



**SUSTAINABILITY COMMISSION  
CITY OF PALM SPRINGS, CALIFORNIA**

[www.palmsprings-ca.gov](http://www.palmsprings-ca.gov)    [www.yoursustainablecity.com](http://www.yoursustainablecity.com)

**January 15, 2019  
5:00 PM**

**REGULAR  
MEETING AGENDA**

**Palm Springs City Hall  
Large Conference Room  
3200 E Tahquitz Canyon Way  
Palm Springs, CA 92262**

<b>COMMISSIONERS</b>	
<b>Roy Clark, Vice Chair</b>	
<b>Carl Baker</b>	<b>David Freedman</b>
<b>Jennifer Futterman</b>	<b>Greg Gauthier</b>
<b>John Goins</b>	<b>Robert McCann</b>
<b>T Santora</b>	<b>(Vacant)</b>
<b>Grant Wilson</b>	

Staff representatives: Jay Virata, Director of Community & Economic Development; Patrick Tallarico, Manager, Office of Sustainability; Dan DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator

*City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world-class desert community where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and enhance our natural desert beauty. We are committed to providing responsive, friendly, and efficient customer service in an environment that fosters unity among all our citizens.*

Please **MUTE OR TURN OFF** all audible electronic devices for the duration of this meeting. Thank you!

- CALL TO ORDER**
- ROLL CALL**
- ACCEPTANCE OF AGENDA**

**CITY MANAGER / STAFF COMMENTS** **(5 MINUTES)**

**COMMISSION and STUDENT LIAISON REPORTS - As available.** **(5 MINUTES)**

**PUBLIC COMMENTS:** This time is for members of the public to address the Sustainability Commission on Agenda items and items of general interest within the subject matter jurisdiction of the Commission. The Commission values your comments but, pursuant to the Brown Act, cannot take action on items not listed on the posted Agenda. Three (3) minutes are assigned for each speaker.

**A. WELCOME AND INTRODUCTIONS** **(10 MINUTES)**  
Patrick Tallarico, Manager Office of Sustainability

**B. MEETING MINUTES** **(5 MINUTES)**  
December 18, 2018 Regular Meeting Minutes

**C. RECYCLING REPORT - Gary Calhoun** **(5 MINUTES)**

- D. OLD BUSINESS** **(25 MINUTES)**
1. Status of the Leaf Blower Exchange Programs (AQMD and Palm Springs) and Informational Campaign – Director Virata.
  2. Sustainability Film Series Program, Palm Springs Cultural Center – Staff

3. **"MOTION:** The Sustainability Commission recommends that there be consistency in design and color to conform to the norms of recycling and trash containers, blue for recycling and brown for trash."  
Commissioner McCann (Original vote in October 2018)
4. **"MOTION:** The Sustainability Commission endorses the Clean Indoor Air and Health Protection Resolution of January 2019." – Commissioner Baker.

**E. NEW BUSINESS**

**(30 MINUTES)**

1. Election of Commission Chairperson and Vice Chairperson.
2. Formation of an Ad Hoc Subcommittee to produce the World Environment Day event, Sunday, June 2, 2019. Commissioner Futterman.
3. **"MOTION:** The Sustainability Commission approves expenditures for World Environment Day, Sunday, June 2, not to exceed \$5000." Commissioner Futterman.

**F. COMMITTEE AND COMMISSIONER REPORTS**

**(15 MINUTES)**

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman and Goins
2. Standing Subcommittee on Waste Reduction - Commissioner McCann, Vice Chair Clark
3. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Wilson, Gauthier, Futterman
4. Ad Hoc Subcommittee on Film Festival Programs – Commissioners Futterman and Gauthier
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Jim Flanagan
6. Wellness – Commissioner Baker
7. Water - Commissioner Freedman
8. Outreach - Commissioner Futterman

**G. COMMISSIONER COMMENTS**

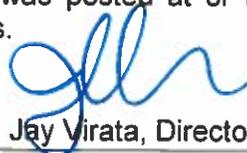
**(5 MINUTES)**

- H. ADJOURNMENT** - The meeting of the Sustainability Commission will adjourn to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, February 19, 2019, in the City Hall Large Conference Room, 3200 E Tahquitz Canyon Way, Palm Springs CA 92262. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk at (760) 323-8204 at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of Sustainability, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Agenda and staff reports are available on the City's website [www.palmspringsca.gov](http://www.palmspringsca.gov). If you would like additional information on any item appearing on this agenda, please contact the Office of Sustainability at 760-323-8248.

**AFFIDAVIT OF POSTING:** I, Jay Virata, Director of Community and Economic Development of the City of Palm Springs, California, certify this Agenda was posted at or before 5:00 p.m. on January 10, 2018, as required by established policies and procedures.



Jay Virata, Director of Community and Economic Development



**SUSTAINABILITY COMMISSION - REGULAR MEETING MINUTES**

Tuesday, December 18, 2018 Palm Springs City Hall, Large Conference Room

**CALL TO ORDER:** Chair Jackson called the meeting to order at **5:00** p.m.

**ROLL CALL:** A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission.

**AGENDA APPROVAL:** The agenda was presented by Chair Jackson. A motion to approve as posted by Commissioner Baker and seconded by Commissioner Gauthier and unanimously carried.

	<u>This Meeting</u>	<u>Present to Date</u>	<u>FY 2018/2019 Excused Absences</u>	<u>FY 2018/2019 Unexcused Absences</u>
Joe Jackson	X	65		
Roy Clark	X	29		
Grant Wilson	X	66		
David Freedman	X	39	1	
Jennifer Futterman	X	26	1	
Greg Gauthier	X	20		
John Goins	X	17	2	
Robert McCann	X	27		
T Santora	X	9		
Carl Baker	X	9		

X = Present                      E = Excused (notified Chair and Staff of absence)  
 L = Late                            U = did not notify of absence

**CITY STAFF PRESENT:** Jay Virata, Director of Community & Economic Development, Daniel DeGarmo, Program Coordinator, Gary Calhoun, Recycling Coordinator.

**CITY MANAGER / STAFF COMMENTS** – Director Virata presented Chair Jackson with a Certificate of Appreciation for his service to the Sustainability Commission and his accomplishments while serving on the Commission. Chair Jackson stated his appreciation and commented on his time on the Commission. Director Virata also stated that Patrick Tallarico is ready to begin his position as Sustainability Manager on January 14, 2019.

**COMMISSION LIAISON REPORTS** – None.

**PUBLIC COMMENTS** – None

**A. WELCOME AND INTRODUCTIONS** – Chair Jackson welcomed all in attendance.

**B. PRESENTATIONS** – Jane Garrison spoke on the “Save Oswit Canyon” movement to prevent development of the canyon. Comments and questions from the commissioners were presented and discussed

**C. MEETING MINUTES**

November 20, 2018 Regular Meeting minutes approval: Motion by Commissioner Santora to approve as presented, second by Commissioner Freedman and approved unanimously by an open vote.

**D. RECYCLING REPORT,** Recycling Coordinator Gary Calhoun reported that he spoke with Andrew Smyth of CalRecycle on organics recycling and how closely the state is watching what cities are doing. Mr. Calhoun reported that the City is sending out compliance letters to businesses and multi-family residences. Mr. Calhoun also stated that the CalRecycle beverage grant paperwork has been submitted and that the funds will be available in September 2019. He also reported that the Shredding Event is scheduled for January 12, 2019 and that funds were approved to have Palm Springs Disposal Services at the event to accept

bulky items. Comments and questions from the commissioners were presented and discussed.

#### E. OLD BUSINESS

1. Status of the Leaf Blower Brochure and Informational Campaign – Director Virata reported that a flyer is being sent out to businesses and residents asking them to stand by and wait for additional information regarding an exchange program.
2. Plastic straw and food ware ban for the City of Palm Springs - **MOTION:** Food or beverage products supplied by commercial food providers shall not be sold, packaged, distributed, or consumed with food service ware made of EPS foam, rigid polystyrene #6, and non-recyclable and non-compostable material in the City of Palm Springs. “Commercial Food Provider” means a person or place that provides or sells food within the City to the general public, including but not limited to grocery stores, supermarkets, sit-down or fast-food restaurants, drive-throughs, cafes, coffee shops, snack shops, public food markets, farmer’s markets, convenience stores, mobile food vendors, caterers, and food trucks. Motion and second from the Standing Subcommittee on Waste Reduction members McCann and Clark. Commissioner McCann presented a Power Point presentation on plastics pollution and the need for an ordinance on plastic straws and polystyrene food containers. City Council has requested that an ordinance be presented to them also. Comments and questions from the commissioners were presented and discussed. Motion passed on an open vote 10 – 0.

