

MEETING DATE: 08/09/10

AGENDA ITEM: Introduction and Adoption of an Interim Ordinance
Extending for an Additional One Year Period the
Temporary Moratorium, Established by Ordinance No.
2009-007 and Extended by Ordinance No. 2009-008, on
the Drilling, Redrilling or Deepening of Any Wells Within
the Jurisdiction of the City of Culver City that are
Associated with Oil and/or Gas Operations, and
Declaring the Urgency thereof.

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance	1-12
2. Ordinance No. 2009-007	13-18
3. Resolution No. 2009-R076	19-23
4. Ordinance No. 2009-008	24-34
5. Resolution No. 2010-R059	35-40

ORDINANCE NO. 2010-

AN INTERIM ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, EXTENDING FOR AN ADDITIONAL ONE YEAR ORDINANCE NO. 2009-008 AND THE TEMPORARY MORATORIUM ESTABLISHED THEREIN ON THE USE OF LAND FOR DRILLING, REDRILLING OR DEEPENING OF ANY WELLS WITHIN THE JURISDICTION OF THE CITY OF CULVER CITY THAT ARE ASSOCIATED WITH OIL AND/OR GAS OPERATIONS, AND DECLARING THE URGENCY THEREOF.

The City Council of the City of Culver City does hereby ordain as follows:

SECTION 1. FINDINGS.

The City Council of the City of Culver City hereby finds, determines, and declares that:

A. On August 24, 2009, the City Council adopted Ordinance No. 2009-007 entitled "An Interim Ordinance of the City of Culver City, California, Establishing a Temporary Moratorium on the Drilling, Redrilling or Deepening of Any Wells within the Jurisdiction of the City of Culver City that are Associated with Oil and/or Gas Operations and Declaring the Urgency thereof" (hereinafter, the "Moratorium") in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures and fees related to the use of land for oil and/or gas operations, to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to operate in the Inglewood Oil Field (the "Oil Field"), with the preservation of the health, safety and welfare of the communities surrounding the Oil Field, including Culver City, the unincorporated areas of Los Angeles County, which include, but are not limited to, Ladera Heights, View Park, Windsor Hills and Baldwin Hills, and the Greater Los Angeles area (collectively, the "Region"). The Moratorium was adopted and immediately effective pursuant to the authority set forth in City

1 Charter Section 614 and in conformity with the timing and processing requirements of
2 Government Code Section 65858; however, the City, as a charter city and as provided
3 through the police powers enumerated in the State Constitution, of home rule and to
4 enact laws related to municipal affairs, including adopting moratoria related to land uses
5 and other activities that occur or may occur within the City's jurisdiction, is not reliant
6 solely on the authority of Government Code Section 65858.

7 B. In adopting the Moratorium, the City Council made the following
8 findings:

9 1. Communities surrounding the Inglewood Oil Field (the "Oil
10 Field"), located in the City of Culver City and unincorporated areas of the County of Los
11 Angeles (the "County"), have been subjected to documented and significant
12 environmental impacts for many years due to oil drilling activities, including air quality,
13 noise, releases, spills, visual and other impacts. In addition, the impacts of greenhouse
14 gas emissions from these operations extend far beyond Culver City and the Region.

15 2. Three significant incidents arising from Oil Field operations,
16 occurring within the period of about two years on January 10, 2006, February 6, 2006
17 and March 22, 2008, resulted in substantial impacts to the surrounding communities.
18 The first of these incidents resulted in a significant release of gases and odors to
19 surrounding neighborhoods, with residents reporting symptoms of headaches, nausea,
20 and ear, eye, nose and throat irritation. The second incident was also a gas release
21 resulting in similar impacts; and, the third incident occurred when a pipeline leak
22 resulted in a release of crude oil that reached the City's storm drain system, threatening
23 to enter the Ballona Creek, a waterway emptying into the Santa Monica Bay. All such
24 incidents required an emergency response by the Culver City Fire Department. The
25 third incident involving the storm drain system also required an emergency response
26 from both the City's and County's Public Works crews. Reports of odors and noise
27 from ongoing Oil Field activities have been made by residents to the City and AQMD in
28

1 the period since these incidents. These releases are indicative of the types of incidents
2 the City believes will continue to occur without adequate regulation of oil drilling
3 activities.

4 3. The City is also aware of the immediate and future interest
5 of several stakeholders to pursue drilling, redrilling and deepening of wells associated
6 with oil and/or gas operations associated with oil and/or gas operations in the Oil Field.

7 4. There is a significant concern regarding the short- and long-
8 term health impacts on the community from current and future Oil Field operations, as
9 well as the future impact on the Region's evolving business community. There is
10 further significant concern regarding the potential pollution and scarring of land that will
11 likely be transformed into parkland in and around the area already designated as the
12 Baldwin Hills Conservancy, which includes Culver City parkland and other property.
13 Under State law, such areas should be protected for the future benefit of the Culver City
14 community and the entire Region.

15 5. Effective regulations should be adopted that allow oil drilling
16 operations to co-exist safely with the communities surrounding the Oil Field and
17 throughout the City and Region.

18 6. Provisions of the City's current laws, rules, procedures and
19 fees relating to oil drilling activities (the "Existing Regulations"), currently set forth in the
20 Culver City Municipal Code ("CCMC"), including, but not limited to, Chapter 11.12, Oil,
21 Gas and Hydrocarbons, need review, study and revisions in order to protect the health,
22 safety and welfare of the communities surrounding the Oil Field and throughout the City
23 and Region.

24 7. The revisions described in Paragraph 6, above, and the
25 nature of those activities and land uses will likely result in the City amending, repealing
26 and adding provisions to the CCMC, including Title 17, the Culver City Zoning Code.

1 8. Without the imposition of a temporary moratorium on the
2 drilling, redrilling and deepening of wells associated with oil and/or gas operations, the
3 City may be required to process applications for such drilling activities despite the fact
4 the Existing Regulations are in need of updating and studies should be done to provide
5 recommendations for possible new standards for oil and/or gas operations.

6 9. The City has already begun the process of reviewing,
7 studying and revising the Existing Regulations, which has included, but not been limited
8 to:

9 a) City Council members, City residents and City staff have
10 actively participated in the County of Los Angeles' process to establish a community
11 standards district ("CSD") regulating oil drilling activities in that portion of the Oil Field
12 located in unincorporated Los Angeles County (Baldwin Hills), in an attempt to revise
13 the Existing Regulations in a manner that achieves some consistency in regulating the
14 Oil Field, which spans across two jurisdictions—the City and the County. Such
15 participation has included numerous actions taken by the City Council, several hearings
16 before the City Council, the County Planning Commission and the County Board of
17 Supervisors, all of which included significant comments from residents. Substantial
18 comments to the CSD and the related Environmental Impact Report were transmitted to
19 the County during its review process. City participation in this process is ongoing.

20 b) As a result of unanimous action taken by the County
21 Board of Supervisors on August 4, 2009, to further study the CSD, which was
22 supported by Resolution of the City Council, the City needs time to work in conjunction
23 with the County to bring about mutually acceptable and uniform regulations of the Oil
24 Field.

25 c) As part of the City's effort to draft amendments to the
26 Existing Regulations, the City has retained technical and legal consultants and is

1 currently reviewing various oil field regulations adopted by other local agencies,
2 including the County.

3 10. Further detailed review and study is needed to make certain
4 the revisions to the Existing Regulations will adequately and appropriately balance the
5 rights of existing oil operators and future applicants who wish to operate in the Oil Field,
6 with the preservation of the health, safety and welfare of the communities surrounding
7 the Oil Field and throughout the City and Region.

