Director that the applicable noise standard can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Section 8107-5.6.25. ~~(REP. as 8107-5.6.18 and REEN. by ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.21 - Signs

In addition to the signage otherwise allowed by Sec. 8110, only signs required for directions, instructions, and warnings, identification of wells and facilities, or signs required by other County ordinances or ~~State~~state and ~~Federal~~federal laws may be placed in areas subject to an oil and gas Conditional Use Permit. Identification

signs shall be a maximum four square feet in size and shall contain, at minimum, the following information:

1. Division of Oil and Gas well name and number.
2. Name of owner/operator.
3. Name of lease and name and/or number of the well.
4. Name and telephone number of person(s) on 24-hour emergency call.

The well identification sign(s) shall be maintained at the well site from the time drilling operations commence until the well is abandoned. ~~(REP./REEN. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.22 - Fencing

All active well sites (except submersible pumps), sumps and/or drainage basins or any machinery in use or intended to be used at the well site or other associated facilities shall be securely fenced, if required, based on the Planning Director's determination that fencing is necessary due to the proximity of nearby businesses, residences, or other occupied sensitive uses. A single, adequate fence which is compatible with surrounding area, may be used to enclose more than one oil well or well site and appurtenances. Location of fences shall be shown on a submitted plot plan and/or landscape plan, if required. Fences must meet all ~~Division of Oil and Gas~~CalGEM regulations. ~~(ADD. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.23 - General Standards

Projects shall be located, designed, and operated so as to minimize their adverse impact on the physical and social environment. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts and other factors of nuisance and annoyance shall be reduced to a minimum or eliminated through the best accepted practices incident to the exploration and production of oil and gas. ~~(REP. as Sec. 8107-5.6.19 and ADD. by ORD.3900 - 6/20/89)~~

Sec. 8107-5.6.24 - Screening and Landscaping

All oil and gas production areas shall be landscaped so as to screen production equipment in a manner consistent with the natural character of the area, if required, based on the Planning Director's determination that landscaping is necessary. Required landscaping shall be implemented in accordance with a landscape and irrigation plan to be approved by the Planning Director or his/her designee after consultation with the property owner. The landscape plan shall be consistent with the Ventura County Guide to Landscape Plans and shall include measures for adequate screening of producing wells and permanent equipment from view of public roads or residential uses, revegetation of all cut and fill banks, and the restoration of disturbed areas of the site not directly related to oil and gas production. Low water usage landscaping and use of native plants shall be encouraged. ~~(ADD. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.25 - Waivers

Where provisions exist for the waiver of an ordinance requirement, the waiver must be signed by the owner and all adult occupants of a dwelling, or in the case of other sensitive uses, by the owner of the use in question. Once a waiver is granted, the permittee is exempt from affected ordinance requirements for the life of the waiver. Unless otherwise stated by the signatory, a waiver signed pursuant to Sec. 8107-5.6.14(b) shall also be considered a waiver applicable to Sections 8107-5.6.16, 8107-5.6.17, 8107-5.6.19 and 8107-5.6.20. ~~(AM. ORD. 3730 - 5/7/85; REP. as Sec.8107-5.6.20 and ADD. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.26 - Application of Sensitive Use Related Standards

The imposition of regulations on petroleum operations, which are based on distances from occupied sensitive uses, shall only apply to those occupied sensitive uses which were in existence at the time the permit for the subject oil operations ~~were~~was approved. ~~(REP. as Sec. 8107-5.6.21 and ADD. ORD. 3900 - 6/20/89)~~

Sec. 8107-5.6.27 - Inspection, Enforcement and Compatibility Review

To ensure that adequate funds are available for the legitimate and anticipated costs incurred for monitoring and enforcement activities associated with ~~new or modified~~ oil and gas ~~-~~related Conditional Use Permits, the permittee shall deposit with the County funds, determined on a case-by-case basis, prior to the issuance of a Zoning Clearance~~.~~ for Use Inauguration, and within 10 days of any transfer to a new permittee. The funds shall also cover the costs for any other necessary inspections or the resolution of confirmed violations that may occur. One deposit may be made to cover all of the permittee's various permits. In addition, all new or modified Conditional Use Permits for oil and gas related uses shall, at the discretion of the Planning Director, be conditioned to require a compatibility review on a periodic basis. The purpose of the review is to determine whether the permit, as conditioned, has remained consistent with its findings for approval and if there are grounds for proceeding with public hearings concerning modification, suspension, or revocation of the permit. ~~(ADD. ORD. 3900 - 6/20/89)~~

EXHIBIT 3

Sec. 8175-5.7 ~~–~~ Oil and Gas ~~Resources~~Exploration and ~~Related Industrial Development~~Production

Sec. 8175-5.7.1 – Purpose

The purpose of this ~~section~~Section 8175-5.7 is to establish reasonable and uniform limitations, safeguards and controls for *oil and gas exploration and production* ~~facilities and other industrial~~ operations within the ~~Coastal~~coastal portions of the ~~County~~unincorporated area that will allow for the reasonable *use* of ~~an~~ important ~~County resource. These~~resources. The regulations in this section shall also ensure that *development* activities will be conducted in harmony with other ~~*uses* of~~ land ~~within the County~~*uses* and that the rights of surface and mineral owners are balanced. The standards of this section shall apply to all ~~new~~ *development* activities as provided herein, even within areas covered by existing ~~Conditional Use Permits.~~discretionary permits. However, ~~they~~the permitting requirements shall not apply to any specific *development* for which the applicant has been granted a claim of vested rights by the Coastal Commission on the basis of a ~~CUP.~~discretionary permit. For any such *development*, no new ~~coastal~~discretionary permit is required pursuant to this Chapter. ~~(AM.ORD.4451-12/11/12)~~

Sec. 8175-5.7.2 – Application

~~Unless otherwise indicated herein, the purposes and provisions of Sec.~~ Section 8175-5.7 ~~et seq. shall be and hereby automatically imposed on and made part of any permit for *oil or gas exploration* and *development* issued by Ventura County in the *coastal zone* on or after March 24, 1983. Such provisions shall be imposed in the form of permit conditions when permits are issued for new *development* or for existing wells/facilities without permits, or when existing permits are modified. These conditions may be modified at the discretion of the *Planning Director*, pursuant to Sec. 8181-7.1. Furthermore, said provisions~~ shall apply to ~~any~~all oil and gas exploration and production operations, as provided herein:

a. All existing *oil and gas exploration and production* operations are subject to the oil *development* operational standards set forth in Section 8175-5.7.8 to the extent: (i) such standards would impose greater restrictions than those set forth in existing permit conditions, laws, or regulations applicable to the operation, and (ii) application of such standards would not impair any vested right of an operator under California law.

b. The oil *development* design guidelines set forth in Section 8175-5.7.7 and the oil development ~~operation initiated on or after March 24, 1983 upon Federally owned lands for which no land *use* permit is required by Ventura County. No permit is required by the County of Ventura for~~operational standards set forth in Section 8175-5.7.8 shall be utilized to evaluate consistency of proposed *development* with this Chapter and to develop conditions of approval for all new, adjusted and modified discretionary permits authorizing oil and gas exploration and production operations ~~conducted on Federally owned lands pursuant~~.

c. Notwithstanding any provision set forth in Article 12 of this Chapter, a new

conditional use permit or discretionary site plan adjustment or permit modification, as applicable, is required under this Chapter to authorize any new *oil and gas exploration and production* operation, or component thereof, including but not limited to: (1) the drilling of any new well unless specifically identified by location and number in an active discretionary permit issued under this Chapter; (2) the re-drilling or deepening of any existing well unless specifically authorized by an active discretionary permit issued under this Chapter; or (3) the installation of any permanent structure unless the structure is specifically identified by an active discretionary permit issued under this Chapter or unless the structure replaces an existing structure with the same dimensions at the same location. This subsection (c) does not apply to maintenance and repair activities.

~~a.~~d. The provisions of Section 8175-5.7 shall also apply to *oil and gas exploration and production* operations upon federally owned lands. Pursuant to the provisions of the Mineral ~~Lands~~ Leasing Act of 1920 (30 U.S.C. Section 181 et seq~~.)~~.), operations conducted on federally owned lands do not require issuance of a land use development permit from the County; however, the review and permitting of such projects by federal agencies should take into account the provisions of Section 8175-5.7.

