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City Manager's Office

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Ed Shikada

SUBJECT: SEE BELOW

DATE: 4-19-11

Approved

Date

4/20/11

INFORMATION

SUBJECT: STATUS REPORT ON GRANT FOR TOBACCO PREVENTION POLICY

This information memorandum provides an update on the status of discussions with County staff regarding the American Recovery and Reinvestment grant for policy work in the area of tobacco prevention.

BACKGROUND

In response to a June 9, 2010, memo from Council members Kalra and Campos regarding an ordinance prohibiting smoking in certain outdoor areas, a workload assessment was brought forward to the Rules and Open Government (Rules) Committee on September 1, 2010.

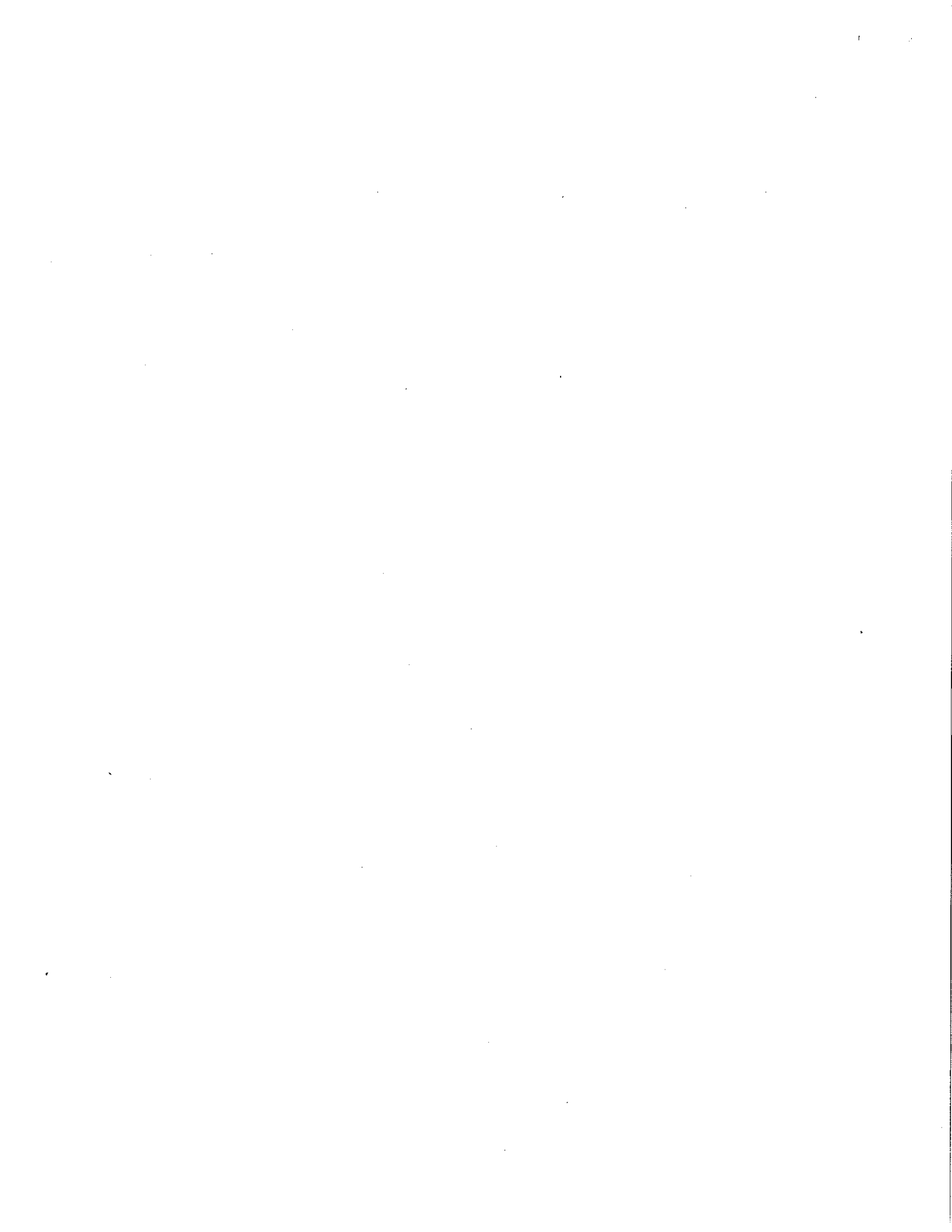
http://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules/20100901/rules20100901_h1b.pdf

