



Agenda

FAMILY AND HUMAN SERVICES COMMITTEE

June 13, 2011

11:00 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Gayle B. Uilkema, District II, Chair
Supervisor Federal D. Glover, District V, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

DISCUSSION

3. Referral #101 – Appointments to the Family and Children’s Trust Committee – Three appointments.
Presenter: Rhonda Smith, Employment and Human Services Department
4. Referral #1 – Child Care Affordability Fund
Presenter: Rhonda Smith, Employment and Human Services Department
5. Referral #92 – Local Child Care & Development Planning Council – Funding Priorities
Presenter: Ruth Fernandez, County Office of Education
6. Referral #82 – Secondhand Smoke Ordinance
Presenter: Denice Dennis, Health Services Department

The next meeting of the Family and Human Services Committee is scheduled for August 8, 2011 at 11:00 a.m.

☺ *The Family and Human Services Committee will provide reasonable accommodations for persons with disabilities planning to attend Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.*

📁 *Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Family and Human Services Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

✉ *Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

For Additional Information Contact:

Dorothy Sansoe, Committee Staff
Phone (925) 335-1009, Fax (925) 646-1353
dsans@cao.cccounty.us

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HCD	(State Dept of) Housing & Community Development
ABAG	Association of Bay Area Governments	HHS	Department of Health and Human Services
ACA	Assembly Constitutional Amendment	HIPAA	Health Insurance Portability and Accountability Act
ADA	Americans with Disabilities Act of 1990	HIV	Human Immunodeficiency Syndrome
AFSCME	American Federation of State County and Municipal Employees	HOV	High Occupancy Vehicle
AICP	American Institute of Certified Planners	HR	Human Resources
AIDS	Acquired Immunodeficiency Syndrome	HUD	United States Department of Housing and Urban Development
ALUC	Airport Land Use Commission	Inc.	Incorporated
AOD	Alcohol and Other Drugs	IOC	Internal Operations Committee
BAAQMD	Bay Area Air Quality Management District	ISO	Industrial Safety Ordinance
BART	Bay Area Rapid Transit District	JPA	Joint (exercise of) Powers Authority or Agreement
BCDC	Bay Conservation & Development Commission	Lamorinda	Lafayette-Moraga-Orinda Area
BGO	Better Government Ordinance	LAFCo	Local Agency Formation Commission
BOS	Board of Supervisors	LLC	Limited Liability Company
CALTRANS	California Department of Transportation	LLP	Limited Liability Partnership
CalWIN	California Works Information Network	Local 1	Public Employees Union Local 1
CalWORKS	California Work Opportunity and Responsibility to Kids	LVN	Licensed Vocational Nurse
CAER	Community Awareness Emergency Response	MAC	Municipal Advisory Council
CAO	County Administrative Officer or Office	MBE	Minority Business Enterprise
CCHP	Contra Costa Health Plan	M.D.	Medical Doctor
CCTA	Contra Costa Transportation Authority	M.F.T.	Marriage and Family Therapist
CDBG	Community Development Block Grant	MIS	Management Information System
CEQA	California Environmental Quality Act	MOE	Maintenance of Effort
CIO	Chief Information Officer	MOU	Memorandum of Understanding
COLA	Cost of living adjustment	MTC	Metropolitan Transportation Commission
ConFire	Contra Costa Consolidated Fire District	NACo	National Association of Counties
CPA	Certified Public Accountant	OB-GYN	Obstetrics and Gynecology
CPI	Consumer Price Index	O.D.	Doctor of Optometry
CSA	County Service Area	OES-EOC	Office of Emergency Services-Emergency Operations Center
CSAC	California State Association of Counties	OSHA	Occupational Safety and Health Administration
CTC	California Transportation Commission	Psy.D.	Doctor of Psychology
dba	doing business as	RDA	Redevelopment Agency
EBMUD	East Bay Municipal Utility District	RFI	Request For Information
EIR	Environmental Impact Report	RFP	Request For Proposal
EIS	Environmental Impact Statement	RFQ	Request For Qualifications
EMCC	Emergency Medical Care Committee	RN	Registered Nurse
EMS	Emergency Medical Services	SB	Senate Bill
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	SBE	Small Business Enterprise
et al.	et ali (and others)	SWAT	Southwest Area Transportation Committee
FAA	Federal Aviation Administration	TRANSPAC	Transportation Partnership & Cooperation (Central)
FEMA	Federal Emergency Management Agency	TRANSPLAN	Transportation Planning Committee (East County)
F&HS	Family and Human Services Committee	TRE or TTE	Trustee
First 5	First Five Children and Families Commission (Proposition 10)	TWIC	Transportation, Water and Infrastructure Committee
FTE	Full Time Equivalent	VA	Department of Veterans Affairs
FY	Fiscal Year	vs.	versus (against)
GHAD	Geologic Hazard Abatement District	WAN	Wide Area Network
GIS	Geographic Information System	WBE	Women Business Enterprise
		WCCTAC	West Contra Costa Transportation Advisory Committee

Schedule of Upcoming BOS Meetings

June 21

June 28

July 12

Employment and Human Services Department
Contra Costa County

TO: Family and Human Services Committee
Supervisor Gayle B. Uilkema, District II, Chair
Supervisor Federal Glover, District V, Vice Chair

FROM: Joe Valentine, Director, Employment and Human Services Department
Rhonda Smith, FACT Staff

RE: Update to FHS Report dated April 15, 2011 regarding
Vacant At-Large Seat Recommendations

DATE: June 6, 2011

RECOMMENDATION(S)

The Director of the Employment and Human Services Department requests that the Family and Human Services Committee accept its recommendations to appoint the following members for at-large seats to the FACT Committee:

- | | |
|---|---|
| <p>1. Debra Vinson
Mental Health Specialist
3005 Cleveland Pl.
Antioch, CA 94509
H: (925) 698-1987
debravinson@gmail.com</p> | <p>3. Dr. Connie Portero
International Literacy Foundation,
Founder, CEO
5440 Modoc Ave
Richmond, CA 94804
H: (510) 526-7261
W: (510) 375-9322
drportero@yahoo.com</p> |
| <p>2. Cathryn Freitas
Retired
2408 Whitetail Drive
Antioch, CA 94531
P: 925-778-1161
C: 925-519-6018
dpfreitas@comcast.net</p> | |

NOMINEES FOR MEMBERSHIP

On May 9, 2011, the Director of Employment and Human Services recommended that the Family and Human Services Committee accept the recommendations of FACT to appoint three members to its vacant at-large seats. The recommendation was placed on hold for future discussion at the June 13, 2011 FHS Committee meeting for two reasons: first the FACT Committee did not have three vacant seats available to appoint members

to and secondly the FHS Committee requested that FACT provide the names of the institutions which the candidates for membership received their degrees.

