

HUMAN RIGHTS COMMISSION CITY OF PALM SPRINGS, CALIFORNIA

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AGENDA

Monday
November 8, 2021



5:30 p.m.
Regular Meeting

Mission Statement

Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.

Pursuant to Assembly Bill 361, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.

- To view/listen/participate in the meeting live, please use the following link:

<https://us02web.zoom.us/j/84779984163?pwd=QVNIMGZRWRzU0wrMFBZOHhhamJMOT09>
or call (669) 900-6833 **Zoom Meeting ID** 847 7998 4163, **Passcode** 702012

- Written public comment may also be submitted to cityclerk@palmspringsca.gov. Transmittal prior to the meeting is required. Any correspondence received during or after the meeting will be distributed to the Board/Commission as soon as practicable and retained for the official record.
- The meeting will be recorded and the audio file will be available from the Office of the City Clerk and will be posted on the City's YouTube channel, as soon as practicable.

1. **CALL TO ORDER:** Chair Ron deHarte
2. **ROLL CALL:** Board Members: Hugo Loyola, David Vignolo, Oliver Cleary, Kalina Robles, Terrie Andrade, Glenn Flood, Edwin Ramoran, Vice Chair Donna Shepherd, and Chair Ron deHarte

Student Representative Lilly Hanner

3. **MISSION STATEMENT & GOALS:**

"The Mission of the Palm Springs Human Rights Commission is to promote and protect the diversity of our community and to improve human relations through education and community awareness."

Human Rights Commission Goals:

- *To develop community education programs;*
- *To investigate and mediate instances of discrimination of groups or individuals;*
- *To bring persons and groups together in common support of human rights issues;*
- *To acquire the fiscal and human resources necessary to support and accomplish the work of the Commission;*
- *To provide management and coordination for the Commission;*
- *To promote diversity through the appointment of candidates to all city boards and commissions to proportionately reflect the diversity of the population of the City of Palm Springs;*
- *The Commission and each Committee shall develop goals and objectives annually, for adoption by the commission;*
- *The Commission shall work closely with the Mayor, City Council, and City Cabinet and with all other City Commissions and Boards in joint endeavors that support the Commission's mission statement and City's goals and objectives.*

4. QUORUM:

5. PUBLIC COMMENTS: This time has been set aside for members of the public to address the Human Rights Commission on agenda items; and items of general interest within the subject matter jurisdiction of the Commission. Three (3) minutes is allowed for each speaker. Although the Commission values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Commissioners will not enter into discussion with speakers, but during Commission Comments, may refer the matter to staff for report and recommendation at a future Commission meeting.

6. CHAIR COMMENTS:

7. APPROVAL OF MINUTES: October 11, 2021

8. ITEMS FOR DISCUSSION/ACTION:

A. Reports

Executive Report Standing Committee (Chair deHarte, Vice Chair Shepherd)

a. Retreat

Community Relations /Budget/Personnel Report

- a. PSPD LGBT Outreach Liaison (deHarte)
- b. Master Calendar Liaison (Ramoran)
- c. Main Street Liaison (deHarte)
- d. Organized Neighborhoods of Palm Springs Liaison (Vignolo)

Cultural Affairs Report

Desert Highland Gateway Estates Community Association Liaison (Andrade, Flood, Shepherd)

Seniors/People with Disabilities Veterans Affairs Report

- a. Veterans Issues Liaison (Flood,Vignolo)

Youth/Education Affairs Standing Committee

- a. Student Representatives (Hanner, Robles, Shepherd, Vignolo)

Commission Development/Mediation Report

- a. Mediation Liaison (Andrade, Vignolo)

- B. Ad Hoc Committee - Clean Indoor Air and Health Protection Draft Ordinance with Sustainability Commission Update (Ramoran)

- C. Community Service Awards Application Process

- D. Commissioner, Staff, and Student Comments

- E. Topical Newsworthy Items

9. AGENDA ITEMS FOR THE NEXT HRC MEETING:

10. ANNOUNCEMENTS:

- 11. ADJOURNMENT:** The Commission will adjourn to an adjourned regular meeting Monday, December 13, 2021.

PUBLIC NOTICES

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 the City Clerk, City Hall, 3200 E. Tahquitz Canyon Way.

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, or in meetings on a regular basis, you will 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, (760) 323-8204, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

AFFIDAVIT OF POSTING

I, Jay Virata, Director of Community & Economic Development, of the City of Palm Springs, California, hereby certify this Agenda was posted at City Hall before 6:00 p.m., November 4, 2021, and posted on the City's website as required by established policies and procedures.

/S/ Jay Virata
Jay Virata
Community & Economic Development

**Human Rights Commission
CITY OF PALM SPRINGS, CALIFORNIA**



FOR APPROVAL

**MINUTES
Regular Meeting**

Monday, October 11, 2021
Virtual Zoom Meeting

1. **CALL TO ORDER:** Chair deHarte called the meeting to order at 5:32 p.m.
2. **ROLL CALL:**
Present: Commissioners Andrade, deHarte, Clearly, Flood, Loyola, Ramoran, Shepherd, Vignolo
Absent: Robles (Excused), Student Representative Hanner
Staff Present: Jay Virata, Director, Community & Economic Development
3. **MISSION STATEMENT & GOALS:**
4. **QUORUM:** Yes.
5. **PUBLIC COMMENTS:** None.
6. **CHAIR COMMENTS:**
 - Thanked the Commissioners for participating in the Joint Meeting with City Council on September 29, 2021. Applauded City Council for moving forward with the Section 14 Apology. Welcomed Commissioner Clearly to the Human Rights Commission.
7. **APPROVAL OF MINTUES: SEPTEMBER 13, 2021**
 - **MOTION BY:** Commissioner Loyola, Second by Commissioner Flood to accept the minutes as presented.
 - **DISCUSSION:** NONE.
 - **MOTION CARRIED UNANIMOUSLY.**

Chair deHarte thanked Staff for reporting the minutes in a timely basis.
8. **ITEMS FOR DISCUSSION/ACTION:**
 - A. Reports
 - Chair deHarte noted additional Chair comments and recognized Indigenous Peoples' Day, a day that celebrates and honors the Native American peoples, commemorates their histories and cultures. Respect was given to the land they work and live by honoring and recognizing the Agua Caliente Band of Cahuilla Indians. Although the Commission proudly supports Indigenous Peoples' Day, they do not have a resolution; we reached out to representatives of Tribal Council and extended the Commission's support to having them present a proclamation.