The Committee directed that this item be considered as part of the Council Committee's Spring Workplan. Subsequently, another memo related to this topic from Vice Mayor Chirco and Council members Kalra and Liccardo was brought to the December 8 Rules Committee.

http://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules/20101208/rules20101208_h2.pdf

The Committee, upon reconsideration of the issue and in light of the potential funding and resources available through a grant, directed staff to include this item for consideration in the Priority setting Session in February 2011 and to report back to the April Neighborhood Services and Education (NSE) Committee agenda. In order to continue to dialogue with the County on this issue a little further, staff requested that this item be deferred to the May NSE agenda.

During the Priority Setting Study Session on February 14, the Mayor, Council and senior staff completed a prioritization exercise and identified top priorities from a list of 43 pending ordinance changes and major referrals. The outdoor smoking ordinance was included in the list of pending work items, but was not prioritized among the Top 10 referrals. The Mayor's Budget Message adopted by the City Council on March 22 directed the City Manager to focus staff efforts on the Top 10 referrals. During the March 15 hearing of the Budget Message, the Mayor indicated that staff should return to Council in August on prioritization of any other work efforts.



ANALYSIS

Although this item was not identified as a top 10 priority in the February Priority Session, there are specific opportunities related to this policy that merit future consideration.

Available Resources

The County has received a \$6.9 million American Recovery and Reinvestment Act to advance tobacco prevention policies. Of this, the City has already been awarded (but not yet received) a grant for \$129,000 for developing tobacco retail licensing ordinance, which was adopted by Council in December 2010.