#### F. NEW BUSINESS

1. **Motion:** The Sustainability Commission will offer a rebate to Palm Springs residents for exchanging a working gas-powered leaf blower and producing a receipt for a new electric (corded or battery) leaf blower. Maximum rebate 40% of purchase price or \$100 maximum. Budget \$10,000. Motion made and seconded by the Ad Hoc Subcommittee on Leaf Blowers members Commissioners Jackson and Clark. Vice Chair Clark reported on research made on prices of non-commercial leaf blowers and that a maximum of \$100.00 rebate would suffice. The maximum budget of \$10,000.00 could be increased if necessary depending on the success of the program. Discussion ensued and the motion passed 10-0 on an open vote.
2. Discussion on regulating Electric Scooters for the City of Palm Springs- staff. Director Virata reported that he has received 33 emails that support the electric scooters. Mr. DeGarmo reported on an article he found stating that the issue may not go to the City Council until January or February 2019. Commissioners stated their positives and negatives on the subject and conditions that should exist if the scooters are allowed. Director Virata stated that City Staff is looking into best practices for electric scooters.
3. “Green Mondays” Initiative per request of Councilmember Holstege. Chair Jackson stated that the Green Mondays Initiative is a request to have restaurants and families eat no dairy or meat on Mondays. To have restaurants offer special dishes on Mondays in support for the initiative. Commissioner McCann stated that it would be a good idea for the Commission to look into this and do some outreach with local restaurants to develop a program for Palm Springs. Health and Wellness and Public Outreach would be the areas to work with this initiative.  
Comments and questions on the above reports from the commissioners were presented and discussed.

#### G. COMMITTEE AND COMMISSIONER REPORTS

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman and Goins – Commissioner Freedman reported that he spoke with Katie Barrows of CVAG on a proposal to bring the Energy Code Coach program to Palm Springs and the Coachella Valley. More discussion on the particulars and the budget will take place with CVAG. Commissioner Freedman also stated that the Desert Communities Energy will meet in March 2019 to decide if they will move forward. He also reported on the Solar Ordinance and provisions being made in regards to historical buildings. Commissioner Goins stated that the Modernism Week event will be held on February 23, 2019 at 2:00 PM.
2. Standing Subcommittee on Waste Reduction - Commissioner McCann and Vice Chair Clark. Commissioner McCann reported that the Construction and Demolition Waste ordinance is still with the Staff. Director Virata stated that the ordinance is scheduled to go back to Council in January. Commissioner McCann also reported on the status of the Anaergia project and the cost of moving

forward. Councilmember Holstege had stated to the subcommittee that other projects are ongoing with the water treatment plant and that the Anaergia project be integrated with the other projects. Commissioner Clark reported on the status of the battery recycling grant and that a slow start on the program is commencing and that input from the incoming Sustainability Manager would be considered.

3. Ad Hoc Committee on Walkability and Pedestrian Planning - Commissioner Wilson reported that he will be contacting Councilmembers regarding the Two-way conversion of Indian Canyon and that input from the Sustainability Commission would be appreciated before voting on moving forward with the walkability plans for Indian Canyon.
4. Ad Hoc Subcommittee on Film Festival Programs – Commissioner Gauthier stated no report this month and expressed thanks to Mr. DeGarmo for getting logo artwork to the Cultural Center for promotional flyers for the Sustainable Film Series.
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Chair Jackson stated that Jim Flanagan is out of town and that there is no report for this meeting.
6. Wellness – Commissioner Baker stated that he will have a report ready for the January 15, 2019 meeting on the smoking ordinance.
7. Water - Commissioner Freedman reported current numbers for water conservation are at 12% in November with a savings over the last four months of 13.4% with a cumulative savings of 16.5% since 2016. He also reported on his request to the Planning Commission which is considering the golf course redevelopment issue that any redevelopment of the area comply with the water efficient landscape ordinance.
8. Outreach – Commissioner Futterman reported that the World Environment Day is scheduled for Sunday, June 2, 2019. She also asked that an item be placed on the January 15, 2019 agenda for the Commission to support the event.

Comments and questions from the commissioners on the above reports were presented and discussed.

#### **H. COMMISSIONER COMMENTS -**

Commissioner McCann stated that it is disturbing to him that the owners of Oswit Canyon may believe that they will be able to develop the land through approval from the City.

- I. **ADJOURNMENT** - The meeting of the Sustainability Commission adjourned at 6:31 PM by a motion from Commissioner Santora and seconded by Commissioner Baker and approved by a unanimous vote. They adjourned to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, January 15, 2019, in the Large Conference Room at the Palm Springs City Hall. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

Respectfully Submitted,

Jay Virata, Director of Community and Economic Development, For the Office of Sustainability

# NO MORE GAS POWERED LEAF BLOWERS!

The new City of Palm Springs ordinance prohibiting gas-powered leaf blowers will go into effect Jan. 1, 2019. However, enforcement will not officially begin until an exchange program is in place.

In the meantime, stay tuned for more information coming soon about the new incentive program aimed at helping residents and landscapers exchange their gas-powered blowers for electric.

For latest updates, visit  
Para los últimos noticias visite



# ¡NO MÁ SOPLADORES DE HOJAS POR USO DE GAS

La nueva ordenanza de la Ciudad de Palm Springs que prohíbe sopladores de hojas entrará en efecto el 1 de Enero de 2019. Sin embargo, no se aplicará oficialmente hasta que exista un programa de intercambio.

Mientras tanto, quédense atentos para más información sobre el programa de incentivos diseñado para ayudar a los residentes y jardineros a intercambiar los sopladores de gas, por sopladores eléctricos.

[psleafblowers.com](http://psleafblowers.com)



**NO** MORE  
**GAS**  
POWERED  
**LEAF**  
**BLOWERS!**



For latest updates, visit  
Para las últimas noticias visite

**¡NO** MÁ  
SOPLADORES  
DE **HOJAS**  
POR USO  
DE **GAS**



[psleafblowers.com](http://psleafblowers.com)

## CLEAN INDOOR AIR AND HEALTH PROTECTION

Sections:

Title.

Definitions.

City-owned vehicles and facilities.

Prohibition of smoking in public places, places of employment, and certain other areas.

Nonsmoking buffer zones.

Smoking restrictions in new units of multi-unit residences.

Nonsmoking designations for existing units of a common interest complex.

Nonsmoking designations for existing units of a rental complex.

Required and implied lease terms for all new and existing units in rental complexes.

Additional duties of a landlord of a rental complex with less than 100 percent nonsmoking units.

Procedures and requirements for mandated submissions.

Smoking prohibited by law in units and common areas.

Smoking and smoke generally.

Other requirements and prohibitions.

Smoking prohibitions, violations and penalties.

Other applicable laws.

Public education.

Governmental agency cooperation.

Licensing of tobacco retailers and tobacco sale restrictions.

### **Title.**

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This chapter shall be known as the indoor air and health protection regulations.

### **Definitions.**

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The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

A. "Bar" means an area which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

B. "Business" means any sole proprietorship, joint venture, corporation or other business entity formed for profit making purposes.

C. "City" shall mean the City of Palm Springs, California.

D. "Common area" means every area of a multi-unit residence that residents of more than one unit of that multi-unit residence are entitled to enter or use, including, for example, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.

E. "Common interest complex" means a multi-unit residence that is a condominium project, a community apartment project, a stock cooperative, or a planned development as defined by California Civil Code Section [1351](#).

F. "Dining area" means any area, including streets and sidewalks, which is available to or customarily used by the general public or an employee, and which is designed, established, or regularly used for consuming food or drink.