Executive Report Standing Committee (Chair deHarte, Vice Chair Shepherd)

a. Retreat

- Chair deHarte reported the Committee did not meet. They are still familiarizing themselves with the new committee structure; will develop a schedule and work with Director Virata to have the meetings available for public participation.

Community Relations/Budget/Personnel Report

a. Palm Springs Police Department (PSPD) LGBT Outreach Group, Liaison deHarte

- The Group met, there was discussion about the person arrested for the local murders of a lesbian and retired senior. They are pleased the PSPD worked swiftly in finding the person and bringing charges.

b. Master Calendar, Liaison Ramoran

- Commissioner Ramoran stressed the importance of having Commissioner commitment and participation at the upcoming Pride and Veterans Day Parades
- Chair deHarte said the Commission will be marching on their own during the parades with 1 to 3 people holding the Human Rights Commission banner, with the rest of the Commission and supporters walking behind; requested Commissioners inform Commissioner Ramoran if their plans change.

c. Main Street, Liaison deHarte

- Main Street discussed homelessness and the impacts downtown. The PSPD spoke about their process and challenges of trying to help someone that does not want help, not much they can do other than continue to ensure the person knows about services.

Organized Neighborhoods of Palm Springs (ONE-PS), Liaison Vignolo

- Commissioner Vignolo will attend the ONE-PS Monthly Membership Meeting tomorrow. No information to report from September's meeting.

Cultural Affairs Report

a. Desert Highland Gateway Estates Community Association, Liaisons: Andrade, Flood, Shepherd

- No report.

Seniors/People with Disabilities Veterans Affairs Report

a. Veterans' issues, Liaisons: Flood, Vignolo

- Commissioner Flood indicated suicide remains a critical issue for active-duty military and Veterans. If you know a veteran suffering and may need help, they can call the Veterans Crisis Line at 1.800.273.8255.

Youth/Education Affairs Standing Committee

a. Student Representatives (Robles, Shepherd, Vignolo and Student Representative Hanner)

- No report. Chair deHarte stated these meetings require an agenda be posted for public notice. The Standing Committee can work with Director Virata on the process.
- Commissioner Vignolo was named committee lead.

Commission Development/Mediation Report

a. Mediation, Liaisons: Andrade, Vignolo

- Commissioner Andrade has not received her mediation Certificate of Completion.
- Commissioner Flood received his certificate for the classroom course and commented on his last communication with Ms. Olga Sanchez, Community Action Partnership of Riverside County.
- Commissioner Ramoran reported receiving his classroom course certificate in June.
- Director Virata responded to Commissioner Andrade inquiry, confirmed the City does not want the Human Rights Commission, as a City Representative, to be involved with Small Claims Court matters due to various liability issues. The focus would be towards community mediation and fostering communication between various parties.

- B. Ad Hoc Committee Assignments
 - a. Clean Indoor Air and Health Protection Draft Ordinance with Sustainability Commission Update, (Ramoran)
 - Chair deHarte requested that the Commission be provided with a copy of the Ordinance; this item will be on the next Agenda to provide additional comment(s) and return to the Sustainability Commission.
 - Commissioner Ramoran will email the Commission a copy of the current draft ordinance forwarded to the Sustainability Commission.
- C. Homelessness Update
 - Director Virata reported the Palm Springs Access Center opened a month ago. Overnight shelter services at the United Methodist Church will continue until the end of October. The operator for both the Access Center and Overnight Shelter is Martha's Village and Kitchen. Martha's Village & Kitchen is proposing/exploring the possibility of adding pod/pallet homes at the Access Center. Permanent supportive housing project updates were provided.
 - Commissioner Vignolo shared City Manager Clifton reported to members during the last ONE-PS meeting that enforcement and maintenance will be increased around bus stops, and other City locations where homeless recurrently gather.
- D. Vision and Priorities Update
 - a. Priorities/Areas of Focus for the City Council Visioning Session
 - The Commission discussed the priority matrix document identifying and reviewing priorities/areas of focus for 2022. The final priorities forwarded to the City Manager are attached herein as part of the meeting record.
- E. Commissioner, Staff and Student Comments
 - Director Virata stated Commissioner Robles indicated she would not be present for the meeting; he commented on the subcommittee structure and clarified the role of Liaisons.
 - Commissioner Ramoran shared an image of a colleague honoring the names of ancestors who never returned to the Philippines after traveling to St. Louis for the 1904 World's Fair.
- F. Topical Newsworthy Items – None.

9. **AGENDA ITEMS FOR THE NEXT HRC MEETING:** The following items were proposed for the next Agenda:

- Clean Indoor Air and Health Protection Draft Ordinance with Sustainability Commission – (Human Rights Commissioners to Comment)

10. **ANNOUNCEMENTS:** None.

11. **ADJOURNMENT:** The Commission adjourned at 7:21p.m. to a regular meeting on Monday, November 8, 2021 at 5:30 PM via teleconference.

