

**APPROVED**  
**MINUTES**  
**SOCIAL AND ECONOMIC JUSTICE COMMISSION**  
**MEETING OF WEDNESDAY, OCTOBER 10, 2007**  
**8:00 pm**

1. Call to Order: The meeting was called to order at 8:00.
2. Roll Call: Present: Duncan, Johns, Maris, Tanang Absent: Larsen, Thomsen, Marks  
Staff: Lieberman The Commission's new youth member, Dijnee Tamang, was welcomed, and Commissioners and staff introduced themselves.
3. Approval of minutes. Maris moved to approve the minutes of 9/5/2007. Johns seconded. Minutes were approved 3-0-1 (Tamang abstaining).
4. Opening Public Forum. A. Riffer noted that the agenda, minutes, and materials needed to be made available to the public. Lieberman provided copies. T. Moder noted that the Governor had signed a bill prohibiting smoking in cars with children.
5. Discussion and Possible Action on Matters Related to the Following Items
  - 5.1. The order of the agenda was discussed. It was agreed to rearrange the items based on priority. The items were taken in the following order:
  - 5.2. Smoke Free Proposal: Ira Sharenow presented his proposal for a smoke free ordinance in Albany. Steve Edrington from the Rental Housing Assn of Northern Alameda County discussed the multi-family issues and how their members address these issues. Tim Moder (Ala. Cty Tobacco Control Coalition) and Serena Chan (American Lung Assn) also presented their views before the Commission. Commissioners had a variety of questions. Johns wanted to know how many owners of multi-tenant buildings were represented by the RHA, and also questioned how to acknowledge the socio-economic component regarding the propensity of low-income tenants to smoke, and upper income tenants not to smoke. He also asked about the propriety of local government becoming involved in this landlord/tenant situation. Mr. Edrington responded that there was one landlord that he know of that was a member of his organization, and that the intent of the policy was to have clear guidelines for all tenants. Maris asked about the costs of enforcement and the financial impacts. Sharenow responded that this was not normally a police issue, but gave a tenant protection if a smoker moved nearby. Ducnan asked if smoking included all substances? Chan responded that cities have dealt with the issue in different ways. She noted that the city of Belmont recently adopted an ordinance and is forming an enforcement committee. Johns asked what the scope of the problem was here in Albany and if there was a need for government to interject itself? Duncan stated that the issue was very complex and would require significant time to consider. The commissioners discussed the next step in the consideration of the smoke free proposal, including the following: Lieberman would see if there were any available materials on the prevalence of smoking in Albany, and if it is a problem in public places or in multi-tenant buildings; publicity

for the SEJC next meeting will try to be more extensive to get additional people to attend and voice their opinions about the proposal. The item was continued to the November meeting.