G. "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately (a/k/a "vape" and/or "vaping").

H. "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

I. "Employer" means any person, partnership, corporation, including a municipal corporation, or nonprofit entity, which employs the services of one or more individual persons or utilizes volunteers.

J. "Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by portions which do not extend to the ceiling or are not solid, such as "office landscaping" or similar structures.

K. "Landlord" means any person who owns property let for residential use, any person who lets residential property, and any person who manages such property, except that "landlord" does not include a master tenant who sublets a unit as long as the master tenant sublets only a single unit of a multi-unit residence.

L. "Minor" shall mean any individual who is less than 18 years old.

M. "Multi-unit common area" means any indoor or outdoor area of a multi-unit residence, multi-unit commercial facilities, senior citizen residences and nursing homes accessible to and usable by residents of different small units and/or members of the public, including but not limited to halls and paths, lobbies, laundry rooms, common areas, outdoor eating areas, play areas, tennis courts and swimming pools.

N. "Multi-unit residence" means property containing two or more units, including, for example, rental complexes, common interest complexes, senior citizen residences, nursing homes, and marinas or ports.

"Multi-unit residence" does not include the following specifically excluded types of housing:

1. A hotel or motel that meets the requirements set forth in California Civil Code Section [1940\(b\)\(2\)](#);
2. A mobile home park;
3. A campground;
4. A single-family home; and
5. A single-family home with a detached or attached in-law or second unit when permitted pursuant to California Government Code Sections [65852.1](#), [65852.150](#), and [65852](#).

O. "New unit" means a unit that is issued a certificate of occupancy/final inspection more than        days after                     , and also means a unit that is let for residential use for the first time more than        days after                     .

P. "Nonprofit entity" means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, character-building, political, social, religious or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a "nonprofit entity" within the meaning of this section.

Q. "No Smoking sign" means a sign containing the words "No Smoking" or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette in a red circle or red heart with a red bar across it).

R. "Openings" shall include main entrances, exits, operable windows and ventilation intake systems.

S. "Person" shall mean any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

T. "Place of employment" means any area under the legal or de facto control of an employer that an employee or the general public may have cause to enter in the normal course of operation, regardless of the hours of operation, including, but not limited to, indoor and outdoor work areas, construction sites, vehicles used in employment or for business purposes, taxis, employee lounges and restrooms, conference and banquet rooms, employee cafeterias, warehouses, long-term health care facilities, and lobbies and hallways. A private residence is not a "place of employment" unless it is used as a child care or health care facility.

U. "Premises" means a piece of land and any improvements upon it such as is usually described in a deed, deed of trust or mortgage, and includes legally separate but contiguous pieces of land that are owned by the same natural person or by legal persons under common control.

V. "Public place" means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.

W. "Reasonable distance" means a distance of 25 feet in any direction from an area in which smoking is prohibited.

X. "Recreational area" means any area that is publicly or privately owned and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "recreational area" includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and tennis courts.

Y. "Rental complex" means a multi-unit residence for which 50 percent or more of units are let by or on behalf of the same landlord.

Z. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

AA. "Self-service merchandising" means open display of tobacco products and point-of-sale tobacco promotional products to which the public has access without the intervention of an employee.

BB. "Service area" means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to wait for or receive a service or make a

transaction, whether or not such service or transaction involves the exchange of money. The term “service area” includes but is not limited to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, transit shelters, mobile vendor lines or cab stands.

CC. “Smoke” means the gases and particles released into the air by combustion when the apparent or usual purpose of the combustion is human inhalation of the resulting combustion products, such as, for example, tobacco smoke and marijuana smoke, except when the combusting material contains no tobacco and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense.

DD. “Smoking” means engaging in an act that generates smoke, such as, for example: possessing a lighted cigar, a lighted cigarette of any kind, a lighted pipe, or a lighted hookah pipe; or lighting a pipe, a hookah pipe, a cigar, or a cigarette of any kind.

EE. “Sports arena” means enclosed or unenclosed sports pavilions, gymnasiums, health spas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

FF. “Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types (including “bongs”), cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

GG. “Tobacco product” means:

1. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, liquid electronic smoking device solution, or any other preparation of tobacco;
2. Any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence; and
3. Any electronic smoking device as defined herein.

HH. “Tobacco retailer” means any person who sells, offers for sale, or does or offers to exchange for any form of consideration tobacco, tobacco products, or tobacco paraphernalia. “Tobacco retailing” shall mean the doing

of any of these things. This definition is without regard to the quantity of tobacco products or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

II. "Tobacco vending machine" means any machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or any other form of payment that is designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.

JJ. "Unenclosed area" means any area that is not an enclosed area.

KK. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio. "Unit" includes but is not limited to an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a hotel or motel room; a room in a single room occupancy ("SRO") facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a boat, vessel or houseboat; a single-family home; and an in-law, second unit or accessory dwelling unit.

LL. "Vendor-assisted" means only a store employee has access to the tobacco product and assists the customer to supply the product. The customer does not take possession of the product until it is purchased.

### **City-owned vehicles and facilities.**

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All City-owned vehicles, including jitneys and buses and other means of public transit under the authority of the City, and all enclosed facilities owned and controlled by the City, including jails or holding facilities, and any board, council, commission and agency of the City shall be subject to the provisions of this chapter.

### **Prohibition of smoking in public places, places of employment, and certain other areas.**

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A. Enclosed Areas. Smoking shall be prohibited in the following enclosed areas within the City of Palm Springs except in places listed in subsection C of this section, and except in such places in which smoking is already prohibited by State or Federal law, in which case the State or Federal law applies:

1. Places of employment.
2. Public places.
3. Recreational areas.
4. Common areas.

B. Unenclosed Areas. Smoking shall be prohibited in the following unenclosed areas within the City of Palm Springs except in such places in which smoking is already prohibited by State or Federal law, in which case the State or Federal law applies:

1. Places of employment.

2. Recreational areas.

3. Service areas.

4. Dining areas.

5. Common areas; provided, that a person with legal control over a common area may designate a portion of the unenclosed area of the common area as a designated smoking area if the area meets all of the following criteria:

a. The area must be located a reasonable distance from any unit or enclosed area where smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a person with legal control over the property. In the case of a nonsmoking area created by agreement or designation, this provision does not apply unless the person designating the smoking area has actual knowledge of, or has been given notice of, the agreement or designation. A designated smoking area may require modification or elimination as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established;

b. The area must not include, and must be a reasonable distance from, unenclosed areas primarily used by children and unenclosed areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, and school campuses;

c. The area must be no more than 10 percent of the total unenclosed area of the multi-unit residence for which it is designated;

d. The area must have a clearly marked perimeter;

e. The area must be identified by conspicuous signs;

f. The area must be completely within an unenclosed area; and

g. The area must not overlap with any enclosed or unenclosed area in which smoking is otherwise prohibited by this chapter or other provisions of this code, State law, or Federal law.

6. Other public places when being used for a public event, including a farmers' market, parade, craft fair, festival, or any other event which may be attended by the general public; provided, that smoking is permitted on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this chapter or other law.

C. Unless otherwise prohibited by law, smoking is not prohibited in the following enclosed areas:

1. Smoking is not prohibited in up to 20 percent of guestroom accommodations in a hotel, motel, bed and breakfast or similar transient lodging establishment if the hotel or motel permanently designates particular guestrooms as nonsmoking rooms such that 80 percent or more of guestrooms are permanently nonsmoking and ashtrays and matches are permanently removed from such nonsmoking rooms. Permanent no smoking signage shall be posted in nonsmoking guestrooms.

2. Smoking at theatrical production sites is not prohibited by this subsection if smoking is an integral part of the story and the use of a fake, prop, or special effect cannot reasonably convey the idea of smoking in an effective way to a reasonable member of the anticipated audience.

3. Smoking inside a retail tobacco store is not prohibited if:

a. The retail tobacco store does not sell edible products, including, for example, food, water, or drinks, or allow such products to be consumed on the business premises;

b. The retail tobacco store prohibits minors from entering the store at all times; and

c. The premises of the retail tobacco store are an independent freestanding building unattached to any other structure or use.

