



MARCH 4, 2020
CITY COUNCIL CHAMBERS
6:00 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Paul McNamara
DEPUTY MAYOR	Consuelo Martinez
COUNCIL MEMBERS	Olga Diaz John Masson Michael Morasco
CITY MANAGER	Jeffrey Epp
CITY CLERK	Zack Beck
CITY ATTORNEY	Michael McGuinness
DIRECTOR OF COMMUNITY DEVELOPMENT	Bill Martin
DIRECTOR OF ENGINEERING SERVICES	Julie Procopio

ELECTRONIC MEDIA:

Electronic media which members of the public wish to be used during any public comment period should be submitted to the City Clerk's Office at least 24 hours prior to the Council meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Council during the meeting are part of the public record and may be retained by the Clerk.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.



Council Meeting Agenda

**March 4, 2020
6:00 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

ROLL CALL: Diaz, Martinez, Masson, Morasco, McNamara

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)

2. [APPROVAL OF WARRANT REGISTER \(Council\)](#)

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

339026 – 339213 dated February 5, 2020

339214 – 339400 dated February 12, 2020

339401 – 339595 dated February 19, 2020

Staff Recommendation: **Approval (Finance Department: Joan Ryan)**

3. **APPROVAL OF MINUTES: Regular Meetings of February 5, 2020 and February 12, 2020**

4. **FINAL MAP FOR TRACT 951 LOCATED AT 640 OAKWOOD CREEK GLEN -**

Request the City Council approve the Final Map for Tract 951, a 12-lot single-family residential subdivision located at 640 Oakwood Creek Glen.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

5. **HOMELESS EMERGENCY AID PROGRAM GRANT BUDGET ADJUSTMENT -**

Request the City Council approve a budget adjustment in the amount of \$192,995 to accept Homeless Emergency Aid Program (HEAP) grant funds. These funds will be used to increase outreach to homeless individuals in Escondido through the employment of a social worker.

Staff Recommendation: **Approval (Community Development Department: Bill Martin and Housing & Neighborhood Services Department: Karen Youel)**

6. **NOTICE OF COMPLETION FOR BERNARDO ACRES TRACT 877 -**

Request the City Council approve and accept the Public Improvements and authorize staff to file a Notice of Completion for Bernardo Acres Tract 877.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-21

7. **ILLEGAL DISPOSAL SITE ABATEMENT GRANT PROGRAM APPLICATION -**

Request the City Council approve authorizing the Director of Public Works or his designee to submit grant documents for Illegal Disposal Site Abatement Grant Program funds for an amount up to \$100,000 from the California Department of Resources Recycling and Recovery (CalRecycle) and, if awarded, to accept the grant funds and complete necessary documents required by CalRecycle for participation in the Abatement Program in conjunction with the Citywide encampment debris removal program.

Staff Recommendation: **Approval (Public Works Department: Joseph Goulart)**

RESOLUTION NO. 2020-26

8. **RESOLUTION DECLARING A VACANT CITY OWNED PARCEL ON HARMONY GROVE (APN 232-372-06) AS EXEMPT SURPLUS LAND -**

Request the City Council approve declaring the vacant City-owned parcel on Harmony Grove Road (APN 232-372-06) as exempt surplus land and allow for the disposal of the parcel.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-27

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

9. **AMENDMENT TO ARTICLE 34 (COMMUNICATION ANTENNAS) OF THE ESCONDIDO ZONING CODE, ADOPTION OF GUIDELINES FOR THE DEPLOYMENT OF SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY, ESTABLISHMENT OF FEES RELATED TO SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY, AND AMENDMENT TO PUBLIC SERVICES AGREEMENT FOR THE CITYWORKS IMPLEMENTATION PROJECT -**

Approved on February 5, 2020 with a vote of 5/0

ORDINANCE NO. 2020-03 (Second Reading and Adoption)

PUBLIC HEARINGS

10. AMENDMENT TO CHAPTER 22A OF THE ESCONDIDO MUNICIPAL CODE TO ENHANCE OUTDOOR AIR REGULATIONS BY REGULATING WHERE SMOKING IS ALLOWED IN THE CITY (AZ 20-0001) -

Request the City Council approve adopting smoke-free air laws. The request also includes the adoption of the environmental determination prepared for this project.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

ORDINANCE NO. 2020-06 (First Reading and Introduction)

CURRENT BUSINESS

11. 2020 CENSUS COMPLETE COUNT OUTREACH UPDATE -

Request the City Council receive the staff report and presentation. No action is required at this time except to provide direction to staff as appropriate.

Staff Recommendation: **Provide Direction (Community Development Department: Bill Martin)**

12. SB 2 PLANNING GRANT AWARD ANNOUNCEMENT AND NEXT STEPS TOWARDS DEVELOPING A HOUSING ELEMENT UPDATE, SECTOR FEASIBILITY STUDY, AND EAST VALLEY SPECIFIC PLAN -

Request the City Council approve a budget adjustment of \$310,000; authorize the release of the request for proposals ("RFPs"); and receive, consider, and provide staff direction on the preliminary approach to inform and engage the public, as the City updates its future housing policies.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

13. REVIEW OF UPCOMING CITY COUNCIL REDISTRICTING PROCESS -

Request the City Council receive and file the overview of the City Council Redistricting process that will take place following the 2020 Census.

Staff Recommendation: **Receive and File (City Clerk's Office: Zack Beck)**

14. REVIEW AND CONSIDERATION OF CAMPAIGN CONTRIBUTION LIMITS -

Request the City Council to review and consider potential amendments to the Escondido Municipal Election Campaign Control Ordinance to lower the maximum personal contributions from \$4,300 for city council candidates and mayoral candidates. It is further requested that the City Council discuss, consider and give staff direction on additional campaign control amendments, if any. (This item was continued from the December 18, 2019 City Council Meeting)

Staff Recommendation: **Provide Direction (City Attorney's Office: Michael R. McGuinness)**

FUTURE AGENDA

15. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

ADJOURNMENT

UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
March 11	Wednesday	3:30 – 6:00 p.m.	Boards and Commissions Interviews	Mitchell Room
March 18	Wednesday	3:30 – 6:00 p.m.	Boards and Commissions Interviews	Mitchell Room
March 25	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers
April 1	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. Comments are generally limited to 3 minutes.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications." Please complete a Speaker's form as noted above.

Nomination forms for Community Awards are available at the Escondido City Clerk's Office or at <http://www.escondido.org/city-clerks-office.aspx>

Handouts for the City Council should be given to the City Clerk. To address the Council, use the podium in the center of the Chambers, STATE YOUR NAME FOR THE RECORD and speak directly into the microphone.

AGENDA, STAFF REPORTS AND BACK-UP MATERIALS ARE AVAILABLE:

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk's Office at City Hall
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

AVAILABILITY OF SUPPLEMENTAL MATERIALS AFTER AGENDA POSTING: Any supplemental writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

Please turn off all cellular phones and pagers while the meeting is in session.

**The City Council is scheduled to meet the first four Wednesdays
of the month at 5:00 in Closed Session and 6:00 in Open Session.
(Verify schedule with City Clerk's Office)**

**Members of the Council also sit as the Successor Agency to the Community Development
Commission, Escondido Joint Powers Financing Authority,
and the Mobilehome Rent Review Board.**

**CITY HALL HOURS OF OPERATION
Monday-Friday 8:00 a.m. to 5:00 p.m.**



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Listening devices are available for the hearing impaired – please see the City Clerk.



Consent Item No. 1

March 4, 2020

AFFIDAVITS

OF

ITEM

POSTING

CITY COUNCIL STAFF REPORT

Consent Item No. 2

March 4, 2020

File No. 0400-40

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

Request approval for City Council and Housing Successor Agency warrant numbers:

339026 – 339213 dated February 5, 2020
339214 – 339400 dated February 12, 2020
339401 – 339595 dated February 19, 2020

FISCAL ANALYSIS:

The total amount of the warrants for the following periods are as follows:

January 30 – February 5, 2020, is \$ 1,726,629.04
February 6 – February 12, 2020, is \$ 1,743,920.85
February 13 – February 19, 2020, is \$ 1,294,887.92

BACKGROUND:

The Escondido Municipal Code Section 10-49 states that warrants or checks may be issued and paid prior to audit by the City Council, provided the warrants or checks are certified and approved by the Director of Finance as conforming to the current budget. These warrants or checks must then be ratified and approved by the City Council at the next regular Council meeting.

CITY OF ESCONDIDO
February 5, 2020
5:30 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 5:30 p.m. on Wednesday, February 5, 2020 in the City Council Chambers at City Hall with Mayor McNamara presiding.

ATTENDANCE: The following members were present: Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Absent: Councilmember Olga Diaz and Councilmember John Masson. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/RRB)

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to recess to Closed Session. Approved unanimously.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. **Property:** 2001 La Honda Drive, APN 225-010-3500
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Friends of Daley Ranch / Paul Van Elderen
Under Negotiation: Review Unsolicited Offer

CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))

- a. **Case Name:** City of Escondido v. General Reinsurance Corp.; Genesis Management and Ins. Services Corp
Case No: 3:19-CV-00868-MMA-BGS
- b. **Case Name:** Paula Westenberger v. City of Escondido
Case No: WCAB Nos: ADJ3448350; ADJ4436156
- c. **Case Name:** Kenneth Head v. City of Escondido; AdminSure, Inc.
Case No: WCAB Nos: ADJ11833809; ADJ11833730
- d. **Case Name:** City of Escondido v. Nilesh Patel, an individual, Jai Ambe Phoenix, LLC
Case No: 37-2018-00023279-CU-MC-NC
(This Item Was Continued to February 12, 2020)

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:45 p.m.

MAYOR

CITY CLERK

CITY OF ESCONDIDO
February 5, 2020
6:00 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on Wednesday, February 5, 2020 in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Olga Diaz, Councilmember led the Moment of Reflection

FLAG SALUTE

Paul McNamara, Mayor, led the flag salute

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; and Zack Beck, City Clerk.

CLOSED SESSION REPORT

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

a. **Property:** 2001 La Honda Drive, APN 225-010-3500

City Negotiator: Jeffrey Epp, City Manager

Negotiating Parties: Friends of Daley Ranch / Paul Van Elderen

Under Negotiation: Review Unsolicited Offer

CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))

a. **Case Name:** City of Escondido v. General Reinsurance Corp.; Genesis Management and Ins. Services Corp

Case No: 3:19-CV-00868-MMA-BGS

Council Action: Approved 5/0 to settle in the amount of \$1,300,000

b. **Case Name:** Paula Westenberger v. City of Escondido

Case No: WCAB Nos: ADJ3448350; ADJ4436156

Council Action: Approved 5/0 to settle in the amount of \$775,000

c. **Case Name:** Kenneth Head v. City of Escondido; AdminSure, Inc.

Case No: WCAB Nos: ADJ11833809; ADJ11833730

Council Action: Approved 5/0 to settle in the amount of \$80,330

ORAL COMMUNICATIONS

Michael Taylor - Spoke in favor of Measure Q.

Douglas Paulson - Spoke in favor of Measure Q.

Nancy Buria - Requested that the City of Escondido hire more code enforcement officers. Requested that the City of Escondido provide aesthetic enhancements to East Valley Parkway.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve all Consent Calendar items, except item 6. Approved unanimously.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)

2. APPROVAL OF WARRANT REGISTER (Council)

Request the City Council approve the City Council and Housing Successor Agency warrant numbers (File No. 0400-40):

338295 – 338558 dated January 15, 2020

338559 – 338823 dated January 22, 2020

Staff Recommendation: **Approval (Finance Department: Joan Ryan)**

3. APPROVAL OF MINUTES: Regular Meetings of January 15, 2020 and January 22, 2020

4. APPROVAL OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR POLICE OFFICER LEE ANNE MCCOLLOUGH -

Request the City Council approve the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Police Officer Lee Anne McCollough. (File No. 0170-57)

Staff Recommendation: **Approval (Human Resources Department: Jessica Perpetua)**

RESOLUTION NO. 2020-12

5. APPLICATION FOR FY 2020 BUREAU OF RECLAMATION TITLE XVI GRANT FUNDING FOR THE PLANNED MEMBRANE FILTRATION / REVERSE OSMOSIS (MFRO) FACILITY -

Request the City Council approve verifying the City of Escondido's ("City") financial capability and commitment to meet established grant deadlines in a modified assistance agreement with the Bureau of Reclamation for the WaterSMART: Title XVI Water Reclamation and Reuse Projects program. The existing agreement will be modified if the City's pending application for additional program funding is approved. (File No. 0600-10, A-3310)

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**

RESOLUTION NO. 2020-13

6. CONSULTING AGREEMENT FOR THE CITRACADO PARKWAY EXTENSION PROJECT -

Request the City Council approve authorizing the Mayor and City Clerk to execute, on behalf of the City of Escondido, a Consulting Agreement with TY Lin International for Construction Management Services in the amount of \$1,596,544 for the Citracado Parkway Extension Project. (File No. 0600-10, A-3325)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-08

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve authorizing the Mayor and City Clerk to execute, on behalf of the City of Escondido, a Consulting Agreement with TY Lin International for Construction Management Services in the amount of \$1,596,544 for the Citracado Parkway Extension Project. Approved unanimously

7. AGREEMENT FOR THE CITRACADO PARKWAY EXTENSION PROJECT -

Request the City Council approve authorizing the Mayor and City Clerk to execute a Reimbursement Agreement in the amount of \$2,190,631 with Rincon del Diablo Municipal Water District for Recycled Water and Potable Water Construction and Relocation as part of the Citracado Parkway Extension Project. (File No. 0600-10, A-3126)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-14

8. ACCEPTANCE OF A \$132,693.68 GRANT AND EXECUTION OF THE COUNTY CONTRACT NO. 561764 AGREEMENT WITH THE COUNTY OF SAN DIEGO HEALTH AND HUMAN SERVICES AGENCY FOR THE SENIOR NUTRITION PROGRAM -

Request the City Council approve authorizing the Mayor and City Clerk to accept a \$132,693.68 grant from the County of San Diego Health and Human Services Agency for the senior Nutrition Program offered at the Park Avenue Community Center, and execute County Contract No. 561764, the Agreement with the County of San Diego Health and Human Services Agency for the Senior Nutrition Program on behalf of the City of Escondido. (File No. 0600-10)

Staff Recommendation: **Approval (Communications and Community Services Department: Joanna Axelrod)**

RESOLUTION NO. 2020-15

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

9. SPECIFIC PLAN AMENDMENT AND CONDITIONAL USE PERMIT - DISCOUNT TIRE REDEVELOPMENT PROJECT (PHG 19-0031 AND PHG 19-0032) -

Approved on January 15, 2020 with a vote of 5/0

ORDINANCE NO. 2020-02 (Second Reading and Adoption)

10. ADOPTION OF A UTILITY BILLING COLLECTION AND DISCONTINUATION OF SERVICE POLICY -

Approved on January 15, 2020 with a vote of 5/0

ORDINANCE NO. 2020-04 (Second Reading and Adoption)

11. RESERVE POLICE OFFICER AUTHORITY -

Approved on January 15, 2020 with a vote of 5/0

ORDINANCE NO. 2020-05 (Second Reading and Adoption)

PUBLIC HEARINGS

12. AMENDMENT TO ARTICLE 34 (COMMUNICATION ANTENNAS) OF THE ESCONDIDO ZONING CODE, ADOPTION OF GUIDELINES FOR THE DEPLOYMENT OF SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY, ESTABLISHMENT OF FEES RELATED TO SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY, AND AMENDMENT TO PUBLIC SERVICES AGREEMENT FOR THE CITYWORKS IMPLEMENTATION PROJECT -

Request the City Council approve amending Article 34 (Communication Antennas) of the Escondido Zoning Code related to personal wireless service facilities; approve Guidelines for the Deployment of Small Wireless Facilities in the Public Right-of-Way and establishing fees for such facilities; approve executing a Second Amendment to the Public Services Agreement for the CityWorks implementation project with Timmons Group; and approve a budget adjustment relative to said amendment. The request also includes the adoption of the environmental determination prepared for the project. (File No. 0810-20, 0600-10, A-3261)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

A) ORDINANCE NO. 2020-03 (First Reading and Introduction)

B) RESOLUTION NO. 2020-04 C) RESOLUTION NO. 2020-18

John Osborne - Representative of AT&T. Expressed opposition to the proposed fees. AT&T is willing to sign the master license agreement under protest to the annual fee.

Michael Farraher - Representative of Verizon Wireless. Expressed opposition to the proposed fees. Expressed concern about the setback requirement near residential properties.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve amending Article 34 (Communication Antennas) of the Escondido Zoning Code related to personal wireless service facilities; approve Guidelines for the Deployment of Small Wireless Facilities in the Public Right-of-Way and establishing fees for such facilities; approve executing a Second Amendment to the Public Services Agreement for the CityWorks implementation project with Timmons Group; and approve a budget adjustment relative to said amendment. The request also includes the adoption of the environmental determination prepared for the project. Approved unanimously.

FUTURE AGENDA

13. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Masson - Attended San Diego County Water Authority Board Meeting.

Mayor McNamara - Attended a recent SANDAG meeting regarding economic development.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 6:54 p.m.

MAYOR

CITY CLERK

CITY OF ESCONDIDO
February 12, 2020
5:00 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 5:00 p.m. on Wednesday, February 12, 2020 in the City Council Chambers at City Hall with Mayor McNamara presiding.

ATTENDANCE: The following members were present: Deputy Mayor Consuelo Martinez, Councilmember Michael Morasco, and Mayor Paul McNamara. Absent: Councilmember Olga Diaz and Councilmember John Masson. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/RRB)

MOTION: Moved by Councilmember Masson and seconded by Deputy Mayor Martinez to recess to Closed Session. Approved unanimously.

I. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. **Property:** 1812 Harmony Grove, APN 232-372-06
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: None
Under Negotiation: Dispose of City Owned Land
- b. **Property:** 509 W. 2nd Avenue, 201 S. Pine Street & 542 W. 3rd Avenue, APN 233-032-07 & 08, APN 233-032-12, 13 & 14
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: None
Under Negotiation: Dispose of City Owned Land
- c. **Property:** 250 E 14th Street, APN 233-592-04
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Maple Avenue Properties, LLC
Under Negotiation: Provide Offer to Owner

II. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))

- a. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9(d)(2): One Case: Claim No. 5167

III. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))

- a. **Case Name:** City of Escondido v. Nilesch Patel, an individual, Jai Ambe Phoenix, LLC
 Case No: 37-2018-00023279-CU-MC-NC

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:54 p.m.

MAYOR

CITY CLERK

CITY OF ESCONDIDO
February 12, 2020
6:00 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on Wednesday, February 12, 2020 in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk led the Moment of Reflection

FLAG SALUTE

Paul McNamara, Mayor, led the flag salute

PROCLAMATION

Mayor McNamara presented a proclamation for Black History Month to representatives from the North County NAACP.

PRESENTATION

Mike Dunlap received a Certificate of Recognition

Frank Foster delivered a presentation regarding "A Step Beyond".

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; and Zack Beck, City Clerk.

CLOSED SESSION REPORT

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- d. **Property:** 1812 Harmony Grove, APN 232-372-06
 City Negotiator: Jeffrey Epp, City Manager
 Negotiating Parties: None
 Under Negotiation: Dispose of City Owned Land

COUNCIL ACTION: The City Council voted 5/0 to set up a Public Hearing for the designation of surplus property at a future City Council Meeting.

- e. **Property:** 509 W. 2nd Avenue, 201 S. Pine Street & 542 W. 3rd Avenue, APN
 233-032-07 & 08, APN 233-032-12, 13 & 14
 City Negotiator: Jeffrey Epp, City Manager
 Negotiating Parties: None
 Under Negotiation: Dispose of City Owned Land

COUNCIL ACTION:

- f. **Property:** 250 E 14th Street, APN 233-592-04
 City Negotiator: Jeffrey Epp, City Manager
 Negotiating Parties: Maple Avenue Properties, LLC
 Under Negotiation: Provide Offer to Owner

COUNCIL ACTION: The City Council voted 5/0 to give direction to the real estate assets manager to bring forward this item in an open session meeting.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))

- a. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9(d)(2): One Case: Claim No. 5167

COUNCIL ACTION: The City Council voted 5/0 to approve a settlement agreement in the amount \$17,250.

CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))

- b. **Case Name:** City of Escondido v. Nileshe Patel, an individual, Jai Ambe Phoenix, LLC
 Case No: 37-2018-00023279-CU-MC-NC

COUNCIL ACTION: No reportable action.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

MOTION: Moved by Councilmember Masson and seconded by Councilmember Diaz to approve all Consent Calendar items. Approved unanimously.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)

2. APPROVAL OF WARRANT REGISTER (Council)

Request the City Council approve the City Council and Housing Successor Agency warrant numbers (File No. 0400-40):

338824 – 339025 dated January 29, 2020.

Staff Recommendation: **Approval (Finance Department: Joan Ryan)**

3. APPROVAL OF MINUTES: None Scheduled

4. TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2019 -

Request the City Council receive and file the Quarterly Investment Report. (File No. 0490-55)

Staff Recommendation: **Receive and File (City Treasurer's Office: Douglas W. Shultz)**

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/RRB at a previous City Council/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

CURRENT BUSINESS

5. **FINANCIAL STATUS REPORT FOR THE FISCAL YEAR 2019/20 SECOND QUARTER ENDING DECEMBER 31, 2019, AND BUDGET ADJUSTMENT -**

Request the City Council receive and file the Second Quarter Financial Report for Fiscal Year 2019/20, and approve the attached budget adjustment. (File No. 0430-30, 0430-80)

Staff Recommendation: **Approval (Finance Department: Joan Ryan)**

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Martinez to receive and file the Second Quarter Financial Report for Fiscal Year 2019/20, and approve the attached budget adjustment. Approved unanimously.

6. **LIBRARY PARTNERSHIP BETWEEN THE CITY OF ESCONDIDO AND THE PALOMAR COMMUNITY COLLEGE DISTRICT -**

Request the City Council approve authorizing a Memorandum of Understanding (MOU) between the City of Escondido and the Palomar Community College District to promote library services available to the general public at Palomar Community College's Ernest J. Allen Library located at the Escondido Education Center. (File No. 0740-30)

Staff Recommendation: **Approval (Communications and Community Services Department: Joanna Axelrod)**

RESOLUTION NO. 2020-17

Dr. Jack Kahn - Acting Superintendent of Palomar College, expressed support for the MOU.

Jack Anderson - President of the Escondido Library Foundation, expressed support for the MOU.

Katherine Barbara Frahm - Expressed support for the MOU.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Diaz to approve authorizing a Memorandum of Understanding (MOU) between the City of Escondido and the Palomar Community College District to promote library services available to the general public at Palomar Community College's Ernest J. Allen Library located at the Escondido Education Center. Approved unanimously.

CONSULTING AGREEMENT WITH TRUE NORTH RESEARCH, INC. FOR PHASE II COMMUNITY SURVEY EFFORTS AND THE FORMATION OF AN AD HOC CITY COUNCIL SUBCOMMITTEE -

Request the City Council approve authorizing the City Manager to execute a Consulting Agreement with True North Research, Inc. to prepare a resident satisfaction survey for an amount not to exceed \$31,500; and establish an ad hoc City Council subcommittee of two members to work with staff and the consultant in developing the survey questions. (File No. 0600-10, A-3326)

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

RESOLUTION NO. 2020-19

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve authorizing the City Manager to execute a Consulting Agreement with True North Research, Inc. to prepare a resident satisfaction survey for an amount not to exceed \$31,500; and establish an ad hoc City Council subcommittee of Deputy Mayor Martinez and Councilmember Masson to work with staff and the consultant in developing the survey questions. Approved unanimously.

FUTURE AGENDA

7. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Deputy Mayor Martinez - Attended a League of California Cities Meeting with District Attorney Summer Stefan.

Mayor McNamara - Attended a SANDAG Transportation Committee Meeting.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

• WEEKLY ACTIVITY REPORT -

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 7:17 p.m.

MAYOR

CITY CLERK

CITY COUNCIL STAFF REPORT

Consent Item No. 4

March 4, 2020

File No. 0800-10

SUBJECT: Final Map for Tract 951 located at 640 Oakwood Creek Glen

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council approve the Final Map for Tract 951 ("Project"), a 12-lot single-family residential subdivision located at 640 Oakwood Creek Glen.

FISCAL ANALYSIS:

The Developer, in accordance with the adopted fee schedule, pays the cost for review of the Final Map.

PREVIOUS ACTION:

The Planning Commission approved this Project on November 13, 2007, as Resolution No. 5796. State legislative action automatically extended the expiration of the tentative map until November 27, 2017. Planning Commission subsequently approved an additional three (3) year extension of time on September 12, 2017, as Resolution No. 6103.

BACKGROUND:

The approval for the Final Map for Tract 951 includes construction of a box culvert bridge and mitigation purchase of coast live oak woodland habitat. Staff has examined this Final Map and found it to be mathematically correct and in substantial conformance to the approved Tentative Map, and is subject to the conditions of approval. This Final Map conforms to the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval. The Planning Department has also reviewed and approved this Final Map. (See Attachment A)

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

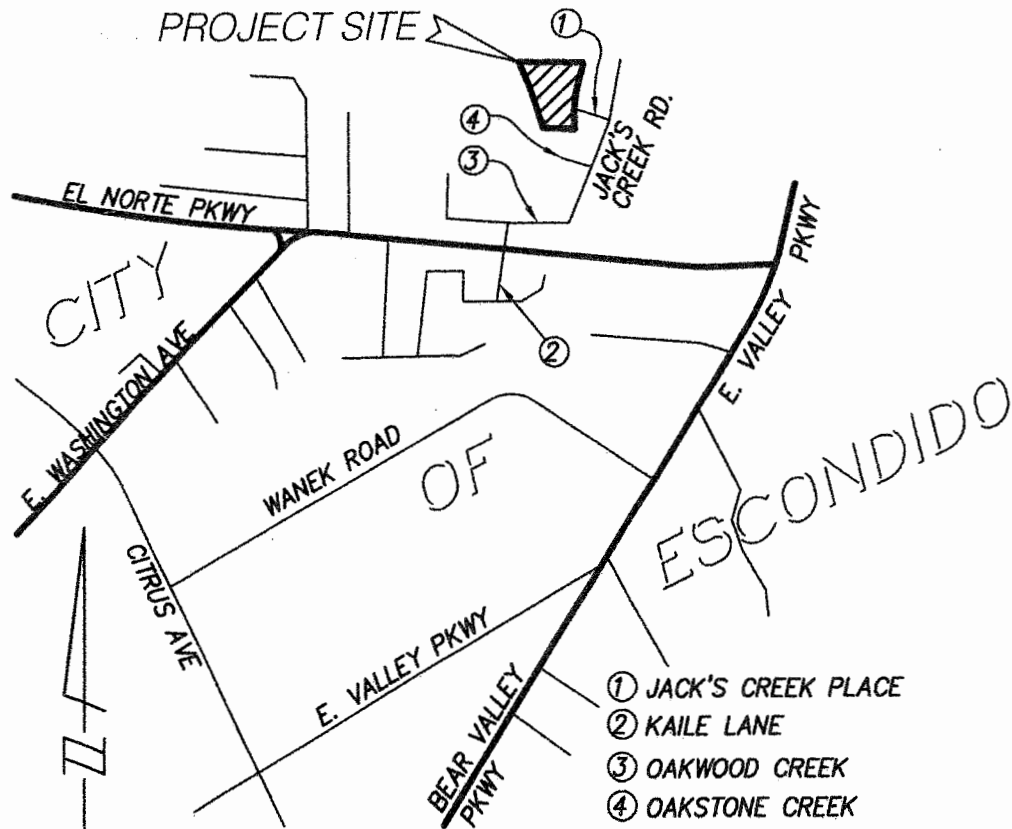
Julie Procopio, Director of Engineering Services
2/27/20 8:20 a.m.

ATTACHMENTS:

1. Attachment A – Site Location Map

TRACT NO. 951

CITY OF ESCONDIDO



VICINITY MAP

NOT TO SCALE

CITY COUNCIL STAFF REPORT

Consent Item No. 5

March 4, 2020

File No. 0480-70

SUBJECT: Homeless Emergency Aid Program Grant Budget Adjustment

DEPARTMENT: Housing & Neighborhood Services

RECOMMENDATION:

It is requested that the City Council approve a budget adjustment (see Attachment 1) in the amount of \$192,995 to accept Homeless Emergency Aid Program ("HEAP") grant funds. These funds will be used to increase outreach to homeless individuals in Escondido through the employment of a social worker.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget and does not require matching funds.

PREVIOUS ACTION:

On October 10, 2018, City Council adopt Resolution No. 2018-153 declaring a shelter crisis in the City of Escondido ("City") and authorizing the Deputy City Manager or his designee to apply for HEAP funds.

On March 20, 2019, City Council adopted Resolution No. 2019-46 authorizing an agreement with Interfaith Community Services to employ a social worker to provide homeless case management services to the team addressing homelessness in Escondido. The contract was dependent on receiving HEAP funds.

BACKGROUND:

The State of California has recognized the urgent and immediate need for funding at the local level to combat homelessness and has provided funding to local governments under HEAP, a \$500 million block grant program designed to provide direct assistance to cities, counties and local Continuums of Care ("CoC"), to address the homelessness crisis throughout California. HEAP was authorized by SB 850, which was signed into law by Governor Edmund G. Brown, Jr. on June 27, 2018. Under this one-time flexible funding source, \$18.8 million was made available to the Regional Taskforce for the Homeless ("RTFH") as the San Diego County CoCs. The RTFH made this funding available to cities and non-profits through a Request for Proposals.

The City has been awarded a one-year \$192,995 grant from the RTFH to partner with Interfaith Community Services to hire a social worker to conduct outreach to the homeless community in Escondido. The social worker works in collaboration with the City and the Community Oriented Policing and Problem Solving ("COPPS") unit to address the issue of homelessness in Escondido, providing direct services to homeless clients including: intake, assessment, and case management as well as

Homeless Emergency Aid Program Grant Budget Adjustment
March 4, 2020
Page 2

client advocacy with the goal of supporting self-sufficiency. A budget adjustment is necessary to receive and spend these funds.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
2/27/20 10:04 a.m.

Karen Youel, Housing & Neighborhood Services Manager
2/26/20 4:52 p.m.

ATTACHMENTS:

1. Attachment 1 - Budget Adjustment

CITY COUNCIL STAFF REPORT

Consent Item No. 6

March 4, 2020

File No. 0800-10

SUBJECT: Notice of Completion for Bernardo Acres Tract 877

DEPARTMENT: Engineering Services

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-21 to approve and accept the Public Improvements and authorize staff to file a Notice of Completion ("NOC") for Bernardo Acres Tract 877 ("Project"). (See Attachment 1).

FISCAL ANALYSIS:

The Developer, in accordance with the adopted fee schedule, pays for the cost for inspection and plan review.

PREVIOUS ACTION:

On January 11, 2017, the City Council approved the Project, a thirteen (13) Lot Residential Subdivision located at 1995 Bernardo Avenue. The Project was recommended for approval by the Planning Commission on May 9, 2006, as Resolution No. 5692 and approved by the City Council on June 7, 2006, as Resolution No. 2006-116 and Ordinance No. 2006-22 for a Zone Change. The City Council subsequently approved a Street Vacation for a portion of Bernardo Avenue on October 14, 2009, as Resolution No. 2009-109 and an Extension of Time on June 22, 2016, as Resolution No. 2016-92.

BACKGROUND:

Bernardo Acres Tract 877 is a thirteen lot residential subdivision located at 2435 Bernardo Avenue. The Project includes the installation of two (2) fire hydrants, two (2) pedestrian ramps, five (5) streetlights, 250 feet of storm drain, water and sewer services, sidewalk, curb and gutter.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

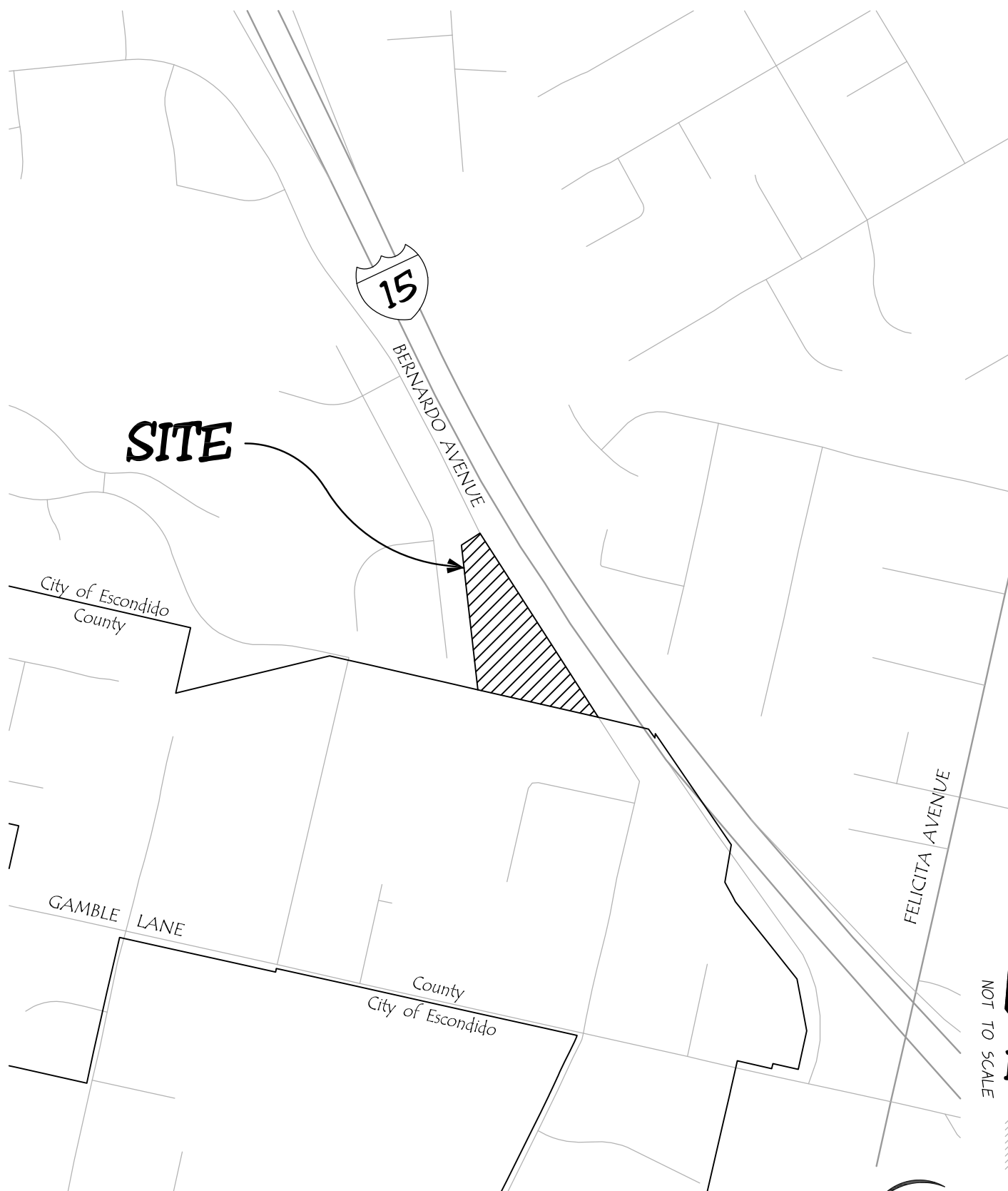
Julie Procopio, Director of Engineering Services
2/27/20 8:20 a.m.

ATTACHMENTS:

1. Attachment 1 – Vicinity Map
2. Resolution No. 2020-21

BERNARDO ACRES TRACT NO. 877

Attachment "1"
Page 1 of 1



NOTICE OF COMPLETION
CITY COUNCIL MEETING 03-04-2020



RESOLUTION NO. 2020-21

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE CITY ENGINEER, ON
BEHALF OF THE CITY, TO FILE A NOTICE
OF COMPLETION FOR THE BERNARDO
ACRES PROJECT TRACT 877

WHEREAS, on June 7, 2006, the City Council adopted Resolution No. 2006-116 and Ordinance No. 2006-22, approving the Bernardo Acres Project Tract 877 ("Project"), a 13-lot residential subdivision project in conjunction with a zone change; and

WHEREAS, on October 14, 2009, the City Council adopted Resolution No. 2009-109, approving a Street Vacation for a portion of Bernardo Avenue; and

WHEREAS, on June 22, 2016, the City Council adopted Resolution No. 2016-92, approving an Extension of Time; and

WHEREAS, on January 11, 2017, the City Council approved the Final Map; and

WHEREAS, San Luis Rey Investment is the Developer for the Project, addressed as 2435 Bernardo Avenue (APN 235-20-304); and

WHEREAS, the City of Escondido ("City") staff and the City Engineer deems the filing of the Notice of Completion ("NOC") to be valid and recommends approval; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the filing of the NOC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the City Engineer.
3. That the City Council hereby approves the request to file a NOC for the
Project.

CITY COUNCIL STAFF REPORT

Consent Item No. 7

March 4, 2020

File No. 0480-70

SUBJECT: Illegal Disposal Site Abatement Grant Program Application

DEPARTMENT: Public Works

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-26 authorizing the Director of Public Works or his designee to submit grant documents for Illegal Disposal Site Abatement Grant Program ("Abatement Program") funds for an amount up to \$100,000 from the California Department of Resources Recycling and Recovery ("CalRecycle"), and if awarded, to accept the grant funds and complete necessary documents required by CalRecycle for participation in the Abatement Program in conjunction with the Citywide encampment debris removal program.

FISCAL ANALYSIS:

Grant funds will leverage budgeted funds reserved for the Citywide debris removal program. The City of Escondido ("City") is requesting funds to clean up identified illegal disposal sites, remove vegetation to improve visibility as a deterrent to these activities, and to install barriers to reduce accessibility with the intent of decreasing illegal dumping in these areas. Grant funds will be used to pay a portion of the Debris Crew salaries. Costs must be incurred before June 30, 2022.

PREVIOUS ACTION:

None.

BACKGROUND:

CalRecycle administers the Illegal Disposal Site Abatement Grant Program pursuant to Section 48020 of the Public Resources Code. The purpose of the grant is to clean up solid waste sites and solid waste at co-disposal sites where cleanup is needed to protect public health and safety and/or the environment. In 2018, the City embarked on an aggressive campaign to combat threats to public health and safety related to encampments, including the formation of a Debris Crew to patrol and clean areas which have been identified as illegal disposal hot spots before dumping becomes intractable. Last year the City's debris abatement program was funded at approximately \$259,000. This budget includes cleaning illegal dump sites, fence repairs, pressure washing downtown sidewalks, trash disposal, and administrative and supervisory costs. The City is currently projecting an increase in costs in Fiscal Year 2021 to remove an anticipated 50,000 tons of trash and debris.

Illegal Disposal Site Abatement Grant Program Application
March 4, 2020
Page 2

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Joseph Goulart, Director of Public Works
2/27/20 7:44 a.m.

ATTACHMENTS:

1. Resolution No. 2020-26

RESOLUTION NO. 2020-26

A RESOLUTION OF THE CITY OF
ESCONDIDO AUTHORIZING SUBMITTAL
OF APPLICATION(S) FOR ILLEGAL
DISPOSAL SITE ABATEMENT GRANT
PROGRAM

WHEREAS, Public Resources Code sections 48000 et seq. authorize the Department of Resources Recycling and Recovery ("CalRecycle") to administer various grant programs ("Grants") in furtherance of the State of California's ("State") efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity, protecting public health and safety, and the environment; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the City of Escondido, as follows:

1. That the above recitations are true.
2. That the City of Escondido authorizes the submittal of application(s) to CalRecycle for the Illegal Disposal Site Abatement Grant Program.
3. That the Director of Public Works, or his designee, is hereby authorized and empowered to execute in the name of the City of Escondido all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project.

4. That these authorizations are effective for five (5) years from the date of adoption of this Resolution.

CITY COUNCIL STAFF REPORT

Consent Item No. 8

March 4, 2020

File No. 0690-20

SUBJECT: Resolution Declaring a Vacant City Owned Parcel on Harmony Grove, APN 232-372-06, as Exempt Surplus Land

DEPARTMENT: Engineering Services Department; Real Property

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-27 declaring the vacant City-owned parcel on Harmony Grove Road, APN 232-372-06, as exempt surplus land and allow for the disposal of the parcel.

FISCAL ANALYSIS:

Once disposed, sale proceeds will be allocated into the general fund.

BACKGROUND:

The City acquired numerous parcels throughout the City, in order to construct the Escondido Creek Flood Channel. One parcel is located on Harmony Grove Road, adjacent to the Escondido Creek Flood Channel, and a privately owned parcel at 1812 Harmony Grove Road, identified as APN 232-372-06. It was acquired by the City in 1981 as an additional Right of Way ("ROW") required for the flood channel. It has been determined that this parcel is no longer required for the City's use.

Under the Surplus Lands Act, Government Code Section 54200-54234 ("Act"), surplus land is defined as "land owned" in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use." Certain surplus lands, however, are exempt from the Act. One example of "exempt surplus land" is "surplus land that is a former street, ROW, or easement, and is conveyed to an owner of an adjacent property." Both "surplus land" and "exempt surplus land" must be declared as such and supported by written findings by the local agency's governing body at a regular public meeting before a local agency may take any action to dispose of the land.

The City is a "local agency" as defined by the Act and desires to dispose of the surplus land that is not necessary for the City's use. The city owned parcel meets the definition of "exempt surplus land" and the adjacent private property owner has expressed a desire to acquire the parcel at fair market value. City staff will negotiate in good faith to sell the surplus land in accordance with the Act.

A sale of surplus government property is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Title 14 Section 15312 of the California Code of Regulations ("CEQA Guidelines"), so long as certain criteria are met and no exceptions apply. Here, the subject

Declaration of Surplus Property
March 4, 2020
Page 2

property is not located in an area of statewide, regional, or area wide concern as defined in CEQA Guidelines Section 15206(b)(4). Moreover, none of the exceptions listed in CEQA Guidelines Section 15300.2 apply to the subject property. Therefore, the sale of the subject property is categorically exempt from CEQA as a Class 12 exemption pursuant to Section 15312 of the CEQA Guidelines.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
2/27/20 8:20 a.m.

ATTACHMENTS:

1. Resolution No. 2020-27

RESOLUTION NO. 2020-27

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
DECLARING A VACANT CITY OWNED
PARCEL ON HARMONY GROVE ROAD, APN
232-372-06, AS EXEMPT SURPLUS LAND

WHEREAS, the City of Escondido (“City”) owns certain real property of approximately 0.17 acres located on Harmony Grove Road, adjacent to the Escondido Creek flood channel. This City property is adjacent to a privately owned parcel at 1812 Harmony Grove Road, identified by reference to Assessor Parcel No. 232-372-06; and

WHEREAS, the parcel was acquired by the City in 1981 as additional right of way required for Escondido Creek flood control and it has been determined that the parcel is no longer required for the City’s use; and

WHEREAS, the Surplus Lands Act (Gov. Code § 54220, *et seq.*) (the “Act”) requires local agencies, prior to disposing of surplus real property, to provide a notice of availability of that property to certain entities for specified uses, including affordable housing, parks and recreation, or open space; and

WHEREAS, the Act defines “surplus land” as “land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use;” and

WHEREAS, certain surplus lands, however, are exempt from the noticing requirements under the Act. One example of “exempt surplus land” is surplus land that

is a former street, right of way, or easement, and is conveyed to an owner of an adjacent property; and

WHEREAS, the City is a “local agency” as defined by the Act and desires to dispose of the surplus land that is not necessary for the City’s use. The City owned parcel meets the definition of “exempt surplus land” under California law as it is a former right of way required for the construction and/or maintenance of the flood channel. The proposed disposition of this surplus right of way property would be to an adjacent private property owner at fair market value.

WHEREAS, the adjacent property owner has expressed a desire to acquire the City owned parcel and City staff will negotiate with the property owner; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to declare the parcel as exempt surplus land and to dispose of the identified parcel to the adjacent property owner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The Real Property Manager is authorized to negotiate with the adjacent property owner, on behalf of the City, to reach agreeable terms in the disposal of the exempt surplus land.

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ESCONDIDO, CALIFORNIA, AMENDING
ARTICLE 34 OF THE ESCONDIDO ZONING CODE
RELATED TO SMALL WIRELESS FACILITIES IN THE
PUBLIC RIGHT-OF-WAY

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 19-0001

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. The Planning Commission conducted a public hearing on December 10, 2019, to discuss and consider the proposed amendment to Article 34 of the Escondido Zoning Code; considered public testimony; and made a recommendation to the City Council.

SECTION 3. The City Council conducted a public hearing on the matter on February 5, 2020. The City Council has duly reviewed and considered all evidence submitted at said hearing, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated February 5, 2020, which along with its attachments is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 4. That upon consideration of the staff report, Planning Commission recommendation, all public testimony presented at the hearing held on this matter, and

<p>A COMPLETE COPY OF THIS ORDINANCE IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR YOUR REVIEW.</p>

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 10

March 4, 2020

File No. 0680-50

SUBJECT: Amendment to Chapter 22A of the Escondido Municipal Code to enhance outdoor air regulations by regulating where smoking is allowed in the City (AZ 20-0001)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is recommended that the City Council introduce Ordinance No. 2020-06 to adopt smoke-free air laws. The request also includes the adoption of the environmental determination prepared for the project.

FISCAL ANALYSIS:

The cost associated with the preparation of the draft ordinance is included within the City Attorney and Community Development Department budgets. Costs associated with the implementation of the ordinance would include outreach and enforcement. Although, there is currently no request for additional funding or staffing, City staff will evaluate impacts on the Police Department as the proposed regulations go into effect and return to City Council with an update if additional resources are needed. Until then, it is anticipated that all enforcement activities would be included within the Police Department budgets.

PREVIOUS ACTION:

On June 20, 2018, the City Council initiated a planning process to address various nonresidential land uses that tend to negatively impact surrounding properties. This "Zoning Code and Land Use Study," (the "Study") examined various land use activities, including tobacco product sales. During the course of the Study, the City Council provided direction to the Planning Division to look into best practices to regulate tobacco product sales, control youth access, and potentially develop a tobacco retailers license program. Although the Study and corresponding Zoning Code amendments were completed on August 21, 2019, with the introduction of Ordinance No. 2019-09, City staff still needed to research possible tobacco control regulations.

The purpose of this report is to follow up on previous Council direction and introduce draft Ordinance No. 2020-06 to enhance outdoor smoke-free air regulations by changing where smoking is allowed in the City. It is anticipated that a future agenda item will be scheduled with the City Council to review and consider amendments to additionally regulate tobacco product sales and propose new laws to limit youth access to tobacco products.

BACKGROUND:

According to the Center for Disease Control ("CDC"), smoking leads to disease and disability and harms nearly every organ of the body. Smoking causes cancer, heart disease, stroke, lung disease, diabetes,

and chronic obstructive pulmonary disease, which includes emphysema and chronic bronchitis. Smoking also increases risk for tuberculosis, certain eye diseases, and immune system problems, including rheumatoid arthritis. More than 16 million Americans are living with a disease caused by smoking. Smoking can also kill. Tobacco product use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. Furthermore, for every person who dies because of smoking, at least 30 people live with a serious smoking-related illness.

Secondhand smoke exposure contributes to approximately 41,000 deaths among nonsmoking adults and 400 deaths in infants each year. Secondhand smoke causes stroke, lung cancer, and coronary heart disease in adults. Children who are exposed to secondhand smoke are at increased risk for sudden infant death syndrome, acute respiratory infections, middle ear disease, more severe asthma, respiratory symptoms, and slowed lung growth. Secondhand smoke is strongly associated with increased risk for serious health conditions for youth, young adults, and for low-income and other populations disparately impacted by the chronic diseases caused by tobacco products.

In addition to it being recognized as a cause of disease in both humans and animals, secondhand smoke is also an issue with the environment - the most important impact is how it affects air quality overall. Smoking in general is detrimental to air quality. Abundant evidence from various sources show marked improvements in air quality when smoking is banned. For example, when New York instituted a state-wide smoke-free law, levels of fine particulate matter in 20 locations studied decreased by 84 percent, and many other locations show similar results around the world. The source of this information (i.e. CDC Fact Sheet[s]) and other background information about smoking, secondhand smoke, health-related impacts, and environmental-related impacts is provided in Attachment 2.

The California State Legislature has declared that tobacco product smoke is a hazard to the health of the general public (California Health and Safety Code Section 118880). Smoke-free air restrictions have been an important component to advancing tobacco control intervention. As recently as 20 years ago, few communities required workplaces and hospitality venues to be smoke-free, but today the State requires these places to be smoke-free. Furthermore, State law allows cities and counties to adopt tobacco product control laws stronger than State and federal laws. That is, a city or county may additionally regulate or completely ban tobacco product sales and/or use, in any manner consistent with State and federal laws. As shown in Attachment 2, hundreds of cities have already adopted ordinances for promoting additional tobacco control within their respective jurisdictions.

Communities throughout California are re-evaluating tobacco control laws and are seeking ways to take stronger stances to protect their youth and all residents from the harms of tobacco. In 2019, sixty-one (61) cities and counties in California adopted and updated tobacco control policies. To highlight these efforts, the American Lung Association recently released its *State of Tobacco Control 2020 – California Local Grades Report* to track how well cities and counties protect their residents, businesses, and other community members from tobacco products. The *State of Tobacco Control 2020 – California Local Grades Report* (provided as Attachment 1) is based on a review of county and municipal codes for all 58 counties and 482 incorporated cities and towns in California. In the most recent 2020 report, Escondido received an overall “D” grade, which includes “F” grades in components related to “Smoke-free Housing” and “Reducing Sales of Tobacco Products.”

PROJECT ANALYSIS:

This proposed ordinance provides changes to the City's codes to include additional smoke-free air restrictions. The draft ordinance is based on model ordinances, numerous ordinances that have been adopted by other cities in the State, and tailored to complement public feedback. Some of the items are self-explanatory. Other items require a summary of analysis on why the proposed changes are needed.

Update Section 22A-1 Definitions. Updates will be required to include corresponding definitions for a "smoke or smoking" and "dining area" and expanding the definition of "tobacco product" to include electronic smoking devices, among other things.

Update Section 22A-2, Prohibiting Smoking in Outdoor Dining Areas. State law prohibits smoking in various locations, including in enclosed places of employment (Labor Code Section 6404.5). However, outdoor dining areas are not covered by this definition. In order to serve public health, safety, and welfare, the purpose of this ordinance is to further prohibit the smoking in places designated for outdoor dining. This smoke-free air law can protect nonsmoking diners from the deadly consequences of secondhand smoke exposure and reinforce social behaviors against the habit of smoking. This ordinance, if adopted, shall be interpreted in a manner supplementary to and consistent with California Labor Code Section 6404.5 and California Health and Safety Code Sections 104495 and 118875, *et seq.*, as amended, and in all cases of conflict between this chapter and any state law, the applicable state law provision shall prevail. The new laws would not apply to unenclosed areas designated for smoking by the owner or person/entity in control of the property.

Update Section 22A-2, Prohibiting Smoking in Public Places and Public Events. In consideration of the attachments provided to this staff report, referenced herein as Attachments 1-3, the City has demonstrated the dangers of smoking and secondhand smoke. The negative effects from smoking and secondhand smoke constitute a harm which the City has a substantial government interest in preventing and/or abating. If the City desires to reduce exposure to secondhand smoke by creating smoke-free environments, it can do so while striking a reasonable balance between the needs of persons who still smoke, and the need of nonsmokers to breathe smoke-free air. This would protect the public from nonconsensual exposure to secondhand smoke in and around public spaces in the City.

The new language proposed in the draft ordinance would also mean that there is no smoking in public spaces, which would include roads, alleyways, any public sidewalk, near bus stops, or in any public parking lot. As documented in this staff report and attachments, there is a compelling interest, as well as public support, in enacting this portion of the draft ordinance to restrict tobacco use in public places to protect those who live, work, and play in Escondido. The prohibition would not apply to 1) private sidewalks at locations not adjacent to a public right-of-way; 2) privately-owned parking lots or privately-owned lots or facilities; or 3) outdoor, private property. It would also not apply to smoking inside a personal vehicle not used for hire such as

a taxi, but only when there are no minors in the vehicle. In the adoption and execution of this ordinance, it is presumed based on substantial evidence that establishing additional smoke-free air policies and controls would help promote healthy-living, quality of life, social equity, provide neighborhood social and economic stability, attract business and industry, and encourage other environmental conditions that make the City of Escondido a pleasant place to live, work, and recreate.

ENFORCEMENT:

The Municipal Code already sets forth the enforcement provisions for smoke-free air law enforcement (Section 22A-4 of Chapter 22A, which is proposed to be relocated to Section 22A-3). The proposed ordinance would be subject to these same enforcement provisions. If the draft ordinance is adopted, the Planning Division would prepare a brief synopsis of the ordinance explaining that smoking is prohibited in specific locations throughout the City, and describe the areas and circumstances under which smoking is still allowed. Copies of the statement would be displayed and made available to the public at all City owned buildings regularly visited by the general public. The statement shall also be posted on the City website and included at least once a year in any City newsletter mailed to all residents and/or announcements made through social media outreach.

PUBLIC OUTREACH:

During the course of developing and finalizing the Zoning Code Land Use Study, City staff engaged the public on different occasions to advertise the process and/or to solicit input. City staff published two (2) print display advertisements in the Union Tribune and sent direct mailers to the businesses covered and involved in the study (approximately received by 500+ businesses, which included approximately 130+ businesses engaged in tobacco product retailing). These notices identified the land use activities covered by the study, which included tobacco product retailing, and created notice of potential input opportunities. City staff also hosted two (2) stakeholder meetings on January 15, 2019, and January 31, 2019, to hear directly from interested parties on the subject. City staff also facilitated an additional stakeholder meeting on May 16, 2019, with an expanded outreach effort to include local community groups and regional health advocates. Again, 130+ notices were sent to every tobacco product retailer in the City. Fourteen (14) stakeholders attended the May 16, 2019 meeting, most of which included representatives from community health support groups or advocates. Only one (1) tobacco store owner was present.

City staff understands the importance of engaging the community in the process and has conducted additional outreach activities to solicit public input. City staff held additional public meetings on tobacco product sales, possession, and use regulation options on December 17, 2019 and December 19, 2019. These meetings were advertised in similar manner as other aforementioned meetings, with print display advertisements in the Union Tribune. City Staff also notified existing City-permitted tobacco product retailers of public meetings to consider policies restricting sales, including the sale of flavored tobacco products. Meeting notices were also sent to school representatives and student families. Approximately 15 people attended each meeting (December 17, 2019, and December 19, 2019).

Planning Division staff also attended the Coalition for Drug Free Youth meeting on January 14, 2020, with approximately 24 people attending and representing a balanced group of stakeholder interests.

In consideration of all outreach events and activities conducted and input received, in general all attendees spoke in favor of limiting youth access and stated support for expanding smoke-free air policies. All those that attended supported some form of additional tobacco product regulation, inclusive of delineations for electronic smoking devices and drug paraphernalia. All correspondences received over the past year is attached hereto (provided in Attachment 3). The feedback received at these meetings, and with follow-up communications, formed the steering guidance necessary to move forward with developing a draft ordinance for the City Council's consideration. The proposed ordinance, which focuses on the smoke-free air laws component of the work effort has been determined by City staff to be in the best interest of the City as a result of comments received from the general public, youth representatives, health advocates, businesses, and tobacco product retailers; and given these considerations, City staff recommends City Council adoption of the draft ordinance as presented.

NEXT STEPS:

As is the case with most ordinances, this ordinance requires a first and second reading. If the Council adopts the first reading on March 4, 2020, City staff would bring back the ordinance for a second reading for adoption later in March or April as a consent item. The ultimate timing of the second reading depends on the scope of any changes requested by the Council. The Council could also choose to revise any of the details of this ordinance, or choose different dates for implementation. Typically, ordinances go into effect 30 days after adoption by City Council.

ENVIRONMENTAL STATUS:

The proposed Municipal Code Amendment is not a project pursuant to CEQA Guidelines Section 15378(b)(2), which provides that a project does not include general policy and procedure making. The adoption of this Municipal Code Amendment is also not a project pursuant to CEQA Guidelines Section 15378(b)(5), which provides that a project does not include organizational and administrative action of government that will not result in direct or indirect physical changes in the environment.

In the alternative, the City has determined that if the adoption of the Municipal Code Amendment is a project, it is subject to exemption. The project would be categorically exempt from environmental review in conformance with CEQA Section 15061(b)(3) and Section 15308. The activity is covered by the general rule ("common sense" rule) that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Municipal Code only updates and expands upon existing policy

It is also categorically exempt under CEQA Guidelines Section 15308, which exempts from CEQA any projects by a regulatory agency for the protection of the environment. The Ordinance constitutes a regulatory activity whose purpose is to protect air quality and prevent adverse health effects of air

pollutants cause by smoking. Therefore, the proposed Municipal Code Amendment is not subject to CEQA and no further environmental review is necessary.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
2/27/20 9:53 a.m.

Mike Strong, Assistant Director of Planning
2/27/20 8:08 a.m.

ATTACHMENTS:

1. Attachment 1 – State of Tobacco Control Report - 2020
2. Attachment 2 – Tobacco Product Retail and Smoke-Free Air Laws Research
3. Attachment 3 – Public Comments Received
4. Ordinance No. 2020-06



STATE OF TOBACCO CONTROL 2020



Table of Contents

Executive Summary	3
State of Tobacco Control in California: 2020 Highlights	4
Cities and Counties on the Rise	6
Top of the Class: Diverse and Different	13
Grades for Top Ten Cities in California	14
Appendix A - California Tobacco Control Policies by the Numbers	15
Appendix B - Top of the Class Demographic Breakdown	16
Appendix C - Local Grading Methodology	17
Appendix D - Raise Your Grade	26

County Grades

Alameda	29	Marin	52	San Luis Obispo	74
Alpine	30	Mariposa	53	San Mateo	75
Amador	31	Mendocino	54	Santa Barbara	76
Butte	32	Merced	55	Santa Clara	77
Calaveras	33	Modoc	56	Santa Cruz	78
Colusa	34	Mono	57	Shasta	79
Contra Costa	35	Monterey	58	Sierra	80
Del Norte	36	Napa	59	Siskiyou	81
El Dorado	37	Nevada	60	Solano	82
Fresno	38	Orange	61	Sonoma	83
Glenn	39	Placer	63	Stanislaus	84
Humboldt	40	Plumas	64	Sutter	85
Imperial	41	Riverside	65	Tehama	86
Inyo	42	Sacramento	67	Trinity	87
Kern	43	San Benito	68	Tulare	88
Kings	44	San Bernardino	69	Tuolumne	89
Lake	45	San Diego	71	Ventura	90
Lassen	46	San Francisco	72	Yolo	91
Los Angeles	47	San Joaquin	73	Yuba	92
Madera	51				



Executive Summary

In 2019, California proved to be a nationwide leader in combating the tobacco industry and protecting its youth from accessing tobacco. Annually, hundreds of millions of dollars are invested to better the lives of Californians by funding strong tobacco control and prevention programs. California's efforts have not gone unnoticed and are reflected in the American Lung Association *State of Tobacco Control (SOTC) 2020* national report.

The national SOTC report tracks progress on key tobacco control policies at the state and federal levels as of January 2, 2020. The report assigns grades to every state in five key areas. This year's report features California at the top of the pack, earning "A"s for Tobacco Prevention and Control Funding and Smokefree Air policies and "B"s for Tobacco Tax, Minimum Age, and Access to Cessation Services. These grades overall place us within the top 5 states in the country and reflect California's dedication to ending the tobacco epidemic.

Despite California's significant progress, tobacco continues to be the number one leading cause of preventable death in the state. Each year, approximately 40,000 adults die in California from smoking and over one-quarter of all cancer related deaths in the state are attributed to smoking. Further, California has about 40,700 high school students that currently smoke and over 7,700 kids begin smoking each year.

While the tobacco industry continues to find new methods to market and sell its products to a new generation of smokers, 2019 was a successful year for local tobacco control efforts. This year, 34 municipalities passed policies restricting the sale of flavored tobacco products. Communities throughout California are taking strong stances to protect their youth and all residents from the harms of tobacco.

To highlight these efforts, in coordination with the national report, the American Lung Association in California releases its *State of Tobacco Control 2020 – California Local Grades* report to track how well California municipalities protect their citizens from the burden of tobacco. The *State of Tobacco Control 2020 – California Local Grades* report is based on a review of county and municipal codes in four key areas for all 58 counties (which covers the unincorporated areas of each county) and 482 incorporated cities and towns in the state. Since the first such report in 2009, the number of communities with an overall "A" or "B" grade has increased dramatically.

The purpose of the *State of Tobacco Control 2020 – California Local Grades* report is to increase public knowledge about local laws that protect residents from the deadly toll of tobacco and to encourage local leadership to take action where improvement is needed. Grades are not intended to reflect the efforts of local tobacco control coalitions, the broader public health community or organizations working to advance local tobacco control policies. Instead, responsibility for enacting these life- and revenue-saving policies falls to elected officials in each community. Leadership on key issues and solutions to these difficult problems can come from every level of government. Local elected officials can, and should, take steps to protect residents from tobacco and secondhand smoke.

Highlights from this year's California report include:

- 7 communities improved their Overall Grade to an "A"
- 29 communities increased their grade to an "A" in at least one policy area
- 55 communities passed policies on emerging issues
- 19 fewer communities received an overall "F" grade compared to 2018

State of Tobacco Control in California 2020 Highlights



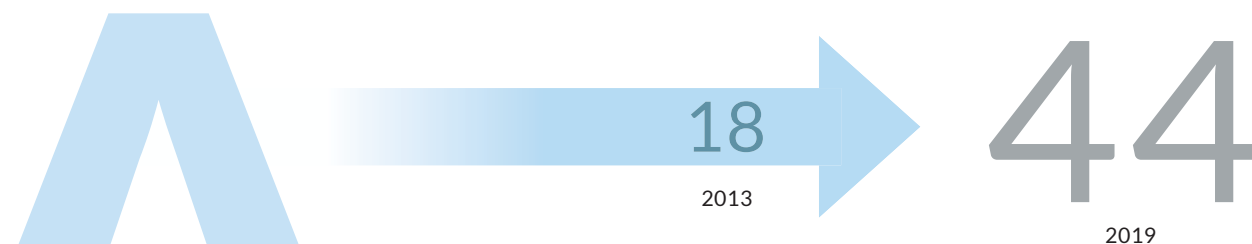
In 2019, 61 Cities and Counties Adopted and Updated Tobacco Control Policies

29 communities increased their grades to an “A” in at least one category, 34 communities adopted policies that covered two or more of the four policy areas...

In 2019, 61 municipalities adopted local ordinances in at least one of the four policy categories included in the *State of Tobacco Control 2020 – California Local Grades* report. This year saw steady increases in tobacco control policies with:

- 19 municipalities adopting ordinances restricting smoking in outdoor areas
- 12 adding restrictions on smoking in multi-unit housing
- 16 strengthening requirements for tobacco retailers to obtain licenses
- 35 passing or updating policies to include electronic smoking devices in the definitions of secondhand smoke or tobacco products
- 55 passing policies on emerging issues that help regulate the sale of novel tobacco products

See the “Cities and Counties on the Rise” section of the report (page 6) for the full list of municipalities that passed policies in 2019.



7 New Communities Received an Overall “A”

Since 2013, there has been a significant increase in cities and counties that receive an “A” for their Overall Tobacco Control grade. From just 18 communities in 2013 to 44 communities in 2019 the number of “A”s has more than doubled. See the “Top of the Class” section of the report (page 13) for the full list of cities and counties that have taken comprehensive policy action. These diverse communities are leading the state in taking the necessary steps to protect the public from the harms of tobacco.

34 Communities Passed Policies Restricting the Sale of Flavored Tobacco

The number of communities that passed policies restricting the sale of flavored tobacco products more than doubled in 2019, from 29 communities to now 63. Communities are taking action to combat the tobacco industry's aggressive marketing and protect the next generation from harms and of tobacco use.

Adelanto	Hermosa Beach	Sacramento
Albany	Lafayette	San Anselmo
Alturas	Laguna Niguel	San Carlos
Anderson	Larkspur	San Rafael
Auburn	Livermore	Santa Barbara County
Benicia	Los Angeles County	Santa Cruz County
Burbank	Menlo Park	Santa Maria
Burlingame	Oxnard	South San Francisco
Capitola	Pacific Grove	Watsonville
Corte Madera	Redondo Beach	Woodland
Culver City		
Cupertino		
Delano		
Fremont		

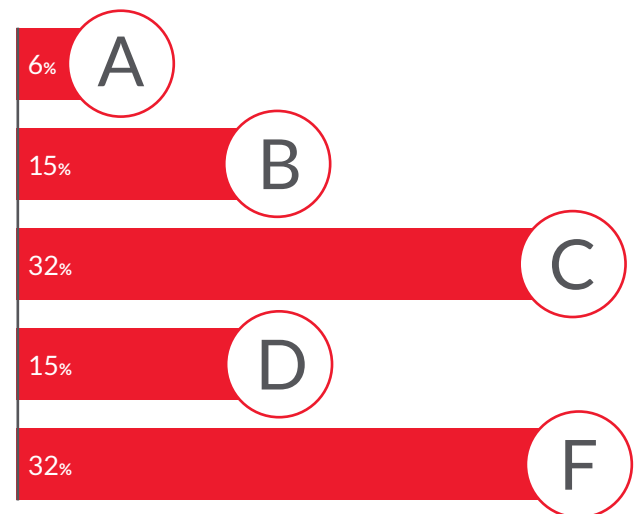
"In our community our schools are having to deal with this vaping issue and after researching on what vaping does to our youth and adults we felt no longer could we sit back, the almighty dollar cannot be valued over the health and lives of our youth and adults. The importance of passing this ordinance was to show we put our people of all ages as our priority."

- GRACE VALLEJO
Councilwoman, City of Delano

47% of Californians are Still Unprotected

While the overall number of F grades continues to decline steadily, 47 percent of California's population still live in communities scoring "D" or "F." Only 6 percent of Californians live in areas with an "A" grade.

Percent of Population by Overall Tobacco Control Grade



29 Communities Improved Their Grade to an "A" in at Least One Policy Category in 2019

Adelanto	Firebaugh	Millbrae
Atascadero	Fremont	Pacific Grove
Auburn	Gonzales	Pacifica
Bell Gardens	Hanford	Pismo Beach
Benicia	Healdsburg	Redondo Beach
Capitola	Hermosa Beach	San Anselmo
Clearlake	Irvine	San Carlos
Colton	Lafayette	Santa Clara
Corte Madera	Larkspur	Santa Maria
Cupertino	Livermore	



Cities and Counties on the Rise

Each year, cities and counties across the state work diligently to safeguard their residents from the harmful effects of tobacco. Our “On the Rise” communities acted in 2019 to reduce sales of tobacco products and prevent the harmful effects of secondhand smoke. For some communities, these policies represent a hard-earned first step in tobacco control policy. For others, these policies round out comprehensive measures already in place. Each of these policies represent the tangible impact that tobacco control efforts are having on communities across the state.

These 61 “Cities and Counties On the Rise” adopted local ordinances in at least one of the four policy categories in 2019. In most cases, their actions improved their grade, but in some, the ordinance(s) only contributed to increasing the points in a particular grade category. These policies and actions taken to keep community members safe are noteworthy and deserve acknowledgement.

On the following pages are the 2020 “Cities and Counties on the Rise,” which are listed along with the grade categories in which they passed a policy. For further details about each municipality’s grades and points, including their Overall Tobacco Control grade, see the county report cards that begin on page 26.

Benicia passed the most comprehensive tobacco policies of 2019

In one major policy push, Benicia improved their Overall Grade from an “F” to an “A”. This effort included all four sections of graded in this report: Smokefree Outdoor Air, Smokefree Housing, and Reducing Sale of Tobacco Products, and Emerging Issues.

“After a fifteen-year effort the city council took the right step to protect public health. I am grateful for the council majority in putting people’s need to be free from second hand smoke and vapors first. It is a strong statement for clean air and healthy living. Bravo to our city and county staff for a first-rate job of education, research and putting the ordinances together. Well done.”

- ELIZABETH PATTERSON, Benicia Mayor



Northern California

City	County	Grade Category Improvement
Alturas	Modoc	Overall Tobacco Grade (C to B) Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Anderson	Shasta	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Corning	Tehama	Smokefree Outdoor Air (F to D) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Modoc County	Modoc	Smokefree Outdoor Air (Point Increase)



North Coast

City	County	Grade Category Improvement
Clearlake	Lake	Overall Tobacco Control Grade (F to D) Smokefree Outdoor Air (D to A) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Corte Madera	Marin	Overall Tobacco Control Grade (C to A) Reducing Sale of Tobacco Products (F to A) Emerging Issues (4 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
Healdsburg	Sonoma	Overall Tobacco Control Grade (B to A) Smokefree Housing (D to A)
Larkspur	Marin	Overall Tobacco Control Grade (C to A) Reducing Sale of Tobacco Products (F to A) Emerging Issues (4 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
San Anselmo	Marin	Overall Tobacco Control Grade (B to A) Reducing Sale of Tobacco Products (F to A) Emerging Issues (4 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
San Rafael	Marin	Overall Tobacco Control Grade (Remains A) Emerging Issues (3 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i>





Greater Sacramento

City	County	Grade Category Improvement
Auburn	Placer	Overall Tobacco Control Grade (F to C) Reducing Sale of Tobacco Products (F to A) Emerging Issues (3 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Retailer Location Restrictions</i> - <i>Flavored Tobacco Products</i>
Loomis	Placer	Smokefree Outdoor Air (F to D) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Sacramento	Sacramento	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Waterford	Stanislaus	Smokefree Outdoor Air (Point Increase) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Woodland	Yolo	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>



Greater Bay Area

City	County	Grade Category Improvement
Albany	Alameda	Emerging Issues (2 point bonus): - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
Benicia	Solano	Overall Tobacco Control Grade (F to A) Smokefree Outdoor Air (D to A) Smokefree Housing (F to A) Reducing Sale of Tobacco Products (F to A) Emerging Issues (5 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Retailer Location Restrictions</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
Berkeley	Alameda	Emerging Issues (1 point bonus): - <i>Minimum Pack Size of Cigars</i>
Burlingame	San Mateo	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Cupertino	Santa Clara	Overall Tobacco Control Grade (D to C) Reducing Sale of Tobacco Products (F to A) Emerging Issues (4 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Retailer Location Restrictions</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i>





Greater Bay Area continued

City	County	Grade Category Improvement
Fremont	Alameda	Overall Tobacco Control Grade (B to A) Reducing Sale of Tobacco Products (F to A) Emerging Issues (2 point bonus): - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
Lafayette	Contra Costa	Overall Tobacco Control Grade (C to A) Reducing Sale of Tobacco Products (F to A) Emerging Issues (4 point bonus): - <i>Emerging Products Definition – Licensing</i> - <i>Retailer Location Restrictions</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i>
Livermore	Alameda	Overall Tobacco Control Grade (D to B) Reducing Sale of Tobacco Products (F to A) Emerging Issues (3 point bonus): - <i>Emerging Products Definition – Licensing</i> - <i>Retailer Location Restrictions</i> - <i>Flavored Tobacco Products</i>
Menlo Park	San Mateo	Emerging Issues (4 bonus points): - <i>Emerging Products Definition – Secondhand Smoke</i> - <i>Emerging Products Definition – Licensing</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i>
Millbrae	San Mateo	Overall Tobacco Control Grade (D to C) Smokefree Housing (F to A) Emerging Issues (1 point bonus): - <i>Emerging Products Definition – Secondhand Smoke</i>
Pacifica	San Mateo	Overall Tobacco Control Grade (C to B) Smokefree Housing (F to A) Emerging Issues (1 point bonus): - <i>Emerging Products Definition – Secondhand Smoke</i>
San Carlos	San Mateo	Overall Tobacco Control Grade (C to B) Smokefree Housing (D to A) Emerging Issues (3 point bonus): - <i>Emerging Products Definition – Secondhand Smoke</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i>
Santa Clara	Santa Clara	Overall Tobacco Control Grade (F to B) Smokefree Outdoor Air (F to A) Smokefree Housing (D to A)
South San Francisco	San Mateo	Emerging Issues (2 point bonus): - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i>



Central Valley

City	County	Grade Category Improvement
Delano	Kern	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Firebaugh	Fresno	Overall Tobacco Control Grade (C to B) Smokefree Housing (F to A)
Hanford	Kings	Overall Tobacco Control Grade (F to C) Smokefree Outdoor Air (F to A) Smokefree Housing (F to C) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Madera	Madera	Overall Tobacco Control Grade (F to D) Smokefree Outdoor Air (F to C) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Mariposa County	Mariposa	Smokefree Outdoor Air (C to B)
Orange Grove	Fresno	Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Parlier	Fresno	Overall Tobacco Control Grade (D to C) Smokefree Outdoor Air (F to C) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>



Monterey-Santa Cruz

City	County	Grade Category Improvement
Capitola	Santa Cruz	Overall Tobacco Control Grade (C to B) Reducing Sale of Tobacco Products (F to A) Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Gonzales	Monterey	Overall Tobacco Control Grade (F to C) Reducing Sale of Tobacco Products (F to A) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Licensing</i>
Monterey County	Monterey	Smokefree Outdoor Air (F to D) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Pacific Grove	Monterey	Overall Tobacco Control Grade (F to C) Smokefree Outdoor Air (D to B) Smokefree Housing (F to A) Emerging Issues (2 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i> - <i>Flavored Tobacco Products</i>
San Juan Bautista	San Benito	Smokefree Outdoor Air (Point Increase)
Santa Cruz County	Santa Cruz	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Watsonville	Santa Cruz	Emerging Issues (2 point bonus): - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i>





Central Coast

City	County	Grade Category Improvement
Arroyo Grande	San Luis Obispo	Emerging Issues (1 point bonus): - <i>Emerging Products Definition</i> - <i>Secondhand Smoke</i>
Atascadero	San Luis Obispo	Overall Tobacco Control Grade (F to C) Smokefree Outdoor Air (F to A) Smokefree Housing (F to C) Emerging Issues (1 point bonus): - <i>Emerging Products Definition</i> - <i>Secondhand Smoke</i>
Oxnard	Ventura	Emerging Issues (2 point bonus): - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
Pismo Beach	San Luis Obispo	Overall Tobacco Control Grade (F to D) Smokefree Outdoor Air (F to A) Emerging Issues (1 point bonus): - <i>Emerging Products Definition</i> - <i>Secondhand Smoke</i>
Santa Barbara County	Santa Barbara	Emerging Issues (2 point bonus): - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
Santa Maria	Santa Barbara	Overall Tobacco Control Grade (D to C) Reducing Sale of Tobacco Products (F to A) Emerging Issues (4 point bonus): - <i>Emerging Products Definition</i> - <i>Licensing</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>



Los Angeles County

City	County	Grade Category Improvement
Bell Gardens	Los Angeles	Overall Tobacco Control Grade (F to C) Smokefree Housing (F to A)
Beverly Hills	Los Angeles	Emerging Issues (1 point bonus): - <i>Sale of Tobacco Products in Pharmacies</i>
Burbank	Los Angeles	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Culver City	Los Angeles	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
Hermosa Beach	Los Angeles	Overall Tobacco Control Grade (D to B) Reducing Sale of Tobacco Products (F to A) Emerging Issues (5 point bonus): - <i>Emerging Products Definition</i> - <i>Licensing</i> - <i>Retailer Location Restrictions</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>





Los Angeles County continued

City	County	Grade Category Improvement
Los Angeles County	Los Angeles	Smokefree Outdoor Air (D to C) Emerging Issues (5 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i> - <i>Emerging Products Definition - Licensing</i> - <i>Sale of Tobacco Products in Pharmacies</i> - <i>Flavored Tobacco Products</i> - <i>Minimum Pack Size of Cigars</i>
Redondo Beach	Los Angeles	Overall Tobacco Control Grade (F to B) Smokefree Outdoor Air (D to A) Reducing Sale of Tobacco Products (F to A) Emerging Issues (3 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i> - <i>Emerging Products Definition - Licensing</i> - <i>Flavored Tobacco Products</i>



Orange County

City	County	Grade Category Improvement
Irvine	Orange	Overall Tobacco Control Grade (F to C) Smokefree Outdoor Air (D to A) Smokefree Housing (F to C) Emerging Issues (1 point bonus): - <i>Emerging Products Definition - Secondhand Smoke</i>
Laguna Niguel	Orange	Emerging Issues (1 point bonus): - <i>Flavored Tobacco Products</i>
San Clemente	Orange	Emerging Issues (1 point bonus): - <i>Retailer Location Restrictions</i>



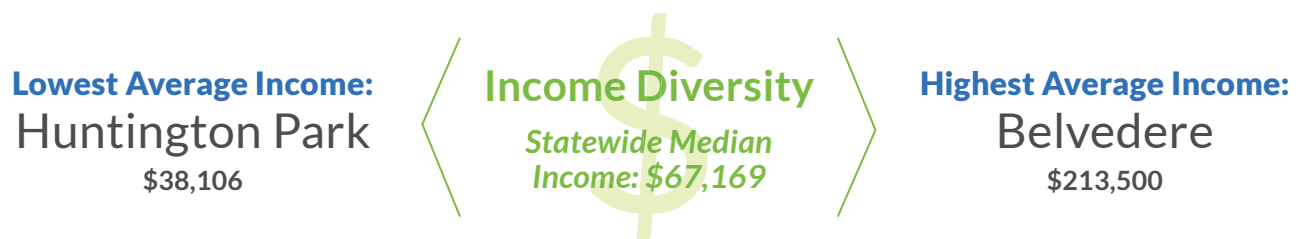
Inland Empire

City	County	Grade Category Improvement
Adelanto	San Bernardino	Overall Tobacco Control Grade (F to C) Reducing Sale of Tobacco Products (F to A) Emerging Issues (2 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Flavored Tobacco Products</i>
Colton	San Bernardino	Overall Tobacco Control Grade (F to C) Reducing Sale of Tobacco Products (F to A) Emerging Issues (2 point bonus): - <i>Emerging Products Definition - Licensing</i> - <i>Retailer Location Restrictions</i>



Top of the Class: *Diverse and Different*

In 2019, 44 cities or counties received an overall grade of “A.” These diverse communities demonstrate that support for tobacco control exists in all types of communities across California. This report illustrates that they are models for the adoption of stronger tobacco control policies in diverse communities—any community can look to this report as a demonstration that strengthening tobacco laws can happen in any part of California. See appendix B (page 16) for a comparison of all 44 municipalities in the areas of population, median income, race, and Latino origin.



