

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 01/12/09		Item Number: <u>C-7</u>			
AGENDA ITEM: Adoption of a Resolution Establishing Penalties for Violations of Chapter 9.11, Smoking Regulations.					
Contact Person/Dept.: Heather Baker/City Attorney		Phone Number: (310) 253-5660			
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐			
Public Hearing: ☐		Action Item: ☐ Attachments: ☒			
Public Notification: County of Los Angeles Department of Health Services (via email on 01/05/09); Culver City Chamber of Commerce and Downtown Business Association (via email on 01/05/09); restaurant owners (via mail on 01/05/09); individuals who spoke at prior Council Meetings (via email on 01/06/08); Master Notification List (via email on 01/07/09); and Coalition for a Tobacco Free LA County (comprised of over 70 organizations – this notification was emailed courtesy of the County of Los Angeles Department of Health Services on 01/07/09)					
Department Approval: Carol Schwab (by H. Baker) (01/05/09)		City Attorney Approval: Carol Schwab (by H. Baker) (01/05/09)			
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (01/06/09)		City Manager Approval: Jerry Fulwood (01/07/09)			
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a Resolution establishing penalties for violations of Chapter 9.11, Smoking Regulations. <u>BACKGROUND & DISCUSSION:</u> On September 22, 2008, the City Council adopted an Ordinance amending Chapter 9.11 of the Culver City Municipal Code (“CCMC”) relating to the City’s smoking regulations (Attachment 1). As set forth in the Ordinance, CCMC Section 9.11.130.C. provides the City Council shall, by resolution, establish the penalties for violations of Chapter 9.11. It was an oversight that the proposed Resolution did not accompany the Ordinance at the time of its adoption. Such resolution is being brought tonight for Council’s consideration and adoption. The proposed fine structure is as follows: <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 50%;"> <u>Infraction:</u> 1st violation - \$100 2nd violation within 1 year - \$200 3rd & subsequent within 1 year - \$500 </td> <td style="vertical-align: top; width: 50%;"> <u>Misdemeanor:</u> 1st violation - \$250 2nd violation within 1 year - \$500 3rd & subsequent within 1 year - \$1,000 </td> </tr> </table>				<u>Infraction:</u> 1st violation - \$100 2nd violation within 1 year - \$200 3rd & subsequent within 1 year - \$500	<u>Misdemeanor:</u> 1st violation - \$250 2nd violation within 1 year - \$500 3rd & subsequent within 1 year - \$1,000
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FISCAL ANALYSIS:

The adoption of the proposed Resolution will establish criminal penalties for violations of Chapter 9.11, Smoking Regulations. The collection of such fines would result in a negligible source of revenue, as the court receives a portion of such fines and those funds coming directly to the City would serve to offset costs of the potential increase in enforcement activity by the Police Department. It is not possible at this time to quantify an annual revenue receipt amount or forecast how much additional enforcement activity may be expended on this effort. Any fines received will be deposited to the Police Department's revenue account.

ATTACHMENTS:

1. Ordinance No. 2008-009
2. Proposed Resolution

MOTION:

That the City Council:

Adopt a Resolution establishing penalties for violations of Chapter 9.11, Smoking Regulations.