4. Smoking inside a detached, single-family home is not prohibited, except those used as a child care or health care facility subject to licensing requirements.

D. Notwithstanding any other provisions of this section, nothing in this chapter prohibits any person, landlord, employer, or nonprofit entity with legal control over any property or facility from declaring the entire property or facility as nonsmoking and prohibiting smoking on any part of such property or facility, even if smoking is not otherwise prohibited in that area.

### **Nonsmoking buffer zones.**

A. Smoking in all unenclosed areas shall be prohibited within a reasonable distance from any doorway, window, opening, crack, or vent into an enclosed area in which smoking is prohibited, except while actively passing on the way to another destination and provided smoke does not enter any enclosed area in which smoking is prohibited.

B. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any unenclosed areas in which smoking is prohibited under PS Municipal Code \_\_\_\_\_, except while actively passing on the way to another destination and provided smoke does not enter any unenclosed area in which smoking is prohibited.

C. The prohibitions in subsections A and B of this section shall not apply to unenclosed areas of private residential properties that are not multi-unit residences.

D. Smoking is prohibited in unenclosed areas of a multi-unit residence, including balconies, porches, decks, and patios, within a reasonable distance from any doorway, window, opening, or other vent into an enclosed area where smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a person with legal control over the property.

### **Smoking restrictions in new units of multi-unit residences.**

A. All new units of a multi-unit residence are hereby designated nonsmoking units, including any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio; and including without limitation new units in a rental complex and new units in a common interest complex.

B. Smoking in a designated nonsmoking unit is a violation of this chapter.

### **Nonsmoking designations for existing units of a common interest complex.**

A. All units of a common interest complex that are not new units, including any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio, are hereby designated nonsmoking units as of \_\_\_\_\_ [date]; provided, however, that a lesser percentage of units may be designated nonsmoking units if a common interest complex fully complies with subsection C of this section.

B. Smoking in a designated nonsmoking unit is a violation of this chapter.

C. By a vote of the membership as provided in subsection (C)(1) of this section, a common interest complex may choose to designate fewer than 100 percent of existing units as nonsmoking units by fully complying with the requirements stated in subsections (C)(1) through (4) of this section. Otherwise, subsection A of this section shall apply.

1. A vote by the membership on the threshold question of allowing less than 100 percent of units to be designated nonsmoking units must take place before [redacted] [date].

2. Up to 100 percent, but no less than 80 percent, of units that are not new units, including, for example, any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio, shall be permanently designated as nonsmoking units.

3. Where possible, best efforts shall be made to group nonsmoking units together, both horizontally and vertically, and physically separate them from units where smoking may be allowed.

4. No later than [redacted] [date], the final designations must be made and the following must be submitted:

a. A description of each designated nonsmoking unit sufficient to readily identify the unit; and

b. A diagram depicting the location of the designated nonsmoking units in relation to all other units.

### **Nonsmoking designations for existing units of a rental complex.**

A. All units of a rental complex that are not new units, including any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio, are hereby designated nonsmoking units as of [redacted] [date]; provided, however, that a lesser percentage of units may be designated nonsmoking units if a landlord fully complies with subsection D of this section.

B. Smoking in a designated nonsmoking unit is a violation of this chapter.

C. Except if a landlord fully complies with subsection D of this section, at least 60 days before [redacted] [date], the landlord shall provide each tenant with:

1. A written notice clearly stating that all units, including the tenant's unit, are designated nonsmoking units and that smoking in a unit will be illegal as of [redacted] [date], as specified in this section; and

2. A copy of this chapter.

D. A landlord may choose to designate fewer than 100 percent of existing units that are not new units of a rental complex as nonsmoking units by fully complying with the requirements stated in subsections (D)(1) through (7) of this section. However, subsection A of this section shall apply whenever a landlord takes no action or only partially complies with the requirements of this subsection.

1. The landlord shall permanently designate up to 100 percent of units, but no less than 80 percent of units, including, for example, any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio, as nonsmoking units.

2. To the maximum extent practicable, nonsmoking units must be grouped together both horizontally and vertically and physically separated from units where smoking may be allowed. Where possible, all units where smoking may be allowed shall be in a single building of a multibuilding multi-unit residence.

3. No later than [redacted] [date], a landlord who chooses to designate fewer than 100 percent of the units of a multi-unit residence as nonsmoking shall submit the following:

- a. A description of each designated nonsmoking unit sufficient to identify the unit; and
- b. A diagram depicting the location of the designated nonsmoking units in relation to all other units.

4. At least 60 days before submitting the nonsmoking unit designations required by subsection (D)(3) of this section, the landlord shall provide each tenant with:

- a. A written notice of the proposed designations, clearly stating that smoking in a unit which is designated as a nonsmoking unit will be illegal as of [redacted] [date], and inviting comments on the proposed designations of nonsmoking units within the requisite timeline;
- b. A diagram depicting the location of the designated nonsmoking units in relation to all other units; and
- c. A copy of this chapter.

5. A landlord may modify the proposed designations based upon comments received from tenants.

6. At least 30 days before submitting the final designations of nonsmoking units required by subsection (D)(3) of this section, the landlord shall provide all tenants written notice of the final designations clearly

stating that smoking in a designated nonsmoking unit will be illegal as of [redacted] [date], as specified in PS Municipal Code [redacted], and a copy of the final documents that will be submitted. These final designations may differ from the proposed designations on which tenants were invited to comment.

7. A unit in a rental complex for which a landlord is required to submit information pursuant to this section but for which such information, for any reason, is not fully and timely submitted is hereby designated as a nonsmoking unit as of [redacted] [date].

### **Required and implied lease terms for all new and existing units in rental complexes.**

A. Every lease or other rental agreement for the occupancy of a unit in a rental complex, including, for example, new units and existing units, entered into, renewed, or continued month to month after [redacted] [date], shall include the provisions set forth in subsection B of this section on the earliest possible date when such an amendment is allowable by law when providing the minimum legal notice.

B. Every lease or other rental agreement for the occupancy of a unit in a rental complex, including, for example, new units and existing units, entered into, renewed, or continued month to month after [redacted] [date], shall be amended to include the following provisions:

1. A clause providing that as of [redacted] [date], it is a material breach of the agreement to allow or engage in smoking in the unit unless the landlord has supplied written notice that the unit has not been designated a nonsmoking unit and no other prohibition against smoking applies. Such a clause might state:

It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to engage in smoking in the unit as of [redacted] [date] unless landlord has provided written notice that the unit has not been designated a nonsmoking unit and smoking in the unit is not otherwise prohibited by this agreement, other agreements, or by law.

2. A clause providing that it is a material breach of the agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to engage in smoking in any common area of the property other than a designated smoking area. Such a clause might state:

It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to engage in smoking in any common area of the property, except in an outdoor designated smoking area, if one exists.

3. A clause providing that it is a material breach of the agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to violate any law regulating smoking while anywhere on the property. Such a clause might state:

It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to violate any law regulating smoking while anywhere on the property.

4. A clause expressly conveying third-party beneficiary status to all occupants of the rental complex as to the smoking provisions of the agreement. Such a clause might state:

Other occupants of the property are express third-party beneficiaries of those provisions in this agreement that concern smoking. As such, other occupants of the property may seek to enforce such provisions by any lawful means, including by bringing a civil action in a court of law.

C. Whether or not a landlord complies with subsections A and B of this section, the clauses required by those subsections shall be implied and incorporated by law into every agreement to which subsection A or B of this section applies and shall become effective as of the earliest possible date on which the landlord could have made the insertions pursuant to subsection A or B of this section.

D. A tenant who breaches a smoking provision of a lease or other rental agreement for the occupancy of a unit in a rental complex, or who knowingly permits any other person subject to the control of the tenant or present by invitation or permission of the tenant, shall be liable for the breach to:

1. The landlord; and

2. Any occupant of the rental complex who is exposed to smoke or who suffers damages as a result of the breach.

E. This chapter shall not create additional liability in a landlord to any person for a tenant's breach of any smoking provision in a lease or other rental agreement for the occupancy of a unit in a rental complex if the landlord has fully complied with this section and PS Municipal Code           .

