

**HUMAN SERVICES COMMITTEE
MINUTES
December 3, 2013**

Present

Councilor Sorte, Chair
Councilor Beilstein
Councilor York

Staff

Jim Patterson, City Manager
Jim Brewer, Deputy City Attorney
Ken Gibb, Community Development Director
Jon Sassaman, Police Chief
Marci Laurent, Management Assistant
Carrie Mullens, City Manager's Office

Visitors

Jennifer Moore, United Way of Benton and Lincoln Counties (UWBLC) Executive Director
Sara Hartstein, Benton County Health Promotion Specialist 2
Charlie Fautin, Benton County Deputy Administrator – Community Health

SUMMARY OF DISCUSSION

	<u>Agenda Item</u>	<u>Information Only</u>	<u>Held for Further Review</u>	<u>Recommendations</u>
I.	2014-2015 Social Services Priorities and Calendar			Continue current funding priorities, conceptually approve proposed allocations calendar, and adopt an anticipated funding range of \$354,340 for Fiscal Year 2014-2015.
II.	Municipal Code Review: Chapter 5.03, "Offenses" (Smoking Enforcement Hiatus)			Amend Municipal Code Chapter 5.03, "Offenses," by means of an ordinance read by the City Attorney.
III.	Council Policy Review and Recommendation: 92-5.04, "Hate/Bias Violence"		May 2014	
IV.	Other Business	Yes		

Chair Sorte called the meeting to order at 2:00 pm.

CONTENT OF DISCUSSION

I. 2014-2015 Social Services Priorities and Calendar

Mr. Gibb noted that this annual review of funding priorities follows a full policy review conducted last year. He reviewed the staff memo, highlighting the following:

- UWBLC reviewed administrative costs and proposed reducing the five-percent fee by more than 50 percent. Combining allocation cycles and streamlining agency reporting resulted in this reduction that will begin with the 2014-2015 contract.
- The City's current funding priorities of Emergency and Transitional Services are defined in Council Policy 6.05, "Social Service Funding Policy." Anticipated future

- recommendations by the United Way Vision Council may influence a discussion about amending these priorities.
- The proposed calendar identifies important funding cycle dates.
 - Staff estimates the Fiscal Year 2014-2015 funding to be \$354,340.

Ms. Moore reported that the providers and volunteers preferred the combined, streamlined allocation process utilized during the last funding cycle. The process was more efficient, provided good discussion opportunities, and resulted in better funding packages. Additionally, a need to build a better knowledge base was identified. UWBLC redefined the allocation committee into a standing committee to provide greater program knowledge and service levels. The Community Investment Committee (CIC) will also provide oversight of interim reports and is considering development of a grants intent letter as a means to preview requests and prepare for the funding cycle.

Councilor York noted that the proposed calendar includes dates that conflict with City Council meetings, specifically May 19, 2014. She suggested the calendar be created around City Council meetings to allow the Council Liaison to fully participate. She requested information about which meetings would be most important for the Council Liaison to attend.

Ms. Moore explained that the calendar has not yet been finalized. She identified critical meetings as volunteer training, granting committee meetings, agency presentations, and allocation meetings. She said she attempted to work around the City Council meeting dates, but was not able to change the May 19 date.

In response to Councilor Beilstein's inquiry about the CIC, Ms. Moore said a UWBLC board member is working with this new committee to develop structure and succession planning. The goal is to keep it fresh while nurturing the knowledge base. During the last three funding cycles, the allocations committee turnover averaged 50 percent. UWBLC felt it important to rename the committee since they have an expanded role.

Councilor Beilstein commended UWBLC for recalculating the administrative fee and noted that the savings will provide additional funds for agencies. He said the City would not want UWBLC to operate ineffectively in an attempt to save funding.

Ms. Moore confirmed that UWBLC thoroughly discussed the decrease. The new process has provided greater efficiency. Following a review of the cost to administer the revised process, UWBLC felt it was important to reduce the fee to the baseline cost.

Mr. Gibb and Ms. Laurent explained the allocation appropriations for Fiscal Year 2014-2015 and the three percent holdback. The Council adopts a budget in June before the levy amount is realized in November. Three percent of the allocation is held back until the levy amount is known. The amount held back in 2011 has been added into the allocations for Fiscal Year 2014-2015.