8 11. A moratorium is necessary in order to protect the City and its
9 residents, businesses and visitors from the potential health and safety impacts of oil
10 and/or gas operations approved under the Existing Regulations, including air quality,
11 noise, releases, spills and other impacts, and to preserve the quality of life and protect
12 the health, safety and welfare of the communities surrounding the Oil Field and
13 throughout the City and the Region.

14 12. A moratorium is immediately required to preserve the public
15 health, safety and welfare and should be adopted immediately as an urgency
16 ordinance, to make certain that permits for the drilling, redrilling or deepening of wells
17 associated with oil and/or gas operations are issued only under adequate regulations.
18 Imposition of a moratorium will allow the City sufficient time to conclude the preparation
19 of a comprehensive ordinance for the regulation of such activities. The absence of this
20 Ordinance would create a serious threat to the orderly and effective implementation of
21 any amendments to the CCMC which may be adopted by the City Council as a result of
22 studying this issue, in that the drilling, redrilling and deepening of wells associated with
23 oil and/or gas operations under the Existing Regulations may be in conflict with or
24 frustrate the contemplated updates and revisions to the CCMC.

25 13. There is a current and immediate threat to the public health,
26 safety and welfare of the City and its community, thereby necessitating the immediate
27 enactment of this Ordinance, in that the approval of permits for the drilling, redrilling or
28

1 deepening of wells associated with oil and/or gas operations, which would be required
2 to be processed under the Existing Regulations, do not provide adequate protections
3 for the communities surrounding the Oil Field, including Culver City and the Region.
4 Moreover, the City has become aware of four Notices of Intention to Drill New Wells
5 pending before the State Division of Oil, Gas and Geothermal Resources ("DOGGR")
6 for permits to drill within the jurisdiction of the City of Culver City ("DOGGR Permits").

7 C. Since the adoption of the Moratorium, the City received the
8 following additional information:

9 1. The four DOGGR Permits were approved on or about
10 August 25, 2009 by DOGGR.

11 2. On September 21, 2009, after the Moratorium was adopted,
12 Plains Exploration and Production ("PXP"), the applicant for the DOGGR Permits and
13 the operator of the Oil Field, attempted to apply to the City for the drilling of three new
14 wells in the Oil Field within the Culver City jurisdiction. The City did not anticipate that
15 PXP would be applying to the City for the drilling of the three new wells, because
16 according to information supplied by PXP in connection with the County's Final
17 Environmental Impact Report for the Baldwin Hills Community Standards District dated
18 October 4, 2008 (page 3-3, Table 3.1), PXP estimated it would not drill any new wells
19 within Culver City in 2009 and only one new well in 2010.

20 3. Also, on September 21, 2009, DOGGR received a fifth
21 Notice of Intention to Drill New Wells from PXP for a permit to drill a new well almost
22 10,000 feet in depth within the Culver City jurisdiction; and

23 D. On September 21, 2009, consistent with the provisions of
24 Government Code Section 65858 (d), the City Council, by Resolution No. 2009-R076,
25 approved and issued a report setting forth actions and measures taken to alleviate
26 conditions which led to the adoption of the Moratorium, which included, but were not
27 limited, the City's continuing efforts to:

1 1. Work with the City's technical and legal consultants to
2 review various oil field regulations adopted by other local agencies;

3 2. Work with the County as it further studies its CSD;

4 3. Study possible revisions to the Culver City Municipal Code,
5 Title 17, Zoning, which appropriately balance the rights of existing operators and future
6 applicants who wish to operate in the Oil Field, with the preservation of the health,
7 safety and welfare of the communities surrounding the Oil Field, including Culver City
8 and the Region; and

9 4. Prepare and review draft amendments to the Zoning Code
10 which will be required to go through a public review process, including consideration by
11 the Planning Commission with a recommendation to the City Council.

12 E. On October 5, 2009, the City Council adopted Ordinance No. 2009-
13 008, which extended the Moratorium an additional ten months and 15 days from the
14 initial 45-day period through August 23, 2010, as permitted by Government Code
15 Section 65858 (a).

16 F. On July 26, 2010, consistent with the provisions of Government
17 Code Section 65858 (d), the City Council, by Resolution No. 2010-R059, which is
18 hereby incorporated by this reference, approved and issued a report setting forth
19 actions and measures taken to alleviate conditions which led to the adoption of the
20 Moratorium (the "Report"), which included, but were not limited, the City's continuing
21 efforts to:

22 1. Work with the City's technical and legal consultants to
23 review various oil field regulations adopted by other local agencies, including the
24 County;

25 2. Work with the County and PXP as the County further studies
26 its CSD. These cooperative efforts are ongoing and it is hoped they will reach a
27 conclusion in the near future;

1 3. Study possible revisions to the Culver City Municipal Code,
2 Title 17, Zoning, which appropriately balance the rights of existing operators and future
3 applicants who wish to operate in the Oil Field, with the preservation of the health,
4 safety and welfare of the communities surrounding the Oil Field, including Culver City
5 and the Region; and

6 4. Prepare and review draft amendments to the Zoning Code
7 which will be required to go through a public review process, including consideration by
8 the Planning Commission with a recommendation to the City Council. It is anticipated
9 that, after receiving community input at a public meeting, a draft ordinance would be
10 considered by the Planning Commission no later than spring of 2011.

11 G. By its own terms, the Moratorium shall expire and be of no further
12 force and effect on August 23, 2010, unless extended by four-fifths vote of the City
13 Council.

14 H. On August 9, 2010, the City Council held a duly noticed public
15 hearing to consider extending the Moratorium for an additional one year period through
16 and including August 23, 2011.

17 I. The City Council considered all of the written and oral testimony
18 offered concerning whether to extend the prohibition for an additional period of time as
19 noted in Section 1, Paragraph H above.

20 J. The extension of the Moratorium is necessary in order to protect
21 the City and communities surrounding the Oil Field and throughout the City and Region
22 from the potential health and safety impacts of oil and/or gas operations approved
23 under the Existing Regulations, including air quality, noise, releases, spills and other
24 impacts, and to preserve the quality of life and protect the health, safety and welfare of
25 the communities surrounding the Oil Field and throughout the City and the Region.

26 K. Extension of the Moratorium is immediately required to preserve
27 the public health, safety and welfare and should be extended immediately by adoption

1 of this urgency ordinance, to make certain permits for the drilling, redrilling or deepening
2 of wells associated with oil and/or gas operations are issued only under adequate
3 regulations. Extension of the Moratorium will allow the City sufficient time to conclude
4 the preparation of comprehensive regulations for such activities. The expiration of the
5 Moratorium would create a serious threat to the orderly and effective implementation of
6 any amendments to the CCMC or other related regulations which may be adopted by
7 the City Council as a result of studying this issue, in that the use of land for the drilling,
8 redrilling and deepening of wells associated with oil and/or gas operations under the
9 Existing Regulations may be in conflict with or frustrate the possible updates and
10 revisions to the CCMC and other regulations.

11 L. There is a current and immediate threat to the public health, safety
12 and welfare of the City and its community, thereby necessitating the immediate
13 extension of the Moratorium, in that the approval of permits for the use of land for the
14 drilling, redrilling or deepening of wells associated with oil and/or gas operations, would
15 be required to be processed under the Existing Regulations, which do not provide
16 adequate protections for the communities surrounding the Oil Field, including Culver
17 City and the Region. In addition, the community continues to express concerns
18 regarding odors, noise, aesthetics, air quality, water quality and public health and safety
19 issues arising from oil and/or gas operations.

20 M. The facts constituting such urgency are set forth in Section 1,
21 Paragraphs A-L, inclusive, of this ordinance.

22 N. The Moratorium is a matter of City-wide importance and the
23 provisions set forth herein shall apply equally to any and all existing operators and
24 future applicants.