F. Failure to enforce any smoking provision required by this chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.

### **Additional duties of a landlord of a rental complex with less than 100 percent nonsmoking units.**

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A landlord of a rental complex with less than 100 percent nonsmoking units shall provide to every prospective tenant, prior to entering into a new lease or other rental agreement for the occupancy of a unit in a rental complex, a copy of the designation documents required pursuant to PS Municipal Code [redacted] describing each designated nonsmoking unit with an accompanying diagram depicting the location of nonsmoking units in relation to all other units and any designated smoking areas.

### **Procedures and requirements for mandated submissions.**

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A. Documents maintained pursuant to this chapter must include all material and information required by this chapter as well as other materials and information as the City Manager or his or her designee deems necessary for the administration and enforcement of this chapter.

B. All documents maintained pursuant to this chapter shall be available for the City Manager or his or her designee to access and review during regular business hours or upon 24 hours' written notice.

C. All materials and information maintained pursuant to this chapter and requested by the City Manager or his or her designee shall constitute disclosable public records and are not private or confidential.

### **Smoking prohibited by law in units and common areas.**

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A. Smoking in a common area, on or after [redacted] [date], other than in a designated smoking area established pursuant to PS Municipal Code [redacted] is a violation of this chapter.

B. Smoking in a new unit, on or after [redacted] [date], is a violation of this chapter.

C. Smoking in a designated nonsmoking unit, on or after [redacted] [date], is a violation of this chapter.

### **Smoking and smoke generally.**

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A. The provisions of this chapter are restrictive only and establish no new rights for a person who engages in smoking. Notwithstanding (1) any provision of this chapter or other provisions of this code, (2) any failure by any person to restrict smoking under this chapter, or (3) any explicit or implicit provision of this code that allows

smoking in any place, nothing in this code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including, for example, rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles.

B. Notwithstanding any other provision of this chapter, smoking marijuana for medical purposes as permitted by California Health and Safety Code Section [11362.7](#) et seq. in any unit of a multi-unit residence is not prohibited by this chapter; provided, that the marijuana smoke is not reasonably detectable. The City shall only enforce this section if:

1. A complaint is made by a resident of the multi-unit building that the marijuana smoke is detectable to him or her; and
2. The marijuana smoke is also detectable to law or code enforcement personnel. If the marijuana smoke is not detectable by the law or code enforcement personnel, this subsection does not preclude the resident from taking private enforcement action as provided in subsection C of this section.

Notwithstanding the foregoing, such use of marijuana may be prohibited by other provisions of this code, State law, or Federal law.

C. For all purposes within the jurisdiction of the City, nonconsensual exposure to smoke occurring on or drifting into residential property is a nuisance, and the uninvited presence of smoke on residential property is a nuisance and a trespass. Any person bringing a civil action to enforce the nuisance provision contained in this section need not prove an injury different in kind or in degree from injury to others to prove a violation of this chapter.

#### **Other requirements and prohibitions.**

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A. No person, landlord, employer, or nonprofit entity shall knowingly permit smoking in an area which is under the legal or de facto control of the person, employer or nonprofit entity and in which smoking is prohibited by this chapter, unless otherwise required by State or Federal law.

B. No person, landlord, employer, or nonprofit entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ashtrays or ash cans, within an area under the legal or de facto control of the person, landlord, employer or nonprofit entity and in which smoking is prohibited by law, including, without limitation, within a reasonable distance required by this chapter from any area in which smoking is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this chapter.

C. No person shall dispose of used smoking or tobacco product waste within the boundaries of an area in which smoking is prohibited, including inside the perimeter of any reasonable distance required by this chapter.

D. A person, landlord, employer, or nonprofit entity that has legal or de facto control of an area in which smoking is prohibited by this chapter shall post a clear, conspicuous and unambiguous “No Smoking” or “Smoke-Free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. No smoking signs are not required inside or at doorways of designated nonsmoking units. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the reasonable distance requirement set forth in PS Municipal Code [REDACTED]. At least one sign with a toll-free phone number where complaints can be directed must be conspicuously posted in each place in which smoking is prohibited. For purposes of this section, the City Manager or his/her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this chapter.

E. No person, landlord, employer, or nonprofit entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this chapter. Moreover, no person shall intentionally or recklessly expose another person to smoke in response to that person’s effort to achieve compliance with this chapter.

F. Each instance of smoking in violation of this chapter shall constitute a separate violation. For violations other than for smoking, each day of a continuing violation of this chapter shall constitute a separate violation.

### **Smoking prohibitions, violations and penalties.**

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A. The remedies provided by this chapter are not intended to preclude any other remedy available at law or in equity. Remedies may be sought independently or cumulatively.

B. It is unlawful to cause, permit, aid, abet, or conceal a violation of any provision of this chapter.

C. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to refuse to comply with any of its provisions, or to permit any employee or patron to violate this chapter.

D. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this chapter.

E. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

F. Any person, business, tobacco retailer, or owner who violates provisions in PS Municipal Code [REDACTED] shall be deemed guilty of an infraction, punishable by the administrative penalties as regulated in PS Municipal Code [REDACTED].

### **Other applicable laws.**

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This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

### **Public education.**

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The City of Pam Springs shall engage in a continuing program to explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide individuals, landlords, employers, and nonprofit entities in their compliance with it. Such program may include publication of a brochure for affected individuals, landlords, employers, and/or nonprofit entities explaining the provisions of this chapter.

### **Governmental agency cooperation.**

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The City of Palm Springs shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this chapter. This includes urging all Federal, State, County and school district agencies to update their existing tobacco control regulations to be consistent with current health findings regarding environmental tobacco smoke.

## CALIFORNIA SMOKEFREE HOUSING POLICIES

Municipality	Implementation	Units	Common Areas	Disclosures	Nuisance	Enforcement Provisions	Medical Marijuana
Palm Springs [2019]	New units _____ days/months; Existing units: _____ days/months	Prohibited in 100% of new units and 80% of existing units; smoking may be permitted for up to 20% of apartment units; HOAs may vote to allow smoking in up to 20% of existing units.	Prohibited in both indoor and outdoor common areas; allows landlords to designate 25% of outdoor area that meet certain criteria as smoking areas	Requires lease agreements to contain language stating the unit is nonsmoking and other tenants may enforce the terms of the lease; Requires landlords to disclose smoking and nonsmoking units if smoking is permitted	Yes	<a href="#">Enforced by City Manager. Violations punishable as infractions with fines in compliance with those in the municipal code [PS Municipal Code Sec.11.72]</a>	Allows for smoking medical marijuana only if the order is undetectable
Palo Alto [January 2017]	New units: 30 days Existing units: Upon renewal of lease	Prohibited in 100% of new and existing units	Prohibited in both indoor and outdoor common areas	Requires new and existing lease agreements to contain language that smoking prohibited and smoking in non-smoking units or common area is material breach of contract.	Yes	Enforced by city manager. Violations punishable by civil fines between \$250-\$1000 each.	