Councilor Beilstein said he would be hesitant to make any changes to the priorities at this time. Mr. Gibb noted that UWBLC confirmed the current priorities work well and are a good fit with other funding sources.

The Committee unanimously recommends Council continue the current funding priorities, conceptually approve the proposed allocations calendar, and adopt the anticipated funding range of \$354,340 for Fiscal Year 2014-2015.

Chair Sorte agreed with Councilor Beilstein's comments about the reduced administrative fee. He noted that it is more difficult to increase an amount once it has been decreased.

Chair Sorte requested Mr. Gibb and/or Ms. Moore report directly to Council at the next meeting regarding the decrease in administrative fee and the number of volunteers involved in the allocation process.

Councilor York requested a copy of the finalized calendar.

II. Municipal Code Review: Chapter 5.03, "Offenses" (Smoking Enforcement Hiatus)

Mr. Brewer explained that in 1997 Corvallis was the first city in Oregon to enact regulations prohibiting smoking in most places of employment and public places, including bars and restaurants. Soon thereafter, the State passed legislation preventing other local governments from passing similar regulations. In 2007, the State amended the Oregon Indoor Clean Air Act to replicate most of Corvallis' regulations. In 2008, Council adopted a hiatus on enforcement of many of the Corvallis regulations. This allowed for uniform enforcement throughout the County and the ability to retain authority of local regulations, if needed. The State has since changed its position regarding local regulations and the Benton County Health Department (point of contact for education and ordinance enforcement) has identified areas where stricter local regulations would be in the public interest, specifically related to e-cigarettes and hookah lounges. The Health Department has been discussing these potential changes with local jurisdictions to encourage enactment of parallel regulations for uniform education and enforcement.

Ms. Hartstein reviewed a PowerPoint presentation (Attachment 1) and recommended changes to Municipal Code Chapter 5.03 to clarify enforcement language, include additional related definitions, restrict the use of e-cigarettes indoors and amend the local tobacco retail store exemption.

Ms. Hartstein clarified for Councilor Beilstein that Tony's Smoke Shop had a hookah lounge in operation before the 2009 legislation was enacted. The location is now used as a print shop. They did not apply for a State certification possibly due to being located in a strip mall. She confirmed that local codes can be more restrictive than State law.

Ms. Hartstein confirmed that all local jurisdictions have been involved in this conversation except for Monroe. A County Commissioner attended each of the meetings. The intent is to implement parallel changes simultaneously.

Chair Sorte noted that the recommendations are minimal except for including new technology. He encouraged advanced notice to local retailers.

Mr. Fautin said the County made contact with every licensed tobacco vendor, invited them to meetings, provided an outline of changes, and offered opportunities to provide

input. The retailers are more concerned about licensure changes. A number of retailers already treat e-cigarettes like tobacco products (behind counters, not selling to minors) and desire marketing equity and consistency throughout the County.

The Committee unanimously recommends Council amend Corvallis Municipal Code Chapter 5.03, "Offenses," by means of an ordinance read by the City Attorney.

III. Council Policy Review and Recommendation: 92-5.04, "Hate/Bias Violence"

Chief Sassaman reviewed the staff report. The goal of the policy is for equal rights for all citizens. It denounces hate/bias violence activity and directs staff to investigate hate/bias crimes and provide ongoing training for Corvallis Police Officers. The report includes a list of the trainings for the last two years. The policy references a contract with Community Alliance for Diversity (CAD) to act as a liaison between the community and the City regarding complaints and referrals. In 2012, the contract was terminated at CAD's request. Chief Sassaman was not able to make contact with CAD; however, Chair Sorte told him that CAD exists in a less structured environment.

Chair Sorte explained that CAD is a stand-alone group that no longer has support. He would prefer to amend the policy to continue working with CAD in an advisory role. He will discuss this further with CAD.