In response to reason one, on May 9, 2011 the committee requested that the Board of Supervisors accept the resignations of three FACT members and declare the seats they occupied vacant. This recommendation was accepted on May 17, 2011 (Item C.14).

In response to reason two, the committee has provided the requested information below.

Debra Vinson: Ms. Vinson has a Masters of Arts (MA) in Counseling Psychology, with a Specialization in Children and Adolescents from John F. Kennedy University.

Cathryn Freitas: Mrs. Freitas has a Master of Public Administration (MPA) from George Washington University.

Dr. Connie Portero: Dr. Portero has a Counselor of Education (EdS) from the University of Iowa and a Phd. in Planning, Policy and Leadership in Higher Education, also from the University of Iowa.

Based on the above provided information, the Director of EHSD on behalf of FACT recommends that the FHS Committee appoint Debra Vinson, Dr. Connie Portero, and Cathryn Freitas to at-large seats on the FACT Committee

Employment and Human Services Department
Contra Costa County

TO: Family and Human Services Committee
Supervisor Gayle B. Uilkema, District II, Chair
Supervisor Federal Glover, District V, Vice Chair

FROM: Joe Valentine, Director, Employment and Human Services Department
Rhonda Smith, FACT Staff

RE: Vacant At-Large Seat Recommendation

DATE: April 15, 2011

RECOMMENDATION(S)

The Director of the Employment and Human Services Department requests that the Family and Human Services Committee accept its recommendations to appoint the following members for at-large seats to the FACT Committee:

- | | |
|---|---|
| <p>1. Debra Vinson
Mental Health Specialist
3005 Cleveland Pl.
Antioch, CA 94509
H: (925) 698-1987
debravinson@gmail.com</p> | <p>3. Dr. Connie Portero
International Literacy Foundation,
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5440 Modoc Ave
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drportero@uyahoo.com</p> |
| <p>2. Cathryn Freitas
Retired
2408 Whitetail Drive
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P: 925-778-1161
C: 925-519-6018
dpfreitas@comcast.net</p> | |

NOMINEES FOR MEMBERSHIP

Over the course of the past year, the FACT Committee in conjunction with the County Administrators Office has made every effort to fill its vacant seats, including its at-large member's seats. The efforts include contacting each district Supervisor's office and releasing a public notice in February 2010, inviting interested parties to consider

membership and soliciting the support of current members to outreach to potential candidates for consideration for membership.

In September, 2010, the FACT Committee had four of its five At-Large seats occupied. In November, 2010 Naomi Zipkin submitted her request to resign from the committee indicating that she was no longer able to serve. In December, 2010, Mary Calvo submitted her request to resign from the committee indicating personal challenges that were impacting her availability. At this time, there are three vacant at-large seats on the FACT Committee.

The FACT committee currently has three candidates for appointment to at-large seats. All candidates have expressed a sincere interest in serving on the Committee and are dedicated to fulfilling the mission and goals as outlined in the Committees' policies and procedures. The following members are requesting membership:

Debra Vinson: Ms. Vinson is a self referred candidate for membership on the committee. Ms. Vinson has a strong background in violence prevention and mental health. Ms. Vinson is an active member in her community and volunteers with the Central Democratic Committee and a variety of other community projects that address violence prevention and the advancement of children and families.

Cathryn Freitas: Mrs. Freitas is a recent retiree as a Government Human Resources Manager and is excited about joining a committee that promotes child safety and well-being. As a Public Administrator, Mrs. Freitas has dedicated her professional and personal life to local and regional government activities including serving as the Antioch City Council Member from 1986-1994. With special interests in supporting children's activities, including sports and religious activities, Mrs. Freitas wants to work with the committee in building stronger and healthier communities.

Dr. Connie Portero: Dr. Portero comes highly recommended by the office of Supervisor Gioia. With a strong background in mental health and education, Dr. Portero is committed to building community capacity to support its members. Believing that our families are as strong as the communities in they reside, Dr. Portero is dedicated to rebuilding West Contra Costa County ensuring that it offers the necessary resources for families to acquire self-sufficiency while improving overall well-being and family functioning.

AT-LARGE

CONTRA COSTA COUNTY ADVISORY BOARDS, COMMISSIONS, OR COMMITTEES APPLICATION FORM

Name of Advisory Body applying for CHILDREN & FAMILY TRUST

Application Form must be typed or hand printed

Name of Applicant: DR CONNIE PORTERD

Home Address: 5440 MODOC AVE

City: RICHMOND State: CA ZIP: 94804

Home Phone: (510) 526-7261 Work Phone: (510) 375-9322

Signature: Dr. Connie Porterd Date: 12-10-2010

Personal Experiences, Skills, and Interests

Education/Background: BA African American History/Comparative Culture PSYCHOLOGY
MA MARRIAGE & FAMILY COUNSELING (COUNSELOR Education, GDS COUNSELING & STUDENT DEVELOPMENT
Phd PLANNING, POLICY & LEADERSHIP IN HIGHER Education
Occupation/Employer: INTERNATIONAL LITERACY FOUNDATION, FOUNDER, CEO

Community Activities:

CHAIR, RICHMOND RECREATION & PARKS COMMISSION
ADVISORY BOARD MEMBER, GROUNDWORKS TRUST
BOARD MEMBER, SAFFRON STRAND

Special Interests:

Education, PROGRAM DEVELOPMENT & EVALUATION
EMPOWERMENT OF WOMEN & CHILDREN
SUBSTANCE ABUSE

Information:

1. File completed application with Clerk of the Board. 651 Pine Street, Room 106, Martinez, CA 94553.
2. Members of some advisory bodies may be required to file annual Conflict of Interest Statements.
3. Address and other contact information provided on this application will be accessible to the general public.
4. Meetings of advisory bodies may be held in Martinez or in areas not accessible by public transportation.
5. Meetings may be held either in the evenings or during the day, usually once or twice a month.
6. Some boards assign members to subcommittees or work groups requiring additional time.
7. If you wish you may attach your resumé.

**CONTRA COSTA COUNTY ADVISORY BOARDS COMMISSIONS OR COMMITTEES
APPLICATION FORM**

Name of advisory board applying for: F.A.C.T.