25 **SECTION 2. EXTENSION OF MORATORIUM.**

26 The City Council finds and determines the Moratorium duly enacted by
27 Ordinance No. 2009-007 and extended by Ordinance No. 2009-008 is hereby extended
28

for an additional one year period. The Moratorium was adopted on August 24, 2009, extended on October 5, 2009, and is set to expire on August 23, 2010. Accordingly, by this extension the Moratorium is further extended until midnight August 23, 2011, unless sooner terminated by the City Council. Therefore, from August 24, 2010, through and including August 23, 2011, no application for permit shall be accepted, no consideration of any application for permit shall be made and no permit shall be issued by the City, for the use of land for the drilling, redrilling or deepening of any well associated with oil and/or gas operations, and no drilling, redrilling or deepening of any well associated with oil and/or gas operations shall be commenced, in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures and fees related to oil and/or gas operations, which will enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to operate in the Oil Field, with the preservation of the health, safety and welfare of the communities surrounding the Oil Field, including Culver City and the Region.

SECTION 3. EXCEPTION.

The City Council finds the Moratorium shall be modified so that if the City Council, based on substantial evidence presented in writing to the City Council at a duly noticed public meeting held no less than 30 nor more than 90 City-business days after the City Clerk's receipt of that evidence, determines the City's receipt and consideration of an application for a permit to drill within the portion of the Oil Field within the City's jurisdiction is necessary for the preservation of the public's health and safety, then such application may be filed and processed in accordance with the City's then current regulations and authority, subject to any and all DOGGR, California Environmental Quality Act ("CEQA") and CEQA Guidelines and other applicable requirements.

SECTION 4. REPORT ISSUANCE.

The City Council previously adopted Resolution No. 2010-R059 at its meeting of July 26, 2010, and found the Report of the same date adequately describes

1 the measures taken to alleviate the conditions which led to the adoption of the
2 Moratorium.

3 **SECTION 5. URGENCY MEASURE.**

4 Pursuant to Charter Section 614, it is hereby declared this Ordinance is
5 necessary as an urgency measure for the preservation of the public health, safety and
6 welfare. The City Council finds the urgency measure is necessary in order to ensure
7 adequate regulation of oil and/or gas operations is adopted prior to the issuance of any
8 permits for the drilling, redrilling or deepening of any well associated with oil and/or gas
9 operations, which regulations will serve to adequately and appropriately balance the
10 rights of existing operators and future applicants who wish to operate in the Oil Field,
11 with the preservation of the public health, safety and welfare of the communities
12 surrounding the Oil Field, including Culver City and the Region.

13 **SECTION 6. SEVERABILITY.**

14 The City Council hereby declares, if any provision, section, subsection,
15 paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid
16 or unconstitutional by any final action in a court of competent jurisdiction or by reason of
17 any preemptive legislation, then the City Council would have independently adopted the
18 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words
19 of this ordinance and as such they shall remain in full force and effect.

20 **SECTION 7. PUBLICATION.**

21 Pursuant to Sections 616 and 621 of the City Charter, prior to the
22 expiration of fifteen (15) days after the adoption, the City Clerk shall cause this
23 Ordinance, or a summary thereof, to be published in the Culver City News and shall
24 post this Ordinance or a summary thereof in at least three places within the City.

25 ///

26 ///

27 ///

1 **SECTION 8. EFFECTIVE DATE.**

2 Pursuant to Section 614 of the City Charter, this Ordinance shall be
3 introduced and adopted at one and the same meeting and shall become effective
4 immediately on the date of that adoption as noted below.

5
6 APPROVED AND ADOPTED this _____ day of _____ 2010.

7
8
9 _____
10 CHRISTOPHER ARMENTA, Mayor
 City of Culver City, California

11 ATTEST:

APPROVED AS TO FORM:

12
13 _____
14 MARTIN R. COLE, City Clerk

15 _____
16 CAROL A. SCHWAB, City Attorney

17
18 A09-00340

19
20
21
22
23
24
25
26
27
28

ORDINANCE NO. 2009- 007

AN INTERIM ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON THE DRILLING, REDRILLING OR DEEPENING OF ANY WELLS WITHIN THE JURISDICTION OF THE CITY OF CULVER CITY THAT ARE ASSOCIATED WITH OIL AND/OR GAS OPERATIONS AND DECLARING THE URGENCY THEREOF.

The City Council of the City of Culver City does hereby ordain as follows:

SECTION 1. FINDINGS.

The City Council of the City of Culver City hereby finds, determines, and declares that:

A. Communities surrounding the Inglewood Oil Field (the "Oil Field"), located in the City of Culver City and unincorporated areas of the County of Los Angeles (the "County"), have been subjected to documented and significant environmental impacts for many years due to oil drilling activities, including air quality, noise, releases, spills, visual and other impacts. In addition, the impacts of greenhouse gas emissions from these operations extend far beyond Culver City and the Greater West Los Angeles Region (the "Region").

B. Three significant incidents arising from Oil Field operations, occurring within the period of about two years on January 10, 2006, February 6, 2006 and March 22, 2008, resulted in substantial impacts to the surrounding communities. The first of these incidents resulted in a significant release of gases and odors to surrounding neighborhoods, with residents reporting symptoms of headaches, nausea, and ear, eye, nose and throat irritation. The second incident was also a gas release resulting in similar impacts; and, the third incident occurred when a pipeline leak resulted in a release of crude oil that reached the City's storm drain system, threatening to enter the Ballona Creek, a waterway emptying into the Santa Monica Bay. All such

1 incidents required an emergency response by the Culver City Fire Department. The
2 third incident involving the storm drain system also required an emergency response
3 from both the City's and County's Public Works crews. Reports of odors and noise
4 from ongoing Oil Field activities have been made by residents to the City and AQMD in
5 the period since these incidents. These releases are indicative of the types of incidents
6 the City believes will continue to occur without adequate regulation of oil drilling
7 activities.

8 C. There is a significant concern regarding the short- and long-
9 term health impacts on the community from current and future Oil Field operations, as
10 well as the future impact on the Region's evolving business community. There is
11 further significant concern regarding the potential pollution and scarring of land that will
12 likely be transformed into parkland in and around the area already designated as the
13 Baldwin Hills Conservancy, which includes Culver City parkland and other property.
14 Under State law, such areas should be protected for the future benefit of the Culver City
15 community and the entire Region.

16 D. Effective regulation should be adopted that allows oil drilling
17 operations to co-exist safely with the communities surrounding the Oil Field and
18 throughout the City and Region.

19 E. Provisions of the City's current laws, rules, procedures and
20 fees relating to oil drilling activities (the "Existing Regulations"), currently set forth in the
21 Culver City Municipal Code ("CCMC"), including Chapter 11.12, Oil, Gas and
22 Hydrocarbons, need review, study and revisions in order to protect the health, safety
23 and welfare of the communities surrounding the Oil Field and throughout the City and
24 Region; and those revisions will likely result in the City amending, repealing and adding
25 provisions to the CCMC, including Title 17, the Culver City Zoning Code.

26 F. Without the imposition of a temporary moratorium on the
27 drilling, redrilling and deepening of wells associated with oil and/or gas operations, the
28

1 City may be required to process applications for such drilling activities despite the fact
2 that the Existing Regulations are in need of updating and studies should be done to
3 provide recommendations of possible new standards for oil and/or gas operations.

4 G. The City has already begun the process of reviewing,
5 studying and revising the Existing Regulations, which has included, but not been limited
6 to:

7 1) City Council members, City residents and City staff have
8 actively participated in the County of Los Angeles' process to establish a community
9 standards district ("CSD") regulating oil drilling activities in that portion of the Oil Field
10 located in unincorporated Los Angeles County (Baldwin Hills), in an attempt to revise
11 the Existing Regulations in a manner that achieves some consistency in regulating the
12 Oil Field, which spans across two jurisdictions—the City and the County. Such
13 participation has included numerous actions taken by the City Council, several hearings
14 before the City Council, the County Planning Commission and the County Board of
15 Supervisors, all of which included significant comments from residents. Substantial
16 comments to the CSD and the related Environmental Impact Report were transmitted to
17 the County during its review process. City participation in this process is ongoing.