Councilor Beilstein confirmed that CAD requested to be released from the contract. CAD is not a strong organization. Its core group of four includes Benton County Health, elected officials, and a Council Liaison appointed by Mayor Manning (currently Chair Sorte). He opined that there is no relationship between this policy and CAD and that removing CAD language from the policy is appropriate. The contract between the City and CAD reestablished an ombudsman that had previously been located in the Police Department and, for a period of time, the City Manager's Office. Councilor Beilstein expressed concern about the current lack of an ombudsman position and function. He does not believe including CAD in this policy is a good way to fulfill that role.

Chief Sassaman said the policy takes a strong position against hate/bias and provides a good mechanism for enforcement.

Councilor York noted that everyone has bias and said it is sometimes difficult to understand how bias behaviors impact others. She expressed concern that no one is reviewing the impact of bias. She requested information about the Officer training curriculum how that training is evaluated.

Chief Sassaman said the City has a partnership with Benton County for diversity training. He attends specific diversity training that includes law enforcement representatives world-wide. The Department works with OSU and the Multicultural Center on local demographic issues and they provide training to one another. Internally, the Department reviews all laws related to anti-discrimination. The Department is one of a limited number of agencies that collects stop data. The data is reviewed and measured against other jurisdictions every five years. The Citizens Review Board was established to investigate and respond to biased-based complaints against law enforcement.

Chair Sorte expressed concern about how the City would respond to a bias complaint without a third party group to investigate. He suggested that most of the policy language could be deleted and CAD and the Commission for Martin Luther King, Jr. (MLK Commission) could act in an advisory role to address complaints. The Police Department no longer supports a full-time ombudsman position; however, it is an important position to have. In the meantime, involving CAD and MLK Commission formally acknowledges the City's recognition that there needs to be another perspective.

Councilor York agreed with the concept of including another group, but not until training and development parameters are initiated.

Chief Sassaman explained that the Department's role is as an investigative body. CAD does not have that authority.

Mr. Patterson added that including the MLK Commission may require changing their mission and/or charge. Empowering a group of people to serve in an advisory role includes the expectation that those involved want that responsibility. Serving in an advisory role will require dedicated participation by all members, training, and time commitments. He suggested Chief Sassaman conduct outreach, meet with the MLK Commission, CAD, and the NAACP and report back to this Committee.

Councilor York said, several months ago this Committee directed the MLK Commission to revisit their mission and report back. According to their minutes it does not appear they will report for several more months. She expressed concern that they would be given additional responsibilities when they have not yet responded to a directive by this Committee.

Councilor York announced that the Public Participation Task Force is discussing the creation of a Human Relations Board that would include issues related to diversity, inclusion, bias, and outreach. This Board may be able to provide an advisory role for bias-related complaints.

Chair Sorte said the MLK Commission has been working on the January celebration. They are also planning a retreat to work on the mission.

After further discussion, Chief Sassaman agreed that there is no hurry to amend the policy. He will schedule time to meet with various groups and report back to this Committee in a few months. In the meantime, complaints will be investigated as usual.

Mr. Patterson noted that two cases of potential bias have been reported to him. The cases were reported to Chief Sassaman and investigated. He added that Chief Sassaman and his Department understand the importance of these types of complaints and address them appropriately.

Councilor Beilstein suggested Chief Sassaman also meet with CASA. He said meeting with external groups will provide information about what type of advisory role the organizations can offer and what issues are currently relevant in the community.

IV. Other Business

The next Human Services Committee meeting is scheduled for 2:00 pm on Tuesday, December 17 in the Madison Avenue Meeting Room.

The meeting adjourned at 3:32 pm.

Respectfully submitted,

Bruce Sorte, Chair

Proposed Smokefree Workplace Ordinance Updates

Sara Hartstein, Health Policy Specialist
Benton County Health Department

Corvallis Human Services Committee
December 3, 2013



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New and Emerging Youth Issues

- 1) Electronic smoking devices
- 2) Hookah smoking
- 3) Access to conventional tobacco

The issues can be addressed through amendments to local tobacco ordinances.

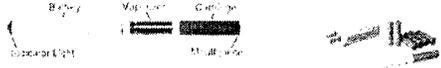
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Smoking e-cigs indoors	X		
Smoking indoors (hookah smoking / lounge)	X		
County-wide enforcement	X	X	
E-cig sales to youth			X
Conventional tobacco sales to youth			X
Candy-flavored tobacco products			X
Compliance with local, state, and federal tobacco laws			X

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What are Electronic Smoking Devices?