Respectfully submitted,

Annie Rodriguez
Housing Program Assistant

[NAME] BOARD / COMMISSION / COMMITTEE FY 2021-22 PRIORITY MATRIX

Board / Commission / Committee Name

Human Rights Commission

Brief Description of Board / Commission / Committee Charge

The Human Rights Commission of Palm Springs promotes improved relations, civic peace, intergroup understanding, and the full acceptance, respect, and participation of all persons in all aspects of community life so that we will be equal in the eyes of each other.

Significant Recent Accomplishments

Provide a brief list of accomplishments from the last few years that you are most proud of.

Significant work behind the city's Section 14 apology resolution and raising the conversation of systemic racism and moving the monument in front of city hall.

BOARD / COMMISSION / COMMITTEE PRIORITIES FOR COUNCIL CONSIDERATION

FY 2021-2022 Ongoing Priorities/Areas of Focus

Identify those priorities related to the ongoing work of the group. Be specific about what you want to accomplish in the 2022 timeframe. Consider things that the group must continue to do because of state or local mandates, stated goals, or the need to prevent harm or detrimental impacts. Please list in order of priority.

Priority	Rationale	Measure(s) of Success
Assess newly revised liaison responsibilities and ensure work of former standing committees is properly ended and ongoing work assigned to a liaison or ad hoc committee.	Brown Act requirements.	Completed assessment of work in progress and complete transfer of duties.
1.		

2022 New Priorities/Areas of Focus

List any new or emerging topics that may be critical for the group to address in 2022.

Priority	Rationale	Measure of Success
1. Work with city manager to integrate and establish as needed Diversity Equity Inclusion and Accessibility guidelines in operations and policy	We must first ensure our house is in order before we can effectively fulfill our duties of maintaining contact with human relations agencies, other public agencies, and representatives of employers, labor unions, property owners' associations, professional associations, national origin groups, community organizations concerned with interracial interreligious and intercultural understanding	Completed DEIA* policy. *Additional category of Accessibility ("A") is being requested with City Manager guidance.
2. Living wage, quality affordable housing, homelessness, individual and workforce employability, and how this impacts the working class of our community. **	We have a duty to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination which include source of income and housing policies that exclude	To provide City Council the analysis of how these topics impact the quality of life of our diverse community and the state of human relations in our city, and recommendations to provide a framework on policy.

[NAME] BOARD / COMMISSION / COMMITTEE FY 2021-22 PRIORITY MATRIX

** These priority issues are pending City Council's priority list for 2022.

Activities that Could Be Deferred, Referred, or Eliminated

List any current group activities that can or should be deferred to a later time, referred to another organization, or eliminated to make room for priorities.

OTHER CRITICAL FACTORS FOR SUCCESS

Critical Organizational Changes Needed

List any organizational changes that will be needed to advance the identified priorities. This could include items such as increased staffing, organizational realignments, and new funding or funding mechanisms.

Human Rights Commission plans to work within existing City structure and processes.

Process Improvements

List any process improvements that you would suggest that will contribute to the successful implementation of priorities. This could include items such as improving lines of communication with Council, improving how work gets done, and developing new procedures.

Encourage communication with City Council in their goals and priorities for FY 2022.

PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO AMEND THE MUNICIPAL CODE BY ESTABLISHING REGULATIONS APPLICABLE TO COMMERCIAL AND RESIDENTIAL CLEAN INDOOR AIR AND HEALTH PROTECTION TO REGULATE TOBACCO AND CANNABIS PRODUCT USE

SECTION I. FINDINGS.

The City Council of the City of Palm Springs, California, hereby finds and declares as follows:

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- 480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the nation’s leading cause of preventable death;¹ and
- Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths;² and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;³ and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure;^{4,5} and
- The California Environmental Protection Agency (EPA) included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm;⁶ and
- Secondhand cannabis smoke contains tetrahydrocannabinol (THC), the chemical responsible for most of cannabis’s psychological effects, and many of the same toxic chemicals in smoked tobacco

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke occurs at significant levels outdoors, as evidenced by the following:

- Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on direction and amount of wind and number and proximity of smokers;^{7,8} and

- Smoking cigarettes near building entryways can increase air pollution levels by more than two times background levels, with maximum levels reaching the “hazardous” range on the United States EPA’s Air Quality Index;⁸ and
- To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 23 feet away from the source of the smoke, about the width of a two-lane road;^{8,9} and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Since 1964, approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke;^{2,10} and
- Secondhand smoke is responsible for an estimated 41,300 heart disease-related and lung cancer-related deaths among adult nonsmokers each year in the United States;¹⁰ and
- Exposure to secondhand smoke increases the risk of coronary heart disease by about 25 percent to 30 percent¹¹ and increases the risk of stroke by 20 percent to 30 percent;¹² and

WHEREAS, tobacco use and exposure to secondhand smoke impose great social and economic costs, as evidenced by the following:

- Between 2009 and 2012, the total annual economic burden of smoking in the United States was between \$289 billion and \$332.5 billion;¹ and
- From 2005 to 2009, the average annual health care expenditures attributable to smoking were approximately \$132.5 billion to \$175.9 billion in direct medical care costs for adults and \$151 billion in lost productivity;¹ and
- The total annual cost of smoking in California was estimated at \$548 per resident or between \$2,262 and \$2,904 per smoker per year;¹³ and
- California’s Tobacco Control Program saved the state and its residents \$134 billion in health care expenditures between the year of its inception, 1989, and 2008, with savings growing yearly;¹³ and

WHEREAS, laws restricting the use of tobacco products have recognizable benefits to public health and medical costs with a review of over 80 peer-reviewed research studies showing that smoke-free policies effectively do the following:

- Reduce tobacco use: tobacco use is reduced by median of 2.7 percent;¹⁴ and
- Reduce exposure to secondhand smoke: air pollution is reduced by a median of 88 percent and biomarkers for secondhand smoke are reduced by a median of 50 percent;¹⁴ and
- Increase the number of tobacco users who quit by a median of 3.8 percent;¹⁴ and