These communities recognize the importance of taking steps to protect their residents from the harms of tobacco.



Racial Diversity

Latino and African-American populations are regularly targeted by the tobacco industry through marketing and price manipulation. The policies outlined in this report are ways in which local communities can fight back. Elected officials in these communities have stepped up to tell the tobacco industry that their residents are not up for grabs.

Largest Latino community:
Huntington Park (97%)

Largest Black community:
Compton (30%)

Largest Asian community:
Fremont (57%)

The most diverse community to earn an overall “A” in 2019 was **Fremont**.

Median Income:
\$122,191

Racial Diversity:
Asian: 57.3%
White: 21.3%
Latino Origin: 13.5%
Black: 2.9%
Two or more races: 3.7%

Grades for Ten Largest Cities in California

Strong tobacco control laws in the largest cities in California could make a big difference in protecting more than a quarter of California's residents from secondhand smoke and other dangers of tobacco.

Unfortunately, for years California's top ten most populous cities have done little to improve their grades and none have earned an overall grade of an "A." Elected officials in California's most populated areas must do more to ensure their residents are protected from the harmful effects of tobacco.

California's Report Card

Ten Largest Cities in California by Population		Overall Tobacco Control Grade
Los Angeles	Pop: 4,040,079	C
San Diego	Pop: 1,420,572	D
San Jose	Pop: 1,043,058	B
San Francisco	Pop: 883,869	B
Fresno	Pop: 536,683	F
Sacramento	Pop: 508,172	C
Long Beach	Pop: 475,013	C
Oakland	Pop: 432,897	B
Bakersfield	Pop: 389,211	F
Anaheim	Pop: 359,339	F

Population numbers from State of California, Department of Finance, E-1 Population Estimates for Cities and Counties. Sacramento, CA, May 1, 2019.

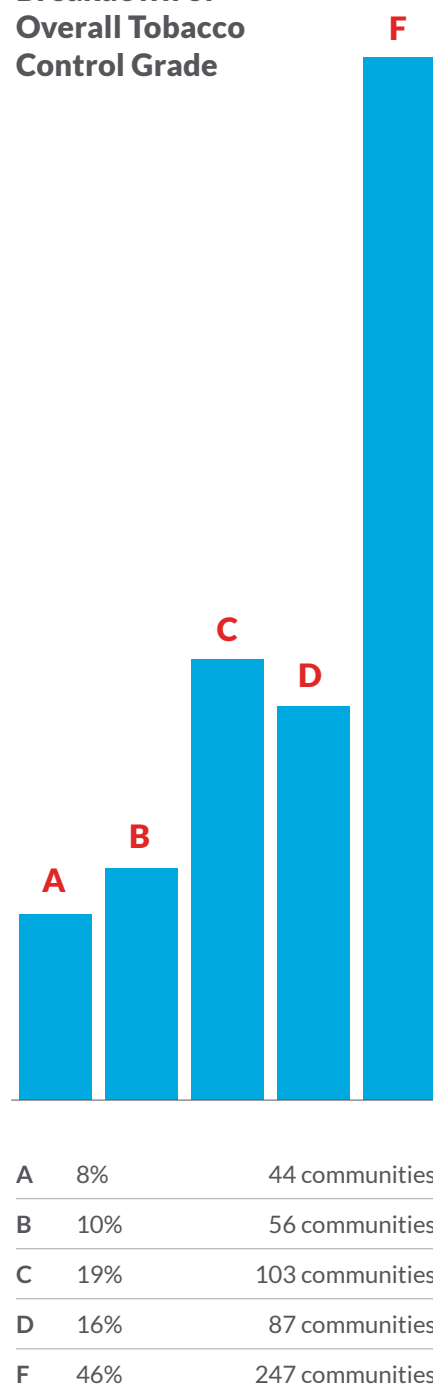


APPENDIX A: California Tobacco Control Policies by the Numbers

Total Number of Tobacco Control Policies Over Five Years

	2020	2019	2018	2017	2016
Smokefree Outdoor Air					
Dining	178	164	153	144	135
Entryways	170	159	152	142	125
Public Events	167	157	145	138	129
Recreation Areas	404	392	384	365	358
Service Areas	171	162	148	141	129
Sidewalks	86	76	67	60	54
Worksites	64	58	55	52	47
Smokefree Housing					
Apartments	78	69	65	57	48
Condos	69	60	56	51	43
Common Areas	153	143	141	133	127
Reducing Sales of Tobacco Products					
Tobacco Retailer Licencing	196	179	172	164	155
Emerging Issues					
SHS Definition	271	227	196	155	155
Licensing Definition	170	147	135	107	108
Retailer Location Restriction	88	77	71	66	53
Sales in Pharmacies	36	21	15	9	8
Flavored Tobacco	63	29	15	7	6
Minimum Pack Size	30	18	11	8	6

Breakdown of Overall Tobacco Control Grade



APPENDIX B: Top of the Class Demographic Breakdown

This table contains more detailed information about the Top of the Class overall “A” grade cities from page 13

Community	2019 Population	Median House- hold Income	Latino Origin	White Only *	Black Only *	Asian Only *	Two or More Races*
California	39,927,315	\$ 67,169	38.8%	37.9%	5.5%	13.9%	2.9%
Alameda	79,316	\$ 89,045	11.5%	42.7%	7.3%	31.1%	6.0%
Albany	19,393	\$ 87,694	13.0%	47.1%	4.1%	26.8%	5.7%
Belvedere	2,148	\$ 213,500	4.9%	87.6%	0.0%	3.6%	3.9%
Benicia	27,570	\$ 95,225	14.8%	61.9%	5.7%	10.4%	6.3%
Berkeley	123,328	\$ 75,709	11.0%	54.6%	8.3%	19.6%	5.5%
Beverly Hills	34,627	\$ 103,698	5.8%	78.8%	1.4%	9.8%	3.8%
Calabasas	24,239	\$ 114,143	7.4%	76.5%	0.9%	9.8%	5.1%
Clayton	11,653	\$ 146,225	9.4%	75.8%	0.9%	7.2%	5.8%
Compton	98,711	\$ 48,117	66.8%	1.1%	30.4%	0.8%	0.4%
Contra Costa County**	173,406	\$ 88,456	25.3%	44.9%	8.3%	15.8%	4.7%
Corte Madera	10,047	\$ 134,902	9.0%	78.9%	1.2%	5.2%	3.7%
Daly City	109,122	\$ 86,342	23.7%	12.7%	3.6%	56.3%	2.5%
Dublin	64,577	\$ 138,007	9.8%	39.7%	4.6%	39.9%	5.2%
El Cajon	105,559	\$ 49,445	29.2%	56.4%	5.4%	3.3%	4.5%
El Cerrito	25,459	\$ 96,914	11.3%	47.1%	5.2%	28.6%	7.2%
Fairfax	7,721	\$ 98,092	9.7%	81.8%	0.2%	4.3%	4.0%
Fremont	232,532	\$ 122,191	13.5%	21.3%	2.9%	57.3%	3.7%
Half Moon Bay	12,631	\$ 110,900	28.3%	62.6%	0.2%	5.1%	2.8%
Healdsburg	12,501	\$ 77,928	33.7%	62.6%	0%	1.1%	2.2%
Huntington Park	59,350	\$ 38,106	96.7%	1.6%	0.8%	0.6%	0.0%
Lafayette	26,327	\$ 152,609	7.5%	76.7%	0.9%	9.8%	4.9%
Larkspur	12,578	\$ 95,592	8.7%	79.9%	1.6%	5.3%	3.7%
Los Gatos	30,988	\$ 132,671	7.4%	72.5%	1.5%	14.2%	4.1%
Manhattan Beach	35,922	\$ 148,899	8.6%	74.7%	0.5%	10.6%	4.9%
Marin County**	69,343	\$ 104,703	15.9%	71.5%	2.1%	5.7%	3.6%
Mill Valley	14,675	\$ 141,698	7.4%	83.4%	0.1%	4.6%	4.6%
Novato	54,115	\$ 89,812	20.3%	64.4%	2.2%	6.9%	4.2%
Oakley	41,759	\$ 89,392	34.9%	42.8%	8.6%	7.5%	4.6%
Palo Alto	69,397	\$ 147,537	7.3%	55.6%	1.2%	31.2%	4.1%
Pasadena	146,312	\$ 76,264	34.4%	36.5%	9.7%	16.0%	2.7%
Richmond	110,436	\$ 61,045	42.0%	17.9%	20.2%	14.7%	3.9%
Ross	2,526	\$ 199,531	3.0%	89.5%	2.7%	2.9%	0.8%
San Anselmo	12,902	\$ 116,867	4.2%	89.7%	0.6%	2.8%	2.4%
San Rafael	60,046	\$ 85,931	29.7%	56.3%	2.3%	6.2%	3.9%
Santa Clara County**	88,368	\$ 106,761	26.1%	32.6%	2.4%	34.9%	3.3%
Santa Monica	93,593	\$ 86,084	16.0%	65.0%	4.1%	9.9%	4.5%
Saratoga	31,407	\$ 173,136	4.0%	44.6%	0.7%	46.9%	3.0%
Sausalito	7,416	\$ 110,385	8.5%	84.9%	2.6%	2.4%	0.8%
Sonoma	11,556	\$ 76,964	14.4%	80.8%	0.0%	2.6%	2.1%
Sonoma County**	141,781	\$ 71,769	26.4%	63.8%	1.4%	3.9%	3.3%
South Pasadena	26,245	\$ 92,756	20.2%	41.9%	2.9%	29.0%	5.3%
Tiburon	9,362	\$ 151,429	8.7%	83.1%	0.4%	2.7%	3.2%
Union City	74,916	\$ 95,625	20.9%	15.5%	4.9%	53.0%	3.7%
Windsor	28,565	\$ 91,032	31.7%	60.8%	0.5%	3.5%	2.6%

* Latino origin is not included in race breakdown. Data extracted by California Department of Finance and sourced from the U.S. Census Bureau

** Median household income, race, and Latino origin are not available for county unincorporated. Countywide data were used in these instances



APPENDIX C: Local Grading Methodology

The American Lung Association in California established local tobacco control grades in four categories that reflect where local action is needed and where the greatest public health benefit can be derived. The bar is set high because tobacco remains the number one preventable cause of death in California and because experience shows that local action has been the cornerstone of the tobacco control movement and public health improvement.

The three tobacco control policy grades that are assigned to each city and county are:

- (1) Smokefree Outdoor Air
- (2) Smokefree Housing
- (3) Reducing Sales of Tobacco Products

These three grades plus Emerging Issues Bonus Points are then used to calculate an Overall Tobacco Control grade for each municipality. An “n/a” or “not applicable” score is given to municipalities in which it is not possible to adopt a specific type of policy due to a complete lack of the entity that is being graded. For example, if a city or county doesn’t have any stores that sell tobacco products, then the city is awarded an n/a as opposed to 0 points in the Reducing Sales of Tobacco Products category, and the grading scales are adjusted accordingly.

Below is a description of each of the grading categories, a summary of the relevant state laws and an explanation of the grade criteria.

Overall Tobacco Control Grade

Description – The Overall Tobacco Control grade is a letter grade awarded to the municipality based on its grades in the three categories, plus Emerging Issues Bonus Points.

Grade Criteria – To determine the Overall Tobacco Control grade, the city or county is given a point value for each of its grades in the three categories (**Smokefree Outdoor Air**, **Smokefree Housing**, **Reducing Sales of Tobacco Products**) as follows: A=4; B=3; C=2; D=1; and F=0. These three point values are then added together, along with the Emerging Issues Bonus Points section (3 or more bonus points = 1 additional point), for a total point value for the Overall Tobacco Control grade. The total points are turned into grades based on a scale of: A (11-12); B (8-10); C (5-7); D (2-4); and F (0-1).

Grade Scale

Below is a quick reference for the point scale for the four letter grades received by each city and county.

Overall Tobacco Control Grade

- A: 11-12 pts
- B: 8-10 pts
- C: 5-7 pts
- D: 2-4 pts
- F: 0-1 pts

Smokefree Outdoor Air Grade

- A: 18+ pts
- B: 13-17 pts
- C: 8-12 pts
- D: 3-7 pts
- F: 0-2 pts

Smokefree Housing Grade

- A: 10+ pts
- B: 7-9 pts
- C: 4-6 pts
- D: 1-3 pts
- F: 0 pts

Reducing Sales of Tobacco Products Grade

- A: 4 pts
- B: 3 pts
- C: 2 pts
- D: 1 pts
- F: 0 pts

Emerging Issues Bonus Points

3+ pts adds one point to the Overall Grade



Smokefree Outdoor Air

Description – Secondhand smoke exposure is proven to be harmful at any level. This recognition that secondhand smoke is extremely toxic has bolstered efforts by local elected officials across the state to protect the health of their residents by adopting local ordinances that restrict smoking in a variety of outdoor areas ranging from parks to sidewalks.

State Law – California used to have some of the strongest laws in the nation to protect people from harmful secondhand smoke exposure. However, these state laws mostly focus on workplaces and other indoor areas and only a few laws restricting smoking in outdoor areas, such as those detailed below. Cities and counties have the explicit authority to go beyond state law and enact secondhand smoke restrictions in outdoor areas.

Grade Criteria – The Smokefree Outdoor Air grade is based on the smoking restrictions adopted by local communities in seven outdoor areas – (1) **Dining Areas**; (2) **Entryways**; (3) **Public Events**; (4) **Recreation Areas**; (5) **Service Areas**; (6) **Sidewalks in Commercial Areas**; and (7) **Worksites**. In the five outdoor areas, the city or county is given a point value between 0 and 4 based on the strength of their local ordinance. In two of the outdoor areas (Sidewalks in Commercial Areas and Worksites), the city or county is given a point value of 0 or 1 based on their local ordinance. These point values for the seven areas are then added together to calculate the overall Smokefree Outdoor Air grade using a scale of: A (18+); B (13-17); C (8-12); D (3-7); and F (0-2).

Dining Areas

Description – Restrictions on smoking in outdoor seating areas at restaurants and bars.

State Law – Smoking is prohibited in indoor dining areas but there are no state law restrictions on smoking in outdoor dining areas.

Criteria

- 4** – All outdoor dining areas at bars and restaurants are 100% smokefree
- 2** – Smoking restricted in outdoor dining areas but designated smoking areas allowed or exceptions made for certain types of bars and/or restaurants
- 0** – No smoking restrictions in outdoor dining areas

Entryways

Description – Restrictions on smoking in places within a certain distance of doors, windows, and other openings into all enclosed areas where smoking is prohibited.

State Law – Smoking is prohibited within 20 feet of entrances, exits, or operable windows of a public building, which includes state, county and city buildings.

Criteria

- 4** – Smoking prohibited within 20 or more feet of entryways
- 3** – Smoking prohibited within 15-19 feet of entryways
- 2** – Smoking prohibited within some distance less than 15 feet of entryways or within an unspecified distance of entryways
- 0** – No smoking restrictions for entryways





Public Events

Description – Smoking restrictions at events open to the public such as fairs, farmer’s markets, parades, concerts and other similar events that take place on public property.

State Law – There are no statewide restrictions on smoking in outdoor public events.

Criteria

- 4 – All public events are 100% smokefree
- 3 – Smoking restricted at all public events, but designated smoking areas are permitted
- 2 – Smoking restricted at specific types of public events (such as in all farmer’s markets), but not all public events
- 0 – No restrictions on smoking at public events

Recreation Areas

Description – Smoking restrictions at parks, beaches, trails and other similar recreation areas.

State Law – Smoking is prohibited within 25 feet of tot lots and playgrounds.

Criteria

- 4 – All recreation areas are 100% smokefree
- 3 – Smoking restricted in all recreation areas, but designated smoking areas are permitted
- 2 – Smoking prohibited in some parks, beaches and trails but not all recreation areas
- 0 – No smoking restrictions in recreation areas

Service Areas

Description – Smoking restrictions in outdoor locations where people stand or wait for services including ATM lines, public transit stops, taxi stands and ticket lines.

State Law – There are no statewide restrictions on smoking in service areas.

Criteria

- 4 – Smoking restricted at all service areas
- 2 – Smoking restricted at some types of service areas (such as at bus stops) but not all service areas
- 0 – No restrictions on smoking in service areas

Smokefree Outdoor Air - Sidewalks in Commercial Areas

Description – Smoking restrictions on sidewalks and other pedestrian walkways in commercial areas, such as downtown areas and outdoor shopping centers.

State Law – There are no statewide restrictions on smoking on sidewalks in commercial areas.

Criteria

- 1 – Smoking restricted on sidewalks or other pedestrian walkways within all commercial areas or within a specified commercial or downtown area

Smokefree Outdoor Air - Worksites

Description – Smoking restrictions in outdoor places of employment, such as construction sites.

State Law – There are no statewide restrictions on smoking in outdoor worksites.

Criteria

- 1 – Smoking restricted for some or all outdoor worksites



Smokefree Housing

Description – While California has been a leader on protections from secondhand smoke, one area where people continue to be unprotected is in multi-unit housing. Secondhand smoke exposure in multi-unit housing is a serious health threat because secondhand smoke drifts into housing units from other units, balconies, patios and common areas.

State Law – The only statewide smoking restriction in multi-unit housing is a workplace restriction prohibiting smoking in indoor common areas (described below) and is not intended to protect the health of tenants. A new state law that went into effect on January 1, 2012 authorizes landlords to prohibit smoking in the units they manage. While it was legal for landlords to prohibit smoking in the apartments they own and manage prior to this law, that authority is now specifically articulated in state law. Cities and counties are allowed to go beyond state law in enacting secondhand smoke restrictions for multi-unit housing and the new state law does not preempt these local ordinances.

Grade Criteria – Cities and counties have taken a variety of approaches in passing local ordinances to try to address the problem of secondhand smoke in multi-unit housing. The overall Smokefree Housing grade is based on the grades for three types of smokefree housing policies – (1) **Nonsmoking Units in Apartments**; (2) **Nonsmoking Units in Condominiums**; (3) **Nonsmoking Common Areas**. For three of the policy areas, the city or county is given a point value between 0 and 4 based on the strength of their local ordinance the point values for the three areas are then added together to calculate the overall Smokefree Housing Grade. The point values are added and given a grade using a scale of: A (10+); B (7-9); C (4-6); D (1-3); and F (0).

Nonsmoking Units in Apartments

Description – Prohibiting smoking within the units of multi-unit apartment buildings.

State Law – There are no statewide restrictions on smoking in units of multi-unit housing.

Criteria

- 4 – Prohibits smoking in 100% of units for both new and existing apartments
- 2 – Prohibits smoking in 75% or more of new and existing apartments units
- 1 – Prohibits smoking in 75% or more of new apartment units
- 0 – No requirements for declaring multi-unit housing units nonsmoking



Nonsmoking Units in Condominiums

Description – Prohibiting smoking within the units of multi-unit condominium buildings.

State Law – There are no statewide restrictions on smoking in units of multi-unit housing.

Criteria

- 4 – Prohibits smoking in 100% of units for both new and existing condos
- 2 – Prohibits smoking in 75% of new and existing condos units
- 1 – Prohibits smoking in 75% or more of new condos units
- 0 – No requirements for declaring multi-unit housing units nonsmoking

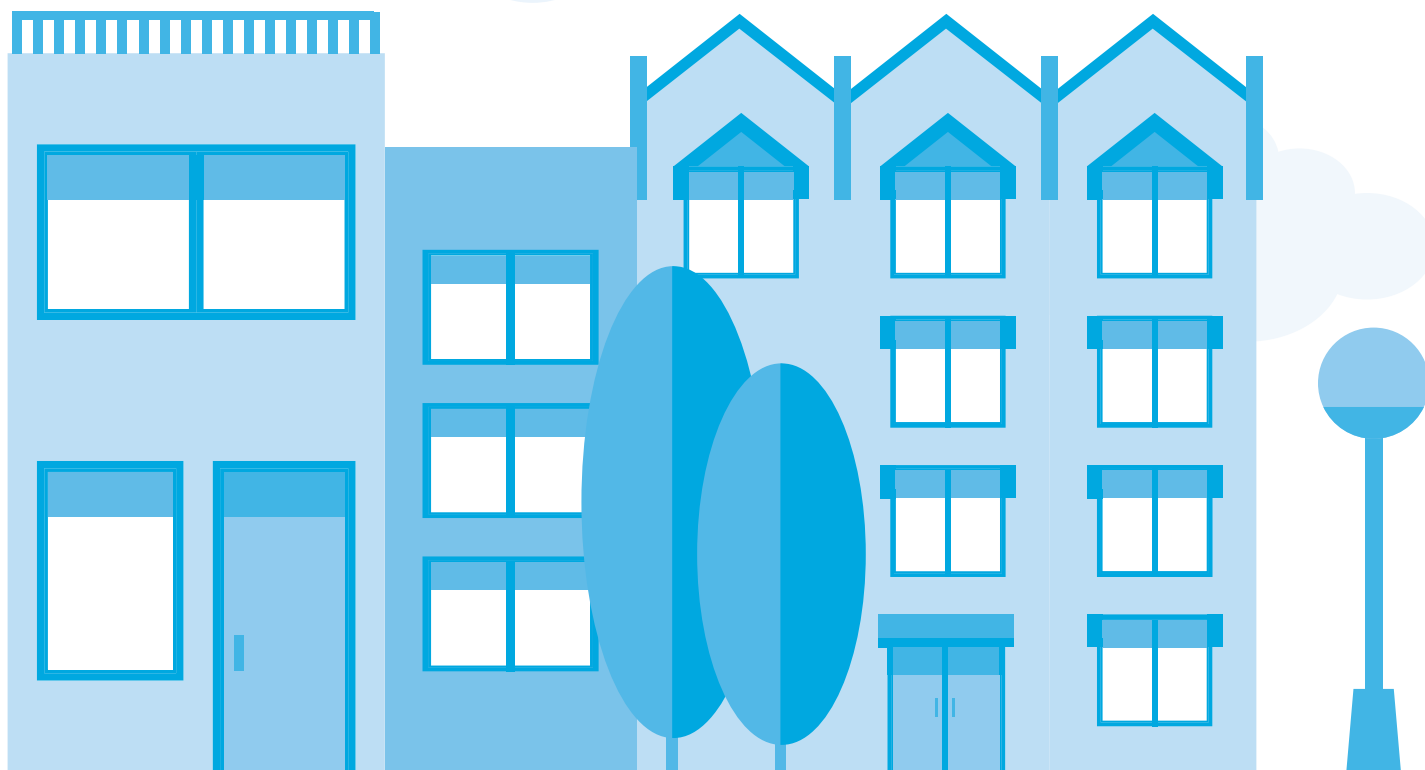
Nonsmoking Common Areas

Description – Smoking restrictions in both indoor common areas, which include hallways, stairwells, laundry rooms and recreation rooms, and outdoor common areas, which include swimming pools, play areas, outdoor eating areas and courtyards of multi-unit housing.

State Law – Smoking is prohibited in indoor common areas of apartments and condominiums if the areas are places of employment. These areas are places of employment if there is an employee who works on the property, such as an on-site property manager, security guard or maintenance worker.

Criteria

- 4 – Smoking restricted in all indoor and outdoor common areas, including ordinances that allow for designated smoking areas in outdoor common areas
- 2 – Smoking restricted in all indoor common areas, but not outdoor common areas
- 0 – No restrictions on smoking in common areas



Reducing Sales of Tobacco Products

Description – An important aspect of reducing the smoking prevalence rates in California is to reduce the availability and sales of tobacco products. This most efficient way to do this is through the tobacco retail environment.

State Law – California has several statewide laws related to access to and sales of tobacco products that are described in the policy areas below. The state allows municipalities to go beyond state law in enacting restrictions in these policy areas.

Grade Criteria – The Reducing Sales of Tobacco Products grade is determined by the ordinances adopted by cities/counties in one area, **Local Tobacco Retailer Licensing Ordinance**. For this policy area, the city or county is given a point value between 0 and 4 based on the strength of their ordinance. The point value regarding the Tobacco Retailer Licensing Ordinance is then used to calculate the overall Reducing Sales of Tobacco Products grade using a scale of: A (4); B (3); C (2); D (1); and F (0).



Local Tobacco Retailer Licensing Ordinance

Description – Youth under the age of 21 are often able to purchase tobacco products at all types of retailers, ranging from convenience stores and gas stations to large chain grocery stores and pharmacies, even though it is illegal to sell tobacco products to minors. To combat this problem many cities and counties in California are passing ordinances that require tobacco retailers to obtain a license to sell tobacco products, which allows municipalities to keep track of tobacco retailers, conduct enforcement activities to ensure compliance with state and local laws and penalize retailers who sell to minors.

State Law – It is illegal in the state to sell or give tobacco products to anyone under the age of 21. There are laws in California to punish the business owner or the clerk when an illegal sale is made. Tobacco retailers are also required to obtain a state tobacco retailer license with an annual fee of \$265, which has generally been used to combat black market sales and tax evasion.

Criteria – In order for a local licensing ordinance to effectively reduce illegal sales to minors, it must contain four provisions: (1) requiring tobacco

retailers to pay an annual fee that sufficiently covers administration and enforcement efforts, including compliance checks; (2) requirement that all retailers obtain a license to sell tobacco and renew it annually; (3) provision that any violation of a local, state or federal tobacco law is considered a violation of the license; and (4) financial deterrent through fines and penalties for violations that includes suspension and revocation of the license. Of these four provisions, it is essential that the licensing ordinance requires a sufficient fee that will cover the administration and enforcement of the license to ensure that these activities occur. A city/county can get credit for meeting the annual fee requirement if it uses other sustainable funding sources (such as funds from the Master Settlement Agreement) that are dedicated for administration and enforcement of the retailer license.

The grade for Local Tobacco Retailer Licensing Ordinance section is based on the provisions of the ordinance that a city or county has adopted with the following scale:

- 4** – Licensing ordinance with sufficient annual fee and the other 3 provisions outlined above
- 3** – Licensing ordinance with sufficient annual fee and 2 of the other 3 provisions outlined above
- 2** – Licensing ordinance with sufficient annual fee and 1 of the other 3 provisions outlined above
- 1** – Licensing ordinance with sufficient annual fee and 0 of the other 3 provisions outlined above or licensing ordinance with insufficient annual fee and any of the other 3 provisions outlined above
- 0** – No licensing ordinance or a licensing ordinance with none of the provisions outlined above



Emerging Issue Bonus Points Methodology

Description – To combat ways the tobacco industry promotes the use of tobacco, cities and counties are adopting policies in new and challenging areas to reduce the prevalence of smoking in California.

Grade Criteria – The Emerging Issues section includes 6 possible bonus points and factors them into the Overall Tobacco Control Grade. Bonus points are available in the following issue areas (1) **Emerging Products Definition in Secondhand Smoke**; (2) **Emerging Products Definition in Tobacco Retailer Licensing Ordinances** (3) **Tobacco Retailer Location Restrictions**; (4) **Sales of Tobacco Products in Pharmacies**; (5) **Flavored Tobacco Product**; and (6) **Minimum Packaging of Cigars**. Receiving a total of 3 or more of these bonus points adds one point to the Overall Tobacco Control points.

Emerging Products Definition

Secondhand Smoke

Description – The tobacco industry is constantly creating and marketing new tobacco products. These products are often targeted to kids and can continue to attract new users to tobacco products. One such product is electronic cigarettes.

State Law – State law restricts electronic cigarettes in the same places where it restricts traditional cigarettes.

Criteria

1 bonus point – There is a strong definition of smoke, smoking or tobacco product that would include electronic cigarettes or other new and emerging tobacco products in a jurisdiction's secondhand smoke laws, and the jurisdiction's secondhand smoke laws extend further than the state laws.

Emerging Products Definition

Tobacco Retailer License

Description – The tobacco industry is constantly creating and marketing new tobacco products. These products are often targeted to kids and can continue to attract new users to tobacco products. One such product is electronic cigarettes.

State Law – It is illegal to sell electronic cigarettes to anyone under the age of 21.

Criteria

1 bonus point – There is a strong definition of smoke, smoking or tobacco product that would include electronic cigarettes or other new and emerging tobacco products in a jurisdiction's tobacco retailer licensing ordinance.

Reducing Sales of Tobacco Products

Flavored Tobacco Products

Description – Another tool used by tobacco companies to target youth and gain new customers is to produce tobacco products in a myriad of flavors. Restricting the flavors of tobacco helps to reduce the appeal to youth.

State Law – There are no statewide laws restricting the sale of flavored tobacco products.

Criteria

1 bonus point – The sale of flavored tobacco products, including cigars, little cigars, pipe tobacco and electronic cigarettes is prohibited.



Reducing Sales of Tobacco Products *Tobacco Retailer Location Restrictions*

Description – Cities and counties can restrict where tobacco retailers are located and can prohibit them from being located within a certain distance, such as within 1,000 feet, of schools and parks. This type of policy can be enacted in several ways including through conditional use permits, other zoning restrictions and local tobacco retailer licensing ordinances. By reducing the presence of tobacco retailers in locations where youth congregate, this type of policy can reduce sales of tobacco products to youth and assist with efforts to reduce youth smoking. Furthermore, the number of tobacco stores in a neighborhood can have an effect on youth smoking behaviors in that neighborhood and in some disadvantaged neighborhoods, the numbers of tobacco retailers is far greater than in less disadvantaged neighborhoods.

State Law – There are no statewide laws restricting tobacco retailers from being within a certain distance of schools and parks based on proximity to other retailers or populations.

Criteria

1 bonus point – The city/county restricts businesses that sell tobacco from being located within a certain distance of schools and/or parks through a conditional use permit, other zoning restrictions or a local tobacco retailer licensing ordinance. Or the city/county prohibits a tobacco retailer from being located within a certain distance of other retailers to avoid a high concentration in certain areas. Or there is a limit to the number of tobacco retailer licenses that can be issued.

Reducing Sales of Tobacco Products *Sale of Tobacco Products in Pharmacies*

Description – Cities and counties can restrict sales of tobacco products at pharmacies. Pharmacies are traditionally places where people go to purchase products to get healthy or improve their health. The availability of tobacco products at pharmacies associates them with other healthy products and with the general health focus of these stores. Selling tobacco at pharmacies is contrary to a pharmacy's purpose and sends a mixed message to consumers and youth.

State Law – There is no statewide law that restricts pharmacies from selling tobacco products. Pharmacies that elect to sell tobacco products, like all other types of tobacco retailers, must obtain a statewide tobacco retailer license.

Criteria

1 bonus point – Tobacco products are prohibited from being sold at all pharmacies or at certain types of pharmacies in the city/county

Reducing Sales of Tobacco Products *Minimum Pack Size of Cigars*

Description – Tobacco products are often sold individually to make them less expensive, and more enticing to youth. Establishing policies to ensure minimum packaging, or a minimum unit in which cigars can be sold in, will increase the purchase price and help protect youth from the health dangers of smoking little cigars and cigarillos.

State Law – There is no statewide law that restrict the sale of cigars in individual or small packages.

Criteria

1 bonus point – Prohibits the sale of cigars in individual or small packages, which increases the price and makes them less attractive to youth.

APPENDIX D: Raise Your Grade

As is evidenced by the 44 cities and counties that have overall “A” grades, strong tobacco control policies can work in any community. So how can your community improve its health and raise its grade? Below is a worksheet that can be used to determine what types of policies could improve the health of your city or county and help raise its grade. Just fill in the points for the policies your community already has in the right-hand column and see how many more points you will need to increase your grade. These policies will improve the health of your communities and ensure that tobacco is kept out of the hands of children.

Smokefree Outdoor Air

	1 Point	2 Points	3 Points	4 Points	Total Points
Dining		Allows designated smoking areas or includes exceptions		100% smokefree	
Entryways		Less than 15 feet of all entryways or within an unspecified distance	Within 15-19 feet of all entryways	20 or more feet from all entryways	
Public Events		Some types of public events but not all	Allows designated smoking areas	100% smokefree	
Recreation Areas		Some parks, beaches and trails	Allows designated smoking areas	100% smokefree	
Service Areas		Some types of service areas but not all		All service areas	
Sidewalks	Some or all sidewalks or other pedestrian walkways				
Worksites	Some or all outdoor worksites				
18+ Points: A 13 - 17 Points: B 8 - 12 Points: C 3 - 7 Points: D 0 - 2 Points: F					Total:



Smokefree Housing

	1 Point	2 Points	3 Points	4 Points	Total Points
Nonsmoking Units in Apartments	Prohibits smoking in 75% or more of new apartment units	75% or more of new and existing apartment units		75-100% of units for both new and existing apartments	
Nonsmoking Units in Condominiums	Prohibits smoking in 75% or more of new condos units	75% or more of new and existing condos units		75-100% of units for both new and existing condos	
Nonsmoking Common Areas		Indoor common areas		Indoor and outdoor common areas	
10+ Points: A 7 - 9 Points: B 4 - 6 Points: C 1 - 3 Points: D 0 Points: F					Total:

Reducing Sales of Tobacco Products

Policy Provisions:

- (1) Require tobacco retailers to pay an annual fee that sufficiently covers administration and enforcement efforts, including compliance checks;
- (2) Requirement that all retailers obtain a license to sell tobacco and renew it annually;
- (3) Provision that any violation of a local, state or federal tobacco law is considered a violation of the license; and
- (4) Financial deterrent through fines and penalties for violations that includes suspension and revocation of the license.

	1 Point	2 Points	3 Points	4 Points	Total Points
Tobacco Retailer Licensing	A sufficient annual fee and 0 of the other 3 provisions outlined above or licensing ordinance with insufficient annual fee and any of the other 3 provisions outlined above	A sufficient annual fee and 1 of the other 3 provisions outlined above	A sufficient annual fee and 2 of the other 3 provisions outlined above	A sufficient annual fee and the other 3 provisions outlined above	
4+ Points: A 3 Points: B 2 Points: C 1 Points: D 0 Points: F					Total:



Emerging Issues Bonus Points

Bonus Point		
Secondhand Smoke (Bonus Point)	There is a strong definition of smoke, smoking or tobacco product that would include electronic cigarettes or other new and emerging tobacco products in a jurisdiction's secondhand smoke laws and the jurisdiction's secondhand smoke laws extend further than the state laws.	
Tobacco Retailer License (Bonus Point)	There is a strong definition of smoke, smoking or tobacco product that would include electronic cigarettes or other new and emerging tobacco products in a jurisdiction's tobacco retailer licensing ordinance.	
Tobacco Retailer Location Restrictions (Bonus Point)	Restricts businesses that sell tobacco from being located within certain distance of schools and/or parks. Or the policy prohibits a tobacco retailer from being located within a certain distance of other retailers to avoid high concentration in certain areas. Or there is a limit to the number of tobacco retailer licenses that can be issued.	
Sales in Pharmacies (Bonus Point)	Prohibit sales all or some pharmacies	
Flavored Tobacco Products (Bonus Point)	The sale of flavored tobacco products, including cigars, little cigars, pipe tobacco and electronic cigarettes is prohibited.	
Minimum Pack Size of Cigars (Bonus Point)	Prohibit the sale of cigars in individual or small packages, which increases the price and makes them less attractive to youth.	
Total:		

Each of the six Emerging Issues can receive 1 bonus point. Receiving a total of 3 or more of these bonus points adds one point to the Overall Tobacco Control points.



Alameda County

	Alameda	Albany	Berkeley	Dublin	Emeryville	Fremont	Hayward	Livermore	Newark	Oakland	Piedmont	Pleasanton	San Leandro	Union City	Alameda County Unincorporated
Overall Tobacco Control Grade	A	A	A	A	B	A	B	B	D	B	C	C	B	A	D
TOTAL POINTS	13	13	13	11	8	12	8	9	3	10	6	6	10	12	4
Smokefree Outdoor Air	A	A	A	A	A	A	B	B	C	B	A	B	A	A	B
Dining	2	2	4	4	4	4	4	4	4	4	4	4	4	4	4
Entryways	4	4	4	4	4	4	0	4	4	4	4	2	4	4	4
Public Events	4	4	4	2	4	4	2	0	0	0	4	0	4	4	0
Recreation Areas	4	4	4	4	4	4	4	2	0	4	4	4	4	4	4
Service Areas	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Sidewalks	1	1	1	0	0	1	1	1	0	0	1	0	0	0	0
Worksites	1	1	1	0	1	1	0	0	0	0	1	0	1	1	0
TOTAL POINTS	20	20	22	18	21	22	15	15	12	16	22	14	21	21	16
Smokefree Housing	A	A	A	B	A	B	F	D	D	C	C	B	D	B	D
Nonsmoking Apartments	4	4	4	2	4	2	0	0	0	0	0	4	0	4	0
Nonsmoking Condominiums	4	4	4	2	4	2	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	4	4	4	4	4	4	0	2	2	4	4	4	2	4	2
TOTAL POINTS	12	12	12	8	12	8	0	2	2	4	4	8	2	8	2
Reducing Sales of Tobacco Products	A	A	A	B	F	A	A	A	F	A	F	F	A	A	F
Tobacco Retailer Licensing	4	4	4	3	0	4	4	4	0	4	0	0	4	4	0
TOTAL POINTS	4	4	4	3	0	4	4	4	0	4	0	0	4	4	0
Emerging Issues Bonus Points															
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	1	1	1	1	1	1	0	0	1	1	1	1	0
Emerging Products Definition - <i>Licensing</i>	1	1	1	1	0	1	1	1	0	1	0	0	1	1	0
Retailer Location Restrictions	1	1	1	1	1	1	1	1	1	1	0	0	1	1	0
Sale of Tobacco Products in Pharmacies	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	1	1	1	0	0	1	1	1	0	1	0	0	1	0	0
Minimum Pack Size of Cigars	1	1	1	0	0	1	1	0	0	0	0	0	1	1	0
TOTAL POINTS	5	4	6	3	2	5	5	4	1	3	1	1	5	4	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Alpine County

Alpine County
Unincorporated

Overall Tobacco Control Grade	D
TOTAL POINTS	3
Smokefree Outdoor Air	B
Dining	0
Entryways	4
Public Events	2
Recreation Areas	2
Service Areas	n/a
Sidewalks	n/a
Worksites	0
TOTAL POINTS	8
Smokefree Housing	F
Nonsmoking Apartments	n/a
Nonsmoking Condominiums	0
Nonsmoking Common Areas	0
TOTAL POINTS	0
Reducing Sales of Tobacco Products	F
Tobacco Retailer Licensing	0
TOTAL POINTS	0
Emerging Issues Bonus Points	
Emerging Products Definition - <i>Secondhand Smoke</i>	1
Emerging Products Definition - <i>Licensing</i>	0
Retailer Location Restrictions	0
Sale of Tobacco Products in Pharmacies	0
Flavored Tobacco Products	0
Minimum Pack Size of Cigars	0
TOTAL POINTS	1

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Amador County

	Amador	Ione	Jackson	Plymouth	Sutter Creek	Amador County Unincorporated
Overall Tobacco Control Grade	F	F	F	F	F	F
TOTAL POINTS	0	1	1	0	0	0
Smokefree Outdoor Air	F	D	D	F	F	F
Dining	0	0	0	0	0	0
Entryways	0	0	0	0	0	0
Public Events	0	0	0	0	0	0
Recreation Areas	0	3	4	0	0	0
Service Areas	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0
Worksites	0	0	0	0	0	0
TOTAL POINTS	0	3	4	0	0	0
Smokefree Housing	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0
Reducing Sales of Tobacco Products	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0
Emerging Issues Bonus Points						
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	1	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0
TOTAL POINTS	0	1	1	0	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Butte County

	Biggs	Chico	Gridley	Oroville	Paradise	Butte County Unincorporated
Overall Tobacco Control Grade	F	D	F	C	D	F
TOTAL POINTS	0	3	0	6	4	1
Smokefree Outdoor Air	F	C	F	F	B	F
Dining	0	2	0	0	2	0
Entryways	0	4	0	0	4	0
Public Events	0	0	0	0	2	0
Recreation Areas	2	4	0	0	2	0
Service Areas	0	0	0	0	4	0
Sidewalks	0	0	0	0	0	0
Worksites	0	0	0	0	0	0
TOTAL POINTS	2	10	0	0	14	0
Smokefree Housing	F	D	F	D	D	D
Nonsmoking Apartments	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0
Nonsmoking Common Areas	0	2	0	2	2	2
TOTAL POINTS	0	2	0	2	2	2
Reducing Sales of Tobacco Products	F	F	F	A	F	F
Tobacco Retailer Licensing	0	0	0	4	0	0
TOTAL POINTS	0	0	0	4	0	0
Emerging Issues Bonus Points						
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	0	1	1	1
Emerging Products Definition - <i>Licensing</i>	0	0	0	1	0	0
Retailer Location Restrictions	0	0	0	1	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0
TOTAL POINTS	0	1	0	3	1	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Calaveras County

Angels Camp
Calaveras County
Unincorporated

Overall Tobacco Control Grade	F	F
TOTAL POINTS	0	0
Smokefree Outdoor Air	F	F
Dining	0	0
Entryways	0	0
Public Events	0	0
Recreation Areas	0	0
Service Areas	0	0
Sidewalks	0	0
Worksites	0	0
TOTAL POINTS	0	0
Smokefree Housing	F	F
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	0	0
TOTAL POINTS	0	0
Reducing Sales of Tobacco Products	F	F
Tobacco Retailer Licensing	0	0
TOTAL POINTS	0	0
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0
Emerging Products Definition - <i>Licensing</i>	0	0
Retailer Location Restrictions	0	0
Sale of Tobacco Products in Pharmacies	0	0
Flavored Tobacco Products	0	0
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	0	0

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Colusa County

	Colusa	Williams	Colusa County Unincorporated
Overall Tobacco Control Grade	F	F	F
TOTAL POINTS	1	1	0
Smokefree Outdoor Air	D	D	F
Dining	0	0	0
Entryways	0	0	0
Public Events	0	0	0
Recreation Areas	4	4	2
Service Areas	0	0	0
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	4	4	2
Smokefree Housing	F	F	F
Nonsmoking Apartments	0	0	0
Nonsmoking Condominiums	0	0	0
Nonsmoking Common Areas	0	0	0
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	F	F	F
Tobacco Retailer Licensing	0	0	0
TOTAL POINTS	0	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	0	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Contra Costa County

	Antioch	Brentwood	Clayton	Concord	Danville	El Cerrito	Hercules	Lafayette	Martinez	Moraga	Oakley	Orinda	Pinole	Pittsburg	Pleasant Hill	Richmond	San Pablo	San Ramon	Walnut Creek	Contra Costa County Unincorporated
Overall Tobacco Control Grade	F	F	A	C	C	A	C	A	C	F	A	D	C	F	C	A	C	C	B	A
TOTAL POINTS	0	0	11	6	7	13	5	12	6	0	11	3	6	1	7	13	5	6	8	13
Smokefree Outdoor Air	F	F	B	C	D	A	B	A	A	F	A	B	A	D	B	A	F	A	A	A
Dining	0	0	4	2	0	4	2	4	4	0	4	4	4	0	2	4	0	4	4	4
Entryways	0	0	0	0	0	4	4	4	4	0	4	4	4	0	3	4	0	4	4	4
Public Events	0	0	4	2	0	4	4	4	4	0	4	4	4	0	3	4	0	4	0	4
Recreation Areas	0	0	4	2	4	4	4	4	4	0	4	4	4	4	4	4	0	4	4	4
Service Areas	0	0	4	2	0	4	2	4	4	0	4	0	4	0	4	4	0	4	4	4
Sidewalks	0	0	0	1	0	1	0	1	0	0	0	0	0	0	1	0	0	0	1	0
Worksites	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	1	0
TOTAL POINTS	0	0	16	9	4	22	16	21	21	0	20	16	20	4	17	20	0	20	18	20
Smokefree Housing	F	F	A	F	A	A	C	B	C	F	C	F	C	F	C	A	F	C	A	A
Nonsmoking Apartments	0	0	4	0	4	4	0	2	0	0	1	0	1	0	1	4	0	0	4	4
Nonsmoking Condominiums	0	0	4	0	4	4	0	2	0	0	1	0	1	0	1	4	0	0	4	4
Nonsmoking Common Areas	0	0	4	0	4	4	4	4	4	0	4	0	4	0	4	4	0	4	4	4
TOTAL POINTS	0	0	12	0	12	12	4	8	4	0	6	0	6	0	6	12	0	4	12	12
Reducing Sales of Tobacco Products	F	F	A	A	D	A	F	A	F	F	A	F	F	F	C	A	A	F	F	A
Tobacco Retailer Licensing	0	0	4	4	1	4	0	4	0	0	4	0	0	0	2	4	4	0	0	4
TOTAL POINTS	0	0	4	4	1	4	0	4	0	0	4	0	0	0	2	4	4	0	0	4
Emerging Issues Bonus Points																				
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	1	1	1	1	1	0	0	0	1	0	1	1	1	1	0	0	1	1
Emerging Products Definition - <i>Licensing</i>	0	0	0	1	1	1	0	1	0	0	1	0	0	0	1	1	1	0	0	1
Retailer Location Restrictions	1	0	0	0	1	1	1	1	0	0	1	0	0	1	0	1	0	0	0	1
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	1
Flavored Tobacco Products	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	1	1	0	0	1
Minimum Pack Size of Cigars	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	1	0	0	1
TOTAL POINTS	1	0	1	2	3	5	2	4	0	0	3	0	1	2	2	6	3	0	1	6

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Del Norte County

Crescent City
Del Norte County
Unincorporated

Overall Tobacco Control Grade	D	F
TOTAL POINTS	4	1
Smokefree Outdoor Air	B	D
Dining	n/a	0
Entryways	4	4
Public Events	4	0
Recreation Areas	4	0
Service Areas	0	0
Sidewalks	0	0
Worksites	0	0
TOTAL POINTS	12	4
Smokefree Housing	F	F
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	0	0
TOTAL POINTS	0	0
Reducing Sales of Tobacco Products	F	F
Tobacco Retailer Licensing	0	0
TOTAL POINTS	0	0
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0
Emerging Products Definition - <i>Licensing</i>	1	0
Retailer Location Restrictions	1	0
Sale of Tobacco Products in Pharmacies	0	0
Flavored Tobacco Products	0	0
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	3	0

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





El Dorado County

	Placerville	South Lake Tahoe	El Dorado County Unincorporated
Overall Tobacco Control Grade	F	F	F
TOTAL POINTS	1	1	0
Smokefree Outdoor Air	D	D	F
Dining	0	0	0
Entryways	0	0	0
Public Events	0	0	0
Recreation Areas	3	4	2
Service Areas	2	0	0
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	5	4	2
Smokefree Housing	F	F	F
Nonsmoking Apartments	0	0	0
Nonsmoking Condominiums	0	0	0
Nonsmoking Common Areas	0	0	0
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	F	F	F
Tobacco Retailer Licensing	0	0	0
TOTAL POINTS	0	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	0	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Fresno County

	Clovis	Coalinga	Firebaugh	Fowler	Fresno	Huron	Kerman	Kingsburg	Mendota	Orange Cove	Parlier	Reedley	Sanger	San Joaquin	Selma	Fresno County Unincorporated
Overall Tobacco Control Grade	F	F	B	F	F	F	F	F	F	C	F	F	F	D	F	
TOTAL POINTS	1	0	10	1	1	0	1	1	0	1	6	1	1	0	2	0
Smokefree Outdoor Air	D	F	C	F	D	F	D	D	F	D	C	D	D	F	C	F
Dining	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Entryways	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	0
Public Events	2	0	4	0	0	0	0	0	0	0	4	0	0	0	4	0
Recreation Areas	3	2	4	0	4	0	4	4	0	4	4	4	4	0	4	2
Service Areas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	5	2	8	0	4	0	4	4	0	4	12	6	4	0	12	2
Smokefree Housing	F	F	A	F	F	F	F	F	F	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	F	F	A	D	F	F	F	F	F	F	A	F	F	F	F	F
Tobacco Retailer Licensing	0	0	4	1	0	0	0	0	0	0	4	0	0	0	0	0
TOTAL POINTS	0	0	4	1	0	0	0	0	0	0	4	0	0	0	0	0
Emerging Issues Bonus Points																
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	1	0	1	0	1	0	0	1	1	1	1	0	1	0
Emerging Products Definition - <i>Licensing</i>	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	1	0	2	0	1	0	1	0	1	1	1	1	1	0	2	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Glenn County

	Orland	Willows	Glenn County Unincorporated
Overall Tobacco Control Grade	D	D	F
TOTAL POINTS	3	3	0
Smokefree Outdoor Air	B	B	F
Dining	2	2	0
Entryways	4	4	0
Public Events	2	0	0
Recreation Areas	3	3	0
Service Areas	4	4	0
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	15	13	0
Smokefree Housing	F	F	F
Nonsmoking Apartments	0	0	0
Nonsmoking Condominiums	0	0	0
Nonsmoking Common Areas	0	0	0
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	F	F	F
Tobacco Retailer Licensing	0	0	0
TOTAL POINTS	0	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	0
Emerging Products Definition - <i>Licensing</i>	0	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	1	1	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Humboldt County

	Arcata	Blue Lake	Eureka	Ferndale	Fortuna	Rio Dell	Trinidad	Humboldt County Unincorporated
Overall Tobacco Control Grade	C	C	C	F	C	F	F	F
TOTAL POINTS	6	6	6	0	6	0	0	0
Smokefree Outdoor Air	A	A	A	F	A	F	F	F
Dining	2	2	2	0	4	0	0	0
Entryways	4	4	4	0	4	0	0	0
Public Events	4	3	4	0	4	0	0	0
Recreation Areas	4	4	4	0	4	0	0	0
Service Areas	4	4	4	0	4	0	0	0
Sidewalks	1	0	1	0	0	0	0	0
Worksites	1	1	1	0	1	0	0	0
TOTAL POINTS	20	18	20	0	21	0	0	0
Smokefree Housing	C	C	C	F	C	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	4	4	4	0	4	0	0	0
TOTAL POINTS	4	4	4	0	4	0	0	0
Reducing Sales of Tobacco Products	F	F	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0
Emerging Issues Bonus Points								
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	1	0	1	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0
TOTAL POINTS	1	1	1	0	1	0	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Imperial County

	Brawley	Calexico	Calipatria	El Centro	Holtville	Imperial	Westmorland	Imperial County Unincorporated
Overall Tobacco Control Grade	F	B	F	D	F	F	F	F
TOTAL POINTS	0	8	0	2	0	1	0	0
Smokefree Outdoor Air	F	B	F	D	F	D	F	F
Dining	0	4	0	0	0	0	0	0
Entryways	0	4	0	0	0	0	0	0
Public Events	2	4	0	4	0	0	0	0
Recreation Areas	0	4	0	0	0	3	0	2
Service Areas	0	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0	0
TOTAL POINTS	2	16	0	4	0	3	0	2
Smokefree Housing	F	D	F	D	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	2	0	2	0	0	0	0
TOTAL POINTS	0	2	0	2	0	0	0	0
Reducing Sales of Tobacco Products	F	A	F	F	F	F	F	F
Tobacco Retailer Licensing	0	4	0	0	0	0	0	0
TOTAL POINTS	0	4	0	0	0	0	0	0
Emerging Issues Bonus Points								
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	0	0	0	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0
TOTAL POINTS	0	1	0	0	0	0	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Inyo County

	Bishop	Inyo County Unincorporated
Overall Tobacco Control Grade	D	F
TOTAL POINTS	2	0
Smokefree Outdoor Air	D	F
Dining	0	0
Entryways	0	0
Public Events	0	0
Recreation Areas	4	2
Service Areas	n/a	n/a
Sidewalks	0	0
Worksites	0	0
TOTAL POINTS	4	2
Smokefree Housing	F	F
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	n/a	0
TOTAL POINTS	0	0
Reducing Sales of Tobacco Products	F	F
Tobacco Retailer Licensing	0	0
TOTAL POINTS	0	0
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0
Emerging Products Definition - <i>Licensing</i>	1	0
Retailer Location Restrictions	1	0
Sale of Tobacco Products in Pharmacies	0	0
Flavored Tobacco Products	0	0
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	3	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Kern County

	Arvin	Bakersfield	California City	Delano	Maricopa	McFarland	Ridgecrest	Shafter	Taft	Tehachapi	Wasco	Kern County Unincorporated
Overall Tobacco Control Grade	C	F	D	D	F	D	F	D	D	C	D	D
TOTAL POINTS	5	0	4	4	0	4	1	4	4	5	4	4
Smokefree Outdoor Air	D	F	F	F	F	F	D	F	F	D	F	F
Dining	0	0	0	0	0	0	0	0	0	0	0	0
Entryways	0	0	0	0	0	0	0	0	0	0	0	0
Public Events	0	0	0	0	0	0	0	0	0	0	0	0
Recreation Areas	4	0	2	2	0	0	4	2	0	4	0	2
Service Areas	0	0	0	0	0	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	4	0	2	2	0	0	4	2	0	4	0	2
Smokefree Housing	F	F	F	F	F	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	A	F	A	A	F	A	F	A	A	A	A	A
Tobacco Retailer Licensing	4	0	4	4	0	4	0	4	4	4	4	4
TOTAL POINTS	4	0	4	4	0	4	0	4	4	4	4	4
Emerging Issues Bonus Points												
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	1	0	0	0	1	0	0	0	0	1
Emerging Products Definition - <i>Licensing</i>	1	0	1	1	0	0	0	1	1	1	1	1
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	1	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	2	0	2	2	0	0	1	1	1	1	1	2

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Kings County

	Avenal	Corcoran	Hanford	Lemoore	Kings County Unincorporated
Overall Tobacco Control Grade	F	F	C	F	F
TOTAL POINTS	0	0	6	0	0
Smokefree Outdoor Air	F	F	A	F	F
Dining	0	0	4	0	0
Entryways	0	0	4	0	0
Public Events	0	0	4	0	0
Recreation Areas	0	0	4	2	0
Service Areas	0	0	4	0	0
Sidewalks	0	0	0	0	0
Worksites	0	0	1	0	0
TOTAL POINTS	0	0	21	2	0
Smokefree Housing	F	F	C	F	F
Nonsmoking Apartments	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0
Nonsmoking Common Areas	0	0	4	0	0
TOTAL POINTS	0	0	4	0	0
Reducing Sales of Tobacco Products	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0
Emerging Issues Bonus Points					
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	1	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0
TOTAL POINTS	0	0	1	0	0

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Lake County

	Clearlake	Lakeport	Lake County Unincorporated
Overall Tobacco Control Grade	D	F	F
TOTAL POINTS	4	1	0
Smokefree Outdoor Air	A	D	F
Dining	4	0	0
Entryways	4	0	2
Public Events	4	0	0
Recreation Areas	4	4	0
Service Areas	4	0	0
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	20	4	2
Smokefree Housing	F	F	F
Nonsmoking Apartments	0	0	0
Nonsmoking Condominiums	0	0	0
Nonsmoking Common Areas	0	0	0
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	F	F	F
Tobacco Retailer Licensing	0	0	0
TOTAL POINTS	0	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	1
Emerging Products Definition - <i>Licensing</i>	0	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	1	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Lassen County

Overall Tobacco Control Grade	F	F
TOTAL POINTS	1	0
Smokefree Outdoor Air	D	F
Dining	0	0
Entryways	0	0
Public Events	2	0
Recreation Areas	4	0
Service Areas	0	0
Sidewalks	0	0
Worksites	0	0
TOTAL POINTS	6	0
Smokefree Housing	F	F
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	0	0
TOTAL POINTS	0	0
Reducing Sales of Tobacco Products	F	F
Tobacco Retailer Licensing	0	0
TOTAL POINTS	0	0
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0
Emerging Products Definition - <i>Licensing</i>	0	0
Retailer Location Restrictions	0	0
Sale of Tobacco Products in Pharmacies	0	0
Flavored Tobacco Products	0	0
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	1	0

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Los Angeles County (1/4)

	Ag	Alli	Ar	Ar	Ar	Az	Bal	Ben	Ben	Ben	Ben	Ben	Bra	Bur	Cal	Cal	Cer	Cl	Con	Con	Con	Cut	Cut
Overall Tobacco Control Grade	D	F	D	D	F	F	B	D	F	C	A	F	B	A	B	C	F	F	A	F	F	B	
TOTAL POINTS	3	1	2	4	1	0	10	4	0	5	13	0	9	11	9	5	1	1	12	1	0	9	
Smokefree Outdoor Air	B	D	C	F	D	F	B	A	F	D	A	F	B	A	A	D	D	D	A	D	F	D	
Dining	2	0	0	0	0	0	4	4	0	0	4	0	2	4	4	0	0	0	4	0	0	2	
Entryways	4	0	0	0	0	0	4	4	0	2	2	0	4	4	4	0	0	0	4	0	0	0	
Public Events	0	0	4	0	0	0	0	3	0	2	3	0	3	4	4	0	0	0	4	0	0	0	
Recreation Areas	4	4	4	0	2	0	4	3	0	4	4	0	3	4	4	4	4	3	4	4	0	4	
Service Areas	4	0	0	0	4	0	4	4	0	0	4	0	4	4	4	0	0	0	4	0	0	0	
Sidewalks	1	0	0	0	0	1	0	1	0	0	1	0	1	1	0	0	0	0	1	0	0	0	
Worksites	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	
TOTAL POINTS	15	4	8	0	6	1	16	19	0	8	19	0	17	22	21	4	4	3	21	4	0	6	
Smokefree Housing	F	F	F	F	F	F	B	F	F	A	A	F	C	C	D	F	F	F	A	F	F	A	
Nonsmoking Apartments	0	0	0	0	0	0	2	0	0	4	4	0	0	2	0	0	0	0	4	0	0	4	
Nonsmoking Condominiums	0	0	0	0	0	0	2	0	0	4	4	0	0	0	0	0	0	0	4	0	0	4	
Nonsmoking Common Areas	0	0	0	0	0	0	4	0	0	4	4	0	4	4	2	0	0	0	4	0	0	4	
TOTAL POINTS	0	0	0	0	0	0	8	0	0	12	12	0	4	6	2	0	0	0	12	0	0	12	
Reducing Sales of Tobacco Products	F	F	F	A	F	F	A	F	F	F	A	F	A	A	A	A	F	F	A	F	F	A	
Tobacco Retailer Licensing	0	0	0	4	0	0	4	0	0	0	4	0	4	4	4	4	0	0	4	0	0	4	
TOTAL POINTS	0	0	0	4	0	0	4	0	0	0	4	0	4	4	4	4	0	0	4	0	0	4	
Emerging Issues Bonus Points																							
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	1	1	1	1	1	1	0	1	1	0	0	1	1	1	0	0	1	0	0	0	
Emerging Products Definition - <i>Licensing</i>	0	0	0	1	0	0	1	0	0	0	1	0	1	1	0	1	0	0	1	0	0	1	
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	1	
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL POINTS	1	1	1	2	1	1	2	1	0	1	4	0	2	3	1	2	0	0	2	1	0	2	

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Los Angeles County (2/4)

	Diamond Bar	Downey	Duarte	El Monte	El Segundo	Gardena	Glendale	Glendora	Hawaiian Gardens	Hawthorne	Hermosa Beach	Hidden Hills	Huntington Park	Industry	Inglewood	Irwindale	La Canada Flintridge	La Habra Heights	La Mirada	La Puente	La Verne	Lakewood
Overall Tobacco Control Grade	F	F	C	B	D	C	B	F	C	C	B	F	A	F	C	F	C	F	F	F	C	F
TOTAL POINTS	0	1	5	10	4	6	10	1	5	6	10	0	13	0	6	0	6	0	1	0	6	0
Smokefree Outdoor Air	F	D	D	D	F	D	A	D	D	C	A	F	A	F	C	F	C	F	D	F	D	F
Dining	0	0	0	0	0	2	2	0	0	0	4	0	4	0	0	0	4	0	0	0	0	0
Entryways	0	0	0	0	0	0	4	0	0	0	2	0	4	0	0	0	0	0	0	0	0	0
Public Events	0	3	0	0	0	0	4	0	0	4	4	0	4	0	4	0	3	0	2	0	0	0
Recreation Areas	2	4	4	4	2	4	4	4	4	4	4	0	4	0	4	2	4	0	4	2	4	0
Service Areas	0	0	2	0	0	0	4	0	0	0	2	0	4	0	0	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0
TOTAL POINTS	2	7	6	4	2	6	20	4	4	8	18	0	22	0	8	2	11	0	6	2	4	0
Smokefree Housing	F	F	F	A	F	F	C	F	F	F	F	n/a	A	F	F	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	4	0	0	1	0	0	0	0		4	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	4	0	0	1	0	0	0	0		2	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	4	0	0	4	0	0	0	0		4	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	12	0	0	6	0	0	0	0		10	0	0	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	F	F	A	A	A	A	A	F	A	A	A	F	A	F	A	F	A	F	F	F	A	F
Tobacco Retailer Licensing	0	0	4	4	4	4	4	0	4	4	4	0	4	0	4	0	4	0	0	0	4	0
TOTAL POINTS	0	0	4	4	4	4	4	0	4	4	4	0	4	0	4	0	4	0	0	0	4	0
Emerging Issues Bonus Points																						
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	0	1	0	1	1	1	1	0	1	0	1	0	0	0	1	0	1	0	1	1
Emerging Products Definition - <i>Licensing</i>	0	1	1	1	0	1	1	0	1	0	1	0	1	0	1	0	0	0	0	0	1	0
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	1	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	1	0	1	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	2	1	3	0	3	2	1	2	0	6	0	4	0	1	0	1	0	2	0	3	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12


Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Los Angeles County (3/4)



Los Angeles County (3/4)

	Lancaster	Lawndale	Lomita	Long Beach	Los Angeles	Lynwood	Malibu	Manhattan Beach	Maywood	Monrovia	Montebello	Monterey Park	Norwalk	Palmdale	Palos Verdes Estates	Paramount	Pasadena	Pico Rivera	Pomona	Rancho Palos Verdes	Redondo Beach	Rolling Hills	Rolling Hills Estates
Overall Tobacco Control Grade	D	C	C	C	C	C	C	A	D	F	D	C	F	C	F	A	F	F	F	B	F	F	
TOTAL POINTS	4	5	5	7	7	4	6	13	4	1	4	6	1	7	0	12	0	0	1	9	0	0	
Smokefree Outdoor Air	F	D	D	C	B	F	C	A	F	D	F	C	D	D	F	F	A	F	F	D	A	F	F
Dining	0	0	0	2	2	0	4	4	0	0	2	4	0	0	0	4	0	0	0	4	0	0	
Entryways	0	0	0	0	4	0	4	4	0	0	0	4	0	0	0	4	0	0	0	4	0	0	
Public Events	0	0	0	2	2	0	2	4	0	0	0	0	0	2	0	4	0	0	0	2	0	0	
Recreation Areas	0	4	4	4	3	2	2	4	2	4	0	4	3	3	2	4	2	2	3	4	0	2	
Service Areas	2	0	0	2	0	0	0	4	0	0	0	0	0	0	0	4	0	0	0	4	0	0	
Sidewalks	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	1	0	0	
Worksites	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
TOTAL POINTS	2	4	4	10	11	2	12	21	2	4	2	12	3	5	2	21	2	2	3	20	0	2	
Smokefree Housing	F	F	F	D	F	F	F	A	F	F	F	F	F	D	F	F	A	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	4	0	0	0	0	0	0	
Nonsmoking Condominiums	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	4	0	0	0	0	0	0	
Nonsmoking Common Areas	0	0	0	2	0	0	0	4	0	0	0	0	0	2	0	4	0	0	0	0	0	0	
TOTAL POINTS	0	0	0	2	0	0	0	12	0	0	0	0	0	2	0	12	0	0	0	0	0	0	
Reducing Sales of Tobacco Products	A	A	A	A	A	A	A	A	A	F	A	A	F	A	F	F	A	F	F	F	A	n/a	F
Tobacco Retailer Licensing	4	4	4	4	4	4	4	4	4	0	4	4	0	4	0	4	0	0	0	4		0	
TOTAL POINTS	4	4	4	4	4	4	4	4	4	0	4	4	0	4	0	4	0	0	0	4		0	
Emerging Issues Bonus Points																							
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0	1	1	1	0	1	0	1	0	1	1	1	0	0	0	1	1	0	1		1
Emerging Products Definition - <i>Licensing</i>	1	0	1	0	1	1	1	1	0	0	1	0	0	1	0	0	0	0	0	1		0	
Retailer Location Restrictions	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	0	1	0	0	0		0	
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	
Flavored Tobacco Products	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1		0	
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	
TOTAL POINTS	1	0	1	1	2	3	1	4	0	1	1	1	1	3	0	0	1	1	1	0	3		1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Los Angeles County (4/4)

		Rosemead	San Dimas	San Fernando	San Gabriel	San Marino	Santa Clarita	Santa Fe Springs	Santa Monica	Sierra Madre	Signal Hill	South El Monte	South Gate	South Pasadena	Temple City	Torrance	Vernon	Walnut	West Covina	West Hollywood	Westlake Village	Whittier	Los Angeles County Unincorporated
Overall Tobacco Control Grade	C	F	B	C	F	F	F	A	C	F	C	F	A	B	F	F	F	D	C	F	F	C	
TOTAL POINTS	5	1	8	5	0	1	1	11	5	0	6	1	11	9	1	0	1	3	5	0	1	7	
Smokefree Outdoor Air	D	D	A	D	F	D	D	A	D	F	C	D	B	A	D	F	D	F	D	F	D	C	
Dining	0	0	4	0	0	0	0	4	4	0	4	0	4	4	0	0	0	0	2	0	0	4	
Entryways	0	0	4	0	0	0	0	4	0	0	0	0	4	4	0	0	0	0	0	0	0	0	
Public Events	0	0	4	0	0	0	0	2	0	0	0	0	0	4	0	0	0	0	0	0	0	0	
Recreation Areas	4	4	4	4	0	4	3	4	2	0	4	3	4	4	4	0	4	2	0	0	4	4	
Service Areas	0	0	4	0	0	0	0	4	0	0	0	0	4	4	0	0	0	0	4	0	0	2	
Sidewalks	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Worksites	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL POINTS	4	4	20	4	0	4	3	18	6	0	8	3	17	20	4	0	4	2	6	0	4	10	
Smokefree Housing	F	F	F	F	F	F	F	B	F	F	F	F	B	D	F	F	F	F	F	F	F	F	
Nonsmoking Apartments	0	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	
Nonsmoking Condominiums	0	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	
Nonsmoking Common Areas	0	0	0	0	0	0	0	4	0	0	0	0	4	2	0	0	0	0	0	0	0	0	
TOTAL POINTS	0	0	0	0	0	0	0	8	0	0	0	0	8	2	0	0	0	0	0	0	0	0	
Reducing Sales of Tobacco Products	A	F	A	A	F	F	F	A	A	F	A	F	A	A	F	F	F	B	B	F	F	A	
Tobacco Retailer Licensing	4	0	4	4	0	0	0	4	4	0	4	0	4	4	0	0	0	3	3	0	0	4	
TOTAL POINTS	4	0	4	4	0	0	0	4	4	0	4	0	4	4	0	0	0	3	3	0	0	4	
Emerging Issues Bonus Points																							
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	1	0	0	1	0	1	0	0	1	0	1	1	1	0	0	1	0	0	0	1	
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0	1	0	0	1	0	1	0	0	0	0	0	1	0	0	1	
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1	0	0	0	
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
TOTAL POINTS	0	1	1	0	0	1	0	2	0	0	2	0	3	2	1	0	0	1	3	0	0	5	

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Madera County

	Chowchilla	Madera	Madera County Unincorporated
Overall Tobacco Control Grade	F	D	F
TOTAL POINTS	0	2	0
Smokefree Outdoor Air	F	C	F
Dining	0	4	0
Entryways	0	0	0
Public Events	0	0	0
Recreation Areas	2	4	2
Service Areas	0	0	0
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	2	8	2
Smokefree Housing	F	F	F
Nonsmoking Apartments	0	0	0
Nonsmoking Condominiums	0	0	0
Nonsmoking Common Areas	0	0	0
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	F	F	F
Tobacco Retailer Licensing	0	0	0
TOTAL POINTS	0	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	0
Emerging Products Definition - <i>Licensing</i>	0	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	0	1	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Marin County

	Belvedere	Corte Madera	Fairfax	Larkspur	Mill Valley	Novato	Ross	San Anselmo	San Rafael	Sausalito	Tiburon	Marin County Unincorporated
Overall Tobacco Control Grade	A	A	A	A	A	A	A	A	A	A	A	A
TOTAL POINTS	8	12	12	12	12	13	8	13	13	11	9	12
Smokefree Outdoor Air	A	A	A	A	A	A	A	A	A	A	A	A
Dining	4	4	2	4	4	4	4	4	4	4	4	2
Entryways	4	4	4	4	4	4	4	4	4	4	4	4
Public Events	4	4	4	4	4	4	4	4	3	3	4	4
Recreation Areas	4	4	4	4	4	4	4	4	4	4	4	4
Service Areas	4	4	4	4	4	4	4	4	4	4	4	4
Sidewalks	0	0	0	0	0	1	0	0	1	0	1	0
Worksites	1	1	1	1	1	1	0	1	1	1	0	1
TOTAL POINTS	21	21	19	21	21	22	20	21	21	20	21	19
Smokefree Housing	A	B	B	B	A	A	A	A	A	B	A	B
Nonsmoking Apartments	4	2	2	2	4	4	4	4	4	2	4	2
Nonsmoking Condominiums	4	2	2	2	4	4	4	4	4	2	4	2
Nonsmoking Common Areas	4	4	4	4	4	4	4	4	4	4	4	4
TOTAL POINTS	12	8	8	8	12	12	12	12	12	8	12	8
Reducing Sales of Tobacco Products	n/a	A	A	A	A	A	n/a	A	A	A	n/a	A
Tobacco Retailer Licensing		4	4	4	4	4	1	4	4	4		4
TOTAL POINTS	n/a	4	4	4	4	4	n/a	4	4	4	n/a	4
Emerging Issues Bonus Points												
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	1	0	1	1	1	1	1	0	1	1
Emerging Products Definition - <i>Licensing</i>	0	1	1	1	1	1	1	1	1	1	1	1
Retailer Location Restrictions	0	0	0	0	0	1	0	0	1	0	0	1
Sale of Tobacco Products in Pharmacies	0	1	1	1	0	1	0	1	1	0	1	1
Flavored Tobacco Products	0	1	1	1	0	1	0	1	1	1	0	1
Minimum Pack Size of Cigars	0	1	1	1	0	1	0	1	0	0	0	0
TOTAL POINTS	1	5	5	4	2	6	2	5	5	2	3	5

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Mariposa County

Mariposa County
Unincorporated

Overall Tobacco Control Grade	D
TOTAL POINTS	3
Smokefree Outdoor Air	B
Dining	4
Entryways	4
Public Events	2
Recreation Areas	4
Service Areas	2
Sidewalks	0
Worksites	0
TOTAL POINTS	16
Smokefree Housing	F
Nonsmoking Apartments	0
Nonsmoking Condominiums	0
Nonsmoking Common Areas	0
TOTAL POINTS	0
Reducing Sales of Tobacco Products	F
Tobacco Retailer Licensing	0
TOTAL POINTS	0
Emerging Issues Bonus Points	
Emerging Products Definition - <i>Secondhand Smoke</i>	1
Emerging Products Definition - <i>Licensing</i>	0
Retailer Location Restrictions	0
Sale of Tobacco Products in Pharmacies	0
Flavored Tobacco Products	0
Minimum Pack Size of Cigars	0
TOTAL POINTS	1

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Mendocino County

	Fort Bragg	Point Arena	Ukiah	Willits	Mendocino County Unincorporated
Overall Tobacco Control Grade	C	F	C	D	C
TOTAL POINTS	6	0	6	4	5
Smokefree Outdoor Air	D	F	C	F	F
Dining	0	0	0	0	0
Entryways	2	0	0	0	0
Public Events	0	0	4	0	0
Recreation Areas	4	0	4	2	0
Service Areas	0	0	0	0	0
Sidewalks	1	0	0	0	0
Worksites	0	0	0	0	0
TOTAL POINTS	7	0	8	2	0
Smokefree Housing	D	F	F	F	D
Nonsmoking Apartments	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0
Nonsmoking Common Areas	2	0	0	0	2
TOTAL POINTS	2	0	0	0	2
Reducing Sales of Tobacco Products	A	n/a	A	A	A
Tobacco Retailer Licensing	4		4	4	4
TOTAL POINTS	4		4	4	4
Emerging Issues Bonus Points					
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	0	0	0
Emerging Products Definition - <i>Licensing</i>	1	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0
TOTAL POINTS	2	0	0	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Merced County

	Atwater	Dos Palos	Gustine	Livingston	Los Banos	Merced	Merced County Unincorporated
Overall Tobacco Control Grade	F	F	F	F	F	F	F
TOTAL POINTS	0	0	0	0	0	0	0
Smokefree Outdoor Air	F	F	F	F	F	F	F
Dining	0	n/a	n/a	n/a	0	0	0
Entryways	0	0	0	0	0	0	0
Public Events	0	0	0	0	0	0	0
Recreation Areas	2	0	0	0	0	2	0
Service Areas	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0
TOTAL POINTS	2	0	0	0	0	2	0
Smokefree Housing	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	F	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0
Emerging Issues Bonus Points							
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0	0	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	1	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	1	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Modoc County

	Alturas	Modoc County Unincorporated
Overall Tobacco Control Grade	B	F
TOTAL POINTS	8	0
Smokefree Outdoor Air	B	F
Dining	4	0
Entryways	4	0
Public Events	0	0
Recreation Areas	4	0
Service Areas	4	0
Sidewalks	0	1
Worksites	1	0
TOTAL POINTS	17	1
Smokefree Housing	F	F
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	0	0
TOTAL POINTS	0	0
Reducing Sales of Tobacco Products	A	F
Tobacco Retailer Licensing	4	0
TOTAL POINTS	4	0
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0
Emerging Products Definition - <i>Licensing</i>	1	0
Retailer Location Restrictions	0	0
Sale of Tobacco Products in Pharmacies	0	0
Flavored Tobacco Products	1	0
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	3	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Mono County

Overall Tobacco Control Grade	C	D
TOTAL POINTS	6	4
Smokefree Outdoor Air	A	A
Dining	4	4
Entryways	4	4
Public Events	4	4
Recreation Areas	4	3
Service Areas	4	4
Sidewalks	0	0
Worksites	1	0
TOTAL POINTS	21	19
Smokefree Housing	C	F
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	4	0
TOTAL POINTS	4	0
Reducing Sales of Tobacco Products	F	F
Tobacco Retailer Licensing	0	0
TOTAL POINTS	0	0
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1
Emerging Products Definition - <i>Licensing</i>	0	0
Retailer Location Restrictions	0	0
Sale of Tobacco Products in Pharmacies	0	0
Flavored Tobacco Products	0	1
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	1	2