Sec. 8175-5.7.3 – Definitions

Unless otherwise defined herein, or unless the context clearly indicates otherwise, the definition of petroleum-related terms shall be that used by the California ~~State Division of Oil , Gas and Geothermal Resources (DOGGR). (AM.ORD.4451-12/11/12)~~Geologic and Energy Management Division (CalGEM).

Sec. 8175-5.7.4 - Prohibition

Notwithstanding any other provisions of this Chapter, new energy or industrial facilities, except onshore pipelines, are prohibited on: land between U.S. Highway 101 (Ventura Freeway) and the shoreline; Harbor Blvd. and the shoreline; Highway 1 and the shoreline; and on land in any ~~"~~"residential~~"~~" or ~~"~~"recreational~~"~~" designation on the LCP Land Use Plan, or ~~shown~~identified as ~~an~~ environmentally sensitive *habitat* or *buffer area*.

Sec. 8175-5.7.5 - Required Permits

a. No *oil or gas exploration or production* related *use* may commence without or be inconsistent with a Conditional Use Permit approved pursuant to this Chapter. Furthermore, a *Zoning Clearance* must be obtained by the permittee to confirm consistency with ~~the Coastal Zoning Ordinance and/or~~this Chapter and Conditional Use Permit prior to drilling every well, commencing site preparation for such well(s), and/or expansion of existing facilities, including ~~redrilling~~re-drilling of existing wells or changing from a producing well to a water injection well, or installing related appurtenances as defined by the *Planning Director*, or prior to abandonment. ~~However, a~~

b. A single *Zoning Clearance* may be issued for more than one well ~~or~~, drill site ~~or~~, structure or appurtenance; however, the construction or installation of each separate

improvement must commence within 180 days of issuance. All well drilling conducted under a single *Zoning Clearance* must be completed within one year of issuance or a new *Zoning Clearance* shall be required.

c. Possession of an approved Conditional Use Permit and Zoning Clearance shall not relieve the operator of the responsibility of securing and complying with any other permit that may be required by other County ~~Ordinances~~ordinances, or ~~State~~state or ~~Federal~~federal laws. No condition of a Conditional Use Permit for *uses* allowed by this Chapter shall be interpreted as permitting or requiring any violation of law, or any lawful rules~~,~~ or regulations or orders of an authorized governmental agency. When more than one set of rules apply, the stricter one shall take precedence. ~~(AM.ORD.4451-12/11/12)~~

Sec. 8175-5.7.6 - Development Plan

A *development* plan shall accompany the application for ~~a permit~~all new, adjusted or modified discretionary permits, and shall include the following information:

a. The location of drilling and/or production sites, storage tanks, pipelines and *access* roads.

~~a.~~b. Plans for the consolidation, to the maximum extent *feasible*, of drilling and/or production facilities, as well as accessory facilities.

~~b.~~c. A phasing plan for the staging of *development* that indicates the approximately anticipated timetable for project installation, completion and decommissioning. ~~(AM.ORD.4451-12/11/12)~~

~~c.~~d. A plan for eliminating or substantially mitigating adverse impacts on *habitat* areas, *prime agricultural lands*, *recreational areas*, *scenic resources* and archaeological sites due to siting, construction, or operation of facilities.

~~a.~~ Grading plans for all facilities requiring the movement of greater than 50 cubic yards of dirt. For any *development* requiring a grading permit, either

~~d.~~e. (1) a Storm Water Pollution Control Plan (SWPCP) shall be prepared, submitted, and approved in accordance with the Ventura County Municipal Storm Water Permit, Order No. 00-108, Part 4 – Special Provisions, D. Programs for Construction Sites, or (2) a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared submitted, and approved in accordance with the State General Permit for Storm Water Discharges Associated with Construction Activity, whichever is applicable.

~~e.~~f. A description of means by which all oil and gas will be transported off-site to a marketing point.

~~f.~~g. A description of the procedures for the transport and disposal of all solid and liquid wastes.

~~g.~~h. Oil spill prevention and control measures.

~~h.~~i. Fire prevention procedures.

~~i.~~j. Emission control equipment.

~~j.~~k. Procedures for the abandonment and restoration of the site.

~~k.~~l. Compliance with any other requirement of the Ventura County Ordinance Code related to oil and gas *development*.

~~l.~~m. All facilities supporting oil and gas *development* must comply with the terms and requirements of the State General Industrial Activities Stormwater Permit, including the *development* and submittal of a Stormwater Pollution Prevention Plan.

Sec. 8175-5.7.7 – Oil Development Design ~~Standards~~Guidelines

The general ~~standards~~oil development design guidelines that follow shall be used in the evaluation of projects and development of conditions that will help ensure that oil *development* projects generate minimal negative impacts on the environment. The ~~standards~~guidelines shall be applied whenever physically and economically *feasible* and practicable, unless the strict application of a particular ~~standard(s)~~guideline would otherwise defeat the intent of other ~~standards~~guidelines. An applicant should use the ~~standards~~guidelines in the design of the project and anticipate their use as potential permit conditions, unless the applicant can~~–~~ demonstrate that they are not *feasible* or practicable. More restrictive requirements may be imposed on a project through the conditions of the permit. ~~(AM.ORD.4451- 12/11/12)~~

a. Permit areas and drill sites shall generally coincide and shall be only as large as necessary to accommodate typical drilling and production equipment.

b. The number of drill sites in an area shall be minimized by using centralized drill sites, directional drilling, and other techniques.

c. Drill sites and production facilities shall be located so that they are not readily seen. All permanent facilities, *structures*, and aboveground pipelines on the site shall be colored so as to mask the facilities from the surrounding environment and *uses* in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the *Planning Director* prior to the painting of facilities.

d. Permittees and operators shall share facilities such as, but not limited to, permit areas, drill sites, *access* roads, storage, production and processing facilities and pipelines.

e. The following standards apply to the installation and *use* of oil and gas pipelines:

   1. Pipelines shall be used to transport petroleum products offsite to promote traffic safety and air quality. Transshipment of crude oil through an onshore pipeline for refining shall be a condition of approval for expansion of existing processing facilities or construction of new facilities.

      (a) Where pipeline connections are not available or *feasible*, oil products may be removed by truck. All tanker trucking shall be limited to Monday through Saturday, between the hours of 7:30 a.m. and 6:30

p.m. of the same day. Except under *emergency* circumstances, as determined by the *Planning Director*, no more than two equivalent round-trip tanker truck trips per day shall be permitted to haul oil and waste products generated from an area under an oil permit through residential streets unless the *Planning Director* authorizes additional trips.

2. New pipeline corridors shall be consolidated with existing pipeline or electrical transmission corridors where *feasible*, unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic reasons not to do so. Installation of pipelines and utility lines (as applicable) shall be within the road prism of project *access* roads, to the extent practicable, to prevent additional loss of *habitat*.

3. When *feasible*, pipelines shall be routed to avoid important coastal resource areas, such as recreation, sensitive *habitats* and archaeological areas, as well as geological hazard areas. Unavoidable routing through recreation, *habitat*, or archaeological areas, or other areas of a significant coastal resource value, shall be done in a manner that minimizes the impacts of potential spills by considering spill volumes, duration, and projected paths. New pipeline segments shall be equipped with automatic shutoff valves, or suitable alternatives approved by the *Planning Director*, so that each segment will be isolated in the event of a break.

4. Upon completion of pipeline construction, the site shall be restored to the approximate previous *grade* and condition. All sites previously covered with *native vegetation* shall be re-seeded with the same, or recovered with the previously removed vegetative materials, and shall include other measures as deemed necessary to prevent *erosion* until ~~-~~the vegetation can become established, and to promote visual and environmental quality.