- 5.3. Campaign Finance Reform: Lieberman reviewed the summary that had been prepared for the Commission. Commissioners discussed the intent of the ordinance. Johns stated that he did not understand how prohibiting contributions from organizations developed a broader base of advocacy. Maris noted that the ordinance may have been passed in 1996 as a reaction to large campaign contributions buying influence, and that this might have been related to the cardroom controversy. Commissioners discussed the issues of the voluntary limits on expenditures and whether that was effective or equitable, the contribution limits, and the prohibition on contributions from any other entity than an individual. C. O'Keefe spoke to the Commission about the issue of enforcement, and asked why there would be an ordinance if the City was not going to enforce it? She asked about the issue of multi-candidate slates pooling resources, and stated that it was unclear what the rules were in these instances. She also mentioned concerns about whether parts of the ordinance were constitutional, and about the issue of donating to organizations that support or oppose a candidate. A. Riffer spoke to the Commission and asked that they attempt to have a recommendation within the next six months in order to have the rules clarified in time for the upcoming election. He also expressed his concerns about enforcement and the need to clarify rules regarding general purpose committees. Lastly, he mentioned that due to the increased use of absentee ballots, the final week filing was not particularly useful as an incentive anymore. The Commissioners discussed the need to gather information regarding concerns of past candidates. Duncan suggested doing qualitative research, such as a letter survey to past candidates to determine what their concerns and opinions were. Commissioners agreed this would be a good idea, and agreed that Thomsen, Duncan and Lieberman would work on preparing a letter/survey.
- 5.4. Affordable Housing subcommittee: Maris noted that 727 San Pablo had met its requirements for Inclusionary Housing. Lieberman noted that 4 units would be provided, 2 at very low income levels, and 2 at low income levels. Lieberman informed the commission that the Planning and Zoning Commission was holding an affordable housing study session on November 27<sup>th</sup> and that this would be important for the affordable housing subcommittee to attend.
- 5.5. Peace Action Day Event: Maris and Johns discussed the event, and noted that despite low attendance, the event and the program went very well. Maris thanked the student group that assisted. The commissioners discussed how to get more people to attend next year, and the desire to begin the planning process earlier and to involve ALL of the Commissioners. The item will be brought back on the agenda for December.
- 5.6. Campaign Finance Reform, AB583: Lieberman noted that as this was a two year bill, it could be held over to a later meeting. Commissioners agreed to postpone this for several months due to the current heavy Commission agenda.

**DRAFT**  
**MINUTES**  
**SOCIAL AND ECONOMIC JUSTICE COMMISSION**  
**MEETING OF WEDNESDAY, NOVEMBER 14, 2007**  
**7:00 pm**

1. Call to Order: The meeting was called to order at 7:00.
2. Roll Call: Present: Duncan, Johns, Larsen; Marks; Thomsen; Tanang. Absent: Maris  
Staff: Lieberman
3. Approval of minutes. Johns moved to approve the minutes of 10/10/2007. Duncan seconded. Minutes were approved 3-0-3
4. Opening Public Forum. None.
5. Discussion and Possible Action on Matters Related to the Following Items
  - 5.1. The order of the agenda was discussed. It was agreed to rearrange the items based on priority. The items were taken in the following order:
  - 5.2. Smoke Free Proposal: Staff presented the materials that were in the packet provided to the Commissioners. Ira Sharenow presented his proposal for a smoke free ordinance in Albany. The details of the proposal were encompassed in the amended TALC draft ordinance that was presented. The proposal includes banning smoking in most public places, including on Solano and San Pablo Avenues. The proposal also includes gathering information from landlords and property owners about smoking practices in multi-family apartment buildings.

Marks/Thomsen asked about the position of the Albany Chamber and the Solano Avenue Association. Mr. Sharenow noted that he had contacted both organizations but had not heard back from the Albany Chamber of Commerce.

John Schmidt, the owner of The Pub in Albany stated his opposition to the ban on all of Solano Avenue. He noted that smoking on Albany streets did not seem to be a prevalent problem. Steve Edrington, California Apartment Owners Assn presented his concerns with issues of enclosed space and private enforcement. Johns questioned the number of properties/owners that were in Albany and represented by his organization. Mr. Edrington did not have this information. He did state that there were a total of 341 multi-unit properties in Albany, with a total of 2500 multi-family units.

Jenna L., an Albany resident, and employee of the American Cancer Society, spoke in favor of the ordinance. Paul Cummings, from Alameda County Public Health Tobacco Control Program, and Albany resident, also spoke in favor. He suggested that the ordinance be complaint driven in terms of enforcement. Serena Chen from the American Lung Association, spoke and noted that she had worked on the very first anti-smoking ordinances in Albany, and that Albany had been a front-runner at

that time. She noted that California had the 2<sup>nd</sup> lowest smoking rate in the country (Utah was first) at 13%, and that Alameda county had a lower rate of 11%. Johns asked if there was any evidence supporting reduced smoking rates resulting from anti-smoking ordinances. Ms. Chen said that there had been studies correlating the passage of smoke-free laws and the reduction in smoking. Tim Motor, a Berkeley resident, spoke in favor of the smoke-free proposal. Burke Trishan, an Albany resident said that he felt smoking rules were already restrictive, and said that he didn't perceive smoking on Solano or around the schools to be a problem.