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12


Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Monterey County



Monterey County

	Carmel-by-the-Sea		Del Rey Oaks		Gonzales		Greenfield		King City		Marina		Monterey		Pacific Grove		Salinas		Sand City		Seaside		Soledad		Monterey County Unincorporated	
Overall Tobacco Control Grade	C	F	C	F	F	F	C	C	C	C	F	D	F	C												
TOTAL POINTS	5	0	5	0	0	0	6	7	6	1	2	0	6													
Smokefree Outdoor Air	D	F	D	F	F	F	C	B	D	D	D	F	D													
Dining	0	0	0	0	0	0	2	4	0	0	0	0	0													
Entryways	0	0	0	0	0	0	0	4	0	0	0	0	0													
Public Events	0	0	0	0	0	0	0	4	0	0	0	0	0													
Recreation Areas	4	0	4	0	2	2	2	4	4	2	4	2	3													
Service Areas	0	0	0	0	0	0	4	0	0	0	0	0	0													
Sidewalks	1	0	0	0	0	0	1	1	0	1	0	0	0													
Worksites	0	0	0	0	0	0	0	0	0	0	0	0	0													
TOTAL POINTS	5	0	4	0	2	2	9	17	4	3	4	2	3													
Smokefree Housing	F	F	F	F	F	F	F	A	D	F	F	F	D													
Nonsmoking Apartments	0	0	0	0	0	0	0	4	0	0	0	0	0													
Nonsmoking Condominiums	0	0	0	0	0	0	0	4	0	0	0	0	0													
Nonsmoking Common Areas	0	0	0	0	0	0	0	4	2	0	0	0	2													
TOTAL POINTS	0	0	0	0	0	0	0	12	2	0	0	0	2													
Reducing Sales of Tobacco Products	A	F	A	F	F	F	A	F	A	F	F	F	A													
Tobacco Retailer Licensing	4	0	4	0	0	0	4	0	4	0	0	0	4													
TOTAL POINTS	4	0	4	0	0	0	4	0	4	0	0	0	4													
Emerging Issues Bonus Points																										
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	1	0	0	0	1	1	0	0	1	0	1													
Emerging Products Definition - <i>Licensing</i>	1	0	1	0	0	0	1	0	1	0	1	0	1													
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0	1	0	0													
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0													
Flavored Tobacco Products	0	0	0	0	0	0	0	1	0	0	0	0	0													
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0													
TOTAL POINTS	1	0	2	0	0	0	2	2	1	0	3	0	2													

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Napa County

	American Canyon	Calistoga	Napa	St. Helena	Yountville	Napa County Unincorporated
Overall Tobacco Control Grade	D	F	F	F	F	D
TOTAL POINTS	2	1	1	1	1	2
Smokefree Outdoor Air	D	D	D	D	D	D
Dining	0	0	0	0	0	0
Entryways	0	0	0	0	0	0
Public Events	0	0	0	0	0	0
Recreation Areas	4	3	4	4	4	3
Service Areas	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0
Worksites	0	0	0	0	0	0
TOTAL POINTS	4	3	4	4	4	3
Smokefree Housing	F	F	F	F	F	D
Nonsmoking Apartments	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	2
TOTAL POINTS	0	0	0	0	0	2
Reducing Sales of Tobacco Products	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0
Emerging Issues Bonus Points						
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	0	1	0	1
Emerging Products Definition - <i>Licensing</i>	1	0	0	0	0	0
Retailer Location Restrictions	1	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0
TOTAL POINTS	3	0	0	1	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Nevada County

	Grass Valley	Nevada City	Truckee	Nevada County Unincorporated
Overall Tobacco Control Grade	C	C	F	F
TOTAL POINTS	6	7	0	0
Smokefree Outdoor Air	C	C	F	F
Dining	0	0	0	0
Entryways	4	4	0	0
Public Events	0	0	0	0
Recreation Areas	3	4	0	0
Service Areas	0	0	0	0
Sidewalks	1	1	0	0
Worksites	0	0	0	0
TOTAL POINTS	8	9	0	0
Smokefree Housing	F	F	F	F
Nonsmoking Apartments	0	0	0	0
Nonsmoking Condominiums	0	0	0	0
Nonsmoking Common Areas	0	0	0	0
TOTAL POINTS	0	0	0	0
Reducing Sales of Tobacco Products	A	A	F	F
Tobacco Retailer Licensing	4	4	0	0
TOTAL POINTS	4	4	0	0
Emerging Issues Bonus Points				
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	0	0
Emerging Products Definition - <i>Licensing</i>	1	1	0	0
Retailer Location Restrictions	0	1	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0
Flavored Tobacco Products	0	0	0	0
Minimum Pack Size of Cigars	0	1	0	0
TOTAL POINTS	2	4	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Orange County (1/2)

	Aliso Viejo	Anaheim	Brea	Buena Park	Costa Mesa	Cypress	Dana Point	Fountain Valley	Fullerton	Garden Grove	Huntington Beach	Irvine	Laguna Beach	Laguna Hills	Laguna Niguel	Laguna Woods	La Habra	Lake Forest	La Palma	Los Alamitos	Mission Viejo	Newport Beach
Overall Tobacco Control Grade	F	F	F	F	F	F	D	F	F	F	F	C	C	C	F	D	F	F	D	F	D	F
TOTAL POINTS	1	1	0	1	1	0	4	1	0	0	0	6	6	5	1	6	0	0	2	1	2	1
Smokefree Outdoor Air	D	D	F	D	D	F	A	D	F	F	F	A	A	A	D	A	F	F	C	D	C	D
Dining	0	0	0	0	0	0	4	0	0	0	0	4	4	4	0	2	0	0	0	0	0	0
Entryways	4	2	0	0	0	0	2	0	0	0	0	2	4	4	0	4	0	0	0	0	0	0
Public Events	0	0	0	0	0	0	4	0	0	0	0	4	4	2	0	4	0	0	0	0	0	0
Recreation Areas	2	0	2	3	4	2	4	4	2	2	2	4	4	4	4	4	0	2	4	2	2	4
Service Areas	0	0	0	0	0	0	4	0	0	0	0	4	4	4	0	4	0	0	0	0	4	0
Sidewalks	0	0	0	0	0	0	1	0	0	0	0	1	1	0	0	0	0	0	1	0	0	0
Worksites	0	0	0	0	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0
TOTAL POINTS	6	2	2	3	4	2	20	4	2	2	2	20	22	18	4	18	0	2	5	2	6	4
Smokefree Housing	F	F	F	F	F	F	F	F	F	F	F	C	C	D	F	C	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	0	0	0	0	0	4	4	2	0	4	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0	0	0	4	4	2	0	4	0	0	0	0	0	0
Reducing Sales of Tobacco Products	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Emerging Issues Bonus Points																						
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	1	1	1	0	1	0	0	1	0	1	1	1	1	0	0	0	1	0	1	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	1	2	1	1	2	0	1	0	0	1	0	1	2	1	2	0	0	0	1	0	1	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Orange County (2/2)

	Orange	Placentia	Rancho Santa Margarita	San Clemente	San Juan Capistrano	Santa Ana	Seal Beach	Stanton	Tustin	Villa Park	Westminster	Yorba Linda	Orange County Unincorporated
Overall Tobacco Control Grade	F	D	F	F	F	D	D	F	F	F	F	F	F
TOTAL POINTS	0	2	0	1	2	6	4	1	1	0	1	0	1
Smokefree Outdoor Air	F	C	F	D	D	D	D	D	D	F	F	F	D
Dining	0	0	0	0	0	0	0	0	0	0	0	0	0
Entryways	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Events	0	0	0	0	0	0	0	0	0	0	0	0	2
Recreation Areas	0	4	0	3	2	4	4	4	4	0	0	0	2
Service Areas	0	0	0	0	0	0	0	0	0	0	0	0	0
Sidewalks	0	1	0	0	0	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	5	0	3	2	4	4	4	4	0	0	0	4
Smokefree Housing	F	F	F	F	F	F	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	F	F	F	F	F	A	F	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	4	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	4	0	0	0	0	0	0	0
Emerging Issues Bonus Points													
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	0	0	1	0	1	1	1	0	1	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	1	1	0	0	0	1	0	0
Retailer Location Restrictions	0	0	0	1	0	0	1	0	0	1	1	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	1	0	1	1	1	3	1	1	1	3	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Placer County

	Auburn	Colfax	Lincoln	Loomis	Rocklin	Roseville	Placer County Unincorporated
Overall Tobacco Control Grade	C	F	F	F	F	F	F
TOTAL POINTS	6	0	0	1	0	1	1
Smokefree Outdoor Air	D	F	F	D	F	D	D
Dining	0	0	0	0	0	0	0
Entryways	0	0	0	0	0	0	0
Public Events	0	0	0	0	0	0	0
Recreation Areas	4	0	2	3	2	4	2
Service Areas	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	1
Worksites	0	0	0	0	0	0	0
TOTAL POINTS	4	0	2	3	2	4	3
Smokefree Housing	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	A	F	F	F	F	F	F
Tobacco Retailer Licensing	4	0	0	0	0	0	0
TOTAL POINTS	4	0	0	0	0	0	0
Emerging Issues Bonus Points							
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	0	1	0	0	0
Emerging Products Definition - <i>Licensing</i>	1	0	0	0	1	0	0
Retailer Location Restrictions	1	0	0	0	1	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0
Flavored Tobacco Products	1	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0
TOTAL POINTS	4	0	0	1	2	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Plumas County

	Portola	Plumas County Unincorporated
Overall Tobacco Control Grade	F	F
TOTAL POINTS	0	1
Smokefree Outdoor Air	F	D
Dining	0	0
Entryways	0	0
Public Events	0	0
Recreation Areas	0	4
Service Areas	0	0
Sidewalks	0	0
Worksites	0	0
TOTAL POINTS	0	4
Smokefree Housing	F	F
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	0	0
TOTAL POINTS	0	0
Reducing Sales of Tobacco Products	F	D
Tobacco Retailer Licensing	0	1
TOTAL POINTS	0	1
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0
Emerging Products Definition - <i>Licensing</i>	0	1
Retailer Location Restrictions	0	0
Sale of Tobacco Products in Pharmacies	0	0
Flavored Tobacco Products	0	0
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Riverside County (1/2)

	Banning	Beaumont	Blythe	Calimesa	Canyon Lake	Cathedral City	Coachella	Corona	Desert Hot Springs	Eastvale	Hemet	Indian Wells	Indio	Jurupa Valley	Lake Elsinore	La Quinta	Menifee	Moreno Valley	Murrieta	Norco	Palm Desert	Palm Springs
Overall Tobacco Control Grade	C	C	F	C	D	D	D	C	D	C	B	F	F	C	C	F	D	C	B	D	C	C
TOTAL POINTS	5	5	0	5	4	4	4	5	4	5	9	0	0	5	6	0	4	5	8	4	6	5
Smokefree Outdoor Air	D	D	F	D	F	F	F	D	F	D	A	F	F	D	C	F	F	D	B	F	A	D
Dining	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	4	0	4	0
Entryways	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	3	0	4	0
Public Events	0	0	0	0	0	0	0	0	0	0	4	0	0	0	3	0	0	0	0	0	4	0
Recreation Areas	4	4	0	4	0	0	2	4	2	3	4	0	2	3	3	2	0	3	4	2	4	4
Service Areas	0	0	0	0	0	0	0	0	0	0	4	0	0	0	3	0	0	0	4	0	4	0
Sidewalks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Worksites	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
TOTAL POINTS	4	4	0	4	0	0	2	4	2	3	20	0	2	3	9	2	0	3	15	2	22	4
Smokefree Housing	F	F	F	F	F	F	F	F	F	F	D	F	F	F	F	F	F	D	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2	0	0	0
Reducing Sales of Tobacco Products	A	A	F	A	A	A	A	A	A	A	A	F	F	A	A	F	A	A	A	A	D	A
Tobacco Retailer Licensing	4	4	0	4	4	4	4	4	4	4	4	0	0	4	4	0	4	4	4	4	1	4
TOTAL POINTS	4	4	0	4	4	4	4	4	4	4	4	0	0	4	4	0	4	4	4	4	1	4
Emerging Issues Bonus Points																						
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0	1	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0
Emerging Products Definition - <i>Licensing</i>	1	1	0	1	1	0	1	1	1	1	1	0	0	1	1	0	1	1	1	1	0	1
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	1	1	0	2	1	0	1	1	1	1	2	0	0	1	2	0	1	1	1	1	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Riverside County (2/2)

	Perris	Rancho Mirage	Riverside	San Jacinto	Temecula	Wildomar	Riverside County Unincorporated
Overall Tobacco Control Grade	D	D	C	D	B	C	C
TOTAL POINTS	4	4	5	4	10	5	5
Smokefree Outdoor Air	F	F	D	F	A	D	D
Dining	0	0	0	0	2	0	0
Entryways	0	0	0	0	4	0	0
Public Events	0	0	0	0	3	0	0
Recreation Areas	2	0	3	0	4	3	3
Service Areas	0	0	4	0	4	0	0
Sidewalks	0	0	0	0	0	0	0
Worksites	0	0	0	0	1	0	0
TOTAL POINTS	2	0	7	0	18	3	3
Smokefree Housing	F	F	F	F	C	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	4	0	0
TOTAL POINTS	0	0	0	0	4	0	0
Reducing Sales of Tobacco Products	A	A	A	A	A	A	A
Tobacco Retailer Licensing	4	4	4	4	4	4	4
TOTAL POINTS	4	4	4	4	4	4	4
Emerging Issues Bonus Points							
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	1	0	1	0	0
Emerging Products Definition - <i>Licensing</i>	1	1	1	1	1	1	1
Retailer Location Restrictions	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0
TOTAL POINTS	1	1	2	1	2	1	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Sacramento County

	Citrus Heights	Elk Grove	Folsom	Galt	Islleton	Rancho Cordova	Sacramento	Sacramento County Unincorporated
Overall Tobacco Control Grade	C	C	D	F	F	B	C	C
TOTAL POINTS	6	6	4	0	0	10	6	5
Smokefree Outdoor Air	A	C	C	F	F	A	D	D
Dining	4	4	0	0	0	4	0	0
Entryways	4	0	0	0	0	4	0	0
Public Events	4	0	3	0	0	4	0	0
Recreation Areas	4	3	3	2	0	4	3	2
Service Areas	4	0	2	0	0	4	0	2
Sidewalks	1	1	0	0	0	0	0	0
Worksites	1	0	0	0	0	0	0	0
TOTAL POINTS	22	8	8	2	0	20	3	4
Smokefree Housing	C	F	C	F	F	D	F	F
Nonsmoking Apartments	0	0	1	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	4	0	4	0	0	2	0	0
TOTAL POINTS	4	0	5	0	0	2	0	0
Reducing Sales of Tobacco Products	F	A	F	F	F	A	A	A
Tobacco Retailer Licensing	0	4	0	0	0	4	4	4
TOTAL POINTS	0	4	0	0	0	4	4	4
Emerging Issues Bonus Points								
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	1	1	0	1	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	1	1	0
Retailer Location Restrictions	1	0	1	0	0	1	1	1
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	1	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0
TOTAL POINTS	2	0	2	1	0	3	3	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





San Benito County

	Hollister	San Juan Bautista	San Benito County Unincorporated
Overall Tobacco Control Grade	D	F	F
TOTAL POINTS	4	0	0
Smokefree Outdoor Air	F	F	F
Dining	0	2	0
Entryways	0	0	0
Public Events	0	0	0
Recreation Areas	0	0	0
Service Areas	0	0	0
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	0	2	0
Smokefree Housing	F	F	F
Nonsmoking Apartments	0	0	0
Nonsmoking Condominiums	0	0	0
Nonsmoking Common Areas	0	0	0
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	A	F	F
Tobacco Retailer Licensing	4	0	0
TOTAL POINTS	4	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0
Emerging Products Definition - <i>Licensing</i>	1	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	1	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	2	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





San Bernardino County (1/2)

	Adelanto	Apple Valley	Barstow	Big Bear Lake	Chino	Chino Hills	Colton	Fontana	Grand Terrace	Hesperia	Highland	Loma Linda	Montclair	Needles	Ontario	Rancho Cucamonga	Redlands	Rialto	San Bernardino	Twentynine Palms	Upland	Victorville
Overall Tobacco Control Grade	C	D	F	F	F	F	C	F	F	F	F	C	F	F	F	D	F	F	F	F	F	F
TOTAL POINTS	6	2	0	0	0	1	5	1	1	0	0	6	0	0	1	2	1	1	0	0	0	1
Smokefree Outdoor Air	D	D	F	F	F	D	D	D	D	F	F	A	F	F	D	C	D	D	F	F	F	D
Dining	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0
Entryways	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0
Public Events	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	2	2	0	0	0	0	0
Recreation Areas	4	4	0	0	2	3	4	4	4	0	0	4	0	0	4	4	4	4	2	0	2	4
Service Areas	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	4	4	0	0	2	3	4	4	4	0	0	22	0	0	4	10	6	4	2	0	2	4
Smokefree Housing	F	F	F	F	F	F	F	F	F	F	F	C	F	F	F	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	A	D	F	F	F	F	A	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
Tobacco Retailer Licensing	4	1	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	4	1	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Emerging Issues Bonus Points																						
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	0	0	0	0	0	1	1	0	0	0	0	0	1	1	0	1	0	0	0	1
Emerging Products Definition - <i>Licensing</i>	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retailer Location Restrictions	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	3	1	0	0	0	0	2	1	1	0	0	0	0	0	1	1	0	1	0	0	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





San Bernardino County (2/2)

	Yucaipa	Yuca Valley	San Bernardino County Unincorporated
Overall Tobacco Control Grade	F	F	F
TOTAL POINTS	1	0	1
Smokefree Outdoor Air	D	F	D
Dining	0	0	0
Entryways	0	0	0
Public Events	0	0	2
Recreation Areas	4	2	2
Service Areas	0	0	2
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	4	2	6
Smokefree Housing	F	F	F
Nonsmoking Apartments	0	0	0
Nonsmoking Condominiums	0	0	0
Nonsmoking Common Areas	0	0	0
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	F	F	F
Tobacco Retailer Licensing	0	0	0
TOTAL POINTS	0	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	1
Emerging Products Definition - <i>Licensing</i>	0	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	0	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





San Diego County

	Carlsbad	Chula Vista	Coronado	Del Mar	El Cajon	Encinitas	Escondido	Imperial Beach	La Mesa	Lemon Grove	National City	Oceanside	Poway	San Diego	San Marcos	Santee	Solana Beach	Vista	San Diego County Unincorporated
Overall Tobacco Control Grade	F	C	D	D	A	D	D	F	F	C	D	D	F	D	C	F	B	C	F
TOTAL POINTS	1	6	4	4	11	2	2	1	1	5	2	3	1	4	5	1	8	6	1
Smokefree Outdoor Air	D	C	A	A	A	C	C	D	D	D	C	B	D	D	D	A	D	D	D
Dining	4	4	2	4	4	4	0	0	0	0	4	4	0	2	0	0	4	0	0
Entryways	0	0	4	4	4	0	2	0	0	0	0	4	0	0	0	0	4	0	0
Public Events	0	0	4	4	4	0	0	0	0	0	0	0	0	0	0	0	4	0	0
Recreation Areas	3	4	4	4	4	4	4	4	3	4	3	3	3	3	3	4	4	4	4
Service Areas	0	2	4	2	4	2	2	2	2	2	2	2	2	2	2	2	4	2	2
Sidewalks	0	0	1	1	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Worksites	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	7	10	19	20	22	10	8	6	5	6	9	14	5	7	5	6	20	6	6
Smokefree Housing	F	F	F	F	C	F	F	F	F	F	F	F	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	F	A	F	F	A	F	F	F	F	A	F	F	F	B	A	F	A	A	F
Tobacco Retailer Licensing	0	4	0	0	4	0	0	0	0	4	0	0	0	3	4	0	4	4	0
TOTAL POINTS	0	4	0	0	4	0	0	0	0	4	0	0	0	3	4	0	4	4	0
Emerging Issues Bonus Points																			
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1
Emerging Products Definition - <i>Licensing</i>	0	1	0	0	1	0	0	0	0	1	0	0	0	0	1	0	1	1	0
Retailer Location Restrictions	0	0	0	0	1	0	1	0	0	0	1	0	0	0	0	0	0	1	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	1	2	1	1	3	1	1	1	1	2	2	1	1	1	2	1	2	3	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





San Francisco County

San Francisco

Overall Tobacco Control Grade	B
TOTAL POINTS	9
Smokefree Outdoor Air	B
Dining	2
Entryways	3
Public Events	4
Recreation Areas	4
Service Areas	4
Sidewalks	0
Worksites	0
TOTAL POINTS	17
Smokefree Housing	D
Nonsmoking Apartments	0
Nonsmoking Condominiums	0
Nonsmoking Common Areas	2
TOTAL POINTS	2
Reducing Sales of Tobacco Products	A
Tobacco Retailer Licensing	4
TOTAL POINTS	4
Emerging Issues Bonus Points	
Emerging Products Definition - <i>Secondhand Smoke</i>	1
Emerging Products Definition - <i>Licensing</i>	1
Retailer Location Restrictions	1
Sale of Tobacco Products in Pharmacies	1
Flavored Tobacco Products	1
Minimum Pack Size of Cigars	0
TOTAL POINTS	5

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





San Joaquin County

	Escalon	Lathrop	Lodi	Manteca	Ripon	Stockton	Tracy	San Joaquin County Unincorporated
Overall Tobacco Control Grade	F	F	F	F	F	F	F	F
TOTAL POINTS	0	0	0	0	0	1	1	1
Smokefree Outdoor Air	F	F	F	F	F	D	F	D
Dining	0	0	0	0	0	2	0	0
Entryways	0	0	0	0	0	4	2	0
Public Events	0	0	0	0	0	0	0	0
Recreation Areas	0	2	2	0	0	0	0	2
Service Areas	0	0	0	0	0	0	0	2
Sidewalks	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0	0
TOTAL POINTS	0	2	2	0	0	6	2	4
Smokefree Housing	F	F	F	F	F	F	D	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	2	0
TOTAL POINTS	0	0	0	0	0	0	2	0
Reducing Sales of Tobacco Products	F	F	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0
Emerging Issues Bonus Points								
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0	0	0	0	0	1
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





San Luis Obispo County

	Arroyo Grande	Atascadero	Grover Beach	Morro Bay	Paso Robles	Pismo Beach	San Luis Obispo	San Luis Obispo County Unincorporated
Overall Tobacco Control Grade	C	C	C	D	C	D	B	C
TOTAL POINTS	5	6	5	4	5	4	10	5
Smokefree Outdoor Air	D	A	D	A	B	A	A	D
Dining	0	4	0	4	4	4	2	0
Entryways	0	4	0	4	4	4	4	0
Public Events	0	4	0	3	4	4	4	0
Recreation Areas	4	4	4	4	4	4	4	2
Service Areas	0	4	0	4	0	4	4	0
Sidewalks	0	1	1	1	0	1	1	1
Worksites	0	0	0	1	0	1	1	0
TOTAL POINTS	4	21	5	21	16	22	20	3
Smokefree Housing	F	C	F	F	C	F	C	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	4	0	0	4	0	4	0
TOTAL POINTS	0	4	0	0	4	0	4	0
Reducing Sales of Tobacco Products	A	F	A	F	F	F	A	A
Tobacco Retailer Licensing	4	0	4	0	0	0	4	4
TOTAL POINTS	4	0	4	0	0	0	4	4
Emerging Issues Bonus Points								
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	0	1	1	1	1	0
Emerging Products Definition - <i>Licensing</i>	1	0	1	0	0	0	1	1
Retailer Location Restrictions	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0
TOTAL POINTS	2	1	1	1	1	1	2	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





San Mateo County

	Atherton	Belmont	Brisbane	Burlingame	Colma	Daly City	East Palo Alto	Foster City	Half Moon Bay	Hillsborough	Menlo Park	Millbrae	Pacifica	Portola Valley	Redwood City	San Bruno	San Carlos	San Mateo	South San Francisco	Woodside	San Mateo County Unincorporated
Overall Tobacco Control Grade	F	B	B	C	C	A	C	B	A	n/a	B	C	B	D	B	B	B	B	B	F	B
TOTAL POINTS	0	8	8	6	7	11	5	8	13	4	10	7	9	4	8	10	9	9	9	0	9
Smokefree Outdoor Air	F	A	D	C	A	A	C	A	A	A	A	F	D	F	D	B	D	C	D	F	D
Dining	0	4	0	0	4	4	4	4	4	n/a	2	0	0	0	0	0	0	4	2	0	0
Entryways	0	4	0	0	4	4	2	4	4	n/a	4	0	0	0	0	4	0	0	0	0	0
Public Events	0	4	0	4	4	4	2	4	2	4	3	0	0	0	0	4	0	0	0	0	0
Recreation Areas	0	4	4	4	4	4	4	4	4	4	4	0	4	0	4	4	4	4	4	2	4
Service Areas	0	4	2	0	4	4	0	4	4	n/a	4	0	0	0	0	4	0	4	0	0	0
Sidewalks	0	0	0	0	0	1	0	1	1	n/a	0	0	0	0	0	0	0	0	1	0	0
Worksites	0	1	0	0	0	1	0	0	0	1	1	0	0	0	0	1	0	0	0	0	0
TOTAL POINTS	0	21	6	8	20	22	12	21	19	9	18	0	4	0	4	17	4	12	7	2	4
Smokefree Housing	n/a	A	A	A	F	B	F	A	A	n/a	C	A	A	F	A	A	A	A	A	n/a	A
Nonsmoking Apartments		4	4	4	0	4	0	4	4		0	4	4	0	4	4	4	4	4		4
Nonsmoking Condominiums		4	4	4	0	0	0	4	4		0	4	4	0	4	4	4	4	4		4
Nonsmoking Common Areas		4	4	2	0	4	0	4	4		4	4	4	0	4	4	4	4	4		4
TOTAL POINTS		12	12	10	0	8	0	12	12		4	12	12	0	12	12	12	12	12		12
Reducing Sales of Tobacco Products	F	F	B	F	B	B	B	F	A	n/a	B	B	A	B	B	B	B	B	B	F	B
Tobacco Retailer Licensing	0	0	3	0	3	3	3	0	4		3	3	4	3	3	3	3	3	3	0	3
TOTAL POINTS	0	0	3	0	3	3	3	0	4		3	3	4	3	3	3	3	3	3	0	3
Emerging Issues Bonus Points																					
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	1	0	1	1	1	1	1	1	1	1	1	0	0	1	1	1	1	0	1
Emerging Products Definition - <i>Licensing</i>	0	0	1	0	0	1	1	0	1	0	1	0	1	1	0	0	0	1	1	0	1
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	1	0	0	1	0	1	0	0	1	0	0	1	0	1	0	1
Flavored Tobacco Products	0	0	0	1	0	0	0	0	1	0	1	0	0	1	0	0	1	0	1	0	1
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	1	2	1	1	3	2	1	4	1	4	1	2	3	0	1	3	2	4	0	4

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Santa Barbara County

	Buellton	Carpinteria	Goleta	Guadalupe	Lompoc	Santa Barbara	Santa Maria	Solvang	Santa Barbara County Unincorporated
Overall Tobacco Control Grade	D	B	B	F	F	C	C	D	B
TOTAL POINTS	2	10	9	0	1	6	7	4	10
Smokefree Outdoor Air	C	A	B	F	D	B	C	A	B
Dining	2	4	2	0	0	2	0	4	2
Entryways	4	4	4	0	0	2	4	4	4
Public Events	0	3	0	0	0	4	0	4	4
Recreation Areas	4	4	3	0	3	4	4	4	3
Service Areas	2	4	4	0	0	4	0	4	4
Sidewalks	0	1	0	0	0	1	0	1	0
Worksites	0	1	0	0	0	0	0	0	0
TOTAL POINTS	12	21	13	0	3	17	8	21	17
Smokefree Housing	F	C	D	F	F	D	F	F	C
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	4	2	0	0	2	0	0	4
TOTAL POINTS	0	4	2	0	0	2	0	0	4
Reducing Sales of Tobacco Products	F	A	A	F	F	C	A	F	A
Tobacco Retailer Licensing	0	4	4	0	0	2	4	0	4
TOTAL POINTS	0	4	4	0	0	2	4	0	4
Emerging Issues Bonus Points									
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	1	0	1	1	1	1	1
Emerging Products Definition - <i>Licensing</i>	0	1	1	0	0	0	1	0	1
Retailer Location Restrictions	0	1	1	0	0	0	0	0	1
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	1	0	0
Flavored Tobacco Products	0	0	0	0	0	0	1	0	1
Minimum Pack Size of Cigars	0	0	0	0	0	0	1	0	1
TOTAL POINTS	1	2	3	0	1	1	5	1	5

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Santa Clara County

	Campbell	Cupertino	Gilroy	Los Altos	Los Altos Hills	Los Gatos	Milpitas	Monte Sereno	Morgan Hill	Mountain View	Palo Alto	San Jose	Santa Clara	Saratoga	Sunnyvale	Santa Clara County Unincorporated
Overall Tobacco Control Grade	B	C	C	D	F	A	D	n/a	C	D	A	B	B	A	B	A
TOTAL POINTS	8	7	5	4	0	12	2		7	2	13	8	8	11	8	13
Smokefree Outdoor Air	A	C	D	A	F	A	C	n/a	B	C	A	B	A	A	A	A
Dining	4	4	2	4	0	4	4		2	4	4	4	4	4	4	4
Entryways	4	4	0	2	0	4	0		4	4	4	2	4	4	4	4
Public Events	4	0	0	4	0	4	0		3	2	4	2	4	2	4	2
Recreation Areas	4	4	2	4	0	4	4		3	2	4	4	4	4	4	4
Service Areas	4	0	0	4	0	4	0		4	0	4	4	4	4	4	4
Sidewalks	0	0	0	1	0	1	0		0	0	1	0	0	0	1	0
Worksites	0	0	0	0	0	1	0		0	0	1	0	0	1	0	1
TOTAL POINTS	20	12	4	19	0	22	8		16	12	22	16	20	19	21	19
Smokefree Housing	F	F	F	F	F	B	F	n/a	F	F	A	C	A	C	A	A
Nonsmoking Apartments	0	0	0	0	0	4	0		0	0	4	0	4	1	4	4
Nonsmoking Condominiums	0	0	0	0	0	0	0		0	0	4	0	4	0	4	4
Nonsmoking Common Areas	0	0	0	0	0	4	0		0	0	4	4	4	4	4	4
TOTAL POINTS	0	0	0	0	0	8	0	0	0	0	12	4	12	5	12	12
Reducing Sales of Tobacco Products	A	A	A	F	n/a	A	F	n/a	A	F	A	B	F	A	F	A
Tobacco Retailer Licensing	4	4	4	0		4	0		4	0	4	3	0	4	0	4
TOTAL POINTS	4	4	4	0		4	0		4	0	4	3	0	4	0	4
Emerging Issues Bonus Points																
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	0	1	0	1	1		1	1	1	0	1	1	1	1
Emerging Products Definition - <i>Licensing</i>	1	1	1	0	0	1	0		1	0	1	0	0	1	0	1
Retailer Location Restrictions	0	1	1	0	0	1	0		0	1	1	0	0	1	0	1
Sale of Tobacco Products in Pharmacies	0	1	0	0	0	1	0		0	0	1	0	0	1	0	1
Flavored Tobacco Products	0	1	0	0	0	1	0		0	0	1	0	0	1	0	1
Minimum Pack Size of Cigars	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0
TOTAL POINTS	2	5	2	1	0	5	1		2	2	5	0	1	5	1	5

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Santa Cruz County

	Capitola	Santa Cruz	Scotts Valley	Watsonville	Santa Cruz County Unincorporated
Overall Tobacco Control Grade	B	B	B	B	B
TOTAL POINTS	10	10	8	9	9
Smokefree Outdoor Air	A	B	C	B	B
Dining	2	2	0	0	4
Entryways	4	4	4	2	4
Public Events	4	0	0	4	0
Recreation Areas	4	3	3	3	4
Service Areas	4	4	4	4	0
Sidewalks	1	1	0	0	1
Worksites	0	0	0	0	0
TOTAL POINTS	19	14	11	13	13
Smokefree Housing	D	C	D	D	D
Nonsmoking Apartments	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0
Nonsmoking Common Areas	2	4	2	2	2
TOTAL POINTS	2	4	2	2	2
Reducing Sales of Tobacco Products	A	A	A	A	A
Tobacco Retailer Licensing	4	4	4	4	4
TOTAL POINTS	4	4	4	4	4
Emerging Issues Bonus Points					
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	1	1	1
Emerging Products Definition - <i>Licensing</i>	1	1	1	1	1
Retailer Location Restrictions	1	1	1	0	1
Sale of Tobacco Products in Pharmacies	0	0	0	1	0
Flavored Tobacco Products	1	1	0	1	1
Minimum Pack Size of Cigars	0	0	0	0	0
TOTAL POINTS	4	4	3	4	4

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Shasta County

	Anderson	Redding	Shasta Lake	Shasta County Unincorporated
Overall Tobacco Control Grade	D	D	F	D
TOTAL POINTS	3	2	1	2
Smokefree Outdoor Air	C	D	F	D
Dining	0	2	0	0
Entryways	3	0	0	0
Public Events	3	0	2	2
Recreation Areas	2	4	0	2
Service Areas	0	0	0	0
Sidewalks	1	1	0	1
Worksites	0	0	0	0
TOTAL POINTS	9	7	2	5
Smokefree Housing	D	D	D	D
Nonsmoking Apartments	0	0	0	0
Nonsmoking Condominiums	0	0	0	0
Nonsmoking Common Areas	2	2	2	2
TOTAL POINTS	2	2	2	2
Reducing Sales of Tobacco Products	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0
TOTAL POINTS	0	0	0	0
Emerging Issues Bonus Points				
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	1	1
Emerging Products Definition - <i>Licensing</i>	0	0	0	0
Retailer Location Restrictions	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0
Flavored Tobacco Products	1	0	0	0
Minimum Pack Size of Cigars	0	0	0	0
TOTAL POINTS	2	1	1	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Sierra County

	Loyalton	Sierra County Unincorporated
Overall Tobacco Control Grade	F	F
TOTAL POINTS	0	1
Smokefree Outdoor Air	F	D
Dining	0	0
Entryways	0	2
Public Events	0	0
Recreation Areas	0	2
Service Areas	0	0
Sidewalks	0	0
Worksites	0	0
TOTAL POINTS	0	4
Smokefree Housing	F	F
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	0	0
TOTAL POINTS	0	0
Reducing Sales of Tobacco Products	F	F
Tobacco Retailer Licensing	0	0
TOTAL POINTS	0	0
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1
Emerging Products Definition - <i>Licensing</i>	0	0
Retailer Location Restrictions	0	0
Sale of Tobacco Products in Pharmacies	0	n/a
Flavored Tobacco Products	0	0
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Siskiyou County

	Dorris	Dunsmuir	Etna	Fort Jones	Montague	Mount Shasta	Tulelake	Weed	Yreka	Siskiyou County Unincorporated
Overall Tobacco Control Grade	F	F	F	F	F	D	F	F	F	F
TOTAL POINTS	0	0	0	0	0	4	0	0	0	0
Smokefree Outdoor Air	F	F	F	F	F	B	F	F	F	F
Dining	0	0	0	0	0	4	0	0	0	0
Entryways	0	0	0	0	0	0	0	0	0	0
Public Events	0	0	0	0	0	4	0	0	0	0
Recreation Areas	0	0	0	0	0	4	0	2	0	2
Service Areas	0	0	0	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	1	0	0	0	0
Worksites	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	13	0	2	0	2
Smokefree Housing	F	F	F	F	F	D	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	2	0	0	0	0
TOTAL POINTS	0	0	0	0	0	2	0	0	0	0
Reducing Sales of Tobacco Products	F	F	F	F	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0	0
Emerging Issues Bonus Points										
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0	0	0	1	0	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	1	0	0	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Solano County

	Benicia	Dixon	Fairfield	Rio Vista	Suisun City	Vacaville	Vallejo	Solano County Unincorporated
Overall Tobacco Control Grade	A	F	F	F	F	F	D	F
TOTAL POINTS	13	0	1	0	1	1	3	1
Smokefree Outdoor Air	A	F	D	F	D	D	C	D
Dining	4	0	2	0	0	0	0	0
Entryways	4	0	2	0	0	0	0	0
Public Events	4	0	0	0	2	0	0	0
Recreation Areas	4	0	2	0	3	3	4	3
Service Areas	4	0	0	0	0	0	4	0
Sidewalks	1	0	0	0	0	0	0	0
Worksites	1	0	0	0	0	0	0	0
TOTAL POINTS	22	0	6	0	5	3	8	3
Smokefree Housing	A	F	F	F	F	F	D	F
Nonsmoking Apartments	4	0	0	0	0	0	0	n/a
Nonsmoking Condominiums	4	0	0	0	0	0	0	0
Nonsmoking Common Areas	4	0	0	0	0	0	2	0
TOTAL POINTS	12	0	0	0	0	0	2	0
Reducing Sales of Tobacco Products	A	F	F	F	F	F	F	F
Tobacco Retailer Licensing	4	0	0	0	0	0	0	0
TOTAL POINTS	4	0	0	0	0	0	0	0
Emerging Issues Bonus Points								
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	1	0	1	0	0	1
Emerging Products Definition - <i>Licensing</i>	1	0	0	0	0	0	0	0
Retailer Location Restrictions	1	0	1	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	1	0	0	0	0	0	0	0
Flavored Tobacco Products	1	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	1	0	0	0	0	0	0	0
TOTAL POINTS	6	0	2	0	1	0	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Sonoma County

	Cloverdale	Cotati	Healdsburg	Petaluma	Rohnert Park	Santa Rosa	Sebastopol	Sonoma	WindSOR	Sonoma County Unincorporated
Overall Tobacco Control Grade	C	B	A	B	B	B	B	A	A	A
TOTAL POINTS	7	8	12	8	8	8	8	13	12	13
Smokefree Outdoor Air	A	A	B	A	A	A	A	A	B	A
Dining	4	2	4	4	4	4	4	4	4	4
Entryways	4	4	4	4	4	4	4	4	4	4
Public Events	4	4	4	3	4	4	4	4	4	3
Recreation Areas	4	4	4	4	4	4	4	4	4	3
Service Areas	4	4	0	4	4	4	4	4	0	4
Sidewalks	1	1	0	0	0	1	0	1	0	0
Worksites	1	0	0	1	0	0	1	0	0	0
TOTAL POINTS	22	19	16	20	20	21	21	21	16	18
Smokefree Housing	C	A	A	A	A	A	A	A	A	A
Nonsmoking Apartments	0	4	4	4	4	4	4	4	4	4
Nonsmoking Condominiums	0	4	4	4	4	4	4	4	4	4
Nonsmoking Common Areas	4	4	4	4	4	4	4	4	4	4
TOTAL POINTS	4	12	12	12	12	12	12	12	12	12
Reducing Sales of Tobacco Products	F	F	A	F	F	F	F	A	A	A
Tobacco Retailer Licensing	0	0	4	0	0	0	0	4	4	4
TOTAL POINTS	0	0	4	0	0	0	0	4	4	4
Emerging Issues Bonus Points										
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	1	1	1	1	1	1	1	1
Emerging Products Definition - <i>Licensing</i>	1	0	1	0	0	0	0	1	1	1
Retailer Location Restrictions	0	0	0	0	1	0	0	1	1	1
Sale of Tobacco Products in Pharmacies	1	0	1	0	0	0	0	0	0	1
Flavored Tobacco Products	1	0	0	0	0	0	0	1	1	0
Minimum Pack Size of Cigars	1	0	0	0	0	0	0	1	1	0
TOTAL POINTS	5	1	3	1	2	1	1	5	5	4

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Stanislaus County

	Ceres	Hughson	Modesto	Newman	Oakdale	Patterson	Riverbank	Turlock	Waterford	Stanislaus County Unincorporated
Overall Tobacco Control Grade	F	D	D	F	F	F	D	D	F	F
TOTAL POINTS	1	2	2	0	0	1	4	2	1	1
Smokefree Outdoor Air	F	D	D	F	F	F	F	D	D	F
Dining	0	0	0	0	0	0	0	0	2	0
Entryways	0	0	2	0	0	0	0	0	0	0
Public Events	0	0	0	0	0	0	0	0	0	0
Recreation Areas	2	4	4	0	2	2	2	4	2	0
Service Areas	0	0	0	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	2	4	6	0	2	2	2	4	4	0
Smokefree Housing	D	D	D	F	F	D	F	D	F	D
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	2	2	2	0	0	2	0	2	0	2
TOTAL POINTS	2	2	2	0	0	2	0	2	0	2
Reducing Sales of Tobacco Products	F	F	F	F	F	F	A	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0	4	0	0	0
TOTAL POINTS	0	0	0	0	0	0	4	0	0	0
Emerging Issues Bonus Points										
Emerging Products Definition - <i>Secondhand Smoke</i>	0	1	1	0	0	1	0	1	1	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0	1	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	1	1	0	0	1	1	1	1	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Sutter County

	Live Oak	Yuba City	Sutter County Unincorporated
Overall Tobacco Control Grade	F	F	D
TOTAL POINTS	1	1	4
Smokefree Outdoor Air	D	D	A
Dining	0	0	4
Entryways	0	0	2
Public Events	0	0	4
Recreation Areas	4	4	4
Service Areas	0	0	4
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	4	4	18
Smokefree Housing	F	F	n/a
Nonsmoking Apartments	0	0	n/a
Nonsmoking Condominiums	0	0	n/a
Nonsmoking Common Areas	0	0	n/a
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	F	F	F
Tobacco Retailer Licensing	0	0	0
TOTAL POINTS	0	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	1
Emerging Products Definition - <i>Licensing</i>	0	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	0	0	1

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Tehama County

	Corning	Red Bluff	Tehama	Tehama County Unincorporated
Overall Tobacco Control Grade	F	F	F	F
TOTAL POINTS	1	0	0	0
Smokefree Outdoor Air	D	F	F	F
Dining	0	0	0	0
Entryways	0	0	2	0
Public Events	0	0	0	0
Recreation Areas	3	2	0	0
Service Areas	0	0	0	0
Sidewalks	0	0	0	0
Worksites	0	0	0	0
TOTAL POINTS	3	2	2	0
Smokefree Housing	F	F	F	F
Nonsmoking Apartments	0	0	0	0
Nonsmoking Condominiums	0	0	0	0
Nonsmoking Common Areas	0	0	0	0
TOTAL POINTS	0	0	0	0
Reducing Sales of Tobacco Products	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0
TOTAL POINTS	0	0	0	0
Emerging Issues Bonus Points				
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	1	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0
Retailer Location Restrictions	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0
Flavored Tobacco Products	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0
TOTAL POINTS	1	0	1	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Trinity County

Trinity County
Unincorporated

Overall Tobacco Control Grade	F
TOTAL POINTS	1
Smokefree Outdoor Air	D
Dining	0
Entryways	0
Public Events	2
Recreation Areas	2
Service Areas	0
Sidewalks	0
Worksites	0
TOTAL POINTS	4
Smokefree Housing	F
Nonsmoking Apartments	0
Nonsmoking Condominiums	0
Nonsmoking Common Areas	0
TOTAL POINTS	0
Reducing Sales of Tobacco Products	F
Tobacco Retailer Licensing	0
TOTAL POINTS	0
Emerging Issues Bonus Points	
Emerging Products Definition - <i>Secondhand Smoke</i>	1
Emerging Products Definition - <i>Licensing</i>	0
Retailer Location Restrictions	0
Sale of Tobacco Products in Pharmacies	0
Flavored Tobacco Products	0
Minimum Pack Size of Cigars	0
TOTAL POINTS	1

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Tulare County

	Dinuba	Exeter	Farmersville	Lindsay	Porterville	Tulare	Visalia	Woodlake	Tulare County Unincorporated
Overall Tobacco Control Grade	F	F	F	F	F	F	F	F	F
TOTAL POINTS	1	1	0	0	0	0	0	0	0
Smokefree Outdoor Air	D	D	F	F	F	F	F	F	F
Dining	0	0	0	0	0	0	0	0	0
Entryways	0	0	0	0	0	0	0	0	0
Public Events	0	0	0	0	0	0	2	0	0
Recreation Areas	4	4	0	2	0	2	0	0	2
Service Areas	0	0	0	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0	0	0	0
Worksites	0	0	0	0	0	0	0	0	0
TOTAL POINTS	4	4	0	2	0	2	2	0	2
Smokefree Housing	F	F	F	F	F	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0
Reducing Sales of Tobacco Products	F	F	F	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0	0	0	0
Emerging Issues Bonus Points									
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	0	0	0	0	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0	0	0	0
TOTAL POINTS	1	0	0	0	0	0	0	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Tuolumne County

Overall Tobacco Control Grade	F	D
TOTAL POINTS	0	2
Smokefree Outdoor Air	F	D
Dining	0	2
Entryways	0	0
Public Events	0	2
Recreation Areas	0	0
Service Areas	0	0
Sidewalks	0	0
Worksites	0	0
TOTAL POINTS	0	4
Smokefree Housing	F	D
Nonsmoking Apartments	0	0
Nonsmoking Condominiums	0	0
Nonsmoking Common Areas	0	2
TOTAL POINTS	0	2
Reducing Sales of Tobacco Products	F	F
Tobacco Retailer Licensing	0	0
TOTAL POINTS	0	0
Emerging Issues Bonus Points		
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0
Emerging Products Definition - <i>Licensing</i>	0	0
Retailer Location Restrictions	0	0
Sale of Tobacco Products in Pharmacies	0	0
Flavored Tobacco Products	0	0
Minimum Pack Size of Cigars	0	0
TOTAL POINTS	0	0

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Ventura County

Overall Tobacco Control Grade	C	F	C	D	B	F	F	F	D	C	D
TOTAL POINTS	6	0	7	2	9	0	0	0	3	5	4
Smokefree Outdoor Air	A	F	A	D	A	F	F	F	B	B	A
Dining	4	0	4	2	4	0	0	0	2	4	4
Entryways	4	0	4	0	4	0	0	0	4	0	4
Public Events	4	0	4	2	4	0	0	0	3	2	4
Recreation Areas	4	0	4	3	4	0	0	0	2	4	4
Service Areas	4	0	4	0	4	2	0	0	4	4	4
Sidewalks	0	0	1	0	0	0	0	0	1	0	0
Worksites	1	0	1	0	0	0	0	0	0	0	1
TOTAL POINTS	21	0	22	7	20	2	0	0	16	14	21
Smokefree Housing	C	F	B	D	F	F	F	F	F	C	F
Nonsmoking Apartments	0	0	4	0	0	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0	0	0	0	0	0
Nonsmoking Common Areas	4	0	4	2	0	0	0	0	0	4	0
TOTAL POINTS	4	0	8	2	0	0	0	0	0	4	0
Reducing Sales of Tobacco Products	F	F	F	F	A	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	4	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	4	0	0	0	0	0	0
Emerging Issues Bonus Points											
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	1	0	1	0	0	0	0	1	1
Emerging Products Definition - <i>Licensing</i>	0	0	0	0	1	0	0	0	0	0	0
Retailer Location Restrictions	0	0	0	0	0	0	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	1	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	1	0	0	0	0	0	0
TOTAL POINTS	1	0	1	0	4	0	0	0	0	1	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Yolo County

	Davis	West Sacramento	Winters	Woodland	Yolo County Unincorporated
Overall Tobacco Control Grade	B	D	C	C	C
TOTAL POINTS	9	4	5	7	5
Smokefree Outdoor Air	A	D	D	C	F
Dining	4	0	0	0	0
Entryways	4	0	0	4	0
Public Events	4	0	0	4	0
Recreation Areas	4	3	4	3	0
Service Areas	4	2	0	0	0
Sidewalks	1	0	0	0	1
Worksites	0	0	0	0	0
TOTAL POINTS	21	5	4	11	1
Smokefree Housing	D	F	F	F	F
Nonsmoking Apartments	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0
Nonsmoking Common Areas	2	0	0	0	0
TOTAL POINTS	2	0	0	0	0
Reducing Sales of Tobacco Products	A	B	A	A	A
Tobacco Retailer Licensing	4	3	4	4	4
TOTAL POINTS	4	3	4	4	4
Emerging Issues Bonus Points					
Emerging Products Definition - <i>Secondhand Smoke</i>	1	1	0	1	0
Emerging Products Definition - <i>Licensing</i>	1	1	1	1	1
Retailer Location Restrictions	0	0	0	0	1
Sale of Tobacco Products in Pharmacies	0	0	0	0	0
Flavored Tobacco Products	0	0	0	1	1
Minimum Pack Size of Cigars	0	0	0	0	0
TOTAL POINTS	2	2	1	3	3

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Yuba County

	Marysville	Wheatland	Yuba County Unincorporated
Overall Tobacco Control Grade	F	F	F
TOTAL POINTS	0	0	1
Smokefree Outdoor Air	F	F	D
Dining	0	0	0
Entryways	0	0	2
Public Events	0	0	0
Recreation Areas	0	0	3
Service Areas	0	0	0
Sidewalks	0	0	0
Worksites	0	0	0
TOTAL POINTS	0	0	5
Smokefree Housing	F	F	F
Nonsmoking Apartments	0	0	0
Nonsmoking Condominiums	0	0	0
Nonsmoking Common Areas	0	0	0
TOTAL POINTS	0	0	0
Reducing Sales of Tobacco Products	F	F	F
Tobacco Retailer Licensing	0	0	0
TOTAL POINTS	0	0	0
Emerging Issues Bonus Points			
Emerging Products Definition - <i>Secondhand Smoke</i>	0	0	0
Emerging Products Definition - <i>Licensing</i>	0	0	0
Retailer Location Restrictions	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0
Flavored Tobacco Products	0	0	0
Minimum Pack Size of Cigars	0	0	0
TOTAL POINTS	0	0	0

Overall Tobacco
Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by
grades and points
from other three
categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree
Outdoor Air
Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree
Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales
of Tobacco
Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2





Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

Smoking & Tobacco Use

Fast Facts

Diseases and Death

Smoking leads to disease and disability and harms nearly every organ of the body.¹

- More than 16 million Americans are living with a disease caused by smoking.
- For every person who dies because of smoking, at least 30 people live with a serious smoking-related illness.
- Smoking causes cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis.
- Smoking also increases risk for tuberculosis, certain eye diseases, and problems of the immune system, including rheumatoid arthritis.
- Smoking is a known cause of erectile dysfunction in males.

Smoking is the leading cause of preventable death.

- Worldwide, tobacco use causes more than 7 million deaths per year.² If the pattern of smoking all over the globe doesn't change, more than 8 million people a year will die from diseases related to tobacco use by 2030.³
- Cigarette smoking is responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. This is about one in five deaths annually, or 1,300 deaths every day.¹
- On average, smokers die 10 years earlier than nonsmokers.⁴
- If smoking continues at the current rate among U.S. youth, 5.6 million of today's Americans younger than 18 years of age are expected to die prematurely from a smoking-related illness. This represents about one in every 13 Americans aged 17 years or younger who are alive today.¹

Costs and Expenditures

The tobacco industry spends billions of dollars each year on cigarette and smokeless tobacco advertising and promotions.^{5,6}

- In 2017, \$9.36 billion was spent on advertising and promotion of cigarettes and smokeless tobacco combined—more than \$25 million every day, and more than \$1 million every hour.
- Price discounts to retailers account for 71.7% of all cigarette marketing (about \$6.19 billion). These are discounts paid in order to reduce the price of cigarettes to consumers.

Smoking costs the United States billions of dollars each year.^{1,7}

- Total economic cost of smoking is more than \$300 billion a year, including
 - Nearly \$170 billion in direct medical care for adults⁶
 - More than \$156 billion in lost productivity due to premature death and exposure to secondhand smoke¹

State spending on tobacco prevention and control does not meet CDC-recommended levels.^{1,8,9}

- States have billions of dollars from the taxes they put on tobacco products and money from lawsuits against cigarette companies that they can use to prevent smoking and help smokers quit. Right now, though, the states only use a very small amount of that money to prevent and control tobacco use.^{1,8,9}
- In fiscal year 2019, states will collect a record \$27.3 billion from tobacco taxes and settlements in court, but will only spend \$655 million in the same year. That's less than 2.4% spent on programs that can stop young people from becoming smokers and help current smokers quit.⁹
- Right now, not a single state out of 50 funds these programs at CDC's "recommended" level. Only two states (Alaska and California) give more than 70% of the full recommended amount. Twenty-eight states and the District of Columbia spend less than 20 percent of what the CDC recommends. Three states (Connecticut, Tennessee, and West Virginia) give no state funds for prevention and quit-smoking programs.⁹
- Spending 12% (or about \$3.3 billion) of the \$27.3 billion would fund every state's tobacco control program at CDC-recommended levels.⁹

Cigarette Smoking in the US

Percentage of U.S. adults aged 18 years or older who were current cigarette smokers in 2017:¹⁰

- 14.0% of all adults (34.3 million people): 15.8% of men, 12.2% of women
 - About 21 of every 100 people with mixed-race heritage (non-Hispanic) (20.6%)
 - 24 of every 100 non-Hispanic American Indians/Alaska Natives (24.0%)
 - Nearly 15 of every 100 non-Hispanic Blacks (14.9%)
 - About 15 of every 100 non-Hispanic Whites (15.2%)
 - Nearly 10 of every 100 Hispanics (9.9%)
 - About 7 of every 100 non-Hispanic Asians (7.1%)

Note: Current cigarette smokers are defined as persons who reported smoking at least 100 cigarettes during their lifetime and who, at the time they participated in a survey about this topic, reported smoking every day or some days.

Thousands of young people start smoking cigarettes every day.¹¹

- Each day, about 2000 people younger than 18 years smoke their first cigarette.
- Each day, over 300 people younger than 18 years become daily cigarette smokers.

Many adult cigarette smokers want to quit smoking.

- In 2015:¹⁰
 - Nearly 7 in 10 (68.0%) adult cigarette smokers wanted to stop smoking.
 - More than 5 in 10 (55.4%) adult cigarette smokers had made a quit attempt in the past year.
- Since 2012, the *Tips From Former Smokers*[®] campaign has motivated at least 500,000 tobacco smokers to quit for good.¹²

Note: "Made a quit attempt" refers to smokers who reported that they stopped smoking for more than 1 day in the past 12 months because they were trying to quit smoking. See CDC's Quitting Smoking fact sheet for more information.

References

1. U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2018 Feb 22].
2. World Health Organization. WHO Report on the Global Tobacco Epidemic, 2017 [\[PDF-1.1 MB\]](#) . Geneva: World Health Organization, 2017 [accessed 2019 Jan 31].
3. World Health Organization. WHO Report on the Global Tobacco Epidemic, 2011 [\[PDF-1.1 MB\]](#) . Geneva: World Health Organization, 2011 [accessed 2018 Feb 22].
4. Jha P, Ramasundarahettige C, Landsman V, et al. 21st Century Hazards of Smoking and Benefits of Cessation in the United States [\[PDF-1.1 MB\]](#) . New England Journal of Medicine 2013;368:341–50 [accessed 2018 Feb 22].
5. Federal Trade Commission. Federal Trade Commission Cigarette Report for 2017 [\[PDF-361 KB\]](#) [\[PDF-361 KB\]](#) . Washington: Federal Trade Commission, 2019 [accessed 2019 Mar 07].
6. Federal Trade Commission. Federal Trade Commission Smokeless Tobacco Report for 2017 [\[PDF-540 KB\]](#) [\[PDF-540 KB\]](#) . Washington: Federal Trade Commission, 2019 [accessed 2019 Mar 7].
7. Xu X, Bishop EE, Kennedy SM, Simpson SA, Pechacek TF. Annual Healthcare Spending Attributable to Cigarette Smoking: An Update [\[PDF-1.1 MB\]](#) . American Journal of Preventive Medicine 2014;48(3):326–333 [accessed 2018 Feb 22].
8. Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2018 Feb 22].
9. Campaign for Tobacco-Free Kids. Broken Promises to Our Children: The 1998 State Tobacco Settlement 20 Years Later [\[PDF-1.1 MB\]](#) . Washington: Campaign for Tobacco Free Kids, 2018 [accessed 2019 Jan 7].
10. Wang TW, Asman K, Gentzke AS, et al. Tobacco Product Use Among Adults—United States, 2017. Morbidity and Mortality Weekly Report 2018;67(44):1225–32 [accessed 2019 Jan 7].
11. Substance Abuse and Mental Health Services Administration. 2017 National Survey on Drug Use and Health Detailed Tables [\[PDF-1.1 MB\]](#) . [accessed 2019 Jan 31].
12. Centers for Disease Control and Prevention. Tips Impact and Results [last updated 2018 Nov 28; accessed 2019 Jan 7].

For Further Information

Centers for Disease Control and Prevention
National Center for Chronic Disease Prevention and Health Promotion
Office on Smoking and Health
E-mail: tobaccoinfo@cdc.gov
Phone: 1-800-CDC-INFO

Media Inquiries: Contact CDC's Office on Smoking and Health press line at 770-488-5493.

Fact Sheets

Adult Data

Fast Facts

Cessation

Health Effects

Economics

Secondhand Smoke

[Smokeless Tobacco](#)

[Youth Tobacco Use](#)

[Tobacco Marketing and Products](#)

Page last reviewed: February 6, 2019

Content source: Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion



Smoking & Tobacco Use

Smokefree Policies Improve Air Quality in Hospitality Settings

Smokefree Policy Fact Sheets	
Smokefree Policies Do Not Hurt the Hospitality Industry	Smokefree Policies Reduce Secondhand Smoke Exposure
Smokefree Policies Improve Air Quality in Hospitality Settings	Smokefree Policies Reduce Smoking
Smokefree Policies Improve Health	Smokefree Policies Result in High Levels of Compliance
Smokefree Policies Receive Public Support	Ventilation Does Not Effectively Protect Nonsmokers from Secondhand Smoke



- Breathing secondhand smoke from cigarettes, cigars and other tobacco products that burn has immediate, harmful effects on health (see [Health Effects of Secondhand Smoke](#)).
- Many studies show that comprehensive smokefree laws that prohibit smoking in all indoor areas of worksites and public places, including bars and restaurants, improve air quality and reduce exposure to secondhand smoke.¹⁻¹⁴
- These studies usually measure levels of respirable suspended particulates, or RSPs, before and after a smokefree law is put in place to measure any change.
- One specific type of RSPs that are assessed in these studies is 2.5 microns or less in diameter (PM_{2.5}).
 - These particles are easily inhaled deep into the lungs.
 - They are released in large amounts when tobacco products, such as cigarettes and cigars, are burned.

Selected Peer-Reviewed Studies

Hospitality Settings (e.g., Bars, Restaurants, and Casinos)		
Studies in:	Found that:	Resulted in:
United States and U.S. Territories		
Delaware, U.S. (2004) ¹	Statewide smokefree law	91% reduction in average PM _{2.5} levels in 1 casino, 6 bars, and 1 pool hall studied in Wilmington
Hawaii, U.S. (2008) ²	Statewide smokefree law	90% reduction in average PM _{2.5} levels in 15 bars and restaurants on different islands

Studies in:	Found that:	Resulted in:
Minnesota, U.S.(2010) ³	Statewide smokefree law	76% to 95% reduction in average PM _{2.5} levels in 62 bars and restaurants studied in the Minneapolis/St. Paul metropolitan area
New York, U.S. (2004) ⁴	Statewide smokefree law	84% reduction in average PM _{2.5} levels in 20 bars, restaurants, and bowling alleys studied in Western New York
Puerto Rico (2011) ⁵	Territorywide smokefree law	88% reduction in average PM _{2.5} levels in 10 casinos studied in the San Juan metropolitan area
Puerto Rico (2010) ⁶	Territorywide smokefree law	84% reduction in average PM _{2.5} levels in 32 restaurants and 96% reduction in average PM _{2.5} levels in 23 pubs and discos studied in the San Juan metropolitan area
Canada		
Ontario, Canada (2010) ⁷	Provincewide smokefree law	83% to 87% reduction in average PM _{2.5} levels in 23 coffee shops and 24 bars in Toronto and Windsor, Ontario
Europe		
England (2008) ⁸	National smokefree law	96% reduction in average PM _{2.5} levels in 35 bars, pubs, nightclubs, bingo halls, private-member clubs, cafes, and betting shops in 6 regions
Greece (2012) ⁹	National smokefree law	81% reduction in average PM _{2.5} levels in 43 bars, restaurants, and cafes in 5 regions
Ireland (2007) ¹⁰	National smokefree law	83% reduction in average PM _{2.5} levels in 42 pubs studied in Dublin
Ireland (2005) ¹¹	National smokefree law	75% to 96% reduction in average PM _{2.5} levels in 9 pubs studied in Galway
Italy (2005) ¹²	National smokefree law	64% reduction in average PM _{2.5} levels after 1 year in 14 bars, 6 fast food restaurants, 8 restaurants, 6 video game parlors, and 6 pubs in Rome
Scotland (2007) ¹³	National smokefree law	86% reduction in average PM _{2.5} levels in 41 pubs in Aberdeen and Edinburgh and the Borders and Aberdeenshire council regions
Spain (2010) ¹⁴	National smokefree law	92% reduction in average PM _{2.5} levels in 178 hospitality settings in 3 regions

References

1. Repace J. Respirable Particles and Carcinogens in the Air of Delaware Hospitality Venues Before and After a Smoking Ban   [PDF-327 KB]. *Journal of Occupational and Environmental Medicine* 2004;46(9):887-905 [accessed 2014 Mar 11].

2. Pobutsky A, Krupitsky D, Kanja ML, Lipsher J.. Hawaii Air Quality Monitoring Assessment: Some Effects of Hawaii's Smoke-Free Work and Public Places Law [\[PDF\]](#) . *Hawaii Medical Journal* 2008;67(6):149–55 [accessed 2014 Mar 11].
3. Bohac DL, Hewett MJ, Kapphahn KI, Grimsrud DT, Apte MG, Gundel LA. Change in Indoor Particle Levels After a Smoking Ban in Minnesota Bars and Restaurants [\[PDF\]](#) . *American Journal of Preventive Medicine* 2010;39(6 Suppl 1):S3–9 [accessed 2014 Mar 11].
4. Centers for Disease Control and Prevention. Indoor Air Quality in Hospitality Venues Before and After Implementation of a Clean Indoor Air Law—Western New York, 2003. *Morbidity and Mortality Weekly Report* 2004;53(44):1038–41 [accessed 2014 Mar 11].
5. Marin HA, Diaz-Toro EC. Reduced Exposure to Secondhand Smoke at Casinos in Puerto Rico After the Implementation of a Workplace Smoking Ban in 2007: A Pre-Post Design [\[PDF\]](#) . *Puerto Rico Health Science Journal* 2011;30(4):182–7 [accessed 2014 Mar 11].
6. Marin HA, Diaz-Toro EC . The Effect of the Smoke-Free Workplace Policy in the Exposure to Secondhand Smoke in Restaurants, Pubs, and Discos in San Juan, Puerto Rico [\[PDF\]](#) . *Puerto Rico Health Sciences Journal* 2010;29(3):279–85 [accessed 2014 Mar 11].
7. Zhang B, Bondy SJ, Chiavetta JA, Selby P, Ferrence R. The Impact of Ontario Smoke-Free Legislation on Secondhand Smoke in Enclosed Public Places [\[PDF\]](#) . *Journal of Occupational and Environmental Hygiene* 2009;7(3):133–43 [accessed 2014 Mar 11].
8. Gotz NK, Van Tongeren M, Wareing H, Wallace LM, Semple S, MacCalman L. Changes in Air Quality and Second-Hand Smoke Exposure in Hospitality Sector Businesses After Introduction of the English Smoke-Free Legislation [\[PDF\]](#) . *Journal of Public Health* 2008;30(4):421–8 [accessed 2014 Mar 11].
9. Vardavas CI, Anagnostopoulos N, Patelarou E, Minas M, Nakou C, Dramba V, et al. Five-Year Trends of Second-Hand Smoke Exposure in Greece: A Comparison Between Complete, Partial, and Prelegislation Levels [\[PDF\]](#) . *Journal of Aerosol Medicine and Pulmonary Drug Delivery* 2013;25(6):349–54 [accessed 2014 Mar 11].
10. Goodman P, Agnew M, McCaffrey M, Paul G, Clancy L. Effects of the Irish Smoking Ban on Respiratory Health of Bar Workers and Air Quality in Dublin Pubs [\[PDF\]](#) . *American Journal of Respiratory and Critical Care Medicine* 2007;175(8):840–5 [accessed 2014 Mar 11].
11. Mulcahy M, Byrne MA, Ruprecht A. How Does the Irish Smoking Ban Measure Up? A Before and After Study of Particle Concentrations in Irish Pubs [\[PDF\]](#) [\[PDF-57.8 KB\]](#) *Indoor Air* 2005;15(Suppl 11):86 [accessed 2014 Mar 11].
12. Valente P, Forastiere F, Bacosi A, Cattani G, Di Carlo S, Ferri M, et al. Exposure to Fine and Ultrafine Particles From Secondhand Smoke in Public Places Before and After the Smoking Ban, Italy 2005 [\[PDF\]](#) . *Tobacco Control* 2007;16(5):312–7 [accessed 2014 Mar 11].
13. Semple S, Creely KS, Naji A, Miller BG, Ayres JG. Secondhand Smoke Levels in Scottish Pubs: The Effect of Smoke-Free Legislation [\[PDF\]](#) . *Tobacco Control* 2007;16:127–32 [accessed 2014 Mar 11].
14. Lopez MJ, Fernandez E, Perez-Rios M, Martinez-Sanchez JM, Schiaffino A, Galan I, et al. Impact of the 2011 Spanish Smoking Ban in Hospitality Venues: Indoor Secondhand Smoke Exposure and Influence of Outdoor Smoking [\[PDF\]](#) . [\[PDF-398 KB\]](#) *Nicotine and Tobacco Research* 2013; 15(5):992–6 [accessed 2014 Mar 11].

Page last reviewed: January 17, 2018

Content source: Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion



Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

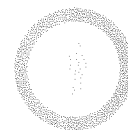
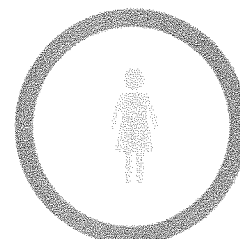
Smoking & Tobacco Use

Health Effects

Smoking leads to disease and disability and harms nearly every organ of the body.

More than 16 million Americans are living with a disease caused by smoking. For every person who dies because of smoking, at least 30 people live with a serious smoking-related illness. Smoking causes cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis. Smoking also increases risk for tuberculosis, certain eye diseases, and problems of the immune system, including rheumatoid arthritis.

Secondhand smoke exposure contributes to approximately 41,000 deaths among nonsmoking adults and 400 deaths in infants each year. Secondhand smoke causes stroke, lung cancer, and coronary heart disease in adults. Children who are exposed to secondhand smoke are at increased risk for sudden infant death syndrome, acute respiratory infections, middle ear disease, more severe asthma, respiratory symptoms, and slowed lung growth.



**WOMEN
WHO SMOKE ARE
MORE
LIKELY**

**to die from COPD
than men who smoke.**



Cancer

Tobacco use increases the risk for many types of cancer, such as Lung cancer.



Heart Disease

Studies show a direct link between cigarette smoking and coronary heart disease.



COPD

Smoking, including during the teenage years, increases the risk of dying from COPD.



Pregnancy

Smoking during pregnancy increases the risk for pregnancy complications.

Related Materials

Fact Sheets

Surgeon General's Reports

Reference

U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2016 Dec 20].

Page last reviewed: February 8, 2018

Content source: Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion



Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

Smoking & Tobacco Use

Youth and Tobacco Use

Youth use of tobacco products in any form is unsafe.

If cigarette smoking continues at the current rate among youth in this country, 5.6 million of today's Americans younger than 18 will die early from a smoking-related illness. That's about 1 of every 13 Americans aged 17 years or younger who are alive today.¹

Background

Preventing tobacco product use among youth is critical to ending the tobacco epidemic in the United States.

- Tobacco product use is started and established primarily during adolescence.^{1,2}
 - Nearly 9 out of 10 cigarette smokers first try cigarette smoking by age 18, and 98% first try smoking by age 26.¹
 - Each day in the U.S. about 1,600 youth under 18 years of age smoke their first cigarette and nearly 200 youth under 18 years of age become daily cigarette smokers.^{3,4}
- Flavorings in tobacco products can make them more appealing to youth.⁴
 - In 2018, 67% of high school students and 49% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product during that time.⁵
- Recent increases in the use of e-cigarettes is driving increases in tobacco product use among youth.^{6,7,8}
 - The number of middle and high school students using e-cigarettes rose from 3.6 million in 2018 to 5.4 million in 2019—a difference of about 1.8 million youth.

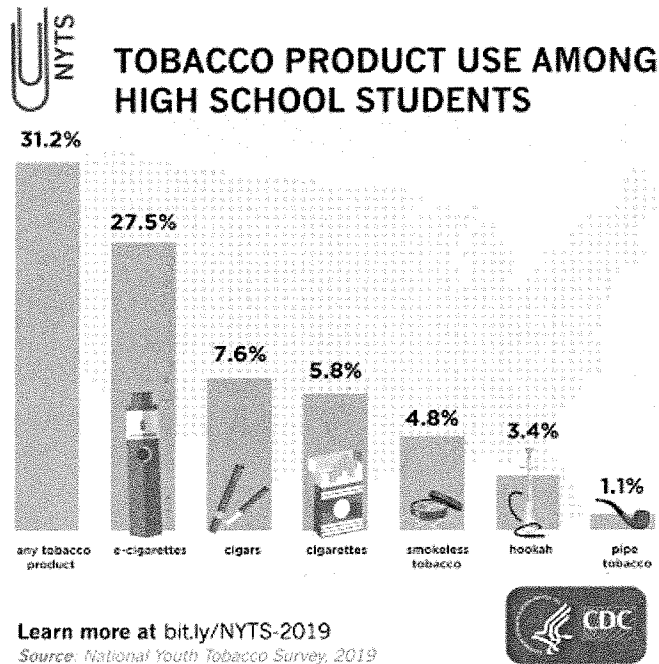
Estimates of Current Tobacco Use Among Youth

Electronic cigarettes (E-cigarettes)

- Current (past 30 day) use of e-cigarettes went up among middle and high school students from 2011 to 2019.^{6,7,8,9}
 - About 1 of every 10 middle school students (10.5%) reported in 2019 that they used electronic cigarettes in the past 30 days—an increase from 0.6% in 2011.
 - More than 1 of every 4 high school students (27.5%) reported in 2019 that they used electronic cigarettes in the past 30 days—an increase from 1.5% in 2011.

Cigarettes

- From 2011 to 2019, current (past 30 day) cigarette smoking went down among middle and high school students.^{6,7,8,9}
 - About 2 of every 100 middle school students (2.3%) reported in 2019 that they smoked cigarettes in the past 30 days—a decrease from 4.3% in 2011.
 - About 6 of every 100 high school students (5.8%) reported in 2019 that they smoked cigarettes in the past 30 days—a decrease from 15.8% in 2011.



Tobacco Product Use Among High School Students – 2019

Cigars

- From 2011 to 2019, current use of cigars went down among middle school students and high school students.^{6,8,9}
 - About 2 of every 100 middle school students (2.3%) reported in 2019 that they had used cigars in the past 30 days—a decrease from 3.5% in 2011
 - Nearly 8 of every 100 high school students (7.6%) reported in 2019 that they had used cigars in the past 30 days—a decrease from 11.6% in 2011.

Smokeless Tobacco

- From 2011 to 2019, current use of smokeless tobacco went down among middle and high school students:^{6,8,9}
 - Nearly 2 of every 100 middle school students (1.8%) reported in 2019 that they had used smokeless tobacco in the past 30 days—a decrease from 2.2% in 2011.
 - Nearly 5 of every 100 high school students (4.8%) reported in 2019 that they had used smokeless tobacco in the past 30 days—a decrease from 7.9% in 2011.

Hookah

- From 2011 to 2019, current use of hookahs did not change in a meaningful way among middle school students and high school students.^{6,8,9}
 - Nearly 2 of every 100 middle school students (1.6%) reported in 2019 that they had smoked hookah in the past 30 days. The prevalence was 1.0% in 2011.
 - About 3 of every 100 high school students (3.4%) reported in 2019 that they had smoked hookah in the past 30 days. The prevalence was 4.1% in 2011.

All Tobacco Product Use

- In 2019, about 12 of every 100 middle school students (12.5%) and about 31 of every 100 high school students (31.2%) reported current use of a tobacco product.⁸
- In 2019, nearly 1 of every 4 middle school students (24.3%) and over half (53.3%) of high school students said they had ever tried a tobacco product.⁸

Many young people use two or more tobacco products.

- In 2019, 4 of every 100 middle school students (4.0%) and nearly 11 of every 100 high school students (10.8%) reported current use of two or more tobacco products in the past 30 days.⁸
- In 2019, about 12 of every 100 middle school students (11.5%) and about 30 of every 100 high school students (29.9%) said they had ever tried two or more tobacco products.⁸

Youth who use multiple tobacco products are at higher risk for developing nicotine dependence and might be more likely to continue using tobacco into adulthood.¹⁰



Tobacco Use* Among High School Students in 2019⁸

Tobacco Product	Overall	Girls	Boys
Any tobacco product [†]	31.2%	30.6%	31.8%
Electronic cigarettes	27.5%	27.4%	27.6%
Cigarettes	5.8%	4.1%	7.3%
Cigars	7.6%	6.2%	9.0%
Smokeless tobacco	4.8%	1.8%	7.5%
Hookahs	3.4%	3.2%	3.6%
Pipe tobacco	1.1%	—	1.5%

Tobacco Use* Among Middle School Students in 2019⁸

Tobacco Product	Overall	Girls	Boys
-----------------	---------	-------	------

Notes:

[†]“Current use” is determined by respondents indicating that they have used a tobacco product on at least 1 day during the past 30 days. Any tobacco product includes cigarettes, cigars, smokeless tobacco (including chewing tobacco, snuff, dip, snus, and dissolvable tobacco), tobacco pipes, bidis, hookah, and electronic cigarettes.

Tobacco Product	Overall	Girls	Boys
Any tobacco product ¹	12.5%	12.4%	12.5%
Electronic cigarettes	10.5%	10.8%	10.2%
Cigarettes	2.3%	2.5%	2.1%
Cigars	2.3%	2.0%	2.7%
Smokeless tobacco	1.8%	—	2.7%
Hookahs	1.6%	1.8%	1.3%
Pipe tobacco	—	—	—

Notes:

¹“Current use” is determined by respondents indicating that they have used a tobacco product on at least 1 day during the past 30 days. Any tobacco product includes cigarettes, cigars, smokeless tobacco (including chewing tobacco, snuff, dip, snus, and dissolvable tobacco), tobacco pipes, bidis, hookah, and electronic cigarettes.

Factors Associated With Youth Tobacco Product Use

Factors associated with youth tobacco product use include the following:

- Social and physical environments^{2,11}
 - The way mass media show tobacco product use as a normal activity can make young people want to try these products.
 - Youth are more likely to use tobacco products if they see people their age using these products.
 - High school athletes are more likely to use smokeless tobacco than those of the same age who are not athletes.¹²
 - Young people may be more likely to use tobacco products if a parent uses these products.
- Biological and genetic factors^{1,2,11}
 - There is evidence that youth may be sensitive to nicotine and that teens can feel dependent on nicotine sooner than adults.
 - Genetic factors may make quitting smoking harder for young people.
 - A mother’s smoking during pregnancy may increase the likelihood that her children will become regular smokers.
- Mental health: There is a strong relationship between youth smoking and depression, anxiety, and stress.²
- Personal views: When young people expect positive things from smoking, such as coping with stress better or losing weight, they are more likely to smoke.^{2,11}
- Other influences that affect youth tobacco use include:^{2,10,11}
 - Lower socioeconomic status, including lower income or education
 - Not knowing how to say “no” to tobacco product use

- Lack of support or involvement from parents
- Accessibility, availability, and price of tobacco products
- Doing poorly in school
- Low self-image or self-esteem
- Seeing tobacco product advertising in stores, on television, the Internet, in movies, or in magazines and newspapers



Reducing Youth Tobacco Product Use

National, state, and local program activities have been shown to reduce and prevent youth tobacco product use when implemented together. These activities include:

- Higher costs for tobacco products (for example, through increased taxes)^{2,10,11}
- Prohibiting smoking in indoor areas of workplaces and public places^{2,10,11}
- Raising the minimum age of sale for tobacco products to 21 years¹³
- TV and radio commercials, posters, and other media messages aimed at kids and teens in order to counter tobacco product ads^{2,10,14}
- Community programs and school and college policies that encourage tobacco-free places and lifestyles^{2,10,14}
- Community programs that lower tobacco advertising, promotions, and help make tobacco products less easily available^{2,10,14}

Some social and environmental factors are related to lower smoking levels among youth. Among these are:²

- Being part of a religious group or tradition
- Racial/ethnic pride and strong racial identity
- Higher academic achievement

It is important to keep working to prevent and reduce the use of all forms of tobacco product use among youth.