- Reduce initiation of tobacco use among young people;¹⁴ and
- Reduce tobacco-related illnesses and death: there is a 5.1 percent median decrease in hospitalizations from heart attacks and a 20.1 percent decrease in hospitalizations from asthma attacks after such laws are passed;¹⁴ and

WHEREAS, laws restricting electronic smoking devices use also have benefits to the public as evidenced by the following:

- Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm,^{6, 15, 16, 17} such as formaldehyde, acetaldehyde, lead, nickel, and toluene;^{18,19, 20} and
- More than one study has concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping;^{18,20,21} and
- The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment;²² and
- The State of California’s Tobacco Education and Research Oversight Committee (TEROC) “opposes the use of e-cigarettes in all areas where other tobacco products are banned;”²³ and

WHEREAS, smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as evidenced by the following:

- Smokeless tobacco use is associated with oral, esophageal, and pancreatic cancers;²⁴ and
- Smokeless tobacco is associated with increased risk for heart disease and stroke,^{25, 26, 27} stillbirth and preterm delivery,^{1, 28} and Parkinson’s disease;¹ and

WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:

- In 2007, it was estimated that Americans consume 360 billion cigarettes each year;^{29, 30} and
- 55.7 percent of smokers admit to littering cigarettes in the last month;³¹ and
- In an observational study of nearly 10,000 individuals, after cigarettes were smoked, 45 percent of cigarettes ended up as litter;³⁰ and
- In 2011, 22.6 percent of all debris collected from beaches and coastal areas are smoking related products;³² and
- Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm

drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean;^{32, 33} and

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

- In 2012, American poison control centers received nearly 8,648 reports of poisoning by the ingestion of cigarettes, cigarette butts, and other tobacco products and 84.5 percent of these poisonings were in children ages five and younger;³⁴ and
- Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging;³⁵ and

WHEREAS, though widely perceived as a comprehensive smoke-free air law, exemptions and loopholes in the California Smoke-free Workplace Act³⁶ mean that one in seven Californians faces secondhand smoke exposure at work;³⁷ and

WHEREAS, exemptions and loopholes in the California Smoke-free Workplace Act³⁶ disproportionately impact low-income and communities of color as evidenced by the following:

- California Labor Code does not prohibit smoking in hotels, cabs of trucks, warehouses, long-term care facilities, outdoor places of employment, small businesses, tobacco shops, and private smokers' lounges, which disproportionately employ individuals of low-income and individuals of color;^{38, 39, 40} and
- Male and Hispanic/Latino workers are the most likely to report being exposed to secondhand smoke at work;⁴¹ and

WHEREAS, California cities and counties have the legal authority to adopt local laws that make all indoor places of employment nonsmoking;⁴² and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions;⁴³ and

WHEREAS, the state smoke-free workplace law does not expressly prohibit the use of electronic smoking devices in enclosed workplaces;³⁶ and

WHEREAS, there is broad public recognition of the dangers of secondhand smoke and support for smoke-free air laws, as evidenced by the following:

- A 2008 survey of California voters found that 97 percent thought that secondhand smoke is harmful, 88 percent thought secondhand smoke was harmful even outdoors, 65 percent were bothered by secondhand smoke, and 73 percent support laws restricting smoking in outdoor public places;⁴⁴ and

WHEREAS, as of April 2015, there are at least 64 California cities and counties with local laws restricting smoking in workplaces not covered by the state smoke-free workplace law;⁴⁵ and

WHEREAS, as of April 2014, at least 131 local jurisdictions in California prohibit the use of electronic smoking devices in specific locations;⁴⁶ and

WHEREAS, as of January 2015, there are at least 348 California cities and counties with local laws restricting smoking in recreational areas, 129 with local laws restricting smoking in outdoor dining places, and 48 with local laws restricting smoking on sidewalks in commercial areas;⁴⁷ and

WHEREAS, there is no Constitutional right to smoke;⁴⁸

NOW THEREFORE, it is the intent of the Palm Springs, California City Council, in enacting this ordinance, to provide for cleaner air for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live, work, and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City of Palm Springs.

SECTION II. Article ___ of the Palm Springs Municipal Code is hereby amended to read as follows:

Sec. ____ (*1) DEFINITIONS. The following words and phrases, whenever used in this article shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) “Business” means any sole proprietorship, partnership, joint venture, corporation, association, landlord, or other entity formed for profit-making purposes.
- (b) “Cannabis” means a dried preparation of the flowering tops or other parts of the cannabis plant, or a resinous extract of it (cannabis resin), typically smoked or “vaped,” transdermal administration and/or orally consumed.
- (c) “Common Area” means every Enclosed Area and Unenclosed 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, paths, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages,

parking lots, restrooms, laundry rooms, cooking areas, and eating areas.

- (d) “Dining Area” means any area, including streets and sidewalks, that is available to or customarily used by the general public or an Employee, and that is designed, established, or regularly used, for consuming food or drink.
- (e) “Electronic Smoking Device” means an electronic device that 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. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.
- (f) “Employee” means any Person who is employed or retained as an independent contractor by any Employer in consideration for direct or indirect monetary wages or profit, or any Person who volunteers his or her services for an Employer.
- (g) “Employer” means any Business or Nonprofit Entity that retains the service of one or more Employees.
- (h) “Enclosed Area” means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has
 - (1) any type of overhead cover whether or not that cover includes vents or other openings and at least three (3) walls or other vertical constraint to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
 - (2) four (4) walls or other vertical constraints to airflow including, but not limited to, vegetation that exceed six (6) feet in height, whether or not those boundaries include vents or other openings.
- (i) “Landlord” means any person who owns property for rent for residential use, any person who rents 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.
- (j) “Minor” shall mean any individual who is less than eighteen (18) years of age.

