


Livermore Area Recreation and Park District

Staff Report

TO: Chair Furst and Board of Directors

FROM: Mathew Fuzie, General Manager 

PREPARED BY: Patricia Lord, Assistant General Manager

DATE: June 26, 2019

SUBJECT: Intergovernmental Joint Agency Resolution in Support of Tobacco-free and Vaping-free Schools and Community

COMMITTEE: Recommended by the Intergovernmental Committee on June 13, 2019

RECOMMENDATION: That the Board of Directors adopt Resolution No. ____, approving an Intergovernmental Joint Agency Resolution in Support of Tobacco-free and Vaping-free Schools and Community.

BACKGROUND: Livermore's Intergovernmental Committee is comprised of four member agencies: City of Livermore, Livermore Valley Joint Unified School District (LVJUSD), Las Positas College, and Livermore Area Recreation and Park District. The Committee meets regularly to address issues affecting the Livermore community and is committed to promoting a healthy community and providing optimal conditions so that every community member thrives. Livermore's Intergovernmental Committee is working in tandem with Alameda County and other partnering agencies to promote good health by discouraging tobacco use.

LARPD Policy No. FAC-05-1947, "Smoking and Tobacco Product Policy," states that it shall be unlawful to smoke or in any other way engage in the use of tobacco or tobacco-like products of any kind or description and in any form, on any property owned and/or operated by the District (see Attachment A). Further, LARPD Ordinance No. 8, Rules and Regulation, Section 519, "Smoking/Tobacco Products" includes but is not limited to, cigarettes, cigars, pipes, chewing tobacco and electronic cigarettes (see Attachment B).

On June 13, 2019, the Intergovernmental Committee met and unanimously recommended that our entire Livermore community join in support of ensuring the health of our youth by refraining from the marketing and sales of tobacco, flavored tobacco, and vaping products to young people throughout the City of Livermore (see Attachment C).

Attachments:

- A. LARPD Policy No. FAC-05-1947
- B. LARPD Ordinance No. 8 Rules & Regulations, Section 519 – Smoking/Tobacco Products, Page 29 of 51
- C. Intergovernmental Joint Agency Resolution in Support of Tobacco-free and Vaping-free Schools and Community



Livermore Area
Recreation & Park District
An independent special district

Policy No. FAC-05-1947

SMOKING AND TOBACCO PRODUCT POLICY

PURPOSE OF POLICY	To protect the health and welfare of members of the public and District employees.
POLICY SUMMARY	This policy strictly limits the use of smoking tobacco products in District facilities.
APPROVAL	Adopted: Board Resolution No. 1947, Jan. 26, 2005 Replaced: Board Resolution No. 2462, Dec. 10, 2014

Definitions

For the purposes of this policy, the following definitions are observed:

“Smoking” is defined as igniting or heating substances for the purpose of inhaling the smoke or steam.

“Tobacco product” is defined generally as an item, in any form, that contains nicotine, tobacco or tobacco-like ingredients. Examples include, but are not limited to: cigarettes, chewing tobacco, marijuana (Also See Drug & Alcohol Policy), pipes, cigars, electronic cigarettes (or e-cigarettes) or cloves. Nicotine gum and nicotine patches are permitted in District parks and facilities as they do not adversely affect others.

“Use” is defined as engaging in the use of any “tobacco product,” in any form.

Purpose

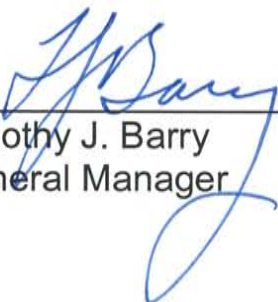
The Livermore Area Recreation and Park District (LARP or District) is committed to protecting the health and welfare of the public and District employees. In keeping with this commitment, LARP establishes this policy for the purpose of 1) protecting the public health and welfare by prohibiting smoking and use of tobacco products in District parks and facilities; 2) encouraging healthy lifestyles by helping people avoid addiction, and by helping people who wish to quit smoking or using tobacco products, by limiting their unintentional exposure to such products and the use of those products that may act as an inducement; 3) reducing the risk of fire danger from discarded or mishandled smoking products and; 4) striking a reasonable balance between the needs of people who use tobacco products and the need of non-users to have a smoke and tobacco

product-free environment, and to recognize that, where these needs conflict, the need to breathe clean air shall have priority.

