



A Case Study  
of the Passage of a Local Tobacco Policy  
to Address Youth Access in Three Cities,  
Contra Costa County, California 1999

Prepared by:

Carter Pratt, MPH, Charlotte Dickson, MSW,  
Julie Freestone, MPSA, Denice Dennis, MPJH  
Community Wellness & Prevention Program  
Contra Costa Health Services  
597 Center Avenue, Suite 115  
Martinez, CA 94553  
925-313-6214

Submitted to:

Tobacco Control Section  
California Department of Health Services  
P. O. Box 942732 MS#555  
Sacramento, CA 94234-7320  
(916) 327-5425

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## **Abstract**

Contra Costa County, located in the San Francisco Bay Area in California, has a strong track record in the area of tobacco control, beginning with the passage of clean indoor air ordinances in the 1980s. In 1995, the county began discussing a comprehensive Tobacco-Free Youth Ordinance.

This case study documents the process of passing an ordinance aimed at reducing youth access to tobacco and restricting tobacco advertising in three cities, representing three different regions of the county and three different proponents for the ordinance. One city had strong support within the city council, another had a strong youth mobilization component, and the third had a local agency take the primary lead. Under each of these conditions the ordinance passed.

The data for the case study was collected through direct observations, key-informant interviews and document review. Data was collected from a variety of sources to ensure that differing interpretations of events would be represented.

The case study describes the planning phase, background of each city, activities that took place, local support and opposition to the ordinance, role of each group involved, provisions adopted by each city and lessons learned. Included is a description of steps taken to pave the way for “rolling out” the ordinance – introducing it to the cities - and how lessons learned from the county Tobacco Free Youth Ordinance, adopted before the cities’ “roll-out”, were utilized.

Although the descriptive nature of a case study limits the ability to generalize from the findings, the results may still be valuable for planning similar policy initiatives in other cities and on related issues that require similar campaigns. The inclusion of three cities in the case study allows us to describe both the similarities and differences in the roll-out process. A particular emphasis was given to describing the different roles Tobacco Prevention Project staff played in each situation.

Since the health department often is not able to play the lead role in ordinance passage, it is important to learn what partnerships are most effective, the ways in which different partnerships work, and what effect the partnerships have on the final policy. The results of this case study can inform similar projects both in the county and in other locations regarding what partnerships and strategies worked and how they were implemented

The findings can be used to help determine what role a health department may play under different circumstances and help programs allocate resources in situations where program capacity may be limited due to the number of cities they are working in simultaneously.

## Introduction

Contra Costa County is located in the San Francisco Bay area in California. It has a population of 840,000 and urban, suburban and rural communities. The county is governed by a five-member, elected Board of Supervisors which makes policy and enacts ordinances covering the unincorporated area of the county, encompassing about 19% of the population. Elected City Councils govern the remaining area of the county in nineteen incorporated cities.

The county and its cities have a strong history in the area of tobacco control. It was the first county in the country to pass a uniform ordinance creating non-smoking areas in restaurants. The ordinance passed in the county and all of its cities in three months in the 1980s. Later, a city-county committee developed a stronger Clean Indoor Air Ordinance that banned smoking in workplaces, restaurants and public buildings and banned the sale of tobacco in vending machines several years before state laws effecting similar policies were enacted.

While tobacco use has steadily declined in the county among adults in the past 10 years, the rates among youth have been increasing<sup>1</sup> and most smokers start before the age of 18 years<sup>2</sup>. In a California study, researchers found that approximately one third of tobacco experimentation was attributable to tobacco promotions<sup>3</sup>. In an effort to reduce tobacco use in Contra Costa County, a policy paper was developed which examined options for reducing youth access to and demand for tobacco.

After some discussion about strategies for reducing the impact of tobacco on youth, the Board of Supervisors asked the county's Tobacco Prevention Coalition to develop a model youth ordinance, which it did with considerable input from youth and adult community members and organizations. After several years of pressure from the community and lengthy discussion about how to regulate youth access to tobacco and tobacco advertising, the Board approved three of the provisions of the Tobacco Free Youth Ordinance by a vote of 4 to 1 in the fall of 1998. Shortly after, they approved an additional ordinance requiring some retailers to apply for a tobacco retailer license by a vote of 3 to 2. The ordinances, taken together, are referred to as the TFYO (Tobacco Free Youth Ordinance). They became effective January 1, 1999 and contain the following provisions:

1. Regulation of tobacco advertising – prohibits outdoor tobacco advertising and tobacco advertising adjacent to windows and doors in stores within 1600 feet of elementary and secondary schools and public playgrounds.
2. Regulation of tobacco promotional items – prohibits the marketing, distribution and sale of tobacco promotional gear to minors.

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<sup>1</sup> CDC. Tobacco use among high school students – United States, 1997. MMWR 1998;47:229-33.

<sup>2</sup> Ibid.

<sup>3</sup> Pierce, JP, Choi, WS, et al. Tobacco Industry Promotion of Cigarettes and Adolescent Smoking. JAMA 1998;279:511-15.

3. Prohibition of self-service tobacco displays – prohibits self-service displays of tobacco products and requires tobacco products be kept in a locked case or behind the counter so that all tobacco products must be sold with the assistance of a clerk.
4. Tobacco Retailer Licensure – requires tobacco retailer license for retailers who violate the ordinance or other tobacco laws. The license can be suspended upon repeat violations.

The passage of the TFYO was a collaborative effort including Contra Costa Health Services' Tobacco Prevention Project (TPP) staff, the Tobacco Prevention Coalition (TPC), the Contra Costa Health Services youth initiative the Tobacco Industry Gets Hammered by Teens (TIGHT), as well as community based organizations and individuals.

In January, 1999, the TFYO covered only the unincorporated areas of the County due to the limitations of the Board of Supervisors' jurisdiction. Once the Board of Supervisors passed the TFYO, the new challenge for TPP and its partners was to “roll-out” the ordinance to the 19 cities in Contra Costa County to make it a 100% Tobacco-Free Youth county. But rolling out the ordinance required developing unique strategies for each community, mobilizing allies, defusing opposition, educating the community and providing technical information about complex legal issues to city officials and community activists.

Both TPC and TIGHT, and subsequently TPP staff, set the passage of the TFYO in the county's cities as their priority for 1999. The goal, articulated by the county's public health director at a meeting with mayors and city managers in January of 1999, was to make Contra Costa County a 100% Tobacco-Free Youth county by the millennium. This case study describes the TFYO roll-out process in three of these cities.

### **Case Study Design**

A case study design was chosen to evaluate the TFYO roll-out process in three cities. The case study design was chosen because it is best suited to document the process, lessons learned and barriers that were addressed in the roll-out process. Three cities were chosen to document the methods that were used in the roll-out process under a variety of different conditions. The hope was that the results of the case study would inform similar projects both in the county and in other locations regarding what partnerships and strategies worked and how they were implemented.

A purposeful sampling technique was used to select the three cities. The Evaluator and TPP staff determined the criteria to use to select the cities over the course of several meetings. Cities were chosen so that they were from different geographical area of the county (East, Central and West) and each had a different base of support for the TFYO. One city had a strong base of support for the TFYO within the City Council, one had a strong youth movement, and one had a strong base of support from a local coalition. It was felt that these criteria would offer the greatest learning potential by offering a sample of different pre-existing conditions to learn from.

Since the County often is not able to play the lead role in policy development or advocating for passage of an ordinance at the city level, it is important to learn what partnerships and

strategies are most effective, the ways in which different partnerships work, and what effect the partnerships have on the final policy. The results of the case study can inform similar projects both in the county and in other locations regarding what partnerships and strategies worked and how they were implemented.

## **Methods**

A variety of methods were used to collect data for the case study and information was collected from a variety of sources in order to increase the credibility of the results. By relying on several sources to collect information, often referred to as triangulation, one is able to limit the amount of bias by taking into consideration a variety of opinions and different perspectives about the events and their effects. This is particularly important when the information gathered relies on people's subjective perceptions.

