



STAFF REPORT

MEETING DATE: September 13, 2023

PRESENTER: John Jansons, City Manager

SUBJECT: Overview of Reedley Lab (JAJ)

RECOMMENDATION: Council review materials regarding the Reedley Lab situation and provide any direction to Staff and City Attorney regarding bio-labs and hazardous materials.

EXECUTIVE SUMMARY:

In July of 2023, the presence of an improperly licensed and permitted biological, virology laboratory business operating in Reedley made headlines. Reedley Code Enforcement personnel originally discovered the lab in December of 2022 and it has been further learned that this same company had previously operated in the city of Fresno for some time before closing there.

Biological materials, their storage practices, housekeeping, and operational practices which were subsequently discovered, raised serious and immediate concerns for public health and safety.

The attached PowerPoint presentation (Attachment 'A'), provided by Fresno County Department of Public Health details the timeline, findings, and actions associated with investigating and abating this concerning business in Reedley.

According to Reedley City Manager, Nicole Zieba, several additional steps are proposed and planned to further address this case as detailed in the Attachment 'B' (E-mail to City Managers). As a result of the widespread publicity and concern this case has garnered, Council Member Coleman inquired as to, "if there anything Kerman should do to prevent a similar situation from occurring in Kerman?"

At present, Title 17 (the Zoning Code) of the Kerman Municipal Code does not specifically address uses such as biomedical or research laboratories. However, section 17.52.030, 17.54.030, 17.60.030 (Industrial zone districts) allows uses or production of hazardous materials including those listed under Chapter 6.95 of the California Health and Safety Code "Hazardous Materials Release Response Plans and Inventory", subject to the approval of a conditional use permit. Unfortunately, this section primarily addresses industrial uses and not medical, biomedical or scientific research facilities where dangerous, toxic or exotic biological materials or viral agents may be found.

Some surrounding cities are addressing this through new ordinances or moratorium ordinance. While some ordinance changes may be needed, the City may want to wait to have the dust settle before proposing a new ordinance with safeguards to be implemented. Any new ordinance will require research and analysis. It may be helpful to review what other cities are doing. Reedley is not adopting an ordinance but is engaging in a study/investigation period via a moratorium ordinance. Continued monitoring with report in 45 days may be most efficient way to proceed.

It is recommend that the City Council discuss the risk profile inherent in such laboratory operations, and consider the following options:

1. Direct staff to continue to monitor situation and potential ordinance changes and report back to Council in 45 days with new information as this case unfolds and more is learned.
2. Consider any “blind spots” or direction deemed appropriate by Council.
3. Direct staff to prepare moratorium ordinance for future meeting.
4. Direct staff to commence preparation of ordinance; such ordinance could be presented to Council when the new Zoning Update is brought to Council for approval in FY 23/24.

ATTACHMENTS:

- A. PowerPoint Presentation
- B. E-Mail Correspondence