References

1. U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2019 Feb 28].
2. U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012 [accessed 2019 Feb 28].

3. Substance Abuse and Mental Health Services Administration. 2018 National Survey on Drug Use And Health: Detailed Tables [\[PDF\]](#) . Substance Abuse and Mental Health Data Archive [accessed 4 Dec 2019].
4. Centers for Disease Control and Prevention. Flavored Tobacco Product Use Among Middle and High School Students—United States, 2014. *Morbidity and Mortality Weekly Report*, 2015;64(38):1066–70 [accessed 2019 Feb 28].
5. Cullen KA, Liu ST, Bernat JK, et al. Flavored Tobacco Product Use Among Middle and High School Students — United States, 2014–2018. *Morbidity and Mortality Weekly Report*, 2019;68:839–844.
6. Gentzke AS, Creamer M, Cullen KA, et al. *Vital Signs*: Tobacco Product Use Among Middle and High School Students—United States, 2011–2018. *Morbidity and Mortality Weekly Report* 2019;68:157–164.
7. Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019 [\[PDF\]](#) . *JAMA*. Published online November 05, 2019.
8. Wang TW, Gentzke AS, Creamer MR et al. Tobacco Product Use and Associated Factors Among Middle and High School Students—United States, 2019. *Morbidity and Mortality Weekly Report*, 2019;68(12) [accessed 2019 Dec 6].
9. Centers for Disease Control and Prevention. Tobacco Product Use Among Middle and High School Students – United States, 2011 and 2012. *Morbidity and Mortality Weekly Report*, 2013;62(45):893-7 [accessed 2019 Feb 28].
10. U.S. Department of Health and Human Services. Reducing Tobacco Use: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2000 [accessed 2019 Feb 28].
11. Centers for Disease Control and Prevention. E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016 [accessed 2019 Feb 28].
12. Centers for Disease Control and Prevention. Combustible and Smokeless Tobacco Use Among High School Athletes—United States, 2001–2013. *Morbidity and Mortality Weekly Report*, 2015;64(34):935–9 [accessed 2019 Feb 28].
13. King BA, Jama AO, Marynak KL, Promoff GR. Attitudes Toward Raising the Minimum Age of Sale for Tobacco Among U.S. Adults [\[PDF\]](#) . *American Journal of Preventive Medicine* 2015;49(4):583-8 [accessed 2019 Feb 28].
14. Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2019 Feb 28].

For Further Information

Centers for Disease Control and Prevention
National Center for Chronic Disease Prevention and Health Promotion
Office on Smoking and Health
E-mail: tobaccoinfo@cdc.gov
Phone: 1-800-CDC-INFO

Media Inquiries: Contact CDC's Office on Smoking and Health press line at 770-488-5493.

Fact Sheets

Adult Data

Economics

Cessation

Fast Facts

Health Effects

Tobacco Marketing and Products

Secondhand Smoke

Youth Tobacco Use

Smokeless Tobacco

Page last reviewed: December 10, 2019

Content source: Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion



TABLE OF COMPREHENSIVE OUTDOOR SECONDHAND SMOKE ORDINANCES

The 113 cities and counties in California with comprehensive ordinances are listed below, including in which outdoor areas smoking is prohibited in each community.

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Solvang (November 2018)	X	X	X	X	X	X*	
Citrus Heights (November 2018)	X	X	X	X	X	X*	X*
Half Moon Bay (October 2018)	X	X	X*	X	X	X*	
Colma (September 2018)	X	X	X	X	X		
Tiburon (July 2018)	X	X	X	X	X	X*	
Mono County (July 2018)	X	X	X	X*	X		
Sutter County (May 2018)	X	X*	X	X	X		
Los Altos (March 2018)	X	X*	X	X	X	X*	
Dana Point (January 2018)	X	X*	X	X	X	X*	X*
Morgan Hill (August 2017)	X*	X	X*	X*	X		
Santa Barbara (August 2017)	X*	X*	X	X	X		X
Calabasas (June 2017)	X	X	X	X	X	X	X
Alturas (February 2017)	X*	X		X	X		X
San Anselmo (February 2017)	X	X	X	X	X		X
Cloverdale (January 2017)	X	X	X	X	X	X	X
Laguna Beach (January 2017)	X*	X	X	X	X	X	X
Ventura County (April 2017)	X*	X*	X*	X*	X*		X*
Bell (December 2017)	X	X	X*	X*	X	X	
San Bruno (November 2016)		X	X	X	X		X
Belvedere (September 2016)	X	X	X	X	X		X
Oxnard (September 2016)	X	X	X	X	X		
Saratoga (August 2016)	X	X	X	X	X		

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Sonoma City (June 2016)	X	X	X	X	X	X	
Fortuna (March 2016)	X	X	X	X	X		X
Los Gatos (May 2016)	X	X	X	X	X	X	X
San Rafael (April 2016)	X	X	X*	X	X	X	X
Sunnyvale (February 2016)	X*	X	X*	X	X*		
Pleasant Hill (November 2015)	X*	X	X*	X	X	X	
Capitola (October 2015)	X*	X	X	X	X	X	
Cotati (October 2015)	X*	X	X	X	X*		
Davis (September 2015)	X	X	X	X	X	X	
Daly City (August 2015)	X	X	X	X	X	X	X
Santa Barbara County (July 2015)	X*	X	X	X	X		
Palo Alto (May 2015)	X	X	X	X	X	X	X
Livermore (April 2015)	X	X		X*	X	X	
Hemet (March 2015)	X	X	X	X	X		
Oceanside (March 2015)	X	X		X*	X*	X	
Paradise (February 2015)	X*	X	X*	X*	X		
Agoura Hills (January 2015)	X*	X		X	X	X	
El Cerrito (January 2015)	X	X	X	X	X	X	X
Piedmont (December 2014)	X	X	X	X	X	X	X
Foster City (October 2014)	X*	X	X	X	X	X	
Manhattan Beach (July 2014)	X	X	X	X	X	X	X
Oakley (July 2014)	X	X	X	X	X		
Rancho Cordova (June 2014)	X	X	X	X	X		
Corte Madera (May 2014)	X	X	X	X	X		X
Beverly Hills (April 2014)	X	X*	X*	X	X		
Temple City (December 2013)	X	X	X	X	X		
Lafayette (November 2013)	X	X	X	X	X		
Coronado (October 2013)	X*	X	X	X	X	X	
Walnut Creek (October 2013)	X	X	X	X	X	X*	X*
Arcata (July 2013)	X*	X	X	X	X	X	X
San Ramon (February 2013)	X	X	X	X	X		
Petaluma (January 2013)	X	X	X	X	X		X
Fremont (November 2012)	X	X	X	X	X	X	X
Mill Valley (September 2012)	X	X	X	X	X		X
San Fernando (September 2012)	X	X	X	X	X		
Sausalito (August 2012)	X	X	X	X	X		X
Morro Bay (February 2012)	X	X	X*	X	X		X
Orland (February 2012)	X	X	X*	X*	X		
Carson (December 2011)	X	X	X	X	X		X

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Laguna Hills (December 2011)	X	X	X	X	X		
Solana Beach (December 2011)	X	X	X	X	X		
Alameda (November 2011)	X	X	X	X	X	X	X
Hermosa Beach (November 2011)	X	X	X	X	X	X	X
Compton (October 2011)	X	X	X	X	X		
Sonoma County (October 2011)	X	X	X	X	X		
Campbell (September 2011)	X	X	X	X	X		
Concord (September 2011)	X*		X*	X*	X*	X	
Huntington Park (August 2011)	X	X	X	X	X		X
Fairfax (June 2011)	X	X	X	X			X
Larkspur (April 2011)	X	X	X	X	X		X
Carpinteria (February 2011)	X	X	X*	X	X	X	X
Santa Clara County (November 2010)	X	X	X	X	X		X
Union City (November 2010)	X	X	X	X	X		X
Contra Costa County (October 2010)	X	X	X	X	X		
Menlo Park (October 2010)	X*	X	X*	X	X		X
Sebastopol (August 2010)	X	X	X	X	X		X
Eureka (July 2010)	X	X	X	X	X	X*	X
Camarillo (April 2010)	X	X	X	X	X	X*	X
Pinole (April 2010)	X	X	X	X	X		
San Luis Obispo (April 2010)	X*	X	X	X	X	X	X
San Francisco (March 2010)	X*	X*	X*	X	X		
Del Mar (December 2009)	X	X	X	X	X	X	X
San Leandro (December 2009)	X	X	X	X	X		X
Palm Desert (November 2009)	X	X	X	X	X	X	X
Moorpark (September 2009)	X	X	X*	X	X	X	X
Santa Cruz (September 2009)	X	X		X	X	X	
Richmond (June 2009)	X	X	X	X	X		
Martinez (April 2009)	X	X	X	X	X		X
Rohnert Park (April 2009)	X	X	X	X*	X		
Dublin (October 2008)	X	X	X*	X*	X		
Glendale (October 2008)	X*	X	X	X	X		X
Pasadena (October 2008)	X	X	X	X	X		
Thousand Oaks (July 2008)	X*	X	X*	X*	X		
Loma Linda (June 2008)	X	X	X	X	X	X	X
Albany (May 2008)	X*	X	X	X	X	X*	X
Hayward (May 2008)	X	X	X*	X	X	X	
Novato (April 2008)	X*	X	X	X	X		X
Berkeley (December 2007)	X	X		X	X	X*	X
Ross (October 2007)	X	X	X	X	X		

City / County	Outdoor Areas Where Smoking is Prohibited						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
Belmont (October 2007)	X	X	X	X	X		X
El Cajon (August 2007)	X	X	X	X	X	X	X
Blue Lake (June 2007)	X*	X	X*	X	X		
Temecula (May 2007)	X	X	X	X	X		X
Burbank (April 2007)	X*	X	X	X*	X*	X*	
Baldwin Park (February 2007)	X	X	X*	X	X		
Emeryville (December 2006)	X	X		X	X		X*
Laguna Woods (November 2006)	X*	X	X	X	X		
Marin County (November 2006)	X*	X	X	X	X		X
Santa Monica (October 2006)	X	X	X*	X	X	X*	
Mammoth Lakes (June 2006)	X	X	X	X	X		X
Santa Rosa (June 2006)	X	X	X	X	X*	X*	

*Policy that does not prohibit smoking in 100% of the specified area.



February 2019

Cities and counties in California have led the way on many secondhand smoke issues throughout the years by passing groundbreaking local ordinances to restrict smoking in certain areas. On the issue of smokefree housing, California's communities are once again paving the way. Secondhand smoke exposure in multi-unit housing is a serious health threat because secondhand smoke drifts into housing units from neighbouring units, balconies, patios and common areas. The most effective way to address this problem is to pass a strong policy that prohibits smoking in at least 75% of new and existing units in multi-unit housing. As local regulation of multi-unit housing has grown considerably stronger over the last few years, we have more accurately tailored this list to highlight the most health-protective policies being passed that are effectively improving the public health of those living in these environments.

There are 63 jurisdictions in California that have adopted a strong ordinance that prohibits smoking in multi-unit housing. The table on the following pages lists policy and enforcement provisions of smokefree housing ordinances and provides policy details for each of the 63 jurisdictions. This table makes it easier to learn more about and understand in detail these ordinances, as well as provides guidance on the types of issues that need to be addressed by other communities working on a smokefree housing ordinance.

More information about all smokefree housing policies regardless of strength can be found in the Center's Local California Smokefree Housing Policies: Detailed Analysis, which contains the full details on the policy and enforcement provisions in each smokefree housing ordinance. These documents and other smokefree housing documents are all available on the Center's website, www.Center4TobaccoPolicy.org/smokefree-multi-unit-housing/.

Breakdown of Smokefree Housing Units Ordinances

	POLICY PROVISIONS					
	Date Passed/ Population	Percentage & Minimum # of Units	Implementation	Grandfathering	Includes Condominiums	Includes Electronic Cigarettes
Santa Clara	February 2019 129,604	100% 2 units	6 months			X
Half Moon Bay	October 2018 12,639	100% 2 units	Existing: 14 months New: Immediately		X	X
Emeryville	September 2018 (Orig. Dec 2006) 11,994	100% 2 units	3 months		X	X
Tiburon	July 2018 (Orig. July 2011) 9,648	100% 2 units	Existing: 35 months New: Immediately			X
Clayton	July 2018 11,431	100% 2 units	10 months		X	X
Ross	May 2018 2,533	100% 2 units	Immediately		X	X
Contra Costa County	March 2018 (Orig. Oct 2010) 1,149,363	100% 2 units	16 months		X	X
Rohnert Park	January 2018 (Orig. April 2009) 43,598	100% 2 units	Existing: 60 days New: 30 days		X	X
Moorpark	December 2017 37,044	100% 2 units	Existing: 1 Year New: 1 month		X	X
Redwood City	October 2017 86,360	100% 2 units	Existing: 1 Year New: 3 month		X	X
Pleasanton	August 2017 79,201	100% 2 units	180 Days			X
Beverly Hills	October 2017 34,504	100% 2 units	Existing: 1 Year New: 3 month		X	X
Laguna Beach	May 2017 23,309	100% 2 units	30 days			X
Novato	January 2017 54,551	100% 2 units	Existing: 1 year New: 30 days		X	X

Breakdown of Smokefree Housing Units Ordinances

	 POLICY PROVISIONS					
	Date Passed/ Population	Percentage & Minimum # of Units	Implementation	Grandfathering	Includes Condominiums	Includes Electronic Cigarettes
Palo Alto	January 2017 69,721	100% 2 units	Existing: 1 year New: 1 year		X	X
Sonoma	December 2016 11,390	100% 2 units	Immediately		X	X
San Bruno	November 2016 46,085	100% 2 units	Existing: 15 months New: Immediately		X	X
Belvedere	October 2016 2,135	100% 2 units	Existing: 13 months New: 1 month		X	
Brisbane	October 2016 4,692	100% 2 units	7 months		X	X
Saratoga	August 2016 31,435	100% 2 units	1 month			X
Los Gatos	May 2016 30,601	100% 2 units	Existing: 1 year New: 1 month		X	X
Sunnyvale	February 2016 153,389	100% 2 units	7 months		X	X
El Monte	January 2016 117,204	100% 3 units	Existing: 7 months New: immediately		X	X
Danville	November 2015 44,396	100% 3 units	6 months		X	X
Mill Valley	October 2015 14,963	100% 2 units	Existing: 1 year New: 1 month		X	X
Manhattan Beach	October 2015 35,991	100% 3 units	30 months		X	X
San Mateo	October 2015 104,490	100% 2 units	1 month		X	X
Cotati	October 2015 7,716	100% 2 units	15 months		X	X
Burlingame	July 2015 30,294	100% 2 units	180 days		X	
Santa Rosa	June 2015 178,488	100% 2 units	Existing: 1 year New: Immediately		X	X


*Corte Madera: For existing units, provides option where landlord may designate fewer than 100% units as nonsmoking units, but no less than 80%.

Breakdown of Smokefree Housing Units Ordinances

	POLICY PROVISIONS					
	Date Passed/ Population	Percentage & Minimum # of Units	Implementation	Grandfathering	Includes Condominiums	Includes Electronic Cigarettes
San Anselmo	December 2014 13,000	100% 2 units	Existing: 1 year New: 180 days		X	X
Foster City	December 2014 33,490	100% 2 units	Existing: 1 year New: Immediately		X	X
Culver City	October 2014 39,860	100% 2 units	Existing: 18 months New: Immediately		X	
San Mateo County	October 2014 774,155	100% 2 units	Existing: 14 months New 6 months		X	X
El Cerrito	September 2014 24,939	100% 2 units	Existing: 1 year* New: Immediately		X	X
Corte Madera	May 2014 10,039	100%* 2 units	Existing: 1 year New: Immediately		X	X
Berkeley	December 2013 121,874	100% 2 units	4 months	X** (Rent Control)	X	X
Lafayette	October 2013 25,655	New: 100% 3 units	New: Immediately	X	X	
Walnut Creek	October 2013 70,667	100% 2 units	4 Months		X	X
Glendale	May 2013 205,536	New: 100% 2 units	New: 1 month	X	X	X
Petaluma	January 2013 62,708	100% 2 units	Existing: 1 year New: 7 months		X	X
Daly City	October 2012 107,864	100% 2 units	Existing: 14 months New: Immediately			X
Santa Monica	October 2012 92,416	100% 2 units	Existing: 180 days New: Immediately	X	X	X
San Rafael	October 2012 60,651	100% 3 units	Existing: 1 year New: 180 days		X	
Sausalito	August 2012 7,226	Existing: 80% New: 100% 2 units	Existing: 14 months New: Immediately		X	
Huntington Park	April 2012 59,473	Existing: 80% New: 100% 2 units	Existing: 14 months New: 1 month		X	X
Marin County	May 2012 263,886	Existing: 85% New: 100% 2 units	Existing: 12 months New: Immediately		X	X

** Berkeley: A landlord may not unilaterally change the terms of tenancy, then evict the tenant for violation of the changed term unless the tenant has expressly agreed to it.

Breakdown of Smokefree Housing Units Ordinances

	 POLICY PROVISIONS					
	Date Passed/ Population	Percentage & Minimum # of Units	Implementation	Grandfathering	Includes Condominiums	Includes Electronic Cigarettes
Alameda	November 2011 78,863	100% 2 units	Existing: 14 months New: Immediately		X	
Baldwin Park	November 2011 76,708	Existing: 80% New: 100% 2 units	Existing: 3 years New: 6 months		X	X
Compton	October 2011 99,872	100% 3 units	Existing: 14 months New: Immediately		X	X
Sonoma County	September 2011 503,332	100% 2 units	Existing: 14 months New: 5 months		X	
Pasadena	July 2011 144,388	100% 2 units	Existing: 18 months New: Immediately		X	
Dublin	July 2011 (orig. Dec 2008) 63,241	75% 16 units	25 months			X
Fairfax	May 2011 7,534	75% 4 units	14 months		X	
Larkspur	April 2011 12,351	Existing: 80% New: 100% 2 units	Existing: 13 months New: Immediately		X	
Union City	November 2010 72,991	100% 2 units	Existing: 14 months New: Immediately			X
Santa Clara County	November 2010 1,956,598	100% 2 units	Existing: 14 months New: Immediately		X	X
Sebastopol	August 2010 7,786	100% 2 units	14 months		X	X
South Pasadena	August 2010 26,047	Existing: 80%	3 Years		X	X
Pinole	April 2010 19,236	New: 100% 2 units	Immediately		X	
Richmond	July 2009 110,967	100% 2 units	Existing: 17 months New: Immediately		X	
Calabasas	January 2008 24,296	80% 2 units	4 years	X		X
Belmont	October 2007 27,388	100% 2 units	14 months		X	

E-CIGARETTES: FACTS, STATS AND REGULATIONS

Jul. 19, 2018 | min read

Electronic nicotine delivery systems go by many names. The most common name is “e-cigarettes,” but others such as e-cigs, vapes, vape pens, mods and tanks are also common terms. Most recently, new products, such as JUUL, have created brand-centric terms for product use (“JUULing”). For this resource, the entire category will be referred to as “e-cigarettes.”



WHAT IS AN E-CIGARETTE?

- E-cigarettes are devices that operate by heating a liquid solution to a high enough temperature so that it produces an aerosol that is inhaled.
- Solutions, sometimes called e-liquids, typically include nicotine, flavoring and a humectant, such as propylene glycol, to retain moisture and create an aerosol when heated.
 - Many of the flavorings and humectants used in e-liquids have been approved by the Food and Drug Administration for oral consumption, but not for inhalation, due to the lack of research regarding the safety of these compounds when inhaled.
 - Some newer e-cigarettes on the market have nicotine salts in e-liquids — prompting questions about the use, purpose and safety of this novel form of nicotine. The makers of JUUL claim that their nicotine salt formulation increases the rate and amount of nicotine delivered into the blood, compared with other formulations.
- While using an e-cigarette is often called “vaping,” the devices produce an aerosol, not a vapor. Unlike vapor, which is simply a substance in gas form, the aerosol from an e-cigarette can contain tiny chemical particles from both the liquid solution and the device (e.g., metals from the heating coil).

Evolution of the e-cigarette

Generic combustible
tobacco cigarette



First generation
e-cigarette

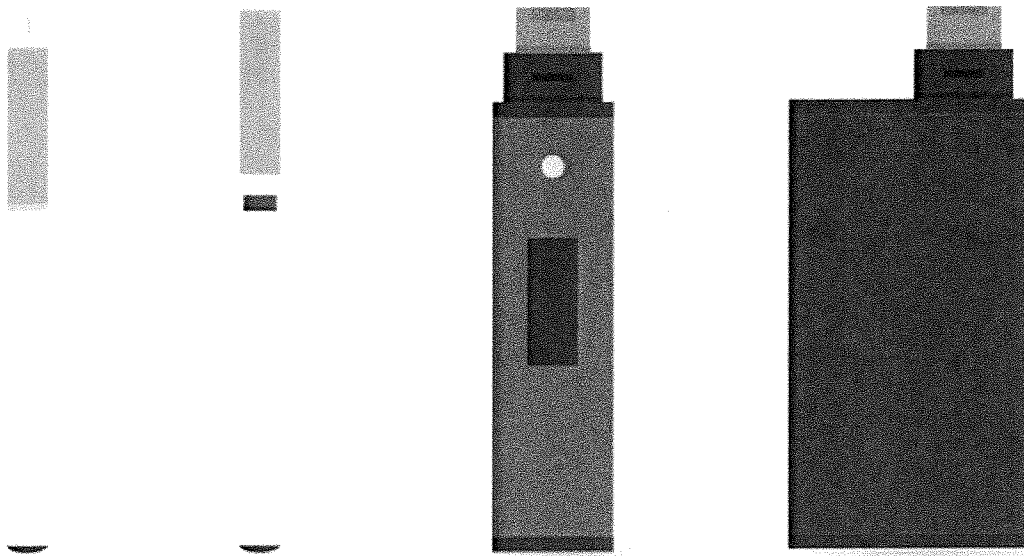


Second generation
e-cigarette



Third generation
e-cigarette



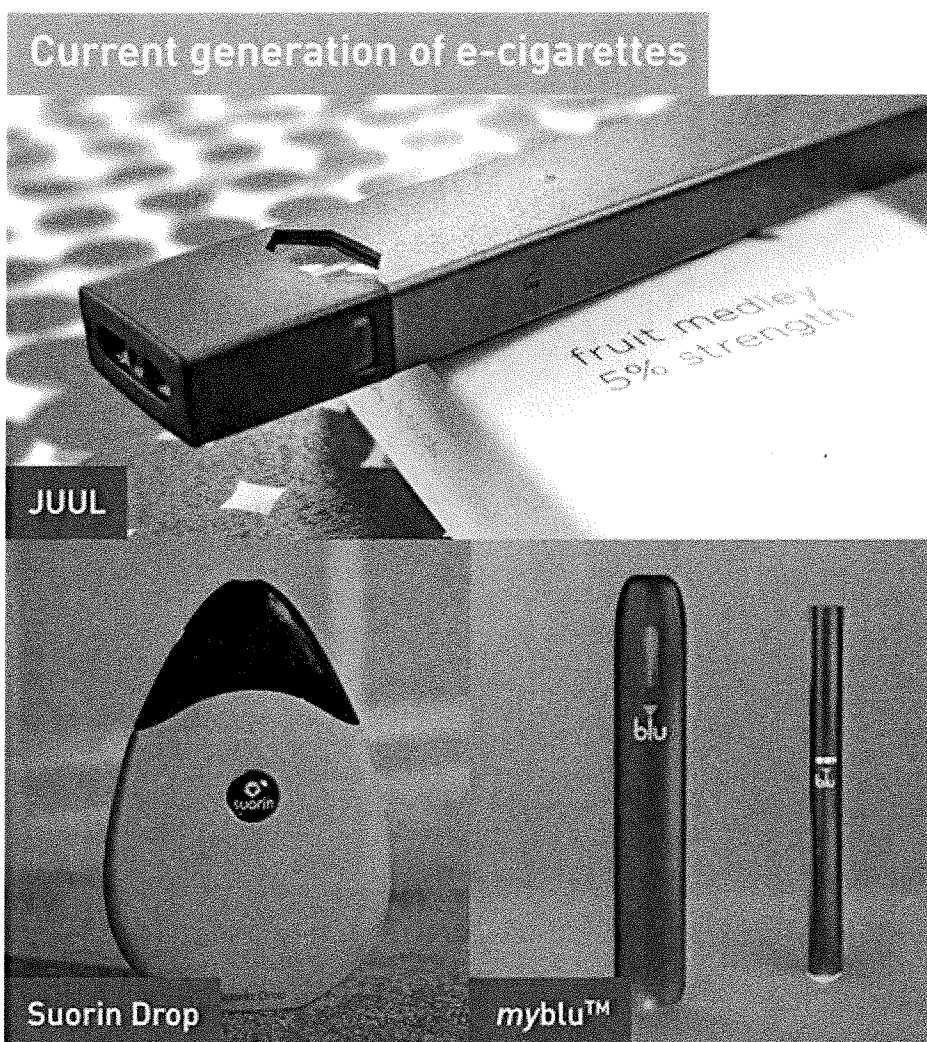


Shown to demonstrate approximate scale

Source: National Academies of Sciences, Engineering and Medicine,
Public Health Consequences of E-Cigarettes

WHAT ARE THE TYPES OF E-CIGARETTES?

- Some e-cigarettes are designed to resemble regular cigarettes, while others look more like cigars, pipes, pens and even USB flash drives.
- To account for the diversity in product design, some researchers have classified e-cigarettes as first, second or third generation devices.
- A first generation e-cigarette is one that closely resembles a cigarette and is disposable.
- A second generation e-cigarette is a larger, usually pen-shaped device that can be recharged.



- A third generation e-cigarette refers to devices that do not resemble a combustible cigarette and often have very large and sometimes customizable batteries. Some parts may be replaceable, which is why they are sometimes called “mods.” These devices are refillable.
- More recently, e-cigarettes that have a sleek, high-tech design and easily rechargeable batteries have entered the market. One device, JUUL, emerged in 2016 and quickly established itself as a leading e-cigarette product by early 2018. There has also been an emergence of copycat products, such as Suorin Drop and myblu™, that follow JUUL’s blueprint of a high-tech look and high nicotine delivery through the use of nicotine salt e-liquid formulations.

Heat-not-burn products

In addition to e-cigarette products, tobacco companies have introduced “heat-not-burn” tobacco products. These devices work by heating tobacco instead of burning it. Sometimes the tobacco is treated with a humectant, like propylene glycol, to produce an aerosol inhaled by the user. Manufacturers claim this delivery method is substantially less harmful than traditional cigarettes, but current data on the health effects of these devices are sparse (and most of what has been published has been by tobacco industry scientists).

While these products have not been approved by the FDA for use in the U.S., a new product application for IQOS — a heat-not-burn product by Philip Morris International — is currently pending. Data in foreign markets submitted by Philip Morris indicate that dual use of heat-not-burn products along with cigarettes is, by far, the most dominant pattern of use, which raises substantial issues about what impact they might have on overall public health. Read comments from Truth Initiative® on the IQOS application.

HOW MUCH NICOTINE IS IN AN E-CIGARETTE?

- Nicotine levels in e-cigarettes are highly variable, with some reaching levels near combustible cigarettes.
- Labeling is not always a reliable indicator of nicotine content, as studies have found mislabeling to be a common issue for e-cigarettes.
- The way an e-cigarette is used or modified affects the delivery of nicotine to an individual user.

- Some e-cigarette products deliver nicotine almost as efficiently as a cigarette. For example, the maker of JUUL e-cigarettes claims the product has a nicotine content like traditional cigarettes, and that it delivers the nicotine up to 2.7 times faster than other e-cigarettes. While that may make them more attractive to smokers as an alternative to cigarettes, it increases the potential for youth addiction and suggests such products should be carefully regulated to reduce youth access and use.
- A recently published Truth Initiative study found that among current youth and young adult JUUL users, only 37 percent knew that the product always contains nicotine.

ARE E-CIGARETTES AS HARMFUL AS CIGARETTES?

Using e-cigarettes is substantially less harmful to individual health than inhaling smoke from combustible tobacco, such as cigarettes and cigars. However, while e-cigarettes contain far fewer toxins than combustible cigarettes, they are not free of toxins and still deliver harmful chemicals.

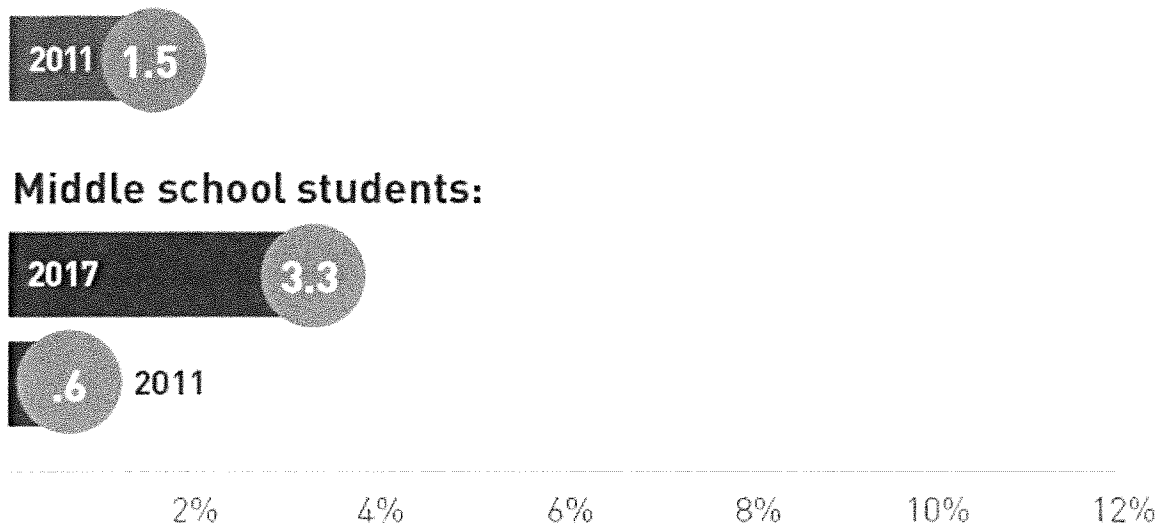
While the basic technology behind e-cigarettes is consistent, there is an enormous variability within the product category and there is no typical e-cigarette. The products have different ingredients and different hardware, and deliver highly variable amounts of nicotine and potentially toxic chemicals. This variation makes it difficult to make overall public health recommendations about e-cigarettes and is a driver for the need for regulation. Consumers need to consistently know what they are getting — particularly from a product designed to deliver chemicals by frequent inhalation.

Current e-cigarette use among middle and high school students

High school students:

2017

11.7



Source: 2017 National Youth Tobacco Survey

There is substantial confusion about the health effects of e-cigarettes. A recent 2015 study found that among adult smokers, 30.8 percent thought e-cigarettes were about as harmful as cigarettes, 4.3 percent thought they were more harmful, 28.9 percent didn't know and only 36 percent thought they were less harmful. The variation in product characteristics and the current regulatory system — which has few barriers for selling e-cigarettes as recreational devices, but many barriers for marketing the products for quitting or complete switching — are likely contributing to this confusion. These misperceptions show that there is an opportunity to educate smokers on this issue, especially when public health authorities are confident particular products have been reviewed for issues such as toxicity, effectiveness in nicotine delivery, basic consumer safety and youth appeal.

Dual use of tobacco products

Among all age groups, e-cigarettes are most commonly used by those who also use other tobacco products, such as combustible cigarettes. This pattern is commonly referred to as “dual use” or “poly tobacco use.”

Among adult users, dual use is a troubling pattern because it suggests that some e-cigarette use may be supplementing smoking instead of replacing it. Because there is no safe level of smoking, there are concerns that this behavior represses efforts to completely quit smoking (i.e., people choose to “cut down” instead of quitting smoking entirely). This issue is somewhat complicated because some individuals who use e-cigarettes to quit may experience a period of dual use as they change products.

Among youth, the data are more difficult to interpret. Dual use may indicate that kids who use other nicotine products are also more likely to use e-cigarettes due to shared character traits — like sensation seeking and openness to risk (the “shared liability” theory) — and/or the fact that initial e-cigarette use is a cause of subsequent use of other nicotine products (the “gateway” theory). A 2018 report from the National Academies of Sciences, Engineering, and Medicine addressed this issue and concluded that there is “substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults,” suggesting that e-cigarette use itself is a risk factor, not just a correlation with smoking.

- Among adults in 2015, 58.8 percent of e-cigarette users also smoked cigarettes.
- Among young adults in 2015, 40 percent of e-cigarette users also smoked cigarettes.
- In 2013 and 2014, just 6.1 percent of young adults and 1.6 percent of adults exclusively used e-cigarettes.
- In 2015, 65.2 percent of youth who had used an e-cigarette in the last 30 days also reported using another tobacco product in the same time frame.
- In 2015, 5.9 percent of high school students were exclusive e-cigarette users, while 25.3 percent currently used any tobacco product.

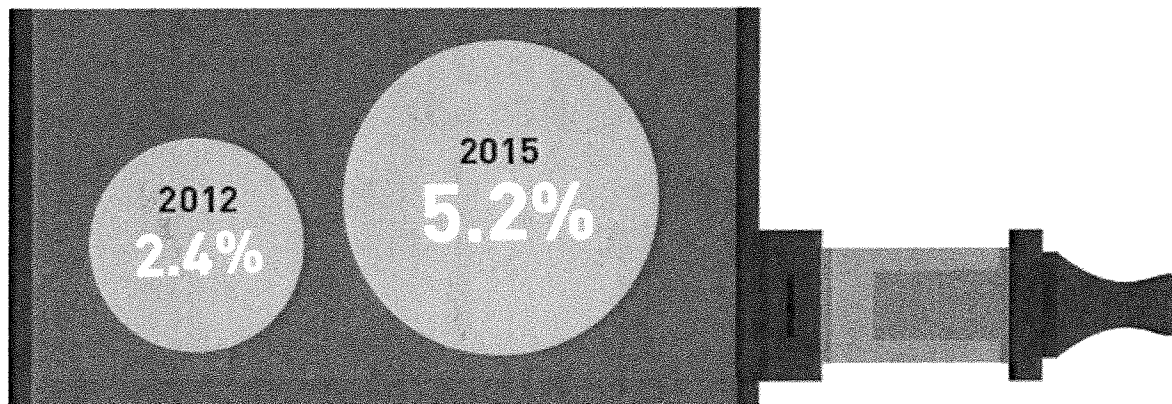
Patterns of Use

E-cigarette use has increased in recent years, especially among youth and young adults, who use e-cigarettes more than any other age group. E-cigarettes are now the most commonly used tobacco product among youth.

YOUTH

- Between 2011 and 2017, e-cigarette use significantly increased among youth in high school and middle school. The 2017 National Youth Tobacco Survey found that 11.7 percent of high school students and 3.3 percent of middle school students used e-cigarettes in the last 30 days, compared with 1.5 percent of high school and 0.6 percent of middle school students who reported current use in 2011.
- Using e-cigarettes has been shown to increase the likelihood of smoking cigarettes among young people, raising concerns that e-cigarettes are acting as entry nicotine products that may lead to use of more dangerous nicotine products. The 2018 NASEM report concluded that, "there is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults."
- Many young e-cigarette users do not know what is in the products they are using. A recent study found that 98.7 percent of all e-cigarette products sold at convenience stores, supermarkets and similar outlets contain nicotine. Yet, many young people aren't aware that the products they use contain nicotine. In fact, 60 percent of teens incorrectly reported e-cigarettes as being comprised of mostly flavoring.
- Youth e-cigarette users cite flavors as a reason they begin using e-cigarettes. A study that included middle and high school students found that 43 percent of young people who ever used e-cigarettes tried them because of appealing flavors.

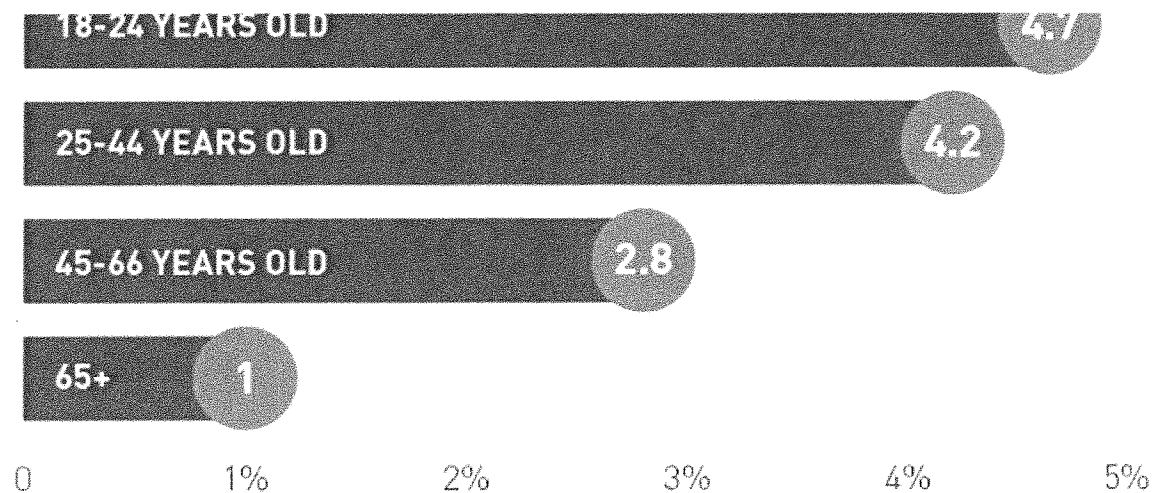
Young adults who use e-cigarettes every day or some days



YOUNG ADULTS

- Like youth, young adults aged 18 to 24 are also using e-cigarettes at increasing rates. The amount of young adults who use e-cigarettes every day or some days increased from 2.4 percent in 2012 and 2013, to 5.2 percent in 2015.
- A 2015 report from the National Health Interview Survey states that 40 percent of young adults who use e-cigarettes every day or some days were never smokers before trying e-cigarettes.
- Compared with adults aged 25 and older, young adults are more likely to try e-cigarettes and report having used e-cigarettes in the past 30 days.
- The growth in the popularity of e-cigarettes among young adults has caused concerns that use will lead to the initiation of cigarette and other tobacco product use.

Adults who currently use e-cigarettes

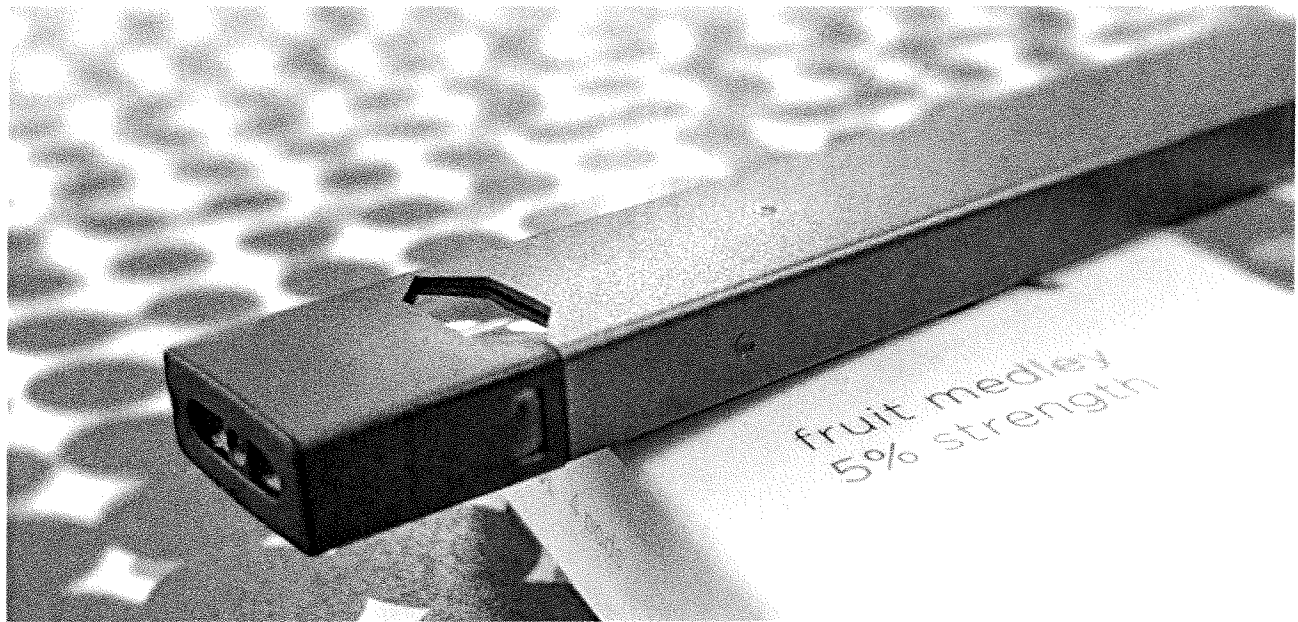


The data indicate that patterns of use are the opposite of what they should be. Rates are highest among younger age groups and decrease with age. The pattern should be just the opposite, with higher rates of adult use consistent with higher rates of smoking prevalence.

Source: 2016 National Health Interview Survey

ADULTS

- E-cigarette use has also increased among adults in recent years, albeit much less dramatically than among youth. Between 2012 and 2013, 2.4 percent of adults aged 25 to 44 and 2 percent of adults aged 45 to 64 used e-cigarettes. By 2016, those rates increased to 4.2 percent and 2.8 percent, respectively.
- Adults aged 45 and older are significantly less likely to have ever tried an e-cigarette compared with young adults.
- In 2015, among adult e-cigarette users, 29.8 percent were former regular smokers, 58.8 percent were current cigarette smokers and 11.4 percent had never been cigarette smokers.



JUUL

Since 2016, the e-cigarette brand JUUL has surged in popularity among young people, and as of June 2018, has taken 68 percent of the e-cigarette market share measured by Nielsen. JUUL's emergence into the e-cigarette market has been so rapid that national surveillance systems have yet to ask specifically about its use.

A 2017 study by the Truth Initiative Schroeder Institute® found that 6 percent of youth and 10 percent of young adults have used a JUUL e-cigarette in the last 30 days. The study also found that while many young people are aware of JUUL, many are unaware that the product always contains the addictive chemical nicotine.

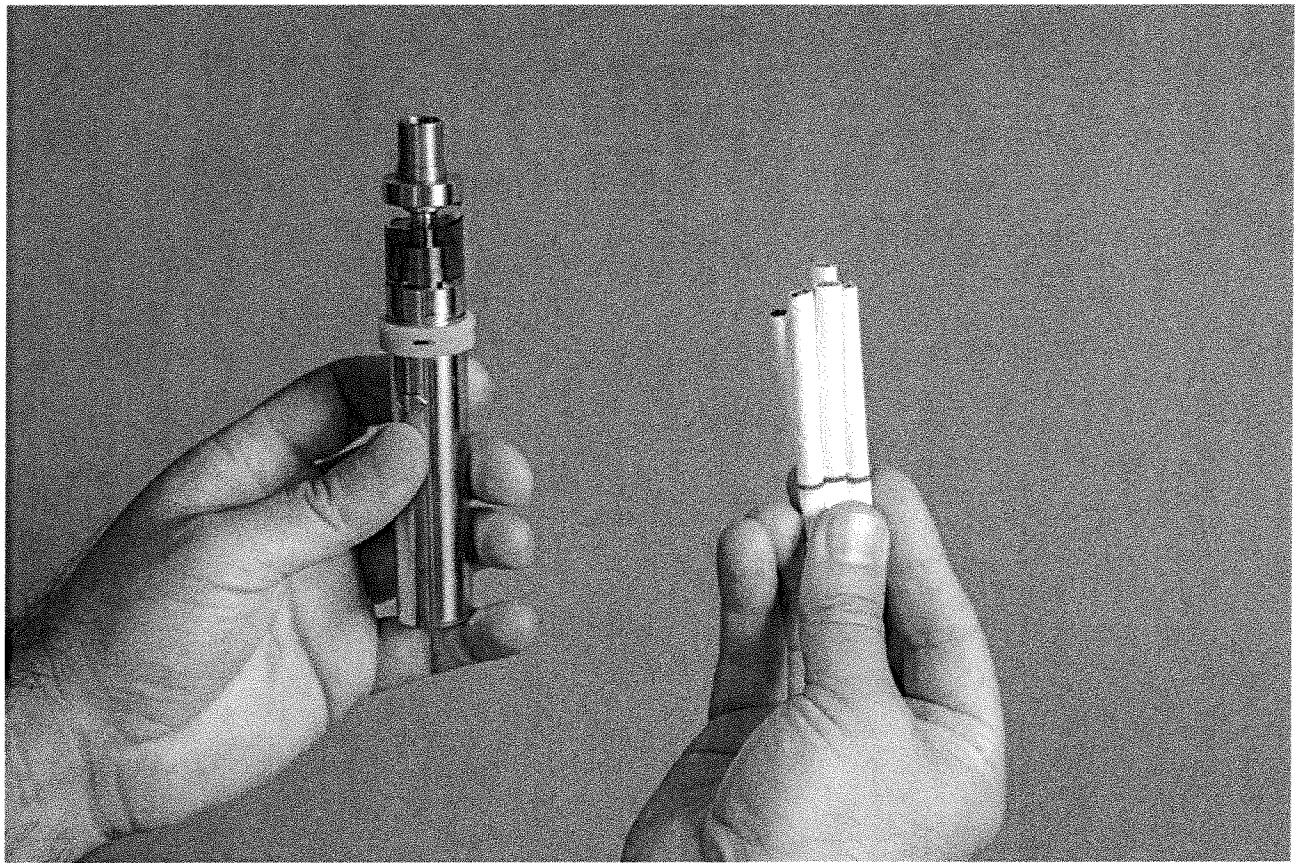
- Twenty-five percent of survey respondents aged 15 to 24 recognized a JUUL e-cigarette device when shown a photo of the product.

- Among those who recognized JUUL, 25 percent reported that use of this product is called “JUULing,” indicating that this product is so distinctive, it is perceived as its own category.
- Sixty-three percent of JUUL users did not know that this product always contains nicotine.

According to the product website, a single JUUL cartridge is roughly equal to a pack of cigarettes, or 200 cigarette puffs. JUUL is promoted as a “satisfying alternative to cigarettes,” and may be putting a new generation of youth at risk of nicotine dependence and future cigarette use.

Quitting Smoking

There are substantial research gaps in proving the effectiveness of e-cigarettes as quit smoking aids. The 2018 NASEM report found limited evidence on the effectiveness of e-cigarettes to promote quitting. Additionally, e-cigarettes are not approved as quit aids by the U.S. Preventative Service Task Force.



There is, however, some evidence that supports the use of e-cigarettes as quit devices.

- A study published in 2016 reported that within two randomized control trials, e-cigarettes with nicotine helped individuals quit better than e-cigarettes without nicotine.
- The NASEM also reported that more frequent e-cigarette use may increase an individual's likelihood to quit.

While some e-cigarettes may be an effective resource for quitting smoking, the variation in product quality and the lack of regulation make determining the potential of any particular product as a quit aid difficult.

Although there is limited research currently supporting e-cigarette use for quitting, a smoker who switches completely to e-cigarettes from combustible cigarettes will substantially reduce exposure to toxic chemicals and health risks. Some smokers have switched to e-cigarettes or used them to quit tobacco completely. Truth Initiative supports regulation that encourages the

development of consistently less harmful nicotine delivery alternatives that allow smokers to quit tobacco altogether, or switch completely to a much less harmful product.

Product appeal, including flavoring, is likely to encourage smokers to try to use e-cigarettes to quit or switch completely. But, because flavors also appeal to youth, manufacturers should be prohibited from marketing flavored e-cigarettes unless they can show that the product helps adults switch and it is not attracting significant youth uptake (as verified by careful postmarket surveillance). Truth Initiative supports strong regulations to keep all tobacco products, including e-cigarettes, away from youth.

Health Effects

Using e-cigarettes is substantially less harmful than inhaling smoke from combustible tobacco, such as cigarettes and cigars. Much remains unknown, however, and it is critical to continue to monitor the potential health effects, addictiveness and toxicity of e-cigarettes.

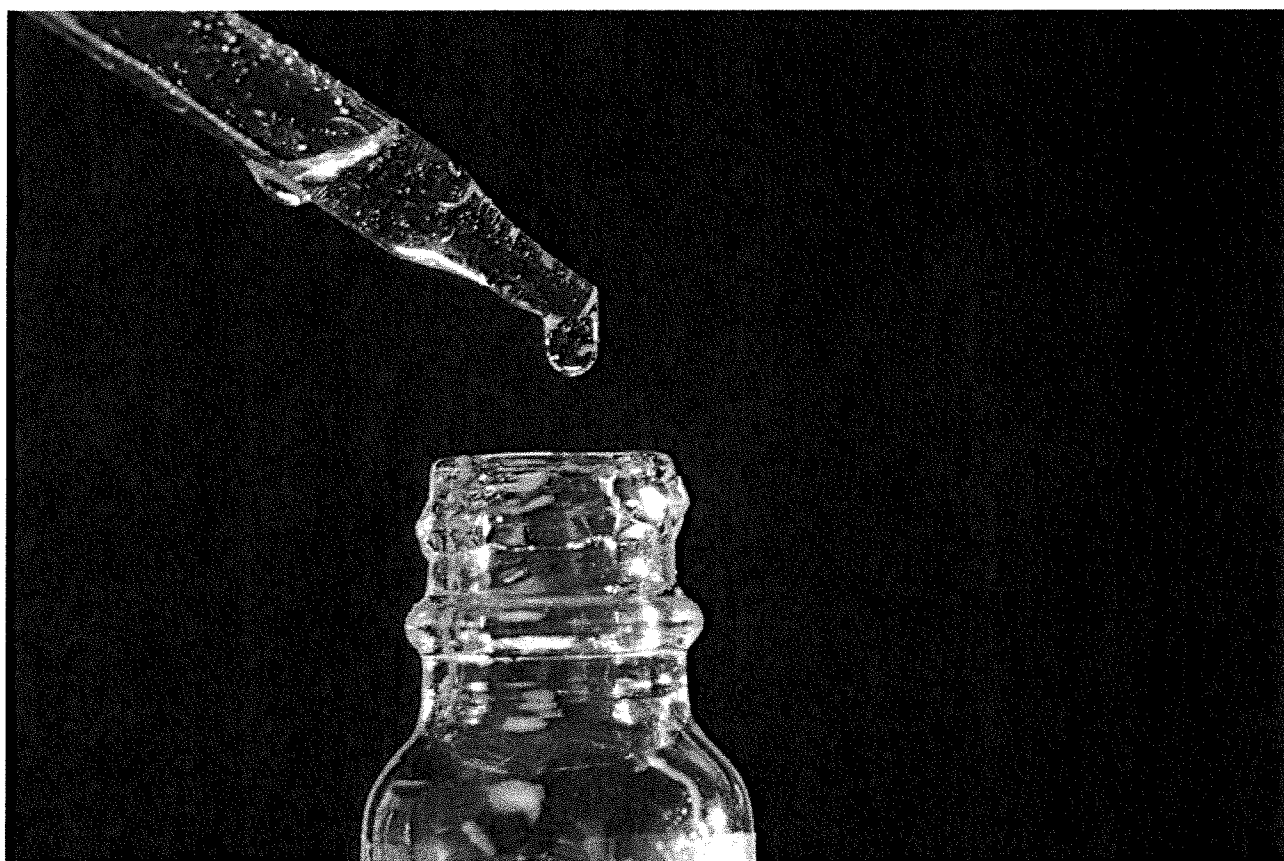
ADDICTION AND BRAIN DEVELOPMENT

Nicotine is an addictive substance, but its level of addictiveness can vary substantially depending on its mode of delivery. Nicotine delivered by tobacco combustion is the most addictive form. The rise in the popularity of e-cigarettes that can deliver levels of nicotine similar to combustible cigarettes is causing concern about the potential risk for addiction.

- Exposure to nicotine among youth is particularly dangerous since it has been shown to have an effect on key brain receptors, making young people more susceptible to nicotine addiction.
- There is some evidence that the effect of nicotine on developing brains may result in nicotine addiction and greater vulnerability to addiction to other drugs as well.

PREGNANCY

- Because many e-cigarettes contain nicotine, which can alter nerve cell functioning in developing organisms, especially during fetal development, they should not be used by youth or pregnant women.
- Pregnant women who use nicotine are at a greater risk of stillbirth and preterm delivery.



CHEMICALS

While e-cigarettes contain far fewer toxins than combustible cigarettes, they are not free of toxins and still deliver harmful chemicals.

- At least 60 chemical compounds have been found in e-liquids, and more are present in the aerosol produced by e-cigarettes.

- Researchers have identified several substances which are either harmful or potentially harmful to e-cigarette users, including delivery solvents and propylene glycol, which can cause dry mouth and upper respiratory infections.

E-cigarette flavors — even those approved for ingestion — have not been studied for toxicity if inhaled over long periods of time. Many e-cigarette flavorings contain chemicals that are known to be respiratory irritants, and research has found that some flavors are potentially more toxic than others. For example, researchers found that exposure to increased cinnamon flavoring caused significant cell death, compared with other flavors. Additionally, mixing multiple flavors can be more toxic to cells than exposure to just one flavor at a time. The repercussions of long-term exposure to the chemicals found in e-liquids and produced by e-cigarettes are not yet known, since products have not been on the market long enough to conclusively study their effects.

EXPOSURE TO E-LIQUID

- Accidental exposure to or ingestion of e-liquids can be very dangerous and, in the case of accidental swallowing or injection, even fatal.

EXPLOSIONS

- Defective, poorly manufactured and improperly modified e-cigarettes have been known to explode and cause injury. The rate of explosions is unknown, but both hospitals and burn centers have reported injuries from e-cigarettes.

SECONDHAND AEROSOL EXPOSURE

- Exposure to aerosol from e-cigarettes may expose nonusers to nicotine, but research indicates that secondhand aerosol results in substantially lower exposure to toxicants and carcinogens than secondhand cigarette smoke. However, exposure among vulnerable populations, including pregnant women and children, could still be dangerous.

Industry Marketing and Youth Targeting

The introduction of e-cigarettes has allowed companies to advertise through traditional outlets that have been heavily regulated to reduce combustible cigarette marketing to children. For example, e-cigarette advertising has appeared on TV and the radio, despite the ban on cigarette advertising on both outlets since Congress passed the Public Health Cigarette Smoking Act in 1970. The FDA banned flavors, except menthol, in combustible cigarettes in 2009 to curb youth appeal, whereas e-cigarettes capitalize on offering many kid-friendly flavors, such as cotton candy and gummi bear.

MARKETING TACTICS

- Recent reports have found that e-cigarette companies are using scholarship offers as a way to recruit youth users.
- Individuals aware of e-cigarettes report that the most common ways to hear about e-cigarettes are through in-person communications, by seeing them for sale and by seeing them in online and TV ads, in which some celebrities have endorsed the products.
- E-cigarettes are promoted heavily online⁴³ through e-cigarette company-sponsored advertisements, and on YouTube and Twitter.
- More recently, mobile ads have become a popular place to advertise e-cigarettes. Mobile ads, or paid advertisements on smartphone applications and websites optimized for mobile, have the potential to reach millions of young people.
- Some e-liquids have been marketed to look like common food items, many of which appeal to kids. Examples include marketing e-liquids as “Thin Mints,” like the Girl Scout’s cookie, and “Tootsie Roll.” Those e-liquids were removed, or at least renamed, after the companies owning those copyrights took action to protect their intellectual property. Other food and candy flavors remain on the market. In May 2018, the FDA and the Federal Trade Commission took joint action against several e-liquid companies that marketed their products to look

like candy or other kid-friendly food items, such as Reddi-wip, Nilla Wafers and Warheads candy.



The retail environment for e-cigarettes

E-cigarettes are sold in conventional tobacco retail outlets, such as convenience stores, gas stations, pharmacies and tobacco shops. They are also sold at nontraditional outlets, such as online retailers and vape shops.

- It is difficult to monitor and analyze the market due to differences in how e-cigarette sales are tracked. Common sales-tracking and retail measurement companies, like Nielsen, do not examine vape shop data, which constitute a large portion of the market.
- Because nontraditional sources are not tracked by scanner data or other tracking, it is difficult to know how much of the market they represent. However, analysts have made some estimates. One paper noted that in 2014, traditional tobacco outlets accounted for less than one-third of the \$2.5 billion e-cigarette market. According to one recent estimate, the breakdown of retail channels for the 2018 e-cigarette market is:
 - Vape shops: 36.4 percent
 - Convenience stores, food, drug and mass retail channels: 31.8 percent
 - Online and other retail channels: 31.8 percent
- Recently, the FDA reprimanded eBay for allowing JUUL and other tobacco products on the site in apparent violation of company policy. As a result, eBay removed listings, and took voluntary steps to prevent future sales, according to the FDA. However, recent reviews of eBay found not only JUUL devices for sale, but also accessories for JUUL, such as chargers and “skins” that wrap around JUULs to personalize them.

YOUTH EXPOSURE TO ADVERTISING

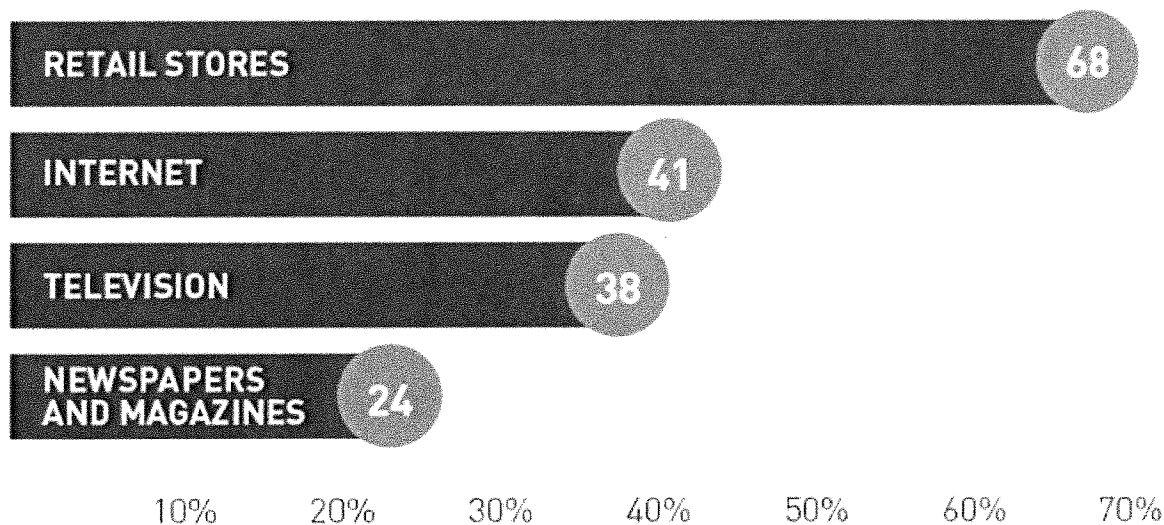
Youth and young adults are widely exposed to e-cigarette marketing and have high awareness of e-cigarettes.

- By 2016, nearly 4 out of 5 middle and high school students, or more than 20 million youth, saw at least one e-cigarette advertisement.
- Young people are most likely to see ads at retail stores (68 percent), followed by the internet (41 percent), television (38 percent) and newspapers and

magazines (24 percent). Between 2014 and 2016, exposure to retail e-cigarette advertising among young people jumped nearly 20 percent.

- One study found that, among adolescents who had never used e-cigarettes, those who were exposed to four e-cigarette television ads reported a greater intention to use e-cigarettes in the future, compared with those who did not view the e-cigarette ads. Additionally, current cigarette smoking was highly associated with likelihood of future e-cigarette use.
- A randomized controlled trial among young adults showed that brief exposure to four e-cigarette print ads increased curiosity about e-cigarettes, and ad exposure was associated with subsequent trial of e-cigarettes in a small proportion of the young adults who had never used an e-cigarette or cigarette.
- Mobile device ownership is most prevalent among young people, and research has shown that mobile ads may attempt to capitalize on young audiences by highlighting the product as “cool” or “high tech,” and by featuring flavors.

Where young people are most likely to see e-cigarette ads



SOCIAL MEDIA

Emerging e-cigarette products make frequent appearances on social media. As these products gain users and popularity, their likelihood of appearing on newsfeeds and timelines may be increasing.

- Among adults in 2013, 8.6 percent had seen or heard content related to e-cigarettes on Facebook and 3.8 percent on YouTube. These numbers were higher for current users of e-cigarettes.
- Those who were looking to share information with their peers about e-cigarettes were most likely to use word of mouth (53.9 percent) and Facebook (33.2 percent). Nearly half (48.5 percent) of adult e-cigarette users sharing information related to these devices used Facebook to do so.
- In 2013, researchers analyzed e-cigarette content on YouTube and found that there were nearly 30,000 videos posted to the site related to e-cigarettes. These videos came from 10,000 unique accounts and had more than 100 million views.

Potential Public Health Impact

There are varying estimates of the potential public health impact of e-cigarettes.

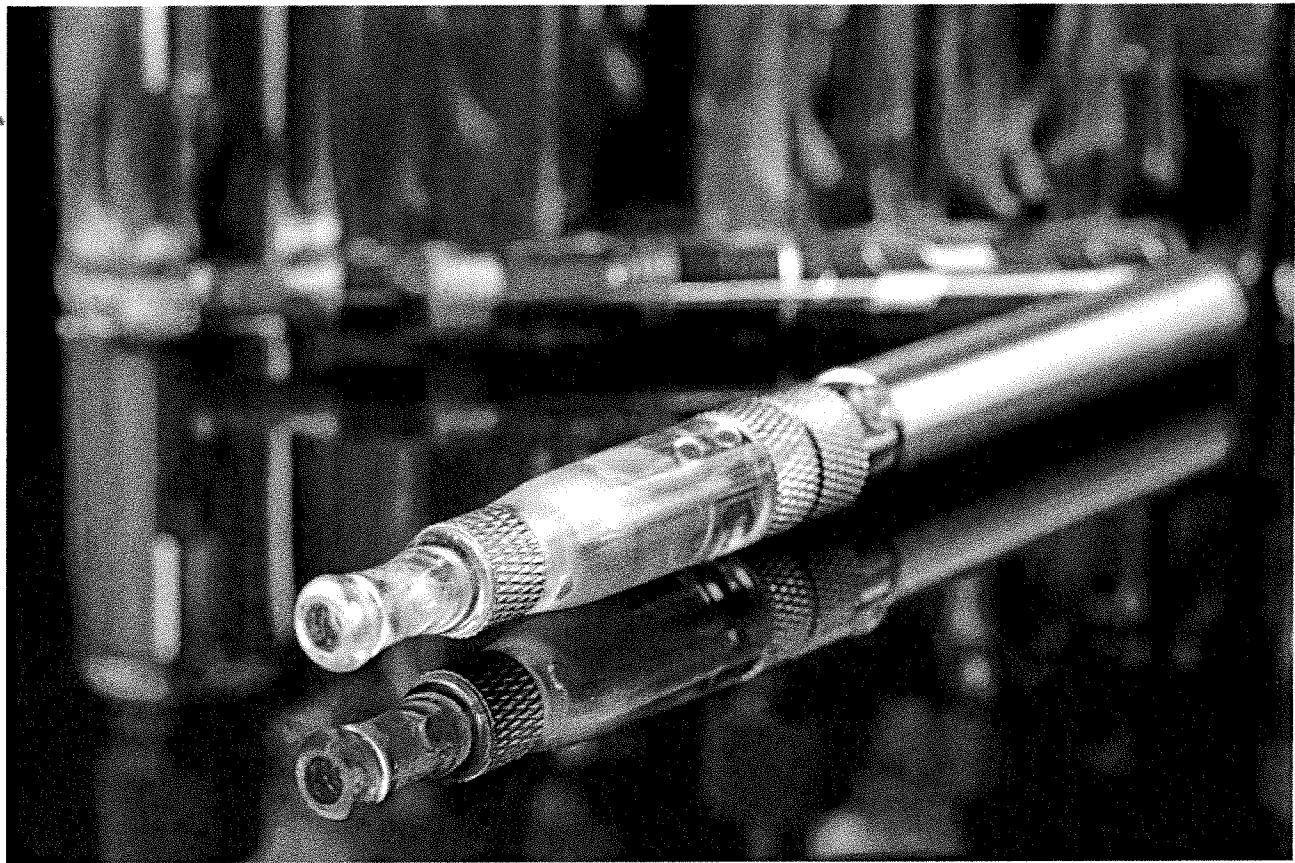
The recent review of the health impact of e-cigarettes from the 2018 NASEM report is instructive. It found that, if three conditions are assumed about e-cigarettes — that they are 90 percent less harmful than cigarettes, that they increase cigarette quitting rates by 15 percent and that they result in no increase in cigarette initiation by youth — they would contribute to a 1.5 percent decrease in expected smoking-related deaths in 50 years. If the assumptions are changed to show only a 5 percent increase in quitting and a 10 percent increase in initiation, the result is a 0.2 percent decrease. In contrast, the first 50 years of traditional tobacco control measures in the U.S. after the 1964 surgeon general's report on smoking resulted in a more than 35 percent decrease in expected deaths due to tobacco.

While e-cigarettes may have a role to play in curbing the tobacco epidemic, potential positive effects will be limited if they are not considered as part of comprehensive product regulation, like reducing nicotine to non-addictive levels in the most dangerous products, such as cigarettes, and eliminating flavors and marketing practices that attract youth. Continuous and rigorous implementation of traditional tobacco control measures, such as taxation, clean indoor air policies and public education, is also essential. Additionally, an overarching nicotine regulatory policy is needed to help improve quitting drugs and to ensure that the FDA reviews tobacco products, including e-cigarettes, so that consumers better understand what can help them quit or completely switch from combustible cigarettes.

Policy Environment

FDA REGULATION

In May 2016, the FDA finalized its “deeming” regulation, asserting the agency’s authority to regulate e-cigarettes and any product meeting the definition of “tobacco product” under the Family Smoking Prevention and Tobacco Control Act.



The FDA can now establish product standards and regulate the manufacturing, importing, packaging, labeling, advertising, promotion, sale and distribution of e-cigarettes, including components and parts of e-cigarettes.

The deeming regulation includes requirements for premarket review of e-cigarettes as new tobacco products. In order to receive marketing approval for a new product, a manufacturer would need to demonstrate that the marketing of the new product would be “appropriate for the protection of the public health,” taking into account both the likelihood of new tobacco product initiation and the increased or decreased likelihood that existing users of current tobacco products would stop using such products.⁵⁵ In July 2017, the FDA announced that it would extend the timeline to submit tobacco product review applications to market newly-regulated noncombustible products, including e-cigarettes, to Aug. 8, 2022. This means that more than 13 years will have passed from the passage of the Tobacco Control Act to the full regulation of e-cigarettes. Said another way, an entire generation of young people will have

passed through their teen years during this time frame. This is noteworthy given that 90 percent of all tobacco users start using tobacco before age 19.

MODIFIED RISK TOBACCO PRODUCTS

- Under FDA rules, before an e-cigarette manufacturer can market a product as having lower risk of exposure to toxins or lower risk of adverse health effects, it must submit the proposed marketing to the FDA for approval to assess veracity of the claim and whether the marketing of the product would benefit the health of individuals and the population as a whole, considering factors such as new initiation of tobacco use or suppression of quitting of more harmful products like cigarettes. To date, no e-cigarette manufacturer has requested such permission from the FDA.

CLEAN INDOOR AIR POLICIES

- There are no federal policies restricting indoor use of e-cigarettes other than policies in individual federal buildings or properties.
- Thirteen states and 752 municipalities have expanded their smoke-free air laws to also prohibit e-cigarette use in places where cigarette smoking is prohibited. However, there are no clean air restrictions covering e-cigarettes in the majority of the U.S.



FLAVORS

- There are currently no federal restrictions on flavored e-cigarettes.
- In March 2018, the FDA issued an advance notice of proposed rulemaking to request public comment to better understand the role that flavors in tobacco products play in attracting youth, as well as the role they may play in helping some smokers switch to potentially less harmful forms of nicotine delivery. However, this request for comment is not a guarantee of agency action and no date has been set for action by the FDA on this issue.
- More than 100 localities have prohibited the sale of flavored tobacco products, including flavored e-cigarettes. These include San Francisco, Berkeley, Contra Costa County, El Cerrito, Los Gatos, Manhattan Beach, Oakland, Palo Alto, San Leandro, Santa Clara, Sonoma and Yolo County, California; Chicago, Illinois; Boston and 105 other municipalities in Massachusetts; Duluth, Minneapolis, Robbinsdale, Shoreview, St. Louis Park and St. Paul, Minnesota; and Barrington, Central Falls, Johnston, Middletown and Providence, Rhode Island.

However, a large majority of the U.S. population is not covered by such restrictions.

MARKETING

- There are few federal restrictions on the marketing of e-cigarettes, and unlike traditional cigarettes, e-cigarettes can be advertised on television and radio.
- Marketing materials for e-cigarettes cannot make claims that the product exposes users to fewer toxins or reduces harm unless the FDA grants an order allowing such claims.
- E-cigarette products with misleading labeling or advertising can be considered misbranded under the Tobacco Control Act. This includes e-cigarette marketing that imitates food or beverages.
- States have the ability to regulate the time, place and manner of tobacco marketing, including e-cigarettes. For example, California and Delaware prohibit websites and online and mobile applications directed at minors from marketing or advertising e-cigarettes. California also prohibits ads for tobacco products, including e-cigarettes, on any outdoor billboard located within 1,000 feet of a school or public playground.

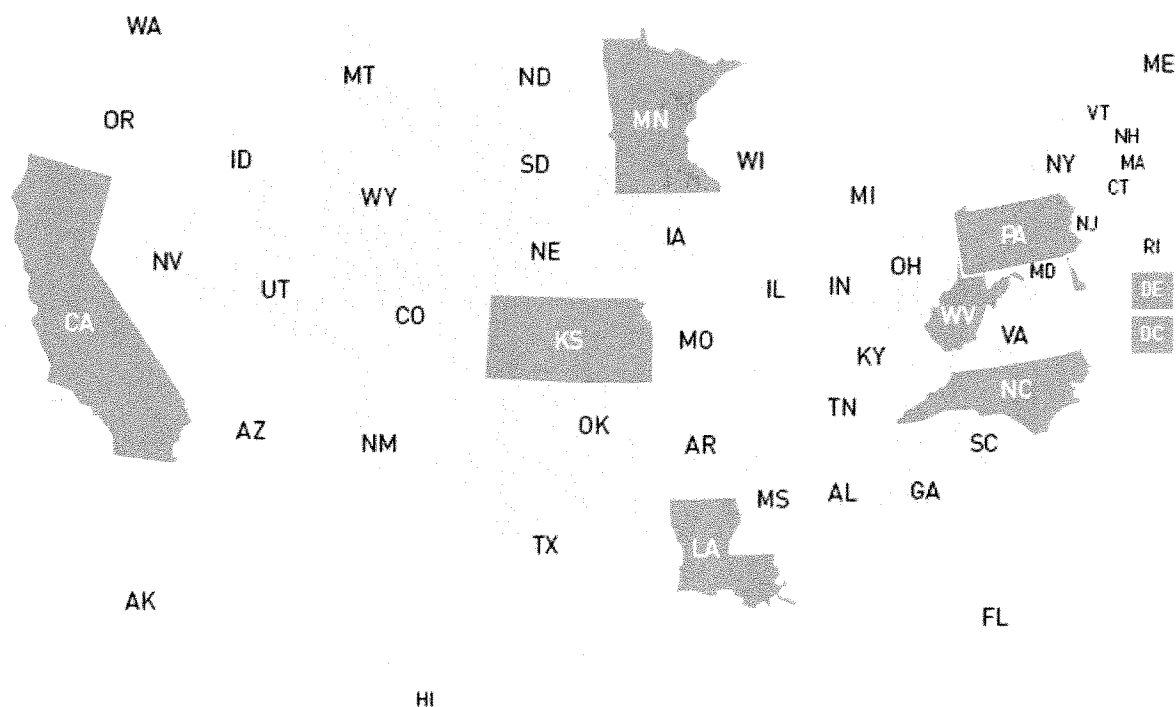
PRODUCT PACKAGING

- The FDA deeming regulation, effective Aug. 10, 2018, established a nicotine warning label that must appear on all tobacco products, including e-cigarettes: "WARNING: This product contains nicotine. Nicotine is an addictive chemical." The warning label must comprise 30 percent of the two principal display panels and be in a large, legible font.
- The Child Nicotine Poisoning Prevention Act of 2015 requires the Consumer Safety Product Commission to establish requirements for child-resistant packaging for e-cigarettes and e-liquids. The law, passed before the deeming regulation gave the FDA authority over e-cigarettes, maintains the agency's ability to regulate such packaging. The FDA has indicated that it will also issue regulations requiring child-resistant packaging for e-cigarettes and e-liquids, but has not yet done so.

TAXATION

- There is no federal excise tax on e-cigarettes.
- States have the authority to tax e-cigarettes. Eight states and Washington, D.C., have imposed a tax on e-cigarettes.

Eight states and Washington, D.C., have imposed a tax on e-cigarettes.



YOUTH ACCESS AND MINIMUM AGE OF SALE

- The FDA deeming regulation established a federal minimum age of 18 for the sale of all tobacco products, including e-cigarettes. Retailers must check photo IDs of everyone under age 27 who attempts to purchase tobacco products, including e-cigarettes.
- Vending machine sales of e-cigarettes are prohibited, except in facilities where only those over age 18 are allowed.