18 2) As a result of recent action taken by the County Board of
19 Supervisors to further study the CSD, the City needs time to work in conjunction with
20 the County to bring about mutually acceptable and uniform regulations of the Oil Field.

21 3) As part of the City's effort to draft amendments to the
22 Existing Regulations, the City has retained technical and legal consultants and is
23 currently reviewing various oil field regulations adopted by other local agencies,
24 including the County.

25 H. Further detailed review and study is needed to make certain
26 the revisions to the Existing Regulations will adequately and appropriately balance the
27 rights of existing oil operators and future applicants who wish to operate in the Oil Field,

1 with the preservation of the health, safety and welfare of the communities surrounding
2 the Oil Field and throughout the City and Region.

3 I. This Interim Ordinance (this "Ordinance") is necessary in
4 order to protect the City from the potential health and safety impacts of oil and/or gas
5 operations approved under the Existing Regulations, including air quality, noise,
6 releases, spills and other impacts, and to preserve the quality of life and protect the
7 health, safety and welfare of the communities surrounding the Oil Field and throughout
8 the City and the Region.

9 J. This Ordinance is immediately required to preserve the
10 public health, safety and welfare and should be adopted immediately as an urgency
11 ordinance, to make certain that permits for the drilling, redrilling or deepening of wells
12 associated with oil and/or gas operations are issued only under adequate regulations.
13 Imposition of a moratorium will allow the City sufficient time to conclude the preparation
14 of a comprehensive ordinance for the regulation of such activities. The absence of this
15 Ordinance would create a serious threat to the orderly and effective implementation of
16 any amendments to the CCMC which may be adopted by the City Council as a result of
17 studying this issue, in that the drilling, redrilling and deepening of wells associated with
18 oil and/or gas operations under the Existing Regulations may be in conflict with or
19 frustrate the contemplated updates and revisions to the CCMC.

20 K. There is a current and immediate threat to the public health,
21 safety and welfare of the City and its community, thereby necessitating the immediate
22 enactment of this Ordinance, in that the approval of permits for the drilling, redrilling or
23 deepening of wells associated with oil and/or gas operations, which would be required
24 to be processed under the Existing Regulations, do not provide adequate protections
25 for the communities surrounding the Oil Field, including Culver City and the Region.
26 Moreover, the City has become aware of four Notices of Intention to Drill New Wells
27 pending before the State Division of Oil, Gas and Geothermal Resources ("DOGGR")
28

1 for permits to drill within the jurisdiction of the City of Culver City. Although the City has
2 not yet received any applications for such wells, it is likely that they will be forthcoming.

3 L. The facts constituting such urgency are set forth in Section
4 1, Paragraphs A-K, inclusive, of this Ordinance.

5 **SECTION 2. MORATORIUM.**

6 From August 24, 2009 through and including October 7, 2009, no
7 application for permit shall be accepted, no consideration of any application for permit
8 shall be made and no permit shall be issued by the City, for the drilling, redrilling or
9 deepening of any well associated with oil and/or gas operations, in order to allow the
10 City time to thoroughly review, study and revise the City's laws, rules, procedures and
11 fees related to oil and/or gas operations, which will enable the City to adequately and
12 appropriately balance the rights of existing operators and future applicants who wish to
13 operate in the Oil Field, with the preservation of the health, safety and welfare of the
14 communities surrounding the Oil Field, including Culver City and the Region.

15 **SECTION 3. URGENCY MEASURE.**

16 Pursuant to Charter Section 614, it is hereby declared that this Ordinance
17 is necessary as an urgency measure for the preservation of the public health, safety
18 and welfare. The City Council finds the urgency measure is necessary in order to
19 ensure adequate regulation of oil and/or gas operations is adopted prior to the issuance
20 of any permits for the drilling, redrilling or deepening of any well associated with oil
21 and/or gas operations, which regulations will serve to adequately and appropriately
22 balance the rights of existing operators and future applicants who wish to operate in the
23 Oil Field, with the preservation of the public health, safety and welfare of the
24 communities surrounding the Oil Field, including Culver City and the Region.

25 **SECTION 4. SEVERABILITY.**

26 The City Council hereby declares that, if any provision, section,
27 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or
28

1 declared invalid or unconstitutional by any final action in a court of competent
2 jurisdiction or by reason of any preemptive legislation, then the City Council would have
3 independently adopted the remaining provisions, sections, subsections, paragraphs,
4 sentences, phrases or words of this ordinance and as such they shall remain in full
5 force and effect.

6 **SECTION 5. PUBLICATION.**

7 Pursuant to Sections 616 and 621 of the City Charter, prior to the
8 expiration of fifteen (15) days after the adoption, the City Clerk shall cause this
9 Ordinance, or a summary thereof, to be published in the Culver City News and shall
10 post this Ordinance or a summary thereof in at least three places within the City.

11 **SECTION 6. EFFECTIVE DATE.**

12 Pursuant to Section 614 of the City Charter, this Ordinance shall be
13 introduced and adopted at one and the same meeting and shall become effective
14 immediately. This Ordinance shall be of no further force and effect forty-five (45) days
15 following the date of its adoption unless extended in accordance with the provisions set
16 forth in Government Code Section 65858.

17
18 APPROVED AND ADOPTED this 24th day of August 2009.

19
20
21 

22 ANDREW WEISSMAN, Mayor
City of Culver City, California

23 ATTEST:

24 

25 MARTIN R. COLE, City Clerk

26 APPROVED AS TO FORM:

27 

28 CAROL SCHWAB, City Attorney

18
A09-00340

RESOLUTION NO. 2009-R076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING AND ISSUING A REPORT ON CITY ACTIONS TAKEN IN RELATION TO INTERIM ORDINANCE NO. 2009-007 ESTABLISHING A TEMPORARY MORATORIUM ON THE DRILLING, REDRILLING OR DEEPENING OF ANY WELLS WITHIN THE JURISDICTION OF THE CITY OF CULVER CITY THAT ARE ASSOCIATED WITH OIL AND/OR GAS OPERATIONS AND DECLARING THE URGENCY THEREOF.

WHEREAS, on August 24, 2009, the City Council adopted Interim Ordinance No. 2009-007 (the "Ordinance") establishing a 45-day temporary moratorium on the drilling, redrilling or deepening of any wells within the jurisdiction of the City of Culver City that are associated with oil and/or gas operations and declaring the urgency thereof; and

WHEREAS, the City Council, adopted the Ordinance pursuant to Section 614 of the City Charter and Section 65858 of the California Government Code, in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures and fees related to oil and/or gas operations, which will enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to operate in the Oil Field, with the preservation of the health, safety and welfare of the communities surrounding the Oil Field, including Culver City and the Region; and

WHEREAS, Government Code Section 65858 (d) requires the City Council, 10 days prior to the expiration of the Ordinance or any extension, to issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Ordinance, and such report will help keep the existing oil operators,

1 future applicants who wish to operate in the Oil Field and the community well-informed
2 on this matter.

3 NOW, THEREFORE, the City Council of the City of Culver City, DOES
4 HEREBY RESOLVE as follows:

5 The City Council approves and issues a "Report on Actions and Measures
6 Taken to Alleviate Conditions which Led to the Adoption of Interim Ordinance
7 No. 2009-007 Establishing a Temporary Moratorium on the Drilling, Redrilling or
8 Deepening of any Well within the Jurisdiction of the City of Culver City Associated with
9 Oil and/or Gas Operations and Declaring the Urgency thereof," which Report is
10 attached hereto as Exhibit "A" and incorporated herein by this reference.