<p>Manhattan Beach [October 2015]</p>	<p>30 months</p>	<p>Prohibited in 100% of new and existing units</p>	<p>Prohibited in both indoor and outdoor common areas</p>	<p>Requires lease agreements to contain language stating that smoking in a unit or common area is a material breach of contract. Requires landlords and HOA boards to provide current and prospective tenants as well as homeowners with a written notice stating that smoking is prohibited in all units and common areas</p>	<p>No</p>	<p>Enforced by the parties involved, or at the discretion of the city prosecutor.</p>	
<p>Los Angeles County [July 2014]</p>	<p>1 year</p>	<p>Prohibited in 100% of new and existing units of <b>public housing</b></p>	<p>Prohibited in both indoor and outdoor common areas</p>	<p>Requires lease agreements to contain language stating that smoking in a unit or common area is a material breach of contract. Housing Authority may terminate lease. Residents have financial responsibility for any mitigation of damages associated with smoking</p>	<p>Yes</p>	<p>Residents encouraged to submit to management a written statement of any incident where smoke is migrating into residence from outside</p>	

Glendale [May 2013]	new units 1 month; <b>existing units: none</b>	Prohibited in <b>100% of new units only.</b>	Prohibits smoking in both indoor and outdoor common areas for new and existing units; allows landlords to designate smoking areas outdoors that meet certain criteria	Requires landlord to disclose whether smoking is permitted in the unit for rent;	Yes	Enforced by City Manager or designee	
Source: American Lung Association - California Center for Tobacco Policy & Organizing							

Municipalities with NO smoking in New AND Existing Units: +33	33
Municipalities with 20-25% of EXISTING units in which smoking is allowed	10
Municipalities where smoking is ONLY prohibited in NEW units	5

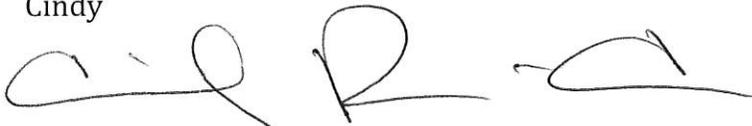
January 2, 2019

To whom this may concern:

In response to the request for more information regarding the information and education session the Tobacco Control Project had with Palm Springs youth concerning secondhand smoke and multi-unit housing. On February 22, 2018 Tobacco Control Project staff (Cindy & Wade) met with the Teen Center Unit Director Lupe Branson and approximately 40 youth at the Palm Springs Boys and Girls Club. During this meeting (60 minutes) we primarily discussed the benefits of adopting the Tobacco Retail Permitting (TRP) Ordinance and how tobacco affects them in their community. During one of the activities, each youth briefly spoke about how they are impacted by tobacco. Although they felt that the TRP was an importance ordinance and it was definitely something that needed to be addressed, they were a bit more concerned with Smoke-free Multi-Unit Housing (SFMUH). Nearly 15 of the youth in attendance lived in multi-unit housing and spoke about their concerns with secondhand smoke. They asked what can be done and we briefly reviewed SFMUH. Many of them stated they had not voiced their concerns/issues with their landlords for a few reasons: 1) they were scared of retaliation and being evicted and 2) some students had undocumented parents who felt they had no rights/say. At this time we definitely felt we had found the right core group of students to work with as we were in search of youth champions for the campaign, although due to scheduling conflicts with the Boys and Girls Club we were unable to continue meeting with the youth during this time. The youth were willing to work with the project to advocate/promote SFMUH.

If you have any immediate questions or concerns, please contact our Project Director Eddy Jara, [ejara@ruhealth.org](mailto:ejara@ruhealth.org).

Best,  
Cindy



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Kim Saruwatari, M.P.H., Director

Cameron Kaiser, M.D., Public Health Officer

## SUSTAINABILITY COMMISSION

OCTOBER 22, 2018

GOAL: By exercising responsible stewardship, the Sustainability Commission will improve the health and well-being of our citizens by protecting them from the serious health risks and preventable causes of death from tobacco use, as well as the dangers of illness from secondhand smoke. ***This is a matter of life and death.***

The Sustainability Commission endorses the following concepts of a Clean Air and Regulation of Smoking and Tobacco Product Use Ordinance within the City of Palm Springs, CA:

- Supporting the State of California's definition of tobacco, which includes cannabis, vaping, chew, snuff, and related products (Business and Professions Code Section 22950.5).
- Supporting current Federal and State smoke-free policies in multi-unit housing spaces and common areas thereof.
- Supporting current State Case Law obliging HOAs to require common space to be smoke-free.
- Supporting smoke-free patios and other outdoor spaces of businesses such as restaurants, bars, lounges, as well as work and break areas for employees.
- Supporting smoke-free public events such as festivals, parades, farmer's markets, Village Fest, public swimming pools, skate parks, water parks, golf courses, airports, and hiking trails.
- Supporting smoke-free all queues such as ATM lines, public transportations stops, theater ticket lines, and the like.
- Supporting smoke-free public transportation conveyances such as buses, taxis, transportation network companies, and limousines.
- Supporting a 25-foot buffer zone from the above identified sites, e.g., patios, bus stops, queues, doors, windows, ventilation systems of buildings, etc.
- Supporting carefully designed, highly-visible, effective signage.
- Supporting a citation-penalty option(s) that may include singly or a combination of financial, community service, and successfully completing a smoking cessation program.

## World Environment Day 2019

In years past, CREEC, the California Regional Environmental Education Community statewide network, paid me one day a week for Environmental Education outreach, and this included producing our Coachella Valley Celebrates World Environment Day event. I always ended up giving more of my time for free, as you all know, to produce an event, it takes a lot of time and effort. Our grant from California Department of Education has been terminated, and I am no longer called a CREEC Coordinator, I am a CREEC Contact, as the definition of CREEC has changed.

Our Sustainability Commission once had a number of outreach events that have been effective in bringing awareness to local environmental issues and brought environmental agencies together in celebration of our beautiful desert and common goals to make the Coachella Valley a model of Sustainable lifestyle and practices.

As the Sustainability Commission's Outreach Liaison, I propose that the Commission make World Environment Day our signature annual community outreach/educational event. And I will gladly offer my time to continue to coordinate this event and use it as a means to educate and connect with our community at large. In order to achieve this goal, I would propose that we assemble a 2019 WED ad hoc sub-committee to produce and grow this event.

We will continue to pursue sponsorships from community partners so that the event can continue to grow and so that the commission need not shoulder all of the expenses. Last year we did receive some significant contributions from other sponsors and all the Exhibitors who responded to a follow up survey indicated that they appreciate the annual WED opportunity and will participate again in 2019.

The date for the event has been scheduled for Sunday June 2, 2019 at the Palm Springs Pavilion from 2pm to 5 pm.

In 2017, the Sustainability Commission contributed \$2500 towards WED Event production.

In 2018, the Commission generously gave \$4000 of which \$1500 was towards the event production; and \$2500 for two Billboards advertising the event. The cost to produce the event in 2018 was approximately \$2,500 some of which was covered by exhibitor fees and other

participating sponsors. From our poll at the event last year, it was determined that the Billboards were the most effective advertising tool to reach the public and brought in the most attendees from all the other event promotion methods.

For 2019 World Environment Day I am requesting a contribution from the Sustainability Commission, as the lead sponsor of the event, to be sufficient to cover the cost of producing the event (\$2500) and if it is deemed worthwhile, to sponsor two Billboards again (+\$2500). Currently, we have allocated \$3000 in our budget for World Environment Day.

This will be the seventh year that this event will be run at the venue. Last year after the event we did a lot of debriefing and visioning that I shared with you and I am looking forward to working with the ad hoc sub-committee to implement those ideas and improvements and come up with new ways to develop the event.

## 2018 World Environment Day Report

6<sup>th</sup> Annual Event Sunday June 3, 2018 at Palm Springs Pavilion

### ATTENDANCE

77 people helped produce the event (Organizers, Volunteers, Exhibitors, Entertainment & Chefs)

238 attendees placed a jellybean in one of the containers indicating where they had heard about the event. We know that many people slipped through the door without the Urban Conservation Corp getting them to participate in our tallying. Conservatively, we believe at least 50 more passed through, probably more. So we are confident in saying at least 365 people were at the event.

The tallying of where people heard about the event revealed the following statistics:

Billboard: 65  
Word of Mouth: 62  
Facebook: 31  
EYE on the Desert News: 28  
Flyers: 21  
Nextdoor: 11  
Farmers Market: 10  
Radio: 9  
Peach Jar (PSUSD/DSUSD) 1

The biggest financial costs of advertising for the event were the billboards and the radio ads.

From this, we have determined that the radio ads may not be worth the investment.

The Billboards proved to be the most effective way to reach our community, followed closely by Word of Mouth.