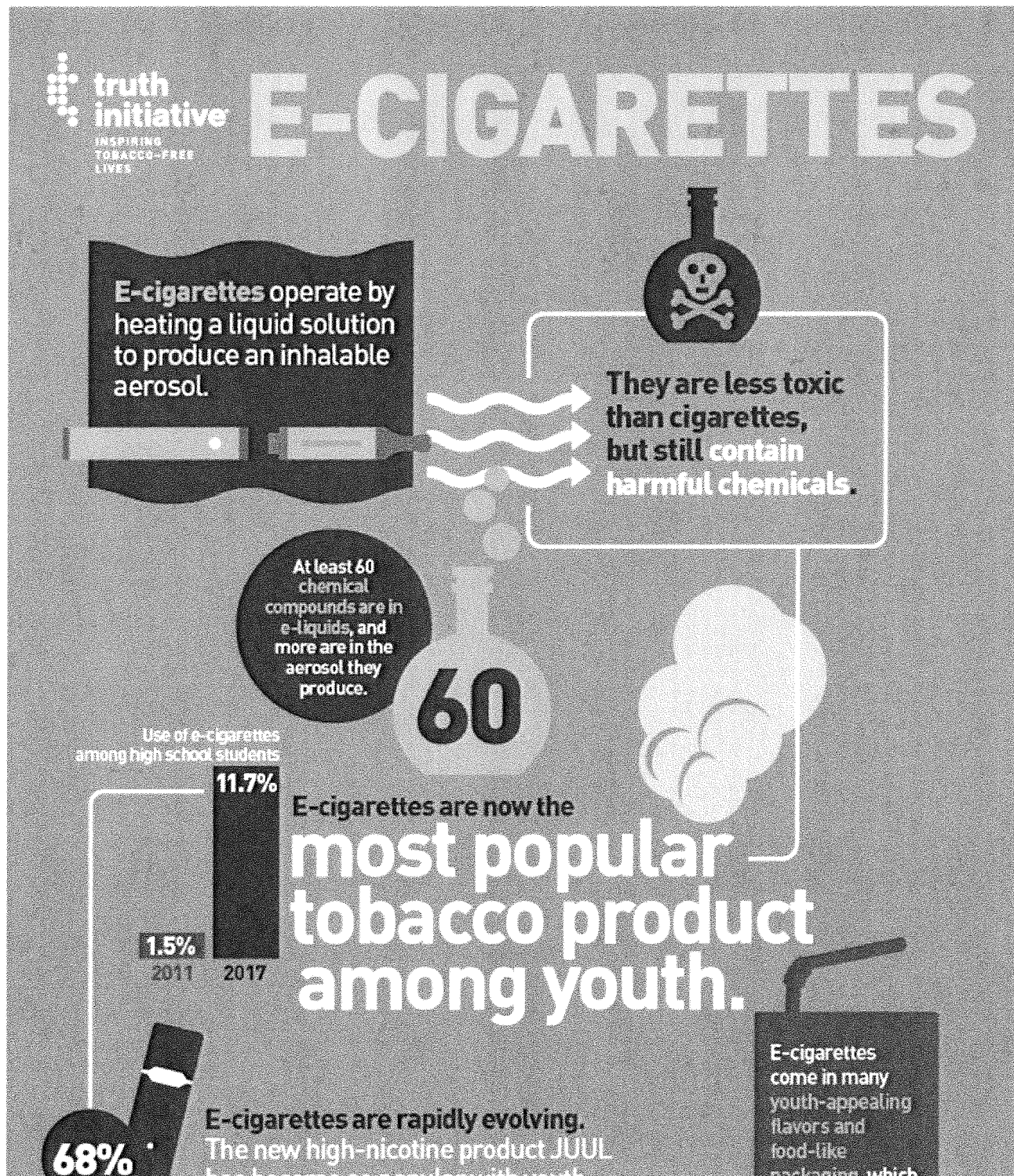
- Free samples of e-cigarettes and their components are prohibited, as of Aug. 8, 2016.⁵⁵
- The Tobacco Control Act required the FDA to issue regulations to establish age verification requirements for the internet and other non-face-to-face purchases of any tobacco products. However, the FDA has yet to implement this set of regulations.
 - A 2014 study of internet tobacco vendors selling e-cigarettes found that 52.3 percent of them had an age warning on the homepage of their website. However, 51.9 percent exclusively used age-verification methods that could not effectively verify the age of a consumer. Additionally, 11.3 percent made no attempts to verify age at all.
- The Tobacco Control Act prohibits the FDA from further raising the federal minimum legal age of sale. However, states and some localities have the ability to establish a higher age of sale for tobacco products beyond the federal requirement. Five states (California, Hawaii, Maine, New Jersey and Oregon) and at least 290 localities have established a minimum age of 21 for the sale of tobacco products.

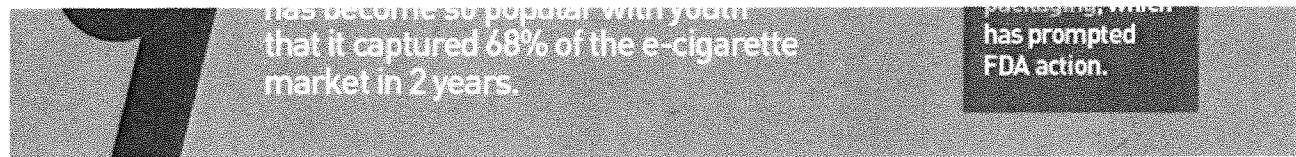
INTERNATIONAL POLICIES

International regulation of e-cigarettes varies widely, and due to the relatively recent introduction of the product category, is rapidly changing.

- A 2016 study found that, of 90 countries surveyed, 25 banned e-cigarettes completely and 17 required premarket authorization before an e-cigarette could be sold. Thirty-five countries that allowed e-cigarettes to be sold prohibited them from being advertised.
- The European Union has enacted standards for e-cigarettes, including restricting the strength of nicotine fluids (2 percent maximum), limiting tank size on vaping devices (2 mL maximum), requiring child-resistant packaging and prohibiting cross-border advertising of e-cigarettes. Some member states have further restrictions on the age of sale and taxes.
- The landscape of international e-cigarette regulation is quickly developing. The Institute for Global Tobacco Control at the Johns Hopkins Bloomberg School of Public Health keeps a database of international e-cigarette laws. Notably, the

United Kingdom has been most active in promoting e-cigarettes as a reduced harm alternative to cigarettes. Public Health England has encouraged the National Health Service to make e-cigarettes available to smokers looking to quit or switch. The U.K. allows for the licensing of e-cigarettes as medicinal quitting aids, but no manufacturer has yet taken this route to product approval.





TAGS: e-cigarettes, the truth about

TOPIC

Emerging Tobacco Products

SUBTOPICS

E-cigarettes / Vaping, Flavors, IQOS, JUUL

RELATED MATERIALS

Action needed on e-cigarettes

What is JUUL?

Mike Strong

From: Mark You nan <myounan111@yahoo.com>
Sent: Friday, February 14, 2020 11:48 AM
To: Mike Strong
Subject: [EXT] Re: Tobacco Regulations Update

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Good Morning,

<https://youtu.be/o8GdgiG-pkw>

Sent from my iPhone

On Feb 10, 2020, at 1:21 PM, mark younan <myounan111@yahoo.com> wrote:

FDA looking to move smokers toward e-cigarettes



FDA looking to move smokers toward e-cigarettes

The U.S. Food and Drug Administration aims to reduce nicotine levels in cigarettes while exploring measures to...

Best Regards,
Maher G. Younan

On Monday, February 10, 2020, 12:07:44 PM PST, Mike Strong <mstrong@escondido.org> wrote:

All blind copied,

Thanks again for participating in the previous outreach related to the tobacco control discussions in December 2019.

As a follow-up to those conversations, City staff is preparing a draft ordinance. Please save the date for March 4, 2020 for a tentative public hearing to consider staff's recommendation on how to additionally regulate tobacco sales, possession, and use.

If you want to submit any written comments, please feel free to do so. Everything that has been received to date will be provided to the City Council as an attachment to the staff report.

<image001.jpg> Mike Strong

Assistant Planning Director

Community Development Department | City of
Escondido

Direct: 760-839-4556

www.escondido.org

<image001.jpg>

Mike Strong

From: Tara Monzet <tmonzet@euhsd.org>
Sent: Tuesday, February 04, 2020 2:22 PM
To: Mike Strong
Subject: Re: [EXT] Drug Free Escondido

Hi Mike,

Absolutely I seen an increase, especially with vaping. So far this school year we have had 119 students caught in possession of drug or alcohol 104 of those cases were THC vaping cartridges. We also had 24 students caught for first time nicotine vaping products which does not include second or third offenders, Unfortunately I do not have that data.

2016-17 school year
100 students caught in possession or under the influence

2017-2018 school year
165 students caught in possession or under the influence

2018-2019 School year
185 students caught in possession or under the influence

Hope this helps

Tara Anderson Monzet, M.A.
Counselor- PAD
Prevention and Diversion Program
760-291-3292

"When educating the minds of our youth, we must not forget to educate their hearts" ~ Dalai Lama

Monday - VHS
Tuesday - DSC/DLA
Wednesday- SPHS
Thursday - EHS
Friday- OGHS

From: Mike Strong <mstrong@escondido.org>
Sent: Tuesday, February 4, 2020 1:29 PM
To: Tara Monzet <tmonzet@euhsd.org>
Subject: Re: [EXT] Drug Free Escondido

CAUTION: This email originated from outside of EUHSD. Do not respond, click links or open attachments unless you recognize the sender's email address and know that the content is safe.

Hi Tara,

I need evidence to show that there is compelling interest for the city to enact new laws. Usually fact or presumptions based on fact male policy and ordinance language easy to defend.

Have you seen an increase in youth rates, etc?

Mike

Sent from my iPhone

On Feb 4, 2020, at 12:33 PM, Tara Monzet <tmonzet@euhsd.org> wrote:

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Hello Mike,

I received your contact from my director Richard Watkins. He said you were looking for some data regarding Nicotine/vaping in the community. I am not sure how I can help but please let me know if there is any thing specific you are looking for and I will see if I can be of assistance.

Sincerely,

Tara

Tara Anderson Monzet, M.A.

Counselor- PAD

Prevention and Diversion Program

760-291-3292

"When educating the minds of our youth, we must not forget to educate their hearts" ~ Dalai Lama

Monday - VHS

Tuesday - DSC/DLA

Wednesday- SPHS

Thursday - EHS

Friday- OGHS

Mike Strong

From: Amy S <cloud9ecig@gmail.com>
Sent: Tuesday, January 21, 2020 1:16 PM
To: Mike Strong
Subject: [EXT]
Attachments: Truth_About_Vaping_Episode_1_Why_They_Hate_Us.msatext.docx;
Truth_About_Vaping_Episode_2_The_Nicotine_Misconceptionmsatext.docx; Truth About Vaping Episode 3text.docx; MSA-Overview-2019.pdf

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Good afternoon Mike, it's Amy and Mike here from Cloud 9 e-cig. I'm sure you have heard the latest news from CDC removing their recommendation to stop vaping off their website!! They are starting to realize that it has nothing to do with vaping but with THC carts. I have so much information I want to share with you but I don't want to send you a 100 pages to read either. I put some short videos into text explaining what we think about the attack on e-cigs, why it's happening (the big picture so to speak). I also sent the MSA agreement overview. The state is spending millions of dollars to give e-cigs bad publicity because we are taking away from big tobacco sales. This money from the MSA agreement funds all the tobacco prevention programs, heart and lung association and many more. It's a catch 22. They only exist because of big tobacco, are funded by big tobacco to fight the death and destruction caused by big tobacco. Banning e-cigs or flavored e-juice is no different than legalizing heroin then banning re-habs! I asked VCC if the city had the power to get rid of cigarettes and they said yes. So, what are we doing at these meetings, why all the attention on where not to smoke? They have the power to get rid of the problem but that's their bread and butter so they would rather get rid of the solution (US). Doesn't make any sense. I want to say it again, they (big tobacco and their profiteers) are the problem, we are the solution here. If our city is allowing cigarettes to be sold, the people of our communities need us. If they go, we will gladly go as well. If they really were concerned about cigarettes and the public's health they would just ban cigarettes but they can't because they would have to find another job, something else to do. These types of tobacco prevention programs are unsuccessful. The heart and lung association should be fighting to ban cigarettes but they just keep trying to find more treatment for cigarette related illnesses and diseases and so the merry go round continues. Money, money, money. It's all about the money and who we are willing to sacrifice for it. Makes me sad to learn how this all really works. How the government works. Thank you for taking the time to read the information, we appreciate it. Hopefully you will consider this information and our perspective and our 40k+ customers perspective in this whole situation.

--
Thank You,
Amy & Mike

Cloud 9 E-Cig
200 East Grand Ave.
Escondido, Ca 92025
760-480-VAPE

Most of you have probably seen or heard stories in the news about people getting sick or even dying from vaping this past summer. You may have seen state governors and even the president saying they want to ban flavored e-cigarettes. You might live in a state where vaping has been banned. You might even think it should be banned. Regardless of what you've heard. There are a lot of things you may not know. Every single state in the United States makes money when people smoke cigarettes. This happens through a combination of tobacco taxes and payments each state gets from big tobacco companies under an agreement called the MSA or Master Settlement Agreement. In 1998, the largest tobacco companies were sued by state attorneys general across this country because cigarettes were and still are killing their residents. In order to settle most of these lawsuits all at once, the tobacco companies agreed to, among other things, pay the states a percentage of their profits every year forever to compensate for the early death and disease that cigarettes cause. This means that the more money the tobacco companies make, the more money the states get. This money was intended to be used for anti-smoking campaigns and prevention programs, but it isn't. California, for example, spent just

9 percent of their 2019 money on tobacco prevention programs. States spend the majority of this money on things like shipping docks, golf courses, jails and even tobacco farmers. None of which reduce smoking deaths. Some of the states decided they didn't want to wait for the yearly payments from the tobacco companies. So, they sold bonds to Wall Street in order to get their money upfront, like a payday loan. But this plan is backfiring for many of them. Some states borrowed too much and deferred interest payments to the point where the MSA money they mortgaged won't cover what they now owe. Declining cigarette sales are compounding the problem even for the states that didn't over borrow. Since 1998 cigarette sales have declined by almost 50 percent; an unprecedented drop. As a result, states that sold bonds aren't getting the amount of MSA money they planned for and they risk defaulting. States that got caught up in this include California, Michigan, New Jersey, New York, Ohio, Iowa, Alaska, Rhode Island and West Virginia. Accordingly, smoking rates in the United States are the lowest they have ever been among adults and youth according to the results from the 2018 National Survey on Drug Use and Health. This report notes that cigarette

use generally declined between 2002 and 2018 across all age groups. Some of this decline may reflect the use of electronic vaporizing devices. The declines accelerate dramatically around the time that electronic cigarettes entered the market. Similar trends are reflected in other surveys. Since 2014, financial analysts have been saying that e-cigarettes pose a rising but underappreciated risk to tobacco cigarette sales and the tobacco bonds tied to the MSA payments. If electronic cigarettes are contributing to more people quitting smoking, thereby causing states to lose money and potentially default on tobacco bonds, that would make state and federal legislators easy targets to be convinced that vaping should be banned. Enter the public health advocacy groups who are whispering in their ears. Household names like the Campaign for Tobacco Free Kids, Truth Initiative, American Cancer Society, American Lung Association and others are viewed as trustworthy promoters of evidence-based policy. But they rely on funding from the government, private foundations, tobacco taxes, and the MSA. These health advocacy groups appear to be at the center of a complicated web of money and influence. These groups, often referred to as tobacco control groups, require

funding to survive, like all nonprofits, but the key difference with tobacco control groups is they want to appear as unbiased health authorities with only the public's health being their primary concern. In order to maintain that image, they are somewhat limited in what funding they can accept. So many of them wind up relying heavily on government funding. In order to secure that funding, they have to make themselves an invaluable asset to the government, and they do that by lobbying on behalf of the government, something the government itself cannot legally do. The government ends up endorsing and funding these tobacco control groups and in turn they work together to legally execute their shared political agendas. On the Campaign for Tobacco Free Kids Web site, it reads: The Campaign for Tobacco Free Kids works to ensure that the CDC's lifesaving tobacco control programs are fully funded by Congress. This symbiosis occurs both at the federal level with organizations like the Centers for Disease Control as well as the state and local level. This is why you often see these groups at legislative hearings testifying in support of increased regulation, taxes and bans on smoking and vaping. Two of the most vocal groups against vaping are the Campaign for Tobacco

Free Kids and the Truth Initiative. The president of Tobacco Free Kids, Matt Myers, was instrumental in negotiating the MSA, which gave the states billions of dollars in additional funding. The Truth initiative was created with MSA funds and is seemingly beholden to Myers and follows his lead on strategy and messaging. Consider that for a minute. The guy who negotiated the MSA came out of it with an additional squeaky-clean nonprofit that would support his own agenda; an agenda that centers around making sure the MSA money is spent on organizations like his. Tobacco Free Kids states does not accept government funding. However, the nonprofit was created by and runs on grants from a private foundation called the Robert Wood Johnson Foundation. This foundation is run by individuals from the CDC and FDA; works closely with and funds projects for the CDC Foundation as well as the Department of Health and Human Services. So, while it's technically true that Tobacco Free Kids does not accept government funding, the source of their funding is very cozy with the government. The Robert Wood Johnson Foundation also supplies funding to the American Cancer Society and American Heart Association, who also fund tobacco free kids, as well as the American Lung Association. These

organizations team up together on projects that have included pressuring and suing the FDA for delaying e-cigarettes, regulatory deadlines and vilifying the vaping industry publicly. The weight of all of them together is often too persuasive for media outlets and legislators to bother questioning. Now that we understand the ties that bind all these organizations together, let's examine their reasons for trying to unravel the vaping industry. Tobacco control groups promote prevention through abstinence only education. But since quit or die isn't a very catchy or compassionate sounding message. These groups rely on other arguments. Instead, dangers to children and unknown long-term health effects are historically the most common arguments. I'll need entirely separate videos to address those. However, their most recent tactic has been conflating lung injuries and deaths linked to black market cannabis products with commercially available nicotine vaping products resulting in panic and irrational statewide bans on all vapor products. There is a genuine concern, even at the FDA, that such sudden removal of vapor products from the market will result in many vapors going back to smoking. Why would health groups want people to smoke again while the

purported goal of these tobacco control groups is to eliminate smoking? They've also made that task impossible by deliberately orchestrating and persuading state governments to rely on tobacco money as a source of state revenue. The simple truth is that if smoking were eradicated, tobacco control groups would be out of a job. It's in their best interest to combat smoking, but not too well enough to show that they're worthy of money, but not enough to become obsolete. And if smoking rates start dipping dangerously low and money starts drying up. What better way to ramp up support than to identify another target that poses an epidemic to children like vaping? All the better if that new target might also be the cause of declining smoking rates because politicians are acutely aware of the revenue, they're losing from declining cigarette sales. They're more likely to trust tobacco control groups at their word and enact bans and restrictions on vapor products. Legislators seem to incorrectly believe that people who smoke already have enough cessation options and they should be able to quit if they just try hard enough. Countries like England who take an approach centered around empathy and harm reduction choose a different path promoting and

encouraging their citizens to use favorite products. In the US, powerful people believe that people who smoke, who don't quit are doomed to die and it's OK for the government to make money off them before they go. After all, it was their choice, right?

Truth About Vaping - Episode 1 Why They Hate Us.mp3

[00:00:06] Most of you have probably seen or heard about the stillblowingsmoke.org campaign that's been launched in California, and you may be asking yourself why is the California Department of Public Health so against vaping when year after year more smokers are turning to Electronic Cigarettes as a less harmful alternative to tobacco cigarettes? Isn't their number one priority preserving public health? Isn't that their job?

[00:00:27] Problem number one. The more money big tobacco makes, the more money California gets. In 1998, a deal was struck between the biggest big tobacco companies and 46 U.S. states called the Master Settlement Agreement, or MSA. This agreement said that these big tobacco companies would make yearly payments to the states in exchange for the states dropping lawsuits against them regarding smoking related deaths and expenses.

[00:00:51] The amount of money Big Tobacco pays the states each year is directly dependent on how much they sell.

[00:00:57] Problem number two. The states spent that money before they got it. Most of the states wanted all that money upfront instead of waiting for

payments from big tobacco each year. So, they sold bonds to Wall Street based on the amount they calculated.

[00:01:11] Big Tobacco would be paying them. But then something started happening. Americans started smoking less since 2000. On average, tobacco cigarette sales have dropped three-point four percent per year. That sounds amazing, but not for the states like California. Remember those bonds they sold? They were counting on money from big tobacco. And since it's not coming, they can't pay back the bonds they sold and either have to take money from other places or risk defaulting.

[00:01:38] New Jersey, Ohio and Virginia have already announced they have to take money from their reserves due to insufficient funds from the tobacco money. And with the growing popularity of e-cigarettes, the smoking rate is declining even faster. California and New York are being affected the most because they have the highest populations and are owed the most money by big tobacco. Under this agreement in 2013, cigarette shipments saw their biggest decline since 2009, and many financial analysts say the cause of that severe decline is a cigarette. In 2012, Americans bought over 14 billion packs of tobacco cigarettes and two hundred thousand packs of cigarettes. The following year, sales of tobacco cigarettes decreased by 1 billion and sales of e-cigarettes doubled. Wells Fargo estimates tobacco cigarette sales will decline by 68 percent over the next 10 years and cigarette sales will increase

more than 13 times. So naturally, California is panicking the way they see it. E-cigarettes are taking money away from them regardless of the fact that people are getting off tobacco cigarettes. So, it's now California's mission to either a ban e-cigarettes completely and get people back on tobacco cigarettes so the money starts rolling in again or b classify e-cigarettes as a tobacco product so they can tax them like they do tobacco cigarettes higher than normal sales tax and roll them into the MSA agreement.

[00:03:00] So they too have to pay the states.

[00:03:02] One of their key arguments is that if e-cigarettes fall under the MSA and also have to make payments to the states, that money gives these states a powerful tool to stop cigarette makers from targeting youth. No wonder one of still blowing smoke or biggest and most unfounded talking points is that e-cigarettes are marketed to children.

[00:03:20] And never mind that only fourteen-point six percent of the funds the states received from Big Tobacco actually go towards costs associated with smoking or smoking prevention. So, the truth. The state of California needs tobacco sales to stay high. Otherwise, they default on their bonds. E-cigarettes are getting in the way of that.

[00:03:37] It looks like the health of the public isn't the top priority for the Department of Public Health. Their top priority? Their wallet.

Truth About Vaping - Episode 2 The Nicotine Misconception.mp3

[00:00:08] Since the dawn of anti-smoking campaigns, we have been told that nicotine is the ultimate enemy, a chemical as addictive as heroin. This is the basis of many anti vaping campaigns and the reasoning behind classifying electronic cigarettes as a tobacco product. But if nicotine is really so dangerous, why are nicotine replacement therapy is like gums and patches available at virtually every drugstore? Sometimes right next to the candy and magazines with no prescription necessary. Is it possible that everything we think we know about nicotine is a lie? The Harvard School of Public Health conducted a study of 787 smokers who had recently quit and found that over the long term, nicotine patches and gums were no more helpful to smokers than quitting cold turkey. If nicotine is one of the most addictive chemicals on the planet, why couldn't these people quit by simply getting their nicotine from somewhere else? Maybe because nicotine by itself isn't what creates the addiction. Scientists have always looked at nicotine addiction in the context of it being in tobacco cigarettes. The latest research, however, is beginning to show that nicotine by itself may not be very addictive. Two independent studies, one at the University of California, Irvine and one in France. Both discovered that getting animals addicted to nicotine alone is actually quite difficult unless the nicotine is mixed with other chemicals found in cigarettes. The combination of nicotine and other chemicals in tobacco cigarette smoke are likely to be what creates the intense addiction.

[00:01:30] Nicotine alone isn't enough. So, if it's not nicotine, then what is it? We know that cigarette smoke generates over 7000 chemicals, many of which are poisonous and cause cancer. What you may not know is that some of the ingredients also contain e-mail lines, chemicals used in some antidepressants and may eyes in cigarettes because what is oftentimes referred to as the smokers high. An increase in serotonin which causes a rush

of good feelings and helped stabilize your mood very similar to the effect many illegal and addictive drugs have on the brain.

[00:02:01] Now this is when the heroin comparison starts to make sense. So, nicotine may not be very addictive by itself, but it can still kill you. Ryan Highly concentrated nicotine is toxic.

[00:02:11] However, the amount found in store bought liquids is extremely deluded. Most household cleaners contain ingredients that went in their pure form are toxic as well. Additionally, medications approved by the FDA, which are used by millions of people, are also toxic. If taken higher than the prescribed dosage, illiquid and nicotine usage followed the same standards.

[00:02:30] Anti vaping campaigns have often suggested that calls to poison control centers have increased significantly as of late due to nicotine toxic nature. But they failed to tell you how incredibly small those numbers are compared to calls received about normal household items.

[00:02:44] Currently, studies are being conducted on the therapeutic effects of nicotine on neurological diseases like Parkinson's. The early stages of Alzheimer's, ADHD and schizophrenia. And once again flying in the face of everything we thought we knew about nicotine. These researchers have not reported signs of nicotine addiction in their patients. And results appear promising in the early stages. We've heard evidence that nicotine itself may not be overtly addictive.

[00:03:08] And this theory is supported by the evidence that many electronic cigarette users reduce or completely eliminate their nicotine levels over time without the chemicals present and tobacco cigarette smoke. The nicotine addiction created by the cocktail of ingredients in tobacco smoke is less intense and therefore easier to reduce with vaping. Many CIG users were previously unable to quit smoking with nicotine patches or gums, but experienced more success with vaping because it closely mimics the habitual and emotional sensations of smoking. And because it's a faster method of nicotine delivery than gums or patches, a key factor in their success rate, according to researchers, nicotine is the primary ingredient of focus and electronic cigarettes by politicians and anti-vaping campaigns. And their argument is that nicotine is dangerous and therefore must be regulated as a tobacco product. However, we've seen evidence that nicotine alone is likely not the primary cause of tobacco addiction and may actually be able to help treat many neurological diseases. Where then is the basis for putting it in the same category as dangerous and toxic tobacco cigarettes? That's a question you may want to ask your legislators.

Mike Strong

From: jessica todd <jtoddlet@gmail.com>
Sent: Monday, January 20, 2020 9:27 PM
To: Mike Strong
Subject: [EXT] Against the ban of flavored nicotine

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Hello,

My name is Jessica Todd. I smoked cigarettes from the age of 14 to the age of 24. I was introduced to vaping and I was able to quit my 10 year habit of smoking cigarettes. I was introduced to smoking cigarettes by family members and always wanted to smoke from a very young age. I was able to obtain cigarettes illegally through family members. The vape stores that I go to only allow people who are age 21 and up to enter and they do not advertise flavored nicotine outside of the vape store itself. I have been vaping for four years and have not had any negative side effects. With smoking cigarettes I always seemed to have a nagging cough and wheezing when I would breathe. I am against the ban of flavored nicotine because through vaping I have been cigarette free for four years! However, I am against the sale of vaping products in gas stations and advertising on television because I do believe that vaping could influence our youth. Flavored alcohol is advertised everywhere and is more easily accessible to our youth than flavored nicotine products. I believe that alcohol is detrimental to our youths health and believe that if there are bans on flavored nicotine that there should be more regulations on the way flavored alcohol is advertised. Prohibition is not the answer. I believe vaping has helped many people quit the unhealthy habit of smoking cigarettes.

Thank you,
Jessica Todd

Mike Strong

From: Troutman, Parke <Parke.Troutman@sdcounty.ca.gov>
Sent: Thursday, January 23, 2020 8:46 AM
To: Mike Strong
Subject: [EXT] Statewide tobacco flavor bans
Attachments: Flavor Bans_statewide_2020_01_22.docx

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Hello Mike,

I keep meaning to call you regarding tobacco control in Escondido, as well as San Marcos's general plan update. I don't know Escondido's plans, but I wanted to send along the latest list of flavor bans statewide. Imperial Beach had a second reading on theirs last week; the County, its first reading. Chula Vista is working on something for February.

Have a good one – Parke

Parke Troutman, Planning and Policy Development Specialist
Maternal, Child and Family Health Services
County of San Diego Health & Human Services Agency
C: 619-753-2581



Local Flavored Tobacco Policies as of January 22, 2020

1. Alameda
2. Alameda County
3. Albany
4. Alturas
5. Anderson (Does not include any menthol tobacco products)
6. Berkeley
7. Beverly Hills
8. Burbank
9. Burlingame
10. Carson
11. Capitola
12. Cloverdale (does not include any menthol tobacco product)
13. Contra Costa County
14. Corte Madera
15. Culver City
16. Delano
17. El Cerrito (includes all flavored tobacco except menthol cigarettes)
18. Fairfax
19. Fremont
20. Half Moon Bay
21. Hayward (includes all flavored tobacco except menthol cigarettes)
22. Hermosa Beach
23. Imperial Beach
24. Lafayette
25. Laguna Niguel
26. Larkspur
27. Livermore
28. Los Angeles County
29. Los Gatos
30. Manhattan Beach
31. Marin County
32. Menlo Park
33. Mono County (only includes menthol e-cigarettes)
34. Novato (does not include any menthol tobacco product)
35. Oroville
36. Oakland
37. Oxnard
38. Palo Alto
39. Portola Valley
40. Redondo Beach
41. Richmond
42. Sacramento
43. San Anselmo

44. San Carlos
45. San Francisco
46. San Leandro (does not include menthol tobacco products)
47. San Mateo County
48. San Pablo
49. San Rafael
50. Santa Barbara County
51. Santa Clara County
52. Santa Cruz
53. Santa Cruz County
54. Santa Maria
55. Saratoga (Does not include any menthol tobacco products)
56. Sausalito
57. Sonoma (Does not include any menthol tobacco products)
58. South San Francisco
59. Ventura
60. Ventura County
61. Watsonville
62. West Hollywood
63. Windsor (Does not include any menthol tobacco products)
64. Woodland
65. Yolo County

From: johnjrinsandiego@yahoo.com <johnjrinsandiego@yahoo.com>

Sent: Thursday, January 9, 2020 7:53 AM

To: Paul McNamara <pmcnamara@escondido.org>

Subject: [EXT] Concerned about e-cigarettes and nicotine

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Dear Mayor Paul McNamara, I'm concerned about the recent public health outbreak involving vaping. The number of hospitalizations seems to be multiplying. Many patients require respirators to keep them alive. Sadly, some don't make it. It's time we do something in our community to protect our kids.

As you may already know, tobacco companies use flavors and tech-inspired devices to lure kids into vaping. This, coupled with unchecked online purchasing, gets toxic tobacco products past parents and teachers, straight into the hands of kids.

The youth in our area face enough challenges in this time of their development. We should be setting them up for success, not saddling them with addiction, neurotoxins, serious lung damage, and long-term health threats that are still unknown.

They deserve better.

I ask for your leadership in addressing how we can keep our kids safe from an industry determined to do them harm.

Sincerely, John Sherman

January 9, 2020

Mike Strong
Assistant Planning Director
Escondido Community Development Department

Dear Mr. Strong,

My name is Gena Knutson and I am writing in response to the public meeting to discuss tobacco regulations held a month ago. I was unable to attend the meetings but wanted to give my input as a public health professional with many years of experience working on tobacco policy issues in North County. I've been an Escondido resident for the last 20 years and enjoy many of the public spaces as well as dining establishments with outdoor patios.

I am very much in favor of smoke-free places throughout the city. My husband and I usually frequent restaurants with patios that have voluntary smoke-free policies and would love to have all dining patios in Escondido smoke-free. Also, we own a classic car and attend Cruisin' Grand nearly every Friday evening during the months of April thru September. My father-in-law attends with us too and he is elderly with health issues. Many attendees to the event come from Southern California and having these regulations in place protects all those enjoying this incredible event.

Also, reducing youth access to tobacco products is a positive move for the youth of our city. A recent study published in the Journal of American Medical Association found that the increased use of e-cigarettes may contribute to the initiation of cigarette smoking among youth. Moreover, e-solution comes in thousands of flavors, including kid-friendly fruit and candy flavors such as bubblegum, gummi bear, and watermelon; flavors that federal law prohibits in conventional cigarettes. E-cigarettes are now the most widely used tobacco product among both middle school and high school students and the U.S. Surgeon General has stated that youth vaping is an epidemic. These devices are unregulated and as a parent I find the data regarding vaping extremely alarming.

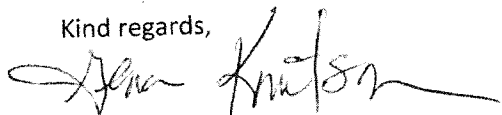
Vista Community Clinic has conducted several data gathering operations demonstrating under-age youth are able to obtain cigarette products from local retailers. Implementing a tobacco retail license program would have consequences for retailers that sell tobacco products to youth.

A strong tobacco retail license program must have these 4 components:

1. All retailers obtain a license and the license is renewed annually.
2. A license fee set high enough to sufficiently fund the administration and enforcement of the program with scheduled compliance checks.
3. A financial deterrent through fines and penalties including the suspension and revocation of the license.
4. Ensure a violation of any existing local, state or federal tobacco regulation violates the license as well.

Escondido is a wonderful city to live, work and play and attracts many visitors from around San Diego County and from across the United States. Escondido is one of the largest cities in San Diego County but has a small-town feel with lots of families residing here. Protecting our residents and visitors from exposure to secondhand smoke and reducing youth access to tobacco products ensures a great quality of life for everyone.

Kind regards,

A handwritten signature in black ink, appearing to read "Gena Knutson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gena Knutson

Respected City Councilmen,

TOPICS:

OUR PROGRAM=TOBACCO PREVENTION

MSA AGREEMENT

ANALOG TOBACCO

CURRENT HEALTH ISSUES

My Name is Mike Guitron, my family and I are lifelong residents of San Diego County. I am one of the owners of Vapor Cloud 9 Inc located here in San Marcos Ca. I am reaching out to you today regarding the current situation with electronic cigarettes and flavor bans. I know this will be an issue in our incorporated areas very soon and I would just like you to know who we are. We are a 98% successful TOBACCO PREVENTION PROGRAM for the residents of San Marcos and Escondido. We opened the 2nd Ecig store here in San Diego County in 2012. Our 1st location is in Escondido and then our 2nd in San Marcos in 2013. We have currently served 21,540 residents of San Marcos and 21,673 residents in Escondido to date. Our mission from day 1 in this industry is to rid our clients of nicotine addiction once and for all and it works!!! We have approximately 160 customers everyday between our 2 stores, that's 4800 people a month that are not smoking cigarettes, not killing themselves and others with 2nd hand smoke that pollutes our air that we all breathe. Cigarette related deaths are 480k plus a year and 41k of those people die from 2nd hand cigarette smoke.

Of these combined 43,213 residents, 36,013 are now nicotine free, no ecig, no other forms of nicotine replacement. They are free of the addiction. Most of our clients have exhausted all other forms of nicotine replacement before they came to us, nothing on the market worked. We do work! We are not profit driven here at Cloud 9 Ecig, yes it makes us a very modest income and supports our exemplary employees but that is NOT why we are here. Please take the time to read my personal story at the end of this letter to understand our mission.

At Cloud 9 we have a program that evaluates how long a client has been smoking analog cigarettes, what brand they smoke, how many they smoke a day, what other methods they have tried and their triggers and habits that have made quitting impossible. We have a STRICT policy against selling to ANYONE NEW who is not currently addicted to analog cigarettes, chewing tobacco or cigars. All our employees are highly trained specialists in nicotine delivery systems and have been with us since our opening. We DO NOT sell to anyone under 21 unless they are currently active military with valid id then it is 18 years of age. We have an outstanding record with the California Department of Public Health receiving letters of exemplary compliance every year for our business practices. We are our cities TOBACCO PREVENTION PROGRAM.

I want to discuss the current attack on vaping electronic cigarettes. We strongly feel this attack is due solely because of the MSA agreement. Forgive me for feeling so strong about this but I can't help but

wonder why our industry is being blamed for the recent health scare, when the real culprits are the illicit THC cartridges (black market products) which have absolutely nothing to do with our business.

We do not sell products containing THC, nor have we ever. The tests show all affected have been positively identified to have vitamin e oil acetate, an additive that is not in e-liquid. Anyone who specializes in e-liquid product knows that this is a fatal additive that we have never, and will never use. Vitamin E oil turns into acetate. Introducing vitamin E acetate into the human respiratory system is known to cause lipoid pneumonia and chronic lung illness. Every E-juice product we sell have batch numbers with every batch tracked and tested with analytics available for every bottle

We feel this was a convenient opportunity for our government, city officials etc. to blame an innocent industry for the sole purpose of their own financial gain. Please see the MSA agreement and profits that follow. California is the leading state for profits off Big Tobacco. In 1999 the states settled with Big Tobacco to drop all lawsuits against them if they got a huge piece of the pie and they did. Since this agreement was signed over 9 million people have died due to cigarette related issues. The agreements purpose was to use that money for TOBACCO PREVENTION PROGRAMS. The money was NOT used for this purpose as the MSA agreement did not specify legally how to use the money, instead it was used for leisure and short falls. Less than 9% was used for tobacco prevention programs (1% in some states) and those they do fund are reliant on big tobacco sales. Does this not sound corrupt?

How can we be ok with selling analog cigarettes that kill 480,000 people a year? That's 9,600,000 people that have died because our states let big tobacco off the hook in 1999 with the MSA agreement. Electronic cigarette deaths to date=0. It may have not been such an immediate problem had we not projected Big Tobacco sales and took out bonds from wall street to get the money now, which was then misappropriated. This agreement left our states to profit off the sales of cigarettes that are proven to cause death. If we are to be shut down, our communities will be left one option, CIGARETTES. We wouldn't have to be here if big tobacco had not been left off the hook. We strongly feel that this whole issue has to do with recovering losses from big tobacco due to electronic cigarette sales.

Are we ok with this? Can you tell me in good conscious you are doing this for the benefit of the people? We were left with a deadly, toxic product readily available at any corner store. Now you may refuse us the option to quit that is proven to WORK.

Almost half a million people die every year because of analog cigarettes, meanwhile the Health Care Industry makes \$170 billion treating smoking related illnesses. What would happen if no one needed health care for cigarette related illnesses? This is all about money all the way around and the public needs to know. The news is filled with false information, the studies have been tampered with. The studies that are being published are corrupt. They increased the amperage of an e-cig so high that it blew up the atomizer making it unusable, then tested for chemicals, the nicotine was increased to 500 times higher than what we sell and use, then tested for toxins and chemicals. That is like testing a house for carbon monoxide with a running vehicle locked up inside of it.

We let Big Tobacco off the hook for profit. E-cigs were developed by the people for the people so that we can live a healthier lifestyle. The brick and mortars that brought this to the people will all be out of

business because of black market THC cartridges that have nothing to do with the E-cig industry. Here's the big problem: there isn't any real oversight or regulation when it comes to consumable products in the cannabis industry.

These bans are specifically designed to put all the people who brought e-cigs to our communities out of business and Big Tobacco can recover their losses and our states can pay those bonds.

Is our city ok with putting tens of thousands of smokers back in circulation just so the states can recover lost revenue from big tobacco sales???

We are not Juul, we only carry Juul in the back of our store so that we can try to switch Juul vapers to a less nicotine device. All our product is .3-.6% nicotine, Juul is 50% which in turn encourages lifelong usage because of the high amount of nicotine and they also market to youth because of the discreteness of the device and the addiction of the insanely high nicotine. Who owns Juul, BIG TOBACCO.

I come to you not in fear of losing profits from my stores sales but in a desperate attempt to save our people in this beautiful city. My partner and I make a very modest amount of profit from our stores, we have other income to support ourselves. A large amount of our profits is donated to San Marcos High School sports programs and St. Jude's. We would like to work with the city to start campaigns that work against the use of nicotine.

Let's find a way to recover lost money from big tobacco by implementing something else so that we can pay those bonds taken out on wall street years ago on the presumption that we would be making a certain dollar amount on tobacco sales. Let's work together and find a better way. Too many lives are at stake. If we get rid of the electronic cigarette what will our community do? They will buy black market and or start smoking analog cigarettes. They are addicted to juul, they will not be able to stop abruptly so they will absolutely find a way. I guarantee the outcome you are hoping for will just not happen. It is going to be a horrible mess with horrible consequences.

I attached my story at the bottom of this letter as to not take up too much of your time; it explains why I am in this industry and my passion behind it.

I started smoking when I was 12 years old and started having lung problems when I was 25 years old as a direct result of analog tobacco usage. I did a lung scan in 2001 in La Jolla and they printed out a color picture of my damaged lungs. I was shocked that I had damaged my lungs so significantly at such a young age. They told me I was in the beginning stages of emphysema. I tried to quit smoking on a regular basis since I was told this information. I was unsuccessful every time I tried to quit which was a continuous attempt. I tried the nicotine patch which made me sick and gave me a terrible rash where I applied the patch. I tried Chantix 3 times and to no avail. I also tried the nicotine gum where I was able to cut down but not quit and after 1 year, I had to stop chewing the gum due to the damage it did to my teeth and my jaw resulting in a severe case of TMJ. I still get injections in my jaw for the damage done. In any case, I smoked for another 11 years making my chain-smoking career 24 years long. I could no longer climb a flight of stairs without losing my breath. At the end of my smoking career, I was wheezing terribly and coughing up black lung matter every day. In 2011 I took care of my father in law who died in

my arms at home from lung cancer. He cursed cigarettes with his last breath but smoked until his last breath as well because he could not stop no matter the consequences. He started smoking when he was 9 years old and died at age 72. His death was a torturous one and unbearable to witness. I was desperate to quit after this and a friend of mine introduced me to the E-cig May 9th, 2012. I couldn't believe what I was experiencing and rushed out to purchase my first one from Vapure in Oceanside. I left my last pack of cigarettes there as I left, and I have not had one single drag of an analog cigarette to this day. My lungs have repaired themselves, in fact my pulmonary specialist Dr. Robert Savage has my results as 110% capacity with no evidence of prior smoking history and I have vaped every day for 8 years. Since I quit, I can run 3 miles a day and workout on a regular basis. My skin has cleared, and my energy is high!! I owe my life to this product and I have proof of the good e-cigs have had on my health. My thoughts on e-cigs is that they are saving lives. They saved mine and countless others.

Truth About Vaping - Episode 1 Why They Hate Us.mp3

[00:00:06] Most of you have probably seen or heard about the still blowing smoke dot org campaign that's been launched in California, and you may be asking yourself why is the California Department of Public Health so against vaping when year after year more smokers are turning to ^{E cig} ~~E6~~ as a less harmful alternative to tobacco cigarettes? Isn't their number one priority preserving public health? Isn't that their job?

[00:00:27] Problem number one. The more money big tobacco makes, the more money California gets. In 1998, a deal was struck between the biggest big tobacco companies and 46 U.S. states called the Master Settlement Agreement, or MSA. This agreement said that these big tobacco companies would make yearly payments to the states in exchange for the states dropping lawsuits against them regarding smoking related deaths and expenses.

[00:00:51] The amount of money Big Tobacco pays the states each year is directly dependent on how much they sell.

[00:00:57] Problem number two. The states spent that money before they got it. Most of the states wanted all that money upfront instead of waiting for

payments from big tobacco each year. So, they sold bonds to Wall Street based on the amount they calculated.

[00:01:11] Big Tobacco would be paying them. But then something started happening. Americans started smoking less since 2000. On average, tobacco cigarette sales have dropped three-point four percent per year. That sounds amazing, but not for the states like California. Remember those bonds they sold? They were counting on money from big tobacco. And since it's not coming, they can't pay back the bonds they sold and either have to take money from other places or risk defaulting.

[00:01:38] New Jersey, Ohio and Virginia have already announced they have to take money from their reserves due to insufficient funds from the tobacco money. And with the growing popularity of e-cigarettes, the smoking rate is declining even faster. California and New York are being affected the most because they have the highest populations and are owed the most money by big tobacco. Under this agreement in 2013, cigarette shipments saw their biggest decline since 2009, and many financial analysts say the cause of that severe decline is a cigarette. In 2012, Americans bought over 14 billion packs of tobacco cigarettes and two hundred thousand packs of e-cigarettes. The following year, sales of tobacco cigarettes decreased by 1 billion and sales of e-cigarettes doubled. Wells Fargo estimates tobacco cigarette sales will decline by 68 percent over the next 10 years and cigarette sales will increase

more than 13 times. So naturally, California is panicking the way they see it. E-cigarettes are taking money away from them regardless of the fact that people are getting off tobacco cigarettes. So, it's now California's mission to either a ban e-cigarettes completely and get people back on tobacco cigarettes so the money starts rolling in again or b classify e-cigarettes as a tobacco product so they can tax them like they do tobacco cigarettes higher than normal sales tax and roll them into the MSA agreement.

[00:03:00] So they too have to pay the states.

[00:03:02] One of their key arguments is that if e-cigarettes fall under the MSA and also have to make payments to the states, that money gives these states a powerful tool to stop cigarette makers from targeting youth. No wonder one of still blowing smoke or biggest and most unfounded talking points is that e-cigarettes are marketed to children.

[00:03:20] And never mind that only fourteen-point six percent of the funds the states received from Big Tobacco actually go towards costs associated with smoking or smoking prevention. So, the truth. The state of California needs tobacco sales to stay high. Otherwise, they default on their bonds. E-cigarettes are getting in the way of that.

[00:03:37] It looks like the health of the public isn't the top priority for the Department of Public Health. Their top priority? Their wallet.

Truth About Vaping - Episode 2 The Nicotine Misconception.mp3

[00:00:08] Since the dawn of anti-smoking campaigns, we have been told that nicotine is the ultimate enemy, a chemical as addictive as heroin. This is the basis of many anti vaping campaigns and the reasoning behind classifying electronic cigarettes as a tobacco product. But if nicotine is really so dangerous, why are nicotine replacement therapy is like gums and patches available at virtually every drugstore? Sometimes right next to the candy and magazines with no prescription necessary. Is it possible that everything we think we know about nicotine is a lie? The Harvard School of Public Health conducted a study of 787 smokers who had recently quit and found that over the long term, nicotine patches and gums were no more helpful to smokers than quitting cold turkey. If nicotine is one of the most addictive chemicals on the planet, why couldn't these people quit by simply getting their nicotine from somewhere else? Maybe because nicotine by itself isn't what creates the addiction. Scientists have always looked at nicotine addiction in the context of it being in tobacco cigarettes. The latest research, however, is beginning to show that nicotine by itself may not be very addictive. Two independent studies, one at the University of California, Irvine and one in France. Both discovered that getting animals addicted to nicotine alone is actually quite difficult unless the nicotine is mixed with other chemicals found in cigarettes. The combination of nicotine and other chemicals in tobacco cigarette smoke are likely to be what creates the intense addiction.

[00:01:30] Nicotine alone isn't enough. So, if it's not nicotine, then what is it? We know that cigarette smoke generates over 7000 chemicals, many of which are poisonous and cause cancer. What you may not know is that some of the ingredients also contain e-mail lines, chemicals used in some antidepressants and may eyes in cigarettes because what is oftentimes referred to as the smokers high. An increase in serotonin which causes a rush

of good feelings and helped stabilize your mood very similar to the effect many illegal and addictive drugs have on the brain.

[00:02:01] Now this is when the heroin comparison starts to make sense. So, nicotine may not be very addictive by itself, but it can still kill you. Ryan Highly concentrated nicotine is toxic.

[00:02:11] However, the amount found in store bought liquids is extremely deluded. Most household cleaners contain ingredients that went in their pure form are toxic as well. Additionally, medications approved by the FDA, which are used by millions of people, are also toxic. If taken higher than the prescribed dosage, illiquid and nicotine usage followed the same standards.

[00:02:30] Anti vaping campaigns have often suggested that calls to poison control centers have increased significantly as of late due to nicotine toxic nature. But they failed to tell you how incredibly small those numbers are compared to calls received about normal household items.

[00:02:44] Currently, studies are being conducted on the therapeutic effects of nicotine on neurological diseases like Parkinson's. The early stages of Alzheimer's, ADHD and schizophrenia. And once again flying in the face of everything we thought we knew about nicotine. These researchers have not reported signs of nicotine addiction in their patients. And results appear promising in the early stages. We've heard evidence that nicotine itself may not be overtly addictive.

[00:03:08] And this theory is supported by the evidence that many electronic cigarette users reduce or completely eliminate their nicotine levels over time without the chemicals present and tobacco cigarette smoke. The nicotine addiction created by the cocktail of ingredients in tobacco smoke is less intense and therefore easier to reduce with vaping. Many CIG users were previously unable to quit smoking with nicotine patches or gums, but experienced more success with vaping because it closely mimics the habitual and emotional sensations of smoking. And because it's a faster method of nicotine delivery than gums or patches, a key factor in their success rate, according to researchers, nicotine is the primary ingredient of focus and electronic cigarettes by politicians and anti-vaping campaigns. And their argument is that nicotine is dangerous and therefore must be regulated as a tobacco product. However, we've seen evidence that nicotine alone is likely not the primary cause of tobacco addiction and may actually be able to help treat many neurological diseases. Where then is the basis for putting it in the same category as dangerous and toxic tobacco cigarettes? That's a question you may want to ask your legislators.



THE MASTER SETTLEMENT AGREEMENT: AN OVERVIEW



By the 1990s, the public health and economic tolls of smoking were clear. Although cigarette use was on the decline, one in four U.S. adults continued to smoke.¹ Also concerning was the trend among youth. Between 1991 and 1995, youth smoking prevalence increased more than seven percentage points from 28 percent to 35 percent.²

Cigarettes cause cancer and other diseases, as the Surgeon General first concluded in its historic 1964 report,³ and healthcare systems bear a sizable share of these tobacco-related costs. Six studies between 1976 and 1993 found smoking accounted for between 6 and 8 percent of U.S. healthcare costs, which amounted to more than \$50 billion in 1993,⁴ and a quarter of state Medicaid expenditures.⁵

To recover costs incurred to treat sick and dying cigarette smokers, several states sued



the country's largest cigarette manufacturers, including Philip Morris Incorporated (now known as Philip Morris USA Inc.) ("Philip Morris"), R.J. Reynolds Tobacco Company ("R.J. Reynolds"), Brown & Williamson Tobacco Corporation ("Brown & Williamson"), and Lorillard Tobacco Company ("Lorillard"). On November 23, 1998, Philip Morris, R.J. Reynolds, Brown & Williamson, and Lorillard (collectively the "Original Participating Manufacturers"), along with forty-six states, four

U.S. territories, the Commonwealth of Puerto Rico, and the District of Columbia (the “Settling States”), entered into the Master Settlement Agreement (MSA), the largest civil litigation settlement in U.S. history. Later, additional tobacco manufacturers, known as Subsequent Participating Manufacturers, settled with the states under the MSA. (Original and Subsequent Participating Manufacturers are referred to collectively as Participating Manufacturers.)

As outlined in the MSA, the Settling States released the Participating Manufacturers from past and future legal claims for costs incurred by the states for smoking-related illnesses and death and for equitable relief. The release did not include the individual claims of their residents. In exchange, the Participating Manufacturers agreed to make annual payments in perpetuity to the Settling States and to substantially restrict their advertising, promotion, and marketing of cigarettes.

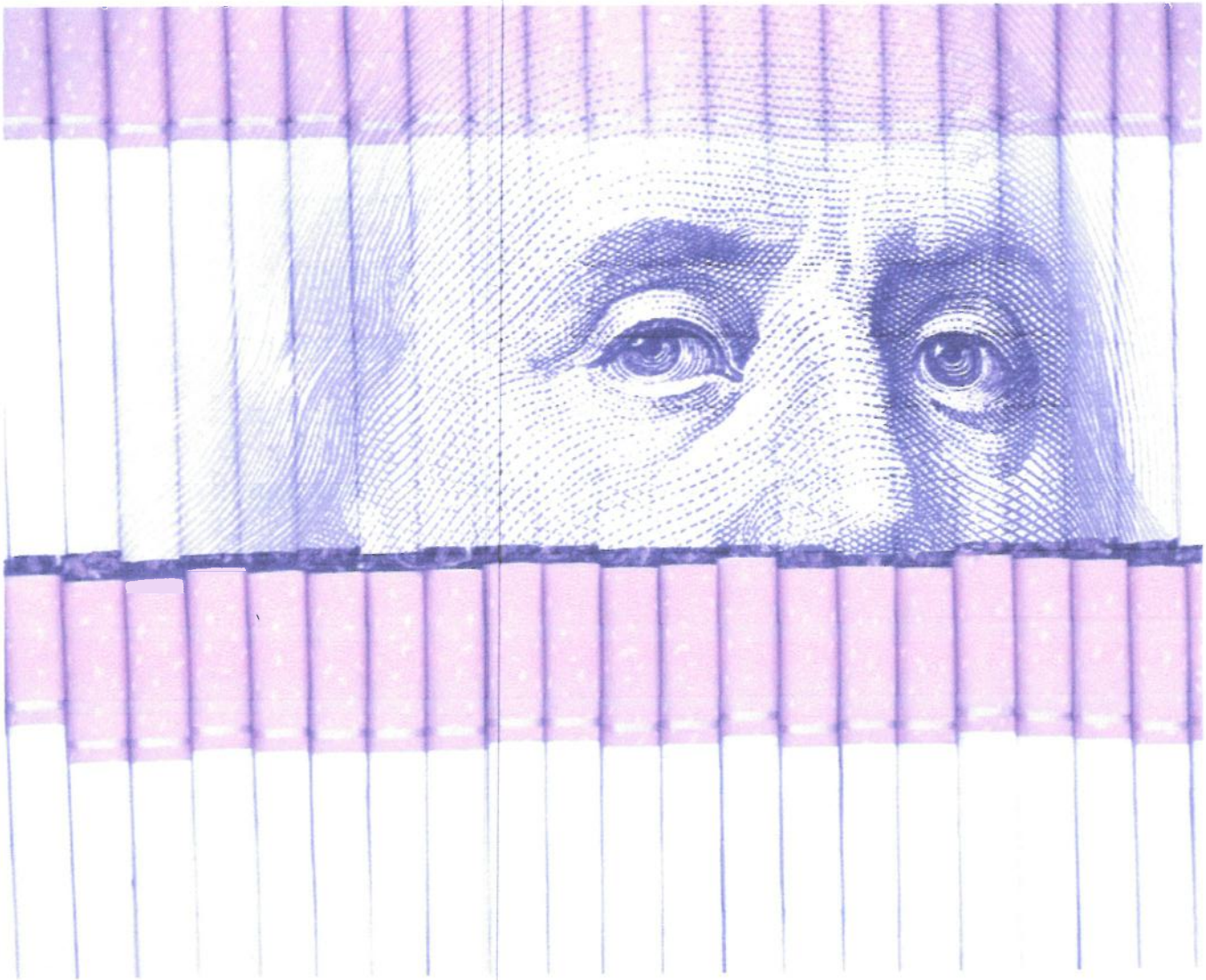
This publication answers frequently asked questions about the MSA and its implications for public health.⁶ For more information, including additional publications and resources, see the Public Health Law Center’s [website](#) or the National Association of Attorneys General’s [website](#).

Q: What was the focus of the litigation?

A: From the mid-1950s through 1994, individuals brought over 800 claims against cigarette manufacturers for damages related to the effects of smoking.⁷ However, the manufacturers, raising defenses such as contributory negligence and the individual responsibility of smokers, generally prevailed in these lawsuits. In 1994, a number of states, beginning with Mississippi,⁸ sued the largest cigarette manufacturers under a variety of legal theories, including state consumer protection and antitrust laws, arguing that cigarettes contributed to health problems that triggered significant costs to state health-care systems. In 1997, four states (Mississippi,⁹ Minnesota,¹⁰ Florida, and Texas), reached settlements to recover for Medicaid and other health expenses resulting from smoking-caused illnesses. (These states are referred to collectively in the MSA as the “Previously Settled States.”) After these settlements, the major manufacturers, facing a growing number of suits by other states,¹¹ joined with those states and petitioned Congress for a global resolution in June 1997. Congress failed to pass the global settlement agreement, but the manufacturers and the Settling States were still able to reach a settlement in November of the following year: the Master Settlement Agreement.¹²

Q: Who is party to the MSA?

A: The MSA is a settlement agreement between the Settling States, the Original Participating Manufacturers, and the Subsequent Participating Manufacturers.¹³ The number of Participating Manufacturers remains fluid as, over the years, some additional manufacturers have settled with the states and others have gone out of business. As of October 2018, there are more than 50 Participating Manufacturers who are bound by the terms of the MSA.¹⁴



Q: Why did the parties agree to settle?

A: According to the first section of the MSA, the parties settled “to avoid the further expense, delay, inconvenience, burden and uncertainty of continued litigation (including appeals from any verdicts).”¹⁵ The Settling States intended the MSA to further their “policies designed to reduce Youth smoking, to promote the public health and to secure monetary payments to the Settling States.”¹⁶ The MSA settles only state and local government lawsuits; the tobacco industry gains no protection from class-action lawsuits and claims brought by individuals, labor unions, and private health-care insurers.¹⁷



Q: How much does the MSA require the Participating Manufacturers to pay the Settling States?

A: The MSA set up initial, annual, and “strategic contribution” payments from Participating Manufacturers to the Settling States. Each year, an independent auditor calculates the settlement payment to be made by each Participating Manufacturer and the amount to be received by each Settling State.¹⁸ If parties disagree with the auditor’s calculations, the matter is submitted to binding arbitration by three neutral arbitrators who must be former federal judges.¹⁹

- **Initial payments.** In addition to annual payments beginning on April 15, 2000, the MSA required Participating Manufacturers to make upfront payments in each of the first five years after the MSA’s execution, or a total of about \$12.75 billion, adjusted for the volume of cigarette shipments in those years compared to the volume in 1997.²⁰
- **Annual payments (made in perpetuity).** Just as the Settling States’ Medicaid and other health-care costs due to their citizens’ smoking-related illnesses will likely continue indefinitely, the MSA provides that the Participating Manufacturers’ payments to the Settling States will continue in perpetuity.²¹ The “base amounts” of these annual payments gradually increase from 2000 to 2018 and remain at the 2018 amount in perpetuity. The amounts were \$4.5 billion in 2000, \$5.0 billion in 2001, \$6.5 billion from 2002–2003, \$8.14 billion from 2008–2017, and \$9 billion in 2018 and each subsequent year in perpetuity. Participating Manufacturers pay billions of dollars annually to the Settling States. For example, in 2018 the Participating Manufacturers paid close to \$7.2 billion to the Settling States. As of July 2018, the Participating Manufacturers have paid over \$126 billion to the Settling States.²² The Settling States receive an allocation of these payments based on a percentage set forth in Exhibit A to the MSA. Importantly, calculations of annual payments are complex and are subject to a variety of potential adjustments and offsets, including an inflation adjustment and a volume adjustment.²³ Most significantly, percentage reductions in cigarette shipment volumes have been greater than inflation adjustments since 1997, so actual annual payments have been lower than those set forth as base amounts in the MSA and can be expected to continue to be. Participating Manufacturers are required to make annual payments based on their shares of national cigarette sales and shipments. In addition, Participating Manufacturers have routinely withheld payments or made them into an escrow account pending resolution of disputes relating to certain of the above-mentioned adjustments. Settling States receive an allocation of these payments based on a percentage set forth in Exhibit A to the MSA.

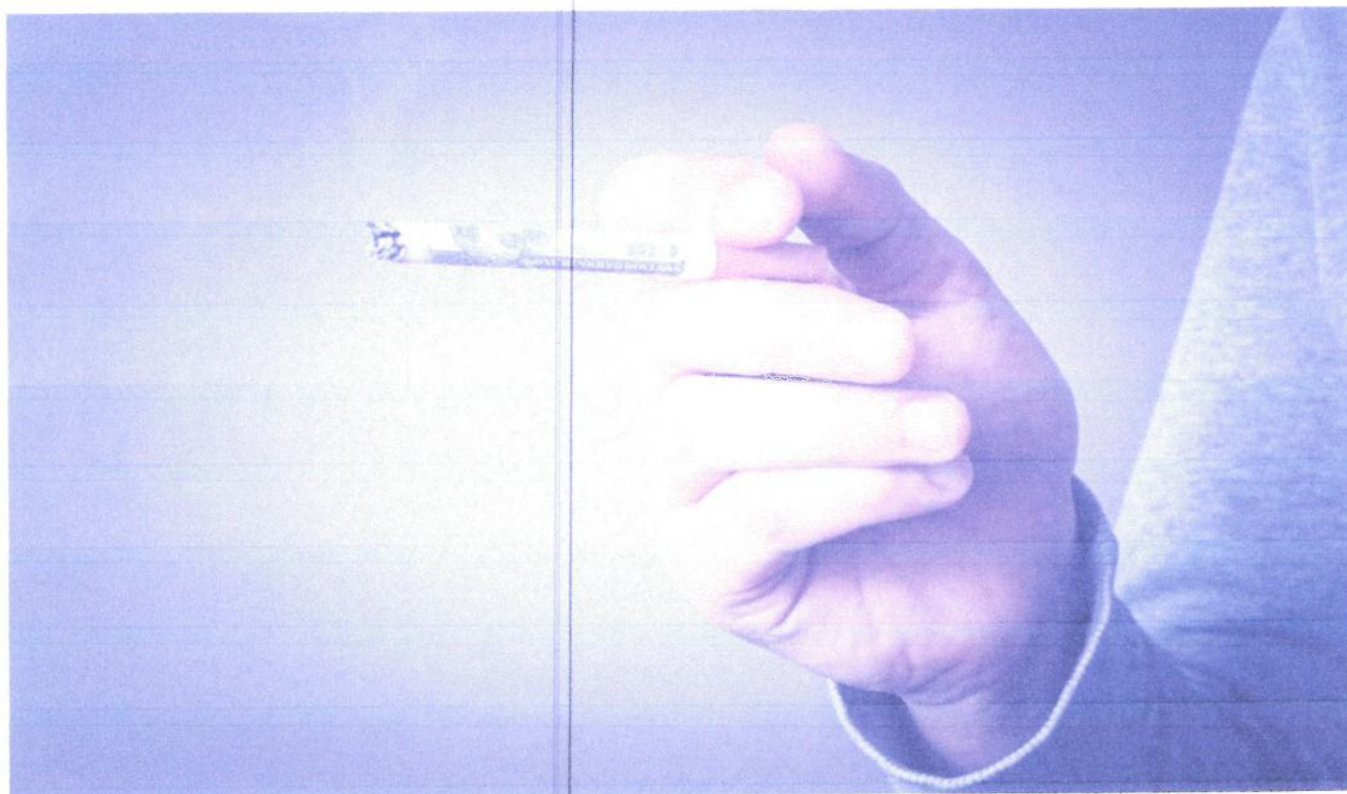


- **Strategic Contribution Payments.** These payments serve as “bonus payments” for states that invested resources into the litigation that led to the MSA. The payments are allocated according to the percentages set forth in Exhibit U to the MSA, which were based on “each Settling State’s contribution to the litigation or resolution of state tobacco litigation.”²⁴ The Participating Manufacturers’ base Strategic Contribution Payment amount is \$861 million each year from 2008 to 2017,²⁵ subject to the same adjustments as the annual payments.²⁶

Q: What else does the MSA do?

A: The MSA restricts specific conduct by Participating Manufacturers, including advertising and certain lobbying activities, creates a national tobacco control foundation, and dismantles several tobacco industry initiatives. Specifically:

- **It imposes significant prohibitions and restrictions on tobacco advertising, marketing and promotional programs or activities.**²⁷ For example, it prohibits or restricts:
 - Direct and indirect targeting of youth
 - Use of cartoon characters
 - Billboards, transit ads, and other outdoor advertising not in direct proximity to a retail establishment that sells tobacco products
 - Product placements in entertainment media
 - Free tobacco product samples (except in adult-only facilities)
 - Gifts to youth in exchange for proofs of purchase
 - Branded merchandise
 - Brand name sponsorships
- **It prohibits certain practices that seek to hide negative information about smoking, such as:**
 - Lobbying against particular kinds of tobacco control legislation and administrative rules²⁸
 - Agreements to suppress health-related research
 - Material misrepresentations about health consequences of using tobacco²⁹



- **It creates a tobacco prevention foundation and disbands tobacco-industry initiatives**
 - The MSA created the American Legacy Foundation (now known as the Truth Initiative), a research and educational organization that focuses its efforts on preventing teen smoking and encouraging smokers to quit. The foundation is responsible for “The Truth” advertisement campaign,³⁰ which has had success in reducing youth smoking.³¹
 - The MSA dismantled key tobacco industry initiatives, including The Center for Indoor Air Research,³² The Tobacco Institute,³³ and The Council for Tobacco Research.³⁴ In addition to disbanding these specific centers, the MSA prohibits Participating Manufacturers from creating other industry-wide groups unless such groups agree to act consistently with the MSA’s provisions.³⁵
- **It requires the Participating Manufacturers to make available online the non-privileged documents they disclosed during the discovery phase of the tobacco litigation**, as well as any such documents produced in discovery in any federal or state civil action concerning smoking and health.³⁶



Q: How are the restrictions on the cigarette companies enforced?

A: Under Section VII of the MSA, each Settling State may bring an action to enforce the Agreement or the Consent Decree (the settlement contained in a court order) with respect to disputes or alleged breaches within its territory. The court that entered a Settling State's Consent Decree has exclusive jurisdiction to implement and enforce the MSA with respect to that state. Section VIII(a) of the MSA places responsibility on the National Association of Attorneys General (NAAG) to coordinate and facilitate the MSA's implementation and enforcement on behalf of the attorneys general of the Settling States. NAAG carries out this mandate through an attorney general-level Tobacco Committee and an Enforcement Working Group, which consists of attorney general office staff working on tobacco issues, and the NAAG Tobacco Project, which is comprised of staff attorneys within NAAG who support state enforcement efforts. (The NAAG Tobacco Project is now known as the NAAG Center for Tobacco and Public Health.) Enforcement typically begins when a state attorney general office or NAAG observes a potential violation of the MSA, or a member of the public or a public organization complains about a Participating Manufacturer's marketing practices to a state attorney general or NAAG. If the matter is not resolved through negotiation, one or more Settling States may decide to bring an enforcement action against the Participating Manufacturer.

Q: What remedies do states have for violations of the MSA?

A: The Settling States have several remedies for addressing MSA violations:

- **Voluntary cessation.** Often a desire to avoid litigation can induce companies to abandon challenged marketing campaigns. The U.S. Smokeless Tobacco Company, for instance, withdrew a false statement about product safety after the Rhode Island Attorney General ordered the company to desist in 1999.³⁷ Brown and Williamson discontinued its "B-Kool" campaign in 2000 after being investigated jointly by a number of states.³⁸
- **Litigation.** Some of the MSA's provisions contain ambiguities or gaps that have led to litigation. These have included, for example, the issues of whether free matchbooks are "merchandise" under the MSA,³⁹ whether magazine advertisements are intended to target youth,⁴⁰ and whether the prohibition on brand-name sponsored events has been violated.⁴¹ If the plaintiff state prevails, it can seek:
 - **Injunctive relief.** Though several Participating Manufacturers amended their advertising practices in the wake of the multi-state backlash against the B-Kool campaign, R.J. Reynolds did not make similar substantial changes. As a result, California sued the company and the court ordered Reynolds, among other things, to take reasonable measures to reduce youth exposure to its advertising.⁴²



- *Monetary remedies.* These could range from investigative costs⁴³ to funds that must be earmarked for tobacco prevention efforts⁴⁴ to punitive penalties.⁴⁵ Monetary remedies are unavailable under the MSA alone.
- *Attorney's fees.* Courts in every MSA state have approved a Consent Decree to facilitate enforcement of the MSA.⁴⁶ The availability of monetary penalties and attorney's fees as remedies for violations of a Consent Decree is a key difference between its enforcement and enforcement of the MSA.⁴⁷

Q: Are there restrictions on how states use MSA funds?

A: While the MSA states that its primary purpose for the Settling States is to decrease youth smoking and promote public health,⁴⁸ it does not contain any provisions requiring states to allocate settlement revenues to tobacco prevention and cessation.⁴⁹ As a result of decisions by state legislatures, which are responsible for deciding how the money is spent, state coffers lined with this money, coupled with billions in tobacco taxes and other substantial funds from tobacco companies, have not been used for tobacco control and prevention programs. Between 1998 and 2017, the Settling States received over \$126 billion in payments; however, less than 1 percent of these funds were earmarked for state tobacco prevention programs.⁵⁰

Often state legislatures have used tobacco settlement payments to cover budget shortfalls or address fiscal priorities in areas other than tobacco prevention and cessation. In fact, few states have allocated more than a nominal amount of their tobacco settlement revenue to fund tobacco prevention and cessation programs,⁵¹ making tobacco control programs the *smallest* state budget category to receive MSA funds.⁵² Further, the percentage of MSA funds earmarked for tobacco control programs has steadily decreased over time, from approximately 6 percent in 2001 to only 1.9 percent in 2015.⁵³ Instead, states have allocated MSA payments to fund general programming in a variety of areas such as budget financing, tax credits, and health-care programs.⁵⁴ As of 2018, in fifteen states, funding did not exceed even 10 percent of the recommended level.⁵⁵

While each of the Settling States receives MSA settlement funds in amounts well above both the minimum and ideal funding levels recommended by the CDC for tobacco cessation or prevention, they spend significantly less. In 2017, states on average received MSA payments that were 242 percent of CDC recommended funding levels, yet they spent 26 percent of those recommended levels.⁵⁶ In 2017, seventeen states did not allocate any of their MSA payments to tobacco prevention and cessation programs.⁵⁷



Q: What is securitization and why have some state and local governments securitized MSA payments?

A: As noted above, the MSA does not limit how the Settling States may use their funds. Some state and local governments have securitized their future MSA payments in which they issue a bond backed by future payments. In other words, "By securitizing ... the state trades a potentially risky future stream of payments for a certain lump-sum payment," often to generate short-term cash to cover budget shortfalls.⁵⁸ Securing bonds has allowed state governments to finance capital improvements, fund health-care projects, and receive an upfront lump sum of cash rather than waiting each year for the MSA payments.⁵⁹ By 2010, eighteen states, the District of Columbia, and three U.S. territories securitized some or all of their revenue entitlements from the MSA payment schedule into bonds.⁶⁰ The issued bonds totaled \$40 billion and are backed by expected future MSA payments.⁶¹

Many state and local governments' tobacco bond ratings have been downgraded in recent years, reflecting the difficulty they now face in meeting interest and maturity requirements.⁶²



The downgrade was the result of several factors, including downward MSA payment adjustments based on the declining volume of cigarette sales by Participating Manufacturers, unanticipated by the financial industry. The declining sales were caused in turn by declining cigarette consumption, the increased sale of products by cigarette manufacturers not signatories to the MSA, and tax increases.⁶³ Taking these factors into account, some states have issued new bonds or refinance earlier issues.⁶⁴

Participating Manufacturers have also made it a standard practice to dispute payments to the Settling States, allowing them to withhold portions of settlement payments or to place the payments in an escrow account pending resolution of the dispute.⁶⁵ Both of these actions prevent states from using the payments for current tobacco bond obligations.

The reduced MSA payments and the tobacco bond obligations are each connected to a state's ability to repay the tobacco bonds.⁶⁶ Depending on the terms of the bond instruments, a state that no longer receives adequate MSA payments to fund its bond obligations has the choice to either default on the bonds or find money to make the required payments, which could be taken from elsewhere in the state's budget or generated through a tax increase. With the exception of a tax increase, none of these are appealing options for states experiencing revenue problems. Moreover, the political support for a tax increase simply may not exist in some states.

Q: How much money have the Settling States received as a result of the MSA?

A: As of July 2018, Participating Manufacturers have paid the Settling States over \$126 billion in settlement funds,⁶⁷ and will pay billions more in perpetuity.⁶⁸ The Participating Manufacturers' aggregate annual payment is distributed among the Settling States according to a percentage, or allocable share, that is assigned to each state in the MSA. California and New York are the largest recipients, each receiving 12.76 percent of all MSA payments. As of July 2018, each of these two states has received close to \$16 billion in MSA payments.⁶⁹

Contact Us

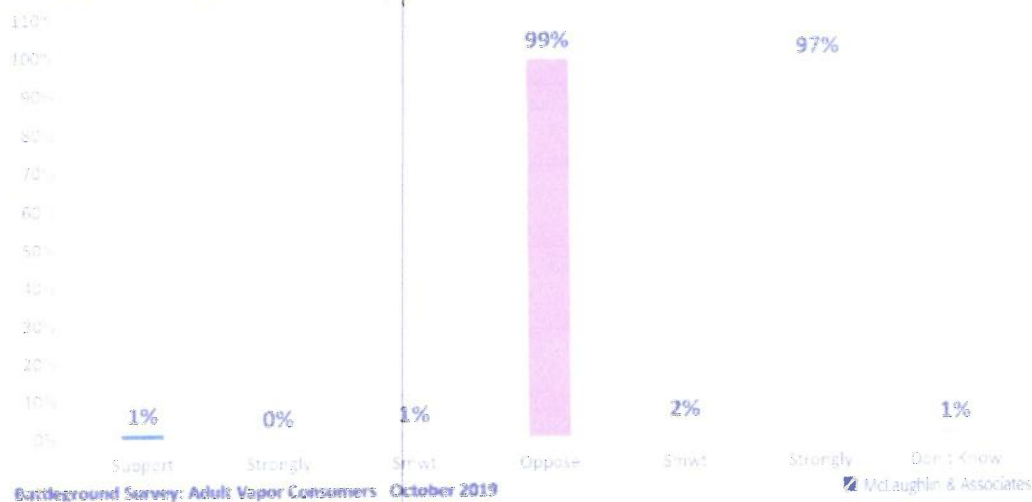
Please feel free to contact the Public Health Law Center's Tobacco Control Legal Consortium at publichealthlawcenter@mitchellhamline.edu with any questions about the information included in this fact sheet or other questions regarding tobacco control policies.

This publication was prepared by the Public Health Law Center at Mitchell Hamline School of Law, St. Paul, Minnesota, made possible with funding from Robert Wood Johnson Foundation.

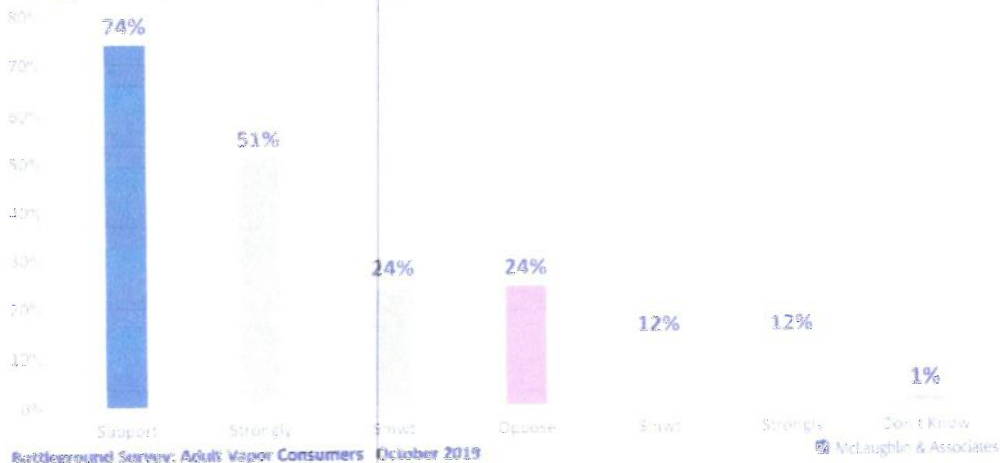
The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice.

UNIVERSAL OPPOSITION TO BANNING FLAVORS, BUT VAST MAJORITY SUPPORTS RAISING LEGAL AGE TO PURCHASE

Support/Oppose: Banning flavors in all nicotine vapor products.

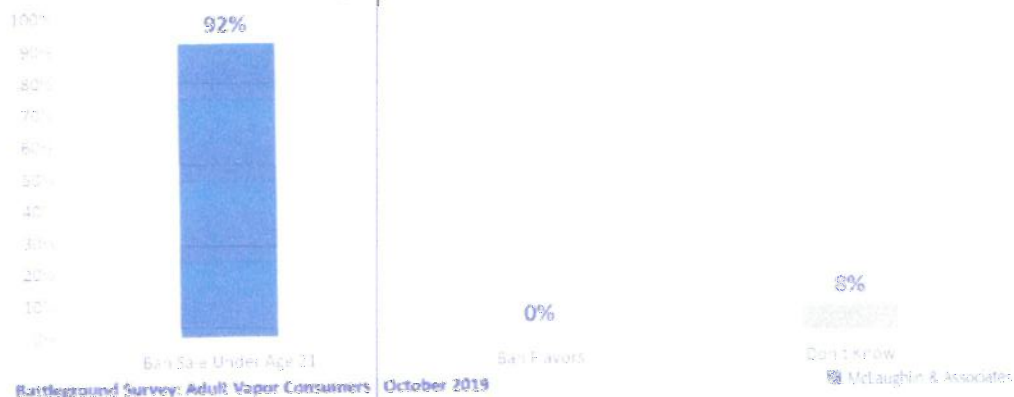


Support/Oppose: Banning the sale of nicotine vapor products to anyone under the age of 21 years old, requiring government issued identification for every sale.



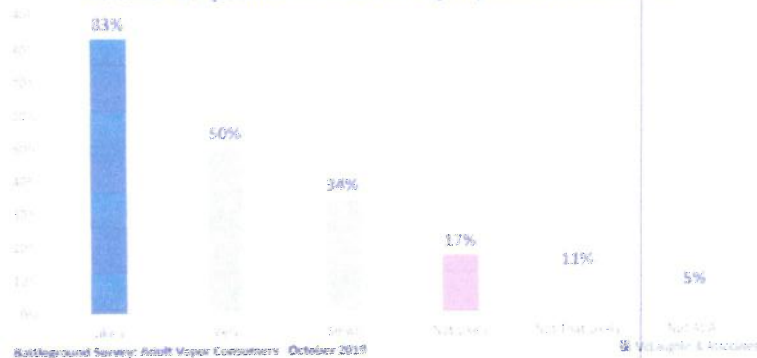
Which do you think would be more effective to reduce the illegal use of nicotine vapor products by minors?

1. Banning the sale of nicotine vapor products to anyone under the age of 21 years old, requiring government issued identification for every sale.
2. Banning flavors in all nicotine vapor products.

