



# CONTRA COSTA COUNTY'S DEEMED APPROVED ORDINANCE REVISION PROCESS A Case Study

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## I. EXECUTIVE SUMMARY

On June 16, 2015, the Contra Costa County Board of Supervisors (BOS) voted unanimously to amend Contra Costa’s Alcoholic Beverage Sales Commercial Activities Ordinance (i.e., Deemed Approved Ordinance) to include alcopops in the list of alcoholic beverages for which sales can be restricted if nuisance conditions are identified at retail locations where alcoholic beverages are sold.

# AlcoPOPs

are defined in the revised Deemed Approved Ordinance (DAO) as, “...flavored malt beverage products, with alcohol content greater than five and one-half percent by volume. A “flavored malt beverage” product is a malt beverage product to which is added an alcoholic or other flavoring ingredient and is labeled or packaged in a manner that is similar to labeling or packaging used for non-alcoholic beverages such as sodas, teas, lemonades, fruit punches, energy drinks and slushes. Youth-oriented flavored malt beverage products are sold in bright, colorful packaging and are commonly known as “alcopops.” The revised DAO, which also includes new posting requirements for these retail locations, became effective on July 16, 2015. Several new protocols were also approved by the BOS to facilitate better coordination of County efforts related to implementation and enforcement of the ordinance.

An evaluation was conducted to better understand the process that culminated with the revised DAO. The evaluation included retrospective key informant interviews, a focus group with youth participants of the process, a review of public policy and other relevant documents, a local media scan, and other analysis of secondary data on demographics and youth alcohol use and perceptions. Key findings from the evaluation are summarized below.

The process to revise Contra Costa’s DAO occurred in several phases over the course of two years: the alcopop issue was introduced to policy makers and County staff by Riverview Middle School Club Live youth members (April 2013–May 2014); the DAO and alcopop issues were studied by policy makers and County staff (June–Sept 2014); and DAO revisions were recommended by County staff and adopted by the Board of Supervisors (October 2014–June 2015). As part of this process, the alcopop issue was discussed at 10 public policy meetings of the Bay Point Municipal Advisory Council, the Contra Costa Board of Supervisors, the Board’s Public Protection Committee, and the County Planning Commission.

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1. Contra Costa Ordinance No. 2015–10, Alcoholic Beverage Sales Commercial Activities.

Key players involved in the process included: youth from the Riverview Middle School Club Live chapter and their Program Coordinator; local and County policy makers and their staff; County staff from the Alcohol and Other Drugs Services (AODS), the Department of Conservation and Development (DCD), and County Counsel; and several AODS-funded groups and community-based and other partner organizations/experts involved in youth development and alcohol prevention work. (See Graphic 1, Appendix 1).

Youth involvement in the DAO revision process was facilitated by a Friday Night Live (FNL) Coordinator who was employed by the Center for Human Development (CHD), one of the community-based organizations contracted to deliver programs in partnership with and funded by Contra Costa Health Services' Alcohol and Other Drugs Services. The FNL Coordinator created a Club Live (CL) chapter at Riverview Middle School (RMS) in Bay Point in early 2013, centered on FNL's mission to "build partnerships for positive and healthy youth development which engage youth as active leaders and resources in their communities."<sup>2</sup> The RMS CL chapter consisted of weekly chapter meetings held on campus and other community-based activities that offered skillbuilding and other opportunities for youth to engage in efforts to change their community environment. Chapter meetings were designed to align with FNL's Roadmap Framework, which includes five key phases to guide programs supporting community mobilization of young people: capacity-building, assessment, planning, action/implementation and evaluation/reflection (See Table 4).

Youth from the Riverview Middle School Club Live (RMS CL) chapter in Bay Point were the primary community advocates for alcopop restrictions in Contra Costa during this time, attending and/or presenting at many of the public policy meetings during this process. Other advocates supported the young people's efforts by attending some of the public policy meetings and/or submitting letters of support including: Jorge Castillo from Alcohol Justice, Contra Costa County Alcohol & Other Drugs (AOD) Advisory Board members, AODS-funded groups including members/coordinators of regional alcohol policy coalitions and local high school youth working with these groups. Outside of these public policy meetings, the RMS CL youth engaged in other activities to raise awareness of the alcopops issue including: data collection and analysis on availability and awareness of alcopops and community support for restricting alcopops; presentations at local community meetings and youth conferences throughout the state to raise awareness of the issue and their efforts; and outreach with State and Federal representatives about the possibility of broader strategies beyond local restrictions. Print and online media during this process also highlighted the alcopop issue, youth involvement in the efforts to restrict alcopops, and adoption of the revised DAO with alcopop restrictions.