11
12 APPROVED AND ADOPTED this 21st day of September 2009.

13
14 

15 ANDREW WEISSMAN, Mayor
16 City of Culver City, California

17 ATTEST:

APPROVED AS TO FORM:

18 

19 MARTIN R. COLE, City Clerk

20 

CAROL SCHWAB, City Attorney

21 By: Ela Valladares, Deputy City Clerk 
22 A09-00340

EXHIBIT "A" TO RESOLUTION NO. 2009-R

**REPORT OF THE CITY COUNCIL
OF THE CITY OF CULVER CITY**

**REPORT ON ACTIONS AND MEASURES TAKEN TO
ALLEVIATE CONDITIONS WHICH LED TO THE
ADOPTION OF INTERIM ORDINANCE NO. 2009-007
ESTABLISHING A TEMPORARY MORATORIUM ON
THE DRILLING, REDRILLING OR DEEPENING OF
ANY WELL WITHIN THE JURISDICTION OF THE CITY
OF CULVER CITY ASSOCIATED WITH OIL AND/OR
GAS OPERATIONS AND DECLARING THE URGENCY
THEREOF**

On August 24, 2009, the City Council of the City of Culver City adopted Interim Ordinance No. 2009-007 (the "Ordinance"), establishing a 45-day temporary moratorium on the drilling, redrilling or deepening of any well within the jurisdiction of the City of Culver City associated with oil and/or gas operations and declaring the urgency thereof. The Ordinance was adopted pursuant to Section 614 of the City Charter and Section 65858 of the California Government Code, in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures and fees related to oil and/or gas operations, which will enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to operate in the Inglewood Oil Field (the "Oil Field"), with the preservation of the health, safety and welfare of the communities surrounding the Oil Field, including Culver City and the Region. The Ordinance will expire by its own terms on October 8, 2009. The City is reviewing whether there is a need to extend the Ordinance, prior to its expiration, in order to protect the public health, safety and welfare. The City Council will consider such extension at its October 5, 2009 meeting.

Since the adoption of the Ordinance, the City has continued its work with its technical and legal consultants to review various oil field regulations adopted by other local agencies, including the County of Los Angeles (the "County"). Additionally, the City continues to work with the County as it further studies its recently adopted Baldwin Hills Community Standards District ("CSD"), which regulates oil operations in that portion of the Oil Field that is within the jurisdiction of the County. By working with the County, the City is attempting to bring about mutually acceptable and uniform regulations of the Oil Field, which spans across two jurisdictions—the City and the County.

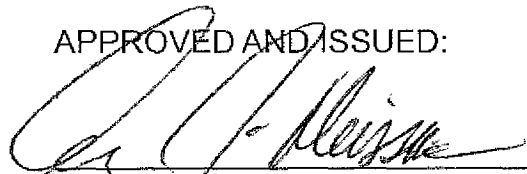
The City also continues to study possible revisions to the Culver City Municipal Code, Title 17, Zoning, which appropriately balance the rights of existing operators and future applicants who wish to operate in the Oil Field, with the preservation of the health, safety and welfare of the communities surrounding the Oil Field, including Culver City and the Region. With the assistance of its consultants, draft regulations have been prepared which are currently being reviewed by City staff. The study, review and revisions are not yet complete. Once completed, the draft amendments to the Zoning Code will be required to go through a public review process, including consideration by the Planning Commission with a recommendation to the City Council.

The City, with the assistance of its consultants, is pursuing its study, review and revisions as expeditiously as is practicable.

This Report is issued in accordance with Government Code § 65858(d), which requires the City Council, 10 days prior to the expiration of the Ordinance or any extension, to issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Ordinance. In addition, issuance of this Report will help keep the existing oil operators, future applicants who wish to operate in the Oil Field and the community informed regarding the progress the City has made over the course of the last few weeks to address the concerns cited by the City Council in adopting Interim Ordinance No. 2009-007.

DATED: 21 SEP 2009

APPROVED AND ISSUED:



ANDREW WEISSMAN, Mayor
City of Culver City, California

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CULVER CITY)

I, Ela Valladares, Deputy City Clerk of the City of Culver City, California, do hereby certify that the foregoing Resolution No. 2009-R076 as duly and regularly adopted, passed, and approved by the City Council of the City of Culver City, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 21st day of September 2009, by the following Councilmember vote.

AYES: Armenta, Malsin, O'Leary, Silbiger, Weissman
NOES: None
ABSTAIN: None
ABSENT: None

Dated this 22nd day of September, 2009



Ela Valladares
Deputy City Clerk and Ex-Officio Clerk of the City Council
City of Culver City, State of California

ORDINANCE NO. 2009- 008

AN INTERIM ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, EXTENDING FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS ORDINANCE NO. 2009-007 AND THE TEMPORARY MORATORIUM ESTABLISHED THEREIN ON THE USE OF LAND FOR DRILLING, REDRILLING OR DEEPENING OF ANY WELLS WITHIN THE JURISDICTION OF THE CITY OF CULVER CITY THAT ARE ASSOCIATED WITH OIL AND/OR GAS OPERATIONS, AND DECLARING THE URGENCY THEREOF.

The City Council of the City of Culver City does hereby ordain as follows:

SECTION 1. FINDINGS.

The City Council of the City of Culver City hereby finds, determines, and declares that:

A. On August 24, 2009, the City Council adopted Ordinance No. 2009-007 entitled "An Interim Ordinance of the City of Culver City, California, Establishing a Temporary Moratorium on the Drilling, Redrilling or Deepening of Any Wells within the Jurisdiction of the City of Culver City that are Associated with Oil and/or Gas Operations and Declaring the Urgency thereof" (the "Interim Ordinance") in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures and fees related to the use of land for oil and/or gas operations, to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to operate in the Inglewood Oil Field (the "Oil Field"), with the preservation of the health, safety and welfare of the communities surrounding the Oil Field, including Culver City, the unincorporated areas of Los Angeles County, which include, but are not limited to, Ladera Heights, View Park, Windsor Hills and Baldwin Hills, and the Greater Los Angeles area (collectively, the "Region"). The Interim Ordinance was adopted and immediately effective pursuant to the authority set forth in

24

1 City Charter Section 614 and in conformity with the timing and processing requirements
2 of Government Code Section 65858; however, the City, as a charter city and as
3 provided through the police powers enumerated in the State Constitution, of home rule
4 and to enact laws related to municipal affairs, including adopting moratoria related to
5 land uses and other activities that occur or may occur within the City's jurisdiction, is not
6 reliant solely on the authority of Government Code Section 65858.

7 B. In adopting the Interim Ordinance, the City Council made the
8 following findings:

9 1. Communities surrounding the Inglewood Oil Field (the "Oil
10 Field"), located in the City of Culver City and unincorporated areas of the County of Los
11 Angeles (the "County"), have been subjected to documented and significant
12 environmental impacts for many years due to oil drilling activities, including air quality,
13 noise, releases, spills, visual and other impacts. In addition, the impacts of greenhouse
14 gas emissions from these operations extend far beyond Culver City and the Region.

15 2. Three significant incidents arising from Oil Field operations,
16 occurring within the period of about two years on January 10, 2006, February 6, 2006
17 and March 22, 2008, resulted in substantial impacts to the surrounding communities.
18 The first of these incidents resulted in a significant release of gases and odors to
19 surrounding neighborhoods, with residents reporting symptoms of headaches, nausea,
20 and ear, eye, nose and throat irritation. The second incident was also a gas release
21 resulting in similar impacts; and, the third incident occurred when a pipeline leak
22 resulted in a release of crude oil that reached the City's storm drain system, threatening
23 to enter the Ballona Creek, a waterway emptying into the Santa Monica Bay. All such
24 incidents required an emergency response by the Culver City Fire Department. The
25 third incident involving the storm drain system also required an emergency response
26 from both the City's and County's Public Works crews. Reports of odors and noise
27 from ongoing Oil Field activities have been made by residents to the City and AQMD in
28

1 the period since these incidents. These releases are indicative of the types of incidents
2 the City believes will continue to occur without adequate regulation of oil drilling
3 activities.

