



City of Grand Island

Tuesday, June 22, 2004

Council Session

Item I2

**#2004-151 - Approving Resolution Proposing a Ballot Measure
Banning Smoking from all Enclosed Public Places and Places of
Employment within the City of Grand Island**

Staff Contact: Doug Walker

Council Agenda Memo

From: Gary D. Greer, City Administrator
Douglas R. Walker, City Attorney

Meeting: June 22, 2004

Subject: Resolution Placing a Smoking Ban on the
Election Ballot at the Next General Election

Item #'s: I-2

Presenter(s): Douglas R. Walker, City Attorney

Background

At the June 1, 2004, meeting of the Grand Island City Council representatives of the Tobacco Free Hall County group made a presentation to the City Council requesting that the City Council pass an ordinance banning smoking in all enclosed public places within the City of Grand Island and further prohibits smoking in all enclosed facilities within places of employment and further prohibits smoking within twenty-five feet outside of an enclosed area where smoking is prohibited. After discussion at that study session, the Council appeared to be reaching a consensus that it was interested in placing this issue on the ballot for the voters of the city to decide at the next general election. The resolution and sample ballot language has been prepared to enable the City Council to place this issue on the ballot if it chooses to do so.

Discussion

Representatives of Tobacco Free Hall County as well as a number of other individuals spoke as proponents for a city ordinance that would ban smoking in public places within the City of Grand Island and within all places of employment and within twenty five feet outside of an enclosed area where smoking is prohibited. Tobacco Free Hall County also presented a model ordinance to the city which would adopt several code sections that would enact the smoking ban and would provide for penalizing violations of the ban. Comments by the Council at the study session indicated that there was interest in placing this matter on the ballot so that the people of the City of Grand Island could decide this issue. The ballot language that has been included in the resolution summarizes the language in the proposed ordinance. The City Attorney's Office has revised the ordinance to be in a format that could be placed in the Grand Island City Code should the City Council decide to place this matter on the ballot and if the voters approve the smoking

ban. The full ordinance, which is several pages in length, will be available at the City Clerk's Office for any member of the public to obtain a copy and review it.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the resolution which would place a smoking ban proposal on the ballot at the next general election.
2. Disapprove or /Deny the resolution.
3. Modify the resolution to meet the wishes of the Council
4. Table the issue

Recommendation

Under an Inter-local Agreement, the Health Department is charged with implementing and administering all health related programs and policies. A letter from the Health Department (attached), indicates that they would like to take time to include all stakeholders in the community and take input on the issue before enacting smoking ban legislation.

City Administration believes in including all citizens in the public policy process. Additionally, we believe in allowing those who we have charged to advise us be allowed to do so in specialized areas such as Public Health. Therefore, we strongly recommend that we allow the Health Department to engage in a public dialogue at this time in order to develop a community consensus and a plan of action concerning implementing smoking regulations for the community.

However, if the City Council determines that it is appropriate to deal with the smoking issue at this time, it is recommended that Resolution #2004-151 be approved in order to allow for the citizens of Grand Island to consider the issue at the next general election.

Sample Motion

Refer the issue to the Health Department, or, approve Resolution #2004-151 for placing this matter on the ballot at the next general election.

May 13, 2004

Mr. Gary Greer, Administrator
City of Grand Island
City Hall
100 E 1st St
Grand Island NE 68801

Dear Gary,

Exposure to second hand smoke (SHS) is a public health issue. SHS is defined as the smoke that comes from the lit tip of a cigarette, cigar, or pipe, or from the exhalations of a smoker. Of the more than 4000 chemicals in tobacco, at least 43 are carcinogens (cancer causing agents). Additionally, the irritants found in SHS contribute to respiratory infections in all age groups, and to middle ear infections, asthma attacks, and reduced lung function in children. There is no safe level of exposure to carcinogens; hence there is no safe level of exposure to SHS. For this reason, the Central District Health Department (CDHD) supports smokefree family centered public buildings. CDHD activities directed toward the goal of reducing/eliminating exposure to SHS revolve around the three core functions of public health: **Assurance, Assessment, and Policy Development.**

Assessment means that we obtain the data necessary to identify threats to our health, determine who in our community is most affected, and the severity of those effects. We also use data to determine available assets or resources that may be beneficial in reducing or eliminating the health risks. While the specific number of individuals exposed to SHS is not known, 20% of adults in Central Nebraska admit to being regular smokers. The 2002 Nebraska Guide to Smoke Free Dining lists 80 establishments in Grand Island that are completely smokefree. We are not aware of any Grand Island bars that are completely smokefree.