Data was collected through key informant interviews and surveys with TPP staff, TIGHT staff, TPC members, staff of community-based organizations, City Council members, and City Attorneys. Interviews were conducted in person or over the phone. Some interview questions were adapted as a survey so they could be self-administered. Interview protocols were very standardized so that comparisons between cities would be possible. Interview protocols were developed based on discussions between evaluation and project staff, regarding what information would be most useful in future program planning, both for this project and others, and what were key questions staff wanted addressed. Data was also collected through observation and review of existing materials, such as meeting notes and newsletters.

Three TPP staff were interviewed multiple times to obtain background information about each city and the activities that took place prior to the city council meeting. They also reviewed and commented on drafts of the case study and findings. A former staff member was also available and answered questions and commented on drafts. Two TIGHT staff members were interviewed; one of who was active in two of the cities. Data was collected before, during and after the council meetings.

The Evaluator observed several TPP staff meetings and TPC meetings. The Evaluator also observed two of the three City Council Meetings (two of the meetings took place on the same night and thus the Evaluator could only attend one).

Following the ordinance hearings, attempts were made to reach all city council members and the city attorney in each of the cities. Interviews were completed with 4 out of 5 council members in one city, 2 out of 5 in another city, and only one in the third city. Council members were asked why they did or did not support the ordinance, why they thought the ordinance passed, about the information they received, the testimony given at the hearing, and about opposition to the ordinance. Two of the three city attorneys were interviewed. They were asked to comment on the information they received and used, why they thought the ordinance passed, and to describe the opposition to the ordinance.

Following hearings on the ordinance, staff of the community-based organizations that were involved and/or leading the roll-out in all three cities returned completed surveys. They were asked about their agency's role in the roll-out process, what they thought contributed to the

passage of the ordinance, what barriers were, what lessons were learned, what level of community support they had, and what was the role of youth.

### **A Time Line**

To make it easier to understand the process involved in the ordinance roll-out, through December, 1999, the following timeline is provided:

January 1995	Discussion begins on restricting advertising
April 1997	Policy Paper on <u>Options for Reducing Youth Access to and Demand for Tobacco Products</u> Developed
June 1997	Contra Costa conference of Mayors requests model ordinance
December/January 1999	County Board of Supervisors passes TFYO
January 1999	Public Health Director Issues Millennium Challenge to Cities
March 1999	First city – Walnut Creek – adopts ordinance
April 1999	Second City – El Cerrito – adopts ordinance
May 1999	Pittsburg, Richmond adopt ordinance
June 1999	Danville, Pinole, San Ramon adopt ordinance
July 1999	Pleasant Hill adopts ordinance
September 1999	Antioch adopts ordinance
November 1999	Lafayette adopts ordinance

NOTE: Brentwood, Moraga, and Orinda subsequently adopted the ordinance in 2000, after all of the material for this case study had been collected.

## The Players

The key players in the roll-out process include:

Tobacco Prevention Project (TPP)	Funded by the California Department of Health Services with voter-mandated tobacco-tax money, and operated by the county as part of the Community Wellness & Prevention Program, a comprehensive public health prevention effort consisting of 18 programs.
Tobacco Prevention Coalition (TPC)	An advisory board, staffed by the TPP, and comprised of 40 community-based organizations, other county agencies, activists, health providers, and school representatives.
TIGHT	Tobacco Industry Gets Hammered by Teens, a youth mobilization project involving teenage youth fighting tobacco industry tactics.
Board of Supervisors	Elected five-member governing body for the unincorporated areas of the county
City Councils	Elected governing bodies for incorporated cities
Community-based organizations	Community organizations working for ordinance passage
Technical Assistance Legal Center (TALC)	State-funded project to provide information and expertise to county tobacco-projects and city officials to develop and pass tobacco-related ordinances
California Grocers Association	A lobbying group financed by the tobacco industry to oppose local anti-tobacco measures.

## Background

### Identifying Previous Lessons Learned

The roll-out activities for the cities were highly influenced by lessons learned during the successful passage in December 1998 by the Board of Supervisors of the TFYO, and its predecessor in the early 90's, the Clean Indoor Air ordinance. Following passage by the Board of the TFYO, TPP staff, TPC members and TIGHT members held a strategy session to review those lessons.

Important lessons learned included:

1. Address policymakers' concerns about the TFYO, such as fears about lawsuits and concerns about costs of implementation.
2. Mobilize youth and promote youth advocacy, both to develop youth as advocates and because their voice was influential with the Board of Supervisors hearings.
3. Maintain momentum and be prepared for multiple delays in the hearing of the ordinance.
4. Provide documentation of facts about the practices of local merchants; when possible have youth collect and present this.
5. Do one's homework by working with local task groups to identify allies, opponents, people with influence, policy makers and other stakeholders such as merchants.

At the County level, identifying allies was important to develop strong local support. Working with merchants was essential to educate them on the issue and try to win their support. Educating policy makers and people with influence was necessary to ensure the ordinance was heard and passed. Mobilizing youth to be involved in all aspects of the process was crucial to the TFYO's adoption.

### Initial Steps

#### *Doing the Homework*

Following the Board of Supervisors passage of the TFYO, one of the first things the Tobacco Prevention Coalition did to prepare for city roll-out process was to invite two current and one former mayor of three cities in Contra Costa County to present a panel discussion about promoting the ordinance in the cities. Two were current council members in their respective cities. The elected officials made the following points:

- The hardest part, passage of the ordinance at the county level, was over. Passing the ordinance at the city level would be easy. One mayor promised passage by Valentine's Day, scarcely a month hence.
- Each city council has its preferred method for introducing ordinances. For example, some cities might prefer that the TFYO come to them already endorsed by their youth council or a certain agency or department such as the Parks and Recreation commission.
- Supporters have to identify these methods and follow them to increase the likelihood that the ordinance will be viewed favorably.
- Cities vary in how council members should be approached and these preferences need to be researched.
- It only takes three votes to get an ordinance passed in cities.
- Advocates need to get the support of local allies including youth and youth groups.
- Youth affected by the ordinance need to be present at hearings and testify.
- Advocates need to have a continued presence throughout the consideration and review of the ordinance.
- Advocates should look at other issues that may tie into the ordinance.
- Advocates need to be prepared to address the concerns of local businesses.



- Testimony should be short but compelling, depending on the city council.

One panelist suggested following a model used in the Bay Area to ban the sale of “Saturday night specials” by having all of the ordinances come before City Councils during the same week to make widespread opposition impossible.

Many youth attended the panel and participated in asking questions. This was considered important by TPP staff since it was consistent with the image that was developed during the Board hearings that the TFYO is a product of youth advocacy and support. The panelists addressed many of their comments to the youth and told them their voices had to be heard by City Councils for the ordinance to pass in those jurisdictions.

### *Tobacco Prevention Coalition Meetings*

Shortly after the panel discussion, the TPC decided to focus its advocacy efforts on passage of the TFYO in the cities.

At subsequent TPC meetings, members identified potential allies and opponents in each city. During these meetings TPP staff and TPC and TIGHT members discussed strategies for rolling out the ordinance in each region of the county and decided which cities to pursue first and how.

During both Coalition meetings and regional meetings, TPP staff reviewed the issue of preemption and the First Amendment. Federal preemption by the Federal Cigarette Labeling and Advertising Act (FCLAA) prohibits cities from making laws that are based upon health, therefore it was important for members to understand that the ordinance was drafted to address youth access and the impact of tobacco marketing. In addition, state preemption under California Penal Code 308(a) prohibits cities from fining retailers that sell tobacco to minors. Staff explained at many meetings that the TFYO did not violate the First Amendment because it met the criteria required of commercial speech regulations. Since many of the TPC and TIGHT members had heard the Board of Supervisors discussing the legality of the ordinance, they understood that the ordinance had been carefully crafted to withstand legal challenges.