Discussion continued around the issues of enforcement, bans on Solano and San Pablo, grandfathering in The Pub, how to approach the multi-family housing issues, private right of action, merchant cooperation in posting "no Smoking" signs in doorways, and the opinion of the Chamber and Solano Avenue Association. Commissioners stated their concerns about a variety of issues. Thomsen wanted more clarification regarding enforcement and regulation; Marks had questions regarding The Pub, not criminalizing smoking in Albany, and how to address multifamily housing issues. Johns tanked all who came to speak, noted his concerns about protecting minority rights and criminalizing behavior, and asked the question whether this was a problem in Albany. Larsen also asked whether the proposal was proportional to the problem in Albany, and how this might impact lower income persons in multi-family housing. Duncan noted that this was a very difficult issue, that she believed in protection of the public health, and had some concerns about the process for public input and notification. She raised the issue of wood burning fireplaces as additional health risks. Lieberman proposed to return to the Commission with a draft ordinance that would begin to address upgrading Albany's ordinance to bring it in line with other ordinances around the area. The issues of multi-family would be addressed separately.

The item was continued to the December meeting.

- 5.3. Campaign Finance Reform: A very preliminary draft of the survey was included in the packet. Duncan noted her desired to revise the survey to make it much more open-ended. The Commissioners agreed that this should be done by the sub-committee (Duncan/Thomsen).
- 5.4. City Motto: Commissioners agreed to send Lieberman their top 10 (or less) choices. Lieberman would then compile them and the Commission would discuss the results and the process at the next meeting.
- 5.5. Affordable Housing subcommittee: Maris noted that 727 San Pablo had met its requirements for Inclusionary Housing. Lieberman noted that 4 units would be provided, 2 at very low income levels, and 2 at low income levels. Lieberman informed the commission that the Planning and Zoning Commission was holding an affordable housing study session on November 27<sup>th</sup> and that this would be important for the affordable housing subcommittee to attend.
- 5.6. Department of Peace: Johns discussed the organization that is promoting a department of Peace and asked to schedule a time for them to make a presentation.

**FINAL  
MINUTES  
SOCIAL AND ECONOMIC JUSTICE COMMISSION  
MEETING OF WEDNESDAY, DECEMBER 12, 2007  
7:00 pm**

1. Call to Order: The meeting was called to order at 7:00 pm.
2. Roll Call: Present: Duncan, Maris; Marks; Tanang; Thomesen (arrived 7:25 pm).  
Absent: Johns, Larsen  
Staff: Lieberman
3. Approval of minutes. Marks moved to approve the minutes of 11/14/2007. Tanang seconded. Minutes were approved 3-0.
4. Opening Public Forum. None.
5. Discussion and Possible Action on Matters Related to the Following Items
  - 5.1. The order of the agenda was discussed. It was agreed to rearrange the items based on priority. The items were taken in the following order:
  - 5.2. Smoke Free Proposal: Staff presented the materials that were in the packet provided to the Commissioners. These included a very rough draft amendment to the existing ordinance, and a more comprehensive amended ordinance that was drafted by Robin Salsberg, from TALC. There was also an accompanying memorandum from Robin which walked through the changes that she had made to the Albany ordinance, explaining what changes were made to bring the Albany ordinance up to the current State law, and what changes would be new, and beyond the State law requirements.