4 3. The City is also aware of the immediate and future
5 interest of several stakeholders to pursue drilling, redrilling and deepening of wells
6 associated with oil and/or gas operations associated with oil and/or gas operations in
7 the Oil Field.

8 4. There is a significant concern regarding the short-
9 and long-term health impacts on the community from current and future Oil Field
10 operations, as well as the future impact on the Region's evolving business community.
11 There is further significant concern regarding the potential pollution and scarring of land
12 that will likely be transformed into parkland in and around the area already designated
13 as the Baldwin Hills Conservancy, which includes Culver City parkland and other
14 property. Under State law, such areas should be protected for the future benefit of the
15 Culver City community and the entire Region.

16 5. Effective regulations should be adopted that allow oil
17 drilling operations to co-exist safely with the communities surrounding the Oil Field and
18 throughout the City and Region.

19 6. Provisions of the City's current laws, rules,
20 procedures and fees relating to oil drilling activities (the "Existing Regulations"),
21 currently set forth in the Culver City Municipal Code ("CCMC"), including, but not limited
22 to, Chapter 11.12, Oil, Gas and Hydrocarbons, need review, study and revisions in
23 order to protect the health, safety and welfare of the communities surrounding the Oil
24 Field and throughout the City and Region.

25 7. The revisions described in Paragraph 6, above, and
26 the nature of those activities and land uses will likely result in the City amending,

27

28

26

1 repealing and adding provisions to the CCMC, including Title 17, the Culver City Zoning
2 Code.

3 8. Without the imposition of a temporary moratorium on
4 the drilling, redrilling and deepening of wells associated with oil and/or gas operations,
5 the City may be required to process applications for such drilling activities despite the
6 fact the Existing Regulations are in need of updating and studies should be done to
7 provide recommendations for possible new standards for oil and/or gas operations.

8 9. The City has already begun the process of reviewing,
9 studying and revising the Existing Regulations, which has included, but not been limited
10 to:

11 a) City Council members, City residents and City
12 staff have actively participated in the County of Los Angeles' process to establish a
13 community standards district ("CSD") regulating oil drilling activities in that portion of the
14 Oil Field located in unincorporated Los Angeles County (Baldwin Hills), in an attempt to
15 revise the Existing Regulations in a manner that achieves some consistency in
16 regulating the Oil Field, which spans across two jurisdictions—the City and the County.
17 Such participation has included numerous actions taken by the City Council, several
18 hearings before the City Council, the County Planning Commission and the County
19 Board of Supervisors, all of which included significant comments from residents.
20 Substantial comments to the CSD and the related Environmental Impact Report were
21 transmitted to the County during its review process. City participation in this process is
22 ongoing.

23 b) As a result of unanimous action taken by the
24 County Board of Supervisors on August 4, 2009 to further study the CSD, which was
25 supported by Resolution of the City Council, the City needs time to work in conjunction
26 with the County to bring about mutually acceptable and uniform regulations of the Oil
27 Field.

1 c) As part of the City's effort to draft amendments to
2 the Existing Regulations, the City has retained technical and legal consultants and is
3 currently reviewing various oil field regulations adopted by other local agencies,
4 including the County.

5 10. Further detailed review and study is needed to make
6 certain the revisions to the Existing Regulations will adequately and appropriately
7 balance the rights of existing oil operators and future applicants who wish to operate in
8 the Oil Field, with the preservation of the health, safety and welfare of the communities
9 surrounding the Oil Field and throughout the City and Region.

10 11. A moratorium is necessary in order to protect the City
11 and its residents, businesses and visitors from the potential health and safety impacts
12 of oil and/or gas operations approved under the Existing Regulations, including air
13 quality, noise, releases, spills and other impacts, and to preserve the quality of life and
14 protect the health, safety and welfare of the communities surrounding the Oil Field and
15 throughout the City and the Region.

16 12. A moratorium is immediately required to preserve the
17 public health, safety and welfare and should be adopted immediately as an urgency
18 ordinance, to make certain that permits for the drilling, redrilling or deepening of wells
19 associated with oil and/or gas operations are issued only under adequate regulations.
20 Imposition of a moratorium will allow the City sufficient time to conclude the preparation
21 of a comprehensive ordinance for the regulation of such activities. The absence of this
22 Ordinance would create a serious threat to the orderly and effective implementation of
23 any amendments to the CCMC which may be adopted by the City Council as a result of
24 studying this issue, in that the drilling, redrilling and deepening of wells associated with
25 oil and/or gas operations under the Existing Regulations may be in conflict with or
26 frustrate the contemplated updates and revisions to the CCMC.

1 13. There is a current and immediate threat to the public
2 health, safety and welfare of the City and its community, thereby necessitating the
3 immediate enactment of this Ordinance, in that the approval of permits for the drilling,
4 redrilling or deepening of wells associated with oil and/or gas operations, which would
5 be required to be processed under the Existing Regulations, do not provide adequate
6 protections for the communities surrounding the Oil Field, including Culver City and the
7 Region. Moreover, the City has become aware of four Notices of Intention to Drill New
8 Wells pending before the State Division of Oil, Gas and Geothermal Resources
9 ("DOGGR") for permits to drill within the jurisdiction of the City of Culver City ("DOGGR
10 Permits").

11 C. Since the adoption of the Interim Ordinance, the City has received
12 the following additional information:

13 1. The four DOGGR Permits were approved on or about
14 August 25, 2009 by DOGGR.

15 2. On September 21, 2009, after the Interim Ordinance was
16 adopted, Plains Exploration and Production ("PXP"), the applicant for the DOGGR
17 Permits and the operator of the Oil Field, attempted to apply to the City for the drilling of
18 three new wells in the Oil Field within the Culver City jurisdiction. The City did not
19 anticipate that PXP would be applying to the City for the drilling of the three new wells,
20 because according to information supplied by PXP in connection with the County's Final
21 Environmental Impact Report for the Baldwin Hills Community Standards District dated
22 October 4, 2008 (page 3-3, Table 3.1), PXP estimated it would not drill any new wells
23 within Culver City in 2009 and only one new well in 2010.

24 3. Also, on September 21, 2009, DOGGR received a fifth
25 Notice of Intention to Drill New Wells from PXP for a permit to drill a new well almost
26 10,000 feet in depth within the Culver City jurisdiction; and
27
28

1 D. By its own terms, the Interim Ordinance shall expire and be of no
2 further force and effect on October 8, 2009, unless extended by four-fifths vote of the
3 City Council.

4 E. On September 21, 2009, the City Council, by Resolution No.
5 2009-R076, approved and issued a report, which is hereby incorporated by this
6 reference (the "Report"). The Report sets forth actions and measures taken to alleviate
7 conditions which led to the adoption of Interim Ordinance, which include, but are not
8 limited, the City's continuing efforts to:

- 9 1. Work with the City's technical and legal consultants to
10 review various oil field regulations adopted by other local agencies;
- 11 2. Work with the County as it further studies its CSD;
- 12 3. Study possible revisions to the Culver City Municipal Code,
13 Title 17, Zoning, which appropriately balance the rights of existing operators and future
14 applicants who wish to operate in the Oil Field, with the preservation of the health,
15 safety and welfare of the communities surrounding the Oil Field, including Culver City
16 and the Region; and
- 17 4. Prepare and review draft amendments to the Zoning Code
18 which will be required to go through a public review process, including consideration by
19 the Planning Commission with a recommendation to the City Council.