General Provisions

It shall be unlawful to smoke or in any other way engage in the use of tobacco or tobacco-like products of any kind or description and in any form, on any property owned and/or operated by the District, including any building, historic site or structure, restroom, grandstand, stadium, bleacher, amphitheater, covered arena, picnic site, other similar places of assembly, also in any District owned vehicle, parkland, open space, sports field, swimming pool, snack bar, parking lot, sidewalk, or trail, unless in a place designated and posted or temporarily permitted for such use.

APPROVAL



Timothy J. Barry
General Manager

12-12-14

Date

LIVERMORE AREA RECREATION & PARK DISTRICT

ORDINANCE NO. 8

RULES & REGULATIONS

**Adopted April 9, 2008
Effective May 12, 2008
Revised February 25, 2009
Revisions Effective March 27, 2009
Second Revision January 25, 2012
Second Revision Effective February 24, 2012
Third Revision September 14, 2016
Third Revision Effective October 14, 2016
Fourth Revision January 31, 2018
Fourth Revision Effective March 2, 2018**

- §518(g) Sections 518(e) and 518(f) shall not apply to portable tabletop propane grill devices on picnic tables marked with yellow striping at both ends.
- §518(h) It shall be unlawful to leave a fire unattended in any District Facility or Parkland at any time.
- §518(i) It shall be unlawful to leave burning fuel such as wood or charcoal in an existing fireplace, fire pit or barbecue grill in any District Facility or Parkland.
- §518(j) It shall be unlawful to dispose of coals in garbage cans or refuse bins. Fuels must be completely extinguished before being disposed of. If no disposal facility is available extinguished coals shall be left in the barbecue device.
- §518(k) It shall be unlawful to dispose of lighted cigarettes, cigars, matches or any flaming or glowing material until completely extinguished and then only in a place or container for the proper disposal thereof.

Section 519 – Smoking/Tobacco Products

- §519(a) It shall be unlawful to Smoke or in any way engage in the use of Tobacco or Tobacco-like Products in any District Facility or Parkland or part therein, unless in an area designated and posted for that use by the District. This includes, but is not limited to, cigarettes, cigars, pipes, chewing tobacco and Electronic Cigarettes. Smoking/Tobacco use is strictly prohibited in any area with unmowed grasses or vegetation, natural vegetation or other non-landscaped areas including but not limited to District Open Space Parks and Preserves and regional Trails.

Section 520 – Fireworks

- §520(a) It shall be unlawful to use or possess fireworks of any kind in any District Facility or Parkland. **(Misdemeanor)**

Section 521 – Malicious Mischief

- §521(a) It shall be unlawful for any Person to Vandalize any object in any District Facility or Parkland. **(Misdemeanor)**
- §521(b) It shall be unlawful for any Person to purposefully rock or tip over any portable restroom in any District Facility or Parkland.
- §521(c) It shall be unlawful for any Person to tie any rope or other item to or attach any swing, rope or otherwise, to any tree in any District Facility or Parkland.

Section 522 – Gambling

- §522(a) It shall be unlawful to participate in any gambling of any kind or description in any District Facility or Parkland.



Intergovernmental Joint Agency Resolution In Support of Tobacco-free and Vaping-free Schools and Community

Whereas the Intergovernmental Committee, comprised of the City of Livermore, Livermore Valley Joint Unified School District (LVJUSD), Livermore Area Recreation and Park District (LARPD), in partnership with Las Positas College (LPC), are committed to providing a healthy environment for all youth in our community to ensure that their physical, behavioral, social, emotional, and mental health needs are met; and

Whereas the member agencies of Livermore's Intergovernmental Committee and LPC are jointly committed to promoting a healthy community, including city facilities, school sites, parks, and the college campus to provide optimal conditions so that every community member thrives; and

Whereas our Livermore civic and educational leaders and health professionals recognize the importance of education that supports the prevention of tobacco use in order to help prevent tobacco-related illnesses, and understand the best way to prevent tobacco-related illnesses is to keep youth from starting to smoke or use tobacco products; and

Whereas the City of Livermore, LVJUSD, LARPD, and LPC are working in tandem with Alameda County and other partnering public agencies to promote good health by discouraging tobacco use through the participation of LVJUSD students in local Tobacco Use Prevention Education (TUPE) efforts; and