Application form must be typed or hand printed

Name of Applicant: CATHRYN R. FREITAS

Home Address: 2408 WHITETAIL DRIVE Home Phone: 925 778-1161

Business Address: ANTIOCH, CA 94531

CELL
Work Phone: 925 628-519-6018

Business Address: RETIRED

Signature: Cathryn R. Freitas

Date: 3/22/11

PERSONAL EXPERIENCES, SKILLS and INTERESTS

Education/Background MASTER OF PUBLIC ADMINISTRATION,
GEORGE WASHINGTON UNIVERSITY,
B.A., POLITICAL SCIENCE,
UNIV. OF CALIF., DAVIS

Occupation (student, for work pay, retiree or similar):

31+ YEARS AS LOCAL GOV'T HR MANAGER
CURRENTLY RETIRED

Community Activities: ANTIOCH CITY COUNCIL MEMBER, 1986-1994
PAST CO TRANSPORTATION AUTHORITY BOARD MEMBER
PAST RIVERVIEW FIRE PROTECTION DIST. BOARD MEMBER
PREVIOUS ASST. BOY SCOUT LEADER, DELTA SKIMMERS SWIM
TEAM BOARD MEMBER, CUB SCOUT DEN LEADER,
{ ROOM MOTHER - 2 YEARS, PAST MELLO RUOS BOARD MEMBER

Special Interests:

LOCAL & REGIONAL GOV'T,
SUPPORT CHILDREN'S SPORT, SCOUTS & RELIGIOUS ACTIVITIES
INTERNATIONAL TRAVEL, COOKING, FOREIGN
LANGUAGES

General Information

1. File completed application with Clerk of the Board, 651 Pine Street, Room, 106, Martinez, CA 94553 or FACT Staff person, Rhonda Smith, 40 Douglas Drive, Martinez, CA. 94553.
2. Members of some advisory bodies may be required to file annual Conflict of Interest Statements.
3. Meetings of advisory bodies may be held in Martinez or in areas not accessible by public transportation.
4. Meetings may be held either in the evenings or during the day, usually once or twice a month.
5. Some boards assign members to subcommittees or work groups requiring additional time.

Name of advisory board applying for Family and Children's Trust Committee

Application form must be typed or hand printed

Name of Applicant: Debra Vinson

Home Address: 3005 Cleveland Pl, Antioch 94509

Home Phone: 925-698-1987

Business Address: 4919 Mountain Blvd. Oakland, CA

Work Phone: 925-698-1987

Signature:

Date: 2/19/2011

PERSONAL EXPERIENCES, SKILLS and INTERESTS

Education/Background:

Saybrook Graduate Research: Violence Prevention Studies (current)

MA: Counseling Psychology

BA: Business Administration/Minor Psychology & Philosophy

Professional Training/Certification: Computer Operations/Network Management

Occupation (student, for work pay, retiree or similar):

Mental Health Specialist

Violence Prevention Parent Educator/Consultant

Community Activities:

Avid volunteer and member of the Central Democratic Committee

Communities volunteer in various cities

Special Interests:

Child Development and neuropsychology

Ethnic/Cultural studies/research

Bullying prevention and school safety

General Information

1. File completed application with Clerk of the Board, 651 Pine Street, Room, 106, Martinez, CA 94553 or FACT Staff person, Rhonda Smith, 40 Douglas Drive, Martinez, CA. 94553.
2. Members of some advisory bodies may be required to file annual Conflict of Interest Statements.
3. Meetings of advisory bodies may be held in Martinez or in areas not accessible by public transportation.

Employment and Human Services Department
Contra Costa County

TO: Family and Human Services Committee
Supervisor Federal Glover, Vice Chair
Supervisor, Gayle B. Uilkema, Chair

FROM: Joe Valentine, Director, Employment and Human Services Department
Rhonda Smith, FACT Staff

RE: Annual Child Care Affordability Report

DATE: May 31, 2011

RECOMMENDATION(S)

ACCEPT this report on the current status of the Child Care Affordability Fund from the Family and Children's Trust Committee (FACT) and direct the Employment and Human Services Department (EHSD) to negotiate a contract for the period July 1, 2011 through June 30, 2012 with the Contra Costa Child Care Council in the amount of \$250,000.

Additionally, the Director requests that the Family and Human Services Committee (FHS) consider delegating the authority to extend the negotiated contract for up to an additional year and a half, as it is clear that funds would be depleted prior to the end of FY 2013-2014.

BACKGROUND

In 1991, the Board of Supervisors earmarked \$250,000 of Transient Occupancy Tax (TOT) from the Embassy Suites Hotel to support/expand county-wide child care for low-income families. In 1997, the Board approved a recommendation from the Family and Human Services Committee that the Family and Children's Trust Committee (FACT) be responsible for establishing priorities for use of the Child Care Affordability funds, developing and managing the competitive process for awarding these monies, and monitoring the resulting programs for contract compliance and achievement of outcomes. In 2002, the Board approved a two-year funding cycle for disbursement of the funds.

Effective July 1, 2008 the 2008-2009 County budget modified the funding stream such that Childcare Affordability funds would no longer be generated from the revenue of the Transient Occupancy Tax but, instead, be funded by residual funds in the County Employee's Dependent Care Account. Up to a maximum of \$250,000 is now transferred

to EHSD each year from the Dependent Care account, to support the Childcare Affordability contracts, depending upon the balance in the fund.

The resulting change in the funding stream created an unanticipated situation that the Committee addressed in January, 2009 when it elected to continue funding its current contract and future contracts at the same \$250,000 level until the funds were exhausted. It is anticipated that the Child Care Affordability funds will be depleted prior to end of FY2013-2014.

CURRENT CONTRACTOR REPORTS

Having successfully completed the 2010-2011 Child Care Affordability Request for Proposal, the Contra Costa Child Care Council was awarded the grant and provides parent-choice subsidies for families. Services are based on the priorities developed from the 2009 FACT Needs Assessment which determined that the highest priority for services was “the provision of parent-choice child care subsidies for low-income working parents and/or parents in school or work training programs who have toddlers needing child care or children who would benefit from preschool enrollment.”

In addition to administering the subsidy program, Contra Costa Child Care Council provides the families receiving assistance: 1) free workshops, education and resources to parents to help them build strong families and make the best child care choices; 2) free child care referrals to give parents choices and help parents meet their life/work needs; and 3) free or minimal cost training for child care providers to help them build sustainable businesses and to provide quality, healthy, and age-appropriate care, including caring for children with special needs.