5. All offshore to onshore pipelines shall, where *feasible*, be located at existing pipeline landfall sites, and shall be buried from a point where wave action first causes significant bottom disturbance. In addition, landfall sites are prohibited from areas designated as "Residential" or shown as "*environmentally sensitive habitat area*." ~~(AM.ORD.4451- 12/11/12)~~

6. Except for pipelines exempted from permit requirements under Section 30610 of the Coastal Act as defined by the State Coastal Commission's Interpretive guidelines, a survey by a qualified expert in biological resources shall be conducted along the route of any pipeline in the *coastal zone* to determine what, if any, *coastal resources* may be impacted by construction and operation of a pipeline and to recommend any *feasible* mitigation measures. The costs of this survey shall be borne by the applicant, and may be conducted as part of environmental review if an EIR or Mitigated Negative Declaration is required for a particular project; or otherwise conducted prior to the issuance of any permit pursuant to this Chapter. The recommended mitigation measures shall be incorporated as part of the permit.

7. Prior to issuance of any permit or permit modification pursuant to this Chapter, a geologic investigation shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential faulting zones, seismically active areas, or moderately high to high risk landslide areas. This report shall investigate the potential risk and recommend such mitigation measures as pipeline route changes and/or engineering measures to help assure the integrity of the pipeline and minimize *erosion*, geologic instability, and substantial alterations of the natural topography. The recommended measures shall be incorporated as conditions of the permit.

f. Cuts or *fills* associated with *access* roads and drill sites shall be kept to a minimum to avoid *erosion* and visual impacts. They shall be located in inconspicuous areas, and generally not exceed 10 vertical feet. Cuts and *fills* shall be restored to their original *grade* once the *use* has been discontinued.

g. Gas from wells shall be piped to centralized collection and processing facilities, rather than being flared, to preserve energy resources and air quality, and to reduce fire hazards and light sources. Oil shall also be piped to centralized collection and processing facilities, in order to minimize land *use* conflicts and environmental degradation, and to promote visual quality.

h. Wells shall be located a minimum of 800 feet from occupied sensitive *uses*. Private *access* roads to drill sites shall be located a minimum of 300 feet from occupied sensitive *uses*, unless this requirement is waived by the occupant.

i. *Oversized vehicles* shall be preceded by lead vehicles, where necessary for traffic safety.

j. In the design and operation of new or modified oil and gas production facilities, best accepted practices in drilling and production methods shall be utilized, to eliminate or minimize to the maximum extent *feasible* any adverse impact on the physical and social environment. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts and other factors of nuisance and annoyance shall be reduced to a minimum or eliminated through the best accepted practices incidental to the *exploration and production of oil and gas*.

k. Any production shipping tanks(s) installed on the subject permit site shall have a collective rated capacity only as large as necessary to service any particular drill pad(s).

l. All proposed energy and industrial facilities shall be so sited and designed in compliance with CEQA requirements to eliminate or reduce, to the maximum extent *feasible*, impacts to biological, geological, archaeological, paleontological, agricultural, visual, recreational; air and water quality resources, and any other resources that may be identified. ~~(AM.ORD.4451- 12/11/12)~~

m. In sensitive resource areas, the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited, and staked work corridors and storage areas.

Sec. 8175-5.7.8 – Oil Development ~~and~~ Operational Standards

The following are minimum operational standards and requirements, which shall be applied pursuant to Sec. 8175-5.7.2. More restrictive requirements may be imposed on a project through the conditions of the permit.

a. *Setbacks* ~~–~~ – Wells shall be located a minimum of 800 feet from an occupied sensitive *use*. Private *access* roads to drill sites shall be located a minimum of 300 feet from occupied sensitive *uses*, unless a waiver is signed pursuant to Sec. 8175-5.7.8(w) In addition, no well shall be drilled and no equipment or facilities shall be permanently located within:

   1. 100 feet of any dedicated *public street*, highway or nearest rail of a railway being used as such, unless the new well is located on an existing drill site and the new well would not present a safety or right-of-way problem. If aesthetics is a problem, then the permit must be conditioned to mitigate the problem.

   2. 500 feet of any *building* or *dwelling* not necessary to the operation of the well, unless a waiver is signed pursuant to Sec. 8175-5.7.8(w), allowing the *setback* to be reduced. In no case shall the well be located less than 100 feet from said *structures*.

   3. 800 feet of any institution, school or other *building* used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8175- 5.7.8(w), allowing the *setback* to be reduced. In no case shall the well be located less than 300 feet from said *structures*.

   4. 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Flood Control District (VCFCD) and 100 feet from the existing banks of all other channels appearing on the most current United States Geological Service (USGS) 2,000' scale topographic map as a blue line. These *setbacks* shall prevail unless the permittee can demonstrate to the satisfaction of the Public Works Agency that the subject *use* can be safely located nearer the *stream* or channel in question without posing an undue risk of water pollution, damage to wildlife and *habitat*, or impairment of flood control interests. In no case shall *setbacks* from *streams* or channels be less than 50 feet. All drill sites located within the 100-year flood plain shall be protected from flooding in accordance with Flood Control District requirements.

   5. The applicable *setbacks* for *accessory structures* for the zone in which the *use* is located.

   6. 100 feet from any marsh, small wash, intermittent lake, intermittent *stream*, spring or perennial *stream* appearing on the most current USGS 2,000' scale topographic map, unless a *qualified biologist*, approved by the County, determines that there are no significant biological resources present or that this standard *setback* should be adjusted.

b. Obstruction of Drainage Courses ~~–~~ – Drill sites and *access* roads shall not obstruct natural drainage courses. Diverting or channeling such drainage

courses may be permitted only with the authorization of the Public Works Agency.

c. Removal of Equipment -- All equipment used for drilling, ~~redrilling~~re-drilling, and maintenance work on approved wells shall be removed from the site within 30 days of the completion of such work unless a time extension is approved by the *Planning Director*.

d. Waste Handling and Containment of Contaminants -- Oil, produced water, drilling fluids, cuttings, and other contaminants associated with the drilling, production, storage, and transport of oil shall be contained on the site unless properly transported off-site or injected into a well, treated or re- used in an approved manner on-site or, if allowed, off-site. Appropriate permits, permit modifications or approvals must be secured when necessary, prior to treatment or re-use of oil field waste materials. The permittee shall furnish the *Planning Director* with a plan for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters. The plan shall be consistent with the requirements of the County, ~~State~~state and ~~Federal Government~~federal government.

e. Securities -- Prior to the commencement or continuance of drilling or other *uses* on an existing permit, the permittee shall file, in a form acceptable to the County Counsel and certified by the County Clerk, a bond or other security in the penal amount of not less than $10,000.00 for each well that is drilled or to be drilled. Any operator may, in lieu of filing such a security for each well drilled, ~~redrilled~~re-drilled, produced or maintained, file a security in the penal amount of not less than $10,000.00 to cover all operations conducted in the County of Ventura, a political subdivision of the State of California, conditioned upon the permittee well and truly obeying, fulfilling and performing each and every term and provision of the permit. In cases of any failure by the permittee to perform or comply with any term or provision thereof, the Planning Commission may, after notice to the permittee and a public hearing, by resolution, determine the amount of the penalty and declare all or part of the security forfeited in accordance with its provisions. The sureties and principal will be jointly and severally obligated to pay forthwith the full amount of the forfeiture to the County of Ventura. The forfeiture of any security shall not insulate the permittee from liability in excess of the sum of the security for damages or injury, or for expense or liability suffered by the County of Ventura from any breach by the permittee of any term or condition of said permit or of any applicable ordinance or of this security. No security shall be exonerated until after all of the applicable conditions of the permit have been met.

f. Dust Prevention and Road Maintenance -- The drill site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust. *Access* roads shall be designed and maintained so as to minimize *erosion*, prevent the deterioration of vegetation and crops, and ensure adequate levels of safety. The permittee shall treat unpaved *access* roads by either oiling and chipping, or *use* of an APCD-

approved chemical dust palliative (such as Dust-Off - MgCl2) or *use* of other APCD-approved mechanisms.

g. Light Emanation – Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring *uses*. Lighting shall be kept to a minimum to maintain normal nighttime light levels in the area, but not inhibit adequate and safe working light levels. The location of all flood lights and an outline of the illuminated area shall be shown on the *landscape plan*, if required, or on the requisite plot plan.