### FEEDBACK

Great variety of Exhibitors & Information/Educational Resources  
Food Demos were great  
Excellent Musicians  
Environmental Art Contest & Exhibition were inspiring  
Wonderful Live Animal Encounters  
Fun/Interactive Activities for kids of all ages ☺  
Music was loud, and some exhibitors complained it was difficult to converse  
Extremely hot day, many visitors commented how the streets were empty in town  
Attendance was slow at the onset of the event, and grew steadily, peaking around 3:30pm  
Exhibitors started packing up during the Art Awards Ceremony at 4:30pm

## RECOMMENDATIONS

Rearrange the flow of the event as follows:

Kick-off the event with the Environmental Art Awards Ceremony  
Followed by a solid 1.5 hour of networking time, with soft instrumental music only  
Live Music portion would build into a dance party during the last segment  
Food demos start at onset & continue throughout the duration of the event  
Keep as a no-vendor event to allow free advertising to schools

## CONTRIBUTIONS

Sustainability Commission:  
\$2500 Billboards  
\$1500 Towards Event Costs

Friends of the Desert Mountains \$350 (1/3 of Environmental Art Contest Awards)  
CREEC Fund \$350 (1/3 of Environmental Art Contest Awards)

Palm Springs Disposal: \$500  
LSA Associates, Inc: \$100  
Hot Purple Energy: \$50  
Southern California Edison: \$50  
Caroline Conway personal donation: \$25  
Jen Futterman donation towards printing of flyers: \$50

### ACTUAL COSTS COVERED BY SUSTAINABILITY:

Entertainment: \$850 (Master of Ceremonies, Live Music, Circus Entertainment)  
Radio Ads: \$520  
Farmers Market Produce for Farm to Table Food demos: \$175 =TOTAL: \$1545

Revenue collected from other sponsors/For-Profit Exhibitors: \$725  
Community Partner Environmental Art Co-Sponsorship of Awards: -\$350 =**\$375**

Amount to be paid to Billboard Designer = \$50 (\$200 from 2017)  
**Net Proceeds to rollover to World Environment Day 2019 = \$325**

In 2017, the Sustainability Commission contributed \$2500 towards WED Event production. Actual costs in 2018 exceeded the \$1500 Contribution.

## CONCLUSION:

With the Sustainability Commission's continued support for World Environment Day, we can make this our signature annual community outreach/educational event. We will continue to pursue sponsorships from community partners so that the event can grow and we do not shoulder all of the expenses. All the Exhibitors who have responded thus far appreciate WED and want to participate again next year.



# Subcommittee Report

PRESENTED FOR COMMISSION MEETING DATE: Jan 15, 2018	SUBMITTED BY: Robert McCann
SUBCOMMITTEE NAME: Standing Subcommittee on Waste Reduction (SSCoWR)	SUBMITTED DATE: Jan 10, 2018
LAST SUBCOMMITTEE MEETING DATE: Dec 10, 2018	NEXT SUBCOMMITTEE MEETING DATE: TBD

**Subcommittee Goal:**

Divert 90% of waste generated by the City of Palm Springs from landfill by 2030.

**Summary:**

1. C&D Waste Ordinance.

- No developments to report.

2. Reducing Single-use Nonrecyclable Plastic Food Ware and Plastic Straws by Food Service Establishments.

- February 14: City of Palm Springs City Councilmember J.R. Roberts asked the Sustainability Commission to
  - Research City Ordinances that ban Extended Polystyrene (EPS) containers.
  - Offer recommendations and suggestions.
  - Provide an update on legislation seeking to provide a statewide ban on EPS containers and plastic straws.
- Oct 2. SSCowR members Roy Clark and Robert McCann met with Councilmembers Kors and Holstege to discuss modifications to the proposed Palm Springs Ordinance in light of the passage of AB 1884. The consensus from the meeting was for the SSCowR to research and report on the impact of more comprehensive ordinances in other CA municipalities that cover all food service establishments and also ban virtually all forms of non-recyclable plastic food ware (cups, stirrers, utensils, straws, clamshell food storage containers, etc).
- Latest Developments:
  - Dec 10: Councilmember Christy Holstege requested that the Sustainability Commission approve a recommendation to City Council to move forward with a comprehensive ordinance that would ban all forms of nonrecyclable plastic food ware, including plastic straws.
  - Dec 18. Sustainability Commissioners voted unanimously to recommend that Palm Springs City Council pass comprehensive City Ordinance with similar language to above, and pass Commission report on to the City to develop into a Staff Report.

3. Diverting and Recycling Wet Organic Waste in the City’s Municipal Solid Waste (MSW) Stream From Landfill:

- No new developments to report.

4. Battery Recycling Project

- July 24. The City of Palm Springs was awarded a grant from CalRecycle in the amount of \$35,450.00 for the battery recycling program.
- Nov 30: Authority-to-Proceed granted.
- No new developments to Report.

**Recommendation/Request**

The SSCowR notes that the bright blue recycle containers now in our public parks are currently co-existing with bright blue trash containers that were placed in the parks at the beginning of this year. To avoid confusion and decrease the rate of contamination of the waste stream being placed in our recycle containers, the SSCowR recommends that the bright blue trash containers be replaced with the standard brown trash containers that have been deployed in downtown areas, or that the bright blue trash containers in the city parks be painted brown with “trash only” signage.

<b>ACTION ITEMS REQUEST TO COMMISSION</b>	N/A
<b>ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY</b>	N/A
<b>POTENTIAL FISCAL IMPACT/REQUEST IF ANY:</b>	N/A



BRINGING GREEN MONDAY TO YOUR CITY

[greenmmondayus.org](http://greenmmondayus.org)

[info@greenmondyus.org](mailto:info@greenmondyus.org)



## A GUIDE FOR CITIZEN LOBBYISTS: How to Advocate for Green Monday in Your City

This guide will walk you through the process of meeting with an elected representative to garner support for Green Monday legislation. If you've never met with a legislator before, don't worry. Most legislators like to meet with their constituents, especially those who, like you, are likely to be influencers. As a rule, it's helpful to have a coalition of two or three advocates attend the meeting to demonstrate widespread support for Green Monday.

### **Identify a Legislator**

1. If you need a primary sponsor for your Green Monday legislation, meet with a legislator who strongly supports climate change action.
2. If the legislator represents a district other than your own, find someone in his/her district to accompany you to the meeting.
3. Even if the purpose of the meeting is simply to gain the legislator's vote for Green Monday, have at least one constituent from the legislator's own district at the meeting.

### **Research the Legislator**

1. How has the legislator voted on climate action?
2. What are her signature issues?
3. Is she up for reelection?
4. What are the demographics in her district?

### **Request a Meeting**

1. Call or email the legislator. Typically, an intern or staffer will answer. Say you're a constituent and you want to discuss Green Monday, a consumption-based climate change initiative.
2. Ask for 15-20 minutes. That signals that you value the legislator's time and that you will be prepared and concise.

3. You may be offered a meeting with a legislative aide rather than the legislator. No problem. Aides are very influential and typically have more time to research the issues than the legislators themselves.

### **Prepare for the Meeting**

1. Decide who your lead spokesperson will be, who will answer specific questions, who will take notes, and who will send a thank you letter.
2. Practice your pitch and answers to common questions.
  - a. Read [greenmondayus.org](http://greenmondayus.org)
  - b. [Eat for the Planet](#) by Nil Zacharias is a concise, easy-to-understand primer on the environmental impacts of animal agriculture.
  - c. This article from The Guardian is compelling:  
[https://amp.theguardian.com/environment/2018/oct/10/huge-reduction-in-meat-eating-essential-to-avoid-climate-breakdown?CMP=tw\\_t\\_a-environment\\_b-gdneco&\\_twitter\\_impression=true](https://amp.theguardian.com/environment/2018/oct/10/huge-reduction-in-meat-eating-essential-to-avoid-climate-breakdown?CMP=tw_t_a-environment_b-gdneco&_twitter_impression=true)
4. Prepare your Fact Sheet and Draft Resolution (templates attached) and send them to the legislator well in advance of your meeting. That way you can spend more time at the meeting answering questions.

### **The Meeting**

1. Dress nicely and arrive on time. First impressions matter.
2. Be friendly to the person who greets you. He/she is a gatekeeper.
3. When you meet the legislator or staffer, each member of your group should introduce yourself.
4. Start with a supportive statement. Thank the legislator for supporting a bill on some issue you care about or simply for meeting with you.
5. Share a personal story that illuminates your support for Green Monday.
6. Make your pitch. State clearly and concisely:
  - a. the components of Green Monday ([PROGRAM](#)),
  - b. the reasons for Green Monday ([WHY](#)), and
  - c. the resources Green Monday US provides ([RESOURCES](#)).
7. Stop talking. Listen attentively to the legislator's comments or questions. Answer politely but concisely. You don't have a lot of time. If there are questions you can't answer well, say you'll find out.
8. Ask if the legislator if you can count on him/her to sponsor (or vote for) Green Monday legislation.
9. Give the legislator your fact sheet and draft resolution.
10. Thank the legislator for taking time to meet with you.