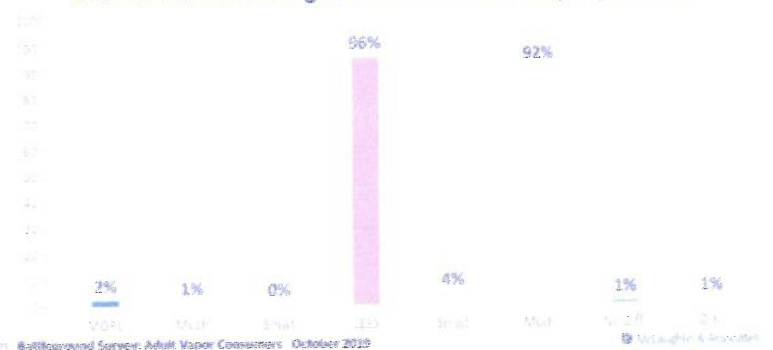


BANNING FLAVORS TURNS ADULT VAPOR CONSUMERS INTO SINGLE ISSUE VOTERS

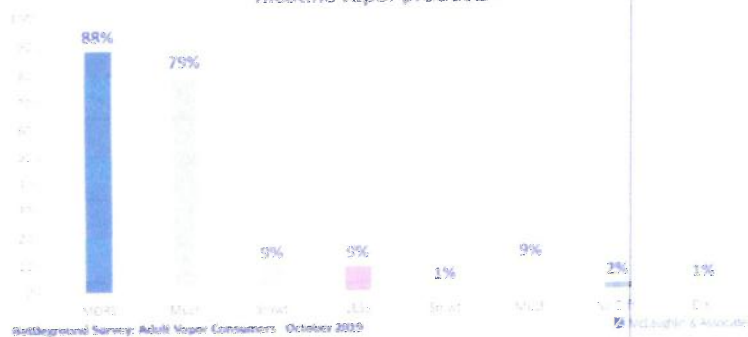
How likely are you to vote for or against a candidate based solely on his or her position on nicotine vapor products and issues?



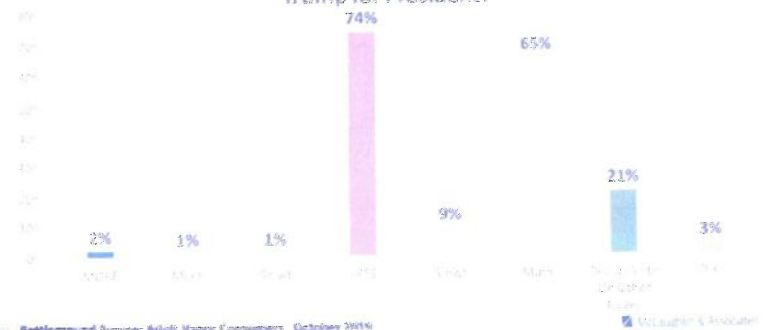
Specifically, would you be more likely or less likely to vote for a candidate who SUPPORTS banning flavors in all nicotine vapor products?



Specifically, would you be more likely or less likely to vote for a candidate who OPPOSES and is AGAINST banning flavors in all nicotine vapor products?

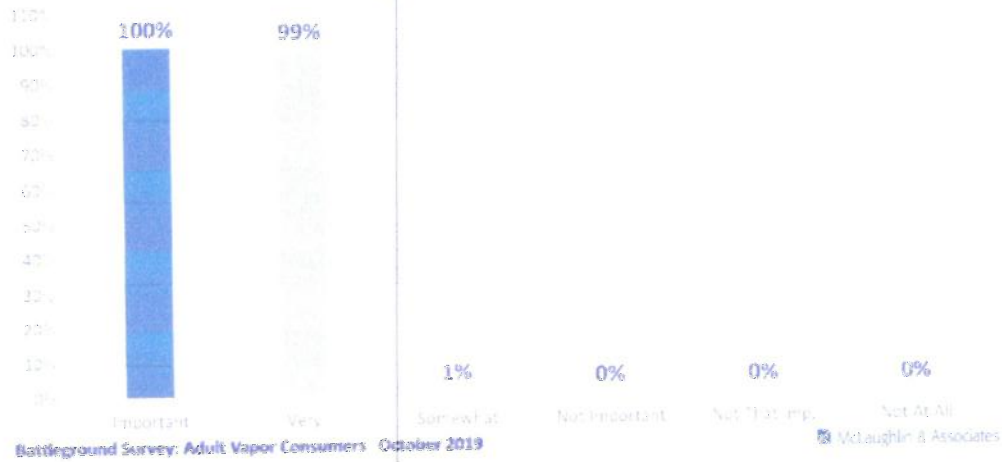


If the Trump Administration bans the sale of flavors in all nicotine vapor products, would that make you more likely or less likely to vote for Donald Trump for President?

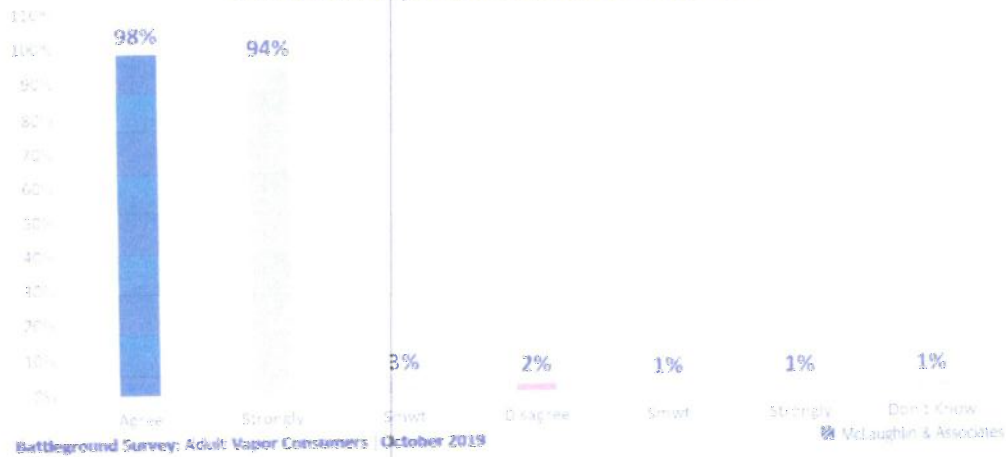


VAPOR PRODUCTS HAVE BEEN ESSENTIAL TO QUIT SMOKING CIGARETTES

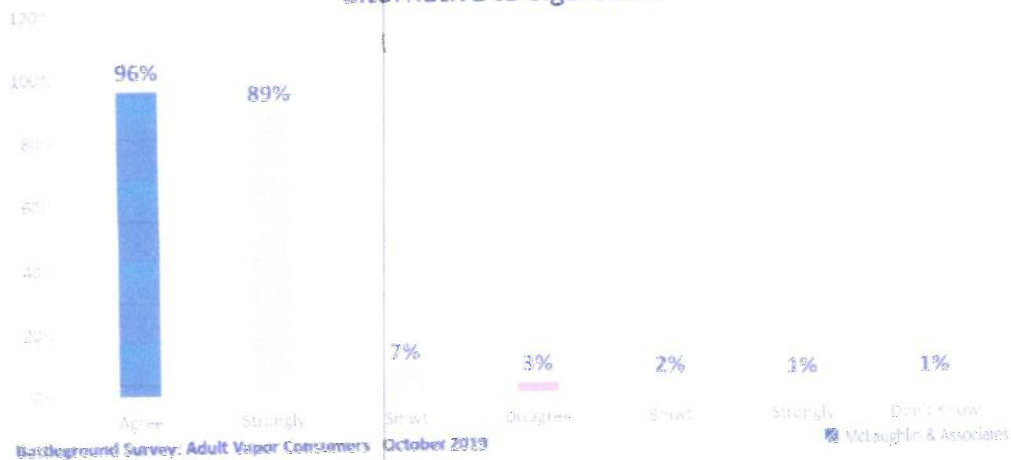
How important have nicotine vapor products been to quit smoking or reduce the amount you smoke or use tobacco products?



Agree/Disagree: By over-regulating nicotine vapor products, the government is taking away an adult consumer's choice to use a nicotine-containing product that many consider an important alternative to cigarettes.



Agree/Disagree: The government should not create obstacles, like nicotine vapor product taxes and restrictions, for adults who want to use an alternative to cigarettes.





Vista Community Clinic

Local Tobacco Control Interventions: Tobacco Retail Licensing

Summary Report

**Young Adult Tobacco Purchase Surveys: 2015 - 2017
City of Escondido**

Report prepared by:
Corinne McDaniels, PhD, MPH
corinnerae@gmail.com
619-964-0227

January 2018

VCC staff followed a protocol approved by the San Diego Tobacco Control Resource Program (TCRP) intended to ensure safety and to generate consistent results and reliable statistical data. Prior to the YATPS, a list of retailers was compiled and local law enforcement leadership was notified of the YATPS survey date and time. Young adults were recruited, screened against criteria, and selected. On the day of purchase survey, one to two young adults accompanied each adult volunteer. Adult volunteers were provided with a survey packet that included:

- A list of 8 to 12 stores per team with maps to assess.
- Enough cash to purchase one pack of cigarettes/electronic cigs at 50% of assigned stores.
- Survey forms, pens and a clipboard
- Copy of Dear Retailer/law enforcement letter
- Contact information for youth's or young adult's parents and VCC staff
- Blank survey forms for training

On the day of the YATPS, the young adults were instructed to wear their normal everyday clothing. No make-up, jewelry or revealing clothing was allowed for the girls as VCC staff didn't want the appearance of entrapment to affect the results. For attempted purchase procedures, volunteers were trained NOT to attempt a tobacco purchase if someone they know was shopping or working in the store when they entered; volunteers would leave the store and return to the car. If at any time volunteers had concerns about personal safety, they were advised to leave the store immediately and report to adult supervisor. As a final precaution, the adult supervisor would park the vehicle and be a reasonable distance away in case the store clerk confiscated identification or they were needed in any other way. Young adults would attempt to purchase one pack of cigarettes or an electronic cigarette.

For purposes of identification, the volunteers were instructed to show their actual (underage) ID if asked. If the salesclerk asked for date of birth, volunteers were instructed to say they were 18 or 21 (after the new law was effective in June, 2016). If the salesclerk agreed to the sale, volunteers were instructed to pay for the purchase and leave. Upon returning to the car, if the volunteers were able to buy tobacco products, they were instructed to give the product purchased, the receipt (if obtained) and any change to the adult supervisor. The adult volunteer filled out the data collection form immediately after each survey including data about:

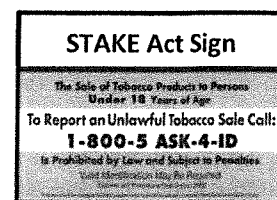
- The purchase price of the cigarettes if they were sold
- If the volunteers were asked their age, or ID or if the tobacco was for the volunteer
- Any interesting comments or actions of salesclerks or customers.

Afterward, they and their team completed the Young Adult Purchase Survey Data Collection Form. The data collection form was adapted from a previous tool by VCC staff and the local evaluator, Corinne McDaniels Consulting (CMC). Date, time, minor DOB and sex, age, and business information were noted for each attempt. In addition to these descriptive variables, several items relating to the business and the attempted transaction were completed. These items are detailed in the results, below.

Surveys were unable to be completed in 17 instances (one in 2015, eight in 2016, three in April 2017, and five in December 2017). Incomplete surveys were due to: the business being closed or unable to be located, the business not selling tobacco products, or an unsafe situation. Results presented herein reflect only those surveys that were fully conducted.

Signage

VCC staff were interested in whether STAKE Act signs were posted near registers. While these signs were noted to be present at only 42% of businesses in 2015, the proportion rose in 2016 and both 2017 surveys to 74%, 71%, and 80% respectively. The differences across survey waves in the noted presence of STAKE Act signs was statistically significant (Pearson Chi-Square p -value < .001). STAKE ACT signs are required to be posted at registers per State law.



Successful Purchases

As shown in Table 3 and Figure 1, 11% of the purchase attempts in 2015 were successful (9 of 82). The sales rate increased to 15% (11 of 74) in 2016. There was then a dramatic decrease in successful attempts with only 1 of 82 (1%) in April 2017, after implementation of Tobacco21 and with volunteers under age 18. The sales rate surged to its highest point (20%) in the City of Escondido once older (though still under age) volunteers were used in December of 2017.

"Clerk just sold; didn't ask for ID or anything."

Table 3. Underage tobacco product sale rate by survey wave in Escondido

Feb 2015	Apr 2016	Apr 2017	Dec 2017
11%	15%	1%	20%

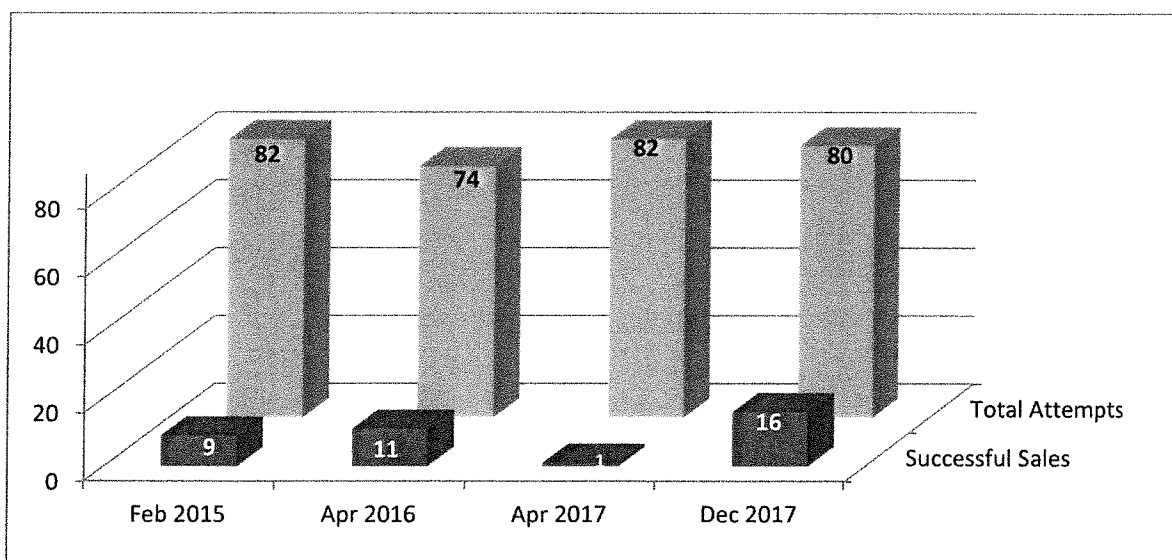


Figure 1. Total purchase attempts and successful sales across four waves of the City of Escondido Young Adult Tobacco Purchase Survey

Table 4 (next page) shows characteristics of the successful sales by survey wave and overall. Despite males conducting the bulk of the purchase attempts (Table 2), successful purchases were most often made by females, across all survey waves. While females accounted for only 39% of all attempted sales, they accounted for an astonishing 67% of all successful sales. Males comprised 61% of sale attempts, but only 33% of successful sales. This difference was statistically significant (Chi-square p =.001).

The clerk looked at the ID and said, "that's good enough for me"

Results shared with local law enforcement

The results of previous YATPS waves were shared with the Escondido Police Department (EPD). Unlike previous shared reports, the present report details only the results of stores within the City of Escondido.

*"She said no,
but to go next door to
[store name redacted]."*

The EPD collaborated with VCC to create a letter notifying retailers that sold tobacco products to underage volunteers. These letters were mailed approximately six weeks after each operation.

Summary

- **37 sales were made across all four waves of the YATPS within the City of Escondido out of 318 attempts, an overall sales rate of 12%**
- **The sales rates among those under 18 were significantly higher prior to the increase in the minimum age to purchase tobacco products**
 - In a 2017 survey (after implementation of Tobacco21) using volunteers under age 18, only one of 82 attempts resulted in a successful sale
 - A subsequent survey in 2017 using older (but still underage) young adults resulted in the highest sales rate of all four waves (**20%**)
- **Requesting IDs is not enough to stop young adults from purchasing tobacco products; IDs were requested in more than half of successful purchases**
 - Employees must be trained on the age of majority, not allowing exceptions for no ID, and reading and understanding state and military issued IDs
- **Young women were able to purchase tobacco products at a much higher rate than young men, despite males making up the majority of sale attempts**
 - Training mentioned above could address and remedy this disparity
- **Tobacco Retail Licensing policies have demonstrated strong efficacy.**
 - Underage sales of tobacco products dropped dramatically after adoption and implantation of TRL policies in San Diego County
 - The City of **Vista** rate decreased from **39% to 1%** after implementation
 - The City of **El Cajon** rate was reduced from **40% to 3%** after adoption
 - Tobacco Retail Licensing policies can also be used to address and regulate the sale of drug paraphernalia, as demonstrated in the City of San Marcos



March 1st, 2018

Walgreens #05455
111 W. Washington Ave.
ESCONDIDO, CA 92025

Dear Retail Manager / Owner,

We are writing to inform you that during the month of December, 2017 our survey team found that one of **your employees illegally sold an electronic smoking device or tobacco product to a young person under the age of 21 in violation of state law**. We urge you to take this opportunity to educate your employees as to the legal ramifications of the sales of tobacco to minors (persons under 21 years of age).

Due to recent State legislation, the age to buy tobacco products was raised from 18 to 21, this includes e-cigarettes. This new State law is effective starting June 9th, 2016,

In order to protect youth from a lifetime of addiction and tobacco-related disease we, with the support of the Escondido Police Department, check retail stores with a California Tobacco License to ensure compliance with existing state laws regarding minimum purchase age.

The purpose of the survey is to assess local retailers' compliance with the law prohibiting sales to kids under the age of 21. While our survey protocol was reviewed by the San Diego County Tobacco Control Resource Program and the Escondido Police Department, no penalties or enforcement will result. The survey simply revealed your illegal sale of a tobacco product or electronic smoking devices. This is an unfair business practice, and once again, a violation of state law.

We understand the relative importance of tobacco and electronic smoking device sales to your business, and a desire to avoid penalties for violating state laws. However, we are also confident that you share our goal of protecting youth from a lifetime of addiction and resulting health problems.

While there are several reasons why youth begin using these products, illegal sales by retailers is a contributing factor. Eliminating illegal sales to underage youth is your responsibility. The result of your store's assessment is being provided in order to demonstrate the need to increase training of your staff. **We urge you to take action to eliminate continued illegal sales.**

Enclosed is a detailed list of tobacco and electronic smoking-related retailer training resources available to you from the California Tobacco Control Program, the California Department of Tax and Fee Administration, and the U.S. Food and Drug Administration. **Please use these resources to train staff about carefully checking the identification of customers seeking these products to ensure they are the right age and to refuse the sale for customers without ID. Again, State law has raised the age to buy tobacco products from 18 to 21 and is effective June 9, 2016.** Such a policy will ensure compliance with existing laws, protecting Escondido's youth and your store's business reputation.

Both Vista Community Clinic and the Escondido Police Department will continue to work proactively with the community and tobacco retailers to assure compliance with this law. If you have questions, please contact Gena Knutson at (760) 631-5000 ext 7165. Thank you for your time and attention to this critical issue.

Sincerely

Gena Knutson

Chief Craig Carter

Program Manager Tobacco Control Program

Chief of Police, Escondido

P 760-631-5000 F 760-414-3701
1000 Vale Terrace, Vista, CA 92084
www.vistacommunityclinic.org



ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 22A OF THE
ESCONDIDO MUNICIPAL CODE TO
ENHANCE INDOOR AND OUTDOOR AIR
REGULATIONS BY REGULATING WHERE
SMOKING IS ALLOWED IN THE CITY OF
ESCONDIDO

WHEREAS, smoking leads to disease and disability and harms nearly every organ of the body. More than 16 million Americans are living with a disease caused by smoking; and

WHEREAS, tobacco product use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. For every person who dies because of smoking, at least 30 people live with a serious smoking-related illness; and

WHEREAS, secondhand smoke exposure contributes to approximately 41,000 deaths among nonsmoking adults and 400 deaths in infants each year; and

WHEREAS, the City Council of the City of Escondido ("City") seeks to encourage healthier lifestyles and the City recognizes that the use of tobacco products has devastating health consequences. The negative effects from smoking and secondhand smoke exposure constitute a harm which the City has a substantial government interest in preventing and/or abating; and

WHEREAS, the City desires to provide protection for the public health, safety, and general welfare by enacting new laws to regulate where smoking is prohibited to protect everyone's right to breathe clean air; and

WHEREAS, nothing in this ordinance shall be interpreted or applied so as to create

any requirement, power, or duty that is preempted by state or federal law.

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the City Council on this issue.

SECTION 2. That Chapter 22A of the Escondido Municipal Code is hereby repealed and replaced as follows:

Sec. 22A-1. Definitions.

In this chapter, the following words and phrases shall have the following meanings:

City-owned building means a building owned and occupied, or leased and occupied, by the city, except for a residential space.

Dining area means any non-residential location where food or beverages are served by a business or routinely consumed by customers. This includes, but is not limited to, restaurant or bar seating areas and patios.

Public open space means any established parcel or area of land unoccupied by buildings, driveways and parking areas, open to the public, and intended for uses including outdoor recreation, education, and scenic and visual enjoyment by the public at large. "Public open spaces" include, but are not limited to, city parks, canyons, ranches, forests and agricultural lands, the immediate surrounding areas of lakes, streams and rivers and other scenic areas owned or controlled by the City. A municipal golf course shall not be included within the definition of "public open space."

Public place means any unenclosed area to which the public is invited or in which the public is permitted, except for city-owned buildings. "Public places" include retail stores, retail service establishments, retail food production and market establishments,

restaurants, theaters, waiting rooms, reception areas, educational facilities, health facilities, public transportation facilities, and all other areas to which members of the public are invited. A private residence shall not be included within the definition of “public place.”

Smoke or smoking shall have the meaning as defined in Cal. Bus & Prof Code Section 22950.5(c).

Tobacco product shall have the meaning as defined in Cal. Bus & Prof Code Section 22950.5(d).

Trail means any path within a city park or public open space dedicated to pedestrian, bicycle, or bridle traffic. “Trail” shall also include any pathway dedicated to bicycle traffic within a city park or public open space.

Section 22A-2. Prohibitions.

(a) State and Federal Smoking Prohibitions. It is unlawful to smoke in any place where state and federal tobacco laws regulate the use of tobacco products.

(b) Local Smoking Prohibitions. It is unlawful to smoke in the following places within the City of Escondido:

(1) Any public open space or trail, including designated parking areas of any City recreational area;

(2) Any outdoor public space within the public right-of-way, including but not limited to roads, alleyways, sidewalks, entryways, waiting areas, bus stops, train platforms or boarding areas;

(3) Any City-owned parking lot;

(4) Any outdoor community event on all public property, when open to the public, such as farmers’ markets, exhibits, parades, concerts, performances, and other temporary use activities and events;

(6) Within eighty (80) feet of the entrance, exit, or operable window of a City-owned or operated building, including designated parking areas of any City-owned or operated building;

(7) Any dining area and within twenty-five (25) feet of the entrance, exit, or operable window of any dining area, on public and private property; and

(8) Outside any public place where a sign is posted prohibiting smoking in such area.

(c) It shall be unlawful for individuals under the age of 21 years to use or possess tobacco products.

(1) Exemption. This subsection does not apply to active duty military personnel who are eighteen (18) years of age or older, in compliance with State law.

Section 22A-3. Violations and penalties.

Any person who violates any of the provisions of this chapter is guilty of an infraction except for the fourth or each additional violation of a provision within one (1) year which shall be a misdemeanor. Penalties for a violation of this chapter shall be as designated in Section 1-17.

SECTION 3. California Environmental Quality Act (“CEQA”). That the City has determined that this Municipal Code Amendment is not a project pursuant to CEQA Guidelines Section 15378(b)(2), which provides that a project does not include general policy and procedure making. The adoption of this Municipal Code Amendment is also not a project pursuant to CEQA Guidelines Section 15378(b)(5), which provides that a project does not include organizational and administrative action of government that will not result in direct or indirect physical changes in the environment.

In the alternative, the City has determined that if the adoption of the Municipal Code Amendment is a project, it is subject to exemption. It can be seen with certainty that there is no possibility the adoption of this Municipal Code Amendment will have a significant adverse effect on the environment because the Municipal Code Amendment prohibits the use of tobacco products in certain areas. The adoption of this Municipal Code Amendment is therefore exempt from California Environmental Quality Act review pursuant to the common sense exemption found in CEQA Guidelines Section 15061(b)(3). It is also categorically exempt under CEQA Guidelines Section 15308, which exempts from CEQA any projects by a regulatory agency for the protection of the environment. The Ordinance constitutes a regulatory activity whose purpose is to protect air quality and prevent adverse health effects of air pollutants cause by smoking. Pursuant to CEQA, a Notice of Exemption relative to the Ordinance was adopted and will be filed with the County Clerk at a time and in a manner as described by law.

SECTION 4. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 5. That the adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

- Actions and proceedings that began before the effective date of this ordinance;

- Prosecution for ordinance violations committed before the effective date of this ordinance; and/or
- The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this ordinance.

SECTION 6. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

CITY COUNCIL STAFF REPORT

Current Business Item No. 11

March 4, 2020

File No. 0840-40

SUBJECT: 2020 Census Complete Count Outreach Update

DEPARTMENT: Community Development Department / Housing and Neighborhood Services

RECOMMENDATION:

It is requested that the City Council receive the staff report and presentation. No action is required at this time except to provide direction to staff as appropriate.

FISCAL ANALYSIS:

Last October San Diego Association of Governments ("SANDAG") awarded \$77,636.81 to the City of Escondido ("City") from the California Complete Count – Census 2020 pass-through grant from the State Government Operations Agency.

An accurate census count has a significant effect on federal funding levels for state and local governments. The State of California ("State") receives more than \$76 billion of funding per year based on Census data. In 2018, the City received over \$3 million dollars from federal block grants, including Community Development Block Grant Program ("CDBG"), HOME Investment Partnerships Program ("HOME"), Emergency Solutions Grant Program ("ESG"), Homeland Security, and Traffic Safety. An undercount could cost California \$1,000 in federal funding per person annually.

PREVIOUS ACTION:

On May 22, 2019, the City Council adopted Resolution No. 2019-58 recognizing the importance of the 2020 Census and supporting the City's participation in helping to ensure a complete, fair, and accurate count.

On October 23, 2020, the City Council authorized the Director of Communications and Community Services to accept a 2020 Census Complete Count Outreach Grant in the amount of \$77,636.81 from SANDAG to reach out to Hard to Count ("HTC") areas in Escondido to help to ensure a complete count.

BACKGROUND:

Every ten years, the federal government is mandated by the Constitution of the United States to count all persons living in the United States through the decennial census. The U.S. Census Bureau will conduct Census 2020 in March through July 2020. The data collected during the census is used to calculate the number of federal dollars each state receives for programs as well as federal representation. The Top Ten Census guided federal programs are: Medicaid, federal direct student loans, Supplemental Nutritional Assistance ("SNAP"), Medicare Supplemental Medical Insurance (Part B), Highway Planning and Construction, Pell Grants, Section 8 Housing Choice Vouchers, Temporary

Assistance for Needy Families, very low to moderate income housing loans, and Title 1 grants to local education agencies.

In every census, there are certain socioeconomic and demographic factors that can influence self-response. In Escondido, the most predominant HTC groups are children younger than five years old, seniors, and limited English proficiency residents. An HTC index of 37 was chosen as the statewide minimum threshold for Census tracts or block groups requiring additional outreach. There are 48 census tracts in Escondido with an HTC index of 37 or higher (see Attachment 1). An estimated 89,677 people live within these block groups. These neighborhoods are characterized by households with one or more of the following characteristics: low-income, include young children, live in multi-family units, or have limited English-proficiency. The 2020 Census will be the first on-line census, so additional support and outreach will be made available to seniors and residents who do not have broadband service in their homes.

PUBLIC OUTREACH:

The City received \$77,636.81 in state funds to increase awareness of the upcoming Census and to reduce barriers for completion of the Census questionnaire. These funds will be used both directly by the City and by partner community-based organizations (“CBOs”). Thus far, the City has designed and published materials for Escondido’s community co-branded with the State and County of San Diego logos. These materials are being distributed to housing complexes throughout the HTC area, affordable housing complexes outside of the HTC area, community partners who work with HTC communities, schools, and City facilities. City volunteers will also distribute door hangers throughout the HTC area. The City has coordinated with local organizations to host Census information booths at community events including the Dia de Los Muertos Festival, Christmas Parade and Multi-Cultural Fair, and Farmers Market. Additionally, the City will sponsor a banner over Broadway and Washington Avenue, a video to be aired on the City website and Channel 19, and advertisements on the back cover of the spring Recreation Guide, utility bills, and on the California Center for the Arts Escondido (“CCA”) marquis.

In order to reduce barriers to completing the Census, the City will also facilitate three Questionnaire Assistance Centers (“QAC”) from mid-March through the end of April. QACs are physical locations where the public can get information about the Census in their native language. These locations also provide online access to complete the questionnaire. The Escondido Public Library and Park Avenue Community Center will each host a QAC daily. Additionally, City staff is working with housing complexes and Neighborhood Health to have a traveling QAC to assist people.

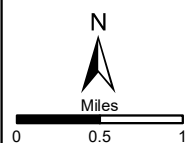
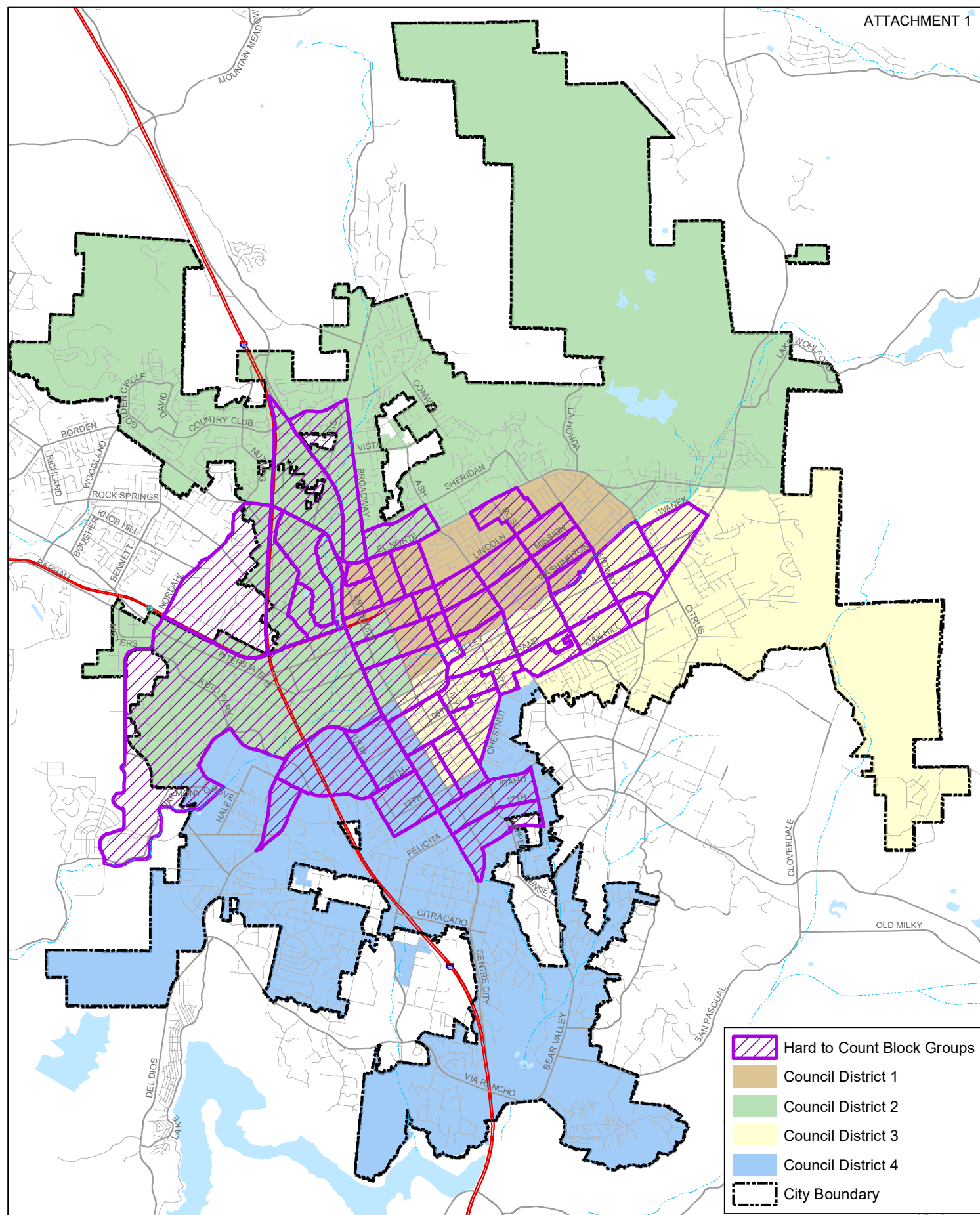
APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
2/27/20 10:04 a.m.

Mike Strong, Assistant Director of Planning
2/26/20 5:52 p.m.

ATTACHMENTS:

1. Attachment 1: Escondido Hard-to-Count Census Blocks



Council Districts and Hard-to-Count Census Blocks

CITY COUNCIL STAFF REPORT

Current Business Item No. 12

March 4, 2020

File No. 0480-70

SUBJECT: SB 2 Planning Grant Award announcement and next steps towards developing a Housing Element Update, Sector Feasibility Study, and East Valley Specific Plan.

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is recommended that the City Council approve a budget adjustment of \$310,000 (see Attachment 6); authorize the release of the request for proposals ("RFPs"); and receive, consider, and provide staff direction on the preliminary approach to inform and engage the public, as the City updates its future housing policies.

FISCAL ANALYSIS:

The action before the City Council is an overview of the next steps towards developing plans/studies that will be considered by the City Council in 2021. There is no fiscal impact associated with this overview. The grant award of \$310,000 pays for activities that would otherwise have been paid for by the General Fund. Prior to entering into any contracts for professional services, an off-cycle budget appropriation of \$310,000 is necessary to complete the work for the grant-funded activities.

PREVIOUS ACTION:

On October 9, 2019, the City Council approved Resolution No. 2019-156, authorizing the submittal for a SB 2 Planning Grant application to support planning efforts and increase the supply and affordability of homes in Escondido, and, if awarded, to accept the grant funds, complete a budget adjustment, and complete grant documents on behalf of the City of Escondido.

BACKGROUND:

The construction of new safe, decent, and attainable housing in California, and the San Diego region in particular, has been slowing down – further depleting the already limited inventory of homes. High demand for housing often pushes prices out of reach for lower and moderate-income households. In order for the private market to adequately address the housing needs and demand, local governments must adopt plans and regulatory systems that provide opportunities for housing development. Therefore, local governments have a responsibility to facilitate the improvement, preservation, and development of housing.

To assure local governments establish and attain these goals, the State, through Government Code Section 65580 et. seq., requires that local governments prepare, and implement an update to their Housing Element portion of the General Plan. This section of the Government Code, called Housing

Element law, has become the main vehicle which the State affects local housing and land use policies. The content and process by which a Housing Element is prepared is prescribed in State law, which requires local governments to adequately plan for existing and projected housing needs of all economic segments of the City. The element addresses in greater detail, the identification and analysis of housing needs and a statement of goals, policies, programs strategies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement and development of housing. It also includes a component of fair housing programs and policies. Over the years, the City of Escondido has implemented a number of valuable programs that have assisted lower income families (i.e. Community Development Block Grants, Section 8 financing programs) as well as approved lower income housing projects. However, with a changing demographic and aging population, it is becoming even more important to properly plan and provide for affordable housing for all income levels.

The 2017 Legislative Housing Package provided a renewed focus on housing and offered fifteen (15) different bills aimed at injecting new regulatory and financial resources to address housing construction, the state's housing shortage, and high housing costs. Chapter 354, Statutes of 2017 (SB 2) was part of this legislative package. SB 2 established a new, permanent source of funding intended to increase the affordable housing stock in California. On, January 16, 2020, the City received formal award announcement of \$310,000 to prepare a Housing Element Update, Sector Feasibility Study, and create a Specific Plan for the East Valley Target Area. The award announcement (provided in Attachment 1) and SB 2 Program reflects the State's commitment to work in partnership with local governments to address California's critical housing needs. Local governments are using the grant awards to accelerate housing production by streamlining the approval of affordable housing and promoting development consistent with the state's planning priorities, among other related activities.

PROJECT ANALYSIS:

The City was awarded grant funding to develop three different housing plans/studies: 1) a Housing Element Update, 2) a Sector Feasibility Study, and 3) a specific plan for the East Valley Target Area. The anticipated scope of projects covered by the City's SB 2 Planning Grant are listed below:

The Housing Element portion of the General Plan identifies housing needs and establishes clear goals and objectives to inform future housing decisions, including how best to accommodate population growth. This portion of the grant funds will allow the City to assess current conditions, plan for the future, and advance a progressive set of programs and initiatives to develop, conserve, and maintain housing opportunities, health in housing, and fair housing choices for current and future residents. The Housing Element reflects the vital role housing plays in ensuring the shared prosperity of our region.

The Sector Feasibility Study explores all the direct and indirect costs associated with new construction to better understand market conditions and patterns of housing and community development policy. This study, often referred to as a developer pro-forma, may help offer a general framework for defining realistic goals that respond to the challenges faced by different

markets and would provide guidance on the differing scales of interventions, role of public subsidy, and timeframes required for affordable housing projects (i.e. calling attention to programs that can be used to influence housing market outcomes in one or more ways). It may also help the City identify the right regulatory and non-regulatory approaches to right-sizing code standards to facilitate new housing development by understanding the amount of housing development expected under the existing regulations and learn if more housing can be achieved through various zoning incentives or development standards modifications. The City could also determine how best to speed up approvals and permit processing by understanding the timing and cost associated with entitlement and permit processing.

The East Valley Specific Plan will be a comprehensive planning and zoning document for a defined geographic area of the city, located just east of the former, downtown hospital site. The planning area of the East Valley Target Area, as it currently exists, is a function of past decisions and policies. A lot has changed since the area developed, including the adoption of the 2012 General Plan. Creating a specific plan for this area of the city would help establish a link between implementing policies of the General Plan and the future, individual development proposals within the defined area. It is envisioned that the target area will accommodate additional housing opportunities, so the Specific Plan should be closely coordinated with the Housing Element Update and Sector Feasibility Study.

The overall process provides residents, businesses, and other community members with an opportunity to vision a future for the City, as well as a specific area of the City, that reflects community-supported solutions and commonly-shared priorities. It is anticipated that the work program take approximately twelve (12) to fourteen (14) months to complete. In order to obtain guidance on the development of these plans and studies, it would be prudent for the City to explore its options as thoroughly as possible through a RFP process. The area of planning and zoning law is dynamic and it would be advantageous for the City to explore all of its options and obtain competitive quotes from various consultants or vendors. Draft copies of the RFPs are provided in Attachments 3-5. The RFP for each plan/study creates a clear focus on specific criteria that is important to the City and each respective RFP requests that each respondent submit a proposed scope of work and an itemized breakdown of all costs associated with completing all elements of the project. After bids are received and screened at a City staff level, the City Council may discuss the proposals and negotiate modifications of the proposal, draft scope of work, terms and conditions and pricing with the prospective respondents as a part of the selection process. City Council consultant selection would occur at a future meeting in April.

PUBLIC OUTREACH

The City will be undertaking a strategically focused public involvement process to help engage residents, businesses, and other community members in the development of three different housing studies and plans. Since the Housing Element, Sector Feasibility Study, and East Valley Specific Plan are related to each other, consolidating the work program in terms of project management into one project will help ensure that activities and tasks are grouped to be more efficient. This in turn will also lead to more effective public outreach and community engagement activities.

The draft Public Participation Plan (“PPP”) for the Housing Element Update, Sector Feasibility Study, and East Valley Specific Plan establishes goals for the outreach effort, as well as specific engagement and coordination elements. It is provided as Attachment 2. Although it will remain in draft form until consultant services are procured and outreach elements of each contract refine the approach to engagement, the purpose of the attachment is to weave various outreach activities together into a coordinated and transparent process and solicit early input from the City Council. (In addition to the actions listed in the draft PPP, the process will also include additional elements that is supported by consultant services.) The PPP, when finalized, will also serve as a source document to show how and when information will be presented to the public, including different community groups, and the City Council in their consideration of policy making priorities and/or implementation decisions.

At their March 4, 2020 meeting, the City Council may express specific elements that they would like to see implemented as part of the overall engagement strategy. This will be incorporated into the overall work program to the extent feasible. The PPP will become finalized after consultant selection in April 2020. Implementation of the PPP would occur shortly thereafter and continue for the duration of the work program.

ENVIRONMENTAL STATUS

The action before the City Council is statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15262, Feasibility and Planning Studies. This action involves only ongoing study in preparing various housing related programs and authorization to pursue grant funding. Public input received and technical information prepared during the proposed process would be utilized in preparing environmental documents to analyze their impact on the physical environment.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
2/27/20 10:04 a.m.

Mike Strong, Assistant Director of Planning
2/26/20 5:52 p.m.

ATTACHMENTS:

1. Attachment 1 – SB 2 Award Announcement Letter
2. Attachment 2 – Draft PPP
3. Attachment 3 – Draft Housing Element Update RFP
4. Attachment 4 – Draft Sector Feasibility Study RFP
5. Attachment 5 – Draft East Valley Specific Plan RFP
6. Attachment 6 – Off-Cycle Budget Allocation Form

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



January 16, 2020

Bill Martin
Director of Community Development
City of Escondido
201 N. Broadway
Escondido, CA 92025

RE: 2019 Planning Grants Program Award

Dear Bill Martin:

The California Department of Housing and Community Development (Department) is pleased to announce that the City of Escondido has been approved for funding under the SB 2 Planning Grants Program (Program). The Department has determined that the application submitted in response to the Notice of Funding Availability released on March 28, 2019, meets Program requirements. This letter, therefore, constitutes a conditional commitment of an award in the amount of \$310,000.

The Program reflects the state's commitment to work in partnership with local governments to address California's critical housing needs. Local governments are using the grant awards to accelerate housing production by streamlining the approval of affordable housing and promoting development consistent with the state's planning priorities, among other related activities.

Congratulations on your successful application. Staff will be contacting you shortly to initiate the process of preparing the Standard Agreement for fund distribution. For further information, please contact John Buettner at (916) 263-1500.

Sincerely,

Zachary Olmstead
Deputy Director

A. Purpose of a Public Participation Plan:

The City of Escondido (“City”) is undertaking this public involvement process to help engage residents, businesses, and other community members in the development of three different housing studies and plans. To achieve success for the three studies and plans, the City needs to have a well-thought out planning process. Since the studies are related to each other, consolidating the work program in terms of project management will help ensure that activities and tasks are grouped to be more efficient. This in turn will also lead to more effective public outreach and community engagement activities.

The Public Participation Plan (“PPP”) for the housing studies and plans establishes goals for the outreach effort, as well as specific scheduling, engagement, and coordination elements. The purpose of the PPP is to weave various outreach activities together into a coordinated process. This PPP will also serve as a source document to show how and when information will be presented to the public, including different community groups, and the City Council in their consideration of policy making priorities and/or implementation decisions.

B. Studies/Plans Overview:

The City was awarded grant funding to develop three different housing studies and plans: a Housing Element update (“HEU”), a Sector Feasibility Study, and a specific plan for the East Valley Target Area (“EVSP”).

HEU: The Housing Element of the General Plan identifies housing needs and establishes clear goals and objectives to inform future housing decisions, including how best to accommodate population growth. This HEU will allow the City to assess current conditions, plan for the future, and advance a progressive set of programs and initiatives to develop, conserve, and maintain housing opportunities, health in housing, and fair housing choices for current and future residents. The HEU reflects the vital role housing plays in ensuring the shared prosperity of our region.

Sector Feasibility Study: The one tool that more and more communities around the country to better understand the housing market and recent housing market performance is to review is conduct a residential section housing market study. The Sector Feasibility Study explores all the direct and indirect costs to new construction to better understand market conditions and patterns of housing and community development policy and investment strategy. This may help offer a general framework for defining realistic goals that respond to the challenges faced by different markets and would provide guidance on the differing scales of interventions, role of public subsidy, and timeframes required for affordable housing projects (i.e. calling attention to programs that can be used to influence housing market outcomes in one or more ways).

EVSP: A specific plan is a comprehensive planning and zoning document for a defined geographic area of the city. The planning area of the East Valley Target Area, as it currently exists, is a function of past decisions and policies. A lot has changed since the area developed, including the adoption of the 2012 General Plan. Creating a specific plan for this area of the city would help establish a link between implementing policies of the General Plan and the future, individual development proposals within the defined area. It is envisioned that the target area will accommodate additional housing opportunities, so the EVSP should be closely coordinated with the HEU and Sector Feasibility Study.

C. Defining the “Housing and Community Investment Study:”

These three housing studies and plans will be linked together, through a common work program theme, called the “Housing and Community Investment Study.” The Coastal Mobility and Livability Study (CMLS), as a theme, is the “face” or “brand” of the studies/plans and is something that people will recognize. It is simple enough to be memorable and also helps distinguish it from other City activities and projects. The study directly explores the link between safe, decent, and attainable housing and community investment opportunities.

Public participation is a critical component of the Housing and Community Investment Study planning process, because ultimately, its success will depend on community support. Therefore, this PPP seeks to develop a way to provide clear and ongoing information, encourage meaningful dialog, gather feedback and build consensus among local stakeholders. This will be achieved through a variety of methods, which are outlined in the plan, all with the goal of being as inclusive as possible.

D. Outreach Goals:

Public participation will help ensure that the Housing and Community Investment Study is developed to identify community-supported solutions. Since housing is a basic need of all people, regardless of income level, household type, etc., there is a need to engage a broad spectrum of stakeholders. Therefore, public participation will need to be achieved in a variety of ways. The outreach and coordination goals for the Housing and Community Investment Study are as follows:

1. Develop well-targeted messages to raise awareness about the Housing and Community Investment Study.
2. Succinctly communicate the purpose, benefits, and reason for the Housing and Community Investment Study, and the relationship that the three housing studies/plans (HEU, Sector Feasibility Study, and EVSP) have with each other.
3. Create opportunities for broad community input and engage a diverse group of people that represents a cross-section of perspectives, with particular emphasis on typically under-served or underrepresented populations of the city, including Spanish speakers, youth/students, seniors, and disadvantaged community members. The plan isn’t just about making what we have better,

it is also about attracting new residents, businesses, and visitors to the city. For this purpose, stakeholders and organizations should be unified in their visions to keep Plan implementation consistently positive and to help build public private partnerships.

4. Calling on local groups has helped ensure that a wide audience is reached (including but not limited to resident groups, HOAs, business membership groups, non-profits, schools, churches, etc.).

E. Information Sharing and Engagement Strategies:

The purpose of the PPP is to weave various outreach activities together into a coordinated process. To provide information about the Housing and Community Investment Study, gather meaningful feedback and build consensus among local stakeholders, initial outreach will focus on re-establishing stakeholder networks and ask these stakeholders to re-engage in the planning process. This network building will involve multiple forms of outreach, which are outlined below.

SECTION 1: Information Sharing

Communications for the Housing and Community Investment Study will be simple and will outline how and when public input will be used to inform various components of the project. Outreach materials will limit the use of planning jargon and technical terms. Outreach materials will be graphic-rich and limit the use of text, where appropriate. Outreach materials will be produced in English and Spanish, and Spanish language facilitators will be available at outreach events. The following sections describe specific elements communications and information sharing.

1a. Press and Media Notifications

Objective and Overview. The purpose of the press and media notifications is to reach out to local media outlets in order to get media coverage and boost project exposure to reach wide audiences, which will lead to increased public participation. Press releases will be circulated to announce public workshops and hearings, and the City will work with local media outlets and encourage them to follow the planning process and include features in local publications.

Timing: Notifications and communications will be created at key points in the study process.

1b. Fact Sheet

Objective and Overview: In the beginning it will be important to document the overall purpose and goals of the Housing and Community Investment Study work program. The message needs to identify a “call of action” to make the project appealing and interesting to broad audiences that may be unfamiliar with conventional planning projects. The purpose of developing the fact sheets is to provide a concise but thorough overview of the project, and what it means. At a

Attachment 2

minimum, the fact sheet will contain information on the Housing and Community Investment Study timeline, stakeholder involvement and public comment opportunities, and contact details. The fact sheet will also include the Community Workshop schedule and location information, making them useful for pre-workshop publicity. The fact sheet will include an electronic format suitable for website posting, e-mail distribution, and printing. Spanish versions of the three fact sheets will be prepared once the English version has been finalized.

Timing: The fact sheet will be produced in summer 2020, in advance of the first round of outreach.

1c. City Website

Objective and Overview: The purpose of the Housing and Community Investment Study webpage, hosted at the link below, is to establish a one-stop source for all project information and for collecting public input. The website will be used to post fact sheets, working documents, maps and illustrations, past agenda reports and council actions, and for the public to sign-up to receive newsletters.

Link: <https://www.escondido.org/HGIS>

Timing: The webpage has already launched, with updates as needed throughout the planning process.

1d. Newsletters

Objective and Overview: The e-newsletter will be brief informational packets/emails with links to the project website and other relevant information. The purpose of the e-newsletter is to provide up-to-date information about the project, announce milestones, and let the public know of public meetings and workshops and other opportunities to provide input.

Timing: The e-newsletter will be distributed to at key milestones, such as the availability of a document and/or to announce upcoming public input opportunities. It is anticipated that there will 5 to 7 newsletters, depending on the status and progression of the project.

1e. Social Media

Objective and Overview: Regular updates about the projects, key milestones, and opportunities for public comment will be shared on the City's social media channels. The purpose of social media posts will be to use already-established online platforms in order to reach the widest audience and garner additional public participation. Posts will encourage community members to share the posts directly in order to encourage broad distribution of information.

Attachment 2

Timing: Social media posts will be made at key milestones, such as the availability of a document and/or to announce upcoming public input opportunities. The update timing and purpose will be comparable to the e-newsletter timing and purpose described above.

1f. Commission Presentations and Community Advisory Group Meetings

Objective and Overview: To facilitate public participation at key milestones and to ensure the public has the opportunity to share their input, staff will provide standing item presentations on the Housing and Community Investment Study to each of the City's Commissions and Committees. This will ensure that all City Commissions and Committees have an opportunity to be involved. Opportunities will also be provided for the public attending these meetings to share their comments and ask questions.

To expand Study exposure and increase participation opportunities, City staff will also provide informational presentation to any stakeholder group on request (resident, business, or other community group). This will also include soliciting interest from the Community Advisory Groups. Presentation to be similar in scope to the Commission and Committee presentations, but would allow for group Q&A or active feedback and participation.

Timing: Regular status update presentations to City Commissions and Committees will be provided once every several months for the duration of the work program. More detailed presentations will be made at key milestones, with the Planning Commission, such as the availability of a document and/or to announce upcoming public input opportunities.

1g. City Council presentations

Objective and Overview: To facilitate public participation at key milestones and to ensure the public has the opportunity to share their input, staff will provide two status check-ins with the City Council on the Housing and Community Investment Study. This will ensure that the City Council can steer the process and provide direction as necessary prior to public hearings to review and consider the final HEU, Sector Feasibility Study, and EVSP.

Timing: Detailed presentations will be made at key milestones, such as the availability of a document and/or to announce upcoming public input opportunities.

SECTION 2: Engagement Strategies

Communications for the Housing and Community Investment Study will be simple and will outline how and when public input will be used to inform various components of the project. The following engagement strategies will be utilized to collect community input. Outreach materials will be produced in English and Spanish, and Spanish language facilitators will be available at outreach events.

Attachment 2

2a. Community Workshops

Objective and Overview: Provide a welcoming environment, open to the general public, where attendees can learn about the Housing and Community Investment Study and provide feedback at key points in the technical process. Workshop formats will be designed to both educate participants about the HEU, Sector Feasibility Study, and EVSP; and its benefits and to collect input that can help guide the three studies/plans. Workshop formats are anticipated to be small group discussions, topical breakout sessions, and/or exhibits where people can post notes, comment cards, etc. Two rounds of workshops/open houses will occur as part of the overall work program; however, more may occur as needed to ensure community-supported solutions are achieved. And it is anticipated that most of the workshop events will be conducted out in different areas of the city to ensure that meetings are conveniently located; and there are several dates and times to provide input and speak one-on-one with the project team.

Timing: Anticipated timing is expected to occur during the summer or fall 2020.

2b. Supplemental Pop-Up Outreach

Objective and Overview: In order to capture opinions of those that may not typically attend community meetings, Pop-Up Outreach will supplement in-person workshops. Pop-Up Outreach would piggy-back on existing community events, such as school events, community gatherings, and/or festivals. This Pop-Up Outreach may occur the same day as the in-person workshops or may occur within roughly the same 3-week period as the in-person workshops. Questions/Study content presented would be comparable to the in-person workshops.

Timing: Anticipated timing of the Pop-Up Outreach is expected to occur during the summer, fall, and winter 2020, as needed to ensure community-supported solutions are achieved.

2c. Online Surveys and Community Questionnaires

Objective and Overview: The purpose of providing supplemental online or community questionnaires is to provide additional ways for residents, businesses, and other community members to provide input. This forum (online community input) is intended to appeal to a broader audience that may not typically attend community workshops or meetings; or households that choose to participate out of the convenience of their own home. In addition to the traditional workshop setting, residents, businesses, and other community members will also be encouraged to use the online tool during outreach efforts, or encourage their friends to do so.

Timing: The surveys will be conducted during the first round of workshops to supplement data collection.

Attachment 2

2d. Stakeholder Interviews

Objective and Overview: To supplement input received through the workshops and surveys, it will be helpful to have conversations with stakeholders to get a better understanding of opportunities and to identify barriers and roadblocks that may need to be removed. Information can be gathered through a series of focus groups and interview with more than 50 local experts in housing, community development, real estate, lending, and property management who work across a wide range of sub-markets, populations, and geographies served. An internal City Steering Committee, with staff from Planning, Housing, Economic Development, Real Estate, Assessment, Law, Code Enforcement, etc. also helped to guide and inform the study.

Timing: The interviews will be conducted after the first round of workshops.



REQUEST FOR PROPOSALS FOR HOUSING ELEMENT UPDATE

[date], 2020

The City of Escondido ("City") is requesting proposals to **support the development of an updated Housing Element**. The City must update its Housing Element as mandated by State law for the 2021-2029 planning cycle, with completed certification by the California Department of Housing and Community Development ("HCD"). See Request for Proposals ("RFP") for more details. The RFP documents may be obtained at the following link:

<https://www.escondido.org/purchasing.aspx>.

Proposals shall be submitted either in a sealed envelope (with the proposal on a CD, solid-state data storage device, or thumb/flash drive) or submitted by email (provide a file transfer if the attachments are greater than 9.5 MBs) plainly identifying the RFP and consultant's name and address. **Proposals shall be delivered to the attention of Mike Strong, Assistant Planning Director, with the City of Escondido, Planning Division, 201 North Broadway, Escondido, CA 92078; or emailed to mstrong@escondido.org. Proposals must be received by 5:00 pm PST on March 27, 2020, in order to be considered timely for the purpose of selecting a consultant to provide the requested services.**

Responders to this solicitation should be concise – and keep it simple. The contents of the proposal and/or other material submitted should reflect the "shortness" of the overall procurement schedule.

Successful proposers will be asked to sign a Personal Services Contract ("Consulting Agreement") with the City prior to being given notice to proceed. A sample Consulting Agreement is attached as part of the RFP documents. Proposers must evaluate this Consulting Agreement and agree with the terms and conditions contained therein unless written objections are included with their proposal. The City will review the objections and content of any such objection in the proposal evaluation process.

For additional information regarding this RFP, please contact Mike Strong, at (760) 839-4556 or by email at mstrong@escondido.org.

SECTION I – SUMMARY

This Request for Proposals (“RFP”) solicits proposals from qualified consultants, firms, and/or a team comprised of different companies (“Consultant”) to provide professional services to update the City’s Housing Element to include the policies, strategies, and actions the City will undertake to facilitate the construction of new housing and preservation of existing housing to meet the needs of the population during the planning period (2021-2029) in all economic segments of the community. The implementation of SB 375 (2007) requires that the next Housing Element be certified by the State in April 2021.

The Housing Element update project shall be guided by the following objectives:

- ☐ Comply with all City and state legal and regulatory requirements.
- ☐ Produce a comprehensive document that addresses current and projected housing conditions and needs in the City.
- ☐ Ensure residents and stakeholders are engaged and participate in the update process to facilitate community buy-in.
- ☐ Achieve milestones with sufficient time for City and state oversight and review.
- ☐ Effectively coordinate with other consultants and City staff.

To respond to this RFP, an interested party should submit one (1) electronic copy (in Adobe Acrobat PDF file format) of its proposal to:

Mike Strong, Assistant Planning Director
City of Escondido
201 North Broadway
mstrong@escondido.org

Proposals shall be submitted either in a sealed envelope (with the proposal on a CD, solid-state data storage device, or thumb/flash drive) or submitted by email (provide a file transfer if the attachments are greater than 9.5 MBs) plainly identifying the RFP and consultant’s name and address. **Proposals must be received by 5:00 pm PST on Friday, March 27, 2020. Late proposals will not be considered.** Proposals must address all information requested in this RFP. A proposal may add information not requested in this RFP, but the information should be in addition to, not instead of, the requested information and format.

SECTION II – BACKGROUND

The City of Escondido invites proposals from qualified consulting firms that are able to engage our community leaders, residents, businesses, and other community members in developing the 2021- 2019 Cycle 6 Housing Element. The Housing Element will be updated to include the policies, strategies, and actions the City will undertake to facilitate the construction of new housing

and preservation of existing housing to meet the needs of the population during the planning period. In accordance with State law, the Housing Element must include:

- ☐ a complete analysis of the specific housing needs and an inventory of the resources and constraints relevant to addressing the housing needs.
- ☐ an inventory of land suitable for residential development to meet the City's housing needs.
- ☐ identification and analysis of potential and actual governmental constraints.
- ☐ identification of specific programs to implement the policies and goals.
- ☐ other analysis, policies, and goals required to comply with applicable State law.

The previous 2013-2021 Cycle 5 Housing Element was adopted by the City Council in May 2012 and was certified by the California Department of Housing and Community Development (HCD). The existing Housing Element remains a relevant planning policy document. Therefore, much of the effort associated with the professional services contract will be to update the existing housing needs and inventory and update the existing document to be compliant with recent State housing legislation packages. On July 5, 2018, HCD determined the San Diego region would need to plan for 171,685 housing units (Regional Housing Needs Assessment ["RHNA"] Determination) during the 6th Housing Element Cycle (2021-2029). As the council of governments for the San Diego region, the San Diego Association of Governments ("SANDAG") is responsible for developing a methodology for allocating the regional housing need among the region's 19 jurisdictions. The Board of Directors for SANDAG adopted the RHNA Plan on November 22, 2019. The State requires that Cycle 6 Housing Elements be certified 18 months after that date. The RHNA allocation for Escondido is significant. Escondido faces a number of challenges in meeting RHNA targets. The City is virtually built out with limited vacant land to provide additional housing.

The Final 6th Cycle Regional Housing Needs Assessment Methodology can be found at https://www.sandag.org/uploads/projectid/projectid_189_26874.pdf and may be used to understand the allocation assignments and their methodology. The City of Escondido 2012 Housing Element document can be found on the City's website (<https://www.escondido.org/general-plan.aspx>), and may be used as a foundation for understanding the City's unique vision and needs, which will serve as a basis for the Housing Element update.

SECTION III – SCOPE OF WORK

At a minimum, the consultant is expected to complete the following tasks:

1. Update housing, population, employment, and existing conditions.
2. Assess housing conditions and immediate needs, including special housing needs.
3. Incorporate the RHNA figures as provided by the adopted RHNA Plan.

4. Investigate, analyze, and address all new State housing laws and make recommendations to the City on their implementation and incorporation into applicable City codes and regulations.
5. Assess all existing Housing Element programs and other relevant City housing programs and determine their effectiveness and to make future recommendations as needed.
6. Conduct public outreach and facilitate meaningful public input. Ideally, several platforms to engage different populations should be utilized to formulate realistic and community-supported solutions to address housing challenges in the community. The consultant should assume, at a minimum, to provide services related to supplemental material and graphics, and technical and in-person assistance, with implementation at public workshop and public hearings.
7. Prepare a draft 2021-2029 Housing Element and submit to HCD for review. Coordinate document review, and address recommended modifications and comments by HCD, until such time that the document is deemed substantially in compliance with state law.
8. Identify sections of the City's General Plan Land Use Element and Public Safety Element, if any, that may need to be amended to be in compliance with State law, including all tables, maps, etc. consistent with the draft 2021-2029 Housing Element.
9. Attend Planning Commission and City Council public hearings.
10. Submit a City Council approved 2021-2029 Housing Element to HCD.

To satisfy the scope of work, the consultant should be familiar with State requirements and HCD guidance regarding Housing Element law and recent changes regarding site inventory and fair housing. The consultant should be able to demonstrate an ability to keep projects on time and within the allocated budget. During the course of preparing a draft and final Housing Element, the consultant should be able to effectively utilize technical expertise related to housing and actively engage a variety of community stakeholders and communicate ideas effectively in various forms.

SECTION IV – BUDGET

The City anticipates a consultant budget not-to-exceed \$135,000 including reimbursables.

Payment for services will be based on an hourly rate (time) and materials, and a not-to-exceed amount. The City will retain ten percent (10%) from the amounts invoiced until satisfactory completion of work and the final invoice has been processed. A partial payment computed by multiplying the base fee by this percentage shall then become due and payable, provided however, that no more than ninety percent (90%) of the total fee will be paid during the performance of the services. The balance of said fee shall become due and payable upon completion of all duties under the Consultant Agreement.

In connection with the work covered by the Consulting Agreement the City may, at any time during the process of the work, order additional work or materials incidental thereto. For example, if

additional meetings or if additional responses to comments are necessary. If any such work and materials are not listed as a pay item with a contract unit price or if compensation is not included under the terms of the Consulting Agreement, such work will be designated as Extra Work, and shall be performed by the consultant as directed. In the event the completion of specific tasks identified in the Scope of Work significantly exceeds the hours originally budgeted for under the Scope of Work, the consultant, subject to prior written approval by the City, may bill for such additional time at the rate corresponding to the task(s) in question under a proposed rate schedule.

Please note that the consultant will not be allowed to perform work in excess of the described services in the Consulting Agreement without the prior, written approval of the City. Before any Extra Work is initiated, the consultant shall identify the kind, cost, and estimated quantities of the Extra Work to be done. Any increase or reallocation in compensation must be authorized and funded in advance. No compensation for Extra Work or any other change in the contract will be allowed unless the Extra Work or change has been authorized in writing by the City, any necessary contract amendment is approved, and the compensation or method of determining such compensation is stated in such written authority. All requests for Extra Work shall be in a written Change Order submitted to and approved by the City prior to the commencement of such work.

SECTION V – INSTRUCTIONS TO BIDDERS

A. General

1. All proposals must be made in accordance with the conditions of this RFP. Failure to address any of the requirements may be grounds for rejection of this proposal.
2. All information should be complete, specific, and as concise as possible. Respondents are liable for all errors or omissions contained in their submittals.
3. Proposals should include any additional information that the respondent deems pertinent to the understanding and evaluation of the bid.
4. The City may modify the RFP or issue supplementary information or guidelines during the proposal preparation period prior to the due date.
5. Proposals shall constitute firm offers. Proposals may not be modified after the due date. All proposals shall constitute firm offers valid for ninety (90) days from the due date. All proposals should be signed by an authorized representative of the bidder. Once submitted, proposals may be withdrawn, modified and resubmitted up until the due date. Any correction or re-submission of proposals will not extend the submittal due date.

6. All responses to this RFP become property of the City and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of its submittal is exempt from public disclosure, it may mark that portion "confidential." The City will use reasonable means to ensure that such confidential information is safeguarded, but will not be held liable for inadvertent disclosure of the information. Proposals marked confidential in their entirety will not be honored, and the City will not deny public disclosure of any portion of submittals so marked. By submitting a proposal with portions marked "confidential" a respondent represents it has a good faith belief that such portions are exempt from disclosure under the California Public Records Act and agrees to reimburse the City for, and to indemnify, defend, and hold harmless the City, its officers, employees, and agents, from and against any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs, and expenses, including without limitation, attorneys' fees, expenses, and court costs of any nature whatsoever, arising from or relating to the City's non-disclosure of any such designated portions of a proposal.
7. The City, at its option, may interview bidders. The interviews will be for the purpose of clarifying the proposals. Submittal of new proposal material at an interview will not be permitted. Interviews may involve a presentation and/or a question-and-answer session.
8. The City's expectation of any consultant with which the City contracts holds values that align with the City's values of highly ethical conduct, fiscal responsibility, respect for the City and others, and excellent customer service delivery.
9. The City reserves the right to reject any and all proposals or to negotiate individually with one or more consultants, and to select one or more consultants if determined to be in the best interest of the City. A proposal may be immediately rejected at any time if it arrives after the deadline, or is not in the prescribed format, or is not signed by an individual authorized to represent the firm. No responsibility is assumed for delays caused by delivery service. Postmarking by the due date will not substitute for actual receipt.
10. The City also reserves the right to not enter into any agreement, cancel or amend the process at any time.
11. Proposals shall include a cost proposal that must list the fully-burdened hourly rates for each level of professional and administrative staff to be used to perform the tasks required by this RFP, and the length of time that the rates will be valid as well as anticipated percent increase to rates over the four-year contract period. The City reserves the right to negotiate all terms and conditions of any agreements entered into.

12. The cost for developing the proposal is the responsibility of the bidder, and shall not be chargeable to the City.

B. Schedule

This request for proposal will be governed by the following schedule:

- ☐ Proposals due: **March 27, 2020 at 5:00 pm PST**
- ☐ Interview (if held): **Week of April 6, 2020**
- ☐ Award announcement: **Week of April 13, 2020**
- ☐ Approval of Contract: **Week of April 20, 2020**

*All dates are subject to change at the discretion of the City.

C. Contents of Proposal

Submitted proposals must follow the format outlined below and include all requested information. Failure to submit proposals in the required format can result in the elimination of the proposal from evaluation and consideration.

Note: The contents of the proposal and/or other material submitted should reflect the “shortness” of the overall procurement schedule.

1. Cover Letter (Section I) – Must include the name, address, and telephone number of the company, and must be signed by the person(s) authorized to represent the firm. This section should include the Firm’s contact information, and any relevant information about the firm.
3. Summary (Section II) – State overall approach and scope of work proposed. Try to keep your response to one (1) or two (2) pages.
4. Program Schedule (Section III) – Provide example timeframes for completing the assignment. The schedule should be realistic, while achieving project adoption by April 2021.
5. Firm Organization (Section IV) – Provide a statement of your firm’s background and related experience in providing similar services to governmental organizations, if any. Describe the technical capabilities of the firm and, in particular, the firm’s exposure with working with environmental regulations, if any. Provide references of other, similar projects including contact name, title, and telephone number for all references listed.

6. Project Organization (Section V) – Describe the proposed project management structure and project management team. List all key personnel assigned to the project by level and name. Provide a description of their background, along with a summary of their experience in providing similar services for governmental agencies, and any specialized expertise they may have.
7. Cost Proposal (Section VI) – The rate schedule must list the fully-burdened hourly rates for each level of professional and administrative staff to be used to perform the tasks required by this RFP. A not-to-exceed amount must be provided.
8. Conflict of Interest (Section VII) – Address possible conflicts of interest with other clients affected by consultants' actions performed by the firm on behalf of the City.

To eliminate and reduce paperwork and costs, it is preferable that all submittals be transmitted electronically in a manner described herein.

SECTION VI – PROPOSAL EVALUATION

A panel of City staff will evaluate all proposals. Proposals will be evaluated on the following criteria:

Criteria	Description	Weight
Expertise	Technical expertise, size and structure of the firm and personnel assigned to RFP tasks; firm's ability to perform and complete the work in a professional and timely manner.	30%
Skill	Past experience of the firm and, in particular, experience of the team working on projects of similar scope for other governmental agencies.	20%
Approach	Responsiveness of the proposal, based upon a clear understanding of the work to be performed.	20%
Public Participation	Engagement activities and assignment	20%
Cost	Cost or cost effectiveness	10%

If two or more proposals receive the same number of points, the City will consider the fully-burdened hourly rates.

SECTION VII – SAMPLE CONTRACT

A sample contract to carry out the work described in this RFP is provided as Attachment A.

DRAFT



REQUEST FOR PROPOSALS FOR SECTOR FEASIBILITY STUDY

[date], 2020

The City of Escondido ("City") is requesting proposals to **prepare a residential sector feasibility study and pro-forma of different development types and densities**. The City must update its Housing Element as mandated by State law for the 2021-2029 planning cycle, and analyzing the financial/economic feasibility of different types and densities of residential development is a complementary component of that work effort. See Request for Proposals ("RFP") for more details. The RFP documents may be obtained at the following link:

<https://www.escondido.org/purchasing.aspx>.

Proposals shall be submitted either in a sealed envelope (with the proposal on a CD, solid-state data storage device, or thumb/flash drive) or submitted by email (provide a file transfer if the attachments are greater than 9.5 MBs) plainly identifying the RFP and consultant's name and address. **Proposals shall be delivered to the attention of Mike Strong, Assistant Planning Director, with the City of Escondido, Planning Division, 201 North Broadway, Escondido, CA 92078; or emailed to mstrong@escondido.org. Proposals must be received by 5:00 pm PST on March 27, 2020, in order to be considered timely for the purpose of selecting a consultant to provide the requested services.**

Successful proposers will be asked to sign a Personal Services Contract ("Consulting Agreement") with the City prior to being given notice to proceed. A sample Consulting Agreement is attached as part of the RFP documents. Proposers must evaluate this Consulting Agreement and agree with the terms and conditions contained therein unless written objections are included with their proposal. The City will review the objections and content of any such objection in the proposal evaluation process.

For additional information regarding this RFP, please contact Mike Strong, at (760) 839-4556 or by email at mstrong@escondido.org.

SECTION I – SUMMARY

This Request for Proposals (“RFP”) solicits proposals from qualified consultants, firms, and/or a team comprised of different companies (“Consultant”) to provide professional services to analyze residential sector feasibility within Escondido (“City”). The City is interested in understanding the impacts of direct and indirect costs on the market demand and availability of market-rate and affordable-rate housing opportunities. The pro forma and nexus analysis of different development types and densities (and supporting materials provided as a deliverable) will enable the City to consider its various regulatory and non-regulatory approaches to accommodating the marketplace and how to treat programmed Housing Element implementation. The City must update its Housing Element as mandated by State law for the 2021-2029 planning cycle, and the feasibility study of different types and densities of residential development is a complementary component of that work effort.

To respond to this RFP, an interested party should submit one (1) electronic copy (in Adobe Acrobat PDF file format) of its proposal to:

Mike Strong, Assistant Planning Director
City of Escondido
201 North Broadway
mstrong@escondido.org

Proposals shall be submitted either in a sealed envelope (with the proposal on a CD, solid-state data storage device, or thumb/flash drive) or submitted by email (provide a file transfer if the attachments are greater than 9.5 MBs) plainly identifying the RFP and consultant’s name and address. **Proposals must be received by 5:00 pm PST on Friday, March 27, 2020. Late proposals will not be considered.** Proposals must address all information requested in this RFP. A proposal may add information not requested in this RFP, but the information should be in addition to, not instead of, the requested information and format.

SECTION II – BACKGROUND

The City of Escondido invites proposals from qualified consulting firms to help the City develop a strategic plan for revitalizing residential development opportunities in the community. The consultant’s role on this task is to prepare a residential sector feasibility study. As has been well reported, Southern California has been experiencing a severe housing shortage, characterized by a lack of available units, high demand, and the rising gap between income levels and housing costs. The City must update its Housing Element as mandated by State law for the 2021-2029 planning cycle. A key part of this analysis will be to evaluate the effect, if any, that various regulatory and non-regulatory factors constrain housing development. It is anticipated that the feasibility study of different types and densities of residential development is a complementary component of that work effort.

The City is looking to gather adequate information and assess if, and to what degree, housing development is financially/economically feasible under rising construction, land, and regulatory costs. This information would be extremely valuable to the City's Economic Development Manager and Housing Manager for marketing purposes. Estimating the costs to build the development, including all anticipated direct and indirect costs and how it will be financed, is important in understanding the context of how property owners, developers, and builders choose or don't choose to develop. Furthermore, the City does not currently have an inclusionary housing program. Should the City decide to pursue an inclusionary program, one factor in determining the appropriate program is the cost to the developer of complying with the requirements. To assist the City in understanding the cost associated with an onsite obligation, the consultant must estimate the compliance cost to the developer when units are sold/rented at affordable prices. This information will be utilized as part of the City's Housing Element update to offer a useful context and/or nexus when considering potential onsite and fee obligations, should policy-makers provide that direction.

SECTION III – SCOPE OF WORK

At a minimum, the consultant is expected to complete the following tasks:

1. Explore options for acceptable rent rates and home values through general market research and analysis of housing trends.
2. Recommendations of types of housing and densities that would best serve the study's purpose, with considerations such as zoning, available sites in the land inventory, and multi-year projections.
3. Conduct a professional residential sector market analysis and pro forma of five (5) prototypes for rental and homeownership on site. For each five (5) prototypes, perform on-site compliance cost analysis for an inclusionary housing program to facilitate an understanding about the potential constraints to program implementation for the five (5) prototypes. Also perform 100% low-income affordable housing scenarios for the (5) prototypes, with opportunities for rental use on site. Research and analysis must include the potential for partnerships and funding options. (15 total pro-forma.)
4. Preparation of a draft and final report that documents input assumptions. Said report must include a written synopsis or summary that can be easily extrapolated by the Economic Development Manager and Housing Manager for marketing purposes.

SECTION IV – BUDGET

The City anticipates a consultant budget not-to-exceed \$45,000 including reimbursables.

In connection with the work covered by the Consulting Agreement the City may, at any time during the process of the work, order additional work or materials incidental thereto. For example, if

additional meetings or if additional responses to comments are necessary. If any such work and materials are not listed as a pay item with a contract unit price or if compensation is not included under the terms of the Consulting Agreement, such work will be designated as Extra Work, and shall be performed by the consultant as directed. In the event the completion of specific tasks identified in the Scope of Work significantly exceeds the hours originally budgeted for under the Scope of Work, the consultant, subject to prior written approval by the City, may bill for such additional time at the rate corresponding to the task(s) in question under a proposed rate schedule.

Please note that the consultant will not be allowed to perform work in excess of the described services in the Consulting Agreement without the prior, written approval of the City. Before any Extra Work is initiated, the consultant shall identify the kind, cost, and estimated quantities of the Extra Work to be done. Any increase or reallocation in compensation must be authorized and funded in advance. No compensation for Extra Work or any other change in the contract will be allowed unless the Extra Work or change has been authorized in writing by the City, any necessary contract amendment is approved, and the compensation or method of determining such compensation is stated in such written authority. All requests for Extra Work shall be in a written Change Order submitted to and approved by the City prior to the commencement of such work.

SECTION V – INSTRUCTIONS TO BIDDERS

A. General

1. All proposals must be made in accordance with the conditions of this RFP. Failure to address any of the requirements may be grounds for rejection of this proposal.
2. All information should be complete, specific, and as concise as possible. Respondents are liable for all errors or omissions contained in their submittals.
3. Proposals should include any additional information that the respondent deems pertinent to the understanding and evaluation of the bid.
4. The City may modify the RFP or issue supplementary information or guidelines during the proposal preparation period prior to the due date.
5. Proposals shall constitute firm offers. Proposals may not be modified after the due date. All proposals shall constitute firm offers valid for ninety (90) days from the due date. All proposals should be signed by an authorized representative of the bidder. Once submitted, proposals may be withdrawn, modified and resubmitted up until the due date. Any correction or re-submission of proposals will not extend the submittal due date.