h. Reporting of Accidents – The permittee shall immediately notify the *Planning Director*, the Fire Department and all other applicable agencies in the event of fires, spills, or hazardous conditions not incidental to the normal operations at the permit site. Upon request of any County Agency, the permittee shall provide a written report of any incident within seven calendar days that shall include, but not be limited to, a description of the facts of the incident, the corrective measures used and the steps taken to prevent recurrence of the incident. ~~(AM.ORD.4451-12/11/12)~~

i. Painting – Drill sites and production facilities shall be located so that they are not readily seen. All permanent facilities, *structures*, and aboveground pipelines on the site shall be colored so as to mask the facilities from the surrounding environment and *uses* in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the *Planning Director* prior to the painting of facilities.

j. Site Maintenance – The permit area shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions such as debris, pools of oil, water, or other liquids, weeds, brush, and trash. Equipment and materials used for the operation and maintenance of the oil well located at the site may be stored on site. If the well has been suspended, idled or shut-in for 30 days, as determined by the Division of Oil and Gas, all such equipment and materials shall be removed within 90 days. ~~(AM.ORD.4451-12/11/12)~~

k. Site Restoration – Within 90 days of revocation, expiration, surrender of any permit, or abandonment of the *use*, the permittee shall restore and revegetate the premises to as nearly its original condition as is practicable, unless otherwise requested by the landowner.

l. Insurance – The permittee shall maintain, for the life of the permit, liability insurance of not less than $500,000 for one *person* and $1,000,000 for all *persons* and $2,000,000 for property damage. This requirement does not preclude the permittee from being self-insured.

m. Noise Standard – Unless herein exempted, drilling, production, and maintenance operations associated with an approved oil permit shall not produce noise, measured at a point outside of occupied sensitive *uses* such as residences, schools, health care facilities, or places of public assembly, that exceeds the following standard or any other more restrictive standard that may be established as a condition of a specific permit. Noise from the subject project

shall be considered in excess of the standard when the average sound level, measured over one hour, is greater than the standard that follows. The determination of whether a violation has occurred shall be made in accordance with the provisions of the permit in question.

Nomenclature and noise level descriptor definitions are in accordance with the Ventura County General Plan Goals, Policies and Programs and the Ventura County General Plan Hazards Appendix. Measurement procedures shall be in accordance with the Ventura County General Plan Goals, Policies and Programs, and General Plan Hazards Appendix.

The maximum allowable average sound level is as follows:

Average Noise Levels (LEQ)

~~Time Period~~ / Time Period	~~Drilling and Production~~ / Drilling and Producing Phase	Producing Phase
Day (6:00 a.m. to 7:00 p.m.)	55 dBA	45 dBA
Evening (7:00 p.m. to 10:00 p.m.)	50 dBA	40 dBA
Night (10:00 p.m. to 6:00 a.m.)	45 dBA	40 dBA

For purposes of this section, a well is in the "producing phase" when hydrocarbons are being extracted or when the well is idled and not undergoing maintenance. It is presumed that a well is in the "drilling and maintenance phase" when not in the "producing phase."

n. Exceptions to Noise Standards ~~.~~ The noise standards established pursuant to Sec. 8175-5.7.8(m) shall not be exceeded unless covered under any of the following provisions:

1. Where the ambient noise levels (excluding the subject facility) exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels plus 3 dB(A).
2. Where the owners/occupants of sensitive *uses* have signed a waiver pursuant to Sec. 8175-5.7.8(w) indicating that they are aware that drilling and production operations could exceed the allowable noise standard and that they are willing to experience such noise levels. The applicable noise levels shall apply at all locations where the owners/occupants did not sign such a waiver.

o. Compliance with Noise Standard ~~.~~ When a permittee has been notified by the Planning Division that his operation is in violation of the applicable noise standard, the permittee shall correct the problem as soon as possible in coordination with the Planning Division. In the interim, operations may continue;

however, the operator shall attempt to minimize the total noise generated at the site by limiting, whenever possible, such activities as the following:

1. hammering on pipe;
2. racking or making-up of pipe;
3. acceleration and deceleration of engines or motors;
4. drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by *use* of a slower rotational speed;
5. picking up or laying down drill pipe, casing, tubing or rods into or out of the drill hole.

If the noise problem has not been corrected by 7:00 p.m. of the following day, the offending operations, except for those deemed necessary for safety reasons by the *Planning Director* upon the advice of ~~the DOGGR~~CalGEM, shall be suspended until the problem is corrected.

p. Preventive Noise Insulation – If drilling, ~~redrilling~~re-drilling, or maintenance operations, such as pulling pipe or pumps, are located within 1,600 feet of an occupied sensitive *use*, the work platform, engine base and draw works, crown block, power sources, pipe rack, and other probable noise sources associated with a drilling or maintenance operation shall be enclosed with soundproofing sufficient to ensure that expected noise levels do not exceed the noise limits applicable to the permit. Such soundproofing shall be installed prior to the commencement of drilling or maintenance activities, and shall include any or all of the following: acoustical blanket, coverings, soundwalls, or other soundproofing materials or methods that ensure that operations meet the applicable noise standard. The requirements may be waived by the Planning Commission if the permittee can demonstrate that the applicable noise standard can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to 8175-5.7.8(w). ~~(AM.ORD.4451-12/11/12)~~

q. Waiver of Preventative Noise Insulation – The applicant may have a noise study prepared by a qualified acoustical consultant, approved by the County. If the findings of the study conclude that the proposed project will meet the County Noise standards contained in Sec. 8175-5.7.8(m) and do not constitute a nuisance, then the soundproofing requirement may be waived. ~~-~~If the findings show a noise level will be generated above and beyond the County standards, then soundproofing must be installed sufficient to meet the applicable noise standard. Where a waiver pursuant to Sec. 8175- 5.7.8(w) is signed, no preventative noise insulation will be required.

r. Soundproofing Material ~~-~~– All acoustical blankets or panels used for required soundproofing shall be of fireproof materials and shall comply with California Industrial Safety Standards and shall be approved by the Ventura County Fire Protection District prior to installation.

s. Hours of Well Maintenance ~~-~~– All non-*emergency* maintenance of a well, such as the pulling of pipe and replacement of pumps, shall be limited to the hours of

7:00 a.m. to 7:00 p.m. of the same day if the well site is located within 3,000 feet of an occupied residence. This requirement may be waived by the *Planning Director* if the permittee can demonstrate that the applicable noise standards can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Sec. 8175- 5.7.8(w).

t. Limited Drilling Hours – All drilling activities shall be limited to the hours of 7:00 a.m. through 7:00 p.m. of the same day when they occur less than 800 feet from an occupied sensitive *use*. Night time drilling shall be permitted if it can be demonstrated to the satisfaction of the *Planning Director* that the applicable noise standard can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Sec. 8175-5.7.8(w).

u. Signs – Signs shall comply with Sec. 8175-5.13 and the development standards per Sec. 8178-5.13.10.7 *Identification Signs*, Oil and Gas Development.

v. Fencing – All active well sites (except submersible pumps), sumps and/or drainage basins or any machinery in *use* or intended to be used at the well site or other associated facilities shall be securely fenced, if required, based on the *Planning Director's* determination that fencing is necessary due to the proximity of nearby businesses, residences, or other occupied sensitive *uses*. A single adequate *fence* that is compatible with surrounding area, may be used to enclose more than one oil well or well site and appurtenances. Location of *fences* shall be shown on a submitted plot plan and/or *landscape plan*, if required. *Fences* must meet all ~~DOGGR~~CalGEM regulations. ~~(AM.ORD.4451-12/11/12)~~

w. Screening and Landscaping – All oil and gas production areas shall be landscaped so as to screen production equipment in a manner consistent with the natural character of the area, if required, based on the *Planning Director's* determination that landscaping is necessary. Required landscaping shall be implemented in accordance with a landscape and irrigation plan to be approved by the *Planning Director* or his/her designee after consultation with the property owner. The *landscape plan* shall be consistent with Sec. 8178-8, Water Efficient Landscaping Requirements, or Coastal Area Plan policies, whichever are more restrictive. This *landscape plan* shall include, but not be limited to, measures for adequate screening of producing wells and permanent equipment from view of *public roads* or *dwellings*, revegetation of all cut and *fill* banks, and the restoration of disturbed areas of the site not directly related to oil and gas production. Low water usage landscaping and *use* of native plants shall be encouraged.
~~(AM.ORD.4451-12/11/12)~~

1. Landscaping and Above Ground Pipelines. Consideration shall also be given to above ground pipelines that are part of the project. Landscape maintenance shall be subject to periodic inspection by the County, in accordance with Sec. 8178-8.9 Landscape Documentation Package Approval and Inspections. The permittee shall be required to remedy any defects in landscape maintenance within 30 days of notification by the

County ~~(AM.ORD.4451-12/11/12)~~.