TPC meetings often included an update of the TFYO progress and homework assignments for and reports from members on their work on the TFYO. Material was handed out to use in explaining and advocating for the ordinance, such as speaking points to use while giving testimony, resolutions supporting the ordinance, presentation materials for use with groups, and examples of letters to send to council members and local newspapers.

### *TIGHT's Role*

TIGHT was very active during these meetings and had representatives for each region of the county. TIGHT members did initial walk-throughs in many cities to document the need for the ordinance. This documentation and additional documentation collected by coalition members was used at the hearings and was one of the most powerful tactics employed

during the roll-out. TPP staff and TIGHT and TPC members met with policy-makers, opinion leaders and local groups to present on the ordinance and mobilize support.

One of the challenges that arose was trying to design agendas and find meeting times that accommodated both adult coalition members and youths. In the hopes of attracting adults and youth, TPC meetings were scheduled for late afternoons. Youth would have to arrive late given school and transportation issues, which would disrupt the meetings. Some of the youth would become disengaged during the meeting depending on the agenda. Adults would have to leave early because of family obligations. Youth who had been with the project longer and who had taken on additional roles and responsibilities in the project participated the most, especially in the regional breakout groups when they were able to discuss their own neighborhoods and schools. The decision was made that TIGHT Regional Youth Coordinators (RYC) (young adults who coordinated TIGHT activities at the regional level) and Youth Outreach Workers (YOW) (youth hired in regional areas to work part time on TIGHT activities) would regularly attend Coalition meetings. Other TIGHT members would be invited and encouraged to attend specially planned youth-friendly coalition meetings. These meetings would need to be planned in advance, including an orientation for youth, to ensure that the meeting would be conducted in a youth-friendly manner and would encourage youth participation.

### *Regional Groups*

Regional groups were established as subcommittees of the Coalition to work on local strategies. Once in the regional groups, members filled out a readiness grid for cities in their region. The grid was designed to determine how ready each city was for the TFYO. This information was then used to select which city to concentrate on first. The criteria included:

- Youth involvement.
- Knowledge of TFYO among community leaders/gatekeepers and City Council members.
- Existence of identified allies.
- School district support.
- Support among city council members.
- Identification of an agency/individual willing to take the lead.
- Potential barriers.

Once groups assessed the cities' readiness, they selected at least one city in each region to pursue. As some cities passed the ordinance, the regional groups would focus on new cities. Regional meeting agendas often included the following items:

- Update on activities members had done to date, such as meeting with potential allies, presenting the ordinance to groups, organizing letter writing campaigns, and calling City Council members.
- Review of ordinance provisions, ordinance language and interpretation, including any proposed changes to the ordinance.
- Discussion of the ordinance's focus on restricting access and marketing.

- Review of the first amendment argument that opposition may use and how to counter it.
- Review of local data, for example the results of the yearly survey of politicians on tobacco issues and any local purchasing surveys.
- Determination of the role of youth in the local roll-out for example what youth groups are already mobilized or could be mobilized.
- Development of strategies for example determines how to mobilize support and educate policy makers and the community.
- Determination of who would testify at the council meeting and what the testimony will cover.
- Assignment of new work assignments to members.

Roll-out activities both at the county level and in other cities pointed to the need to educate and train activists to ensure that presentation and testimony were appropriate both in terms of content and delivery. In one city, for example, a youth group that presented on another issue came off as very loud and confrontational, which may have been partially responsible for the Council members very guarded initial response to the TFYO.

#### *Additional Support*

In addition to the work done in coalition meetings and regional meetings, staff in CW&PP's Community Education and Information unit (CEI) provided the following additional support to raise awareness of the TFYO among residents and policy-makers.

- Media advocacy through press releases and letters to the editor.
- Training and coaching staff and TPC and TIGHT members on dealing with the press.
- A slide show describing the TFYO.
- A presentation on the TFYO that staff and youth used in making local presentations.
- Interaction with local reporters to encourage coverage.

Twenty-eight articles appeared in local papers, including a political cartoon about TIGHT and an editorial supporting the ordinance. The local National Public Radio affiliate ran a feature story and several television stations ran stories. The majority of these stories featured TIGHT. The youth mobilization part of the roll-out was very attractive to the local press and led to more coverage than would probably have happened otherwise. The media coverage may also have been helpful in educating policy-makers and opinion-leaders regarding the importance of the youth voice. Since the TFYO hearings described here happened within six months of the implementation of the county ordinance, the media coverage of the county ordinance was probably also influential in raising awareness of the issue.

The County's Public Health Director was very involved in rolling-out the TFYO. He presented at several City Council hearings and spoke at the Contra Costa County Conference of Mayors. He also sent updates to all the Mayors and City Managers on the TFYO. His support added professional legitimacy to the TFYO both as a doctor and the County's top Public Health official.

The State-funded Technical Assistance Legal Center was available to city attorneys and others to discuss the legal issues and supply model ordinances. Their expertise was especially helpful in cities that made local adaptations to the ordinance.

## **INDIVIDUAL CITY ROLL-OUT: CITY I**

### *Background*

City I is located in the Western part of the county. The city has an estimated 1999 population of 23,800 residents<sup>2</sup>. It has a history of strong tobacco control support. The city passed the Clean Indoor Air ordinance in 1991 with little debate. More recently, it was the only city in the county that voted to prevent future investment in tobacco stocks, even though it did not have tobacco stock at the time. The Supervisor representing that district on the Board of Supervisors voted for the TFYO, though he was instrumental in changing the licensure provision in the county's ordinance. Under the version he supported, merchants would have to violate the ordinance or related laws before they would be required to get a license instead of the more strict universal licensure provision which would require all merchants to obtain a license to sell tobacco products.

When City I began considering the TFYO, only one city had passed the TFYO. Within four weeks of putting the TFYO on its agenda, City I held two readings of the ordinance and adopted a version that included universal licensure.

### *Council Support*

The TFYO had very strong support from two Council members. One was an especially strong advocate against tobacco. He was very invested in the TFYO and met with TPP staff to strategize the roll out in his city and discuss strengthening the ordinance by making licensure a universal requirement. In addition to his support, another Council Member had been part of the elected official's panel at the TPC meeting and predicted at the time that her city would be the first to pass the ordinance. Staff believed one other Council Member would vote for the TFYO given his previous record of supporting progressive causes. There were two Council Members they were unsure about. One usually supported business interests, and the other indicated that she was lining up against the Council member promoting the TFYO.

Because it looked like there were the necessary three votes, staff and some allies felt reasonably comfortable that the city would pass the ordinance. However, since it was one of the first cities to consider the ordinance, staff members were uncertain about what opposition might be mounted. It was also unclear whether the universal licensure provision would pass and what sort of opposition it would attract.

### *Lead on Roll-Out and Other Support*

Initially, TPP staff thought that the Council member who was the strong tobacco advocate would take the lead with the City Council to roll out the ordinance. Instead, he guided TPP staff about how they should approach the Council and what preliminary steps needed to be done through the Coalition and TPP staff, such as speaking with individual Council members and getting petitions/letters of support. He also recommended what groups to contact for support and what information would need to be conveyed to the council, such as

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<sup>2</sup> State of California, Department of Finance, City/County Population Estimates, with Annual Percent Change, January 1, 1998 and 1999. Sacramento, California, May 1999.

the fiscal impact. However, the TFYO was put on the Council's agenda shortly after staff and TPC members met with this City Council member and many of the steps he advised were not carried out due to time limitations.

As stated above, this Council member became the champion for the universal licensure provision. During his meeting with TPP staff and TPC members, he listened to the staff's expertise on the legal issues and interpretation of the TFYO, as well as the coalition members' findings about sales to minors and advertising. This meeting laid the groundwork for strengthening the licensure provision of the ordinance.