Currently, 21 children from 13 families receive much needed supportive childcare assistance from the Council. The average age for children receiving childcare services is 4.9 years, with the youngest child being 1.7 years old and the oldest being 11.79 years. 80% of child care providers are Licensed Child Care Centers, while 41% are Family Childcare Homes and 20% of the children are cared for by an approved relative. Family demographics indicate that 77% (10) of the families receiving subsidized childcare are low-income working parents while the remaining 23% (3) of the families are in school or work training programs.

The FACT Committee believes that Contra Costa Child Care Council has provided exemplary services to children and their families as indicated by data collection, contract monitoring, and site-visits. At this time, the Council has successfully met their goals and objectives of their contract obligations.

FUNDING AND THE TRANSITION PLAN

As the table below illustrates, Child Care Affordability funding will be depleted before the end of FY 2013/14.

Estimated Account Balance as of June 2011	Spend-Down FY 11/12	Earned FY 11/12	Estimated as of June 2012	Spend-Down FY 12/13	Earned FY 12/13	Estimated as of June 2013	Spend-Down FY 13/14	Earned FY 13/14	Estimated as of June 2014
\$594,520	(250,000)	40,000	384,520	(250,000)	40,000	174,520	(250,000)	40,000	(35,480)

In an effort to address this issue in collaboration with Contra Costa County Child Care Council, the FACT Committee has developed a transition plan to ensure that families supported by FACT subsidized childcare funding will continue to receive services. As a part of routine contract monitoring, the FACT Committee will oversee the actions taken under the transition plan and request changes as necessary to better meet the needs of family.

The initial stage of the transition plan states that over the next two and a half years, current families supported by FACT funds will continue as is with one exception. Child Care Council has stated that they will begin to offer FACT funded families the option of choosing center based preschool under Preschool Makes a Difference (PMD) funding, where appropriate. This is a new option for families seeking preschool services and is funded by First 5 Contra Costa. PMD is a collaboration between Contra Costa Child Council, Contra Costa County Office of Education, Contra Costa Employment and Human Services Department, and West Contra Costa Unified School District.

The PMD program is a partnership between early care providers and parents who receive scholarships for children whose parents qualify for the program based on income eligibility and service need. PMD supports licensed child care providers (in-home and center based) by improving the quality of Contra Costa County's early childhood education programs, and provides support and financial incentives to child care providers who maintain and/or improve quality.

In 2014, the families receiving FACT funded subsidized care will be transitioned to either a PMD or the Child Care Alternative Payment (CAP) Program once the Childcare Affordability Funds are thoroughly depleted. The CAP program acts as an intermediary between California Department of Education (CDE), the child care provider, and the family, to provide care through vouchers. Vouchers provide funding for a specific child to obtain care in a licensed child care center, licensed family day care home, or license-exempt care. With a voucher, the family has the choice of which type of care to utilize. Vouchers reimburse care providers based on the market rates charged by private providers in their region.

It is the belief of the FACT Committee that the transition plan proposed provides for the continuation of parent-choice subsidized child care without creating an interruption in services to those currently receiving support.

REQUEST TO EXTEND CURRENT CONTRACT

At this time, the committee requests that the FHS Committee authorize EHSD to extend the existing contract it has with the Child Care Council (due to expire on June 30, 2011) until the Child Care Affordability funds have been exhausted and waive the requirement of conducting an additional RFP process. This request is based on the following rationale:

1. Based on current estimates, the funding available will not cover a full 2-year cycle,
2. The Child Care Affordability RFP process requires a comprehensive needs assessment, including an extensive service provider and consumer survey which represent a significant monetary and staffing cost, and
3. Historically, prior RFP's for this funding have resulted in only one bidder, despite extensive outreach efforts on the part of the Committee and EHSD.

Additionally, over the past year and a half, the current contractor has complied with the conditions of the contract in an exemplary fashion.

Based on the above information, the FACT Committee and EHSD recommend extending the existing contract with the Contra Costa Child Care Council until Child Care Affordability Funds have been depleted.

Additionally, the FACT Committee and EHSD recommend continued funding to the Contra Costa Child Care Council for FY 2011-2012 and requests the Family and Human Services Committee forward this recommendation to the full Board for approval.



M E M O R A N D U M

DATE: June 13, 2011

TO: Family and Human Services Committee
 Supervisor Gayle B. Uilkema, District II, Chair
 Supervisor Federal D. Glover, District V, Vice Chair

Contra Costa County Office of Education
 Dr. Joseph A. Ovick, Contra Costa County Superintendent of Schools
 Dr. Pamela Comfort, Associate Superintendent, Educational Services

FROM: Ruth Fernández, LPC Coordinator/Manager, Educational Services

SUBJECT: Local Child Care and Development Planning Local Funding Priorities Report
 Referral # 92

RECOMMENDATION(S):

ACCEPT the funding priorities for Contra Costa County reviewed and approved by Local Planning Council members at the LPC board meeting held on Thursday, May 26, 2011 from 5:30 – 7:30 p.m. The below priorities were reviewed and discussed at a public hearing held on May 26, 2011 at the Contra Costa County Office of Education.

California Center Priorities (Contract type: CCTR)

Priority 1: Option 2

94509, 94513, 94520, 94531, 94553, 94561, 94564, 94565, 94801, 94803, 94804, 94806

Priority 2: Option 2

94505, 94518, 94519, 94521, 94523, 94530, 94547, 94572, 94596, 94597, 94805

Priority 3: Option 2

94506, 94514, 94517, 94525, 94526, 94563, 94582, 94583, 94598, 94708, 94808

California Preschool Priorities (Contract type: CPRE)

Priority 1: Option 2

94509, 94513, 94520, 94531, 94561, 94565, 94801, 94803, 94804, 94805, 94806

Priority 2: Option 2

94505, 94518, 94519, 94521, 94523, 94530, 94547, 94553, 94564, 94596

Priority 3: Option 2

94514, 94517, 94525, 94526, 94572, 94582, 94583, 94597, 94598, 94808

See attached spreadsheet with specific data organized by zip code.

BACKGROUND/REASON(S) FOR RECOMMENDATION(S):

California *Education Code (EC)* Section 8499.5 (a) through (d) requires the LPCs to review local, State and Federal data and provide the CDE with an updated listing of their local child care and development funding priorities by May 30 every year. In 1998, Assembly Bill 1857 amended *EC* Section 8279.3 to include specific expanded mandates for LPCs to identify local funding priorities for the distribution of new state general child care and development and preschool funding to promote equal access to child development services across the state, based on direct impact indicators of need.

