

1 RESOLUTION NO. 2020-R____

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
4 OF CULVER CITY, CALIFORNIA, AMENDING CITY
5 COUNCIL POLICY STATEMENT NO. 4304 REGARDING
6 *SMOKING IN THE WORKPLACE* (RENAMED *SMOKE-
FREE ENVIRONMENT* AND RENUMBERED).

7 WHEREAS, on May 23, 2016, the City Council created an Ad Hoc City
8 Council Policies Subcommittee (Subcommittee) for the purpose of working with staff from
9 the City Clerk's and City Attorney's Offices to conduct a comprehensive review of the City
10 Council Policy Statements and make recommendations to City Council as appropriate; and

11 WHEREAS, existing City Council Policy Statement No. 4304 entitled
12 *Smoking in the Workplace* ("Smoking Policy") was adopted 25 years ago in 1995 and
13 needs updating; and

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15 WHEREAS, since 1995, state law and the Culver City Municipal Code
16 ("CCMC") have changed significantly with regard to smoking, and there is an abundance of
17 new information regarding the health impacts of tobacco products; and

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19 WHEREAS, it is the recommendation of the Subcommittee and City staff that
20 the Smoking Policy be amended as reflected in Exhibit A of this Resolution.

21 NOW, THEREFORE, the City Council of the City of Culver City, California,
22 DOES RESOLVE as follows:

23 1. The City Council hereby adopts an amended City Council Policy entitled
24 "Smoke-Free Environment," which Policy is attached hereto as Exhibit "A" to this
25 Resolution, which will replace the existing Council Policy Statement No. 4304 (Smoking in
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1 the Workplace). Further, the amended Policy, as set forth in Exhibit A, shall supersede all
2 other previously adopted policies regarding the subject matter therein.

3 2. The City Manager is hereby authorized to format the attached City Council
4 Policy in a format consistent with other City Council adopted policies and shall include the
5 final version of this adopted Policy with other adopted policies.

6 3. The City Manager shall distribute the attached City Council Policy to
7 interested parties, which include, but are not limited to, City Staff.
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10 APPROVED and ADOPTED this _____ day of February, 2020.

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13 _____
MEGHAN SAHLI-WELLS, Mayor
City of Culver City, California

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15 ATTEST:

16 APPROVED AS TO FORM:

17 _____
JEREMY GREEN, City Clerk

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20 _____
CAROL A. SCHWAB, City Attorney
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**CITY OF CULVER CITY
COUNCIL POLICY STATEMENT**

Policy Number: XXXX

General Subject: XXXXXX

Date Issued: 02/24/2020

Specific Subject: Smoke-Free Environment

Effective Date: 02/24/2020

Resolution No.: 2020-RXX

PURPOSE

The purpose of the Smoke-Free Environment Policy (Policy) is to further the City's goals and objectives of providing a healthy workplace environment and promoting employee health and productivity through the elimination of Tobacco Products and Electronic Smoking Devices in and/or around City Facilities and Work Areas and in City Vehicles.

DEFINITIONS

City Facilities means all property, owned, operated or controlled by the City of Culver City, including, but not limited to, building and parking structures, surface parking lots and ground areas. For purposes of this Policy, City Facilities shall not include any designated smoking area established in City Hall Courtyard, and any paved public sidewalk immediately abutting the boundary of a Park or Recreational Area (as defined in the Smoking Regulations set forth in the Culver City Municipal Code) or any parking area within the boundaries of a Park or Recreational Area.

City Vehicles means all vehicles owned, operated or controlled by the City of Culver City, including, but not limited to, City buses, refuse trucks, and all other cars, trucks and vans that have been assigned for employee use.

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.

Electronic Smoking Device Paraphernalia means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

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 and marijuana smoke.

Smoking means engaging in an act that generates Smoke, such as, for example: the possession of a lighted Tobacco Product, lighted Tobacco Paraphernalia, or any other lighted weed or plant, including a lighted pipe, lighted hookah pipe, a lighted cigar, or a lighted cigarette of any kind; the lighting of a pipe, a hookah pipe, a cigar, or a cigarette of any kind; the possession of an operating Electronic Smoking Device; or the operation of an Electronic Smoking Device.

Smoking Paraphernalia means Tobacco Paraphernalia, Electronic Smoking Devices, and Electronic Smoking Device Paraphernalia.

Tobacco Paraphernalia means any item designed or marketed for the consumption, use, or preparation of Tobacco Products. Tobacco Paraphernalia includes Electronic Smoking Device Paraphernalia.

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 a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco hookah tobacco, snuff, snus and Hookah Tobacco;
2. Any Electronic Smoking Device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine;
3. Notwithstanding the definitions set forth in Subsections 1 and 2 to the contrary, Tobacco Product includes any component, part, or accessory of Subsections 1 and 2, whether or not any of these

contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes; and

4. Tobacco Product does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Work Areas shall include all private offices, shops, work bays, warehouses, storerooms, lounges, locker rooms, hallways, restrooms, City Vehicles, or other similar areas owned, operated or controlled by the City of Culver City.

STATEMENT OF POLICY

California Government Code Sections 7596-7598 prohibit any public employee or member of the public from Smoking any Tobacco Product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building. California Labor Code Section 6404.5 prohibits Smoking in any enclosed space at a place of employment. Further, in recognition of the potential hazards to public health, which may be caused or contributed to by Smoking and the use of Tobacco Products, the City Council has adopted local regulations to further restrict Smoking within the City of Culver City (See Culver City Municipal Code, Chapter 9.11, prohibiting Smoking in outdoor dining areas, City parks and recreational areas, and multi-unit housing).

Consistent with these State and local laws, as set forth above, it is the intent of the City Council to provide for the public's health, safety, and welfare, including the health, safety and welfare of City employees, by discouraging the potentially hazardous activity of Tobacco Product use around non-consenting individuals and reducing the number of locations in the City where exposure to secondhand Smoke can occur.

PROHIBITION

Employees and members of the public are prohibited from Smoking and the use of Smoking Paraphernalia and Tobacco Products at all times in all Work Areas, City Facilities and City Vehicles.

ENFORCEMENT

Employees found to be in violation of this Policy, including supervisors and managers who knowingly fail to properly enforce the Policy, shall be subject to disciplinary action, up to and including termination of

employment. Disciplinary enforcement of this Policy shall be the responsibility of appointing authorities in their respective departments.

Employees and members of the public found in violation of this Policy may also be subject to penalties under State law and the Culver City Municipal Code.

EMPLOYEE ASSISTANCE

In support of this Policy and in an effort to encourage employee lifestyles which improve health and productivity, the City shall provide assistance in cessation of Smoking and the use of Tobacco Products (the "Program"). The Program shall be administered by the Human Resources Division, as approved and budgeted by the City Council. The Program may include classes, medical therapy or other clinical techniques. Procedures for obtaining assistance shall be developed and communicated on request to interested employees by the Human Resources Division.

Employees provided with financial assistance must successfully complete the Program in which they have enrolled or reimburse the City. Financial assistance will only be available one time per employee.

Copies of this policy shall be provided to each employee through the Human Resources Division.