Commissioners walked through all of these issues in detail. With regard to the new features of an Albany ordinance that were recommended, they recommended the following new additions:

    - a. Adding "minimum of 25 feet" to the definition of "reasonable distance."
    - b. Adding boarding areas for public transit routes, including bus shelters and bus stops, theatre or restaurant lines.
    - c. Adding "outdoor eating areas" of restaurants, but using the language from the Oakland ordinance that allows outdoor smoking at bars.
    - d. Adds "playgrounds and playground areas of public parks"
    - e. Adds "parks and greenways"
    - f. Adds "public events held in a public place," and specifically the Solano Stroll.
    - g. Raises from 30% to 80% the percentage of no smoking rooms that must be available at a hotel or motel or at a Bed and Breakfast.

Commissioners raised concerns about including the banning of smoking on Solano and San Pablo Avenues. Some of their concerns had to do with the possibility that patrons of restaurants would walk around the corner to the residential street areas and

smoke in front of people's houses. Commissioners wanted to know what other cities, other than Berkeley, had banned smoking on commercial streets. Commissioners also noted that by banning smoking 25 feet from doorways, most of Solano and San Pablo Avenue would be included in any case.

Significant discussion occurred regarding multi-family housing and whether or not to include common areas, either enclosed or unenclosed in multi-family housing. Thomsen said that she felt common areas in MF housing were more important than banning smoking on commercial streets. Commissioners discussed issues of private yards in single family housing, and the equity issue in terms of lower income residents in multi-family housing. Commissioners directed staff to come back to the January meeting with an ordinance that included all of the agreed upon changes, as well as the changes that are needed to bring the existing Albany ordinance up to State compliance. They wanted to look at the issue of multi-family housing and commercial streets separately.

John Schmidt, the owner of The Pub in Albany stated his opposition to the ban on all of Solano Avenue and the effects it would have on his business. Steve Edrington, Rental Housing Association presented his organization's suggestions for regulation of smoking in multi-family housing facilities.

Jenna L., an Albany resident, and employee of the American Cancer Society, spoke in favor of the ordinance and further regulation of smoking. Ralph Morales, from the American Lung Association, said that the Oakland language might address the concerns of The Pub and other bars.

The item was continued to the January meeting.

- 5.3. Campaign Finance Reform: The final draft of the survey was included in the packet. Commissioners made two minor changes to the survey. One was to add a question asking if the per voter limit (for voluntary contributions) is too high. The second item was to add to the final open-ended question, language that asked if respondents had any suggested proposals for campaign finance reform. Commissioners also directed that the survey be sent in January (not end of December.). Duncan noted that commissioners should also be sent the survey and should fill it out. Maris asked that Commissioners come back with suggestions, and that all should come to the next meeting with ideas and proposals. Lieberman said that she would contact the two Commissioners who were not at the December meeting about this. Duncan suggested calling the League of cities regarding other city ordinances or any model ordinances. Lieberman said that she would do this, and also back out the dates by which a change would need to be in place in order to be in effect for the upcoming November election.
- 5.4. City Motto: Commissioners reviewed all of the selections chosen as the top 10 by the Commissioners. Commissioners agreed that they wanted something unique, not common or trite. Commissioners discussed possible revisions to some of the entries, and selected their top four choices as follows:  
"Urban Village on San Francisco Bay", "Golden Gate View to the Pacific", "A Stroll

**FINAL  
MINUTES  
SOCIAL AND ECONOMIC JUSTICE COMMISSION  
MEETING OF WEDNESDAY, JANUARY 9, 2008  
8:00 pm**

1. Call to Order: The meeting was called to order at 8:00 pm.
2. Roll Call: Present: Duncan, Johns, Larsen, Maris; Marks; Thomson  
Absent: Tanang  
Staff: Lieberman
3. Approval of minutes. Thomsen moved to approve the minutes of 12/12/2007. Johns seconded. Minutes were approved 5-0, with Larsen abstaining.
4. Opening Public Forum. None.
5. Discussion and Possible Action on Matters Related to the Following Items
  - 5.1. The order of the agenda was discussed. The items were taken in the following order:
  - 5.2. Presentation: Department of Peace Proposal: Supporters of HR808 presented their reasons for support of the Dept. of Peace proposal. Nancy Merritt discussed overall issues of conflict resolution, from international to national to the local level in terms of street violence. She presented the materials in the packet that was provided to all Commission members and to the public. . Stephanie Thomas discussed impacts at the local level in terms of conflict resolution for youth and for school programs. She stressed that support for the Dept. of Peace proposal would be a means of securing funding for local conflict resolution programs. Three other members of the public spoke in favor of HR808 and discussed their personal experiences in dealing with conflict issues, particularly pertaining to youth.