The *EC* language specifies how LPCs are to conduct their yearly review of child development services in order to identify gaps in services and funding priorities which will ensure that all the child care and preschool services of the county are met to the greatest extent possible given limited resources. **The LPC priorities will be used by the CDE to determine future child care and development funding decisions for State subsidized services.**

These priorities are first reviewed and approved by the members of the LPC for each county, which is made up of parent consumers of child care, child care and preschool providers, public agency representatives and community agency representatives who have been appointed by the County Board of Supervisors and the County Superintendent of Schools. Next, the priorities are made available for public review and finally reviewed and approved by the County Office of Education and County Board of Supervisors at a public hearing as prescribed in State regulations.

Process for Establishing LPC Priorities: All county LPCs must use the methodology for establishing LPC priorities based on the population of the county. Per the California Department of Education (CDE) methodology, Contra Costa is one of the counties under option 2 which is for counties with over 1 million residents. After reviewing the data available to engage in the priority identification process, the LPC decided to utilize Option 2 as the formula (census data is not yet available).

Option 2 methodology according to the CDE is defined as:

Priority 1. Option 2: Up to but no more than one-third of the zip codes with the highest numbers of infants, toddlers and school age eligible children on the Centralized Eligibility List.

Priority 2. Option 2: Up to but no more than one-third of the zip codes with the second highest set of numbers of infants, toddlers and school age eligible children on the Centralized Eligibility List.

Priority 3. Option 2: Up to but no more than one-third of the zip codes with the third highest set of number of infants, toddlers and school age eligible children on the Centralized Eligibility List.

The Contra Costa County Local Planning Council for Child Care and Development (LPC) was established in April 1998. Required by AB 1542, which was passed in 1993, thirty members of the LPC were appointed by the County Board of Supervisors and the County Superintendent of Schools. Childcare consumers and providers, public agency representatives, and community representatives each comprise 20% of the LPC. The remaining 20% are discretionary appointees. Membership is for a three-year term. On January 7, 2003, membership was decreased from 30 to 25 members, due to the difficulty being experienced in filling all of the seats.

Membership consists of the following:

- Five consumer representatives - a parent or person who receives or has received child care services in the past 36 months;
- Five child care providers - a person who provides child care services or represents persons who provide child care services;
- Five public agency representatives - a person who represents a city, county, city and county, or local education agency;
- Five community representatives - a person who represents an agency or business that provides private funding for child care services or who advocates for child care services through participation in civic or community based organizations;
- Five discretionary appointees - a person appointed from any of the above four categories or outside of those categories at the discretion of the appointing agencies.

Appointments to the Contra Costa County Local Planning Council for Child Care and Development (LPC) are subject to the approval of the Board of Supervisors and County Superintendent of Schools, Dr. Joseph Ovick. The Board of Supervisors designated the Family and Human Services Committee to review and recommend appointments on their behalf. Dr. Pamela Comfort, Associate Superintendent, has been designated to review and recommend appointments on behalf of the Superintendent of Schools.

**Contra Costa General Child Care and Development
2011 Priorities**

BOS District	Zip Code	City	Early Head Start	Expansion slots Early Head Start	Centralized Eligibility List (CEL) 2011 Includes (0-2)+(6+12)	Previous Priority for 08/09	Previous Priority for 09/10	Priority Recommendations for 10/11 Option 2 Up to BUT no more than 1/3 of the zipcodes with the second highest set of #s of children on the CEL
3	94505	Discovery Bay			15			2
3	94506	Danville			1	3		3
3	94507	Alamo	1	0	0	3		
5	94509	Antioch	0	0	177	1	1	1
3	94513	Brentwood	28	9	61	2	2	1
3	94514	Byron	12	6	1	2		3
4	94517	Clayton	1	1	1	3		3
4	94518	Concord	0	0	40	1	1	2
4	94519	Concord	7	2	32	1	2	2
4	94520	Concord	4	4	161	1	1	1
4	94521	Concord	56	20	33	1	2	2
4	94523	Pleasant Hill	5	3	17	3	2	2
2	94525	Rodeo-Crockett	3	1	6	3		3
3	94526	Danville	0	0	2	3	3	3
1	94530	El Cerrito	1		16	2	3	2
5	94531	Antioch	2	2	98			1
2	94547	Hercules			41	3	3	2
2	94549	Lafayette	9	5	12	3		2
2	94553	Martinez	0	0	57	2	1	1
2	94556	Moraga	12	10	0			
5	94561	Oakley	0	0	105	2	2	1
2	94563	Orinda	9	5	1	3		3
2	94564	Pinole	0	0	49	2	3	1
5	94565	Pittsburg	4	2	271	1	1	1
2	94572	Rodeo-Crockett	28	11	34	3	2	2
3	94582	San Ramon	4	4	8			3
3	94583	San Ramon			4	3	3	3
3	94595	Walnut Creek	1	0	0	3	3	
3	94596	Walnut Creek	0	0	17	3	2	2
3	94597	Walnut Creek	0	0	22			2
3	94598	Walnut Creek	5	0	1	3		3
1	94708	Kensington	0	0	2			3
1	94801	Richmond			147	1	1	1
1	94803	El Sobrante	39	12	58	1	1	1
1	94804	Richmond	6	4	136	1	1	1
1	94805	Richmond	40	14	20	1	2	2
1	94806	San Pablo	14	5	249	2	1	1
1	94808	Richmond	45	20	1			3
		Total	336	140	1896			

Sources: Centralized Eligibility List Report- Contra Costa Child Care Council - 2011 report

Formula

Priority 1. Option 2: Up to but no more than one-third of the zip codes with the highest numbers of infants, toddlers and school age eligible children on the CEL.

Priority 2. Option 2: Up to but no more than one-third of the zip codes with the second highest set of numbers of infants, toddlers and school age eligible children on the CEL.

Priority 3. Option 2: Up to but no more than one-third of the zip codes with the third highest set of number of infants, toddlers and school age eligible children on the CEL.