20 F. On October 5, 2009, the City Council held a duly noticed public
21 hearing to consider extending the Interim Ordinance for the balance of one year, which
22 shall be an additional ten (10) months and fifteen (15) days after the termination date of
23 the initial 45-day temporary moratorium.

24 G. The City Council considered all of the written and oral testimony
25 offered concerning whether to extend the prohibition for an additional period of time as
26 noted in Section 1, Paragraph F above.

1 H. The extension of the Interim Ordinance is necessary in order to
2 protect the City and communities surrounding the Oil Field and throughout the City and
3 Region from the potential health and safety impacts of oil and/or gas operations
4 approved under the Existing Regulations, including air quality, noise, releases, spills
5 and other impacts, and to preserve the quality of life and protect the health, safety and
6 welfare of the communities surrounding the Oil Field and throughout the City and the
7 Region.

8 I. Extension of the Interim Ordinance is immediately required to
9 preserve the public health, safety and welfare and should be extended immediately by
10 adoption of this urgency ordinance, to make certain permits for the drilling, redrilling or
11 deepening of wells associated with oil and/or gas operations are issued only under
12 adequate regulations. Extension of the Moratorium will allow the City sufficient time to
13 conclude the preparation of comprehensive regulations for such activities. The
14 expiration of the Interim Ordinance would create a serious threat to the orderly and
15 effective implementation of any amendments to the CCMC or other related regulations
16 which may be adopted by the City Council as a result of studying this issue, in that the
17 use of land for the drilling, redrilling and deepening of wells associated with oil and/or
18 gas operations under the Existing Regulations may be in conflict with or frustrate the
19 possible updates and revisions to the CCMC and other regulations.

20 J. There is a current and immediate threat to the public health, safety
21 and welfare of the City and its community, thereby necessitating the immediate
22 extension of the Interim Ordinance, in that the approval of permits for the use of land for
23 the drilling, redrilling or deepening of wells associated with oil and/or gas operations,
24 which would be required to be processed under the Existing Regulations, do not
25 provide adequate protections for the communities surrounding the Oil Field, including
26 Culver City and the Region. In addition, the community continues to express concerns
27
28

1 regarding odors, noise, aesthetics, air quality, water quality and public health and safety
2 issues arising from oil and/or gas operations.

3 K. The facts constituting such urgency are set forth in Section 1,
4 Paragraphs A-J, inclusive, of this ordinance.

5 L. This Interim Ordinance is a matter of City-wide importance and the
6 provisions set forth herein shall apply equally to any and all existing operators and
7 future applicants.

8 **SECTION 2. EXTENSION OF MORATORIUM.**

9 The City Council finds and determines the Interim Ordinance duly enacted
10 by Ordinance No. 2009-007 is hereby extended for an additional ten (10) months and
11 fifteen (15) days from the initial 45-day period. The Interim Ordinance was adopted on
12 August 24, 2009 and the 45-day period is set to expire on October 8, 2009.
13 Accordingly, by this extension that 45-day period of time is extended until midnight
14 August 23, 2010, unless sooner terminated or further extended by the City Council.
15 Therefore, from August 24, 2009, through and including August 23, 2010, no
16 application for permit shall be accepted, no consideration of any application for permit
17 shall be made and no permit shall be issued by the City, for the use of land for the
18 drilling, redrilling or deepening of any well associated with oil and/or gas operations, and
19 no drilling, redrilling or deepening of any well associated with oil and/or gas operations
20 shall be commenced, in order to allow the City time to thoroughly review, study and
21 revise the City's laws, rules, procedures and fees related to oil and/or gas operations,
22 which will enable the City to adequately and appropriately balance the rights of existing
23 operators and future applicants who wish to operate in the Oil Field, with the
24 preservation of the health, safety and welfare of the communities surrounding the Oil
25 Field, including Culver City and the Region.

26

27

28

1 **SECTION 3. EXCEPTION.**

2 The City Council finds the Interim Ordinance shall be modified so that if
3 the City Council, based on substantial evidence presented in writing to the City Council
4 at a duly noticed public meeting held no less than 30 nor more than 90 City-business
5 days after the City Clerk's receipt of that evidence, determines the City's receipt and
6 consideration of an application for a permit to drill within the portion of the Oil Field
7 within the City's jurisdiction is necessary for the preservation of the public's health and
8 safety, then such application may be filed and processed in accordance with the City's
9 then current regulations and authority, subject to any and all DOGGR, California
10 Environmental Quality Act ("CEQA") and CEQA Guidelines and other applicable
11 requirements.

12 **SECTION 4. REPORT ISSUANCE.**

13 The City Council previously adopted Resolution No. 2009-R076 at its
14 meeting of September 21, 2009, and found the Report of the same date adequately
15 describes the measures taken to alleviate the conditions which led to the adoption of
16 the Interim Ordinance.

17 **SECTION 5. URGENCY MEASURE.**

18 Pursuant to Charter Section 614, it is hereby declared this Ordinance is
19 necessary as an urgency measure for the preservation of the public health, safety and
20 welfare. The City Council finds the urgency measure is necessary in order to ensure
21 adequate regulation of oil and/or gas operations is adopted prior to the issuance of any
22 permits for the drilling, redrilling or deepening of any well associated with oil and/or gas
23 operations, which regulations will serve to adequately and appropriately balance the
24 rights of existing operators and future applicants who wish to operate in the Oil Field,
25 with the preservation of the public health, safety and welfare of the communities
26 surrounding the Oil Field, including Culver City and the Region.

1 **SECTION 6. SEVERABILITY.**

2 The City Council hereby declares, if any provision, section, subsection,
3 paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid
4 or unconstitutional by any final action in a court of competent jurisdiction or by reason of
5 any preemptive legislation, then the City Council would have independently adopted the
6 remaining provisions, sections, subsections, paragraphs, sentences, phrases or words
7 of this ordinance and as such they shall remain in full force and effect.

8 **SECTION 7. PUBLICATION.**

9 Pursuant to Sections 616 and 621 of the City Charter, prior to the
10 expiration of fifteen (15) days after the adoption, the City Clerk shall cause this
11 Ordinance, or a summary thereof, to be published in the Culver City News and shall
12 post this Ordinance or a summary thereof in at least three places within the City.

13 **SECTION 8. EFFECTIVE DATE.**

14 Pursuant to Section 614 of the City Charter, this Ordinance shall be
15 introduced and adopted at one and the same meeting and shall become effective
16 immediately on the date of that adoption as noted below.

17
18 APPROVED AND ADOPTED this 5th day of October 2009.

19
20
21 

22 ANDREW WEISSMAN, Mayor
City of Culver City, California

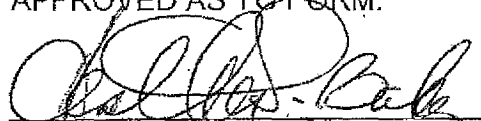
23 ATTEST:

24 APPROVED AS TO FORM:

25 

26 MARTIN R. COLE, City Clerk

27 BY: Ela Valladares, Deputy City Clerk
A09-00340

28 

CAROL SCHWAB, City Attorney

RESOLUTION NO. 2010-^R059

1
2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
4 OF CULVER CITY, CALIFORNIA, APPROVING AND
5 ISSUING A REPORT ON CITY ACTIONS TAKEN IN
6 RELATION TO INTERIM ORDINANCE NO. 2009-008
7 EXTENDING THE TEMPORARY MORATORIUM ON THE
8 DRILLING, REDRILLING OR DEEPENING OF ANY
9 WELLS WITHIN THE JURISDICTION OF THE CITY OF
10 CULVER CITY THAT ARE ASSOCIATED WITH OIL
11 AND/OR GAS OPERATIONS AND DECLARING THE
12 URGENCY THEREOF.