- (k) “Multi-Unit Residence” means property containing two (2) or more Units except the following specifically excluded types of housing:
- (1) a hotel or motel that meets the requirements of California Civil Code section 1940(b)(2);
 - (2) a mobile home park;
 - (3) a campground;
 - (4) a single-family home;
 - (5) a single-family home with a detached or attached in-law or second unit.
- (l) “No Smoking Sign” means a sign containing the words “No Smoking” or the international “No Smoking” symbol (a pictorial representation of a burning cigarette in a red circle with a red bar across it.)
- (n) “Nonprofit Entity” means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a Nonprofit Entity within the meaning of this article.
- (o) “Patron” means a person who buys the goods or uses the services offered by an establishment.
- (p) “Person” means any natural person, cooperative association, Employer, personal representative, receiver, trustee, assignee, or any other legal entity including a government agency.
- (q) “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 the operations, regardless of the hours of operation.
- (r) “Public Place” means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.
- (s) “Reasonable Distance” means a distance of twenty-five (25) feet in any direction from an area in which Smoking is prohibited.

- (t) “Recreational Area” means any area, including streets and sidewalks, 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, riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches.
- (u) “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 receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “Service Area” includes but is not limited to areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.
- (v) “Smoke” means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine *and* the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoke” includes, but is not limited to, tobacco smoke, Electronic Smoking Device vapors, marijuana smoke, and crack cocaine smoke.
- (w) “Smoking” means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.
- (x) “Tobacco Product” means:
- (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether Smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
 - (2) Any Electronic Smoking Device (including, but not limited to Vape pens).
 - (3) Notwithstanding any provision of subsections (1) and (2) to the contrary, “Tobacco Product” includes any component, part, or accessory of a Tobacco Product, whether or not sold separately. “Tobacco Product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco

cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

(y) “Unenclosed Area” means any area that is not an Enclosed Area.

(z) “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 single-family home; and an in-law or second unit.

(AA) “Vape” means to inhale vapor through the mouth from a usually battery powered-operated electronic device that heats up and vaporizes a liquid or solid.

Sec. ____ (*2). PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN ENCLOSED PLACES

(a) Smoking and the use of Tobacco Products is prohibited in the Enclosed Areas of the following places within the City of Palm Springs:

(1) Places of Employment;

(2) Other Businesses that have a common or shared air space with an Enclosed Area in which smoking is prohibited by law, such as, without limitation, openings, cracks, air ventilation systems, doorways, hallways, and stairways. Notwithstanding any other provision, the fact that Smoke enters one Enclosed Area from another Enclosed Area is conclusive proof that the areas share a common or shared air space;

(3) Public Places;

(4) Common Areas in Multi-Unit Residences (common interest and rental); and

(5) Residential Units in Multi-Unit Residences (common interest and rental).

(b) Smoking and the use of Tobacco Products is prohibited by this article in all Enclosed Areas exempted by the California smoke-free workplace law (Labor Code section 6404.5(d), as that section may be amended from time to time) except as provided below.

- (1) Smoking is not restricted by this subsection in up to ten percent (10%) of guestroom accommodations in a hotel, motel, or similar transient lodging establishment that meets the requirements of California Civil Code section 1940(b)(2) if the hotel or motel permanently designates particular guestrooms as nonsmoking rooms such that ninety percent (90%) or more of guestrooms are permanently nonsmoking and ashtrays and matches are permanently removed from such nonsmoking rooms. Permanent “No Smoking” signage shall be placed in nonsmoking guestrooms.
- (2) Smoking inside a Tobacco Shop is not prohibited by this subsection if: (a) the Tobacco Shop does not sell edible products, including, for example, food, water, or drinks, or allow such products to be consumed on the premises; (b) the Tobacco Shop prohibits minors from entering the store at all times; and (c) the premises of the Tobacco Shop is an independent freestanding building unattached to any other building, establishment, or use. For the purposes of this exception, “Tobacco Shop” means any tobacco retailer that derives more than seventy-five percent (75%) of gross sales receipts from the sale or exchange of Tobacco Products and tobacco paraphernalia.
- (3) Smoking in a theatrical production by the actors 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.

Sec. ____ (*3). PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN UNENCLOSED AREAS

- (a) Smoking and the use of Tobacco Products is prohibited in the Unenclosed Areas of the following places within the City of Palm Springs:
 - (1) Recreational Areas;
 - (2) Service Areas;
 - (3) Dining Areas;
 - (4) Places of Employment;
 - (5) Common Areas of Multi-Unit Residences provided, however, 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:

- (i) the area must be located a Reasonable Distance from any Unit or Enclosed Area where Smoking is prohibited by this article 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 Person with legal control over a designated Smoking area may be obliged to modify, relocate, or eliminate that as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established;
 - (ii) 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, school campuses, and sandboxes;
 - (iii) the area must be no more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;
 - (iv) the area must have a clearly marked perimeter;
 - (v) the area must be identified by conspicuous signs;
 - (vi) the area must be completely within an Unenclosed Area; and
 - (vii) the area must not overlap with any Enclosed or Unenclosed Area in which Smoking is otherwise prohibited by this article or other provisions of this Code, state law, or federal law; and
- (6) Common Areas of Home Owner Associations, Planned Urban Developments, and Common Interest Community Spaces; and
- (7) Other Public Places, when being used for a public event, including but not limited to a farmers' market, parade, craft fair, festival, or any other event open to the general public.

- (b) Nothing in this article prohibits any Person, Employer, or Nonprofit Entity with legal control over any property from prohibiting Smoking and Tobacco Product use on any part of such property, even if Smoking or the use of Tobacco Products is not otherwise prohibited in that area.
- (c) The Director of Community and Economic Development or his/her designee shall conduct an ongoing educational program to explain and clarify the purposes and requirements of this article, as well as to provide guidance to Persons, Employers, and Nonprofit Entities about compliance. However, lack of such education shall not be a defense to a violation of this article.