A handful of TPC volunteers made phone calls to Council members and testified at two City Council hearings. At one meeting, two TPC members described a study they conducted along the main business street in the city. They looked at advertising, self-service displays and illegal tobacco sales. The results showed that despite a lot of merchant education, sales to minors still took place. They tied this to the need for universal licensure. In the case study interview, one Council member noted that this testimony was an important argument for the TFYO. These same TPC members also did research that determined that all the stores in the city would be covered under the ordinance. They presented these results at the first reading of the TFYO. The city's Admissible Code Advisory Committee independently also came to the same conclusion.

Adult community support came from a school board member who testified at the Council meetings and, with the help of TPP staff, wrote an article in support of the TFYO in the school board publication.

#### *TPP and TALC*

For most cities the Board of Supervisors' findings answered the legal issues surrounding the TFYO. In fact, the City Attorney and City Council members interviewed for the case study stated that the model ordinance developed by TPP staff and County Counsel was the most important information they received.

However, City I moved for universal licensure, which was not part of the County ordinance, and its staff needed technical assistance from TPP and TALC. This relationship was critical because the City Attorney conducted formal presentations on the ordinance at the council meetings and his support was vital. TPP developed a relationship with the City Attorney early in the roll out process and maintained ongoing phone contact with him. TALC's legal director provided written and verbal information on universal licensure to the City Attorney in response to a request from TPP staff. She also compared the city's licensure provision with TALC's model licensure provision and found the penalties to be stronger in the city's version.

In addition to providing technical assistance and meeting with the City Council member, TPP staff presented at the meetings. One of the staff was also a resident of the city, and she provided facts about youth smoking prevalence access to tobacco and the need for the TFYO. A second staff member who testified was from a neighboring city; she talked about youth access to tobacco, the predatory nature of the tobacco industry toward recruiting youth as smokers and tobacco industry attempts to undermine the ordinance.

## *TIGHT*

The TIGHT presence in the West was more limited than in other regions of the county because there was no active Regional Youth Coordinator (RYC), but TIGHT was able to mobilize youth from the local high school. These youth had been part of TIGHT while working on the county ordinance. Prior to the first reading and public hearing they visited some local stores. When two of them testified, they spoke about the self-service displays they saw and the proximity of the candy to the displays. They gave tobacco gear catalogs to the Council members. The youth also discussed the TFYO provisions and why each of the items was important. They linked each item to the observations they had made in the community and at their school. They brought displays with pictures of the city and a neighboring city. Staff felt that the presentation by the youth was successful at getting the Council members engaged and listening. They also felt the Council members were pleased to hear from youth. At the second reading, the Council Members decided to move the TFYO up on the agenda so the youth could present earlier in the evening since the next day was a school day.

Some Council members felt that the youths' testimony was the most compelling. One Council member thought it helped to persuade his colleagues. Another felt it was not necessary for persuading Council members, since they were already supportive, but it was good for the audience to hear.

There were no other youth groups involved. Because there was not a RYC for the region, there was not a lot of time devoted to mobilizing youth and training them to be advocates for the TFYO in City I. Because there was already strong initial support for the TFYO among Council members, TPP and other supporters decided to proceed. At the time, it seemed important to begin building momentum for the roll-out of the ordinance in the rest of the County. The benefit was that they were able to follow up quickly on interest already expressed by Council members and other advocates. The cost was that they had to forgo an opportunity to educate and train more youth in the area of City I to be advocates. This would have taken time and would not be possible until a local RYC was hired and trained.

In addition to seeing youth testify at the hearing, Council members were probably exposed to some of the extensive media coverage of the Board of Supervisors meetings, which documented the involvement of youth. And one Council member was a panelist at the TPC meeting in which youth were very outspoken.

There were some barriers to youth participation in the meetings. The first council meeting on the TFYO drew seven youth, but the TFYO agenda item was rescheduled to another date before they could speak. Since the council chamber is small, their presence probably made an impact, even though they weren't able to testify. The second meeting on the TFYO – which included the official public hearing on the ordinance - was held during the local high school's spring break and only two youth from the initial group were able to attend.

## *TFYO Hearings*

The process for adopting an ordinance varies from city to city. Usually, an ordinance receives a first reading, public hearing and vote. If the ordinance is approved at its first reading, it receives a pro forma second reading within a few weeks. This reading is often included in the consent calendar, therefore the council members do not vote on the ordinance as a separate item. At this point, the ordinance is officially adopted.

In this city, the first reading of the ordinance was scheduled along with an official public hearing. Youth from TIGHT, TPP staff, a TPC member, and the school board representative testified (as well as a resident of the city who was not affiliated with the TPC) and the Council voted 5-0 to proceed with the ordinance. While one member did voice concerns about the impact on local businesses, especially tobacco-only shops, he seemed less concerned when he realized that the tobacco -only shops were not the ones promoting outdoor advertising and youth access. At this point, staff and supporters felt confident that the ordinance would pass on its second reading without problems.

A second reading was scheduled two weeks later. Between the first and second readings, the Northern California Grocers' Association (NCGA), an organization associated with the tobacco-industry, attempted to persuade Council members to change their vote regarding the universal licensure provision. TPP staff became aware of this through a conversation with the City Attorney three days before the second reading and quickly faxed information about NCGA links to the tobacco industry to each council member. Staff then changed the game plan for the second reading.

The positive vote at the first meeting, and the fact that the TFYO was being heard in City III the same night (see description of City III), had prompted a decision to limit community mobilization for the second reading. In particular, staff decided to limit youth mobilization for the second meeting in order to save their energy for upcoming hearings in a neighboring city, which they felt, would present a greater challenge. They were able to get in touch with one of the youth that had attended the first meeting and persuade her to present.

In addition to the TIGHT youth, one of the TPP staff testified about the link between the Northern California Grocers Association and the tobacco industry, referring to the faxed materials. Several TFYO supporters were present, but they did not testify since they felt the issues had been covered previously. Although the representative from the Northern California Grocers' Association said he would appear, he did not, and no one testified in opposition. This may have been because the TFYO was moved up on the agenda to an earlier time than posted in order to accommodate the youth. (It is not unusual for city council meetings to continue into the late evening.)

The Council members voted 4 to 1 in favor of a TFYO with a universal licensure provision. One member did change his vote between the first and second readings of the ordinance. This member said he felt strongly about the need to protect children from advertising and the appeal of tobacco but at the same time said he did not agree with regulating cigarettes and taking away people's individual rights. He saw the answer to be counter-advertising, legalization, raising taxes, and/or making it a federal issue. He felt the reason there was no organized opposition to the universal licensure provision was because people did not know about it. He was the only council member interviewed who did not recall receiving any



information or technical assistance from TPP staff. Those who voted for the TFYO reported that they voted for it because it was the right thing to do or a good idea.

### *Lessons Learned*

One of the lessons learned during the roll-out of the TFYO in this city is that some Councils have a history of members voting in blocks. This can become an issue when the ordinance gets too closely associated with a specific Council member. This reaction among Council members came out both in conversations they had with staff as well as in an interview.

The importance of developing a relationship with the City Attorney working on the ordinance became apparent during the roll-out in this city. This relationship provides a context for addressing concerns and providing technical assistance on the ordinance before it is presented to the council. It is also a conduit for information about the city as demonstrated by the discovery of the NCGA's attempts to change votes during a conversation with the City Attorney. The City Attorney told the NCGA representative not to continue the CGA opposition since there was no hope of changing enough votes.

The emergence of the NCGA in City I helped staff realize that a lack of opposition during the initial reading that does not mean that there will be no opposition during the deliberations and voting. This echoes the lesson learned from the county roll-out and the panelists' advice, which was to follow-up and keep a presence throughout the discussions.

A factor that seemed to promote passage of the TFYO was City P's pride in being a leader in tobacco control efforts. The fact that the county and another city had already passed the ordinance added pressure to outdo the first city by strengthening the ordinance. One of the Council members voiced her disappointment during the Council meeting that they were not the first, but they would make their ordinance even stronger thus beating the other city. This stance prevailed over the City Attorney's preference for a policy similar to the County's.