2. Landscaping and Well Drill Pads

   a. If wells are brought into production, the site shall be landscaped so as to screen production equipment from view from neighboring residences in a manner consistent with the natural character of the area.

   b. The landscaping associated with the wells shall also be intended to provide screening from glare that may result from on-site facilities (e.g., tanks, *buildings*, other).

   c. The permittee shall not install production equipment until the *Planning Director* has approved the landscaping plan and a *Zoning Clearance* has been issued.

   d. At the expense of the permittee, the County, or a County approved *landscape architect*, shall determine whether the visual impacts of the production facilities have been screened from view. The timing and schedule for subsequent review shall be determined prior to the issuance of a *Zoning Clearance* for the production facilities.

x. Waivers ~~–~~ – Where provisions exist for the waiver of an ordinance requirement, the waiver must be signed by the owner and all adult occupants of a *dwelling*, or in the case of other sensitive *uses*, by the owner of the *use* in question. Once a waiver is granted, the permittee is exempt from affected ordinance requirements for the life of the waiver. Unless otherwise stated by the signatory, a waiver signed pursuant to Sec. 8175-~~–~~5.7.7.n.(2) shall also be considered a waiver applicable to ~~Secs.~~Sections 8175-5.7.7.p., 8175-5.7.7.s. and 8175-5.7.7.~~s. and~~ t.

y. Application of Sensitive Use Related Standards – The imposition of regulations on petroleum operations that are based on distances from occupied sensitive *uses* shall only apply to those occupied sensitive *uses* that were in existence at the time the permit for the subject oil operations was approved. ~~(AM.ORD.4451-12/11/12)~~

z. Inspection, Enforcement and Compatibility Review – To ensure that~~ ~~ adequate funds are available for the legitimate and anticipated costs incurred for monitoring and enforcement activities associated with new or modified oil and gas related Conditional Use Permits, the permittee shall deposit with the County funds, determined on a case by case basis, prior to the issuance of a *Zoning Clearance*. The funds shall also cover the costs for any other necessary inspections or the resolution of confirmed violations that may occur. One deposit may be made to cover all of the permittee's various permits. In addition, all new or modified Conditional Use Permits for oil and gas related *uses* shall, at the discretion of the *Planning Director*, be conditioned to require a compatibility review on a periodic basis. The purpose of the review is to determine whether the permit, as conditioned, has remained consistent with its findings for approval and if there are grounds for proceeding with public hearings concerning modification, suspension, or revocation of the permit.

EXHIBIT 4

State of California

County of Ventura

I, the undersigned, do swear, certify, and affirm that:

1. I am over the age of 18 and a resident of the State of California.
2. I have personal knowledge of the facts in this affidavit, and freely state them here under penalty of perjury in the State of California.
3. I currently reside at: 553 N Ventura Ave, Apt E, Ventura, CA 93001
4. Between December 1, 2020 and December 6, 2020, I spoke with paid circulators attempting to overturn a vote of the Ventura County Board of Supervisors by referendum, outside various stores in Ventura County. The petitions were:

> Referendum Against an Ordinance Passed by the Board of Supervisors, Ordinance No. 4567 (An Ordinance of the County of Ventura, State of California, Repealing and Reenacting Division 8, Chapter 1.1, Section 8175-5.7 of the Ventura County Ordinance Code, Coastal Zoning Ordinance, Regulating Oil and Gas Exploration and Production)
>
> Referendum Against an Ordinance Passed by the Board of Supervisors, Ordinance No. 4568 (An Ordinance of the County of Ventura, State of California, Repealing and Reenacting Division 8, Chapter 1, Section 8107-5 of the Ventura County Ordinance Code, Non-Coastal Zoning Ordinance, Regulating Oil and Gas Exploration and Production)

During my interactions with the individuals circulating these petitions, I made audio recordings. I attest to the fact that all of these recordings were made by me and are accurate representations of my interactions with the circulators.

The recordings are as follows and are included as transcripts attached to this affidavit:

File Name: In front of Walmart on Rose Ave

I made this recording on 12/2/2020 in front of Walmart on Rose Avenue in Oxnard. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside

this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

File Name: Walmart on Rose Ave 12-3-2020 1152am.m4a

I made this recording on 12/3/2020 in front of Walmart on Rose Avenue in Oxnard. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

File Name: **The Collection Riverpark Target 12-4 4_59pm**

I made this recording on 12/4/2020 in front of Target on Oxnard Boulevard in Oxnard. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

File Name: **Telephone Rd Walmart 12-6-11_55am**

I made this recording on 12/6/2020 in front of Walmart on Telephone Road in Ventura. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

File Name: **Rose Ave Walmart 12-4 4_32pm**

I made this recording on 12/4/2020 in front of Walmart on Rose Ave. in Oxnard. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

File Name: **Rose Ave Walmart 12-4 4_30pm**

I made this recording on 12/4/2020 in front of Walmart on Rose Ave. in Oxnard. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside

this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

File Name: **Petitioner in front of Kohls on telephone rd.m4a**

I made this recording on 12/1/2020 in front of Kohl's on Telephone Road in Ventura. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

File Name: **Michaels on telephone Rd 12-4 5_16pm**

I made this recording on 12/4/2020 in front of Michael's on Telephone Road in Ventura. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

File name: **Petitioner in front of Michaels on Telephone rd.**

I made this recording on 12/1/2020 in front of Michael's on Telephone Road in Ventura. I am the speaker labeled "CFROG Volunteer" and the speaker labeled "Circulator" was outside this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

I declare under penalty of perjury that the foregoing is true and correct.

James Brehm

12/16/2020

Date

EXHIBIT 5

File Name: **In front of Walmart on Rose Ave**

Transcription Results

CFROG VOLUNTEER: What's that petition for?

CIRCULATOR: Okay, so, we're trying to get jobs back to Ventura county, just like back in oil, and we're getting the oil industry and this is going to also going to lower the prices on gas.

CFROG VOLUNTEER: Lower the prices on gas? How does it do that?

CIRCULATOR: Because we're going to dig oil from California. We won't have to ship it anymore.

CFROG VOLUNTEER: Oh, so that's what we're doing, right? We're shipping in.

CIRCULATOR: Yes, [inaudible 00:30].

CFROG VOLUNTEER: Don't they make a bunch of oil in Ventura?

CIRCULATOR: Not enough.

CFROG VOLUNTEER: Not enough.

CIRCULATOR: Gas is expensive, isn't it?

CFROG VOLUNTEER: Yes.

CIRCULATOR: Exactly, so, we need more jobs, and you know, we need more gas, for real though [inaudible 00:43] like we---

CFROG VOLUNTEER: Yeah.

CIRCULATOR: It's just to put it in the ballot, like---

CFROG VOLUNTEER: Is there any way I can see what it actually does.

CIRCULATOR: Yes, just go to their website.

CFROG VOLUNTEER: Saveventurajobs.com

CIRCULATOR: Yeah. Saveventurajobs.com

File Name: **Walmart on Rose Ave 12-3-2020 1152am.m4a**

Transcription Results:

Circulator: [inaudible 00:00].

CFROG Volunteer: What is it for?

Circulator: To save jobs and stop the [inaudible 00:11] taking over and increase in price of oil and gas [inaudible 00:16].

CFROG Volunteer: It's for the gas prices?

Circulator: Yes, keep them low [inaudible 00:19], this is like a, it's actually a referendum to overturn it [inaudible 00:28].

CFROG Volunteer: Okay, they're making gas more expensive?

Circulator: Yes.

CFROG Volunteer: Oh.

Circulator: Yeah. And electricity.

CFROG Volunteer: What is it, like a tax or something?

Circulator: Yes.