6. All responses to this RFP become property of the City and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of its submittal is exempt from public disclosure, it may mark that portion "confidential." The City will use reasonable means to ensure that such confidential information is safeguarded, but will not be held liable for inadvertent disclosure of the information. Proposals marked confidential in their entirety will not be honored, and the City will not deny public disclosure of any portion of submittals so marked. By submitting a proposal with portions marked "confidential" a respondent represents it has a good faith belief that such portions are exempt from disclosure under the California Public Records Act and agrees to reimburse the City for, and to indemnify, defend, and hold harmless the City, its officers, employees, and agents, from and against any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs, and expenses, including without limitation, attorneys' fees, expenses, and court costs of any nature whatsoever, arising from or relating to the City's non-disclosure of any such designated portions of a proposal.
7. The City, at its option, may interview bidders. The interviews will be for the purpose of clarifying the proposals. Submittal of new proposal material at an interview will not be permitted. Interviews may involve a presentation and/or a question-and-answer session.
8. The City's expectation of any consultant with which the City contracts holds values that align with the City's values of highly ethical conduct, fiscal responsibility, respect for the City and others, and excellent customer service delivery.
9. The City reserves the right to reject any and all proposals or to negotiate individually with one or more consultants, and to select one or more consultants if determined to be in the best interest of the City. A proposal may be immediately rejected at any time if it arrives after the deadline, or is not in the prescribed format, or is not signed by an individual authorized to represent the firm. No responsibility is assumed for delays caused by delivery service. Postmarking by the due date will not substitute for actual receipt.
10. The City also reserves the right to not enter into any agreement, cancel or amend the process at any time.
11. Proposals shall include a cost proposal that must list the fully-burdened hourly rates for each level of professional and administrative staff to be used to perform the tasks required by this RFP, and the length of time that the rates will be valid as well as anticipated percent increase to rates over the four-year contract period. The City reserves the right to negotiate all terms and conditions of any agreements entered into.

12. The cost for developing the proposal is the responsibility of the bidder, and shall not be chargeable to the City.

B. Schedule

This request for proposal will be governed by the following schedule:

- ☐ Proposals due: **March 27, 2020 at 5:00 pm PST**
- ☐ Interview (if held): **Week of April 6, 2020**
- ☐ Award announcement: **Week of April 13, 2020**
- ☐ Approval of Contract: **Week of April 20, 2020**

*All dates are subject to change at the discretion of the City.

C. Contents of Proposal

Submitted proposals must follow the format outlined below and include all requested information. Failure to submit proposals in the required format can result in the elimination of the proposal from evaluation and consideration.

1. Cover Letter (Section I) – Must include the name, address, and telephone number of the company, and must be signed by the person(s) authorized to represent the firm.
2. Summary (Section II) – State overall approach and scope of work proposed.
3. Project Organization (Section III) – Describe the proposed project management structure and project management team. List all key personnel assigned to the project by level and name. Provide a description of their background, along with a summary of their experience in providing similar services for governmental agencies, and any specialized expertise they may have.
4. Cost Proposal (Section IV) – The rate schedule must list the fully-burdened hourly rates for each level of professional and administrative staff to be used to perform the tasks required by this RFP. A not-to-exceed amount must be provided.
5. Conflict of Interest (Section V) – Address possible conflicts of interest with other clients affected by consultants' actions performed by the firm on behalf of the City.

To eliminate and reduce paperwork and costs, it is preferable that all submittals be transmitted electronically in a manner described herein.

SECTION VI – PROPOSAL EVALUATION

A panel of City staff will evaluate all proposals. Proposals will be evaluated on the following criteria:

Criteria	Description	Weight
Expertise	Technical expertise, size and structure of the firm and personnel assigned to RFP tasks; firm's ability to perform and complete the work in a professional and timely manner.	30%
Skill	Past experience of the firm and, in particular, experience of the team working on projects of similar scope for other governmental agencies.	40%
Approach	Responsiveness of the proposal, based upon a clear understanding of the work to be performed.	20%
Public Participation	Engagement activities and assignment	0%
Cost	Cost or cost effectiveness	10%

If two or more proposals receive the same number of points, the City will consider the fully-burdened hourly rates.

SECTION VII – SAMPLE CONTRACT

A sample contract to carry out the work described in this RFP is attached.

DRAFT



REQUEST FOR PROPOSALS FOR PREPARATION OF THE EAST VALLEY SPECIFIC PLAN

[date], 2020

The City of Escondido ("City") is requesting proposals to **support the development of a new specific plan for an approximate 150-acre portion of the East Valley Parkway Target Area.** See Request for Proposals ("RFP") for more details. The RFP documents may be obtained at the following link:

<https://www.escondido.org/purchasing.aspx>.

Proposals shall be submitted either in a sealed envelope (with the proposal on a CD, solid-state data storage device, or thumb/flash drive) or submitted by email (provide a file transfer if the attachments are greater than 9.5 MBs) plainly identifying the RFP and consultant's name and address. **Proposals shall be delivered to the attention of Mike Strong, Assistant Planning Director, with the City of Escondido, Planning Division, 201 North Broadway, Escondido, CA 92078; or emailed to mstrong@escondido.org. Proposals must be received by 5:00 pm PST on March 27, 2020, in order to be considered timely for the purpose of selecting a consultant to provide the requested services.**

Responders to this solicitation should be concise – and keep it simple. The contents of the proposal and/or other material submitted should reflect the "shortness" of the overall procurement schedule.

Successful proposers will be asked to sign a Personal Services Contract ("Consulting Agreement") with the City prior to being given notice to proceed. A sample Consulting Agreement is attached as part of the RFP documents. Proposers must evaluate this Consulting Agreement and agree with the terms and conditions contained therein unless written objections are included with their proposal. The City will review the objections and content of any such objection in the proposal evaluation process.

For additional information regarding this RFP, please contact Mike Strong, at (760) 839-4556 or by email at mstrong@escondido.org.

SECTION I – SUMMARY

This Request for Proposals (“RFP”) solicits proposals from qualified consultants, firms, and/or a team comprised of different companies (“Consultant”) to provide professional services to develop a specific plan to focus primarily on the construction of new housing opportunities and streamlined provisions in the East Valley Target Area.

The project shall be guided by the following objectives:

- ☐ Comply with all state legal and regulatory requirements (Government Code Sections 65450 – 65457).
- ☐ Produce a comprehensive document that addresses and implements the East Valley Parkway Target Area as described in the City’s General Plan.
- ☐ Ensure residents and stakeholders are engaged and participate to develop a unique vision, while achieving specific objectives for streamlining new housing.
- ☐ Achieve milestones with sufficient time for City oversight and review.
- ☐ Effectively coordinate with other consultants and City staff.

To respond to this RFP, an interested party should submit one (1) electronic copy (in Adobe Acrobat PDF file format) of its proposal to:

Mike Strong, Assistant Planning Director
City of Escondido
201 North Broadway
mstrong@escondido.org

Proposals shall be submitted either in a sealed envelope (with the proposal on a CD, solid-state data storage device, or thumb/flash drive) or submitted by email (provide a file transfer if the attachments are greater than 9.5 MBs) plainly identifying the RFP and consultant’s name and address. **Proposals must be received by 5:00 pm PST on Friday, March 27, 2020. Late proposals will not be considered.** Proposals must address all information requested in this RFP. A proposal may add information not requested in this RFP, but the information should be in addition to, not instead of, the requested information and format.

SECTION II – BACKGROUND

The City of Escondido invites proposals from qualified consulting firms that are able to engage our community leaders, residents, businesses, and other community members in a specific plan to implement a significant portion of the East Valley Parkway Target Area as described in the Land Use Element component of the City’s General Plan. Pursuant to the General Plan, this area of the City may permit additional residential densities, with a minimum of 30 units per acre. The purpose of the specific plan is to provide policy direction and guidance on how this area

(approximately 150 acres) would develop from underutilized residential and commercial land into a new neighborhood with a mix of residential, commercial, public, and open space uses.

The Specific Plan would not only provide the general vision and broad policy concepts to guide development for a new residential neighborhood, but also provide the details on the type, location, and intensity of uses, define the capacity and design of needed public improvements and infrastructure, and determine the resources necessary to finance and implement the public improvements and infrastructure needed to support the vision for a new neighborhood. Three important and distinctive features of this Specific Plan that will need to be included are: 1) policies and implementation measures to ensure multi-modal connectivity and integration of this new neighborhood with the older, more established, residential neighborhoods; 2) establishment of transitional zones to separate the new neighborhood from existing commercial uses that will likely stay and not recycle in the foreseeable future; and 3) creation of objective design guidelines to streamline permitting. It is intended that the Specific Plan set development policies, land use regulations, design standards, capital improvement program, and financing program, concisely within a single document. It is anticipated that the overall work program would take twelve (12) months to complete.

The City of Escondido 2012 Land Use Element document can be found on the City's website (<https://www.escondido.org/general-plan.aspx>), and may be used as a foundation for understanding the City's unique vision and needs of the target area, which will serve as a basis for the specific plan.

SECTION III – SCOPE OF WORK

At a minimum, the consultant is expected to complete the following tasks:

1. Existing conditions report. Build an existing conditions and opportunities map and report. The consultant will evaluate the existing physical and regulatory conditions in the project study area. Information to be included: existing land use, including the number of existing affordable and market rate dwelling units; physical conditions, including structures in poor or deteriorating condition; environmental conditions, including areas of known soil or groundwater contamination; urban form; pending and approved development projects; planned public and private improvement projects; circulation network; transit use; historic resources; market conditions and development potential.
2. Issues and opportunities. Based on analysis of existing conditions, opportunities in the plan area shall be identified, along with potential constraints.
3. Vision and objectives development strategy. Revisit the land use plan and policy framework of the existing plan to accommodate increased housing density along with other transit supportive uses and improvements. This Strategy will identify policies and actions to meet future housing need, including potential zoning changes or incentives to address any obstacles to providing affordable housing.

4. Develop a land use district plan that facilitates additional housing opportunities and streamlined permitting.
5. Development of urban design standards, which promote walkable and livable environments within the project area.
6. Conduct public outreach and facilitate meaningful public input. The planning process for this effort must be built on broad public involvement, and on proven methods for finding common ground among diverse groups. Not only is consensus building important for specific plan development, also it is critical to long-term implementation of the specific plan.
 - The City has already identified some the engagement strategies envisioned to occur during the course of developing the East Valley Specific Plan. A draft Public Participation Plan is provided as an attachment to this RFP. For this task, responders should provide a level of effort that assumes staff implementation of those activities listed in the attachment, with the consultant providing supplemental material board content and graphics, and technical and in-person assistance with implementation at public workshop and public hearings. Many of the other responsibilities are assigned to City staff. This should provide more resources to the consultant to enhance other project components and/or deliverables. However, as part of this procurement, the consultant should identify additional outreach activities that may help broaden the reach of the project and add value or diversity to the engagement period(s).
7. Prepare a draft specific plan. The preparation of the specific plan is expected to be an iterative process involving drafting and refinement of the document based on public input and comment. Coordination of the specific plan effort with the Housing Element update effort is essential to ensure that additional sites are available and viable for residential redevelopment.
8. Attend Planning Commission and City Council public hearings in March and April 2021 (est.)
9. Finalize the specific plan, incorporating all comments and requested changes made through public hearing deliberations.

SECTION IV – BUDGET

The City anticipates a consultant budget not-to-exceed \$140,000 including reimbursables. Consultants need to provide a response that is under this budget and may to identify tasks that can be subsidized by staff time and/or resources.

Payment for services will be based on an hourly rate (time) and materials, and a not-to-exceed amount. The City will retain ten percent (10%) from the amounts invoiced until satisfactory completion of work and the final invoice has been processed. A partial payment computed by multiplying the base fee by this percentage shall then become due and payable, provided however, that no more than ninety percent (90%) of the total fee will be paid during the

performance of the services. The balance of said fee shall be payable upon completion of all duties under the Consultant Agreement.

In connection with the work covered by the Consulting Agreement the City may, at any time during the process of the work, order additional work or materials incidental thereto. For example, if additional meetings or if additional responses to comments are necessary. If any such work and materials are not listed as a pay item with a contract unit price or if compensation is not included under the terms of the Consulting Agreement, such work will be designated as Extra Work, and shall be performed by the consultant as directed. In the event the completion of specific tasks identified in the Scope of Work significantly exceeds the hours originally budgeted for under the Scope of Work, the consultant, subject to prior written approval by the City, may bill for such additional time at the rate corresponding to the task(s) in question under a proposed rate schedule.

Please note that the consultant will not be allowed to perform work in excess of the described services in the Consulting Agreement without the prior, written approval of the City. Before any Extra Work is initiated, the consultant shall identify the kind, cost, and estimated quantities of the Extra Work to be done. Any increase or reallocation in compensation must be authorized and funded in advance. No compensation for Extra Work or any other change in the contract will be allowed unless the Extra Work or change has been authorized in writing by the City, any necessary contract amendment is approved, and the compensation or method of determining such compensation is stated in such written authority. All requests for Extra Work shall be in a written Change Order submitted to and approved by the City prior to the commencement of such work.

SECTION V – INSTRUCTIONS TO BIDDERS

A. General

1. All proposals must be made in accordance with the conditions of this RFP. Failure to address any of the requirements may be grounds for rejection of this proposal.
2. All information should be complete, specific, and as concise as possible. Respondents are liable for all errors or omissions contained in their submittals.
3. Proposals should include any additional information that the respondent deems pertinent to the understanding and evaluation of the bid.
4. The City may modify the RFP or issue supplementary information or guidelines during the proposal preparation period prior to the due date.

5. Proposals shall constitute firm offers. Proposals may not be modified after the due date. All proposals shall constitute firm offers valid for ninety (90) days from the due date. All proposals should be signed by an authorized representative of the bidder. Once submitted, proposals may be withdrawn, modified and resubmitted up until the due date. Any correction or re-submission of proposals will not extend the submittal due date.
6. All responses to this RFP become property of the City and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of its submittal is exempt from public disclosure, it may mark that portion "confidential." The City will use reasonable means to ensure that such confidential information is safeguarded, but will not be held liable for inadvertent disclosure of the information. Proposals marked confidential in their entirety will not be honored, and the City will not deny public disclosure of any portion of submittals so marked. By submitting a proposal with portions marked "confidential" a respondent represents it has a good faith belief that such portions are exempt from disclosure under the California Public Records Act and agrees to reimburse the City for, and to indemnify, defend, and hold harmless the City, its officers, employees, and agents, from and against any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs, and expenses, including without limitation, attorneys' fees, expenses, and court costs of any nature whatsoever, arising from or relating to the City's non-disclosure of any such designated portions of a proposal.
7. The City, at its option, may interview bidders. The interviews will be for the purpose of clarifying the proposals. Submittal of new proposal material at an interview will not be permitted. Interviews may involve a presentation and/or a question-and-answer session.
8. The City's expectation of any consultant with which the City contracts holds values that align with the City's values of highly ethical conduct, fiscal responsibility, respect for the City and others, and excellent customer service delivery.
9. The City reserves the right to reject any and all proposals or to negotiate individually with one or more consultants, and to select one or more consultants if determined to be in the best interest of the City. A proposal may be immediately rejected at any time if it arrives after the deadline, or is not in the prescribed format, or is not signed by an individual authorized to represent the firm. No responsibility is assumed for delays caused by delivery service. Postmarking by the due date will not substitute for actual receipt.
10. The City also reserves the right to not enter into any agreement, cancel or amend the process at any time.

11. Proposals shall include a cost proposal that must list the fully-burdened hourly rates for each level of professional and administrative staff to be used to perform the tasks required by this RFP, and the length of time that the rates will be valid as well as anticipated percent increase to rates over the four-year contract period. The City reserves the right to negotiate all terms and conditions of any agreements entered into.
12. The cost for developing the proposal is the responsibility of the bidder, and shall not be chargeable to the City.

B. Schedule

This request for proposal will be governed by the following schedule:

- ☐ Proposals due: **March 27, 2020 at 5:00 pm PST**
- ☐ Interview (if held): **Week of April 6, 2020**
- ☐ Award announcement: **Week of April 13, 2020**
- ☐ Approval of Contract: **Week of April 20, 2020**

*All dates are subject to change at the discretion of the City.

C. Contents of Proposal

Submitted proposals must follow the format outlined below and include all requested information. Failure to submit proposals in the required format can result in the elimination of the proposal from evaluation and consideration.

Note: The contents of the proposal and/or other material submitted should reflect the “shortness” of the overall procurement schedule.

1. Cover Letter (Section I) – Must include the name, address, and telephone number of the company, and must be signed by the person(s) authorized to represent the firm.
3. Summary (Section II) – State overall approach and scope of work proposed. Try to keep your response to one (1) or two (2) pages.
4. Program Schedule (Section III) – Provide example timeframes for completing the assignment. The schedule should be realistic, while achieving project adoption by April 2021.
5. Firm Organization (Section IV) – Provide a statement of your firm’s background and related experience in providing similar services to governmental organizations, if any. Describe the technical capabilities of the firm and, in particular, the firm’s exposure with

working with environmental regulations, if any. Provide references of other, similar projects including contact name, title, and telephone number for all references listed.

6. Project Organization (Section V) – Describe the proposed project management structure and project management team. List all key personnel assigned to the project by level and name. Provide a description of their background, along with a summary of their experience in providing similar services for governmental agencies, and any specialized expertise they may have.
7. Cost Proposal (Section VI) – The rate schedule must list the fully-burdened hourly rates for each level of professional and administrative staff to be used to perform the tasks required by this RFP. A not-to-exceed amount must be provided.
8. Conflict of Interest (Section VII) – Address possible conflicts of interest with other clients affected by consultants' actions performed by the firm on behalf of the City.

To eliminate and reduce paperwork and costs, it is preferable that all submittals be transmitted electronically in a manner described herein.

SECTION VI – PROPOSAL EVALUATION

A panel of City staff will evaluate all proposals. Proposals will be evaluated on the following criteria:

Criteria	Description	Weight
Expertise	Technical expertise, size and structure of the firm and personnel assigned to RFP tasks; firm's ability to perform and complete the work in a professional and timely manner.	30%
Skill	Past experience of the firm and, in particular, experience of the team working on projects of similar scope for other governmental agencies.	20%
Approach	Responsiveness of the proposal, based upon a clear understanding of the work to be performed.	20%
Public Participation	Engagement activities and assignment	20%

Cost	Cost or cost effectiveness	10%
------	----------------------------	-----

If two or more proposals receive the same number of points, the City will consider the fully-burdened hourly rates.

SECTION VII – SAMPLE CONTRACT

A sample contract to carry out the work described in this RFP is provided as Attachment A.

SECTION VIII – DRAFT PUBLIC PARTICIPATION PLAN

The anticipated outreach engagement activities are listed in the Draft Public Participation Plan, provided as Attachment B.

CITY COUNCIL STAFF REPORT

Current Business Item No. 13

March 4, 2020

File No. 0650-10

SUBJECT: Review of Upcoming City Council Redistricting Process

DEPARTMENT: City Clerk

RECOMMENDATION:

It is requested that the City Council receive and file the overview of the City Council Redistricting process that will take place following the 2020 Census.

FISCAL ANALYSIS:

Within sixty (60) days after members of the Independent Districting Commission are appointed, the Commission shall adopt a budget and submit it to the City Council. The City Council shall appropriate to the Commission and to the City Clerk the funds necessary for the Commission to accomplish its task, including paying for an expert consultant.

PREVIOUS ACTION:

In 2013 the City of Escondido formed an Independent Districting Commission which was vested with authority to develop an initial district-based plan for future City Council elections. It was composed of seven members, appointed by a Selection Panel of three retired judges residing in San Diego County.

The Consent Decree (See Attachment 1) entered in San Diego Superior Court Case No. 37-2011-00060480 established the guidelines and criteria for districting of the City of Escondido. Pursuant to the Consent Decree, the Selection Panel appointed Commission members who provided racial, geographic, social and ethnic diversity; had a high degree of competency to carry out the responsibilities of the Commission; and a demonstrated capacity to serve with impartiality.

With the assistance of an expert consultant, the Commission adopted plans that divided the City into four Council districts. The City Council approved the district boundaries on December 4, 2013, (See Attachment 2), and by Ordinance No. 2013-17 (See Attachment 3) to be used in the 2014, 2016, 2018, and 2020 General Elections.

BACKGROUND:

Elections for the City's four City Council members are conducted under a district-based method in which the four City Council members are elected from four districts and the Mayor is elected at-large.

Pursuant to the Consent Decree dated April 19, 2013, the City shall be redistricted at least once every ten years, but no later than 120 days before the next City Council election after the national

decennial census is released. If the next City Council election is within 180 days of the day the national decennial census data is released, redistricting shall be completed no later than 120 days before the following Council election.

The City shall establish a seven-member Independent Districting Commission “Commission”, which shall be vested with authority to develop an initial district-based plan for future City Council elections. To establish a truly independent districting or redistricting commission, the selection process must be free of political influence and must be reasonably representative of the City’s diversity. Members of the Commission shall be appointed by a panel of three retired judges residing in San Diego County “Selection Panel”.

The Independent Districting Commission shall adhere to the procedural and substantive requirements set forth in the Consent Decree in developing and adopting future redistricting plans. Each redistricting plan shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and shall be in conformance with the requirements of the United States and California Constitutions, and with federal and state statutes.

The district boundaries shall comply with the United States Constitution, including containing reasonably equal population; shall comply with the federal Voting Rights Act; shall be geographically contiguous and drawn to encourage geographic compactness; shall be drawn with respect for geographic integrity of any neighborhood and any community of interest, including racial, ethnic, and language minorities; and shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

The Commission's decisions will be governed by federal and state legal requirements as well as criteria specific to Escondido. The United States Constitution requires districts contain roughly equal population and it and the federal Voting Rights Act (“VRA”) prohibit racial discrimination. The federal VRA also prohibits discrimination because of language minority status, in addition to practices that have a discriminatory effect, such as at-large elections or districts that make it harder for a racial or language minority group to elect a representative of choice.

Escondido's decisions will also be governed by specific criteria resulting from the consent decree in a California VRA case. In ranked order, the Commission must address the following criteria:

- All districts comply with the United States Constitution. This includes that each district contains about the same number of people.
- All districts comply with the federal Voting Rights Act. This could mean drawing one or more majority-minority districts, if it is possible to do so.
- All districts must be contiguous and encourage compactness.

The timeline for how redistricting will take place in Escondido following the 2020 decennial census is as follows:

1. On or before September 1, 2020

The City Manager will compile a list of retired judges willing to serve on the Districting Selection Panel and residing in San Diego County. The three members on the Selection Panel will be chosen from that list. The names shall be drawn by the City Manager in the fashion described in California Penal Code sections 900(a) and 902. The members of the Selection Panel shall be chosen by September 1 of every year in which a national decennial census is taken.

The City Clerk will solicit nominations for appointment to the Districting Commission by September 1 of every year in which a national decennial census is taken. Individuals or organizations desiring to nominate persons for appointment shall do so in writing to the City Clerk within the nominating period.

The City Clerk shall remove from the pool any individual who is not a qualified elector in the City of Escondido or who, within ten years preceding the date of application:

- Was a candidate for local, federal, or California state office.
- Was a paid employee or paid consultant of the campaign for a California political candidate or for a California political committee as defined by federal or state law.
- Was an official or paid employee of any California political party organization.
- Made monetary contributions to California political campaigns or political parties that exceed a total of \$5,000 during a two-year period, which amount shall be adjusted consistent with the consumer price index in future years.
- Is currently a candidate for local, federal, or California state office.

The City Clerk will transmit the names and information regarding all remaining nominees with the names of corresponding nominating individuals and organizations to the Selection Panel immediately upon the close of nominations.

2. On or before December 1, 2020

The Selection Panel shall appoint seven (7) individuals to serve as members of the Commission no later than December 1 of every year in which a national decennial census is taken.

Persons who accept appointment to the Commission shall, at the time of their appointment, file a written declaration with the Clerk stating that within five (5) years of the Commission's adoption of a final districting or redistricting plan, they will not seek election to a City of Escondido or Escondido Unified School District public office.

3. On or before January 30, 2021

Within sixty (60) days after the members of the Commission are appointed, the Commission shall adopt a budget and submit it to the City Council. The City Council shall appropriate to the Commission and to the City Clerk the funds necessary for the Commission to accomplish its task, including paying for an expert consultant.

Once constituted, the Commission shall retain an expert consultant familiar with the requirements of the California Voting Rights Act and federal Voting Rights Act, census data and its use in redistricting, public engagement in redistricting, and drawing voting districts.

4. On or before April 30, 2021

The Commission shall conduct an open and transparent process that ensures full and meaningful public consideration of and comment on the drawing of district lines.

The Commission shall provide public notice of and hold a minimum of six (6) public hearings at which all Escondido citizens will have equal opportunity to comment on the drawing of district lines.

The public hearings shall be held at six (6) geographically diverse locations throughout Escondido. The Commission shall make every reasonable effect to afford maximum public access to its proceedings.

In particular, the Commission shall fix the times and locations of the hearings so as to assure accessibility to Escondido's Latino and other ethnic communities, including Escondido's Chinese, Vietnamese and Filipino communities.

Notice of each of the public hearings shall be provided in English, Spanish, Chinese, Vietnamese, and Filipino.

Spanish, Chinese, Vietnamese, and Filipino translation services shall be provided at each of the public hearings.

After having heard comments from the public, and no later than 150 days after the Commission's members are appointed, the Commission shall, in consultation with the expert consultant, prepare a preliminary districting plan dividing the City into four (4) Council districts.

If adopted by the City, those districts shall be used for all future elections of City Council members, including their recall, and for filling any vacancy in the office of member of the

Council until new districts are established. The Commission shall draw proposed district boundary lines of the City pursuant to the criteria set forth in the following order or priority:

- Districts shall comply with the United States Constitution, including containing reasonably equal population.
- Districts shall comply with the federal Voting Rights Act.
- Districts shall be geographically contiguous and drawn to encourage geographic compactness.
- Districts shall be drawn with respect for geographic integrity of any neighborhood and any community of interest, including racial, ethnic, and language minorities, to the extent possible without violating the requirements of any of the preceding provisions. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- The place of residence of any incumbent or political candidate shall not be considered in the drawing of district boundaries. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate or political party.

The Commission shall file its designated preliminary districting plan with the City Clerk, along with a report outlining the bases on which its decisions were made as to district boundaries and explaining its compliance with the criteria outlined in Subsection IX.E of the Consent Decree, including any definitions of any terms or standards used in drawing its draft plan. The preliminary plan and accompanying report shall be made publicly available.

5. On or before May 30, 2021

During the thirty (30) day period after filing the designated preliminary districting plan with the City Clerk, the Commission shall hold at least three (3) public hearings in various geographic areas of the City before it makes any modifications. Notice of public hearings shall be provided in both English and Spanish, and the public hearings shall be conducted in both English and Spanish.

6. On or before June 9, 2021

After having heard comments from the public on the preliminary plan, and no later than forty (40) days after filing the preliminary districting plan with the City Clerk, the Commission shall, in consultation with the expert consultant, approve a Recommended Districting Plan by majority vote. The approved Recommended Districting Plan will be submitted to the City Council for its up or down approval.

7. On or before July 19, 2021

The City Council shall hold at least one (1) public hearing on the Recommended Districting Plan of the Commission before any adoption of a Final Districting Plan. No later than forty (40) days after submission of the Recommended Districting Plan to the City Council, the City Council shall either approve or disapprove the Recommended Districting Plan in its entirety.

If the Council approves the Recommended Districting Plan, it shall become the Final Districting Plan and shall be implemented. If the Council disapproves the Recommended Districting Plan the Council shall submit in writing to the Commission, the reasons for such disapproval. The Commission shall consider any reasons for disapproval submitted to it by the Council and shall consider whether to make alterations to the Recommended Districting Plan in response to such reasons. Within forty (40) days of the City Council's submission of its reasons for disapproval, the Commission shall submit the same or an altered Recommended Districting Plan to the City Council for approval.

CONCLUSION:

The City will conduct a comprehensive redistricting process following the 2020 decennial census by establishing a seven-member Independent Districting Commission. The Commission shall be vested with authority to develop a district-based plan for future City Council elections. Members of the Commission shall be appointed by a panel of three retired judges residing in San Diego County.

The Independent Districting Commission will hold multiple public hearings at geographically diverse locations throughout the City of Escondido in order to engage the public in the redistricting process.

The objective of the Independent Districting Commission is to develop a districting plan that complies with the United States Constitution, the federal Voting Rights Act, the California Voting Rights Act, and the Consent Decree as described in more detail above.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Zack Beck, City Clerk
2/26/20 4:41 p.m.

ATTACHMENTS:

1. Attachment 1 - Consent Decree (San Diego Superior Court Case No. 37-2011-00060480)
2. Attachment 2 - City Council Meeting Minutes, December 4, 2013
3. Attachment 3 - Ordinance No. 2013-17

JAMES M. FINBERG (SBN 114850)
jfinberg@altshulerberzon.com
SCOTT A. KRONLAND (SBN 171693)
skronland@altshulerberzon.com
P. CASEY PITTS (SBN 262463)
cpitts@altshulerberzon.com
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

Attorneys for Plaintiffs Demetrio Gomez,
Giovanni Campos, Oscar Gomez, Mateo
Saldivar, and Samuel Saldivar

FILED
Clerk of the Superior Court
APR 19 2013
BY Noreen McKinley, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
NORTH COUNTY REGIONAL CENTER

DEMETRIO GOMEZ, *et al.*,

Plaintiff,

v.

CITY OF ESCONDIDO, *et al.*

Defendants.

Case No: 37-2011-00060480-CU-CR-NC

[PROPOSED] JUDGMENT

Unlimited Civil Case

Judge Earl H. Maas, III
Dept. N-28

Case Filed: December 20, 2011

Good cause appearing:

1. The [PROPOSED] CONSENT DECREE submitted to the Court on March 22, 2013 and attached hereto as Exhibit A, is hereby adopted as an Order of the Court.

2. Judgment pursuant to the Consent Decree's findings of fact and conclusions of law is hereby made and shall be entered by the Clerk pursuant to the terms and conditions set forth in the Consent Decree.

3. The Court reserves exclusive and continuing jurisdiction over this action for the purposes of enforcing the terms of the Consent Decree and providing such further relief as may be appropriate.

4. Plaintiffs' claims under the federal Voting Rights Act of 1965, as amended, 42 U.S.C. §1973 *et seq.*, are hereby dismissed with prejudice.

5. Plaintiffs' claims against the Escondido City Council, the Mayor of Escondido, the Deputy Mayor of Escondido, and the Escondido City Clerk are hereby dismissed.

IT IS SO ORDERED, ADJUDGED AND DECREED this ____ day of ____, 2013.

Hon. Earl H. Maas, III
Superior Court of the State of California
County of San Diego

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
NORTH COUNTY REGIONAL CENTER

DEMETRIO GOMEZ, *et al.*,

Plaintiff,

V.

CITY OF ESCONDIDO, *et al.*

Defendants.

Case No: 37-2011-00060480-CU-CR-NC
Judge Earl H. Maas, III
Dept. N-28

Unlimited Civil Case

[PROPOSED] CONSENT DECREE

Case Filed: December 20, 2011

1 **I. INTRODUCTION**

2 This lawsuit involves a challenge under both the California Voting Rights Act of 2001,
3 Cal. Elec. Code §14025 *et seq.* ("CVRA"), and the federal Voting Rights Act of 1965, as
4 amended, 42 U.S.C. §1973 *et seq.*, ("FVRA"), to the City of Escondido's current method for
5 electing members of its City Council. Under that system, City Council members are elected "at-
6 large" by all of the voters in Escondido. Plaintiffs claim that racially polarized voting in at-large
7 City Council elections dilutes the voting strength of Escondido's Latino voters and thereby
8 impairs their ability to participate in the political process, to elect candidates of their choice, and
9 to influence the outcome of elections. Plaintiffs claim that the at-large system results in a denial
10 or abridgement of their right to vote on account of their race or color, in violation of state and
11 federal voting rights laws, and that the City is required to replace the current at-large system with
12 a district-based system in which the City Council members are elected from non-overlapping
13 subdivisions of Escondido.

14 The parties desire to avoid unnecessary, expensive, and protracted litigation over State
15 CVRA claims on which Plaintiffs are likely to succeed, and have accordingly entered into this
16 Consent Decree ("Decree"). The parties have stipulated, and the Court finds, that voting within
17 Escondido elections is racially polarized, as defined herein, and that, to the extent necessary to
18 establish a violation of the CVRA, this racial polarization results in the abridgement or dilution
19 of the voting rights of Escondido's Latino citizens, impairing their ability to elect candidates of
20 their choosing and influence the outcome of elections. These facts establish a violation of
21 Plaintiffs' rights under the CVRA, and the parties have accordingly stipulated to Defendants'
22 liability under the CVRA. As part of this Decree, Plaintiffs have agreed to dismiss all FVRA
23 claims with prejudice.

24 To remedy this CVRA violation, the Decree provides that Escondido will replace its
25 existing at-large method for electing City Council members with a method in which City Council
26 members are elected from four distinct districts and the Mayor is elected at-large. The Decree
27 provides that an independent districting commission will create and recommend districts, taking
28

1 into consideration the requirements of state and federal voting rights laws, the desire for
 2 geographic continuity and compactness, and the preference to maintain the integrity of
 3 neighborhoods and communities of interest. The Decree requires the Commission to involve the
 4 public in its decision-making, and prohibits the Commission from drawing any district that
 5 violates state and federal voting rights laws. The Commission's districting plan is subject to final
 6 approval by the Escondido City Council.

7 This Decree has been voluntarily entered into by the parties to this litigation, has been
 8 approved by the Superior Court of the State of California, County of San Diego as to its form and
 9 substance, and is entered as an Order of the Court. This Decree finally resolves all claims in the
 10 litigation now pending between the parties. The Court retains jurisdiction to enforce the
 11 provisions of this Decree.

12 **II. PURPOSE OF THE CONSENT DECREE**

13 The parties have entered into this Consent Decree for the following purposes:

14 A. To resolve all disputes covered by the Decree in such a way as to avoid
 15 unnecessary, expensive, and protracted litigation in a case in which Defendants are willing to
 16 stipulate to liability;

17 B. To ensure that future elections for the City of Escondido's City Council are
 18 conducted under a district-based method of election in compliance with the CVRA; and

19 C. To establish a fair and impartial process, providing adequate public notice and
 20 opportunity for comment, for the design and adoption of a plan for electing members of the City
 21 Council that replaces the current at-large voting system with a district-based system that provides
 22 for four single-member districts that are drawn in compliance with State and federal law.

23 **III. DEFINITIONS**

24 When used in this Decree, the terms defined below shall have the following meanings:

25 A. "Approval Date" means the date upon which the Court signs this Decree.

26 B. "At-large" means a voting system in which the voters of the entire jurisdiction
 27 vote for all of the members of the governing body. Cal. Elec. Code §14026(a)(1).

- 1 C. "City" means the City of Escondido.
- 2 D. "City Council" means the Escondido City Council.
- 3 E. "Court" means the Superior Court of the State of California, County of San Diego.
- 4 F. "Defendants" means the City of Escondido; the City Council; and the Mayor,
5 Deputy Mayor, and City Clerk, in their official capacities for the City of Escondido.
- 6 G. "District-based" means a method of electing members to the governing body of a
7 political subdivision in which the candidate must reside within an election district that is a
8 divisible part of the political subdivision, and is elected only by voters residing within that
9 election district. Cal. Elec. Code §14026(b).
- 10 H. "Escondido" means the City of Escondido.
- 11 I. "Final Approval" means the entry of this Decree by the Court.
- 12 J. "Political subdivision" means a geographic area of representation created for the
13 provision of government services, including, but not limited to, a city, a school district, a
14 community college district, or other district organized pursuant to state law. Cal. Elec. Code
15 §14026(c).
- 16 K. "Plaintiffs" means Demetrio Gomez, Giovanni Campos, Oscar Gomez, Mateo
17 Saldivar, and Samuel Saldivar.
- 18 L. "Protected class" means a class of voters who are members of a race, color or
19 language minority group, as this class is referenced and defined in the federal Voting Rights Act,
20 42 U.S.C. §1973 *et seq.* Cal. Elec. Code §14026(d).
- 21 M. "Racially polarized voting" means voting in which there is a difference in the
22 choice of candidates or other electoral choices that are preferred by voters in a protected class,
23 and in the choice of candidates and electoral choices that are preferred by voters in the rest of the
24 electorate. Cal. Elec. Code §14026(e).
- 25 N. "Voter" means any person who is a United States citizen 18 years of age or older
26 and who is registered or eligible to vote in Escondido.

27 //

1 **IV. LITIGATION BACKGROUND**

2 On December 20, 2011, Plaintiffs (all of whom are Latino voters in Escondido), and the
 3 State Building and Construction Trades Council of California filed a complaint alleging that the
 4 City's at-large system for electing members of the Escondido City Council dilutes the voting
 5 strength of Escondido's Latino voters and thereby impairs their ability to participate in the
 6 political process, to elect candidates of their choice, and to influence the outcome of elections.
 7 Plaintiffs alleged that the City's at-large system results in a denial or abridgement of their right to
 8 vote on account of race or color, in violation of both the CVRA and the federal Voting Rights
 9 Act. Plaintiffs sought a declaratory judgment that Escondido's at-large method of electing City
 10 Council members violates the CVRA and the federal Voting Rights Act; preliminary and
 11 permanent injunctive relief enjoining Defendants from applying the at-large system to future City
 12 Council elections; permanent injunctive relief mandating a new district-based system for City
 13 Council elections; and attorneys' fees and costs.

14 Defendants demurred to Plaintiffs' complaint, challenging the State Building and
 15 Construction Trade Council's standing. The Court sustained Defendants' demurrer and
 16 dismissed the Council from the action on March 28, 2012. Defendants thereafter answered the
 17 Complaint on April 2, 2012. Defendants denied every allegation in Plaintiffs' complaint and
 18 asserted that Plaintiffs were entitled to no relief on their claims under the CVRA or the federal
 19 Voting Rights Act.

20 Notwithstanding this denial of liability, Defendants sought to address the claims in
 21 Plaintiffs' complaint by including provisions converting the City's at-large method for electing
 22 City Council members to a district-based system in a proposed charter for the City, which was
 23 under consideration by the City Council prior to the initiation of this lawsuit and which included
 24 several provisions unrelated to City Council elections. On May 23, 2012, the City Council voted
 25 to include in the proposed charter the following sections:

26 Section 300. Enumeration and Term

27 The elected officers of the City shall consist of:

28 A City Council composed of five members who are registered voters of the City,
 four to be residents of their respective Districts and nominated and elected only by
 the residents of their respective Districts. The fifth shall be nominated and elected

from the City at large and shall hold the office of Mayor.

Section 301. Districts

For the purpose of electing the members of the Council, excepting the Mayor, the City shall be divided into four Districts. The City Council shall, by ordinance, establish four Districts that shall be used for the elections of Council members, excepting the Mayor. Said Districts shall be in compliance with applicable laws. The ordinance establishing the boundaries of the Districts shall be adopted on or before December 31, 2013.

Section 302. Redistricting

District boundaries shall be altered when necessary as shown by the most recent federal decennial census, or by more current data certified by the City Council as sufficiently reliable and detailed to serve as a basis for district boundary alteration, or by annexation or consolidation of territory.

After a further public hearing held on June 13, 2012, the City Council voted to submit the proposed charter to the voters at the November 6, 2012 general election. The Court stayed proceedings in this case pending the outcome of that election.

The voters ultimately rejected the proposed charter. Escondido therefore continues to elect City Council members through its existing at-large system.

On November 26, 2012, Defendant City of Escondido filed a statement with the Court expressing Defendants' intent "to resolve this action without continuing litigation." The parties thereafter engaged in extensive settlement discussions and exchanged various proposals regarding injunctive relief. After extensive negotiations, the parties agreed upon the terms of this Decree.

V. JURISDICTION

The Court has jurisdiction over the parties and subject matter of this action, and venue is proper in this Court. The Complaint in this action asserts claims that authorize the Court to grant the injunctive relief set forth in this Decree. The Court shall retain jurisdiction over this matter to enforce the provisions of the Decree, and for such further relief as may be appropriate.

VI. TERM OF THE DECREE

A. The equitable provisions of this Decree are effective immediately upon the Approval Date.

B. Except as otherwise provided herein, the provisions of this Decree and the

1 agreements contained herein shall remain in effect for a period of five (5) years from the
 2 Approval Date, or for a period of one (1) year from the date a final initial Districting Plan is
 3 adopted, whichever is later.

4 VII. RELEASE AND DISMISSAL OF CLAIMS

5 Plaintiffs and Defendants hereby stipulate to the dismissal of all claims by Plaintiffs
 6 against the City Council, Mayor, Deputy Mayor, and City Clerk. Upon Final Approval of the
 7 Decree, for and in consideration of the mutual promises, terms, and conditions by and between
 8 Plaintiffs and Defendants set forth herein, the sufficiency of which is expressly acknowledged,
 9 the Plaintiffs do hereby fully, finally, and forever release and discharge Defendants and anyone
 10 acting in concert with or on behalf of them, from any and all past and/or present claims,
 11 demands, actions, causes of action, suits, damages, liabilities, assessments, judgments, attorneys'
 12 fees, costs, losses, debts, obligations and expenses, of any and every nature whatsoever, arising
 13 from the City's current at-large system for electing City Council members. Provided, however,
 14 that this Decree does not constitute a waiver of any claims arising after the Approval Date,
 15 including claims arising from any at-large system for electing City Council members that may be
 16 established in the future that differs from that set forth in this Consent Decree and claims for any
 17 additional attorneys' fees or costs incurred by Plaintiffs after the Approval Date in litigating this
 18 lawsuit.

19 VIII. STIPULATION AND DETERMINATION OF LIABILITY

20 A. Factual Findings

21 The parties stipulate to, and the Court makes, the following findings of fact:

22 Existing City Council Election System

23 1. The City of Escondido is a general law city organized under the laws of
 24 the State of California, Cal. Gov't Code §34100 *et seq.*, located in the County of San Diego. The
 25 City is a political subdivision within the meaning of Cal. Elec. Code §14026(a).

26 2. Escondido is governed by a five-member Escondido City Council, which
 27 acts as the governing and legislative body for the City, within the meaning of Cal. Elec. Code
 28

1 §14028(a).

2 3. The City Council is composed of the Mayor of Escondido and four City
3 Council members, all of whom serve four-year terms. City Council elections are staggered such
4 that two City Council members are elected every two years.

5 4. City Council elections are conducted by an "at-large method of election,"
6 within the meaning of Cal. Gov't Code §14026(a)(1). All Escondido voters, regardless of where
7 they reside within Escondido, vote for their preferred City Council candidates, and the two
8 candidates who receive the most votes are elected to the City Council.

9 5. Consistent with and in compliance with California law regulating general
10 law cites, the City has used an at-large voting system since its incorporation in 1888.

11 Escondido's Voting Population

12 6. As of the 2010 census, the total population of Escondido was 143,911.

13 7. As of the 2010 census, 48.9% of Escondido's total population, or 70,326
14 residents, were Hispanic or Latino.

15 8. Latinos comprise approximately 26% of Escondido's Citizen Voting Age
16 Population (CVAP).

17 9. Escondido's Latino residents are not evenly dispersed throughout
18 Escondido. Rather, Latino residents are concentrated in specific neighborhoods, including
19 neighborhoods in Escondido's historic central core such as the Mission Park neighborhood.

20 Escondido Has a Pattern of Racially Polarized Voting that Impairs the Ability of Latino
21 Voters To Elect Candidates of their Choice

22 11. Voting in elections for City Council members has been and continues to be
23 racially polarized. Statistical analyses of multiple elections in Escondido show that Escondido's
24 Latino voters tend to vote similarly to one another, while voting differently from non-Latino
25 voters. The pattern of racially polarized voting in City Council elections is statistically
26 significant. Similar statistically significant patterns exist in elections for the California
27 Legislature, in federal elections, and in voting on state ballot initiatives.

28 12. Prior election results demonstrate that Escondido's at-large method of

1 electing members of the City Council impairs the ability of Latino voters to elect candidates of
2 their choice and to influence the outcome of elections.

3 13. Only two Latinos have ever been elected to the Escondido City Council.

4 **B. Conclusions of Law**

5 Based on the foregoing undisputed facts, the parties hereby stipulate to Defendants'
6 liability under the CVRA. Specifically, the parties stipulate to, and the Court makes, the
7 following conclusions of law:

8 1. Latinos are a protected class under the FVRA and the CVRA.

9 2. Voting in elections for City Council members has been and continues to be
10 racially polarized for purposes of the CVRA.

11 3. To the extent necessary to establish a violation of the CVRA, Escondido's
12 at-large method of electing members of the City Council dilutes the voting rights of Latino voters
13 in Escondido, and thereby impairs their ability to elect candidates of their choice and to influence
14 the outcome of elections.

15 4. Given the evidence of racially polarized voting in Escondido, as well as
16 the resulting abridgement or dilution of the voting rights of Latino voters, Escondido's existing
17 at-large voting system for electing members of City Council violates the CVRA.

18 5. The usual, appropriate, and required remedy where a general law city's at-
19 large method of electing City Council members violates the CVRA is to require a new district-
20 based method of election. Cal. Elec. Code §14029 ("Upon a finding of a violation of [the
21 CVRA], the court shall implement appropriate remedies, including the imposition of district-
22 based elections . . .").

23 6. The necessary remedy for the violation of Plaintiffs' rights under the
24 CVRA is the conversion of Escondido's existing at-large method of electing City Council
25 members into a district-based system in which each of the four City Council member resides
26 within, and is elected by voters within, one of four non-overlapping, geographically defined
27 districts, and the Mayor is elected at-large.

1 7. City Attorney Jeffrey Robert Epp has the legal authority to enter into and
2 sign this settlement agreement for the City of Escondido.

3 **IX. PROCESS FOR CONVERSION FROM AT-LARGE TO DISTRICT-BASED**
4 **ELECTION SYSTEM**

5 A. **Appointment of Independent Commission.** The City shall establish a seven-
6 member independent districting and redistricting commission ("Commission"), which shall be
7 vested with authority to develop an initial district-based plan for future City Council elections.

8 1. To establish a truly independent districting or redistricting commission, the
9 selection process must be free of political influence and must be reasonably representative of the
10 City's diversity.

11 2. Members of the Commission shall be appointed by a panel of three retired
12 judges residing in San Diego County ("Selection Panel"). For the City's initial districting,
13 Counsel for Defendants shall select one retired judge, counsel for Plaintiffs shall select one
14 retired judge, and the two judges so selected shall select the third retired judge who will serve
15 upon the Selection Panel. For each future redistricting, the City Manager will compile a list of
16 retired judges willing to serve on the Selection Panel and residing in San Diego County. The
17 three members of the Selection Panel will be chosen from that list. The names shall be drawn by
18 the City Manager in the fashion described in California Penal Code sections 900(a) and 902. If
19 one seat on the Selection Panel is left vacant due to a lack of qualified individuals willing to
20 serve, that position shall be filled by a retired judge selected by the other two Selection
21 Commission members. The members of the Selection Panel shall be chosen by June 1 of the
22 year in which this Decree is approved, and thereafter by September 1 of every year in which a
23 national decennial census is taken.

24 3. The Escondido City Clerk shall solicit nominations for appointment to the
25 Commission in accordance with this provision by June 1 of the year in which this Decree is
26 approved, and thereafter by September 1 of every year in which a national decennial census is
27 taken. Individuals or organizations desiring to nominate persons for appointment to the
28 Commission shall do so in writing to the City Clerk within the nominating period.

1 4. The City Clerk shall remove from the pool any individual who is not a
2 qualified elector in the City of Escondido or who, within the ten years preceding the date of
3 application:

- 4 a. Was a candidate for local, federal, or California state office;
5 b. Was a paid employee or paid consultant of the campaign for a California
6 political candidate or for a California political committee as defined by federal or state law;
7 c. Was an official or paid employee of any California political party
8 organization;
9 d. Made monetary contributions to California political campaigns or political
10 parties that exceed a total of \$5,000 during a two-year period, which amount shall be adjusted
11 consistent with the consumer price index in future years; or
12 e. Is currently a candidate for local, federal, or California state office.

13 5. The Clerk shall transmit the names and information regarding all
14 remaining nominees with the names of corresponding nominating individuals and organizations
15 to the Selection Panel immediately upon the close of nominations. The Selection Panel shall
16 appoint seven (7) individuals to serve as members of the Commission no later than September 1
17 of the year in which this Decree is approved, and thereafter no later than December 1 of every
18 year in which a national decennial census is taken. The Selection Panel shall use its best efforts
19 to appoint people who will give the Commission racial, geographic, social, and ethnic diversity,
20 and who, in its judgment, have a high degree of competency to carry out the responsibilities of
21 the Commission and a demonstrated capacity to serve with impartiality.

22 6. Persons who accept appointment to the Commission shall, at the time of
23 their appointment, file a written declaration with the Clerk stating that within five (5) years of the
24 Commission's adoption of a final districting or redistricting plan, they will not seek election to a
25 City of Escondido or Escondido Unified School District public office. The members of the
26 Commission shall serve until the districting or redistricting plan adopted by the Commission
27 becomes effective and any and all legal and referendum challenges have been resolved. The City
28

1 Council can reconvene the Commission at any time prior to the appointment of the next
2 Commission.

3 7. Any vacancy in the Commission which occurs after the Commission is
4 constituted shall be filled within seven calendar days by the Selection Panel, following the same
5 procedure and using the same criteria established herein.

6 B. **Funding of Independent Commission.** Within sixty (60) days after the members
7 of the Commission are appointed, the Commission shall adopt a budget and submit it to the City
8 Council. The City Council shall appropriate to the Commission and to the City Clerk the funds
9 necessary for the Commission to accomplish its task, including paying for an expert consultant.

10 C. **Retention of Expert Consultant.** Once constituted, the Commission shall retain
11 an expert consultant familiar with the requirements of the CVRA and FVRA, census data and its
12 use in redistricting, public engagement in redistricting, and with drawing voting districts.

13 D. **Public Hearings and Notice and Comment Period.** The Commission shall
14 conduct an open and transparent process that ensures full and meaningful public consideration of
15 and comment on the drawing of district lines.

16 1. The Commission shall provide public notice of and hold a minimum of six
17 (6) public hearings at which all Escondido citizens will have equal opportunity to comment on
18 the drawing of district lines.

19 2. The public hearings shall be held at six geographically diverse locations
20 throughout Escondido. The Commission shall make every reasonable effort to afford maximum
21 public access to its proceedings. In particular, the Commission shall fix the times and locations
22 of the hearings so as to assure accessibility to Escondido's Latino and other ethnic communities,
23 including Escondido's Chinese, Vietnamese, and Filipino communities.

24 3. Notice of each of the public hearings shall be provided in English,
25 Spanish, Chinese, Vietnamese, and Filipino.

26 4. Spanish, Chinese, Vietnamese, and Filipino translation services shall be
27 provided at each of the public hearings.

1 E. **Preparation of Preliminary Plan.** After having heard comments from the
2 public, and no later than 150 days after the Commission's members are appointed, the
3 Commission shall, in consultation with the expert consultant, prepare a preliminary districting
4 plan dividing the City into four (4) Council districts. If adopted by the City, those districts shall
5 be used for all future elections of City Council members, including their recall, and for filling any
6 vacancy in the office of member of the Council until new districts are established. The
7 Commission shall draw the proposed district boundary lines of the City pursuant to the criteria
8 set forth in the following order of priority:

- 9 1. Districts shall comply with the United States Constitution, including
10 containing reasonably equal population.
- 11 2. Districts shall comply with the federal Voting Rights Act.
- 12 3. Districts shall be geographically contiguous and drawn to encourage
13 geographic compactness.
- 14 4. Districts shall be drawn with respect for geographic integrity of any
15 neighborhood and any community of interest, including racial, ethnic, and language minorities, to
16 the extent possible without violating the requirements of any of the preceding provisions.
17 Communities of interest shall not include relationships with political parties, incumbents, or
18 political candidates.
- 19 5. The place of residence of any incumbent or political candidate shall not be
20 considered in the drawing of district boundaries. Districts shall not be drawn for the purpose of
21 favoring or discriminating against an incumbent, political candidate, or political party.

22 F. **Production of Preliminary Plan.** The Commission shall file its designated
23 preliminary districting plan with the City Clerk, along with a report outlining the bases on which
24 its decisions were made as to district boundaries and explaining its compliance with the criteria
25 outlined in Subsection IX.E of this Decree, including any definitions of any terms or standards
26 used in drawing its draft plan. The preliminary plan and accompanying report shall be made
27 publicly available.

1 G. **Public Hearings on Draft Plan.** During the thirty (30) day period after filing the
 2 designated preliminary districting plan with the City Clerk, the Commission shall hold at least
 3 three (3) public hearings in various geographic areas of the City before it makes any
 4 modifications. Notice of the public hearings shall be provided in both English and Spanish, and
 5 the public hearings shall be conducted in both English and Spanish.

6 H. **Approval of Recommended Districting Plan.** After having heard comments
 7 from the public on the preliminary plan, and no later than forty (40) days after filing the
 8 preliminary districting plan with the City Clerk, the Commission shall, in consultation with the
 9 expert consultant, approve a Recommended Districting Plan by majority vote. The approved
 10 Recommended Districting Plan will be submitted to the City Council for its up or down approval.

11 I. **City Council Approval of Final Districting Plan.** The City Council shall hold at
 12 least one (1) public hearing on the Recommended Districting Plan of the Commission before any
 13 adoption of a Final Districting Plan. No later than forty (40) days after submission of the
 14 Recommended Districting Plan to the City Council, the City Council shall either approve or
 15 disapprove the Recommended Districting Plan in its entirety. If the Council approves the
 16 Recommended Districting Plan, it shall become the Final Districting Plan and shall be
 17 implemented. If the Council disapproves the Recommended Districting Plan the Council shall
 18 submit in writing to the Commission the reasons for such disapproval. The Commission shall
 19 consider any reasons for such disapproval submitted to it by the Council and shall consider
 20 whether to make alterations to the Recommended Districting Plan in response to such reasons.
 21 Within forty (40) days of the City Council's submission of its reasons for disapproval, the
 22 Commission shall submit the same or an altered Recommended Districting Plan to the City
 23 Council for approval.

24 J. **Implementation of Plan.**

25 1. Until new districts are established, the districts drawn shall be used for all
 26 regular elections of Council members; for the recall of any Council member elected from the new
 27 districts; for the appointment of any new Council member to fill a vacancy in the office of
 28

1 member of the Council elected from the new districts, and for any special election to fill a
2 vacancy in the office of member of the Council elected from the new districts.

3 2. The first Recommended Districting Plan shall be approved by the City
4 Council no later than 120 days before the November 2014 City Council election. If the City
5 Council has not approved a Recommended Districting Plan by that date, the Recommended
6 Districting Plan most recently submitted to the City Council by the Commission shall become the
7 Final Districting Plan and shall be implemented.

8 3. After the Final Districting Plan has been approved, the City Clerk shall
9 arbitrarily assign each district a number from one to four. The districts will thereafter be
10 designated District One, District Two, District Three, and District Four.

11 4. A period of transition from at-large to district elections will occur from the
12 time of adoption of the first districting plan to the time that the first district elections are held.
13 After the Final Districting Plan is approved, the City Clerk will determine in which District each
14 current City Council member resides. For the purposes of this section, each City Council
15 member resides in the District where that City Council member resides on the date of the Final
16 Districting Plan's approval.

17 5. Based on the City Clerk's residency determinations, the 2014 and 2016
18 City Council elections will be conducted as follows:

19 a. If the two current City Council members elected in November 2010
20 reside in different districts, and the two current City Council members elected in November 2012
21 do not reside in either of those districts, the City will hold elections in November 2014 for the
22 seats representing the two districts where the City Council members elected in November 2010
23 reside. The individuals so elected will replace the two current City Council members elected in
24 November 2010. The City will hold elections for the other two seats in November 2016. The
25 individuals so elected will replace the two current City Council members elected in November
26 2012.

27 b. If the two current City Council members elected in November 2010
28

1 reside in different districts, and one of the two current City Council members elected in
2 November 2012 resides in the same district as one of the two members elected in November
3 2010, the City will hold elections in November 2014 for the seat representing the district where
4 one member elected in November 2010 and no member elected in November 2012 resides, and
5 for the seat representing the district in which no City Council member resides. The individuals
6 so elected will replace the two current City Council members elected in November 2010. The
7 City will hold elections for the remaining two seats in November 2016. The individuals so
8 elected will replace the two current City Council members elected in November 2012.

9 c. If the two current City Council members elected in November 2010
10 reside in different districts, and the two current City Council members elected in November 2012
11 reside in the same two districts, the City will hold elections in November 2014 for the seats
12 representing the two districts in which no City Council member resides. The individuals so
13 elected will replace the two current City Council members elected in November 2010. The City
14 will hold elections for the remaining two seats in November 2016. The individuals so elected
15 will replace the two current City Council members elected in November 2012.

16 d. If three or more current City Council members reside in the same
17 district, the City will hold elections in November 2014 for the seats representing the two districts
18 in which no City Council member resides. If all four current City Council members reside in the
19 same district, the City Clerk will choose two seats representing districts in which no current City
20 Council member resides at random, and the City will hold elections in November 2014 for those
21 two seats. The individuals so elected will replace the two current City Council members elected
22 in November 2010. The City will hold elections for the remaining two seats in November 2016.
23 The individuals so elected will replace the two current City Council members elected in
24 November 2012.

25 6. No change in the boundary or location of any district by redistricting as
26 herein provided shall operate to abolish or terminate the term of office of any member of the
27 Council prior to the expiration of the term of office for which such member was elected. An
28

1 incumbent councilmember at the time of the effective date of this provision may run for a
2 Council seat other than the seat which that member currently holds if the councilmember is
3 otherwise eligible to run in that seat.

4 **X. FUTURE REDISTRICTING**

5 The City shall be redistricted pursuant to this Decree at least once every ten years, but no
6 later than 120 days before the next Council election after the national decennial census is
7 released. If the next Council election is within 180 days of the day the national decennial census
8 data is released, redistricting shall be completed no later than 120 days before the following
9 Council election. The Commission shall adhere to the procedural and substantive requirements
10 set forth herein in developing and adopting future redistricting plans. Each redistricting plan
11 shall provide fair and effective representation for all citizens of the City, including racial, ethnic,
12 and language minorities, and shall be in conformance with the requirements of the United States
13 and California Constitutions, and with federal and state statutes.

14 **XI. ATTORNEYS' FEES, COSTS, AND EXPENSES**

15 **A. Basis for Award of Fees, Costs, and Expenses**

16 1. The parties have agreed that it is appropriate as part of the settlement
17 underlying this Decree for the City to pay to Plaintiffs reasonable attorneys' fees, litigation
18 expenses, and costs in this case. Plaintiffs are prevailing parties for purposes of the CVRA, Cal.
19 Elec. Code §14030, and Cal. Code Civ. P. §1021.5.

20 B. The City has agreed to pay Plaintiffs an award of reasonable attorneys' fees,
21 litigation expenses, and costs in the amount of \$385,000 for work performed and costs and
22 expenses incurred through and including the Approval Date. This amount is less than the
23 lodestar value of the fees, costs, and expenses incurred by Plaintiffs' counsel through the date on
24 which the parties entered into this Decree. The City shall pay to Plaintiffs' counsel the full
25 amount of \$385,000 for litigation-related attorneys' fees, expenses, and costs within thirty (30)
26 days following the Approval Date.

1 Dated: March 21, 2013




James M. Finberg
 JAMES M. FINBERG
 jfinberg@altshulerberzon.com
 SCOTT A. KRONLAND
 skronland@altshulerberzon.com
 P. CASEY PITTS
 cpitts@altshulerberzon.com
 ALTSHULER BERZON LLP
 177 Post Street, Suite 300
 San Francisco, California 94108
 Telephone: (415) 421-7151
 Facsimile: (415) 362-8064
 Attorneys for Plaintiffs

9 Dated: _____

Demetrio Gomez
 Plaintiff

11 Dated: 3-21-13



Giovanni Campos
 Plaintiff

13 Dated: _____

Oscar Gomez
 Plaintiff

15 Dated: _____

Mateo Saldivar
 Plaintiff

17 Dated: _____

Samuel Saldivar
 Plaintiff

19 Dated: _____

John A. Ramirez
 Robert S. Bower
 Alan B. Fenstermacher
 RUTAN & TUCKER, LLP
 611 Anton Boulevard
 Suite 1400
 Costa Mesa, California 92626-1931
 JRamirez@rutan.com
 rbower@rutan.com
 afenstermacher@rutan.com
 Attorneys for Defendants

Dated: _____

James M. Finberg
JAMES M. FINBERG
jfinberg@altshulerberzon.com
SCOTT A. KRONLAND
skronland@altshulerberzon.com
P. CASEY PITTS
cpitts@altshulerberzon.com
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
Attorneys for Plaintiffs

Dated: _____

Demetrio Gomez
Plaintiff

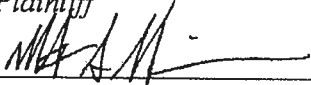
Dated: _____

Giovanni Campos
Plaintiff

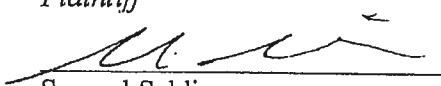
Dated: _____

Oscar Gomez
Plaintiff

Dated: 03/24/13


Mateo Saldivar
Plaintiff

Dated: 03/24/13


Samuel Saldivar
Plaintiff

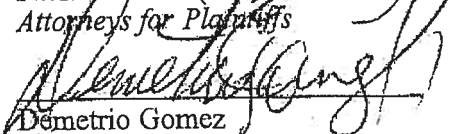
Dated: _____

John A. Ramirez
Robert S. Bower
Alan B. Fenstermacher
RUTAN & TUCKER, LLP
611 Anton Boulevard
Suite 1400
Costa Mesa, California 92626-1931
JRamirez@rutan.com
rbower@rutan.com
afenstermacher@rutan.com
Attorneys for Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: 4-1-2013

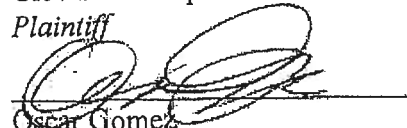
James M. Finberg
JAMES M. FINBERG
jfinberg@altshulerberzon.com
SCOTT A. KRONLAND
skronland@altshulerberzon.com
P. CASEY PITTS
cpitts@altshulerberzon.com
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
Attorneys for Plaintiffs


Demetrio Gomez
Plaintiff

Dated: _____

Dated: _____

Giovanni Campos
Plaintiff


Oscar Gomez
Plaintiff

Dated: _____

Dated: _____

Mateo Saldivar
Plaintiff

Dated: _____

Samuel Saldivar
Plaintiff

Dated: _____

John A. Ramirez
Robert S. Bower
Alan B. Fenstermacher
RUTAN & TUCKER, LLP
611 Anton Boulevard
Suite 1400
Costa Mesa, California 92626-1931
JRamirez@rutan.com
rbower@rutan.com
afenstermacher@rutan.com
Attorneys for Defendants

1 Dated: _____

James M. Finberg
 JAMES M. FINBERG
 jfinberg@altshulerberzon.com
 SCOTT A. KRONLAND
 skronland@altshulerberzon.com
 P. CASEY PITTS
 cpitts@altshulerberzon.com
 ALTSHULER BERZON LLP
 177 Post Street, Suite 300
 San Francisco, California 94108
 Telephone: (415) 421-7151
 Facsimile: (415) 362-8064
Attorneys for Plaintiffs

9 Dated: _____

Demetrio Gomez
Plaintiff

11 Dated: _____

Giovanni Campos
Plaintiff

13 Dated: _____

Oscar Gomez
Plaintiff

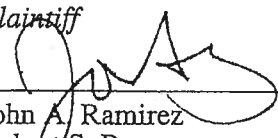
15 Dated: _____

Mateo Saldivar
Plaintiff

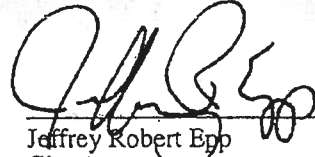
17 Dated: _____

Samuel Saldivar
Plaintiff

19 Dated: 3/21/13


 John A. Ramirez
 Robert S. Bower
 Alan B. Fenstermacher
 RUTAN & TUCKER, LLP
 611 Anton Boulevard
 Suite 1400
 Costa Mesa, California 92626-1931
 JRamirez@rutan.com
 rbower@rutan.com
 afenstermacher@rutan.com
Attorneys for Defendants

1 Dated: March 21, 2013



Jeffrey Robert Epp
City Attorney
City of Escondido
201 N Broadway
Escondido, CA 92025
e-mail: jepp@escondido.org
For the City of Escondido

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APR 19 2013

1 IT IS SO ORDERED, ADJUDGED AND DECREED this ____ day of ____, 2013.
2
3
4

JUDGE EARL MAAS

5
6 Hon. Earl H. Maas, III
7 Superior Court of the State of California
8 County of San Diego
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CITY OF ESCONDIDO
December 4, 2013
3:30 P.M. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, December 4, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to recess to Closed Session. Motion carried unanimously.

I. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code 54956.9(d)(1))

- a. **Case Name:** *Palomar Community College District V. City Of Escondido, Et Al.*
Case No: 37-2013-00031457-CU-BC-NC
- b. **Case Name:** *City of Escondido, et al. v. Ana J. Matosantos, et al.* Sacramento County Superior Court Case
Case No: 34-2013-00140530
- c. **Case Name:** *Gonzalez v. Juan Alva, et al.*
Case No: 11-CV-2846-W (WVG)

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:15 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
December 4, 2013
4:30 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, December 4, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Public Works Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

PRESENTATIONS

Mayor Abed introduced Community Services Chair of the Escondido Rotary Club, Gloria Tecca, who presented the Rotary Club of Escondido Community Grant Award to Library Staff: Loretta McKinney, Cynthia Smith and Cindi Bouvier.

PROCLAMATIONS

Mayor Abed introduced Tony Smock, Lakes & Open Space Superintendent who accepted a proclamation for his retirement after 20 years with the City of Escondido.

ORAL COMMUNICATIONS

None

CONSENT CALENDAR

Councilmember Diaz removed item 9 and Councilmember Gallo removed item 5 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of items 9 and 5. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES:** Regular Minutes of November 6, 2013
4. **FIREFIGHTERS' ASSOCIATION BARGAINING UNIT CONTRACT** - Request Council approve a successor Firefighters' Association Safety and Non-Safety Bargaining Unit Contract. (File No. 0740-38)

Staff Recommendation: **Approval (Human Resources Department: Sheryl Bennett)**

RESOLUTION NO. 2013-155

5. **REVISED CITY OF ESCONDIDO PERSONNEL RULES AND REGULATIONS** - Request Council approve adopting City of Escondido Personnel Rules and Regulations. (File No. 0700-80)

Staff Recommendation: **Approval (Human Resources: Sheryl Bennett)**

RESOLUTION NO. 2013-149

Councilmember Gallo asked if military veterans' equal employment opportunity was included in the revised rules.

Jennifer McCain, Assistant City Attorney, indicated they were included.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve adopting City of Escondido Personnel Rules and Regulations and adopt Resolution No. 2013-19. Motion carried unanimously.

6. **LIBRARY BUDGET ADJUSTMENT: ADULT LITERACY SERVICES PROGRAM** - Request Council approve a budget adjustment in the amount of \$27,811 received from the California State Library Literacy Grant to the Library's 2013-14 Fiscal Year Operating Budget to fund the Adult Literacy Project Account. (File No. 0430-80)

Staff Recommendation: **Approval (Library and Community Services: Loretta McKinney)**

7. **APPROVAL OF MICROSOFT LICENSING ENTERPRISE AGREEMENT** - Request Council authorize the Director of Information Systems to enter into a three year agreement with CompuCom Systems Inc. to provide Microsoft Software Assurance via a Microsoft Licensing Enterprise Agreement. (File No. 0600-10 Misc.)

Staff Recommendation: **Approval (Information Systems Department: Mark Becker)**

RESOLUTION NO. 2013-163

8. **BID AWARD for the CORROSION CONTROL SYSTEM FOR THE ESCONDIDO SEWER OUTFALL** - Request Council authorize the Mayor and City Clerk to execute an agreement with American Construction & Supply, Inc. in the amount of \$230,335 for the Corrosion Control System for the Escondido Sewer Outfall. (File No. 0600-10 [A-3100])

Staff Recommendation: **Approval (Utilities Department: Christopher McKinney)**

RESOLUTION NO. 2013-161

9. **DESIGNATION OF ENFORCEMENT AUTHORITY FOR THE ESCONDIDO CAMPAIGN CONTROL ORDINANCE** - Request Council approve designating George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2014 Municipal Election, as required by the Escondido Municipal Code Section 2-115.5(c). (File No. 0680-10)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp)**

RESOLUTION NO. 2013-143

Councilmember Diaz asked what the hourly rate and retainer were.

Jeffrey Epp, City Attorney, indicated it was difficult to estimate cost, but the hourly rate was set out in the retainer agreement. He also indicated the City would only utilize the law firm if there were problems.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve designating George Eiser III, Esq. and the law firm of Meyers Nave as the enforcement authority for the Escondido Campaign Control Ordinance for the 2014 Municipal Election, as required by the Escondido Municipal Code Section 2-115.5(c) and adopt Resolution No. 2013-143. Motion carried unanimously.

10. **AMENDMENT TO CONTRACT WITH ESCONDIDO DISPOSAL (EDI) FOR ANNUAL CONSUMER PRICE INDEX (CPI) INCREASE TO SOLID WASTE AND RECYCLING RATES AND FEES FOR RESIDENTIAL COLLECTIONS** - Request Council approve revising the rates for Residential Solid Waste and Recycling Services effective January 1, 2014, a 0.9032 percent increase would apply to all residential collection services. (File No. 0600-10 [A-2340])

Staff Recommendation: **Approval (Public Works/Recycling: Ed Domingue)**

RESOLUTION NO. 2013-165

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

- 11. CLARIFICATION OF ZONING CODE AMENDMENT TO REGULATE COTTAGE FOOD OPERATIONS (AZ 13-0004)** - This item was approved on November 20, 2013 with a vote of 5/0. (File No. 0810-20)

ORDINANCE NO. 2013-07(RR) (Adoption and Second Reading)

PUBLIC HEARINGS

- 12. CONDUCT PUBLIC HEARING AND ADOPT VOTING DISTRICTS AS RECOMMENDED BY THE INDEPENDENT DISTRICTING COMMISSION** - Pursuant to the Consent Decree in Gomez v. City of Escondido [Case No. 37-2011-00060480], the Independent Districting Commission has completed its work and presents proposed districts for the four City Council positions. (File No. 0680-10)

Staff Recommendation: **Approval (City Attorney's Office: Jeffrey Epp and City Clerk's Office: Diane Halverson)**

ORDINANCE NO. 2013-17 (Introduction and First Reading)

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Dana Nuesca, Independent Districting Commission Chair, gave an overview of the process of how the district boundary lines were drawn.

Pat Mues, Escondido, urged Council to adopt this districting map.

Robroy Fawcett, Escondido, stated he did not agree with the information from the company compiling the data for the district map.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to approve the proposed districts for the four City Council positions and introduce Ordinance No. 2013-17. Motion carried unanimously.

- 13. ADOPTION OF THE 2013 CALIFORNIA FIRE CODE, MOST CURRENT VERSION OF COUNTY OF SAN DIEGO CONSOLIDATED FIRE CODE AND LOCAL AMENDMENTS -** Request Council approve modifying the City of Escondido Municipal Code to reflect the 2013 California Fire Code (CFC), the most current version of the County of San Diego Consolidated Fire Code and proposed local amendments. (File No. 0680-50)

Staff Recommendation: **Approval (Fire Department: Herb Griffin)**

ORDINANCE NO. 2013-13 (Introduction and First Reading)

Mike Lowry, Fire Chief, and Herb Griffin, Fire Division Chief, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve modifying the City of Escondido Municipal Code to reflect the 2013 California Fire Code (CFC), the most current version of the County of San Diego Consolidated Fire Code and proposed local amendments and introduce Ordinance No. 2013-13. Motion carried unanimously.

- 14. ADOPTION OF THE 2013 CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL AND GREEN BUILDING STANDARDS CODES AND LOCAL AMENDMENTS -** Request Council approve modifying the City of Escondido Municipal Code to reflect the 2013 California Building, Residential, Plumbing, Electrical, Mechanical and Green Building Standards Codes and proposed local amendments. (File No. 0680-50)

Staff Recommendation: **Approval (Director of Community Development/Planning: Barbara Redlitz)**

ORDINANCE NO. 2013-11 (Introduction and First Reading)

Tim Draper, Building Official, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve modifying the City of Escondido Municipal Code to reflect the 2013 California Building, Residential, Plumbing, Electrical, Mechanical and Green Building Standards Codes and proposed local amendments and Introduce Ordinance No. 2013-11. Motion carried unanimously.

- 15. ZONING CODE AMENDMENT (ENVIRONMENTAL QUALITY REGULATIONS) AND CLIMATE ACTION PLAN (CASE NOS. AZ 13-0003 AND PHG 09-0020) -** Request Council approve amendments to Article 47 "Environmental Quality Regulations" (EQR) and the Environmental Determination (Notice of Exemption); and approve the Escondido Climate Action Plan (E-CAP) and proposed CEQA Screening Tables as well as the previously certified EIR and associated CEQA findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring Program. (File No. 0810-20)

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

a. ORDINANCE NO. 2013-12 (Introduction and First Reading)
b. RESOLUTION NO. 2013-153

Jay Petrek, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Dave Ferguson, Attorney, urged Council to adopt the Zoning Code Amendment and Climate Action Plan.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve amendments to Article 47 "Environmental Quality Regulations" (EQR) and the Environmental Determination (Notice of Exemption); and approve the Escondido Climate Action Plan (E-CAP) and proposed CEQA Screening Tables as well as the previously certified EIR and associated CEQA findings of Significant Effect, Statement of Overriding Considerations and Mitigation Monitoring Program, adopt Resolution No. 2013-153 and introduce Ordinance No. 2013-12. Motion carried unanimously.

- 16. PROPOSED DEVELOPMENT AGREEMENT FOR TRACT 894 (PHG 13-0027)** - Request Council approve a Development Agreement with a five-year term to authorize construction of the previously approved 11-lot residential subdivision within the North Broadway Deficiency Area. (File No. 0800-10 Tract 894)

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

ORDINANCE NO. 2013-14R (Introduction and First Reading)

Bill Martin, Planning Department, and Julie Procopio, Public Works Assistant Director, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Dave Ferguson, Attorney, urged Council to reduce the applicant's deficiency fee to \$12,000 per unit.

Margaret Liles, Escondido, stated she did not agree with the proposed fee reduction.

Delphine Lloyd, Escondido, urged Council to study the neighborhood more fully.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Morasco and seconded by Mayor Abed to approve a Development Agreement with a five-year term to authorize construction of the previously approved 11-lot residential subdivision within the North Broadway Deficiency Area, adopting a \$12,500 per unit deficiency fee and introducing Ordinance No. 2013-14R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

- 17. PROPOSED DEVELOPMENT AGREEMENT AND FINDING OF SUBSTANTIAL CONFORMANCE FOR TRACT 889 (PHG 13-0028)** - Request Council approve a Development Agreement with a five-year term to authorize construction of the previously approved 16-lot, TR 889 residential subdivision within the North Broadway Deficiency Area. (File No. 0800-10 Tract 889)

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

ORDINANCE NO. 2013-15R (Introduction and First Reading)

Bill Martin, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Dave Ferguson, Attorney, urged Council to approve the proposed development agreement.

Margaret Liles, Escondido, stated she did not agree with the proposed fee reduction.

John Lloyd, Escondido, asked if sewer systems would be included in the project.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve a Development Agreement with a five-year term to authorize construction of the previously approved 16-lot, TR 889 residential subdivision within the North Broadway Deficiency Area, adopting \$12,500 per unit deficiency fee and introducing Ordinance No. 2013-15R. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

FUTURE AGENDA

- 18. FUTURE AGENDA** - The purpose of this item is to identify issues presently known to staff or which members of the Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Diane Halverson)**

Councilmember Diaz asked that Council compensation and Park Master Plans be discussed at a future agenda.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Gallo commented on an article in the newspaper regarding the Homeless in Escondido.

Councilmember Diaz indicated the North County Transit District was purchasing property in Escondido near the Transit Center.

Councilmember Masson stated the Economic Development Subcommittee had received an update on the CEDS report and branding efforts.

Mayor Abed indicated the Economic Development Subcommittee would continue to meet and discuss priorities. The City would be recruiting volunteers for the 2014 Boards and Commissions in March. The City Manager's Report was attached and provided information on the community.