Among the three cities studied, Council members and staff of this city had the highest recognition of staff support from TPP. This was probably a result of how closely staff worked with Council members from this city compared to other cities where other agencies were seen as the lead and had primary contact with the Councils.

## **INDIVIDUAL CITY ROLL-OUT: CITY II**

### *Background*

City II is located in the eastern part of the county. The city has an estimated 1999 population of 53,000 residents. This city did not have a strong history of tobacco control support. The Council was one of the last to adopt the Clean Indoor Air ordinance. The district's representative to the Board of Supervisors voted against the advertising provision of the Tobacco-Free Youth Ordinance but voted for the licensure provision. At a meeting with TIGHT's Regional Youth Coordinator (RYC) the Supervisor said he was supportive of TIGHT but made it clear he was against the restrictions on tobacco advertising because he saw it as an infringement on freedom of speech.

Although the city did not have a strong tobacco control history, it had demonstrated commitment to youth issues and advocacy. The mayor held a Youth Conference shortly before the TFYO hearing at which TIGHT had a table with materials about the ordinance. TIGHT also met with the mayor's Youth Task Force. When the city council began to deliberate the TFYO, only one other city had passed it.

### *Council Support*

The TIGHT RYC, who was a local resident, met with the mayor to discuss the TFYO. She found him very supportive and he felt that the ordinance would pass. TIGHT members also met with or presented to the other Council members, two of whom said they were supportive. One saw it as a stepping stone to dealing with other issues such as drugs and alcohol abuse. The staff were unsure about the remaining two Council members but there was no one they felt was particularly opposed.

### *Lead Agency and Other Support*

The leads for the roll-out were a local community based organization (CBO), that offers pre-school and health education, and TIGHT. The reason the CBO gave for supporting the ordinance is that they were "very anti-smoking." In fact, they had a long history of local tobacco control efforts and had been a subcontractor with TPP under state tobacco tax funds.

The CBO and TIGHT took the leadership in the community and TPP provided them with support and technical assistance. Unlike City One, this City roll-out was much more of a community effort. Three regional strategy meetings took place at the CBO. The CBO's staff, community residents, TIGHT, TPP staff, a staff member from the local state legislator's office, a representative from the City Manager's office and two TPC members attended. It was in this regional group that decisions were made about what direction to take and how. At the first meeting, TPP staff conducted a presentation on the ordinance and participants discussed who needed to be contacted for support. TPP staff provided the group with petitions and resolutions for this purpose. The CBO and TIGHT were the primary contact for approaching these groups.

The CBO contacted the mayor, superintendent of schools, school board and other officials to sign letters of support and resolutions prior to the Council meeting. They reported that they spent time each and every day working on the roll-out and they are continuing this work through their involvement in neighboring cities.

Regional strategy meetings and interim phone calls between TPP, TIGHT and the lead agency were also used to determine what types of testimony needed to be presented at the hearing and from whom.

The regional group was able to enlist the support of the Community Advisory Commission (CAC), an advisory group to the city. Seen as an important gatekeeper, some groups choose to go through CAC before presenting issues to the Council. TIGHT began presenting TFYO to CAC while the Board of Supervisors was still holding its hearings and met with them again to gear up for the city roll-out. CAC spoke for the ordinance at Council hearings.

TIGHT also was able to gain the support of the local Police Chief and the local high school's parents club.

### *TIGHT*

TIGHT had a much stronger presence in City II than City One. There were TIGHT clubs established in the local schools with approximately 15-20 members. The majority of the club meetings were dedicated to mobilizing around the TFYO. TIGHT club activities included petitioning and writing postcards to the mayor. During the previous year, TIGHT club members had conducted community walk-throughs in which they took pictures to document the problem of youth access and tobacco promotion aimed at youth in their community. A TPC member updated some of the documentation.

TIGHT did outreach to student groups in the city and the TIGHT RYC spoke to Council member's prior the hearings. TIGHT and the CBO secured numerous resolutions from community groups in support of the TFYO and the TIGHT Regional Youth Coordinator presented to numerous organizations.

### *TPP and TALC*

TPP staff primarily worked with a staff person in the City Manager's office. TPP staff provided copies of the language used by the county and another city and put the staff person in touch with TALC. TALC provided him with information about tobacco advertising ordinances. The City Manager's staff person presented the ordinance at the Council meeting. During regional meetings, he indicated that he did not feel it was going to be a problem getting the TFYO passed in this city. TALC discussed legal issues with the City Attorney. TPP discussed the details and interpretation of the ordinance as well as implementation with the City Attorney. As with City One, TPP made sure they kept the lines of communication open with the City Attorney and periodically checked in. Since Council members are very reliant on the reports from the City Attorney, it was very important to provide the information necessary to address his concerns.

## *Media*

In addition to the media coverage seen throughout the county, the local paper printed an article on TIGHT and its work with local merchants in a neighboring community. The article included several pictures. There were also several letters to the editor from youth and one from the Director of the CBO. A reporter from the local paper followed the passage of the ordinance closely and talked with TIGHT representatives regularly about the issues.

In interviews, the CBO mentioned that the news media was very influential in promoting community support for the TFYO. They stated that this was in part due to the TIGHT members who lived and worked in the community.

## *TFYO Hearing*

The hearing date was postponed twice, which made mobilizing more difficult. TPP staff was concerned that this would affect their ability to keep up the community interest and get people to attend the hearing. Since this was the experience TIGHT had during the Board of Supervisor's hearings, they were better prepared at getting the word out about changes and mobilizing youth with short notice. In the end, the hearing was very well attended with people spilling out into the hallway.

The City Manager's staff person set the tone of the hearing by presenting the TFYO in a very positive report. He stated that it was a chance for the city to be a leader as they would be among the first to pass the ordinance. He framed the TFYO as a youth access issue and quoted relevant statistics in support of the need for the ordinance. He also pointed out that the ordinance was being presented to the Council because a group of youth had brought it to their attention. The provisions for the ordinance were similar to the county version. The city decided to pursue the County's licensure provision.

The TIGHT RYC was accompanied by 14 youth that gathered around the speaker's podium to testify about the need for the TFYO. The RYC stated that more youth had been there at the start of the evening to testify but they had to leave because of the lateness of the hour (it took nearly one hour from the start of the meeting to get to the TFYO agenda item). She pointed out how she had become aware of advertising in her neighborhood through working with TIGHT. She made it clear that the ordinance was not aimed against smokers but against the tobacco industry. She made the connection between the Mayor's Youth Conference and the TFYO as a pro-youth issue. Borrowing a strategy perfected during Board of Supervisor meetings, and conscious that the meeting was being televised, TIGHT members held up display boards demonstrating how youth are targeted in local markets. Several of the youth also spoke and talked about how easy it is for youth to get tobacco near schools, how gear catalogs are targeted toward youth by offering such things as bikes, how youth wear tobacco gear to school and the amount of smoking that takes place among youth.

Several staff from the lead CBO also testified. One of them presented a letter from the local state legislator's office supporting the TFYO. They spoke both as representatives of their agency and as residents of the community. Other members from the community also

presented. One resident described results of a survey she did in a local clinic where she found the majority of smokers started at age 9-10.

Representatives from various local agencies also spoke in support of the TFYO and TIGHT. These included groups working with high risk youth, the Community Advisory Commission, and the city's neighborhood council. A staff person from the Contra Costa Health Services read a statement from the American Lung Association in favor of the TFYO. This agency had a unique perspective in that they had worked directly with merchants to educate them about youth access. The statement reported that many of the merchants are concerned about selling to youth, but their research showed that more needed to be done and that this ordinance would complement their activities.