Sec. ____ (*4). REASONABLE SMOKING DISTANCE REQUIRED

- (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.
- (b) Smoking in Unenclosed Areas shall be prohibited within a Reasonable Distance from any Unenclosed Areas in which Smoking is prohibited under Sec. ____ (*3) of this article.
- (c) The prohibitions in subdivisions (a) and (b) shall not apply to Unenclosed Areas of private residential properties that are not Multi-Unit Residences.

Sec. ____ (*5). OTHER REQUIREMENTS AND PROHIBITIONS

- (a) No Person, Employer, or Nonprofit Entity shall knowingly permit Smoking or the use of Tobacco Products in an area which is under the legal or de facto control of that Person, Employer, or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law.
- (b) No Person, Employer, or Nonprofit Entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that Person, Employer, or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law, including, without limitation, within a Reasonable Distance required by this article from any area in which Smoking or the use of Tobacco Products 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 or the use of Tobacco Products in violation of any provision of this article.

(c) No Person shall dispose of used Smoking or Tobacco Product waste within the boundaries of an area in which Smoking or Tobacco Product use is prohibited, including within any Reasonable Distance required by this article.

(d) A Person, Employer, or Nonprofit Entity that has legal or de facto control of an area in which Smoking and the use of Tobacco Products is prohibited by this article shall post a clear, conspicuous and unambiguous “No Smoking” and “No Use of Tobacco Products” or “Smoke-free” and “Tobacco-Free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. 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 shall also indicate the maximum fines allowable. Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Distance requirement set forth in Sec. ___ (*4). At least one sign with the City of Palm Springs phone number to which complaints can be directed must be placed conspicuously 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 of Palm Springs. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any other provision of this article.

(e) No Person, 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 article.

(f) Each instance of Smoking or Tobacco Product use in violation of this article shall constitute a separate violation. For violations other than for Smoking, each day of a continuing violation of this article shall constitute a separate violation.

Sec. ___ (*6). PENALTIES AND ENFORCEMENT.

(a) The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.

(b) 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.

(c) It shall be unlawful for any person to Smoke in any area where smoking is prohibited under this chapter.

(b) Each incident of Smoking or use of Tobacco Products in violation of this article is an infraction subject to a fine of up to five hundred dollars (\$500) and/or up to twenty-five (25) hours of monitored community service work or completion of a smoking cessation program or otherwise punishable pursuant to section ____ of this code. Other violations of this article may, at the discretion of the City Attorney, be prosecuted as infractions or misdemeanors when the interests of justice so require. Enforcement of this chapter shall be the responsibility of the City Attorney. In addition, any peace officer or code enforcement official also may enforce this chapter.

(c) Violations of this article are subject to _____ brought by the City of Palm Springs, punishable by a civil fine not exceeding five hundred dollars (\$500) per violation and/or up to twenty-five (25) hours of monitored community service work or completion of a smoking cessation program.

(d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this article shall also constitute a violation of this article.

(e) Any violation of this article is hereby declared to be a nuisance.

(f) In addition to other remedies provided by this article or by other law, any violation of this article may be remedied by a civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

(g)

(j) Except as otherwise provided, enforcement of this article is at the sole discretion of the City. Nothing in this article shall create a right of action in any Person against the City or its agents to compel public enforcement of this article against private parties.

Sec. ____ (*7). OTHER LAWS.

It is not the intention of this article to regulate any conduct where the regulation of such conduct has been preempted by the State of California.

SECTION III. STATUTORY CONSTRUCTION & SEVERABILITY

It is the intent of the City Council of the City of Palm Springs, California, to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any Person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other Person or circumstance. The City Council of the City of Palm Springs, California, hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof independently, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

1. U.S. Department of Health and Human Services. *The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General Executive Summary.*; 2014. Available at: www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf.
2. U.S. Surgeon General. Factsheet: The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. 2014. Available at: www.surgeongeneral.gov/library/reports/50-years-of-progress/factsheet.html. Accessed June 2, 2015.
3. U.S. Department of Health and Human Services. 2006 Surgeon General’s Report—The Health Consequences of Involuntary Exposure to Tobacco Smoke. 2006. Available at: www.cdc.gov/tobacco/data_statistics/sgr/2006/index.htm. Accessed June 14, 2014.
4. California Environmental Protection Agency Air Resources Board. *Environmental Tobacco Smoke: A Toxic Air Contaminant. California Environmental Protection Agency Air Resources Fact Sheet.*; 2006. Available at: www.arb.ca.gov/toxics/ets/factsheetets.pdf.
5. California Environmental Protection Agency Air Resource Board. California Identifies Secondhand Smoke as a “Toxic Air Contaminant.” *News Release.* 2006. Available at: www.arb.ca.gov/newsrel/nr012606.htm.
6. Chemicals known to the state to cause cancer or reproductive toxicity. State of California Environmental Agency Office of Health Hazard Assessment Safe Drinking Water and Toxic Enforcement Act of 1986. 2015. Available at: www.oehha.ca.gov/prop65/prop65_list/files/P65single012315.pdf.
7. Klepeis N, Ott W, Switzer P. *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study.*; 2004. Available at: http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf.
8. Klepeis NE, Ott WR, Switzer P. Real-time measurement of outdoor tobacco smoke particles. *J Air Waste Manag Assoc.* 2007;57(August 2013):522–534. doi:10.3155/1047-3289.57.5.522.
9. Repace J. Benefits of Smoke-free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles. *William Mitchell Law Rev.* 2008;34(4):1621–1638. Available at: www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf.
10. Centers for Disease Control and Prevention. Secondhand Smoke (SHS) Facts. 2014. Available at: www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm. Accessed June

13, 2014.