CFROG Volunteer: oh, shit. Do you have like a…

Circulator: [inaudible 00:40], they're also going to take two thousand jobs here from the people that work at [inaudible 00:44].

CFROG Volunteer: They're going to take away two thousand jobs.

Circulator: Yes.

CFROG Volunteer: How come I haven't heard of this?

Circulator: I don't know what city that you live in, do you live in---

CFROG Volunteer: Ventura. Yes. Can I take or is this the only one? Is there like a website I can go to?

Circulator: Yes, it's a referendum so you should have heard of it.

CFROG Volunteer: Yes. I'll look it up and maybe I'll think about it.

Circulator: The website is over here?

CFROG Volunteer: Oh, yes. Saveventurajobs.com.

Circulator: Saveventurajobs.com, and gas prices.

CFROG Volunteer: Yes.

Circulator: Yes, you go right there.

CFROG Volunteer: Oh, sorry man. Good luck. Have a good one.

File Name: **The Collection Riverpark Target 11-4 4_59pm**

Transcription Results:

Circulator: Hey! How are you doing? [inaudible 00:04].

CFROG Volunteer: Lower gas prices?

Circulator: And keep people working.

CFROG Volunteer: Oh, how does its lower gas prices?

Circulator: Because they're trying to outlaw oil production in California. This is to get on the ballot for vote to keep it here. So, if they keep it here, prices are going to stay low. And also, people are going to keep their jobs.

CFROG Volunteer: They're trying to outlaw oil in California. Oh, wow.

Circulator: And this is just to get on the ballot so we can vote against it.

CFROG Volunteer: Yes. Do you have like a flyer or something information sheet?

Circulator: No, I mean, it's easy to find and look up and stuff. And I mean, this is not a direct vote. This is just a test to get it on the ballot so people can vote.

CFROG Volunteer: Yes, I look it up and I'll think about it, okay?

Circulator: All right [inaudible 00:47].

CFROG Volunteer: Yes, you too, thanks.

File Name: **Telephone Rd Walmart 12-6-11_55am**

Transcription Results:

CFROG Volunteer: [inaudible 00:00]

CFROG Volunteer: What is it for?

Circulator: It's to save petroleum jobs right here in Ventura County, are you a voter in Ventura County?

CFROG Volunteer: Yes, I am.

Circulator: Will you sign on here for.

CFROG Volunteer: How does it do that?

Circulator: It has to do with overcoming certain restrictions and regulations passed by several members of our board of supervisors.

CFROG Volunteer: Oh, what are they?

Circulator: They want to shut off oil, that's what they're doing.

CFROG Volunteer: They want to shut off oil?

Circulator: Shut off the oil because of the whole green energy thing.

CFROG Volunteer: For green energy?

Circulator: Well, for green energy, we don't have the infrastructure. We use petroleum in everything.

CFROG Volunteer: Yes.

Circulator: It's what we produce, it's part of our manufacturing process, it's not just the cars, [inaudible 00:50]. Why do we need lithium batteries, if it used petroleum to produce it?

CFROG Volunteer: Yes, I know, they're like, just as bad, right?

Circulator: Yes.

CFROG Volunteer: Yes.

Circulator: Well, I'm not saying they're bad or good. I'm just saying there's no eliminating one for the other.

CFROG Volunteer: Yes. So, what they're going to do in Ventura County is they're trying to shut down---

Circulator: They're trying to shut if off. Yes, the agenda is not another drop of oil in the whole County [inaudible 01:17].

CFROG Volunteer: Not another drop of oil.

Circulator: Not another drop of oil.

CFROG Volunteer: I like that shirt. That's a good one.

Circulator: Thank you. And the peace sign right here, it [inaudible 01:31].

CFROG Volunteer: Maybe. I think I want to look it up, is there like---

Circulator: Well, the whole thing is it's not a vote.

CFROG Volunteer: Okay.

Circulator: It's just so we can put it on the ballot just for Ventura.

CFROG Volunteer: Yes.

Circulator: Okay. It's not for any place else right now.

CFROG Volunteer: Yes. Okay. Do you have like a flyer for information.

Circulator: We don't have a flyer because it's not… we don't have enough for the vote.

CFROG Volunteer: Okay.

Circulator: We need to put it on the ballot, otherwise, [inaudible 01:53] wins.

CFROG Volunteer: All right and then you can hand out flyers, right?

Circulator: And then we hand out both sides.

CFROG Volunteer: Okay. I think I'm going to… that's their website?

Circulator: It is.

CFROG Volunteer: saveventurajobs.com. I'm going to look it up. I'll be around. Thank you.

File Name: **Rose Ave Walmart 12-4 4_32pm**

Transcription Results:

CFROG Volunteer: [inaudible 00:00] I've done it before.

Circulator: Okay, no problem.

CFROG Volunteer: How's it going?

Circulator: We're trying to get [inaudible 00:51].

CFROG Volunteer: Excuse me. Excuse me, sir. Do you know there's a [inaudible] somewhere around here?

Circulator: I think that [inaudible 01:03] they just told me, it definitely that way.

CFROG Volunteer: Is it in the shopping center?

Circulator: I don't think it's this way. It's like over there. I guess there's another shopping center with, like, [inaudible 01:13] over there.

CFROG Volunteer: Across the street?

Circulator: Yes, I think so.

CFROG Volunteer: Okay, thanks.

Circulator: That's my best guess.

CFROG Volunteer: Okay, thank you.

Circulator: Thank you.

CFROG Volunteer: What is that petition?

Circulator: We're trying to help save two thousand jobs in our county so the company is going to fire them. So, we're trying to help them keep their jobs.

CFROG Volunteer: Oh, how did you do that? Why are they going to fire them?

Circulator: So, the county decided to kick out the company and the company has no choice but to fire them, so, they're going to go overseas. So, it's not really

the county's decision whether these companies, if they're going to go. So, that's their own companies.

CFROG Volunteer: So, that stops the county from---

Circulator: Yes, we're just trying to get on the ballot. So, the people get to decide, you know.

CFROG Volunteer: Oh, okay.

Circulator: Basically.

CFROG Volunteer: Okay, is there, do you have like a file I can get to look it up for information.

Circulator: Yes, you can look it up as saveventurajobs.com

CFROG Volunteer: Cool, okay. I looked it up.

Circulator: Thank you.

CFROG Volunteer: Thanks.

File Name: **Rose Ave Walmart 12-4 4_30pm**

Circulator: [inaudible 00:00] trying to save the jobs here in Ventura County, over 2000 people are going to get laid off. So, we're just trying to help save their jobs.

CFROG Volunteer: What is it for?

Circulator: The oil and gas companies, they're trying to move overseas, which in ultimately going to hurt the environment and also hurt 2000 people that work there.

CFROG Volunteer: How does it do that?

Circulator: So, Ventura County is trying to move all the oil and gas companies out of Ventura County. What we're trying to do is we're trying to keep them here because 2000 people's jobs depend on it. And then also it's environmentally irresponsible if we move them overseas because those people don't have any regulations.

CFROG Volunteer: Right. Is there any way I can like look up for information?

Circulator: Yes, saveventurajobs.com.

CFROG Volunteer: Okay.

Circulator: Yes. So

CFROG Volunteer: All right, I'll look it up. Okay, thank you. I come here every day. So, how long are you guys going to be here, like all week?

Circulator: Just until it's closed on the ninth. I think so. We're going to be here until the ninth.

CFROG Volunteer: All right. Yes, I'll be around.

Circulator: Thank you.

File Name: **Petitioner in front of Kohls on telephone rd.m4a**

Transcription Results:

CIRCULATOR: [inaudible 00:00], are you registered to vote in Ventura County?

CFROG Volunteer: Yes.

CIRCULATOR: We're getting signature to petition on next year ballot. About three weeks ago, the Board of Supervisors voted to ban oil, gas exploration and production in the county, potentially costing 2000 jobs. We want to put this ban on next year's ballot and vote on it instead. Just give the people, you know, the ability to have their voice be heard on it. We've got to get 50000 signatures on these two petitions to put it on next year's ballot, though.

CFROG Volunteer: Those are two different petitions?

