

Public Communication Received by City Clerk's Office: 9/6/2019

Sender:

Mark Nelson

The smoking ban for Redondo is much needed. However, second hand smoke from adjoining buildings, whether single or multifamily, or from outdoor areas is a significant problem as well as noted by a recent Nextdoor post and a few dozen replies.

A good model ordinance is found with more protections can be found at <https://www.codepublishing.com/CA/Dublin/Dublin05/Dublin0556.html>

The important addition is:

Secondhand smoke—Declaration of nuisance.

Secondhand smoke constitutes a nuisance. Notwithstanding any other provisions of this chapter, a private citizen may bring a legal action to abate secondhand smoke as a nuisance.

Could you please consider a change or amendment to your 5-0 voted version of the smoking ban?

Thank you!



September 10, 2019

VIA EMAIL

Hon. Bill Brand, Mayor
Hon. Laura Emdee, Council Member
Hon. John Gran, Council Member
Hon. Christian Horvath, Council Member
Hon. Todd Loewenstein, Council Member
Hon. Nils Nehrenheim, Council Member
415 Diamond Street
Redondo Beach, CA 90277

RE: September 3, 2019 Agenda Item Regarding a Local Tobacco Retail Permit

Dear Mayor Brand and Council Members Emdee, Gran, Horvath, Lewenstein and Nehrenheim:

As the Executive Director and Legal Counsel for the National Association of Tobacco Outlets, Inc., I am writing regarding the procedure that was used for the above-referenced agenda item.

California State Law requires that if a non-urgent ordinance is introduced for first reading, and is significantly changed before second reading (other than for corrections of typographical or clerical errors), the ordinance must be reintroduced. [*See* California Government Code Section 36934; *see* also League of California Cities, Ordinances and Resolutions: Practice Tips for Effective Legislation, Section D(3) “Alterations (other than for typographical or clerical errors) prior to second reading require re-introduction for all non-urgency ordinances.” <https://www.cacities.org/getattachment/530f101f-f778-47cf-8995-3fca3e8ba129/LR-Foley.aspx>.] Indeed, the Redondo Beach legal counsel advised the city council members of the same statutory requirements at the September 3rd hearing.

A lengthy and at times confusing discussion ensued among the members of the Council, including passage of the introduced ordinance, a mayor’s veto (which was determined to be improper from the dais), a reconsideration of the introduced ordinance, and purported substantive amendments to the introduced ordinance well beyond typographical or error corrections (including what would amount to extending the ban on flavored tobacco products beyond the originally introduced

ordinance.) Apparently, the intent is to bring some additional amendments on a future consent agenda, that is, without any opportunity for debate of language never published. For this reason, we believe it is incumbent upon the Mayor and City Council to reintroduce the ordinance for first reading before further proceeding. To do otherwise simply deprives the regulated community and the citizens of Redondo Beach of a meaningful way of addressing the ordinance as it would actually be passed.

It was clear from comments of both Council Members and city staff that there was confusion about what was discussed. At the end of the adoption, the mayor himself stated that he was not quite sure exactly what had transpired but relied on the clerk having captured the essence of actions. This does not pass the test of open government that Redondo Beach is bound by. The concern that the hearing had gone long and there were other items to deal with on your agenda cannot be a justification to avoid the mandated process. In fact, the long hearing and the confusion among council members and city staff suggests that this issue requires more focused reflection than a rush to adopt an uncertain, confusing ordinance.

We would greatly appreciate the opportunity for additional, non-repetitive and thoughtful input from all interested persons before adopting this ordinance.

We appreciate you considering our concerns and look forward to hearing from you.

Sincerely,

Thomas Briant

NATO Executive Director and Legal Counsel



AMERICANS FOR NONSMOKERS' RIGHTS

September 12, 2019

Mayor Bill Brand
Redondo Beach
415 Diamond Street
Redondo Beach, CA 90277

Dear Mayor Brand and members of the City Council,

On behalf of our members in Redondo Beach, Americans for Nonsmokers' Rights wishes to express our support for expanding the city's smokefree air protections to prohibit smoking in outdoor public places, especially spaces where people work and gather such as outdoor dining areas, shopping centers, parks and recreation areas, outdoor public events, transit stops, and commercial areas.

Smoking in outdoor areas is not just a nuisance; it's also a health hazard. **Outdoor places where people gather can have significant levels of exposure to secondhand smoke**, and nonsmokers deserve protection from breathing toxic smoke. The U.S. Surgeon General concluded that there is no safe level of exposure to secondhand smoke, and even small amounts of tobacco smoke in short periods of time can be harmful.

Communities are choosing to adopt smokefree laws for outdoor public places not only to reduce exposure to secondhand smoke for employees and the public, but also to have healthier spaces for recreation and physical activity, decrease costly and environmentally harmful cigarette butt waste, reduce fire risk, and create better social environments for youth by setting the example that tobacco use is not the norm.

Redondo Beach would be in good company by having smokefree outdoor public places where people work and gather. Numerous communities throughout California have already adopted similar laws, including more than 125 that have smokefree outdoor dining, more than 200 that have smokefree parks, and more than 60 that have smokefree beaches. These figures only include the strongest local laws that do not include smoking areas.

We recommend that the Council adopt the proposed ordinance that does not include an exemption for designated smoking areas. Allowing businesses to create designated smoking areas may be counter-productive by concentrating smoking and keeping it visible, and may not have an impact on reducing secondhand smoke exposure. In particular, trash receptacles for tobacco waste can be seen as a green light to encourage smoking in the area.

We also encourage the Council to consider adopting an ordinance for 100% smokefree multi-unit housing in order to protect the health and safety of all multi-unit residents and to help ensure everyone's right to a smokefree living environment. Smokefree multi-unit housing is a powerful way to have a broad, positive community impact by reducing secondhand

exposure where many people spend much of their time—especially children, the elderly, and people with disabilities—and can suffer from persistent levels of exposure.

Given these facts, Americans for Nonsmokers' Rights encourages Redondo Beach to adopt the proposed ordinance to expand smokefree protections to outdoor public places without designated smoking areas, and to consider bringing smokefree air to multi-unit housing to create healthier, safer living environments for Redondo Beach residents.

Thank you for your leadership and desire to make Redondo Beach the best place to live, work, and visit. Please feel free to contact us at 510-841-3032 if you have any questions, comments, or feedback.

Sincerely,

A handwritten signature in black ink that reads "Cynthia Hallett". The signature is written in a cursive, flowing style.

Cynthia Hallett, MPH
President and CEO

Americans for Nonsmokers' Rights is a national, member-based, not-for-profit organization based in Berkeley, CA that is dedicated to helping nonsmokers breathe smokefree air since 1976.