11. Institute of Medicine. *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*. Washington, DC; 2010. Available at: www.iom.edu/en/Reports/2009/Secondhand-Smoke-Exposure-and-Cardiovascular-Effects-Making-Sense-of-the-Evidence.aspx.
12. U.S. Department of Health and Human Services. *The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General.*; 2014. Available at: www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf.
13. Lightwood J, Glantz S a. The effect of the California tobacco control program on smoking prevalence, cigarette consumption, and healthcare costs: 1989-2008. *PLoS One*. 2013;8(2):e47145. doi:10.1371/journal.pone.0047145.
14. Guide to Community Preventive Services. Reducing Tobacco Use and Secondhand Smoke Exposure: Smoke-Free Policies. 2012. Available at: www.thecommunityguide.org/tobacco/smoke-free-policies.html. Accessed July 29, 2014.
15. California Department of Public Health California Tobacco Control Program. *State Health Officer's Report on E-Cigarettes: A Community Health Threat*. Sacramento, CA Available at: <http://cdph.ca.gov/programs/tobacco/Documents/Media/State-Health-e-cig-report.pdf>.
16. Grana R, Benowitz N, Glantz S. *Background Paper on E-cigarettes (Electronic Nicotine Delivery Systems).*; 2013. Available at: <http://escholarship.org/uc/item/13p2b72n>.
17. Williams M, Villarreal A, Bozhilov K, Lin S, Talbot P. Metal and silicate particles including nanoparticles are present in electronic cigarette cartomizer fluid and aerosol. *PLoS One*. 2013;8(3):e57987. doi:10.1371/journal.pone.0057987.
18. German Cancer Research Center. "Electronic Cigarettes - An Overview" *Red Series Tobacco Prevention and Control*. Heidelberg; 2013. Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf.
19. Goniewicz ML, Knysak J, Gawron M, et al. Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tob Control*. 2013;1:1–8. doi:10.1136/tobaccocontrol-2012-050859.
20. Schripp T, Markewitz D, Uhde E, Salthammer T. Does e-cigarette consumption cause passive vaping? *Indoor Air*. 2013;23(1):25–31. doi:10.1111/j.1600-0668.2012.00792.x.
21. Schober W, Szendrei K, Matzen W, et al. Use of electronic cigarettes (e-cigarettes) impairs indoor air quality and increases FeNO levels of e-cigarette consumers. *Int J Hyg Environ Health*. 2013. doi:10.1016/j.ijheh.2013.11.003.
22. McMillen R, Maduka J, Winickoff J. Use of emerging tobacco products in the United States. *J Environ Public Health*. 2012;2012. doi:10.1155/2012/989474.
23. Tobacco Education and Research Oversight Committee (TEROC). *Position on Electronic-Cigarettes (e-cigarettes).*; 2013. Available at: www.cdph.ca.gov/services/boards/teroc/Documents/Positions/TEROC-Official-Position-of-E-Cigs-June-2013-final.pdf.
24. National Cancer Institute. Smokeless Tobacco and Cancer. 2010. Available at: www.cancer.gov/cancertopics/causes-prevention/risk/tobacco/smokeless-fact-sheet. Accessed April 2, 2012.
25. Henley SJ, Thun M, Connell C, Calle E. Two Large Prospective Studies of Mortality Among Men Who Use Snuff or Chewing Tobacco (United States). *Cancer Causes Control*. 2005;16(4):347–58. doi:10.1007/s10552-004-5519-6.
26. Boffetta P, Straif K. Use of smokeless tobacco and risk of myocardial infarction and stroke : systematic review with meta-analysis. 2009:1–6. doi:10.1136/bmj.b3060.

