

**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.

The Commission selected January 9, 2008. Johns said he would contact the organization and let them know the date.

5.7. Living Wage: Commissioners agreed to form a sub-committee composed of Johns and Marks.

5.8. Albany Bulb: Lieberman updated the Commissioners on follow-up activities regarding the clean-up, the presence of encampments, and the oil spill issue.

5.9. Waterfront Planning Process: Duncan updated the Commission about the current status of the planning process.

6. Announcement/Communications

Duncan announced that she had attended the Commission training, but felt that it was really bad. She also noted that there was no evaluation of the training itself and so no way to provide feedback. Thomsen also noted that she had heard the same things from a friend who had attended. Both suggested that a more interactive format would have been much better.

7. Future Agenda Items:

7.1. Smoke-Free Proposal

7.2. Albany Campaign Finance Reform Act

7.3. City Motto

7.4. Living Wage: subcommittee report

7.5. Guantanamo Reading Project/ Bill of Rights Defense Committee (Johns)

7.6. Waterfront process (November, update)

7.7. Albany Bulb (November, Update)

7.8. University Development on San Pablo Avenue

7.9. Living Wage (Johns, update in December/January?)

7.10. Peace Day (bring back in December/January)

7.11. Affordable Housing (December or January, after P&Z workshop)

7.12. Council Referral: California Clean Money and Fair Elections Act, AB583

8. Adjournment: The meeting adjourned at 9:30. The next meeting was scheduled for December 12, 2007 at 7:00 pm. Due to the number of issues on the agenda, a 3 hour meeting is planned, from 7 to 10 pm.