CIRCULATOR: Yes. So, technically they're the same thing, but they're for two different areas. This is for the coastal areas of Ventura County and the one behind us for the non-coastal areas. That's how they broke up the county. But we got to get 50000 signatures in each one of these to put them on next year's ballot.

CFROG Volunteer: Oh, okay.

CIRCULATOR: So, we can vote on it.

CFROG Volunteer: Okay, but this is… was it the actual law, though, was---

CIRCULATOR: [inaudible 00:51], so, the front of it is… there's a number where you can look it up, like the county's website, you know.

CFROG Volunteer: Are there 2000 oil jobs in Ventura County?

CIRCULATOR: Ventura County used to be a really big oil area. Still kind of is.

CFROG Volunteer: Yes.

CIRCULATOR: There it is. All right, so this audience is 45, 67. The other one is 45, 68. They're both just for the same thing, two different areas of the county. But here's like the official, like the way they said they wanted it to be presented.

It has oil and gas exploration, production. Basically, they want to limit the entire industry to the point where it's just that they're ending it. So, we want to put that to vote instead. It's going to be a very impact---

CFROG Volunteer: So, they would be shutting down like facilities that are in existence already.

CIRCULATOR: Exactly. So, currently producing wells, all of that, including pipelines, they want to shut down anything to do with that and any future jobs that have already been, you know, either survey to be potentially, you know, have like hydrocarbon deposits of some sort, either gas or oil, they want to just completely stop everything. It's a pretty big industry, including the offshore stuff too as well.

CFROG Volunteer: Yes. So, it would get rid of all the offshore oil---

CIRCULATOR: Offshore and inland, too. Yes, everything to do with it, they want to get rid of.

CFROG Volunteer: Wow.

CIRCULATOR: Which to me personally, I come from an oil family, but I believe we need to transition away, you know, with steps not just pull the plug on it.

CFROG Volunteer: Yes.

CIRCULATOR: What this does is pull the plug on it and it's going to completely end the industry in the area, so…

CFROG Volunteer: Oh wow. That's crazy. So, what they would make like a plan to…

CIRCULATOR: You mean made a plan of---

CFROG Volunteer: What would happen with all the infrastructure that's there already?

CIRCULATOR: They would have to decommission it and take it down and then that's it. It's just gone. Which also includes, like some people own property with like a well that produces. They get royalties from the energy company. All of that will stop, too. So, some people have actually, like, retired around knowing those royalties are coming in every month.

CFROG Volunteer: Yes.

CIRCULATOR: So, that’s going to ruin some people's lives, too. In that regard, [inaudible 02:50] wonder if they can get the royalties they're expecting.

CFROG Volunteer: Oh, maybe I'll look it up. Do you have like a website or something?

CIRCULATOR: No, but it's on the city's website.

CFROG Volunteer: Okay.

CIRCULATOR: It's like VenturaCounty.essay.gov or something like that. But if you want it's a 45, 67 and 45, 68. The two ordinances that we’re getting signatures for.

CFROG Volunteer: Okay, I'll look into it. Thank you. How long will you be here?

CIRCULATOR: I'm here usually everyday like for a few hours in the afternoon.

CFROG Volunteer: Okay.

CIRCULATOR: We have till December 10th to get all this done.

CFROG Volunteer: Oh. How many signatures do you need?

CIRCULATOR: We need fifty thousand on each of them. So, total 100000 signatures.

CFROG Volunteer: Okay.

CIRCULATOR: That's quite a lot. And it's kind of annoying that they did it on two differentiate---

CFROG Volunteer: Yes.

CIRCULATOR: So, we couldn’t just get---

CFROG Volunteer: Makes it confusing for people.

CIRCULATOR: Exactly. I mean some people like because it's coastal and non-coastal, some people think the coastal ban should be taken in, you know, let's ban it on the coast, leave the inland alone. So, some people will sign in one and not the other. But---

CFROG Volunteer: I can see that.

CIRCULATOR: Yes, it takes a little bit more sense for people to do that.

CFROG Volunteer: Kelp is dying, but who knows who that's from.

CIRCULATOR: The oil and gas industry is not the best, but it is one of the biggest.

CFROG Volunteer: Yes. I'll look into it, thanks.

CIRCULATOR: Thank you.

CFROG Volunteer: Oh, how many signatures you have so far, do you know?

CIRCULATOR: The last I heard, we had like thirty-two or thirty-three thousand.

CFROG Volunteer: All right.

CIRCULATOR: A little more than halfway there. But we've got till December 10th to get it.

CFROG Volunteer: I'll look it up. Good luck.

CIRCULATOR: Thank you.

CFROG Volunteer: Thanks.

File Name: **Michaels on telephone rd 11-45_16pm**

Transcription Results:

CIRCULATOR: Excuse me, [inaudible 00:06] Ventura County?

CFROG Volunteer: Yes.

CIRCULATOR: Have you signed a petition yet, by chance?

CFROG Volunteer: No, what is it for?

CIRCULATOR: We're just trying to save local jobs. The Board of Supervisors passed an ordinance about three weeks ago during election time, that's like three to four weeks ago.

CFROG Volunteer: Yes.

CIRCULATOR: During election time, [inaudible 00:20] where does advanced gas oil exploration here in the county, close to thousands of people right now are out of work. A lot of people you know right now who are losing their jobs [inaudible 00:29] right now.

CFROG Volunteer: And it's going to put 2000 people out of work?

CIRCULATOR: Yes. It will do because they want to ban gas and oil exploration in the county.

CFROG Volunteer: Yes.

CIRCULATOR: Or they already did. They passed the orders which does. So, now they're trying to close the thing down. We simply just want to vote on the issue.

CFROG Volunteer: Oh, okay.

CIRCULATOR: I don't know if you have friends, family in the industry or anybody who drives, you know, trucks, you know, fuel or anything like that. I mean---

CFROG Volunteer: Yes.

CIRCULATOR: There is a lot of job in threat right now, a lot lost more jobs this year, I'm sure you know a lot of people who have.

CFROG Volunteer: Yes.

CIRCULATOR: We didn't want to add more to it.

We're just trying to get more signature, and these are all clean pens right here, you can keep it afterwards or we could take it from you.

CFROG Volunteer: Do you have any information or anything that I can take with me.

CIRCULATOR: We can't give anything, the petition court---

CFROG Volunteer: Oh, okay.

CIRCULATOR: It's illegal to do it.

CFROG Volunteer: Is that, the website is saveventurajobs.com

CIRCULATOR: Yes. We only have two days left to collect.

CFROG Volunteer: Two days. Okay.

CIRCULATOR: Yes. So, the Stay Home Act are shut down now. So, we're trying to make it a day right now because tomorrow I don't know if I'm going to be able to collect anymore.

CFROG Volunteer: Oh wow.

CIRCULATOR: So, we're out here for the next, you know… trying to get a couple more.

CFROG Volunteer: Okay. Yes.

CIRCULATOR: Is there any way you can help. I mean---

CFROG Volunteer: I'm going to go to the website and check it out.

CIRCULATOR: All right, man. If you don't see us tomorrow, then it's over.

CFROG Volunteer: Okay. Good luck.

CFROG VOLUNTEER: All right. I'll look into it.

CIRCULATOR: Yes.

CFROG VOLUNTEER: I don’t want to, you know, just sign something, I don't know what it is, you know.

CIRCULATOR: Yes, I mean it's just put it on the ballot. Nothing's getting past, nothing's happening, it's just putting in the ballot.

CFROG VOLUNTEER: Putting in the ballot for more gas exp… was it exploration?

CIRCULATOR: Yes. So, you got to vote on it next year. It should be on November elections days for next year. So, yes, it's just---

CFROG VOLUNTEER: Yes, I'll look into it. Maybe I'll come back. Thank you.

CIRCULATOR: Sounds good. Yes. Be safe.

CFROG VOLUNTEER: You too.

File Name: **Petitioner in front of Michaels on Telephone rd.**

Transcription Results:

CFROG Volunteer: Hey, what was that website again?

Circulator: Oh, yes, saveventurajobs.com

CFROG Volunteer: Yes, can I kind of like write it down or something like a little poster or something. saveventurajobs.

Circulator: Yup, you got it.

CFROG Volunteer: How many jobs did he say there were?