Policy development involves informing, educating, and empowering people about health issues, mobilizing community partnerships to identify and solve health problems, and developing policies and plans that support individual and community health efforts. As public health officials, we recognize that health policy is most effective when developed in partnership with those who are impacted by that policy. Recently, policy changes to address SHS exposure have included attempts to ensure smokefree indoor environments through the passage of city ordinances. Across our country, there are a total of 291 municipalities that provide 100% smoke free protection for private workplaces/government buildings, restaurants, and/or bars. In Nebraska, there are no cities that currently provide this level of protection from SHS exposure.

"Your partner in building healthy communities."

May 13, 2004
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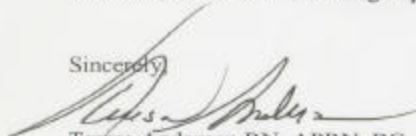
We are well acquainted with the recent and controversial SHS ordinance passed by the city of Lincoln. I have spoken with Bruce Dart, Director of Lincoln Lancaster Health Department and former Director of the Grand Island Hall County Health Department, several times recently. The Lincoln Lancaster Health Department was integral in the passage of this ordinance, which took many forms during the weeks of discussion, and which, in final form, was drastically different from its initial content. Bruce strongly advises us to treat the Lincoln ordinance as a test case for us and for the rest of the state. He recommends that we study the processes and the short term and long term effects of the ordinance for up to one year, before taking action toward a SHS ordinance in Grand Island.

Assurance includes enforcing laws and regulations that protect health and ensure the safety of the public we serve. SHS or clean indoor air ordinances may be enforced by health department personnel or by other public officials. Regardless of who enforces the ordinance, it is essential to have a clearly written ordinance which is readily understood by the public, simple to enforce, and above all, effective in reducing exposure to SHS. As previously mentioned, our cohorts in Lincoln urge us to take the next year to observe the consequences of that ordinance process before we take action.

We firmly believe that dialogue related to smokefree environments is beneficial to the process of local SHS policy formation. Discussions among those in favor of and those opposed to smoking bans in public places ultimately move us as a society toward a consensus that is fair and just. We believe that, in view of their experience, it is folly to ignore the recommendations of our Lincoln colleagues.

Therefore, it is the recommendation of the CDHD that, prior to development of a SHS ordinance in our district, we continue to observe, study, and learn from the experiences of those in Lincoln and others across the nation over the next year. During that time, we will continue with the processes designed to raise awareness of the issues related to SHS exposure and foster dialogues designed to generate a community consensus on reducing/eliminating exposure to SHS. We believe this action will ensure a SHS ordinance that is clearly written, readily understood by the public, simple to enforce and, above all, effective in reducing exposure to second hand smoke.

Sincerely,



Teresa Anderson RN, APRN, BC
Executive Director
Central District Health Department

RESOLUTION 2004-151

WHEREAS, members of Tobacco Free Hall County have made a request to ban smoking in all businesses, bars, restaurants and public places in Grand Island, Nebraska; and

WHEREAS, Tobacco Free Hall County has proposed a model ordinance that may be adopted if a majority of the voters at the next general election approve this ballot measure described as the Grand Island Smoke Free Air Act of 2004, a copy of this proposed ordinance is available for public inspection at the office of the Grand Island City Clerk; and

WHEREAS, the Mayor and City Council of the City of Grand Island wish to place this issue before the voters of the City of Grand Island for their decision at the statewide general election on November 2, 2004; and

WHEREAS, it is recommended that the ballot language set forth below be adopted for such measure to be submitted at the statewide general election scheduled for November 2, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

(1) Pursuant to Neb. Rev. Stat. §18-2520, in lieu of a separate special election, the following ballot shall be submitted at the statewide general election on November 2, 2004:

**(OFFICIAL SAMPLE BALLOT)
OFFICIAL MUNICIPAL ELECTION BALLOT**

CITY OF GRAND ISLAND, NEBRASKA

Tuesday, November 2, 2004

Smoking Ban Proposal:

Shall the Mayor and City Council of the City of Grand Island, Nebraska, adopt an ordinance known as the Grand Island Smokefree Air Act of 2004 which would prohibit smoking in all enclosed public places within the City of Grand Island, and which would further prohibit smoking in all enclosed facilities within places of employment, and which would further prohibit smoking within twenty-five (25) feet outside of an enclosed area where smoking is prohibited?

Vote for or against the foregoing proposal.

- FOR the proposal
- AGAINST the proposal

Approved as to Form	□ _____
June 17, 2004	□ City Attorney

(2) The City Clerk is directed to immediately certify the above issue to the Election Commissioner in the manner and form provided in Neb. Rev. Stat. §18-2520.

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Adopted by the City Council of the City of Grand Island, Nebraska on June 22, 2004.

RaNae Edwards, City Clerk