One TPC member brought pictures, she and members of TIGHT took, to show Council members examples of the outdoor advertising, and youth-targeted advertising in their city. Another long-time TPC member testified about how much the tobacco industry spends on advertising directed toward youth and how the industry pays merchants to locate tobacco products where it is easily accessible to youth.

The director of the county's Public Health Department testified in support of the ordinance. He addressed some of the legal concerns about preemption and also explained each of the provisions. He presented supporting statistics such as the age at which most smokers start. There was no testimony given against the TFYO.

The Council unanimously passed the TFYO. The only concern raised was that they had not gone far enough to protect youth. The mayor took some time out to state how he was "intrigued to see young people taking the lead on this issue." He related that he had received numerous calls from youth supporting the TFYO and that this issue was an example of youth being empowered to take on youth issues. He stated that he was proud of TIGHT and how the youth who testified had "made an impact on their own lives and the council."

Only one Council member (the Mayor) returned a survey for the case study. He stated on the survey that he personally supported the ordinance "because the facts presented at the council meeting and in the staff report supported the case." He also felt that the most compelling testimony came from the youth and that "their ability to state the case and benefits to our community was key."

### *Lessons Learned*

The timing of the TFYO hearing was thought to have been very important in its passage, since the TFYO gave the Council a chance to underscore their recent commitment to youth by passing an ordinance supported by and for youth.

Unlike City I, this roll-out effort was perceived by others as being youth and community-driven. This was demonstrated through the comments made by the Mayor as well as other participants. On a survey the Mayor indicated that he felt "the ordinance passed because it was a strong collaboration and coordinated effort between the police, community and youth."

The CBO also recognized the importance of the support of the various agencies and officials in the passage of the TFYO. Although TPP played an important role in providing technical assistance and helping to coordinate efforts in City II, they relied much more heavily on the other groups involved to determine the direction to take and to organize additional support.

In terms of other support, the mayor said that the City Manager's report supported passage of the ordinance, and that this influenced his decision. Some potential supporters did not testify given their position in city government and that it could be perceived as a conflict of interest.

This city required a much higher level of involvement for TIGHT and the pay off was recognition of the issue as being youth-driven. It also provided an opportunity for youth involved in TIGHT to participate more fully and learn more about advocacy through this participation. In interviews both TPP staff and the CBO agreed with the Mayor's statement that the youth were very influential in getting the TFYO passed.

## **INDIVIDUAL CITY ROLL-OUT: CITY III**

### *Background*

City III is located in the Central part of the County. The city has an estimated 1999 population of 32,900 residents. The City Council has a good tobacco control history, unanimously passing the Clean Indoor Air Ordinance in 1993. The Supervisor for the district was supportive of the TFYO when it came before the Board of Supervisors and he also supported the universal licensure provision.

### *Council Support*

Based on presentations and conversations with the Police Chief and Council members, TPP and TIGHT learned that two Council members were in support of TFYO while the other three, known smokers, were uncommitted and possibly opposed. The City Attorney thought the three smokers would vote against the TFYO. In addition the Council had a reputation for being “dysfunctional,” with a campaign underway to recall some of the members. Unlike other cities, there was also less contact between the lead agency and the Council members. Not only did this make it harder to get a sense of who would support the ordinance but it also might have been a lost opportunity to advocate for and educate the Council members on the TFYO.

TIGHT, along with several community activists, made a formal presentation during the public comment period at a Council meeting a month before the TFYO was formally introduced. TIGHT pointed out that the TFYO is not a “smoker’s issue” but a youth access issue. However, they were still concerned that three of the members who smoked might become defensive.

### *Lead Agency and Other Support*

The lead in promoting the TFYO in this city was a local prevention council. It is a group of community-based organizations, police and county groups that address substance abuse issues and recreational issues. Both a TPP and a TIGHT staff person attended its meetings regularly for over a year. The lead agency and TPP had a long history of working together on other issues and supporting each other.

Lead agency membership included the current and former Police Chiefs of the city. The current chief was the primary lead on the TFYO roll-out. To reduce merchant opposition, he worked with merchants to educate them about the TFYO and address their concerns. The lead agency wrote and presented the TFYO to the City Council.

At first the lead agency wanted to change the outdoor advertising provision to 1000 feet instead of 1600 feet to be consistent with the city's Drug Free School zone. In response to TPP education however, they decided to keep the 1600 feet distance. Most of the planning and decision-making regarding the TFYO happened within lead agency meetings. The lead agency made decisions about which provisions to recommend to the Council.

Other key agency support came from the American Lung Association, the Center for Human Development, the local Alcohol and Drug Abuse Council, the American Cancer Society, the local school district and the local parent association from the school district, the YMCA and the local youth council, all of which testified at the council meeting or sent resolutions.

Involved TPC members were representatives of some of the agencies mentioned above. Additional members included one who testified at City II and a legislative advocate who began working with TPC as a high school student on the Clean Indoor Air ordinance and was working with a state legislator on statewide policies addressing tobacco control.

Other support, demonstrated through testimony or letters of support, came from the county's Director of Public Health, a former City Council member who was also a merchant, the district's supervisor, the local state legislator and the county's Public Environmental and Health Advisory Board (PEHAB). A postcard campaign was also organized.

### *TIGHT*

TIGHT did not have a core TIGHT group in the city schools but the RYC worked very closely with the city's Youth Council. She made a presentation to them and they passed a resolution supporting the TFYO and testified during the hearing. TIGHT members from other Central County TIGHT groups did some preliminary checks on local businesses and presented the findings at the hearing, giving concrete reasons why the ordinance should be passed.

The RYC regularly participated in the lead agency meetings. In addition to mobilizing lead agency members, the TIGHT RYC was instrumental in getting a variety of persons to speak and sign petitions for the TFYO.

### *TPP and TALC*

TPP staff attended lead agency meetings and provided technical assistance on the TFYO provisions. In particular, TPP staff conducted a series of workshops with the lead agency to help its members decide which provisions of the model ordinance to recommend. Both TPP and TALC interacted with the City Attorney and provided her with technical assistance. The City Attorney relied on the materials supplied by TALC as well as the county TFYO and those passed by other cities. The City Attorney recognized TPP and TALC as resources, finding them very helpful.

TALC also advised TPP staff on some proposed revisions of the TFYO specific to City III. In this city, there was a proposal to exempt stores that sold loose leaf tobacco from having to move tobacco products behind the counter. This would have exempted one of the major offenders that promoted youth access. The proposal was developed in part to meet the needs of another smaller merchant who specialized in pipe tobacco and catered only to adults. The lead agency struggled with this proposal and came up with an alternative that would address the concerns of the smaller merchant while including all tobacco stores under the TFYO. TALC reviewed the alternative proposal for its legality and developed language for the City Attorney to incorporate into the draft ordinance.

TPP staff worked with supporters on their testimony to refine their talking points and make sure all the issues were covered right up to the day of the hearing.

### *Media*

Most of the TFYO coverage that the community was exposed to came from the coverage of the county's efforts to pass the TFYO and coverage of a neighboring city which was the first city to pass the TFYO. Several letters to the editor were printed in support of the TFYO. Before the Council began discussing the TFYO, there was also an article about a local resident, a member of TPC, detailing her efforts to protect youth from tobacco.

There was discussion among staff about encouraging a reporter to cover the hearing, but the reporter assigned to the beat was new and staff decided there was not sufficient time to brief the new reporter on the issues.

### *TFYO Hearing*

The police chief presented the TFYO to the City Council. During his presentation he showed photographs, provided by TPP and TIGHT, that documented what the ordinance would be addressing, for example photographs of storefront advertising and location of tobacco displays. He also presented the results of a local needs assessment that determined that approximately one half of the local businesses were already in compliance with some provisions of the TFYO. He described the work he had done with local merchants to make sure merchant concerns were addressed. He addressed the enforcement issue by letting Council members know that the police department was willing to take an active role in enforcement and that it would not require additional personnel. He said the TFYO version being presented was a good match for the city. Public comment followed the report.