Whereas marketing by the tobacco industry has now targeted young people and vulnerable communities with deceptive packaging and misleading names that appeal to youth, as well as tobacco products that mask the harsh taste and odor of tobacco with flavors highly appealing to youth (e.g. bubble gum, cotton candy, grape, gummy bear, chocolate chip cookie); and

Whereas it is known that tobacco companies and retailers profit from the research-proven fact that the earlier young people start to use tobacco, the harder it will become for them to quit; and

Whereas according to the U.S. Surgeon General, e-cigarettes and other electronic nicotine devices (ENDS) contain nicotine, which is a highly addictive drug that has immediate biochemical effects on the brain and body, alters adolescent brain development, and is toxic in high doses; and

Whereas e-cigarettes and other ENDS were found to be harmful to youth and other individuals by the United States Court of Appeals; and the American Academy of Pediatrics, the American Lung Association, and the American Heart Association support the regulation of e-cigarettes and other ENDS; and

Whereas according to LVJUSD's 2017-2018 California Healthy Kids Survey results, 72% of 11th graders, 67% of 9th graders, and 38% of 7th graders believe it is very easy or fairly easy to obtain e-cigarettes or vaping devices; and

~~EXHIBIT A~~

Whereas the City of Livermore recognizes that within the City limits, there are 71 tobacco retailers and 58% are within 1,000 feet of a school; and

Whereas the City of Livermore, LVJUSD, LARPD, and LPC jointly recognize that ensuring the health of children is a community-wide commitment; and

Whereas on June 13, 2019, the intergovernmental agencies met and unanimously recommended that our entire Livermore community join in support of ensuring the health of our youth by refraining from the marketing and sales of tobacco, flavored tobacco, and vaping products to young people throughout the City of Livermore; and now therefore be it

Resolved,

that the Livermore City Council directs staff to return with comprehensive legislation for Council consideration that will limit and/or prohibit the sale of flavored tobacco products and/or vaping devices, and/or limit the number of tobacco retailers within the city, and/or require tobacco retail licenses;

that the Livermore Valley Joint Unified School District takes all practical and necessary steps to discourage students from smoking and vaping, including forbidding the use of tobacco products and vaping devices on campuses and during any school-related activities, and by providing student education and family information on the dangers of tobacco and vaping use; and that by working collaboratively with the City of Livermore's Horizons Family Counseling Service, provide intervention and support for students who engage in the risky behavior of tobacco use and/or vaping;

that the Livermore Area Recreation and Park District takes all practical and necessary steps to discourage youth from smoking and vaping by incorporating anti-vaping education into all of its educational programs, ensuring its anti-vaping ordinance is up to date, and by increasing signage on all LARPD properties to forbid the use of tobacco and tobacco products;

that Las Positas College continues to prohibit smoking on the college campus and during college- related activities; the college administration will continue to take all practical and necessary steps to work with the Health Center to promote education about harmful tobacco products and vaping devices and provide reasonable service and referrals to students; and


Furthermore, be it resolved,

that the Livermore City Council, Livermore Valley Joint Unified School District Board of Trustees, Livermore Area Recreation and Park District Board of Directors, and the Las Positas College Board of Trustees support any and all civic, social service, and government agencies in their legislative efforts and campaigns to protect the health of an entire generation by preventing them from becoming exposed, and potentially addicted to nicotine or other harmful substances in tobacco and vaping products.

Finally, be it resolved,


that the Intergovernmental Committee in partnership with LPC unanimously recommends that each individual agency adopt the Joint Agency Resolution In Support of Tobacco-free and Vaping-free Schools and Community.


ADOPTED BY:

 6/18/19
Date
Trish Munro, City Council Member
Intergovernmental Committee Liaison
City of Livermore


 6/18/19
Date
Bob Woerner, City Council Member
Intergovernmental Committee Liaison
City of Livermore

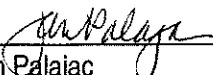
ADOPTED BY:


_____, 6-18-19
Date
Craig Bueno
Intergovernmental Committee Liaison
Livermore Valley Joint Unified School District


_____, 6-18-19.
Date
Chris Wenzel
Intergovernmental Committee Liaison
Livermore Valley Joint Unified School District

ADOPTED BY:


_____, 6/19/19
Date
Mathew Fuzie
Intergovernmental Committee Liaison
Livermore Area Recreation and Park District


_____, 06.19.19
Date
Jan Palajac
Intergovernmental Committee Liaison
Livermore Area Recreation and Park District