

Board Item 25-0901: Options Regarding Tobacco Retail Regulations

From Leticia Ramirez <lramirez@thatchlaw.com>

Date Thu 7/24/2025 4:59 PM

To BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>

Cc BOS-Clerk of the Board <edc.cob@edcgov.us>; AD-EDCCAO <edccao@edcgov.us>; Michael Tooley <michael@tooleyoil.com>; David Tooley <david@tooleyoil.com> <david@tooleyoil.com>; Marc Strauch <marc.s@strauchco.com>

1 attachment (206 KB)

LTR - Comment on Board Agenda Item 25-0901 - July 29 2025.pdf;

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Hon. Board of Supervisors,

We provide the attached letter on behalf of our clients who own and operate various gas stations in unincorporated El Dorado County to express our support, in concept, of the tobacco retail regulation options staff is presenting to the Board on July 29th, except for any density limits or set back requirements for gas stations.

We appreciate the time and effort that staff have dedicated to this issue and their willingness to meet with us and hear our perspectives. We look forward to the Board's discussion on this issue and stand ready to answer any questions you may have or offer additional input.

Thank you.

Leticia M. Ramirez

Attorney

THATCH & HOOPER, LLP

1730 I Street, Suite 220

Sacramento, CA 95811

Office: (916) 443-6956

E-Mail: LRamirez@thatchlaw.com

***** CONFIDENTIALITY NOTICE *****

This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or taking any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you have received this communication in error, please contact the sender at the internet address indicated by telephone. Thank you.

Thatch & Hooper, LLP
Attorneys at Law

GREGORY D. THATCH
LARRY C. LARSEN, of Counsel
RYAN M. HOOPER
LETICIA M. RAMIREZ

1730 I Street, Suite 220
SACRAMENTO, CA 95811-3017
Telephone (916) 443-6956
Facsimile (916) 443-4632
www.thatchlaw.com

July 24, 2025

VIA ELECTRONIC MAIL

El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, CA 95667
bosone@edcgov.us
bostwo@edcgov.us
bosthree@edcgov.us
bosfour@edcgov.us
brooke.laine@edcgov.us

Re: Board of Supervisors Agenda Item 25-0901- Options Regarding Tobacco Zoning Ordinance 5210 and Tobacco Retail License (TRL) Ordinance 5211

Dear Honorable Members of the El Dorado County Board of Supervisors:

We submit this letter on behalf of our clients Tooley Oil, Strauch & Company, and Cameron Park Petroleum Inc., regarding the El Dorado County ("County") Board of Supervisors ("Board") consideration of various options relating to the County's Tobacco Zoning Ordinance 5210 ("Zoning Ordinance") and Tobacco Retail License ("TRL") Ordinance 5211 ("TRL Ordinance") (Agenda Item 25-0901).

As the Board is aware, we previously submitted written and verbal comments regarding the County's consideration of the Zoning Ordinance and TRL Ordinance. We want to acknowledge and thank County Staff for their time and effort in meeting with our clients to request financial data and input regarding the impact of the Ordinances on their businesses and customers. We believe that this collaboration and communication was key to County Staff identifying four options that we, in concept, support, except for any density limits or setback restrictions applicable to gas stations, as further explained below. In short, we support the repeal of the TRL Ordinance (Options A and B) or alternatively, modifications to the TRL Ordinance (identified in Options C and D). We also support narrowly focused density limits or setbacks that do not stifle the future development of gas stations in unincorporated El Dorado County.

//

TRL Ordinance: Repeal under Options A and B

As heavily regulated businesses, we maintain that local tobacco regulations are unnecessary given robust existing state and federal tobacco regulations and oversight. Thus, we support Options A and B which propose repealing the TRL Ordinance and will eliminate duplicative or more rigid tobacco regulations than those that our clients are already subject to under state and federal law. For example, existing state laws require businesses to obtain a tobacco sales license from the State and post notices regarding the minimum sale age. Federal law also requires businesses to require identification for anyone seeking to purchase tobacco who looks under the age of 30. The County's TRL Ordinance goes beyond state and federal regulations by enacting more rigid restrictions regarding product size, price, and discounts, and harsher penalties. The proposed provisions relating to product size, price, and discounts will directly increase the price of certain tobacco products for our customers.

We believe that the proposed TRL Ordinance will dedicate scarce County resources to regulating local businesses instead of supporting businesses at a time when all brick-and-mortar retailers are facing competition and dwindling foot traffic. We further maintain that the staff resources it takes to regulate tobacco in the County will far exceed the cost of annual licenses and any grant from the State. Lastly, we note that the State spends millions of dollars regulating tobacco every year using a portion of the approximately \$1 billion cigarette tax revenue for their enforcement activities.

Nevertheless, if the Board decides to maintain the TRL Ordinance, the proposed amendments identified under Options C and D will address our concerns regarding grandfathering and transferability, as well as minimum package size and pricing. We believe the latter amendments will decrease the negative financial impacts of the Ordinances on our businesses and customers. We also believe that if the County maintains a collaborative approach to enforcement, the negative impacts of the TRL Ordinance may be lessened.

Density Limits and Setback Restrictions (Options C and D)

As operators of gas stations who are committed to serving current and future El Dorado County residents, we do not support tobacco-related restrictions that stifle the establishment of future gas stations in unincorporated El Dorado County as proposed under Options C and D. As noted on slide seven of Staff's presentation, statewide, gas stations have a higher tobacco compliance rate than non-gas stations. This data is consistent with our position that gas stations are key partners who are invested in prohibiting youth access to tobacco and that local regulations unnecessarily impose additional restrictions on gas stations. We further maintain that density limits and setback restrictions on gas stations will lead future gas stations owners to choose to locate outside of unincorporated El Dorado County which will divert much needed sales and use tax revenue to other jurisdictions.

County of El Dorado
Honorable Board Members
July 24, 2025
Page 3 of 3

We support the County's efforts to address youth access to tobacco and appreciate the County's willingness to consider our input as it considers amending its local tobacco regulations. We appreciate your time and attention to our concerns and input. If you have any questions about this letter, please contact us at the information provided above.

Very truly yours,

THATCH & HOOPER, LLP

A handwritten signature in blue ink, appearing to read 'Let', followed by a large, stylized loop.

LETICIA M. RAMIREZ

Cc: Kim Dawson, Board Clerk, El Dorado County, edc.cob@edcgov.us
Tiffany Schmid, Chief Administrative Officer, El Dorado County, edccao@edcgov.us
Michael Tooley, Tooley Oil, michael@tooleyoil.com
David Tooley, Tooley Oil, david@tooleyoil.com
Marc Strauch, Cameron Park Petroleum Inc., Strauch & Company, marc.s@strauchco.com