**Contra Costa County State Preschool Priorities
2011 Report**

BOS District	Zip Code	City	Centralized Eligibility List (CEL) 2011 (ages 2-5)	Recommendations for 10/11 Using Option 2 Up to BUT no more than 1/3 of the zipcodes with the second highest set of #s of children on the CEL	Previous Priorities for 08/09	Previous Priorities for 09/10
3	94505	Discovery Bay*	11	2		
3	94506	Danville	0			
3	94507	Alamo	0		3	
5	94509	Antioch	136	1	1	1
3	94513	Brentwood	56	1		
3	94514	Byron	3	3	2	2
4	94517	Clayton	2	3	2	
4	94518	Concord	26	2		
4	94519	Concord	25	2	1	1
4	94520	Concord	145	1	1	3
4	94521	Concord	22	2	1	1
4	94523	Pleasant Hill	10	2	1	1
2	94525	Rodeo-Crockett	4	3		2
3	94526	Danville	1	3	3	
1	94530	El Cerrito	10	2		
5	94531	Antioch*	58	1	3	2
2	94547	Hercules	21	2	2	3
2	94549	Lafayette	0			
2	94553	Martinez	38	2	2	2
2	94556	Moraga	0			
5	94561	Oakley	111	1	2	3
2	94563	Orinda	0			
2	94564	Pinole	29	2	2	
5	94565	Pittsburg	155	1	1	1
2	94572	Rodeo-Crockett	7	3	3	3
3	94582	San Ramon	5	3		
3	94583	San Ramon	2	3	3	3
3	94595	Walnut Creek	0			
3	94596	Walnut Creek	10	2		2
3	94597	Walnut Creek	8	3		
3	94598	Walnut Creek	2	3		
1	94708	Kensington	0	0	1	1
1	94801	Richmond	210	1	1	
1	94803	El Sobrante	55	1	1	1
1	94804	Richmond	195	1	1	
1	94805	Richmond	53	1	3	1
1	94806	San Pablo	337	1		
1	94808	Richmond	2	3		
	99999*	various				
		total	1749			

Sources: Centralized Eligibility List Report- Contra Costa Child Care Council - 2011 report

Formula

Priority 1. Option 2: Up to but no more than one-third of the zip codes with the highest numbers of infants, toddlers and school age eligible children on the CEL.

Priority 2. Option 2: Up to but no more than one-third of the zip codes with the second highest set of numbers of infants, toddlers and school age eligible children on the CEL

Priority 3. Option 2: Up to but no more than one-third of the zip codes with the third highest set of number of infants, toddlers and school age eligible children on the CEL.



To: Family and Human Services Committee, Contra Costa Board of Supervisors
From: Wendel Brunner, MD, Public Health Director, Contra Costa Health Services
Re: Report on implementation of Secondhand Smoke Protections Ordinance
Date: June 13, 2011

Background

The Board of Supervisors adopted a comprehensive Secondhand Smoke Protections Ordinance in 2006 on the heels of the California Air Resources Board report designating secondhand smoke as a toxic air contaminant based on a review of the research linking secondhand smoke with numerous adverse health effects. The Board strengthened these protections in October 2009 and again in October 2010 in response to community complaints regarding drifting smoke in multi-unit housing, and the need for additional policy to protect public health. Since the last report to the Family and Human Services Committee in May 2010, the Board of Supervisors expanded secondhand smoke protections to include no smoking on all balconies, patios, decks and carports for existing and new multi-unit housing; no smoking in 100% of new multi-unit housing beginning January 1, 2011; and a landlord requirement to include lease terms stating that smoking in areas where smoking is prohibited is a material breach of the lease. A summary of the provisions of the full ordinance is attached to this report (See Attachment 1).

Implementation Successes Over the Past Year

- Implementation of the Secondhand Smoke Protections Ordinance continues to include incorporating educational materials in the annual business license renewal mailing through the Business License Office and responding to business inquiries and community complaints. The general educational brochure about the county policy, *A Guide to Contra Costa County's Secondhand Smoke Protections Ordinance*, was revised to reflect changes adopted in 2009 and 2010 (See Attachment 2).
- The Health Services website was updated to include information on the Tobacco Prevention Project web pages to reflect the changes to the County policy. This was done in conjunction with revising all of the Tobacco Prevention related pages to make it easier for residents, business owners, and landlords to locate specific information about these policies.
- The revised brochure was translated into Spanish, Laotian and Chinese and will be available upon request within the next month and will be posted on the website.
- The Tobacco Prevention Project collaborated with Environmental Health Department to increase the Department's capacity to monitor compliance with tobacco-related laws, including secondhand smoke protections. A tobacco-related laws "checklist" was developed with Environmental Health staff input for use during regular inspections. Project staff met with the Environmental Health staff to discuss implementation of the checklist, and inspectors have begun referring tobacco-related violations to the Tobacco Prevention Project for follow up. The checklist is intended as a pilot project, and staff in both departments will be evaluating the effectiveness of the checklist in the fall.

Implementation of Multi-unit Housing Provisions. A brochure, *For Property Managers, Developers and Landlords in unincorporated Contra Costa: Information on Contra Costa County's Secondhand Smoke Protections Ordinance*, was developed to explain the law to landlords, property owners and developers of multi-unit housing (See Attachment 3).

- The landlord brochure is available at the Building Permit Office of the Conservation and Development Division.
- Educational materials including the new brochure, downloadable “No Smoking” signs, sample lease documents, and information about how to make a property smokefree were compiled into a Landlord “Tool Kit” that is available online at <http://www.cchealth.org/topics/tobacco/landlords.php>. Information about the tool kit and a copy of the landlord brochure were mailed to all owners of multi-unit housing residences with four or more units in the unincorporated County in April.
- The Landlord Tool Kit is being publicized through the Health Services website, the Conservation and Development Division website, the California Apartment Association website and has been announced in the Association newsletter. Staff sent information about the changes in the law to the California Homeowners Association and the California Association of Realtors so that they may educate their constituents in unincorporated Contra Costa. Staff responded to a media inquiry and a radio segment was aired on KCBS after the new year.

Implementation Challenges

Staff has met with and sent multiple communications to management at the three major transit agencies (TriDelta, WestCat and County Connections) with transit stops affected by the ordinance. TriDelta is in compliance with the provision requiring “No Smoking” signage at transit stops in unincorporated Contra Costa. The other two agencies remain out of compliance. Staff has researched implementation strategies for this provision in other parts of the state and is developing an implementation strategy in partnership with other cities in the county that require smokefree transit stops.

The Tobacco Prevention Project continues to get complaints from residents across the county regarding unit-to-unit drifting smoke. The County’s ordinance does not include protections that address these issues. If these complaints are from Richmond City residents, the complaints are referred to the City for follow-up under Richmond’s 100% smokefree multi-unit housing ordinance. The majority of complaints received by the Project are from residents in the cities of Concord and Walnut Creek, which do not have city ordinances to address this issue. Staff is currently investigating possible options for increasing protections for multi-unit housing residents.

Attachments:

1. Provisions of Contra Costa County Secondhand Smoke Protections Ordinance
2. “A Guide to Contra Costa County’s Secondhand Smoke Protections Ordinance” brochure
3. “For Property Managers, Developers and Landlords in unincorporated Contra Costa: Information on Contra Costa County’s Secondhand Smoke Protections Ordinance” brochure.