**Follow-up**

1. Send a thank you email within 48 hours.
2. Reiterate any commitments the legislator made at your meeting.
3. Include any information you promised to provide.
4. Attach the fact sheet and draft resolution. Electronic documents are easier for the legislator to share.



## FACT SHEET TO BE SENT TO LEGISLATORS PREFERABLY PRIOR TO MEETING WITH THEM

### THE PROGRAM

Why Green Monday in **[your city]**?

1. Green Monday complements our existing sustainability initiatives and amplifies our city's commitment to environmentally responsible practices.
2. The Green Monday US website [greenmondayus.org](http://greenmondayus.org), provides all the materials we need. A Green Monday liaison is available to help with the program.

### Community Education

3. The Green Monday US [RESOURCES](#) page provides materials to display at libraries, community centers, farmers' markets, and community events.
4. There are curated lists of short videos, documentaries, books, and websites for educational programs on the [RESOURCES](#) page.
5. Supermarkets hang posters (found on [RESOURCES](#) page) showing comparative impacts of various protein choices.

### Sustainable Meals

6. City-owned and city-managed facilities and programs provide healthy, delicious plant-based meals on Mondays.
7. Restaurants are encouraged to include vegan items on their menus. The [RESOURCES](#) page has certificates and badges for participating restaurants

8. Legislators model environmentally responsible eating by procuring plant-based food for meetings and events.

## ENVIRONMENTAL IMPACTS OF ANIMAL AGRICULTURE

1. Nearly 10 billion land animals are raised for meat, eggs, and milk every year in the US, most in factory farms or concentrated animal feeding operations (CAFOs). There are approximately 19,500 CAFOs in the US.
2. Animal agriculture releases 14.5% of all anthropogenic (human-induced) GHG emissions, more than the entire transportation sector.
3. Globally, animal agriculture is the leading cause of Brazilian rainforest deforestation. In the US, 260 million acres of forest have been cleared to grow grain, mostly corn and soy, to feed factory farmed animals and to graze livestock.
4. In the US, animals raised for food produce 130 times much manure as humans. Animal feces and urine are stored in vast open pits called waste lagoons. Runoff from the lagoons and from pesticide-laden grain crops pollutes groundwater, contaminating drinking water and killing aquatic life.
5. Factory farms and slaughterhouses often locate in poor, rural communities populated mainly by people of color. CAFOs emit pollutants including ammonia, hydrogen sulfide, methane, and particulate matter, which cause asthma, eye irritation, and chronic bronchitis.
6. In the US, animal agriculture accounts for half of total water use. It takes 1,800 gallons of water – about 26 showers worth – to produce one pound of beef. It takes only 300 gallons of water to produce 1 pound of tofu.
7. We are experiencing the highest rate of species extinction in earth's history, and animal agriculture is a leading cause. Diverse ecosystems are cleared to make way for mono-crops to feed animals in factory farms.

Your City's seal

CONSENT ACTION  
[Date]

To: Honorable Mayor and Members of the City Council  
From: Councilmember [Name]

Subject: Resolution Establishing Green Monday

### RECOMMENDATION

Adopt a resolution establishing Green Monday in The City of [your City] and referring to the City Manager to implement the program in coordination with Green Monday US, which would have two primary components; City owned and operated institutions serving plant-based foods on Mondays (or another day) and educating residents on the impacts of their food choices on climate change and the environment.

### BACKGROUND

Scientific analyses have shown that one of the most effective ways for people to reduce their greenhouse gas emissions is to reduce or eliminate their consumption of meat and dairy. By systematically reducing meat and dairy consumption, the citizens of [your City] can accomplish two objectives; substantially reducing our collective greenhouse gas emissions and serving as a model for other municipalities across the country and around the world.

The UN Food and Agriculture Organization (FAO) estimates that the livestock sector contributes 14.5% of anthropogenic GHG emissions. Furthermore, animal agriculture is responsible for 75% to 80% of Amazon rainforest destruction. 99% of farmed animals in the US are confined in factory farms, which poison the air and water in surrounding, often underserved, communities.

### FISCAL IMPACTS OF RECOMMENDATION

Cost of printing flyers and limited staff time. Green Monday US has volunteered to provide many of the services needed to run the program.

### ENVIRONMENTAL SUSTAINABILITY

The Resolution is not only consistent with but also critical to realizing the City's climate and environmental goals (see above).

### CONTACT PERSON

Councilmember [name], [phone]

Attachments:

1: Resolution

RESOLUTION NO. #####  
ESTABLISHING GREEN MONDAY

WHEREAS, the City of [your City] acknowledges that we face an existential Climate Emergency that threatens our city, region, state, nation, civilization, humanity and the natural world; and,

WHEREAS, scientific analyses have shown that one of the most effective ways for a person to reduce their greenhouse gas emissions is to reduce or eliminate their consumption of meat and dairy; and,

WHEREAS, the UN Food and Agriculture Organization (FAO) estimates that the livestock sector contributes 14.5% of anthropogenic GHG emissions, more than the entire transportation sector – cars, trains, planes and ships – combined; and,

WHEREAS, the City of [your City] is committed to educating our citizens about the climate emergency and working tirelessly to catalyze a just emergency climate mobilization at the local, state, national, and global level to protect our citizens as well as all the people and species of the world; and,

THEREFORE BE IT RESOLVED that the Council of the City of [your City] establishes Green Monday, wherein all City-owned and City-managed facilities and programs will provide only plant-based foods on Mondays (or another day of the week); and,

BE IT FURTHER RESOLVED that the Council of the City of [your City] will participate in the Green Monday program by procuring vegan food for their meetings; and,

BE IT FURTHER RESOLVED that the Council of the City of [your City] refers to the City Manager to work with Green Monday US ([greenmondayus.org](http://greenmondayus.org)) to schedule Green Monday educational programs at libraries, community centers and private homes,

BE IT FURTHER RESOLVED that the Council of the City of [your City] refers to the City Manager to work with Green Monday US ([greenmondayus.org](http://greenmondayus.org)) to incentivize restaurants to include vegan items on their menus by providing “Green Monday approved” certificates to be displayed and supermarkets to post information on the comparative environmental impact of plant and animal based proteins.

BE IT FURTHER RESOLVED that City Council encourages libraries, schools and community centers in [your City] to display Green Monday posters and literature.



# Subcommittee Report

PRESENTED FOR COMMISSION MEETING DATE: January 15, 2019	SUBMITTED BY: Carl Baker
SUBCOMMITTEE NAME: Wellness	SUBMITTED DATE: January 7, 2019
SUBCOMMITTEE MEETING DATE: N/A	NEXT SUBCOMMITTEE MEETING DATE:

**Subcommittee Meeting Goal:**

1. Draft proposed non-smoking ordinance with motion for Commission to vote; and
2. Review information on Green Monday Initiative

**Summary:**

1. Non-smoking Ordinance would create a prohibition on smoking in any public location including (excluding medical marijuana-with caveats) yet allow for 20% of multi-unit dwellings to be set-aside as 'smoking units.'
2. Green Mondays is a voluntary program for restaurants to promote non-meat options (e.g. daily specials) on Mondays.

**Recommendation/Request**

1. Non-smoking: Whether the non-smoking ban should be on 100% or 80% of multi-family dwellings
2. Obtain general feedback on Green Monday initiative.

<b>ACTION ITEMS REQUEST TO COMMISSION</b>	<ol style="list-style-type: none"> <li>1. Discuss and vote on non-smoking motion</li> <li>2. Discuss Green Mondays and next steps</li> </ol>
<b>ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY</b>	None
<b>POTENTIAL FISCAL IMPACT/REQUEST IF ANY:</b>	<i>De minimis:</i> (potential administrative costs for increased nuisance complaints).