



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: March 23, 2010
Placement: Set Hearing – March 23,
Hearings – April 6 & 20
Estimated Time: 30 minutes on April 6
5 minutes on April 20
Continued Item: Yes
If Yes, date from: December 8, 2009
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Supervisor Wolf
Director(s) Takashi Wada, MD, MPH, Public Health Director & Health Officer
Daniel C. Hernandez, Director, County Parks Department
Contact Info: Dawn M. Dunn, MPH, Administrator, Tobacco Prevention Program
681-5407
SUBJECT: Set Hearing for Consideration of Smoke-free Parks Ordinance

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Sheriff Department

Recommended Actions:

That the Board of Supervisors:

Consider recommendations for amending the Santa Barbara County Code Chapter 37 – Tobacco Control Ordinance for Santa Barbara County, as follows:

- a) Set a public hearing on April 6, 2010 (first reading) to consider ordinance amendments to the County Code Chapter 37.
- b) Set a public hearing on April 20, 2010 (second reading) to consider the adoption of amendments to the County Code Chapter 37.
- c) Direct staff to return to the Board in 24-36 months with data to report on the effectiveness of any ordinance approved by the Board.

Summary Text:

The Board is being asked to consider the adoption of amendments to the County Code that would restrict smoking at specified parks, beaches, and trailheads in the County. The Parks Commission gave conceptual approval to move forward with drafting an ordinance at their December 10, 2009 meeting. Draft language for the ordinance will be presented to the Parks Commission at their March 25, 2010 meeting to get their input. The ordinance language will then be finalized and will be brought to the Board of Supervisors for consideration in public hearings on April 6 and 20, 2010. The ordinance will address

smoking restrictions in County Parks and other supporting revisions to this County Code, last amended in November 2001.

Background:

On December 8, 2009, your Board approved work to explore development of an ordinance for tobacco-free parks and beaches, directed staff to bring this matter to the Parks Commission for their input and to return with recommendations for an ordinance and sample language, if indicated. On January 28, 2010, the Parks Commission received a presentation on the topic of smoke-free parks and voted to approve the development of ordinance language for their consideration at a future meeting. Staff developed sample ordinance language which will be provided to the Parks Commission for consideration on March 25, 2010

Currently, tobacco use is allowed at all beaches and parks in the County with the exception of those in the City of Carpinteria. To date, more than 151 municipalities in California have enacted such ordinances. Over 90% of local beaches in southern California are currently tobacco or smoke-free. There is strong public support for restricting tobacco use in such outdoor settings, with local public opinion survey data showing 79% support for this type of policy. Policies that restrict tobacco use in parks and beaches will protect the public's health by reducing exposure to secondhand smoke, decreasing cigarette butt litter, reducing risk of fires and promoting the overall health and safety of county residents.

The negative health-related effects of exposure to secondhand smoke have been documented since the mid-90s and the evidence of these outcomes continues to mount. In 2006, the office of the U.S. Surgeon General released its second report on the effects of exposure to involuntary tobacco smoke and among other findings, concluded "there is no safe level of exposure to secondhand smoke". In January of 2006, the California Air Resources Board (CARB) classified secondhand smoke as a toxic air contaminant. CARB regulates outdoor air and makes recommendations for allowable exposures in the ambient air. More recently, a Stanford-based study measured exposure to secondhand smoke in outdoor settings, like cafés; patios; and parks, and concluded that based on wind, proximity, and length of exposure, individuals could easily be exposed to levels of toxic particulate matter that exceed the U.S. Environmental Protection Agency's allowable daily limit. Cigarette butts are the number one source of litter found in all coastal clean-ups and they contaminate waterways, threaten marine and other wildlife, and pollute natural resources. According to the Ocean Conservancy, cigarette butts are not biodegradable. Cigarettes are also the number one cause of forest and other fires.

In response to these findings, numerous state and local jurisdictions, including Santa Barbara County, have adopted and implemented regulations to protect the public from secondhand smoke. In 2004, the City of Carpinteria implemented a smoke-free beaches and parks ordinance. The Santa Maria City Council considered enacting a tobacco-free park ordinance. CEASE (Coalition Engaged in a Smoke-Free Effort) is actively promoting the adoption of such ordinances to protect local residents and add the Santa Barbara County coastline to the growing number of southern California communities that provide tobacco-free beaches for their residents' enjoyment.

It is anticipated that implementation of any proposed ordinance will affect 70 properties owned and/or operated by the County Parks Department. Signage design and needs will be a collaborative effort and all materials will be available in Spanish and English, whenever possible. Further, efforts will be made to add to existing signage and infrastructure, rather than adding new signs, to reduce duplication of effort and minimize costs. The Board should note that the set hearing action and the two proposed public hearings, will only take place should the Parks Commission approve the proposed restriction of smoking in specific parks, beaches, and trails.

Performance Measure:

1. Install signs at all identified parks, beaches and trailheads within 30 days of the adoption of the ordinance, in collaboration with Workforce Investment Board, providing valuable work experience for county youth.
2. Reduce cigarette butt litter by 25% from May 2009 baseline levels by May 2013, as measured by data collection at identified locations using established data collection protocols.
3. Track complaints and responses based on records of Parks and Public Health Department staff.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis: There will be no increase in General Fund resources with this action. The Public Health Department (PHD) has budgeted \$8,500 for costs associated with new signage and installation and \$7,189 for public education materials for a total of \$15,689 in FY 2009-10. In FY 2010-11, \$5,000 has been allocated for implementation and public education for a total allocation of \$20,689 which will be funded through the Tobacco Settlement (TS) and the Tobacco Prevention Settlement Program (TPSP). The allotment is included in the Tobacco Control Cost Center of the Community Health Division of the Public Health Department shown on page D-204.

Staffing Impacts:

Legal Positions:
0

FTEs:
0

Special Instructions:

1. Request Clerk of the Board to publish notice of this hearing, per the attached Notice (Attachment 1), in the Santa Barbara News Press five and ten days prior to the hearings, in accordance with Government Code §6062a.
2. Return two fully executed copies of the ordinance along with a copy of the minute order to the Public Health Department Contracts Unit, 300 N. San Antonio Road, Bldg. 8, Santa Barbara, CA 93110, Attn: Jaclyn Smith, (805) 681-5205.

Attachments:

Attachment 1: Notice of Public Hearing

Upcoming Attachment 2: Amendments to County Code, Chapter 37 to be supplied prior to 1st reading (April 6, 2010)

Authored by:

Dawn M. Dunn, MPH - Program Administrator, Tobacco Prevention Settlement Program

cc: Jerry Czuleger, Senior Deputy County Counsel
Geoffrey Banks, Chief Deputy, Sheriff Department