Circulator: 20000.

CFROG Volunteer: 20000 in Ventura County.

Circulator: That's my understanding. I know it's 20000 jobs and it's going to be affected.

CFROG Volunteer: Yes.

Circulator: I understand it's going to be 20000 jobs in Ventura County specifically.

CFROG Volunteer: Wow.

Circulator: It might just be in all of California, but I'm pretty sure it's Ventura County.

CFROG Volunteer: So, does this mean that they're going to like be shutting down existing facilities or is it just like new stuff?

Circulator: Yup. The ones that can't meet these strict stringent in many cases, many of the nonsensical regulations that… yes, they will have to shut down and that's what it's looking like, the current ones, they're not going to be able to do a lot of them. So, [inaudible 00:52].

CFROG Volunteer: Yes. So, all the people that work at all those facilities like gas wells and…

Circulator: Yup, and the jobs, family job got to go like---

CFROG Volunteer: Yes.

Circulator: Just got to go elsewhere to buy it in other countries.

CFROG Volunteer: Twenty thousand people. That's a lot of jobs. It's crazy that people don't know about this.

Circulator: Many don't care.

CFROG Volunteer: Yes, well thanks man.

Circulator: Thank you take care.

CFROG Volunteer: Have a good night.

EXHIBIT
6

State of California
County of Ventura

I, the undersigned, do swear, certify, and affirm that:

1. I am over the age of 18 and a resident of the State of California.
2. I have personal knowledge of the facts in this affidavit, and freely state them here under penalty of perjury in the State of California.
3. The facts stated in this document are a recollection from memory, as detailed to the best of my ability, one day after the event took place.
4. I currently reside at 2307 Mint Way, Oxnard, CA 93036.
5. On December 8th, 2020, I spoke with a paid circulator for the organization Working Families for Jobs and Energy Independence outside Target on Oxnard Blvd. in Oxnard. He told me the petitions on his table were to preserve jobs in the oil industry. The petitioner argued that by keeping "energy independent" in Ventura County, signing the petition would prevent gas prices, intended to fuel gasoline powered vehicles, from rising in Ventura County. When asked what the petitions would achieve, he stated the signatures would result in becoming a ballot measure in two years.

   The petitions he asked me to sign were the following two petitions:

   Referendum Against an Ordinance Passed by the Board of Supervisors, Ordinance No. 4567 (An Ordinance of the County of Ventura, State of California, Repealing and Reenacting Division 8, Chapter 1.1, Section 8175-5.7 of the Ventura County Ordinance Code, Coastal Zoning Ordinance, Regulating Oil and Gas Exploration and Production)

   Referendum Against an Ordinance Passed by the Board of Supervisors, Ordinance No. 4568 (An Ordinance of the County of Ventura, State of California, Repealing and Reenacting Division 8, Chapter 1, Section 8107-5 of the Ventura County Ordinance Code, Non-Coastal Zoning Ordinance, Regulating Oil and Gas Exploration and Production)

Furthermore, the petitioner who was outside this store gathering signatures on behalf of the group Working Families for Jobs and Energy Independence, was accompanied by another individual collecting signatures. This other petitioner was wearing a plain, red zip-down hooded sweatshirt, resembling a Target employee. The uniform for Target employees requires a plain red shirt or zip-down hooded sweatshirt. This second petitioner's apparel was misleading in his intent for gaining signatures for the petition by standing outside of the Target store with official-looking clipboards, in close proximity to the escalator entry-way, and bearing a strong resemblance to a store employee. I had mistaken him for an employee, and only until further inspection did I realize that he was getting signatures for the same petitions.

I declare under penalty of perjury that the foregoing is true and correct.



12/09/2020

Karina I. Kaye

Date

EXHIBIT
7

State of California

County of Ventura

I, the undersigned, do swear, certify, and affirm that:

1. I am over the age of 18 and a resident of the State of California.
2. I have personal knowledge of the facts in this affidavit, and freely state them here under penalty of perjury in the State of California.
3. I currently reside at 718 Nile River Drive, Oxnard, CA 93036.

4. On Friday November 20th, 2020, I spoke with a paid circulator for the organization Working Families for Jobs and Energy Independence outside Target on Oxnard Blvd. in Oxnard. He told me the petitions on his table were to "replace an old power plant with a new efficient one" and that the referendum was "strictly about allowing us to continue to do gas powered energy. Natural gas power energy". When asked about oil drilling, he explicitly stated that the petitions had nothing to do with oil drilling. He also stated that the Board of Supervisors voted 5-4 to get rid of the power plant. The petitions he asked me to sign were the following two petitions:

> Referendum Against an Ordinance Passed by the Board of Supervisors, Ordinance No. 4567 (An Ordinance of the County of Ventura, State of California, Repealing and Reenacting Division 8, Chapter 1.1, Section 8175-5.7 of the Ventura County Ordinance Code, Coastal Zoning Ordinance, Regulating Oil and Gas Exploration and Production)
>
> Referendum Against an Ordinance Passed by the Board of Supervisors, Ordinance No. 4568 (An Ordinance of the County of Ventura, State of California, Repealing and Reenacting Division 8, Chapter 1, Section 8107-5 of the Ventura County Ordinance Code, Non-Coastal Zoning Ordinance, Regulating Oil and Gas Exploration and Production)

During my interactions with this individual circulating these petitions, I made a video recording. The file name is "**Target Site – Petition**" and is included as a transcript attached to this affidavit. In the transcript, I am the speaker labeled "CFROG Volunteer"

and the speaker labeled "Circulator" was outside Target, gathering signatures on behalf of the group Working Families for Jobs and Energy Independence.

5. On two separate occasions, I observed circulators for the organization Working Families for Jobs and Energy Independence gathering signatures outside grocery stores without wearing masks. One instance was outside of Whole Foods on Oxnard Blvd. in Oxnard on 11/20/2020 and the other was outside Gelson's Market on Avenida de los Arboles in Thousand Oaks on 11/26/2020. I alerted the Ventura County public health department but did not receive a reply.

I declare under penalty of perjury that the foregoing is true and correct.

Elizabeth M. Beall

Elizabeth M. Beall

12/10/2020

Date

EXHIBIT 8

Transcript of Elizabeth Beall Interaction with Referendum Petition Circulator, 11/20/20

File Name: **Petition Site – Target.mov**

Location: **Target at The Collection, Oxnard Blvd, Oxnard, CA**

Transcription Results

Circulator: Well this is strictly about allowing us to continue to do Gas Powered Energy. Natural gas power Energy.

CFROG Volunteer: Okay.

Circulator: It's very important.

CFROG Volunteer: And is that like about drilling wells?

Circulator: No. This is all about… they're tearing down the natural gas power plant, as it all. And they want to put up a new one that's efficient and clean, and people don't want it to happen.

CFROG Volunteer: I see.

Circulator: That's what this is about. It's to replace the old power plant with a new efficient one.

CFROG Volunteer: Okay.

Circulator: They just want the old power plant gone. And that will cause… it will cause your taxes, your power cut, and job losses in this Ventura County.

CFROG Volunteer: What happens if this goes through ?

Circulator: Then the voters. This puts them on the ballot and let the voters decide if they want to get rid of the power plant. Oh, you missed the point. I forgot to tell you point. The reason all this is happening is the County Board of Supervisors voted 5 to 4 one person decided to delay and not allow us to do the Power [inaudible 01:01].

CFROG Volunteer: 5 to 4, are they five people in the ---?

Circulator: Nine people, so, they voted 9. They voted 5 to 4 to stop it. That is a one-person decision. So, one person decided for millions of people in Ventura County.

CFROG Volunteer: There are only five people on the board of supervisors.

Circulator: It was a 5 to 4 vote.

CFROG Volunteer: They can vote 3 to 2 or...

Circulator: I know if it… Maybe it was 3 to 2, but I know that it was a one vote decision. Are you sure it's 5 or 9?

CFROG Volunteer: I am sure, yes. Yes, I work with them over there.

Circulator: So, they are 5 to 4 vote, excuse me, 3 to 2 vote.

CFROG Volunteer: Okay.

Circulator: So, I've been telling people to 5 to 4.

CFROG Volunteer: Yes, there's only five people on.