



City of Chula Vista

Staff Report

File#: 18-0098, **Item#:** 3.

RESOLUTION NO. 2018-065 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA REPEALING COUNCIL POLICIES 840-01 "REGULATION AND PROHIBITION OF SMOKING IN CERTAIN AREAS IN THE CITY OF CHULA VISTA USED BY OR OPEN TO THE PUBLIC," 840-02 "SMOKING IN NON-PUBLIC AREAS OF CITY BUILDINGS," AND THE ENVIRONMENTAL TOBACCO SMOKE CONTROL DIRECTIVE

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

On December 19, 2017 City Council adopted amendments to Chula Vista Municipal Code (CVMC) Chapter 8.22, Regulations of Smoking in Public Places and Places of Employment, to generally prohibit smoking on City owned properties. At that time, it was indicated staff would return to City Council to repeal all previous smoking related policies that would be superseded by CVMC 8.22, after the ordinance and an updated Human Resource Policy was in effect.

ENVIRONMENTAL REVIEW

Environmental Notice

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Environmental Determination

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

BOARD/COMMISSION RECOMMENDATION

On December 12th and 13th, respectively, the Housing Advisory Commission (4-0) and Healthy Chula Vista Advisory Commission (5-0) provided advisory recommendations that Council approve the proposed amendments to Chula Vista Municipal Code Chapter 8.22.

DISCUSSION

On January 5, 2016, the first Healthy Chula Vista Action Plan was adopted, providing a set of strategies to review, create, and evaluate policies and programs within the City and to develop community partnerships to promote wellness within our community. A key component of the plan included measures to prevent chronic diseases within our community.

In keeping with the Healthy Community goal of the Strategic Plan, on December 19, 2017, staff

File#: 18-0098, Item#: 3.

brought forward amendments to CVMC Chapter 8.22 to add e-cigarettes, including devices used for vaping, to the definition of “smoking;” prohibit smoking on any portion of City owned property (inclusive of all parks, libraries, City buildings, and associated parking lots); and restrict smoking to designated areas in Affordable Housing Projects to align with U.S. Department of Housing and Urban Development guidelines.

Staff anticipated returning to City Council after the ordinance became effective (February 9, 2018) with an updated Human Resources Smoking Policy, implementing Chapter 8.22 with regard to City staff. As part of preparing an updated Human Resources (“HR”) Smoking Policy, the City, pursuant to the Meyers-Milias Brown Act (“MMBA”), is required to provide notice of the proposed HR Smoking Policy and meet and confer, if requested. The City has met its MMBA obligations and tonight’s action will repeal the following policies:

- Council Policy No. 840-01 (*Ord. 1642 § 1, 1975*) Prohibits smoking in confined areas used by or open to the public (e.g. city operated buildings, public meeting areas, theatres, etc.).
- Council Policy No. 840-02 (*Reso. 13801, 1988*) Excludes apparatus floor in all fire stations from enclosed smoking prohibition in Council Policy 840-01.
- Environmental Tobacco Smoke Control Directive (2017) Prohibits smoking within 25 feet of all building entrances and operable windows of Buildings A, B and C on City Hall campus.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

LINK TO STRATEGIC GOALS

The City’s Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. This item supports Section 3.1.1 - Implement policies and programs that support a healthy community, by providing healthier options.

CURRENT YEAR FISCAL IMPACT

Staff costs associated with the preparation of this staff report are offset by grant funds through the Centers for Disease Control’s Racial and Ethnic Approaches to Community Health (REACH Chula Vista).

ONGOING FISCAL IMPACT

None.

ATTACHMENTS

File#: 18-0098, Item#: 3.

1. Council Policy No. 840-01
2. Council Policy No. 840-02
3. Environmental Tobacco Smoke Control Directive

Staff Contact: Stacey Kurz, Development Services Department