13 WHEREAS, on August 24, 2009, the City Council adopted Interim
14 Ordinance No. 2009-007 establishing a 45-day temporary moratorium (the
15 "Moratorium") on the drilling, redrilling or deepening of any wells within the jurisdiction of
16 the City of Culver City that are associated with oil and/or gas operations and declaring
17 the urgency thereof; and

18 WHEREAS, the City Council, adopted the Ordinance pursuant to Section
19 614 of the City Charter and Section 65858 of the California Government Code, in order
20 to allow the City time to thoroughly review, study and revise the City's laws, rules,
21 procedures and fees related to oil and/or gas operations, which will enable the City to
22 adequately and appropriately balance the rights of existing operators and future
23 applicants who wish to operate in the Oil Field, with the preservation of the health,
24 safety and welfare of the communities surrounding the Oil Field, including Culver City
25 and the Region; and

26 WHEREAS, On September 21, 2009, the City Council issued a report on
27 the actions and measures taken by the City since the adoption of the Moratorium in
28 order to help keep the existing oil operators, future applicants who wish to operate in
the Oil Field and the community well-informed on this matter. Issuance of such report
complies with the provisions of Government Code Section 65858 (d), which requires the

1 City Council, ten days prior to the expiration of the Ordinance or any extension, to issue
2 a written report describing the measures taken to alleviate the condition which led to the
3 adoption of the Ordinance; and

4 WHEREAS, subsequent to the issuance of the report, on October 5,
5 2009, the City Council adopted Ordinance No. 2009-008, which extended the
6 Moratorium an additional ten months and 15 days from the initial 45-day period through
7 August 23, 2010, as permitted by Government Code Section 65858 (a); and

8 WHEREAS, the City is reviewing whether there is a need to further extend
9 the Ordinance, prior to its expiration, in order to protect the public health, safety and
10 welfare; and

11 WHEREAS, on August 9, 2010, the City Council will consider whether an
12 additional one year extension of the Moratorium is warranted; and

13 WHEREAS, ten days prior to any further extension of the Ordinance, the
14 City Council must issue a report on the actions and measures taken to alleviate
15 conditions which led to the adoption of the Ordinance.

16 NOW, THEREFORE, the City Council of the City of Culver City, DOES
17 HEREBY RESOLVE as follows:

18 The City Council approves and issues a "Report on Actions and Measures
19 Taken to Alleviate Conditions which Led to the Adoption of Interim Ordinance
20 No. 2009-008 Extending a Temporary Moratorium on the Drilling, Redrilling or
21 Deepening of any Well within the Jurisdiction of the City of Culver City Associated with

22 ///

23 ///

24 ///

25 ///

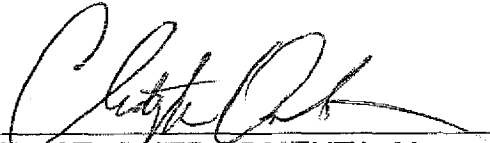
26 ///

27

28

1 Oil and/or Gas Operations and Declaring the Urgency thereof," which Report is
2 attached hereto as Exhibit "A" and incorporated herein by this reference.

3
4 APPROVED AND ADOPTED this 26th day of July 2010.

5
6 
7 CHRISTOPHER ARMENTA, Mayor
8 City of Culver City, California

9 ATTEST:

APPROVED AS TO FORM:

10 
11 MARTIN R. COLE, City Clerk

12 
13 CAROL SCHWAB, City Attorney

14 A09-00340

15
16
17
18
19
20
21
22
23
24
25
26
27
28

37

**REPORT OF THE CITY COUNCIL
OF THE CITY OF CULVER CITY**

**REPORT ON ACTIONS AND MEASURES TAKEN TO
ALLEVIATE CONDITIONS WHICH LED TO THE
ADOPTION OF INTERIM ORDINANCE NO. 2009-008
EXTENDING THE TEMPORARY MORATORIUM ON
THE DRILLING, REDRILLING OR DEEPENING OF
ANY WELL WITHIN THE JURISDICTION OF THE CITY
OF CULVER CITY ASSOCIATED WITH OIL AND/OR
GAS OPERATIONS AND DECLARING THE URGENCY
THEREOF**

On October 5, 2009, the City Council of the City of Culver City adopted Interim Ordinance No. 2009-008 (the "Ordinance"), extending the temporary moratorium on the drilling, redrilling or deepening of any well within the jurisdiction of the City of Culver City associated with oil and/or gas operations and declaring the urgency thereof. The Ordinance was adopted pursuant to Section 614 of the City Charter and Section 65858 of the California Government Code, in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures and fees related to oil and/or gas operations, which will enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to operate in the Inglewood Oil Field (the "Oil Field"), with the preservation of the health, safety and welfare of the communities surrounding the Oil Field, including Culver City and the Region. The Ordinance will expire by its own terms on August 23, 2010. The City is reviewing whether there is a need to further extend the Ordinance one additional year, prior to its expiration, in order to protect the public health, safety and welfare. The City Council will consider such extension at its August 9, 2010 meeting.

Since the adoption of the Ordinance, the City has continued its work with its technical and legal consultants to review various oil field regulations adopted by other local agencies, including the County of Los Angeles (the "County"). Additionally, the City continues to work diligently with the County and oil field operator Plains Exploration and Production ("PXP") as the County further studies its Baldwin Hills Community Standards District ("CSD"), which regulates oil operations in that portion of the Oil Field that is within the jurisdiction of the County. By working with the County and PXP, the City is attempting to bring about mutually acceptable and uniform regulations of the Oil Field, which spans across two jurisdictions—the City and the County.

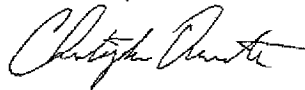
These cooperative efforts are ongoing and it is hoped that they will reach a conclusion in the near future.

The City also continues to study possible revisions to the Culver City Municipal Code, Title 17, Zoning, which appropriately balance the rights of existing operators and future applicants who wish to operate in the Oil Field, with the preservation of the health, safety and welfare of the communities surrounding the Oil Field, including Culver City and the Region. With the assistance of its consultants, draft regulations have been prepared which continue to be reviewed by City staff. The study, review and revisions are not yet complete. Once completed, the draft amendments to the Zoning Code will be required to go through a public review process, including consideration by the Planning Commission with a recommendation to the City Council. It is anticipated that, after receiving community input at a public meeting, a draft ordinance amending Title 17 would be considered by the Planning Commission no later than spring of 2011.

The City, with the assistance of its consultants, is pursuing its study, review and revisions as expeditiously as is practicable.

This Report is issued in accordance with Government Code § 65858(d), which requires the City Council, ten days prior to the expiration of the Ordinance or any extension, to issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Ordinance. In addition, issuance of this Report will help keep the existing oil operators, future applicants who wish to operate in the Oil Field and the community informed regarding the progress the City has made over the course of the last year to address the concerns cited by the City Council in adopting Interim Ordinance No. 2009-008.

APPROVED AND ISSUED:



CHRISTOPHER ARMENTA, Mayor
City of Culver City, California

DATED: 26 JUL 2010

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CULVER CITY)

MARTIN R. COLE

I, ~~Ela Valladares~~, ~~Deputy~~ City Clerk of the City of Culver City, California,

do hereby certify that the foregoing Resolution No. 2010-R059 as duly and regularly adopted, passed, and approved by the City Council of the City of Culver City, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 26th day of July 2010, by the following Councilmember vote:

AYES: Cooper, Malsin, O'Leary, Weissman, Armenta

NOES: None

ABSTAIN: None

ABSENT: None

Dated this 26TH day of July, 2010.

Martin R. Cole

~~Ela Valladares~~ **MARTIN R. COLE**
~~Deputy~~ City Clerk and Ex-Officio Clerk of the City Council
City of Culver City, State of California