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Approved as to Form and Legality

City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember Ignacio De La Fuente

**Resolution In Opposition Of Assembly Bill 1678 (Monning) "Mobile Food Facilities:
School Campus Location" Which Would Prohibit A Mobile Food Facility From
Selling Or Otherwise Providing Food Or Beverages Within 1,500 Feet Of Any
Property Line Of An Elementary Or Secondary School Campus.**

WHEREAS, AB 1678 would prohibit a mobile food facility from selling or otherwise providing food or beverages within 1,500 feet of any property line of an elementary or secondary school campus from the hours of 6:00 a.m. and 6:00 p.m., inclusive, on a day that school is in session; and

WHEREAS, AB 1678 would require the enforcing agency to notify each individual or entity that seeks approval of a mobile food facility of this requirement; and

WHEREAS, by imposing additional duties upon local officials and creating a new crime, this bill would create a state-mandated local program; and

WHEREAS, a restriction of 1,500 feet from an elementary or secondary school campus would severely restrict the areas in which mobile vendors could operate in the City, and

WHEREAS, AB 1678 claims that past and ongoing efforts to create a healthier school environment for California's students are undermined by off-campus mobile food vending, which competes with the provision of healthful meals and snacks through the federally funded school nutrition programs; and

WHEREAS, AB 1678 claims that Mobile food vending increases students' access to foods and beverages that are calorie rich, nutrient poor, and contribute to negative health outcomes like being overweight and obesity; and

WHEREAS, since 2001, the City of Oakland has had a successful and nationally replicated mobile food vending program; and

WHEREAS, Oakland has a thriving mobile food vending scene in which mobile food vendors offer a variety of foods from all over the world; and

WHEREAS, Oakland's mobile food vending ordinance includes a 500 foot distance requirement from schools; and

WHEREAS, several of Oakland's original mobile food vendors have gone on to become successful brick and mortar restaurants; and

WHEREAS, in December 2011, the Oakland City Council voted to expand Oakland's mobile vending ordinance to allow mobile vending in areas beyond the original "pilot program" permitted areas, and

WHEREAS, in December 2011, the Oakland City Council approved an additional component of its mobile vending program to allow for the creation of "food pods" in four of its seven council districts, and

WHEREAS, the City of Oakland is currently in the process of modifying our mobile vending ordinance so as to make it less restrictive for vendors, and

WHEREAS, existing mobile vendors and interested mobile vendors have both expressed a desire to be allowed to sell adjacent to school sites, and

WHEREAS, offering students the option of purchasing food from a mobile vendor is often a much healthier alternative to what is offered to students at the local corner market, and

WHEREAS, mobile food vendors offer a variety of fresh, often organic food products, and

WHEREAS, the proposed bill does not purport to ban the sale of any particular type of food thus allowing fast food restaurants, convenience stores, and gas station stores will continue to operate within the restricted area offering all manner of "unhealthy" food, and

WHEREAS, AB 1678 would override Oakland's mobile food vending ordinance which already regulates the proximity of food trucks to schools; now

WHEREAS, AB 1678 is in direct contrast to the direction in which Oakland is heading with its efforts to expand mobile food vending in the City; now therefore be it

RESOLVED that the Oakland City Council opposes California Assembly Bill 1678 and encourages the California Legislature to reject it; and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN,
NADEL, SCHAFF, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk
of the Council of the City of
Oakland, California