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR
WENDEL BRUNNER, M.D.
PUBLIC HEALTH DIRECTOR



CONTRA COSTA
PUBLIC HEALTH
Community Wellness and
Prevention Program
597 Center Avenue
Suite 115
Martinez, California
94553-4670
Ph (925) 313-6820
Fax (925) 313-6840

Provisions of the County Secondhand Smoke Protections Ordinance*

Smoking is prohibited in the following outdoor areas:

- All areas within 20 feet of the doors, operable windows, air ducts and ventilation systems of any enclosed worksite or enclosed places open to the public, except while passing on the way to another destination;
- In outdoor dining areas at bars and restaurants (including outdoor dining areas at places of employment and in outdoor lounges);
- On public trails and in public parks;
- In service areas. (Service area means an area used to receive or wait for a service, enter a public place or make a transaction, including ATM's, bank teller windows, ticket lines, bus stops and taxi stands);
- In public event venues (such as stadiums, fairs, pavilions, farmers markets); and
- On the campus of Contra Costa Regional Medical Center and all county-operated healthcare clinics.

In Multi-Unit Housing Residences, smoking is prohibited:

- In common indoor and outdoor areas of multi-unit housing residences of 4 or more unit; and
- On all balconies, patios, decks and carports for existing and new multi-unit housing.
- All areas within 20 feet of doors, windows, air ducts and ventilation systems of multi-unit housing residences, except while walking from one destination to another.
- In 100% of all dwelling units of multi-unit housing residences that receive a building permit after January 1, 2011.

Landlord Responsibilities:

- Maintain and keep on file at the premises: (1) a list of all designated non-smoking units at the residence; (2) a floor plan of the residence that identifies the location of all designated non-smoking units, any units where smoking is permitted and any designated outdoor smoking areas; and
- Provide a copy of the list and floor plan, and a copy of any policy for addressing smoking complaints to each prospective tenant along with every new lease or rental agreement for the occupancy of a unit in a multi-unit residence.
- Include lease terms with a clause stating it is a material breach of the lease to smoke in a non-smoking unit or in any indoor or outdoor common area where smoking is prohibited.

Landlords may designate a common outdoor area of a multi-unit housing residence as a smoking area, as long as it does not overlap with any area where smoking is otherwise prohibited by local, state or federal law; must be located at least 25 feet in all directions from non-smoking areas; and must not include areas used primarily by children.

**These protections currently cover the unincorporated areas of Contra Costa County.*

(OVER)



Smoking is also prohibited:

- In any indoor workplace or indoor area open to the public, including tobacco shops, owner or volunteer operated businesses and hotel lobbies.

Smoking is permitted:

- In any location within the county unless otherwise prohibited by local, state or federal law; and
- In up to 20 percent of guests room in any hotel, unless the hotel has designated the entire hotel smoke-free;

In every building or other place where smoking is prohibited by law, the owner, operator or manager must:

- Post “No smoking” signs with letters of not less than one inch in height, or the use of the international “No Smoking” symbol (consisting of a burning cigarette in a red circle with a red bar across it), must be visibly posted in every building or other place where smoking is regulated by the owner, operator, manager;
- Not allow ashtrays or other receptacles for disposing of smoking material where smoking is prohibited; and
- Not knowingly allow smoking in smoking prohibited areas. The owner, operator or manager must ask the person(s) to stop smoking in areas where smoking is prohibited.

**These protections currently cover the unincorporated areas of Contra Costa County.*

For more information about protections in your city, call the Tobacco Prevention Project at (925) 313-6216.

6/6/11

In 2006, the California Air Resources Board (CARB) designated secondhand smoke as a toxic air contaminant that may cause or contribute to an increase in deaths or in serious illness or pose a hazard to human health, particularly in children.

Why is this Ordinance Important?

There is no safe level of exposure to secondhand smoke. This ordinance helps to protect everyone who lives and works in the unincorporated communities of Contra Costa County from the harmful effects of secondhand smoke.

Secondhand smoke causes as many as 53,000 deaths each year in the United States, approximately 6,000 of which occur in California. Health impacts of Secondhand Smoke (SHS) in California each year include:

- Over 400 lung cancer deaths
- Over 3,600 cardiac deaths
- About 31,000 episodes of asthma
- About 1,600 cases of low birth weights in newborns
- Over 4,700 cases of premature births

If you or someone you know would like to quit smoking, call **1-800-NO BUTTS** for free cessation services and more information.

Who do I call to make a complaint?

Any person may call the Contra Costa Health Services Tobacco Prevention Project at 888-877-4202.

What happens after a complaint is made?

A warning letter will be sent to the business owner about a possible violation of the ordinance. Failure to comply with the ordinance may result in fines.

Are there other remedies under the law?

Under the Americans with Disabilities Act, violators may be sued for \$50,000 for the first violation and \$100,000 for the second violation, plus attorney's fees, if a member of the public experiences damage to their health due to secondhand smoke exposure.

For more information or to order signage for your business, contact the Tobacco Prevention Project or visit our website.



Contra Costa Public Health
Tobacco Prevention Project
597 Center Ave, Suite 125
Martinez, CA 94553

888-877-4202 Complaint line
925-313-6214 Office
925-313-6864 Fax

<http://www.cchealth.org/topics/tobacco>

February 2011

A Guide to Contra Costa County's Secondhand Smoke Protections Ordinance



About the Ordinance

New laws in Contra Costa County reduce secondhand smoke exposure among residents and workers in all unincorporated communities of Contra Costa County (County Ordinance Code Chapter 445-4).

Where Smoking is Prohibited

Smoking of any tobacco product or plant (including the use of a hookah pipe or medical marijuana) is prohibited in the following areas:

Indoor Areas

All workplaces and indoor areas open to the public, including tobacco shops, owner- or volunteer-operated businesses and hotel lobbies.

Outdoor Areas

- All areas within 20 feet of the doors, operable windows, air ducts, and ventilation systems of any enclosed worksite or enclosed places open to the public, except while passing on the way to another destination;
- Outdoor dining areas at bars and restaurants and outdoor lounges and dining areas at places of employment;
- Public parks and on public trails;
- Outdoor public service areas (e.g., ATMs, ticket lines, and bus stops); and
- Outdoor public events (e.g., fairs, festivals, concerts, and farmers' markets).

Health Care Campuses

- Smoking is prohibited on the campus of Contra Costa Regional Medical Center and all County-operated healthcare clinics.



