

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: February 4, 2008
Reviewed by: *BP*

SUBJECT: Clarification of City Council direction on reviewing updates to City Smoking Regulations

REPORT BY: Beth Pollard, City Administrator

STAFF RECOMMENDATION

That the City Council agendaize consideration of an ordinance to update the City's smoking regulations at a regular City Council meeting in March.

BACKGROUND

On October 1, 2007, the City Council referred consideration of updates to the City's smoking regulations to the Social & Economic Justice Commission. The Commission has discussed proposed ordinance changes at its meetings in October, November, December, and January. At the last City Council meeting, the City Council passed the following motion:

Moved by Council Member Javandel, seconded by Council Member Wile, that the smoking ordinance come back to the City Council at the next available opportunity.

It has become apparent following the Council meeting that there is confusion about the direction in the motion, with one perspective being that the direction was that it not be sent to the Sustainability Committee but continue its path through the Social & Economic Commission for recommendation to the City Council; another perspective on the motion is that it need not continue through the SEJC.

DISCUSSION

The proposal to update the City's smoking ordinance was referred by the City Council to the Social & Economic Justice Commission as being the Council advisory body with the charge closest to the subject matter. The Commission's charge is: to...."research, analyze, discuss and evaluate a broad range of data and opinions on social and environmental issues affecting the welfare of the residents of Albany as inhabitants of both a local and a global community, and make recommendations to the City Council on positions and/or actions to take to address these issues.

At its January meeting, the Commission had determined it needed two more meetings to prepare its recommendations; the meeting in February would be to determine its recommended policy directions, and the meeting in March would be to review and act on recommending a draft ordinance to submit to the City Council.

ANALYSIS

The Commission review of changes to the City's smoking regulations has taken more meetings than was initially anticipated by probably everyone involved. The resident who approached the City Council about making changes to the ordinance has expressed frustration with the amount of time, the process, the involved parties, and discussion around proposed ordinance changes that are less than consistent with what he had submitted to the City Council. There also have apparently been misunderstandings about how the City Council, individual Councilmembers, and staff interact with the City commissions, the independence of these advisory bodies in reviewing proposals and making recommendations, and Albany's practice of inviting a variety of perspectives into the deliberation process.

Staff has the following suggestions for bringing an ordinance that updates the City's smoking regulations to the City Council as soon as possible and feasible:

- 1) Commit to scheduling first reading of an ordinance at a City Council meeting in March, 2008.
- 2) Ask the Social and Economic Justice Commission to finalize its review and/or recommendation on updates to the smoking regulations at its February meeting (February 13).
- 3) Staff and the City Attorney would then prepare an ordinance based on the recommendation of the SEJC.
- 4) Included in the City Council agenda item would be information on what was not included in the ordinance that had been originally proposed, if anything.

Staff is recommending that SEJC be asked to complete its deliberations and recommendations in one meeting in order to bring closure to the issue, to provide staff with a recommended framework in which to draft an ordinance, and to be respectful of the time that the Commission has invested on the matter.

Staff further recommends that in the future, the City staff, City Council, and Commissions may be able to develop more effective ways to structure Council referrals to commissions and the anticipated timelines and protocols to help avoid unrealized expectations.

FINANCIAL IMPACT

There is no financial impact from the recommended action.