27. Arefalk G, Hambraeus K, Lind L, Michaëlsson K, Lindahl B, Sundström J. Discontinuation of smokeless tobacco and mortality risk after myocardial infarction. *Circulation*. 2014;130(4):325–32. doi:10.1161/CIRCULATIONAHA.113.007252.
28. Baba S, Wikström A-K, Stephansson O, Cnattingius S. Influence of snuff and smoking habits in early pregnancy on risks for stillbirth and early neonatal mortality. *Nicotine Tob Res*. 2014;16(1):78–83. doi:10.1093/ntr/ntt117.
29. United States Department of Agriculture. Tobacco Outlook. *Electron Outlook Rep from Econ Res Serv*. 2007;TBS-263:TBS–263. Available at: <http://usda.mannlib.cornell.edu/usda/ers/TBS/2000s/2007/TBS-10-24-2007.pdf>.
30. Schneider JE, Peterson NA, Kiss N, Ebeid O, Doyle AS. Tobacco litter costs and public policy: a framework and methodology for considering the use of fees to offset abatement costs. *Tob Control*. 2011;20 Suppl 1(Suppl 1):i36–41. doi:10.1136/tc.2010.041707.
31. Rath JM, Rubenstein R a, Curry LE, Shank SE, Cartwright JC. Cigarette litter: Smokers' attitudes and behaviors. *Int J Environ Res Public Health*. 2012;9(6):2189–203. doi:10.3390/ijerph9062189.
32. Ocean Conservancy. Tracking Trash: 25 Years of Action for the Ocean. Washington, DC; 2011.
33. Novotny TE, Lum K, Smith E, Wang V, Barnes R. Cigarettes butts and the case for an environmental policy on hazardous cigarette waste. *Int J Environ Res Public Health*. 2009;6(5):1691–705. doi:10.3390/ijerph6051691.
34. Mowry JB, Spyker D a, Cantilena LR, Bailey JE, Ford M. 2012 Annual report of the American Association of Poison Control Centers' National Poison Data System (NPDS): 30th annual report. *Clin Toxicol*. 2013;51(10):949–1229. doi:10.3109/15563650.2013.863906.
35. Lewander W, Wine H, Carnevale R, et al. Ingestion of cigarettes and cigarette butts by children -- Rhode Island, January 1994 - July 1996. *Morb Mortal Wkly Rep*. 1997;40(6):125–128. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm.
36. Cal. Labor Code § 6404.5.; 1995.
37. Al-Delaimy W, White M, Mills A, et al. *Two Decades of the California Tobacco Control Program: California Tobacco Survey, 1990-2008.*; 2010. Available at: www.cdph.ca.gov/programs/tobacco/Documents/Resources/Publications/CDPH_CTS2008_summary_report_final.pdf.
38. Johnson R, Pearson A. *Left Behind in the Smoke: How Exemptions in California's Smoke-free Workplace Act Impact Health Inequities*. ChangeLab Solutions; 2014. Available at: <http://changelabsolutions.org/publications/smoke-free-workplaces-inequities>.
39. California Department of Public Health California Tobacco Control Program. Exemptions and Loopholes in California's Smoke-Free Workplace Law Fail to Protect Vulnerable Populations and Promote Health Inequities.; 2011.
40. California Department of Public Health California Tobacco Control Program. *Breathing secondhand smoke should not be a condition of employment in California 25.*; 2014. Available at: www.cdph.ca.gov/programs/tobacco/Documents/Resources/Fact_Sheets/Secondhand_Smoke_Infograph.pdf.
41. Max W, Sung H-Y, Shi Y. Exposure to secondhand smoke at home and at work in California. *Public Health Rep*. 2012;127(1):81–8. Available at: www.pubmedcentral.nih.gov/articlerender.fcgi?artid=3234400&tool=pmcentrez&rendertype=abstract.
42. Cal. Lab. Code § 6404.5(i) (West 2009).
43. NoCal. Health & Safety Code § 104495 (West 2008).
44. Goodwin Simon Victoria Research. Study of California Voters' Attitudes About Secondhand Smoke Exposure. *Cent Tob Policy Organ*. 2008. Available at: <http://center4tobaccopolicy.org/tobacco-policy/smoke-free->

outdoor-areas/secondhand-smoke-california-voters/.

45. American Nonsmokers' Rights Foundation. U.S. 100 % Smoke-free Laws in Non-Hospitality Workplaces AND Restaurants AND Bars American Nonsmokers ' Rights Foundation.; 2015. Available at: www.no-smoke.org/pdf/WRBLawsMap.pdf.
46. American Lung Association in California the Center for Tobacco Policy and Organizing. Local Policies on the Use of Electronic Cigarettes. 2015. Available at: <http://center4tobaccopolicy.org/wp-content/uploads/2015/04/Local-Policies-on-Use-of-E-Cigs-April-2015.pdf>.
47. Association AL. *State of Tobacco Control 2015.*; 2015. Available at: www.lung.org/associations/states/california/assets/pdfs/sotc-2015/sotc-2015_ca-full-report.pdf.
48. ChangLab Solutions. *There is No Constitutional Right to Smoke (CA Version.* Oakland, CA; 2005. Available at: <http://changelabsolutions.org/publications/no-right-to-smoke-CA>.

**Palm Springs Human Rights Commission
Community Service Awards
2021-2022**

Community Service Awards recognize individuals and organizations for "*Promoting Universal Human Rights Closer to Home*".

GENERAL CRITERIA FOR INDIVIDUAL AWARDEES:

- Although an individual recipient need not reside in the City of Palm Springs, the work for which he/she is being honored should be for the benefit of the residents of Palm Springs and/or the entire Coachella Valley.
- In general, the award should be used to recognize people **volunteering** their time to an activity promoting universal human rights, however . . .
- An award may be given to a person going above and beyond their job responsibilities to promote universal human rights.
- In general, no individual should receive more than one award --- even if they have continued to deserve it. Past Honorees can be found on the Human Rights Commission's webpage at <https://www.palmspringsca.gov/home/showpublisheddocument/77864/63749152635510000>
- Current Human Rights Commissioners are NOT eligible to receive an award.

GENERAL CRITERIA FOR ORGANIZATIONS:

- Both not-for-profit and for-profit organizations are eligible for the community service award.
- Although an organization awardee does not need to be based in the Coachella Valley, the activity for which they are being recognized should affect the residents of the Coachella Valley.
- The CEO/Executive Director/President/Chairman of an organization being given an award may accept the award on behalf of the organization, but it is the organization that is being recognized.

Following is a nomination form to be filled-out and submitted to Jay Virata, Staff Liaison to the Palm Springs Human Rights Commission by Wednesday, December 1, 2021. Mr. Virata's email address at Jay.Virata@palmspringsca.gov. A Human Rights Subcommittee will review all the nominations and submit its list of recommended award recipients at the Monday, December 13, 2021 Human Rights Commission meeting. The Commission will vote at that time whether to accept or reject the recommendations.

This year's Community Service Awards will be presented at the February 14, 2022 Commission meeting in the City Council Chamber at Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92264. The public is encouraged to attend the presentations.

**Palm Springs Human Rights Commission
Community Service Awards
Nomination Form**

Name of individual or organization/group being nominated:

Nominee's address:

Nominee's phone number:

Nominee's email address:

Nominee's Website address (if applicable)

If it is an organization or group being nominated please list the contact person:

Name and contact information of nominator, and list association (if any) of nominator with nominee.

Please list why you think the nominee is deserving of the award (i.e., has "promoted universal human rights closer to home".) OK to attach additional pages and/or information.



HUMAN RIGHTS COMMISSION

Deadline for nominations is December 1, 2021.

Please email your nominations to:

Jay Virata at Jay.Virata@palmspringsca.gov

Awards will be presented on February 14, 2022.