The co-chair of the TPC spoke. A physician in a neighboring city, he is a long-term volunteer with the American Cancer Association (he also testified at City II). He testified that Phillip Morris developed an action plan in which they laid out plans to do the things that the TFYO addresses, such as making cigarettes easily accessible to youth. He talked about reports of merchants being paid by tobacco distributors to place cigarettes where they are easy to shoplift. He made a point of limiting his speaking time to “get out of the way so the kids could present.”

The Supervisor for the district spoke in support of the TFYO. Council members thanked him for coming and seemed honored to have him present. He addressed legal concerns by reiterating how the Board of Supervisors spent hours working on the TFYO language to ensure that it would be legally defensible as well as fair to merchants.

The Director of the county’s Public Health Department also testified in support of the ordinance. He addressed some of the legal concerns about preemption and presented statistics on the advertising expenditures of the tobacco industry and rates of youth smoking. He gave a quick overview of the various provisions in the TFYO and let the Council know that the county was working with cities on enforcement issues and merchant education.

A TPC member from a neighboring city, who had presented at City II, presented photographs of local merchants who had cigarette displays on the counter in easy reach and next to candy bars. She talked about witnessing minors coming out of stores that claim to prohibit minors from entering the store.

The TIGHT RYC and four TIGHT youth from Central County testified. The RYC talked about the youth involved in TIGHT, how they research and document the tobacco industries targeting of youth and how the realization of what is going on makes them angry. TIGHT members related stories about what they discovered through their research, such as cigarettes being placed next to products designed for kids. They told Council members how their underage friends purchased cigarettes from local stores and were not able to quit. They related a story about how a younger kid bought cigarettes because he thought it was candy. They presented resolutions from community groups in support of the TFYO.

In addition to TIGHT youth, a member of the city’s Teen Council testified. She showed pictures from the walk-through that the Teen Council did in conjunction with TIGHT that showed storefront advertising at eye level of children. She told about seeing cigarettes placed above an ice cream freezer and pointed out that “if you can see it and touch it, you can steal it.” She also showed the Council members a product catalog for tobacco gear.

The final speaker was an owner of cigar and pipe shop. He stated that merchants are not “the evil-doers that some of the preceding testimony would have folks believe.” He said they do not sell to kids or try to lure them to by tobacco products. Instead he sells fine cigar and pipe tobacco. He thanked the Police Chief for “drafting the law and understanding the situation.” He felt that the law as it stands took into consideration freedom of speech. He agreed with the youth that he wanted cigarettes out of the hands of kids. Council members called him back to have him clarify whether he was in support of the TFYO or not. He said he was supportive of the version being discussed.

Additional support came from other TPC members, the school districts parent association, and other local and county agencies.

When the public comment was over, several Council members voiced concerns, including whether selling to minors and shoplifting of cigarettes were even a problem in their community. The City Attorney and police chief were quick to respond. The police chief described a theft that occurred recently and said most merchants were in compliance regarding sales to minors but that a few still sell even after warnings. Council members also wanted clarification on the fine and licensing fee that would be charged to merchants found in violation of the TFYO and who would set the amount.

Two of the Council members challenged the length of the ordinance, especially the number of findings reported and whether this meant that the TFYO was not as legally sound as was being put forth. The City Attorney assured them that the length of the findings was consistent with other codes they have passed that could be challenged and that the findings are there to make it defensible should there be a challenge.

Council Members voted five to zero in support of the TFYO, becoming the eighth city in the county to pass it.

The City Attorney was very helpful in getting the ordinance passed. Her responses to Council members were supportive of the legality of the ordinance and the appropriateness of the content of the final document. After the hearing she related to TPP staff that she sensed that some Council members were looking for the staff to waffle on the ordinance and give them a reason to oppose it. However, the responses of the City Attorney and Police Chief supporting the TFYO did not create an opportunity for them to vote against it.

### *Lessons Learned*

Of the three, City III was the one in which TPP had the least amount of decision-making power regarding the roll-out, and it was the city in which TPP staff spent the most time. Their role was primarily to provide information and assistance to members of the lead agency to enable them to choose which direction to take and to make final decisions about what provisions to put forth. Once the lead agency took on the leadership for the TFYO, its meetings replaced the regional strategy meetings for the city.

The result of having this strong local agency leadership was that the version of the TFYO passed was tailored to their community and specific needs of their merchants. As one agency representative stated “I believe that there is no blanket one sure ordinance for everyone and each city. They have to be looked at in the best way each city can deal with their issues... We modified the requirement for loose-leaf tobacco that was acceptable to both the lead agency, the Tobacco Coalition and the business.”

Although TPP spent a significant amount of time in each city, it would have been too much of a stretch on resources for them to engage in the same city-specific negotiations and merchant outreach that the lead agency was able to do. This does not mean that strong community/agency leadership eliminates the need for TPP involvement. Without

intervention from TPP, TIGHT and other supporters, the proposed ordinance may have reduced the outdoor advertising distance and exempted one the major local offenders of making tobacco products easily accessible to youth by allowing them to continue with self-service displays.

The effect of having the local Chief of Police involved and working closely with merchants should have a positive effect on enforcement and compliance in this city. At the time TPP staff felt having the police chief work with merchants might not be beneficial, since it would make merchants aware of the hearing and give them time to organize opposition. In retrospect this strategy proved to be a real asset, and the only merchant to speak at the hearing spoke in support of the TFYO. This outreach gave the lead agency a chance to address the merchants concerns and limit any opposition.

Not having a TIGHT club in the local schools was seen as a potential barrier in rolling out the ordinance. In order to address this, the TIGHT RYC recruited support from the local Youth Council and had TIGHT members from neighboring cities testify. The later approach raised resentment among some Council members who did not feel it was appropriate for youth from other cities to testify.

One concern with the final provisions in the TFYO in this city was the exemption that was made for loose-leaf tobacco. Although this exemption addressed the concern of the local smoke shop it may also leave a loophole for those who do target youth to start leaving loose-leaf cigarette tobacco and papers in areas accessible to youth.

The groups involved in the passage of the ordinance were successful in gaining the necessary support needed and presenting a solid case, which Council members did not oppose. As one Council member stated in an interview “I supported it because I did not have a whole lot of choice.” She felt there was “very excessive pressure.” The City Attorney also felt Council members did not have a choice, due to the strong public input at the hearing, even though three of them were opposed to anti-smoking measures. The City Attorney felt that the support and testimony of the Public Health Director and the youth were especially influential. One of the Council members found the most compelling evidence presented was the material demonstrating that manufacturers encourage merchants to move cigarettes near candy to get children to smoke.

Although the amount of testimony may have been necessary to create the pressure that made some Council members feel obligated to vote for the ordinance, it also had a negative effect. The two Council members interviewed both felt that the point was belabored and that the amount of testimony was well beyond what is usually heard.

As in City I, one of the Council members in City III also felt that the issues should have been dealt with through industry self-regulation and that many stores were already moving displays behind the counter because they lose money when products are stolen. She also felt that there were more important issues to address, such as illegal drugs, and that the police have more important things to do than enforce this ordinance.

As with City I, the experience in this city demonstrated the importance of building a relationship with the City Attorney. In this case the support of the City Attorney was critical

in keeping the Council Members from using technical issues to vote against the Tobacco Free Youth Ordinance.

## Discussion

The TFYO passed in all three cities studied. Although a case study methodology does not permit us to say for certain whether the project activities were responsible for the passage of the ordinance, it is reasonable to say that the results indicate that activities and testimony of project staff and their partners were influential. Of particular importance was the ability of staff, partners and youth to document for City Council Members the issue locally, to address legal concerns, and to mobilize youth.