Multi-Unit Housing (four or more units)

- Common indoor and outdoor areas;
- Within 20 feet of doors, windows, air ducts and ventilation systems of multi-unit housing residences, except while walking from one destination to another;
- On all balconies, patios, decks and in carports; and
- In 100% of all dwelling units of multi-unit housing residences that receive a building permit after January 1, 2011.

Landlord Requirements

Under the law, landlords are required to:

- Maintain and keep on file at the premises: (1) a list of all designated non-smoking units at the residence; (2) a floor plan of the residence that identifies the location of all designated non-smoking units, any units where smoking is permitted and any designated outdoor smoking areas;
- Provide a copy of the list and floor plan, and a copy of any policy for addressing smoking complaints to each prospective tenant along with every new lease or rental agreement for the occupancy of a unit in a multi-unit residence; and
- Include lease terms with a clause stating it is a material breach of the lease to smoke in a non-smoking unit or in any indoor or outdoor common area where smoking is prohibited.

Landlord, Owner and Manager Requirements

In every building or other place where smoking is prohibited by law, the owner, operator or manager must:

- Post "No smoking" signs with letters of not less than one inch in height, or the use of the international "No Smoking" symbol (consisting of a burning cigarette in a red circle with a red bar across it), visibly in every building or other place where smoking is regulated by the owner, operator, manager or other person having control of the building or other place.
- Not allow ashtrays or other receptacles for disposing of smoking material where smoking is prohibited; and
- Not knowingly allow smoking in smoking prohibited areas. The owner, operator or manager must request that the person stop smoking and if the person fails to stop, ask them to leave the premises.

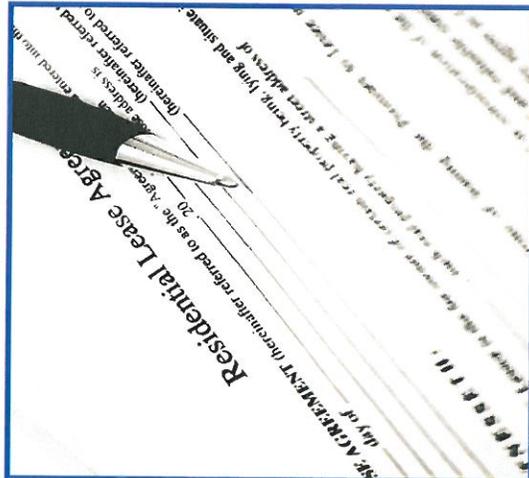


Landlord Liability

- Landlords are not liable for a tenant's breach of the smoking regulations if (1) the landlord has fully complied with all provisions of the law; and (2) upon receiving a signed written complaint regarding prohibited smoking, the landlord provides warning to the offending tenant. Upon receiving a second signed, written complaint against the offending tenant, the landlord may evict but is not liable for the failure to do so.

Penalties for Non-compliance with the Ordinance

Failure to comply with the ordinance can result in administrative fines of \$100 for the first violation, \$200 for the second violation within a year and \$500 for each additional violation within a year. Landlords who fail to comply with this ordinance may be subject to other legal claims by tenants.



Why is this Ordinance Important?

In 2006, the California Air Resources Board (CARB) designated secondhand smoke as a toxic air contaminant that may cause or contribute to an increase in deaths or in serious illness or pose a hazard to human health, particularly in children. The U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke. Secondhand smoke causes as many as 53,000 deaths each year in the United States, approximately 6,000 of which occur in California.

Secondhand smoke has been shown to move through light fixtures, through ceiling crawl spaces, and into and out of doorways and windows. This ordinance helps to protect people who live in multi-unit housing in the unincorporated communities of Contra Costa County from the harmful effects of secondhand smoke.

For more information or to order signage (available as supplies last) for your multi-unit housing residence, contact the Tobacco Prevention Project or visit our website.



Tobacco Prevention Project
Community Wellness and
Prevention Programs
Contra Costa Public Health
597 Center Avenue, Suite 125
Martinez, CA 94553
888-877-4202 Complaint line
925-313-6214 Office
925-313-6864 Fax

<http://www.cchealth.org/topics/tobacco>

For Property Managers, Developers and Landlords in unincorporated Contra Costa

Information on Contra Costa County's

Secondhand Smoke Protections Ordinance



A Hatch ment S

New Law in Effect

In October 2010, the Contra Costa County Board of Supervisors amended the County’s Secondhand Smoke Protections Ordinance to include more protections for residents of multi-unit housing in unincorporated Contra Costa.

Smoking of any tobacco product or other plant (including medical marijuana) is prohibited in the following areas of multi-unit housing with 4 or more units:

- Common indoor and outdoor areas;
- Within 20 feet of doors, windows, air ducts and ventilation systems, except while walking from one destination to another;
- On all balconies, patios, decks and in carports; and
- In 100% of all dwelling units of multi-unit housing residences that receive a building permit after January 1, 2011.



Landlord Responsibilities

Under the law, the Owner and Manager of a multi-unit housing building must:

- Post “No smoking” signs with letters of not less than one inch in height, or the international “No Smoking” symbol (consisting of a burning cigarette in a red circle with a red bar across it). The sign must be visibly posted in every building or other place where smoking is prohibited by law;
- Not allow ashtrays or other receptacles for disposing of smoking material where smoking is prohibited;
- Not knowingly allow smoking in smoking prohibited areas; and
- Comply with lease/rental agreement requirements outlined in the next section.

Lease/Rental Agreement Requirements

Under the law, the Owner and Manager of a multi-unit housing building must:

- Maintain and keep on file at the premises: (1) a list of all designated nonsmoking units at the residence; (2) a floor plan of the residence that identifies the location of all designated non-smoking units, any units where smoking is permitted and any designated outdoor smoking areas; and
- With every new lease or rental agreement for the occupancy of a unit in a multi-unit residence, include:
 - ◊ A copy of the list of nonsmoking units;
 - ◊ A copy of the floor plan;
 - ◊ Information indicating whether a policy for handling smoking complaints is in effect at the multi-unit residence, and if so, the terms of the policy; and
 - ◊ A clause stating it is a material breach of the lease to a) violate any law regarding smoking while on the premises; b) smoke in a non-smoking unit; or c) smoke in any multi-unit residence common area where smoking is prohibited. (The California Apartment Association’s form 34.0 may be used for this purpose).

Under certain conditions, landlords may designate a common outdoor area of a multi-unit housing residence as a smoking area. For more information contact the Tobacco Prevention Project at 888-877-4202.