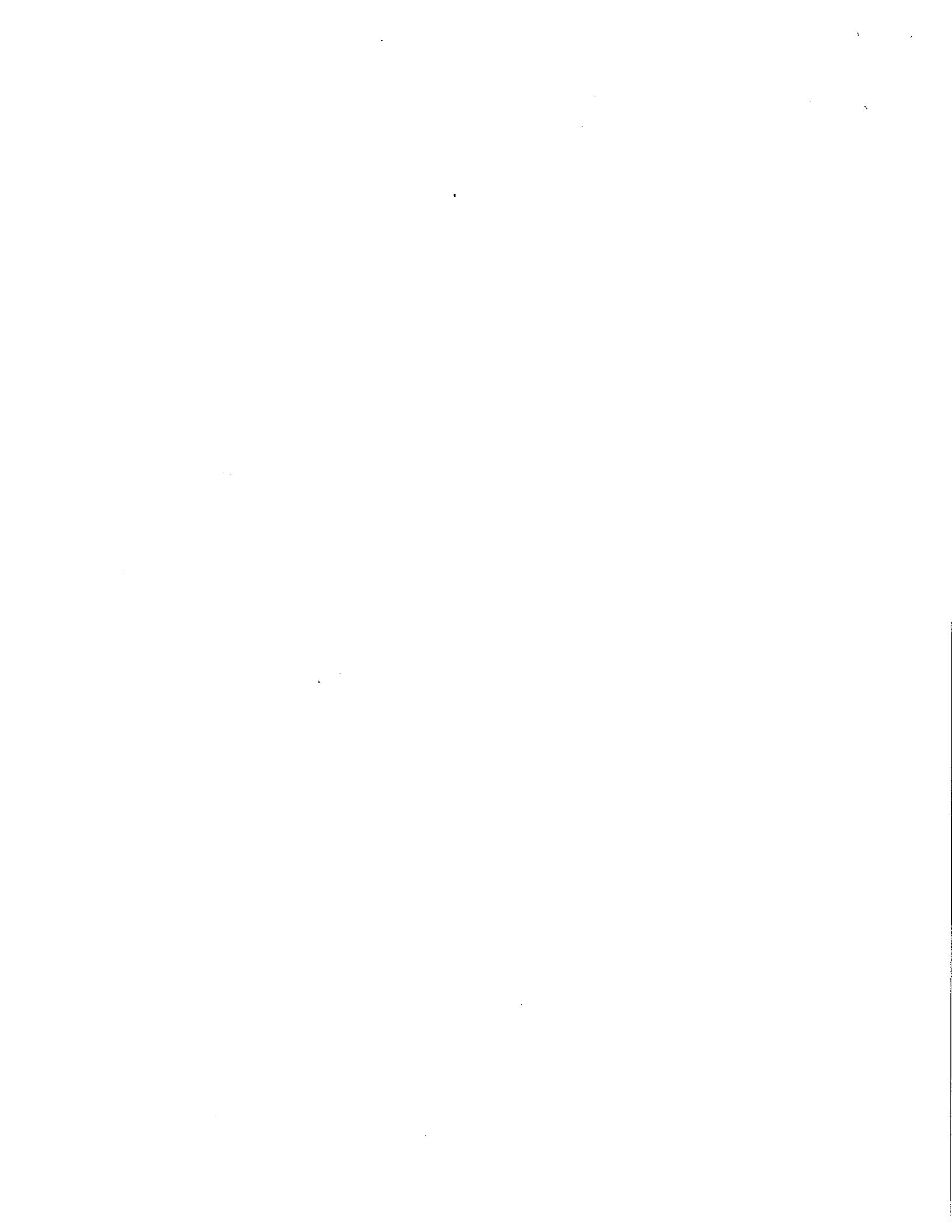
The County's Public Health Department (PHD) has informed the City that the grant funds can only be used to advance policy work and cannot be used for voluntary measures. In a March 30, 2011 letter from the County, all Santa Clara County cities were informed of additional available funding for tobacco policy work and if interested, were asked to submit non-binding letters of intent by April 22. In the interest of keeping San José's options open, staff intends to submit a letter of intent and will follow up once direction is received from Council in August. Based on the March 30, 2011 letter from PHD, and discussions with PHD staff, the following additional resources could potentially be available to the City to advance outdoor smoking policy work.

1. Additional funding in the amount of \$196,731, bringing the total available to the City from this grant to \$325,731.
2. Up to 100 hours of staff time from PHD and its partners to help with research on best practices, technical legal assistance, stakeholder outreach, trainings, and materials development and dissemination.
3. A supporting countywide media campaign on second hand smoke, youth prevention and cessation.

Potential Partnerships

As the City continues to grapple with diminishing resources to deliver services to the community, staff is looking for ways to advance policies and issues that are important to the Council, through the use of partnerships and compliance models that are not dependent on City resources. The June 2010 memo suggested that staff look into outdoor smoking policies for three discrete areas: restaurants, multi-family residential, and public service lines, such as ATM and movie theater lines. Each of these areas present distinct and unique policy challenges. Staff would like to explore the potential for partnerships to support policy development, outreach, and implementation in each of these areas, with a goal to develop new models that could guide future policy work.

Based on discussions with the County thus far, staff sees a potentially unique opportunity for advancing a quality of life issue with a new partnership approach that focuses on "compliance assistance" rather than regulatory enforcement. Potential partners in this effort would include the County's Environmental Health Department (EHD), the California Apartment Association, Tri-County Division, and non-profits such as Breathe California. As an example, the County EHD has indicated a willingness to provide direct outreach and monitoring of signage posting at restaurants as a part of their routine inspection cycle. The County PHD is also developing a partnership with Breathe California for the non-profit to establish a "helpline" to receive complaints of non-



compliance, where such calls would generate a response focused on increasing awareness rather than on regulatory penalties. Strategies such as these have the potential to extend the City's ability to engage in issues that cannot be addressed within constrained City resources.

NEXT STEPS

Action	Timeline
Submit a non-binding letter of intent to County's Public Health Department	April 22
Status update to NSE Committee	May 12
Council consideration of this item in a Priority Setting Session	August

Please contact me at (408) 535-8190 if you have any questions.



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