- Commonly called “E-cigarettes”, “E-pipe”, etc.
- Battery operated
- Look and used like conventional products
- Deliver vaporized nicotine through a propylene glycol solution
- A smoke-like vapor is released



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Smokeless does not mean harmless

- **First and secondhand vapor** contain chemicals known to cause cancer and birth defects
- **Unregulated**
 - Safety claims, ingredients, and nicotine levels all go unchecked
 - No age restriction



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New concerns and potential risks:

- Adverse impact on users’ health
 - Chemical contamination
 - Uncontrolled levels of nicotine
 - Long term inhalation of propylene glycol
- New nicotine addiction and initiation among youth
- Counter effectiveness of smokefree policies



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AND they pose an enforcement problem

- E-cigs are not covered by local or state smokefree workplace laws
- Leads to smokefree workplace law complaints



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Proposed Code Update, Chapter 5.03:

Restrict the use of e-cigarettes indoors

- 1) Add electronic smoking device to the definition of "smoking".

"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, weed, plant, or other tobacco like product or substance in any manner or in any form. "Smoking" also includes the use of an electronic smoking devices which creates a vapor, in any manner or in any form."

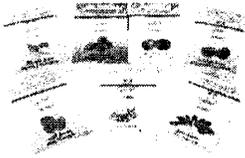
- 2) Add electronic smoking device definition.

"Electronic smoking device" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use of inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or under any other product name of descriptor and any cartridge or other component of the device or related product."

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What is Hookah?

- A hookah (shisha, argileh, or nargeeleh) is a single or multi-stemmed waterpipe used to heat and smoke a flavored tobacco product.



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What are the health risks?

- Enough exposure to nicotine to be addictive
- Contains toxins and carcinogens
- Smoke inhaled is equivalent to 100-200 cigarettes
- Forty times the volume of secondhand smoke



Source: World Health Organization (2005).
http://www.who.int/tobacco/glob3_interaction/rtabrag/Waterspipe%20Drecomendation_Final.pdf

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Hookah Lounges Have Increased

OR Indoor Clean Air Act

- Certified tobacco retail store exemption
- Allow customers to sample products
- Unintentional loophole for hookah lounges



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Peak PM2.5 in smoking lounges

EPA Air Quality Index	Business Type
Hazardous >251	Hookah Lounge
Sensitive Groups 11-50	Cigar Lounge
Moderate 16-40	Cigar Lounge
Good ≤15	Cigar Lounge

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Hookah Use is on the Rise



- 2008-2009, hookah smoking among 8th and 11th graders increased significantly – especially among girls.



Source: Oregon Tobacco Facts & Laws, 2011

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2011 Legislation Didn't Fix It

- HB 2726 tried to tighten the loophole in the tobacco retail store exemption:
 - 4-seat max capacity
 - Smoking for sampling purposes only
- Opposed by hookah lounges
- Negotiations and amendments
 - grandfather in existing hookah lounges
 - removal of stand-alone property requirement for some smoke shops (with ventilation system as alternative)

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What does this mean for Corvallis?

- New state certified tobacco retail stores may open in Corvallis with smoking allowed indoors.
- Grandfathered certified tobacco retail stores:
 - may continue to operate with a hookah lounge environment,
 - grow in size, and
 - relocate to Corvallis or surrounding areas.

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Proposed Code Update, Chapter 5.03:

Close the local tobacco retail store exemption

- 1) Remove retail tobacco stores from the list of areas that are not subject to smoking restrictions.
- 2) Add retail tobacco stores to the list of areas where smoking is prohibited.

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County-wide Enforcement

Ensure uniform enforcement by:

- Strengthening ordinance language to be in agreement with OR Indoor Clean Air Act
- Proposing parallel amendments in Benton County and Philomath

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Enforcement Responsibility

Businesses

- Benton County Health Department
 - Continue to process complaints for businesses
 - Turn over to the City of Corvallis during citation phase

Individuals

- Corvallis Police Department
 - Parks, transit center, library, etc.

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