Commissioners asked a variety of questions regarding HR808. Duncan asked how it addressed prison reform, and Ms. Merritt noted that programs related to the criminal justice system were included. Marks noted that the proposed Dept. of Peace was really much broader than just an anti-war proposal and addressed national and local issues. Maris said he would like to add additional language to the resolution regarding international peace issues. Johns asked about ways to recommend local actions that would have direct impact on our community and not get bogged down in linguistic issues. Commissioners agreed to agendaize the resolution supporting the Dept. of Peace for the February meeting. Duncan and Maris would provide any additional language to the "Whereas" clauses for Commission review, and Johns would add information pertaining to local programs.

Smoke Free Proposal: Staff presented the draft based on the results of the December commission meeting and direction provided by Commissioners, and noted the outstanding issues still to be decided. Thomsen said she would like to review the draft. Duncan noted she would like to have State loopholes closed. Marks noted that

she had talked to the owner of the Ivy Room about no smoking on San Pablo and Solano Avenues, and he had expressed concerns because he was on the corner of Solano/San Pablo and smokers would not be able to go around the corner to smoke, as they would at other bar locations. Johns questioned why the Commission was spending so much time on the issue and if that was appropriate. Thomsen and Duncan noted that environment (and by extension health) were part of the SEJC purview. Lieberman noted that if the Commission did not want to continue the issue it could be directed to City Council with the remaining issues left for their consideration. After further discussion, Thomsen made the following motion, seconded by Maris: "*Smoking Regulations are an issues that the Commission wishes to further address.*" Larsen said that he was in favor of sending the current draft up to Council.

Members of the public spoke on the motion: P.Cummings (Am. Cancer Society) spoke in favor of moving the current draft up to Council. I.Sharenow spoke in favor of moving the issue to Council, but not the current draft. J. Schmidt (The Pub) asked to have a balanced proposal. J.Katz spoke in favor of addressing all of the issues, and noted that this was not criminalizing smoking. Public member asked where the fines levied went and if they were used to support smoking cessation services.

The motion was called by Chairwoman Duncan, and passed 5-1.

The Commissioners agreed to agendize the smoking issue for February, as the first item on the Agenda. The four issues remaining to be addressed are:

- Banning smoking on Solano and San Pablo Avenues
- Multi-family housing issues, which include banning smoking in indoor and outdoor common areas; and instituting some kind of program whereby Landlords notify tenants of their smoking policy in the building
- Should smoking be a nuisance and subject to the procedures defined in the City's Nuisance Abatement Ordinance (AMC Section 18-1)
- Should smoking be banned on the sidewalks surrounding Albany Schools

Johns suggested that a deadline be set for addressing the issue. The Commission agreed to two more meetings. At the February meeting the Commission would make recommendations regarding the outstanding four issues. At the March meeting a draft ordinance that incorporated all recommendations would be reviewed by the Commissioners before being sent to Council.

- 5.3. Campaign Finance Reform: Lieberman requested that the survey be sent in January, not December, since it was hard for anyone to find time to address surveys in December. Commissioners agreed to this schedule.
- 5.4. Affordable Housing Sub-Committee: Maris updated the Commission on meetings to date. He noted that Dijnee wanted to be involved, but Lieberman noted that unless one other member dropped out this would constitute a quorum. Maris said that they would like to have a policy statement by June.