As the Mayors who were panelists at a Tobacco Prevention Coalition stated prior to the individual city roll-out efforts, the hardest work had been accomplished in the years it took the Board of Supervisors to pass the ordinance. The BOS' passage of the TFYO provided the cities with an ordinance that had been extensively analyzed by the Technical Assistance Legal Center and found to be legally sound. This hampered opposition to the County's version of the TFYO on legal grounds.

During the Supervisors' deliberation and adoption of the TFYO, city officials made it clear they wanted to see what the BOS did before acting locally. A drawback to this approach is that cities may find it more of a challenge to pass stronger policies once a county policy is passed. This may be due to the desire to keep the ordinance uniform across the county, or to concerns that a stronger ordinance would trigger opposition based upon legal grounds (for example, greater advertising restrictions might trigger First Amendment issues). As one City Attorney said, he prefers to have policies be pretty uniform across the county because it makes it "easier to interpret". The danger of triggering opposition was borne out in City I, which passed a stronger licensing policy and was approached by representatives of the California Grocer's Association. The CGA had stated that it would not oppose city councils if they adopted the County's licensure provision.

The relative lack of opposition at the local level may have been influenced by the fact that pro-tobacco sources, such as the CGA, were fighting battles at the state level while the TFYO was being heard in cities throughout the County. At the state level, a law was being introduced to require tobacco licensure and the California Association of Retail Tobacconists was filing a suit to overturn a state proposition (Prop 10) which had increased the tax on tobacco. These state efforts, combined with the number of cities that pro-tobacco groups would have to work in to fight the TFYO, may have diluted their ability to act locally. Working simultaneously in several cities impacted TPP's ability to be as active as possible, but TPP was able to organize other local support for promoting the TFYO through TPC members and the outreach of TIGHT.

Strategies to conduct community outreach and build support for the TFYO varied by city. The extent to which community outreach was conducted was determined by an analysis of the TFYO's support among City Council members. For example, less community outreach was done in the city where it was known that the TFYO was supported by a majority of Council Members. As one TPC member stated "the level of community support for the TFYO is strong. If we needed to, we could have brought in all sorts of support for lots of people... We just didn't have to." More outreach was conducted to various community groups in the two cities where there was less certainty about the City Council. In addition, outreach was seen as important to help with enforcement in the future. Organizing support

for the TFYO benefited from lots of press coverage and counter-tobacco advertising. Awareness of the tobacco industry's misleading and dishonest campaigns were receiving a great deal of national coverage thus raising people awareness of tobacco industry practices.

Because each city's TFYO campaign was different, the role that TPP staff played varied. Strong local agency support meant that TPP staff did not work as directly at educating the community and Council Members but instead provided guidance to those who were. In all three cities, TPP staff provided technical assistance to the group presenting the ordinance. Additionally, TPP and TALC staff provided technical assistance to the City Attorneys. There was no situation in which TPP staff did not play a role. TIGHT always-turned out youth, but the extent of the RYCs' mobilizing efforts varied depending upon the overall level of Council support.

All three of the cities studied adopted the TFYO within a year of the County TFYO passage. The short time span was probably helpful to TPP in building political pressure. It was clear that Council Members felt this pressure with some saying they passed it because it was the right thing to do and others admitting that they did not feel they had a choice even when they did not believe in it.

The presence of an active and committed coalition was very instrumental in passing the TFYO in the cities. Coalition members took on many tasks such as meeting with council members and educating merchants – activities that TPP staff would have been unable to accomplish on a countywide level. Their residential status in the communities, their links with other agencies and their professional affiliations may have added more weight to their message than may have been given to staff.

Focussing the testimony on youth access and the underhanded practices of the tobacco industry was very important because it moved the discussion away from a freedom of speech duel. Some of the Council Members interviewed admitted that they would rather see industry self-regulation or allow for personal choice but that they still felt it was important to protect youth from being brainwashed. The arguments put forth were compelling even for those who generally support business and do not support “big government.” TPP staff spent a lot of time crafting these talking points and making sure that they were heard from a variety of sources. Council Members also cited the strong documentation of the actual local tobacco industry practices as being very compelling.

Recognition of TPP staff efforts was rare among those interviewed for this case study, unless they worked directly with them. Specifically most Council Members or even some of the city Attorneys did not mention them. This does not necessarily mean that TPP staff activities were not important in the passage of the youth ordinance, rather it is more likely a reflection of the staff's ability to promote local ownership of the issue and promote advocacy among local youth, agencies and individuals.

Selection of three cities for this case study allowed us to look at some of the unique challenges and decisions that were made. One of the questions that came up was the level of youth involvement needed. It was apparent that in a city such as City II, where there is a strong precedence in the city for promoting youth involvement, that a strong youth voice was beneficial and maybe even necessary for the passage of the ordinance. In a city such as

City I, where there is a history of support for tobacco related ordinances and strong city council support, the youth voice may have been less important. Taking the time to mobilize and promote youth advocacy could have taken away from the momentum to adopt the ordinance. As a lead agency representative stated “The most effective strategy is to find out where the Council Members stand on the issue first...If you know you have to convince a Council Person, the kids are number one.” In one city, not included in the case study, the youth did not even have a chance to testify before the TFYO was passed.

The various strategies pursued in the three cities and the differences in the lead agencies chosen demonstrated that the roll-out was designed to meet each cities needs and reflect the unique process in each city. There were, however, some common groups involved across cities. Youth were involved in each of the three cities to a varying degree. The youth voice was felt to be very important, not only to staff but to other supporters and some Council Members, since the TFYO was developed to protect youth and improve their environment. Two of the cities also had strong support from the local Chief of Police. This support was important since in some cases the burden of enforcement will rest on the police. A Council Member also stated that the police involvement on the ordinance was very important. Local CBOs and Advisory groups were important in the roll-out in some cities since they act as representatives of the larger community. There was also school district support in some cities through School Board or Parent Association testimony.

The business community’s support was missing in two of the cities. In addition to youth, tobacco merchants will be most affected by the ordinance. Hearing merchants testify in support of the TFYO could have been quite powerful. In City III, the lead agency did a lot of merchant outreaches, working with local merchants to address their concerns. A merchant spoke in support of the TFYO at City III's hearing. During the BOS deliberations of the ordinance, TPP and its partner, the American Lung Association had conducted extensive merchant education. It did not pay off in testimony or support, hence TPP’s decision not to pursue merchant outreach as a strategy for promoting the TFYO in the cities.

Additional lessons learned around youth mobilization were that the timing of the hearings had an impact. City I held a public hearing on the ordinance during the local high schools spring break, and youth turnout was low. This had been true with the Board of Supervisors. Some of their meetings had been scheduled for summer break, making mobilizing youth more difficult. Staff also realized that youth might need to present in multiple cities if they lived in one and went to school in another. Availability of staff and youth resources contributed to the decision to focus or limit youth mobilizing efforts in some cities, such as City I.

### **Limitations**

Two of the cities passed the ordinance in the beginning of the year before many of the evaluation instruments had been finalized. Since the Evaluator wanted to ensure that the case study was responsive to the needs of the program, several meetings with key staff were necessary prior to going into the field to reach consensus on the research questions and methods. This delay most likely affected some participant’s recall of the events that took

place. This was especially apparent among some City Council Members who commented on the length of time between the passage of the TFYO and the interview.

The case study was limited to three cities and thus it is not appropriate to generalize results to other cities. However some of the lessons learned may be incorporated in future planning. By expanding the traditional case study sample of one to three unique settings, the results are more informative for planning under different circumstances.

The case study methodology used to conduct this research precludes us from being able to positively state the reason for the successful passage of the ordinance in the three cities. Rather it provides us with a rich narrative of how the roll-out of the ordinance took place and what people perceived to be important contributions.

A potential limitation in interviewing politicians was a concern that they would only provide desirable answers. To our surprise, we found many to be quite honest and up-front in their answers. However the degree to which they directly answered each question varied.

**NOTE**

By the time this case study was finalized, 15 cities and the county had enacted the Tobacco-Free Youth Ordinance.