CITY MANAGER'S UPDATE/BRIEFING

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

- **CITY MANAGER'S UPDATE**

ORAL COMMUNICATIONS

None

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:35 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

ORDINANCE NO. 2013-17

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE ESCONDIDO MUNICIPAL
CODE TO PROVIDE FOR CITY COUNCIL
ELECTIONS BY DISTRICTS

THE CITY COUNCIL OF THE CITY OF ESCONDIDO DOES ORDAIN AS
FOLLOWS:

SECTION 1. Future elections for the City of Escondido's four City Council members will be conducted under a district-based method of election in which the four City Council members will be elected from four districts and the Mayor will remain elected at-large.

SECTION 2. The Consent Decree entered in San Diego Superior Court Case No. 37-2011-00060480-CU-CR-NC establishes the guidelines and criteria for districting of the City of Escondido.

SECTION 3. The City Council makes the following findings:

1. The City of Escondido established a seven-member independent districting commission vested with the authority to develop an initial district-based plan for future City Council elections; and

2. The Independent Districting Commission has considered the matter of drawing four council districts in the City of Escondido, and has considered the population of the City of Escondido as reflected in the United States 2010 Census; and

3. The Independent Districting Commission has held six public hearings in geographically diverse locations throughout Escondido where all Escondido citizens had an equal opportunity to comment on the drawing of district lines; and

4. After the six public hearings, the Independent Districting Commission published a preliminary districting plan and report for public consideration and comment; and

5. The Independent Districting Commission has held three public hearings in various geographic areas of the City where Escondido citizens had an equal opportunity to comment on the drawing of district lines and the preliminary districting plan; and

6. After having heard comments from the public on the preliminary districting plan, the Independent Districting Commission held a public meeting and approved a recommended districting plan by majority vote; and

7. The Independent Districting Commission submitted the recommended districting plan to the City for approval or disapproval; and

8. Proper notice of a public hearing has been given and the City Council has held one public hearing on the recommended districting plan; and

9. The City Council has listened to public comment on this issue and has reviewed and considered the recommended districting plan; and

10. That upon consideration of the staff report and all public testimony presented, the City Council finds that the proposed Council districts reflected in the recommended districting plan, as set forth in Exhibit A, comply with the criteria set forth in the consent decree, are as equal as practicable in population as shown by the United States 2010 Census, were drawn to comply with the federal Voting Rights Act, are

geographically contiguous and drawn to encourage compactness, were drawn with respect for the geographic integrity of neighborhoods and communities of interest and were not drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

SECTION 4. The City of Escondido is hereby divided in to four Council districts, and the boundaries of the districts are more particularly depicted in Exhibit A, which is attached and incorporated by this reference.

The Escondido Municipal Code is hereby amended to add Sections 2-32, 2-33 and 2-34 to Chapter 2, Article 2, as follows.

Section 2-32 Election of Council Members

The four City Council members shall be elected from four districts and the Mayor shall be elected at-large. Each district Councilmember shall reside within and be elected by voters within their respective district. Such districts shall be used in all matters concerning the appointment, recall, vacancy or any other aspects of that particular Council seat.

Section 2-33 Map of Council Districts

The City Clerk shall maintain a map of the City showing the current boundaries and numbers of each City Council district as may be established and amended from time to time by ordinance of the City Council.

Section 2-34 2014 and 2016 City Council Elections

- a. The City shall hold elections for the seats representing City Council Districts One and Two in November of 2014. The two individuals so elected shall fill the seats of the Council Members whom were elected in November of 2010.
- b. The City shall hold elections for the seats representing City Council Districts Three and Four in November of 2016. The two individuals so elected shall fill the seats of the Council Members whom were elected in November of 2012.

SECTION 5. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify the passage of this ordinance and to cause the same or a summary to be published in a newspaper of general circulation, printed and published in the City of Escondido.

ATTACHMENT 3

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 11th day of December, 2013 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED
NOES : Councilmembers: NONE
ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

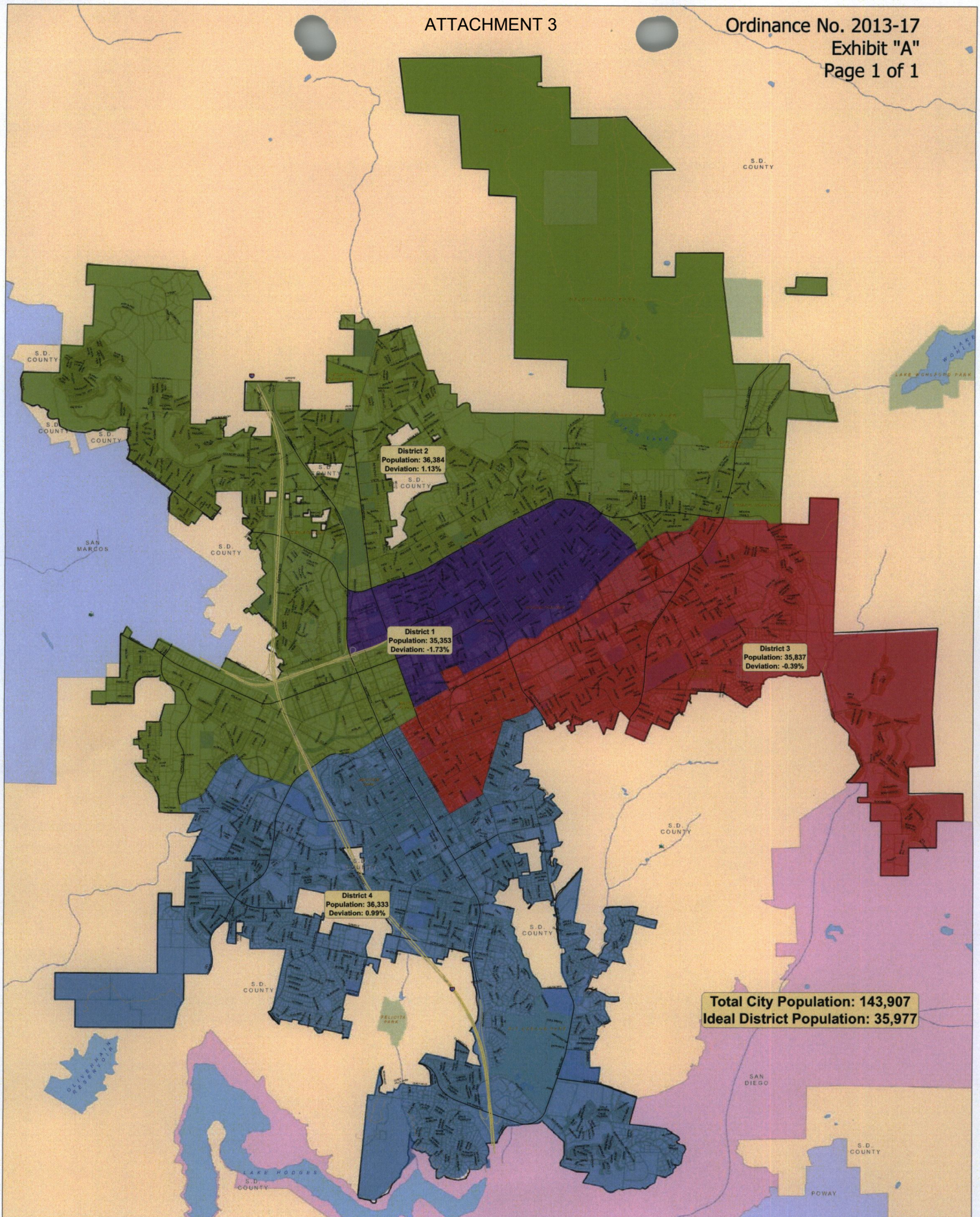
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2013-17 was adopted at a regular meeting of the City Council of the City of Escondido held on the 11th day of December, 2013, after having been read at the regular meeting of said City Council held on the 4th day of December, 2013.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

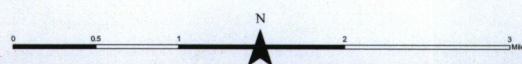
ORDINANCE NO. 2013-17



CITY OF ESCONDIDO
Map for the
Independent Districting Commission

- Park
- School

Recommended Districting Plan



CITY COUNCIL STAFF REPORT

Current Business Item No. 14

March 4, 2020

File No. 0650-40

SUBJECT: Review and Consideration of Campaign Contribution Limits

DEPARTMENT: City Attorney

RECOMMENDATION:

It is requested that the City Council review and consider potential amendments to the Escondido Municipal Election Campaign Control Ordinance to lower the maximum personal contributions from \$4,300 for city council candidates and mayoral candidates. It is further requested that the City Council discuss, consider and give staff direction on additional campaign control amendments, if any.

FISCAL ANALYSIS:

Any changes to campaign contribution limits for local Escondido mayoral and council district seats currently in the Campaign Control Ordinance will have no fiscal impact on the City of Escondido.

PREVIOUS ACTION:

The Campaign Control Ordinance was last amended in April 2018.

This current matter was continued from the December 18, 2019, City Council agenda to allow for further research and consideration.

BACKGROUND:

In October 2019, Mayor Paul McNamara asked that the issue of local campaign contribution limits be placed on the future agenda for review and discussion and has further recommended proposed limits for consideration. Subsequently, Councilmember Olga Diaz asked to supplement the agenda item to further consider a limitation when councilmembers accept campaign contributions from persons having business before the City Council and for a period of time after a vote.

State Law Campaign Contribution Limits.

The Political Reform Act ("PRA") regulates campaign finance and disclosure requirements for state and local candidates and committees. A city may also impose its own limits on campaign contributions in municipal elections and impose additional requirements separate from the PRA provided those requirements do not prevent compliance with the PRA. (Government Code § 81013; Elections Code § 10202.) The PRA, first enacted in 1974, is intended to ensure that disclosure of political contributions is accurate, timely, and truthful; to keep voters informed; to make elections fair

Review and Consideration of Campaign Contribution Limits

March 4, 2020

Page 2

by abolishing laws and practices that favor incumbents; and, to provide adequate enforcement mechanisms of its provisions. (Government Code § 81002.) The California Fair Political Practices Commission (“FPPC”) has primary responsibility for the administration and implementation of the PRA.

On October 8, 2019, California enacted AB 571, which amended various sections of California’s Elections and Government Codes. Generally, the new enactment establishes limitations on contributions to a candidate for local office in the case where the local governing body has not adopted its own limits. Starting on January 1, 2021, the “default” limit on campaign contributions shall be the amount provided for in the Government Code for contributions to candidates running in state legislative races. Today, the limit for a “person” (as defined by the FPPC) to contribute to a candidate is \$4,700 per election for state senate and assembly races. However, the law specifically allows a city by ordinance or resolution to impose limits on contributions to candidates for elective city offices that are different from the state limit. (Government Code § 85702.5(a).) That is, a local jurisdiction may enact campaign contribution limits for persons and committees for elective offices in the jurisdiction that are stricter or more liberal than the default limit statute. The law further provides that the FPPC is not responsible for the administration or enforcement of the local campaign limitations ordinances and the local agency may establish its own administrative, civil or criminal penalties.

The Escondido Campaign Control Ordinance.

In 1983, the City of Escondido adopted Ordinance No. 83-46, which provided for Controls on Campaign Contributions. The ordinance was adopted to supplement the PRA.

The Ordinance is commonly referred to as the Campaign Control Ordinance and it has undergone multiple amendments since it was first adopted. For example, in 1997, the Campaign Control Ordinance was amended to conform to Proposition 208, which contained newly adopted statewide campaign laws. However, in 1998, a federal court issued a preliminary injunction prohibiting enforcement of the new state law finding that the limitations on the amounts of contributions was not narrowly drawn to achieve a legitimate purpose in violation of the First Amendment. *California Prolife Council v. Scully* (E.D. Cal. 1998) 989 F. Supp. 1282. The Ninth Circuit Court of Appeals later affirmed the injunction in 1999.

In 2007, the campaign contribution limit was increased to \$500 and a Consumer Price Index (“CPI”) formula was added to allow for future increases over time. In 2013, the Campaign Control Ordinance was amended again to increase campaign contributions to \$4,100 and to remove the CPI adjustment. The 2013 amendment also removed the prohibitions on cash contributions by allowing such contributions up to \$25.

In April 2018, the Campaign Control Ordinance was last amended in an effort to update the provisions to be largely consistent with the PRA. In addition to increasing the personal contribution limit to \$4,300, the Ordinance made changes to the definitions of “Committee” and “Contribution” to

conform to the PRA, changed the amount of allowable cash contributions up to \$100, and repealed certain provisions relating to credit and checking accounts. No anonymous contributions are now allowable under Escondido's Campaign Control Ordinance.

Escondido Municipal Code Section 2-103(a), which limits campaign contributions by persons, provides:

No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed four thousand three hundred dollars (\$4,300.00).

Escondido Municipal Code Section 2-100 identifies the purpose and intent of the City's efforts to enact regulations and limitations in local campaigns. As stated, the purpose of the Code is to "preserve an orderly political forum in which individuals may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections; to prohibit contributions by organizations in order to develop a broader base of political efficacy within the community; to limit the use of loans and credit in the financing of municipal election campaigns; and to provide full and fair enforcement of all the provisions of this article."

The City's existing Campaign Control Ordinance governs the campaign contribution limits for local City Council seat races and allows for campaign contributions below the state-mandated limit. It is enforceable today and would continue to be valid and enforceable after AB 571 becomes effective on January 1, 2021. The City Council has the authority to make changes to its local campaign contribution limits provided they are generally compliant with the PRA and AB 571.

First Amendment Issues.

In addition to state and local laws, campaign finance laws can also touch on federal constitutional issues. Most notably, *Citizens United v. Federal Election Comm'n*, 572 U.S. 185 (2014) addressed the issue of whether the government may restrict independent expenditures for political communications by entities other than individuals (i.e. corporations, unions, non-profits, etc.). The case arose out of a private organization's efforts to air a film critical of Hillary Clinton who was a presidential candidate. At the time, federal law prevented corporations and unions from making campaign expenditures for broadcasts, also known as "electioneering communications," which mention a candidate for office within 60 days of a general election or 30 days before a primary. The United States Supreme Court struck down the law finding that the First Amendment protects associations of people in addition to individual speakers and that the identity of the speaker is not the proper province of the government to regulate. As a result, a federal law that prohibited all

Review and Consideration of Campaign Contribution Limits

March 4, 2020

Page 4

expenditures by corporations or associations would violate the free speech rights guaranteed by the First Amendment.

The decision has been the subject of debate since its inception. Its relevance to this discussion is that the Supreme Court has demonstrated an interest in examining the principles of potential First Amendment violations when the government attempts to limit campaign expenditures that may help or, in the case of *United Citizens*, be arguably detrimental to, a candidate for office. As a result, a city enacting controls over the amounts, timing and source of campaign contributions and expenditures must be mindful of the exacting review of such constraints on candidates for office and their supporters.

Very recently, the United States Supreme Court took up the issue of campaign contribution limits in *Thompson v. Hebdon*, 589 U.S. ____ (November 25, 2019) (*per curiam*). In *Hebdon*, the State of Alaska limited the amount an individual can contribute to a candidate for political office, or to an election-oriented group other than a political party, to \$500 per year. A contributor who wished to contribute more than the limit to a candidate for office sued the State of Alaska claiming that the low maximum contribution amount constituted a violation of the First Amendment. The District Court and Ninth Circuit Court of Appeal rejected the claim and upheld the restriction. The United States Supreme Court vacated the Ninth Circuit's decision and remanded the case to determine whether "Alaska's contribution limits are consistent with our First Amendment precedents." While not providing clear direction on the Court's opinion on the merits of the question, the Court's decision discussed certain "danger signs" regarding a government limitation on campaign contributions. The Court looked at (1) whether the limit was "substantially lower than previously [judicially] upheld limits;" (2) whether the limit is substantially lower than comparable limits in other states; and (3) whether the amount is adjusted for inflation. While not exhaustive of potential problems with a potentially violative campaign finance law, these are helpful touchpoints for First Amendment judicial review of any City legislation.

Comparative Local Ordinance Limits.

A survey was conducted of the campaign contribution limits enacted by all municipalities in San Diego County. Attachment 1 provides a spreadsheet of the results of that survey.

To be clear, the campaign contribution limits in other San Diego cities are not controlling of the discretion this City Council has on establishing limits for races in this jurisdiction. However, they may serve as a helpful guide in examining the reasonableness and appropriateness of the City contribution limitations, particularly in jurisdictions with comparable geographic, population, and council district characteristics. Currently, several cities in the County have no campaign contribution limits (Carlsbad, El Cajon, Imperial Beach, National City, and Oceanside). Assembly Bill 571 will apply to those jurisdictions unless they establish their own local limits.

Review and Consideration of Campaign Contribution Limits

March 4, 2020

Page 5

Other cities in the County have individual contribution limits that range from \$100 (Poway and Solana Beach) to \$1,000 (Lemon Grove) for City Council races. Some limits are indexed for inflation, others are not. The City of San Diego's individual limit for council district elections is \$600 and \$1,150 for the citywide races for Mayor and City Attorney.

As can be seen from Attachment 1, the City of Escondido's campaign contribution limit is the highest for cities *who have adopted some local limitation*. After the implementation of AB 571, for those cities who have no limits and choose not to amend their laws, the limitation will default to the limits for state legislative races under state law (\$4,700).

In light of potential First Amendment issues, and in furtherance of the city's desire to eliminate the potential of "improper influence, real or potential," it is always helpful for a city to periodically examine the economics and fairness of its current campaign financing ordinance. The earlier version of the Staff Report for this matter suggested that the personal campaign contribution limit of \$4,300 be reduced to \$250 for councilmember races and from \$4,300 to \$800 for citywide mayoral races. Those reductions would likely survive a legal challenge.

In examining cities of generally comparable size in the County of San Diego (population of 100,000-500,000) who have adopted a local ordinance, Escondido's limit is materially higher. On the other hand, assuming the cities with no local controls will be set at the state limit of \$4,700 in January 2021, Escondido's limit would be lower than three of the six cities in that category. The Cities of Oceanside, Carlsbad and El Cajon would be set at the state level and only the Cities of Chula Vista and Vista would have lower amounts than Escondido.

The average campaign contribution limit in cities with populations between 50,000 and 100,000 is \$1,000. Those cities include San Marcos, Encinitas, National City, La Mesa, Santee and Poway. Cities with a population lower than 50,000, including Imperial Beach, Lemon Grove, Coronado and Solana Beach, have an average campaign contribution limit of \$1,500. The City of San Diego has nine council districts with roughly 150,000 people in each district. The City's campaign contribution limit is \$600 for councilmember districts and \$1,150 for the two city-at-large elections for mayor and city attorney in a city with a total population of approximately 1.4 million.

To be clear, the contribution amounts are entirely a function of City Council discretion and should reflect the real conditions of campaigning in this City. The Councilmembers are in a unique position to understand the practicalities and economics of raising and spending money for elective office in this City and must use that experience in identifying a limit that is consistent with the First Amendment and the stated purpose of the City's own Campaign Control Ordinance.

Timing of Implementation and Disposition of Existing Campaign Funds.

After the first notice that this subject matter was up for council discussion last year, questions and comments were received by this office regarding the timing of the implementation of any new rules

and what impact a new limitation would have on existing campaign fund accounts. The suggestion has been made that campaign contribution funds lawfully received in the past should be disgorged to allow for a level playing field going forward among all candidates, challengers and incumbents alike.

Neither federal nor state law directly address this issue. While the council has discretion in the timing of the effectiveness of any ordinance limiting funding, a law requiring the disgorgement of lawfully received campaign contributions raises constitutional and other concerns. First, the effect of requiring a candidate to return contributions of properly contributed and acquired monies implicates (at least) the First Amendment rights of persons who had made the contributions in the first instance. The council would need to make legislative findings that there was a sufficiently important interest and the de-funding of existing accounts is “closely drawn” to achieve that interest. See, *Buckley v. Valeo*, 424 U.S. 1, 25-26 (1976) (campaign limits may be constitutional if the government demonstrates a sufficiently important interest and the employed means are closely drawn to avoid infringement of the candidate’s and contributor’s rights.) As noted above, the courts have looked very carefully at government attempts to interfere with a contributor’s and candidate’s efforts to participate in a campaign for elective office.

Second, an involuntary disgorgement of an existing campaign account containing properly received contributions may constitute an unconstitutional due process violation under state and federal law. The California Constitution provides that a “person may not be deprived of life, liberty, or property without due process of law...” (Cal. Const. Art. I, § 6.) The Fourteenth Amendment to the United States Constitution similarly provides that, “[n]o State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law...” The law is clear that the reference to the prohibitions on State actions in the United States Constitution applies to local public entity actions (ordinances). Should a candidate holding funds in an existing account prior to the effectiveness of such a law be involuntarily forced return those properly received funds, such a law would have all the hallmarks of a due process violation.

Third, the required disgorgement of an account containing lawfully received funds due to a new enactment appears to be an *ex post facto* law in violation of the federal and state constitutions. *Ex post facto* is Latin for “from a thing done afterward.” The United States Constitution at Article I, § 9, and the Constitution of the State of California at Article I, § 9, prohibit the respective legislatures from passing *ex post facto* laws. Here, a forced return of money would have to be premised on the position that the candidate has received a past advantage that must be removed. However, that “advantage” was lawful before such a new law and making it criminal after the effectiveness of the change raises the appearance of an *ex post facto* law.

Finally, there may be fundamental fairness issues with such a proposal. For example, a candidate may have made certain strategic decisions regarding expenditures in a race assuming future campaign activity based on existing law. Further, a candidate’s campaign may contend that it incurred costs in raising those campaign account funds now subject to return and there would be no

means of recouping those costs under a disgorgement scheme. Under either of these scenarios, a change in the campaign contribution law may unfairly affect a candidate who had been operating lawfully under the current ordinance.

Voting and Limitations Related to Persons with City Business.

Councilmember Diaz has inquired about consideration and discussion of an additional limitation to local campaign contributions.

The question was posed whether the City could impose a further restriction on councilmember voting and/or acceptance of contributions when a person has a matter pending before the council or for a period of time after a council vote (e.g. 12 months). As an example, the City of San Marcos enacted Municipal Code Section 2.16.070 in 2003.

San Marcos Municipal Code Section 2.16.070 provides in relevant part as follows:

- (a) Within twelve (12) months after receiving a campaign contribution or other income totaling one hundred dollars (\$100) or more from any source ... no City Councilmember shall make, participate in making or attempt to influence any government decision or action that will have a reasonably foreseeable material financial effect on the campaign contributor or other source of income that is distinguishable from its impact on the public generally or a significant segment of the public, as defined by the Political Reform Act of 1974.
- (b) No City Councilmember shall accept any campaign contribution or other income from any source totaling one hundred dollars (\$100) or more within twelve (12) months after he or she has made, participated in making, attempted to influence or influenced any government decision or action that had a material financial effect on the campaign contributor or other source of income that is distinguishable from its impact on the public generally or a significant segment of the public, as defined by the Political Reform Act of 1974.

State law provides a similar statute touching on the subject of accepting contributions from persons having business before state agencies, boards and commissions.

Government Code § 84308(b) provides in relevant part that no agency officer may “accept, solicit or direct a contribution of more than \$250 from any party [applicant]... as from any participant [interested person] while a proceeding involving a license, permit or other entitlement for use is pending before the agency and for three months following the date of a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest ...”

Review and Consideration of Campaign Contribution Limits

March 4, 2020

Page 8

Subsection (c) of Section 84308 further provides that “prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party ... shall disclose that fact on the record of the proceeding.”

Government Code § 84308 does *not* apply to City councilmembers in their role as representatives of their districts or as the mayor because they are directly elected by the voters from this jurisdiction. Government Code §84308(a)(3). However, these rules do apply to a councilmember who is acting as a voting member of another agency.

One issue to consider is whether the implementation of voting restrictions similar to those in the City of San Marcos could affect the City’s ability to achieve a quorum to conduct business. That is, to the extent past contributions force councilmembers to recuse themselves from voting, circumstances could arise where a quorum of three councilmembers may not be achievable and conducting city business could be hampered. Equally true, to the extent that the use of campaign contributions could be “weaponized” as a means of strategically eliminating a council member’s opposition to a project, the council may wish to consider whether that would ever be a realistic possibility. There also exists the prospect that opponents of council decisions may wish to use such an ordinance to initiate questionable litigation over issues such as whether the council member had a sufficient material or financial interest in the vote or decision thereby violating the ordinance. Clearly, if such a rule was implemented, councilmembers would need to be hyper-vigilant as they review the council agendas to ensure that there are no upcoming matters requiring their recusal.

Other than the need to consider the potential for impacts to voting on city business, this office has no recommendation on the implementation of a law similar to the City of San Marcos or Section 84308, or some version of it. This office seeks direction on what type of amendments the City Council is looking for, if any, in the City’s Campaign Control ordinance to address this subject.

CONCLUSION:

The City Council has authority, and has exercised its authority in the past, to set campaign contribution limits consistent with state law. The council members are most knowledgeable about the difficulties and practicalities involved in raising money for a local election both as an incumbent and as a challenger in this jurisdiction. The benchmark for setting any local limits should be that it neither advantages nor disadvantages any candidate, is consistent with First Amendment and state constitutional principles, will be an amount that is fair to all who seek to achieve an elective office and to contributors who wish to voice their First Amendment right to support local candidates. Moreover, any limits should be focused on achieving the goals in the City’s Campaign Control ordinance.

Although only used in one city in the County, the City of San Diego, the use of a proportional difference for district seat vs. citywide races is supportable from the perspective of the costs associated with running a citywide race for elective office such as the mayor compared to a district

race. The appropriate amounts and ratios are best left to the sound discretion of the City Council provided the above constitutional principles of campaign fairness are observed.

This office and staff are prepared to assist the City Council with making any further amendments to the Escondido Municipal Code on this matter and related matters.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Michael R. McGuinness, City Attorney
2/26/20 5:06 p.m.

ATTACHMENTS:

1. Attachment 1 (Survey of Local Agency Campaign Contribution Limits)

Attachment 1

Survey of Local Agency Campaign Contribution Limits

City	Contribution Limit	
CARLSBAD		N/A
CHULA VISTA	Individual Committee	\$350* \$1,190*
CORONADO	Individual City Contractors	\$200 \$0
DEL MAR	Individual Committee	\$200 \$2,000
EL CAJON		N/A
ENCINITAS		\$250
ESCONDIDO		\$4,300
IMPERIAL BEACH		N/A
LA MESA		Voluntary Expenditure Limits
LEMON GROVE		\$1,000*
NATIONAL CITY		N/A
OCEANSIDE		N/A
POWAY		\$100
SAN DIEGO	City Council Mayor/City Attorney Committee	\$600* \$1,150* \$11,400/ \$22,750**
SAN MARCOS	Individual Committee	\$250 \$500
SANTEE		\$700*
SOLANA BEACH	Individual Aggregate	\$100* \$5,000*
VISTA		\$300

* indexed for inflation, may be higher

** \$11,400 for City Council and \$22,750 for Mayor/City Attorney



FUTURE CITY COUNCIL AGENDA ITEMS

Updated February 27, 2020

AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT (760) 839-4617

March 11, 2020

3:30-6:00 p.m.

Board & Commission Interviews

March 18, 2020

3:30-6:00 p.m.

Board & Commission Interviews

March 25, 2020

6:00 p.m.

CONSENT CALENDAR

City of Escondido Landscape Maintenance Assessment District Preliminary Engineer's Report for FY 2020/2021 for Zones 1 through 38
(J. Procopio)

Each year the City is required to submit and approve an Engineer's Report that details the City's LMD budget and assessments for the upcoming year. The purpose of the Council meeting on March 25, 2020, is to begin this process by approving the Preliminary Engineer's Report and setting a public hearing date of May 6, 2020 for LMD Zones 1 through 38 for FY 2020/2021.

Adoption of the City of Escondido Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts
(J. Procopio)

Staff recommends that the Statement of Goals and Policies for Establishment of Community Facilities Districts be amended, as it has been twenty years since its adoption. Further, clarifying the document as it applies to a services Community Facilities Districts is recommended.

Cost Share Agreement for Lake Hodges Nutrient Load Assessment
(C. McKinney)

The Regional Water Quality Control Board has requested that the Responsible Agencies in the San Dieguito River Watershed Management Area, including the City of Escondido, San Diego, Poway, and the County of San Diego, update the Water Quality Improvement Plan and address nutrient impairment of Lake Hodges Reservoir. The Responsible Agencies, led by the City of San Diego, have designed a three year water quality monitoring plan to assess nutrient loading from urban storm drains and other land uses within the watershed. Implementing this cost share agreement will fill a data gap needed to inform future management actions taken by the Agencies and the Regional Board.

March 25, 2020
Continued

PUBLIC HEARINGS

CURRENT BUSINESS

Annual Appointments to Boards and Commissions
(Z. Beck)

Request the City Council ratify the Mayor's appointments to serve on the following Boards and Commissions; terms to expire March 31, 2024 except as noted.

Mobilehome Rent Protection Ordinance ("Proposition K") Vacancy Control/Decontrol
(M. McGuinness)

Councilmember Diaz would like to discuss this topic and ask that the City Council consider placing a proposition on an upcoming election to amend Proposition K.

FUTURE AGENDA ITEMS

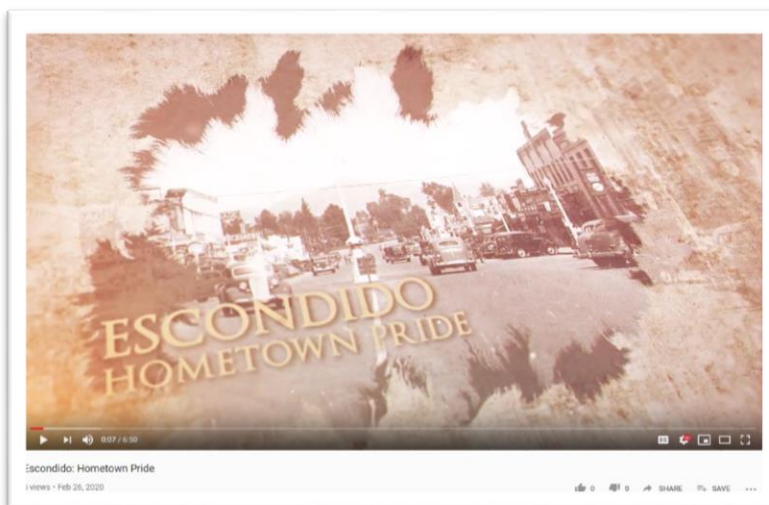
Weekly Activity Report



February 27, 2020

Escondido Hometown Pride

The annual State of the City address took place on Wednesday, February 26 at the California Center for the Arts. Each year City staff works with the community to create a video that is shown during the presentation. This year we focused on our hometown pride, check it out by clicking the video below.



Escondido Creek Trail Awarded Prop 68 Grant

The City of Escondido has been awarded an \$8.5 million grant from the California Parks Department to fund the Escondido Creek Trail Expansion and Renovation Project. There were 478 applications submitted for funding, and 62 projects were awarded. The Escondido Creek Trail was only one of 9 projects funded at the maximum 8.5-million-dollar level. In addition to improving the existing path, a new DG trail will be created and additional improvements include new fencing, lighting, signage, children's play areas, fitness equipment and more! For more information about the project, visit: <https://www.escondido.org/ect.aspx>

First Foot Race at Daley Ranch a Success!

On Saturday, February 22 Daley Ranch and Dixon Lake hosted the first "The Ranch" 50k ultra-marathon. This event was the product of several months of collaboration between event organizers: Second Wind Trail Running, and various City departments such as Utilities/Lakes, Community Services, Police, Fire and Public Works. The result was an amazing community event.

Over 200 racers participated, including some City staff! Prior to the race, volunteers helped prepare the trails and park for the event. If you would like to search for future opportunities to volunteer in the City, visit: <https://volunteer.escondido.org/>





FY 2020-21 BUDGET UPDATES

2020/21 Budget Updates:

The City's annual operating budget cycle begins in January with the preparation of the budgetary forecast for the next fiscal year that runs from July 1 through June 30. The current budgetary forecast for Fiscal Year 2020-21 is projecting a \$6 million operating budget deficit. This deficit is due to projected revenue growth not keeping pace with projected municipal costs.

City Departments have been asked to submit their Fiscal Year 2020-21 General Fund operating budgets with a 3% reduction over their prior year adopted budgets. Departments are to specifically identify the impact a 3% budget reduction will have on the services and programs provided to City residents. Departments are scheduled to submit budget proposals to the City's Finance Department in February and March.

City staff work diligently to keep costs down and increase efficiencies, but without new revenues Escondido will continually be forced to reduce or eliminate essential municipal services in order to balance future city budgets, including the upcoming 2020-2021 budget.

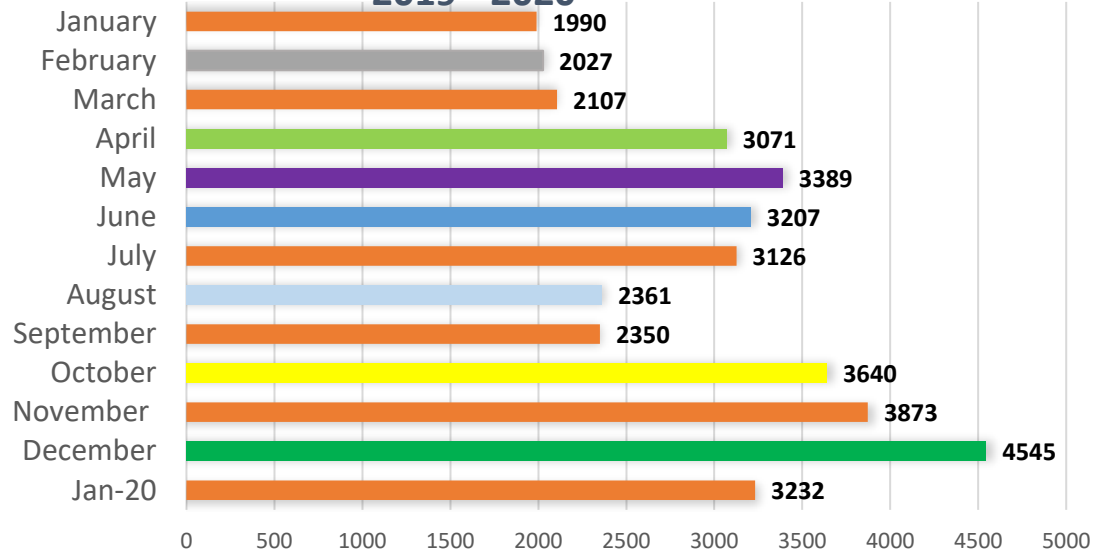
The City is currently considering placing a one percent sales tax measure on the November 2020 ballot. The current sales tax rate in Escondido is 7.75 percent; but Escondido receives only one percent of that revenue, with most going to the State, County and SANDAG. However, 100 percent of the revenue generated by this ballot measure would stay in Escondido and provide stable local funding for the City to maintain and enhance our Police and Fire services, improve our roads, parks and facilities, and elevate the quality of life in our neighborhoods.

A series of informational presentations on both the budget and a potential revenue measure will be scheduled, stay tuned for meeting dates.

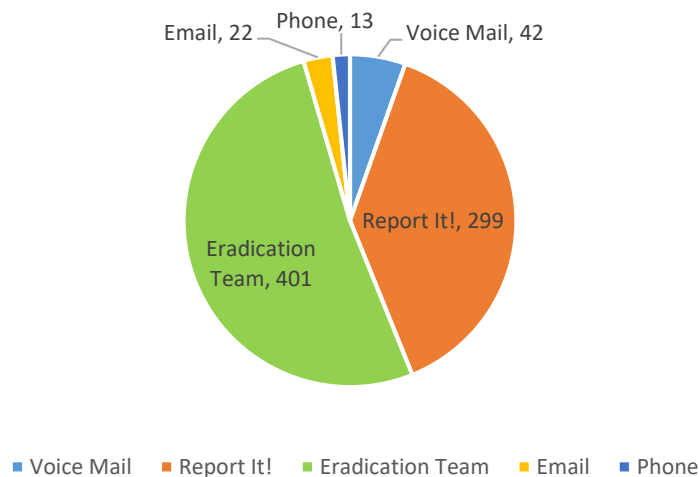
BY THE NUMBERS

Public Works

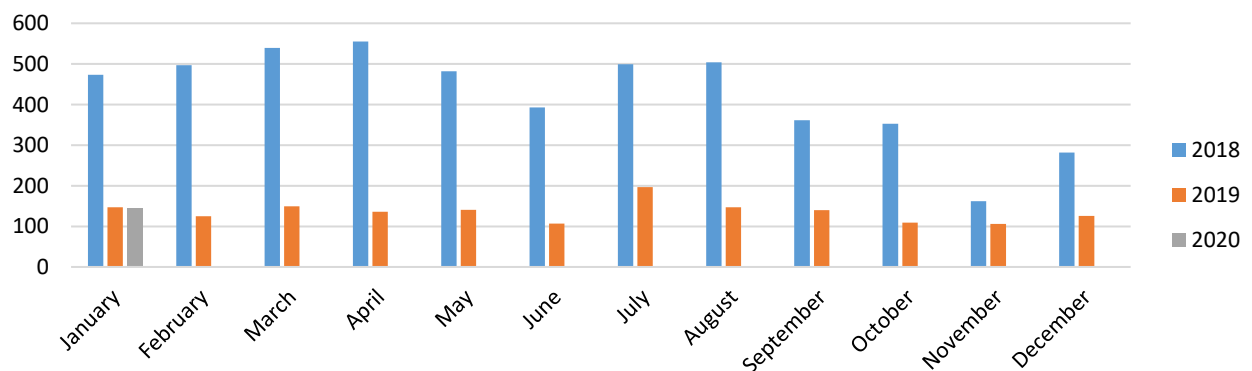
Number of Graffiti Tags Removed 2019 - 2020



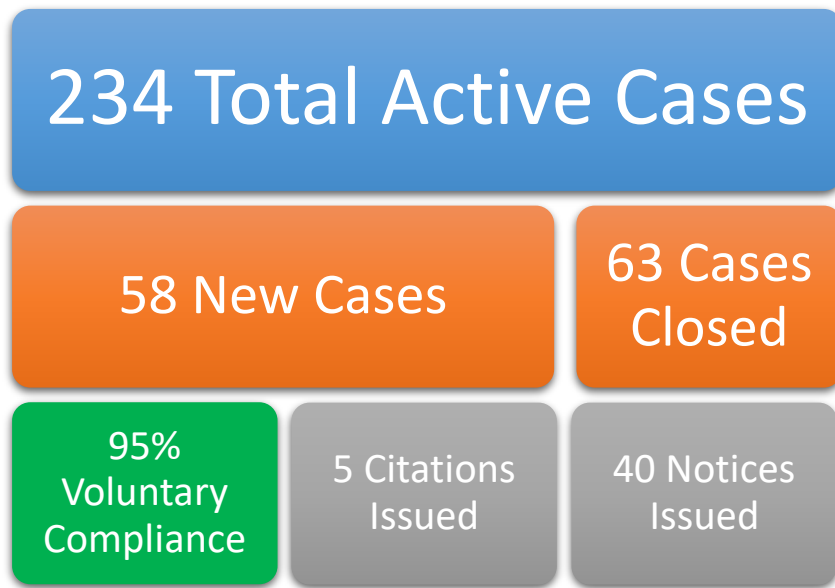
How Graffiti Was Reported - January 2020



NUMBER OF SHOPPING CARTS REMOVED

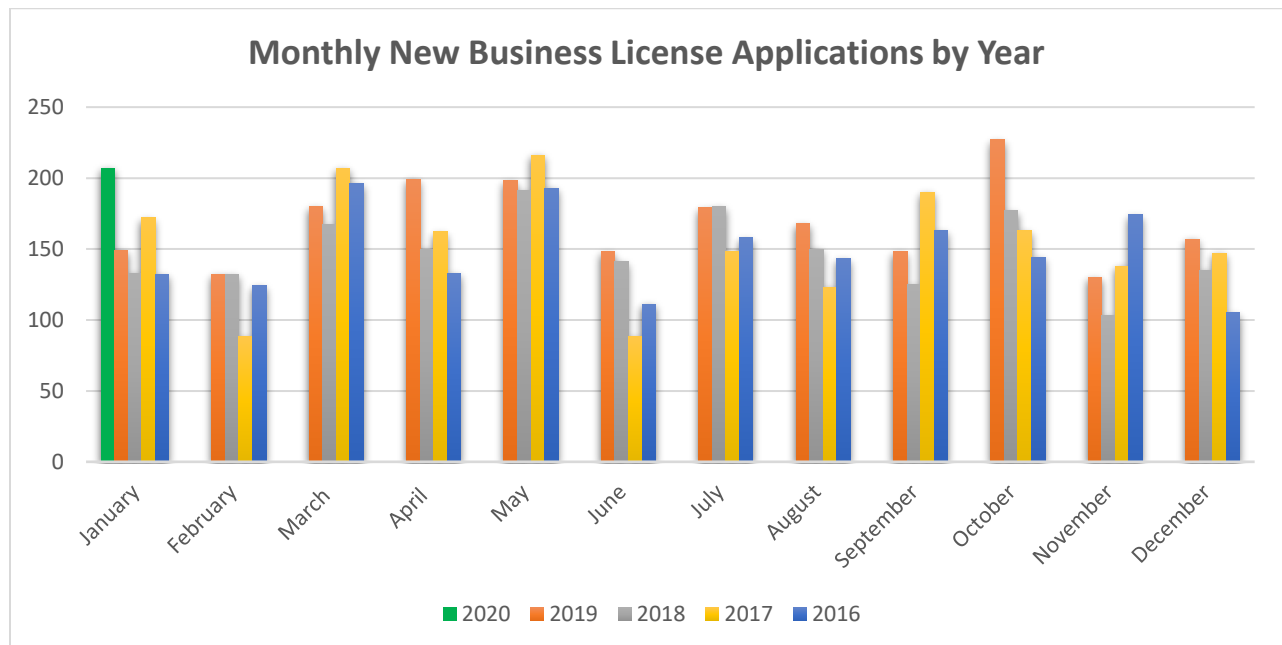


Code Enforcement



Total Code Cases (Year To Date)	422
---------------------------------	-----

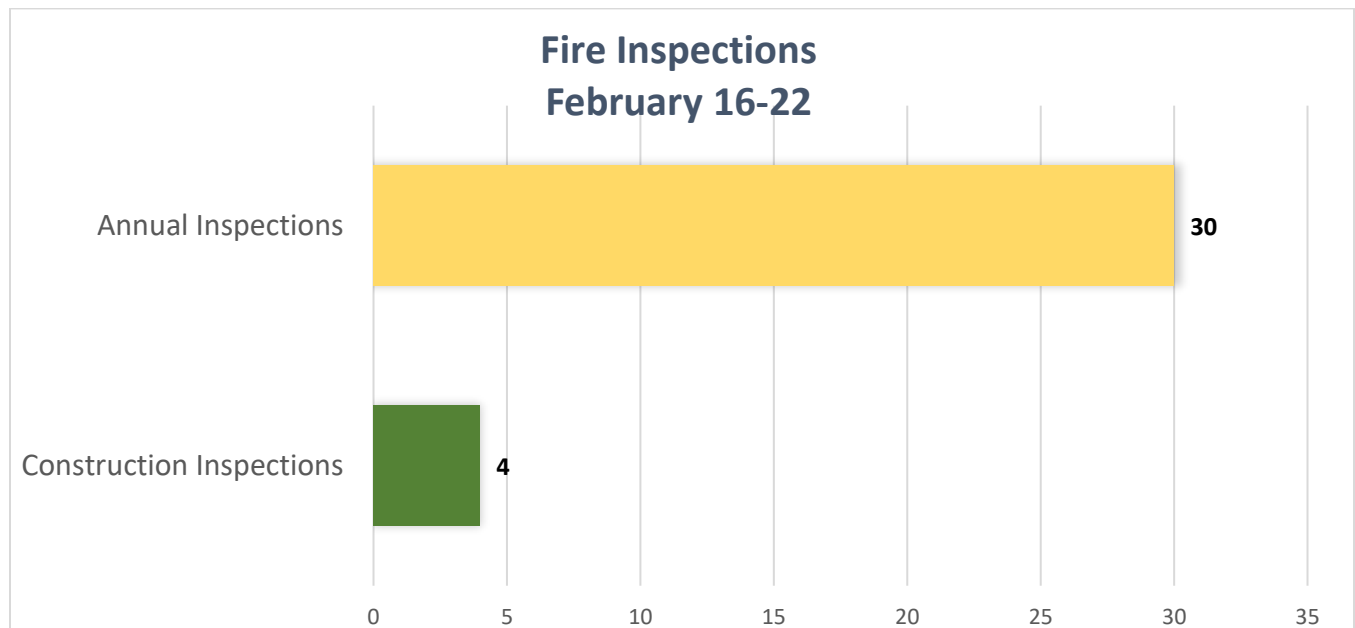
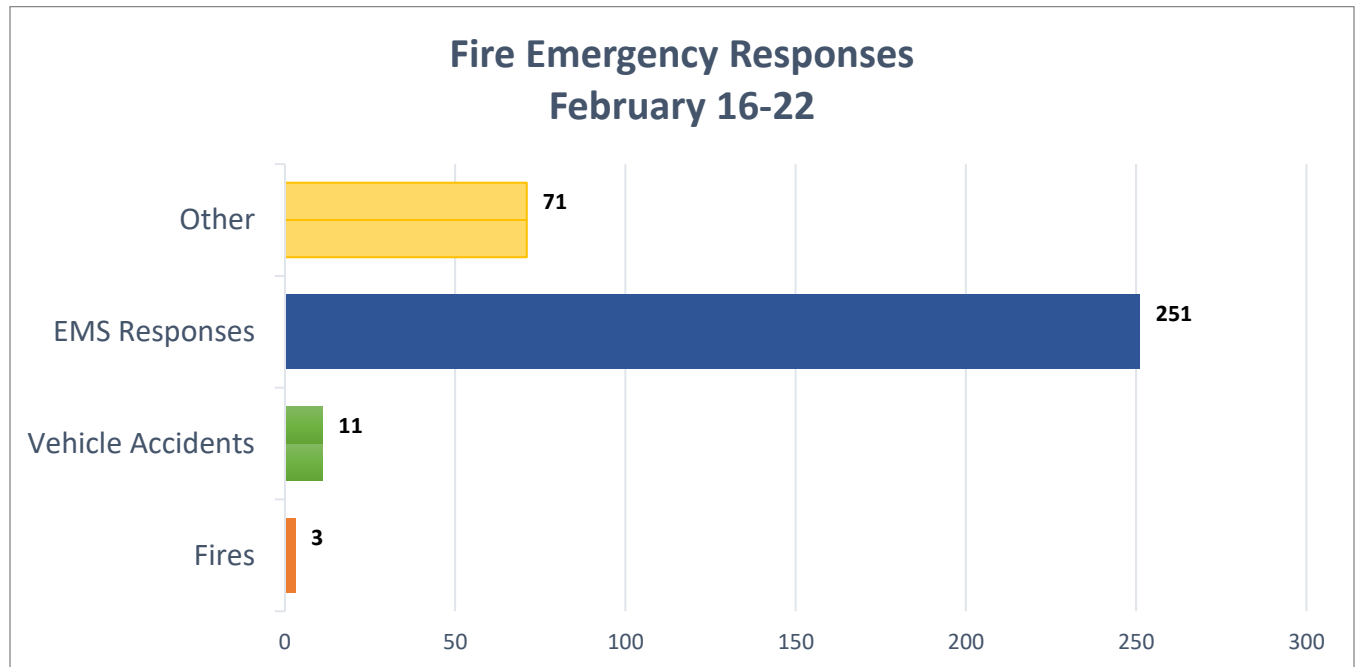
Business Licenses



Graffiti Restitution

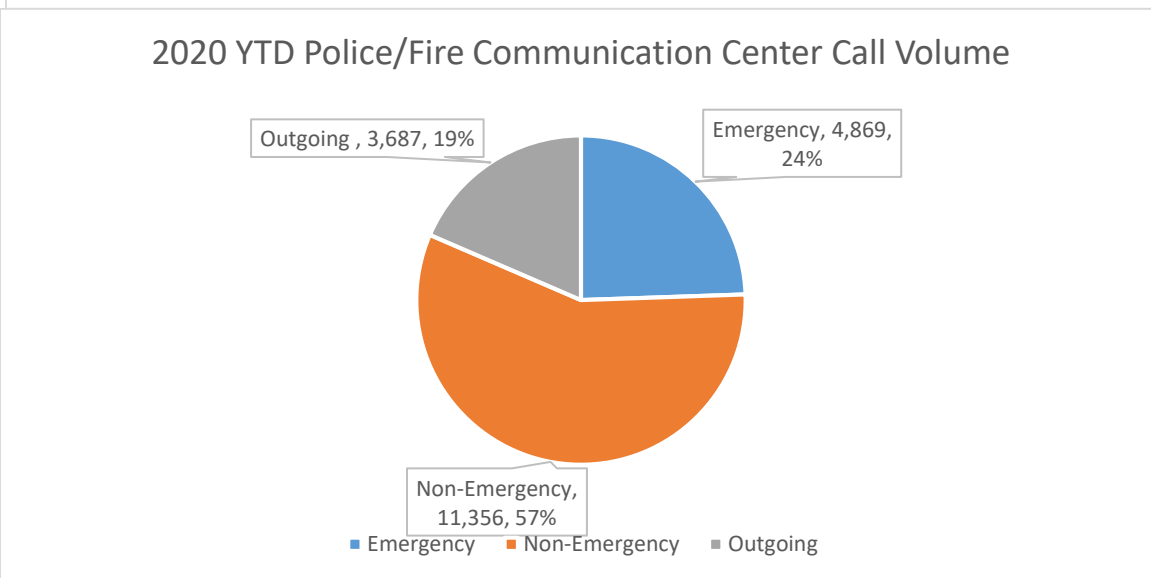
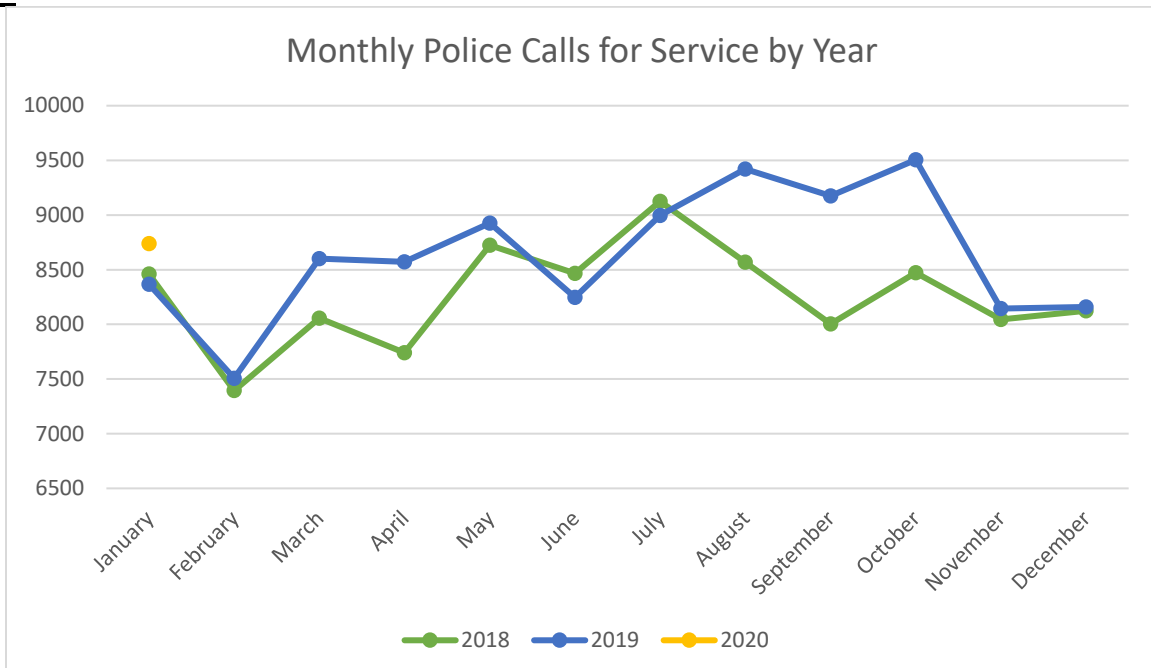
Collected Past Week	Collected Year to Date
\$112	\$2,621.52

Fire:

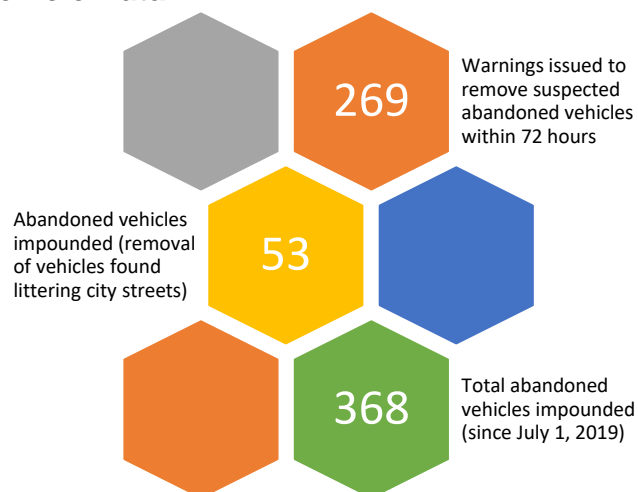


Total Emergency Responses (Year To Date)	2,337
--	-------

Police:

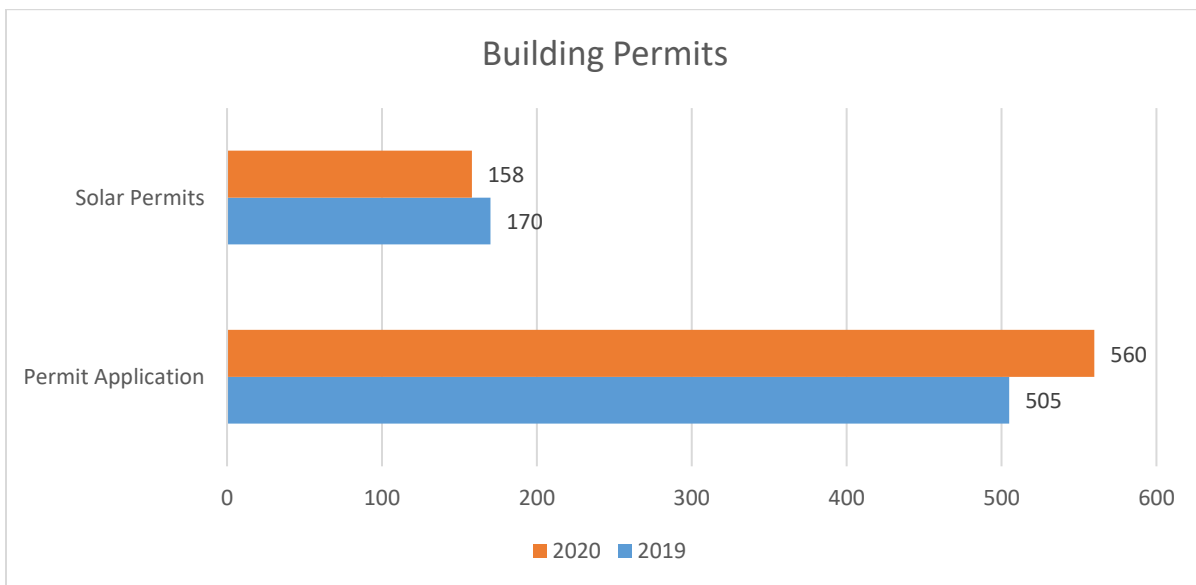
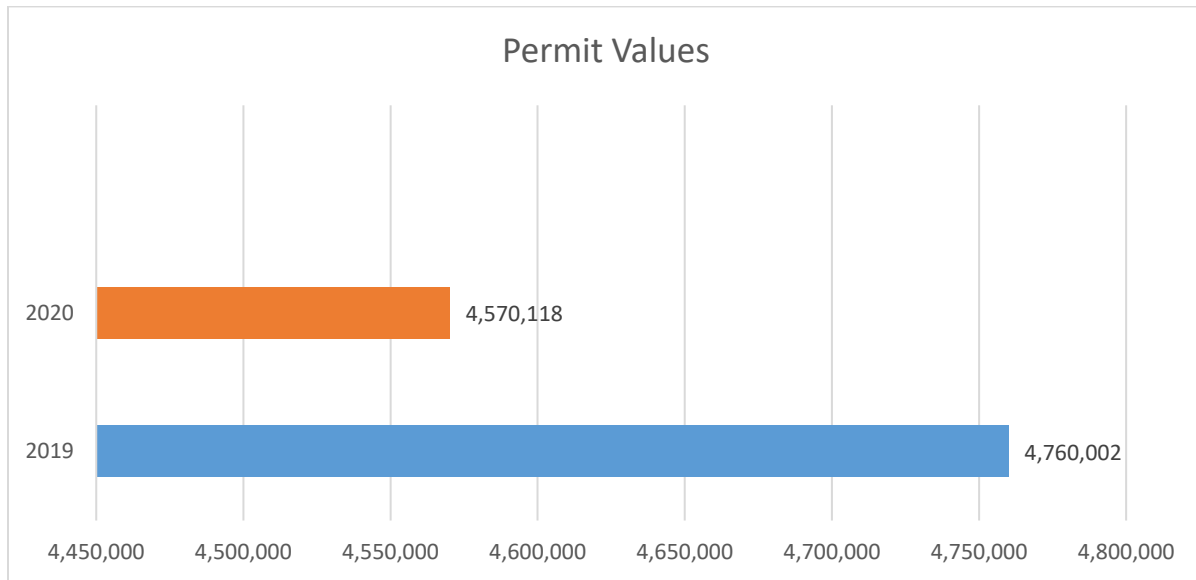


January Abandoned Vehicle Data



Building Division:

**Data reflects activity through February 22 of each year.*



VOLUNTEER PROGRAM



Get Involved:

If you would like to get involved with future projects and volunteer in Escondido, visit:

<https://volunteer.escondido.org/>

POLICE DEPARTMENT

Incidents:

Wanted Subject Flees from Police

On February 18, an Officer observed a wanted subject driving a vehicle near the 500 block of Midway Dr. The suspect had several arrest warrants for drug and gun possession charges. The officer attempted to pull the car over, but the suspect fled and a traffic pursuit ensued. The officer broke off the pursuit when the suspect drove in a manner that unnecessarily endangered the public. The suspect was located a few days later in Valley Center and arrested.

Officers Conduct Citywide DUI Saturation Patrol

On February 22, several officers participated in a citywide DUI saturation patrol funded through a grant from the California Office of Traffic Safety. The purpose of the detail was to target drunk drivers and to promote overall traffic safety. The detail yielded the following results:

- 106 Total Traffic Stops
- 15 Field Sobriety Tests Administered
- 2 DUI Alcohol Arrests
- 1 DUI Drugs Arrest
- 1 DUI Warrant Arrest
- 43 Citations Issued (7 for Suspended License & 4 for Unlicensed)

Community Policing:

School Task Force

On February 19, the Escondido PD Gang Unit and School Resource Officers met with school administrators representing the middle and high schools in Escondido. The focus of the School Task Force is for the police and school districts to share information and resources on intervention and prevention efforts at reducing gang membership and preventing gang violence in Escondido. This is part of the greater efforts coordinated by the Escondido Gang Reduction, Intervention, and Prevention (EGRIP) program, which brings together community leaders, city

staff, non-profit community based groups, county resources, school officials, and faith leaders to reduce gang crime in our city.

Police Athletic League Fundraiser is Huge Success

On February 21, the Escondido Police Athletic League (PAL) and the North San Diego County Real Estate Professionals Group and Affiliates held their annual fundraiser for PAL. The event is named "Have a Heart for PAL." Assemblywoman Marie Waldron, Deputy Mayor Consuelo Martinez, 76th Assembly Candidate Melanie Burkholder, former Mayor Sam Abed, Escondido Police Chief Ed Varso, and Captain Justin Murphy attended the event. A record was set for attendance and money raised with a total of \$63,456.58. The money will be used to run PAL sports and education programs for youth, provide scholarships for PAL youth now attending college, and will provide other activities that will help low income children in the Escondido Community.



Focused Enforcement Efforts in High Call Volume Areas:

- 6 Arrests
- 13 Citations
- 93 Extra Patrols / Calls for Service

Events:

Escondido Detectives Receive Prestigious Award

On February 19, Family Protection Unit Detectives Damian Jackson and Jeff Udvarhelyi received FBI Director's Awards for their efforts as part of the Child Exploitation Task Force. Jeff and Damian have served on CETF for the past six years, which is an FBI lead task force focused on combating crimes against children involving kidnappings, violent attacks, sexual abuse, or online predators.



Tip of the Week:

Did you know that the FBI has set up a safe online surfing website training for kids? The FBI-SOS program is a nationwide initiative designed to educate children in 3rd to 8th grades about the dangers they face on the Internet and to help prevent crimes against children. For more information, visit: <https://sos.fbi.gov/en/>

FIRE DEPARTMENT

News:

On Friday, February 21 at 9:03 p.m., Firefighters from Station 3 (Midway) were dispatched to an outdoor fire reported to be in the area of Midway Drive between Washington Avenue and Valley Parkway. The Engine crew found a large amount of smoke coming from a fire that was inside a flood control channel tunnel and several storm drains two blocks to the north. Three Fire Engines, the Truck Company and a Battalion Chief were needed for about thirty minutes to set up a rope system to access the culvert, and extinguish the fire inside the tunnel. EPD, Public works and a fire investigator also responded due to the suspected transient activity in the tunnel where the fire was located.



On February 23 at approximately 1:22 am, the Fire Department responded to a reported rollover vehicle accident at Bear Valley Parkway and Canyon Road. The first on scene Engine Captain found a vehicle fully involved in fire and the driver, who had been ejected during the crash, with serious but not life threatening injuries. Firefighters extinguished the fire and treated and transported the driver to the hospital.



Save the Date: the annual Fire Department Open House and Fire & Water Expo will be held on Saturday, June 13, 2020 at Escondido Fire Station # 4 located at 3301 Bear Valley Parkway from 10:00 am to 2:00. This popular event showcases fire and community safety and the theme this year is "Farm Fresh – Planting the Seeds of Safety". There will be equipment displays, fire truck rides, station tours, activities for kids, an automobile extrication demonstration and a helicopter landing! This year there will also be participants highlighting the area's agricultural heritage and the importance of water. Please visit www.firewaterexpo.org for more information and mark your calendars!

COMMUNITY DEVELOPMENT

Major Projects Update

The following major projects are being reviewed and coordinated by Planning, Engineering, Fire, Building and Utilities. The list of projects below encompasses recent project updates and/or milestones from last week.

Commercial / Office / Industrial:

1. Raising Cane's Restaurant – (Developer: Ada Fermin, PM Design Group) 1280 W. Valley Parkway – Demolition of vacant, former Coco's restaurant building and construction of new 3,744 SF drive-through restaurant for Raising Cane's. A CUP application was filed on October 30, 2019. Department comments on the traffic study were provided on January 10, 2020, and revised traffic info was received from the applicant on February 21, 2020.
2. Mercedes Benz Expansion – (Developer: Jody Stout, Integrity Design and Construction) 1101 W. 9th Avenue – A Master and Precise Plan modification to demo the existing dealership showroom and construct a new showroom, office, parts storage and service building. The application was submitted on November 20, 2019. The applicant informed Planning during the week of January 27, 2020 that they are pursuing a redesign to meet the most recent generation of Mercedes design specifications for dealerships. Staff is awaiting resubmittal of the plans.
3. 7-Eleven Gas and Convenience Store – (Developer: Golcheh Group) 900 W. Mission Ave. – A proposal to relocate a 7-Eleven from the northeastern corner of Mission/Rock Springs to the northwestern corner and add a gas station. The applicant submitted a traffic study on December 17, 2019, and the latest staff comments were returned on February 11, 2020. The comments identify anticipated traffic impacts as well as suggested mitigation. The applicant met with Engineering on February 19, 2020 to discuss traffic issues.

City Projects

1. Membrane-Filtration Reverse Osmosis/ MFRO (Developer: City of Escondido Utilities Department) 901 W. Washington – A Plot Plan application was submitted for review on October 14, 2019. The second draft of the proposed Mitigated Negative Declaration (MND) is expected to be submitted this week. A 60% design meeting occurred on December 9, 2019, and a follow-up meeting to discuss architecture occurred on January 30, 2020.
2. Lake Wohlford Replacement Dam (Developer: City of Escondido Utilities Department) – Utilities and Planning staff met with the environmental consultant on February 24, 2020, to discuss biological mitigation and recirculation of the Draft EIR. A meeting with the wildlife agencies will be scheduled for next month for confirmation of the path forward.

Residential

1. Harvest Hills (aka Safari Highlands Ranch) (Developer: Jeb Hall, Concordia Homes) 550 lots east of Rancho San Pasqual – The Draft EIR and appendices have been posted on the City's website at the following link:

<https://www.escondido.org/safari-highlands-ranch-specific-plan.aspx>

A revised tentative map addressing previous staff comments was submitted on November 6, 2019. A second revision to the Draft Specific Plan was received on January 14, 2020. The most recent revised tentative map was received on February 24, 2020. The revised tentative map and exhibits will be posted on-line at the link above.

2. The Villages at Escondido Country Club (Builder: Lennar Homes) 380 residences –Building permit applications for the model homes were submitted on December 18, 2019. Comments on final engineering for Villages 2 and 3 were sent to the project applicant on January 27, 2020. Country Club Drive improvement plans are nearing approval. Planning met with the applicant on February 4 to discuss proposed modifications to the Village Center amenities and design. Revised final engineering plans for Villages 2 and 3 and a Precise Grading Plan were submitted by the applicant on February 13, 2020.

The approved tentative subdivision map, Final EIR and appendices, Specific Plan and other related information can be accessed on the City's website at the following link:

<https://www.escondido.org/ecc.aspx>

4. North Avenue Estates (Developer: Casey Johnson) 34 lots at North Ave./Conway Dr. – The applicant is working on storm water comments and a resubmittal of plans is expected this week. Engineering has provided comments on a proposed joint-use agreement with the County Water Authority.
5. Sager Ranch/Daley Ranch Resort Specific Plan (Developer: J. Whalen Associates, Inc., Sager Ranch Partners) 203 housing units and 225-room resort hotel on 1,783-acres, just north and east of Daley Ranch – Fire, Planning, and Engineering staff met with the applicant team on May 29, 2019 to discuss the fire-related information. A financial feasibility study for the proposed resort was submitted on July 8, 2019. The project has been mostly dormant since then.

A project webpage containing draft documents and plans has been added to the Planning Division's website at the following link:

<https://www.escondido.org/daley-ranch-resort-specific-plan.aspx>

6. Nutmeg Condo General Plan Amendment (Developer: Jim Simmons, CCI) 137 townhome condo units on 7.7 acres on both sides of Nutmeg between I-15 and Centre City Parkway – The City Council approved the portion of the project on the northern side of Nutmeg on November 20, 2019. Staff is now awaiting resubmittal of the southern portion of the project.
7. Oak Creek (Builder: KB Homes) 65 single-family residential lots on approximately 44 acres at Felicita Road and Hamilton Lane – KB Homes has constructed model homes and is interested in filing the final map as soon as possible to continue construction. However, several items remain incomplete including revisions to improvement plans, final map and drainage study. In June 2019, the County of San Diego provided KB Homes a checklist of items that should be submitted with a watercourse permit application required to construct a storm drain under Felicita extending onto County land. To date, KB Homes has not provided the application materials to the County. The City is working with the developer to allow the project to continue to move forward while the developer obtains the County watercourse permit and constructs all necessary drainage improvements.

8. Villa Portofino (Developer: Chris Post, ATC Design Group) 15 apartment units in a three-story building with parking garage at 2690 S. Escondido Blvd. – Revised elevations for staff design review were received on February 21, 2020.
9. Palomar Heights (Developer: Ninia Hammond, Integral Communities) Demolition and redevelopment of the old Palomar Hospital site with 510 multi-family units with 10,000 SF of commercial – Utilities met with the applicant on February 20 to discuss sewer and water issues. Public review of the Draft EIR is expected to commence soon after receipt of updates to the Public Utilities appendix that analyze an acceptable sewer design.

The development proposal and other related information can be accessed on the City's website at the following link:

<https://www.escondido.org/palomarheights.aspx>

10. Henry Ranch (Builder: Joe Martin, Trumark Homes) An approved development of 97 single-family residential homes on 74.35 acres at the eastern terminus of Lincoln Avenue – The project site is currently being graded. CC&Rs for the entire project and a road maintenance agreement for the upper agricultural lots are in for review. Improvement plans are ready for approval. The final map has tentatively been scheduled for the April 8, 2020 City Council meeting.
11. Del Prado (Developer: Kerry Garza, Touchstone Communities) – An approved 113-unit townhome-style Planned Development located at the southwestern corner of Brotherton Road and the Centre City Parkway frontage road - Staff comments on the grading and improvement plans were provided the week of February 3, 2020. Staff is aware of easement issues regarding the SDG&E access easement and are still working with the applicant on that driveway design.
12. Hacienda De Vega Redevelopment – (Developer: Tony Cassolato) A proposed residential condominium development consisting of 42 three-story attached townhomes on 1.75 acres – The project would demolish the vacant restaurant building and redevelop the entire site with residential townhomes. Fire is working with the applicant on fire flow and circulation issues through the site. The Historic Preservation Commission will review the proposal to demolish the existing structure on the site on March 19, 2020. It is expected the Mitigated Negative Declaration will be issued for public review around that time.
13. Casa Mercado Apartments (Developer: Paul Mayer, Pemcor) A four-story, 120-unit apartment complex on 2.31 acres – The most recent project design was submitted on January 21, 2020. Staff comments were provided back to the applicant on February 21, 2020.
14. Accessory Dwelling Units – Planning staff is currently working on thirteen (13) applications for accessory dwelling units. Six (6) accessory dwelling units have been approved so far this year. Thirty-even (37) accessory dwelling units were approved in 2019. Twenty-four (24) accessory dwelling units were approved in 2018. Three (3) accessory dwelling units were approved in 2017.

Building Division:

1. The Building Division issued 50 permits (including 19 solar photovoltaic) with a total valuation of \$210,237.00. B19-2202 3801 Observation Pl. Valuation \$146,956.00

2. Our building inspectors responded to 190 inspection requests. 129 customers visited the Building counter during the week.
3. *No change from the previous.* The Latitude 2 apartment project at 650 Center City Pkwy has received Building final approvals and Temporary Certificates of Occupancy for buildings 1-4. Field Engineering have released Building 6 for TCO. The Building Division has granted a Temporary Certificate of Occupancy, with minor restrictions and is awaiting a request for Final inspection of Bldg. 6. Final Inspection pending the receipt of all final reports from the contractor.
4. *No Change from the previous.* The second phase of construction (school) associated with the recently completed church sanctuary building at 1864 N. Broadway is about to get underway.
5. *No Change from the previous.* The new 105 room hotel at 200 La Terraza is currently operating on a Temporary Certificate of Occupancy, pending Engineering final approval. Traffic signal poles have been set in place and should be fully operational soon. An additional 30-day extension of the TCO has been granted pending completion of the traffic signal.
6. The Gateway Grand (now named "Rowan") 126-unit apartment project at 700 W. Grand Ave. has roof framing work ongoing in Buildings A & B in anticipation for a soon to be requested inspection. Drywall installation on-going in Building B on the 4th floor. Building B framing has been completed and approved. Drywall installation is on-going in Building B. Building A framing work is on-going. Partial exterior lath installation is on-going at Building A. A Temporary Certificate of Occupancy has been issued for the first floor only in the community building (Building D). New electrical meters are being set in Building B for 11 units. Building C framing and the installation of plumbing, electrical and mechanical system have begun.
7. *No change from the previous.* The new 2 story 20,000 sf office building for Superior Ready Mix on 1564 W Mission has first and second floor approval for framing, mechanical, electrical, and plumbing.
8. *No change from the previous.* KB Homes, located at the Oak Creek development on Daisy Field Glen has completed the model home construction phase of the development. Plan revisions have been submitted and are currently under review. The number of homes in the first phase could total between 12-16 dwellings. Precise grading plans for Phases 1 & 2, totaling 12 SFD's, are currently in review.
9. The Medical office building located at 2130 Citracado Pkwy has received partial foundation inspection and partial underground electrical conduit. Foundation work, steel reinforcement on-going in preparation for future inspections. Underground plumbing and foundation work is on-going. Partial slab construction has been approved. Framing should commence soon. Structural steel being erected with special inspection.
10. Building staff has completed plan check fee estimates for the Villages project and are verifying correct addressing.
11. The new self-storage facility at 2319 Cranston Drive has approval for perimeter footings. Masonry wall construction is underway. Foundation and CMU grout lift inspections continue for the site walls.

ENGINEERING DEPARTMENT

Capital Improvements:

1. El Norte Parkway Improvements –The traffic signal poles for the new pedestrian crossing have been stood. The contractor is continuing to work on the median islands. Construction of the trailhead sign continues this week and is expected to be finished late next week. The project includes widening of El Norte Parkway at the flood control channel by the installation of a new bridge, construction of new median islands from Valley Parkway to Washington Avenue, landscaping and a drip irrigation system, a bike/pedestrian signal at the flood control channel, along with roadway resurfacing. More information can be found at <https://www.escondido.org/el-norte-parkway-bridge-and-median-improvements-1.aspx>.
2. Spruce Street/Transit Center Pedestrian Bridge Project –The arched channel culvert section was set last week. The contractor has started to work on the pedestal bridge at the Valley location. The stucco walls along 3rd and Spruce have been painted. Concrete has been placed for a section of the pedestrian bridge foundation at Valley Parkway.



3. 2019 Street Rehabilitation and Maintenance Project Rebid - The contractor is continuing the tree removal and the replacement of concrete sidewalk, pedestrian ramps, and driveway's in the Auto Park Way industrial area, south of State Route 78 near Mission Avenue. This year's project will resurface approximately 71-lane miles of pavement, replace 0.59- miles of sidewalk, and restripe 2.5- miles of bike lanes, install 51 pedestrian ramps, and replace 90 street trees that damaging concrete improvements. With the continued investment into our streets, the City has increased its Pavement Condition Index (PCI) from 55 to 61 points since 2013. This year's project is Maintenance Zone W. More information can be found at <https://www.escondido.org/city-of-escondido-street-maintenance-program.aspx>

Private Development:

1. Tract 932 - Canyon Grove Shea Homes Community –*No changes from that reported last week.* The Project is currently in the punch list phase. The roadway connection between Vista Avenue and Vista Verde Way is scheduled to be opened to all traffic. This opening will connect El Norte Parkway to the South and Ash Street to the West.
2. KB Homes Oak Creek Project –*No changes from that reported last week.* The contractor will be starting the offsite improvements including the construction of new sidewalk, curb,

gutter and street sections for Miller Avenue and Hamilton Lane. Traffic control, including lane closures will be in effect during this activity.

3. Pradera by Lennar –*No changes from that reported last week.* The contractor has started the Conway street restoration work. The water main work included the construction and installation of 779' of a 12" water main along Conway Drive, between Lehner Drive and Rincon Avenue. The installation is now complete. The contractor is tying the new line to the Cities potable water system.
4. Henry Ranch Tract 920 –*No changes from that reported last week.* Contractor is continuing with the in track pad grading. The project is located at the intersection of El Norte Parkway/Lincoln Avenue. When completed the contractor will have processed 433,000 cubic yards of material with 50,000 cubic yards of material being exported off site.
5. The Villages – *No changes from that reported last week.* Contractor is working on the in-tract sewer main, manholes and laterals. Village 1 grading is continuing this week. Village 1 is between Country Club Drive to the south, David Drive to the east and Golden Circle Drive to the north. A total of 111 homes are to be constructed in Village 1. "No Parking" signs are placed on Country Club Drive South of Country Club Lane. The work will be for the construction of storm drain pipe at Country Club Drive and Fairway Park.
6. SDG&E 16" Gas Main Replacement – Work has started with potholing along the Midway corridor, starting at Lincoln Ave moving South. The work will also include the new installation of video detection cameras along the Midway/Bear Valley corridor. Information is being gathered to aid in the development of the new gas main alignment. The construction phase is not expected until 2021.
7. Escondido Giving Arch –The main section of the Arch was delivered and bolted up last week. The second sections of the Arch are scheduled to be delivered This week. One lane of west bound Grand Avenue will be closed during this operation. When completed, this arch will be 108 feet across and will span Grand Avenue at Centre City Parkway. A lighting ceremony has been scheduled for March 12th with the Escondido Community Foundation.

GRANT APPLICATIONS

Applications:

- None this week.

###