2. [fridaynightlive.org/about-us/cfnlp-overview/](http://fridaynightlive.org/about-us/cfnlp-overview/)

The primary **facilitators** of the DAO revision process mentioned by interviewees included: 1) Youth involvement; 2) The RMS CL Coordinator's successful engagement and support of youth involved in the process; 3) Efforts by the County Board Supervisor whose district includes Bay Point and his Senior District Representative to elevate the alcopop issue from the local to the County level; 4) Public policy maker support, driven by youth appeal for help in addressing the alcopop issue; 5) the County's existing DAO, which was a vehicle for including alcopop restrictions; and 6) County staff efforts to make the DAO revisions, including alcopop restrictions, come to fruition. **Successes** mentioned by interviewees included: the positive impact on youth involved in this process, increased local awareness of alcopops, and the innovative and successful effort to organize youth around alcopops that resulted in local legislated restrictions. Few **challenges** of the process were identified. These included: creating the final language for the DAO revision and several aspects of managing the alcopop campaign including lack of a formal curriculum and inadequate support for the RMS CL coordinator to lead this effort and guide the youth through the process.

**Lessons learned** were as follows:

1. Middle school age youth can play a critical role in promoting public policy change.
2. Successful youth involvement in public policy change can occur when meaningful youth engagement is the priority.
3. Engaging young people in all aspects of the data, and focusing on data that support the overall goals and are easy to understand, helps make data actionable for youth advocacy efforts.
4. It is important to prepare youth involved in advocacy efforts to be patient, since public policy change can take time.
5. Community members play an important role in public policy change by raising awareness among policy makers and public agency staff about key issues of concern to the community.
6. To achieve public policy change, community-organizing efforts should focus on a core issue and goal while remaining flexible about strategies to address the issue.
7. One strategy to pursue alcohol policy issues is to use available tools, including existing public policies. This approach offers the opportunity to amend, assess, and improve the effectiveness of these policies.
8. City and County Deemed Approved Ordinances provide limited local control over alcohol access, especially when the enforcement is complaint-based. Local public policy efforts to restrict alcopops may influence State policy, which could result in significant restrictions on these products.

9. County Alcohol and Other Drugs Services (AODS) can impact alcohol policy when environmental prevention is a priority strategy, by supporting community efforts and working on County systems level change to complement these efforts.

As of the writing of this report, the following efforts to implement the revised DAO have begun. Updated Deemed Approved performance standards notices were distributed by DCD to all Deemed Approved establishments for posting in these locations; the notices include a Quick Response (QR) code to facilitate submission of complaints about establishments using smart phones. An inspector was assigned responsibility for monitoring compliance of all Deemed Approved outlets to the DAO. As a result of violations identified in one particular Deemed Approved establishment since the revised DAO was adopted, a hearing was held and fines along with much stronger conditions were imposed on this store, including loss of the right to sell alcopops. If this store further violates the conditions, it will lose its license to sell alcoholic beverages. Additional plans are underway to facilitate enforcement of the DAO, including: 1) translation of the performance standards notice into Spanish to ensure that Spanish-speaking residents understand the standards and know how to file a complaint, and 2) creation of maps by DCD identifying all Deemed Approved establishments, which will help AODS prevention staff support DCD's efforts to ensure compliance of these alcohol outlets using community-based strategies and tools intended to improve the operation of alcohol retail establishments and reduce youth access to alcohol.



## II. CONTEXT/BACKGROUND

### A. DEMOGRAPHICS

In 2015, the estimated population of Contra Costa County was 1,090,017: Hispanic (25.5%), Non-Hispanic (NH) white (45.0%), NH Asian/Other Pacific Islander (16.1%), NH Black/African American (8.7%), NH multiple races (4.2%), NH American Indian Alaska Native (0.3%) and NH Other (0.3%).<sup>3</sup> More than two-thirds of Contra Costa residents had at least some college education: Associate or more advanced degree (48.0%) and some college without a degree (22.1%); high school diploma or GED (19.2%); and less than a high school diploma/GED (10.7%).<sup>4</sup> The county is made up of 19 cities and an unincorporated area, which represents 15% of the overall county population. Contra Costa is governed by a five-member Board of Supervisors elected to represent citizens of the county. Each member represents a unique geographic district with a mix of cities and unincorporated areas. Among other things, the Board of Supervisors is responsible for public policy development and oversight specifically related to the unincorporated parts of the county and serves as the appellate body for planning and zoning issues.

Riverview Middle School is in the unincorporated city of Bay Point within Supervisorial District 5. At the time of the evaluation and throughout the relevant study period, Bay Point was represented by County Board Supervisor Federal Glover. In 2015, an estimated 22,253 people lived in Bay Point, representing approximately 13% of the unincorporated and 2% of the overall county population.<sup>5</sup> With just 735 students enrolled in the 2014–15 school year, Riverview Middle School (RMS) made up 2.3% of the student population in the Mount Diablo Unified School District (MDUSD) and less than 1% in the county overall.<sup>6</sup> RMS had greater percentages of Hispanic/Latino (69%) and Non-Hispanic African American (NH AA) (14%) students and lower percentages of NH Asian/Other Pacific Islander (NH API) (8%) and NH white (6%) students compared to the district and county<sup>7</sup> (Chart 1) RMS also had greater percentages of students who were English Learners (30%) and eligible for Free & Reduced Price Meals (89%) than MDUSD and Contra Costa County overall (Chart 2).

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<sup>3</sup> Environmental Systems Research Institute (ESRI) Community Analyst, 2015.

<sup>4</sup> Ibid.

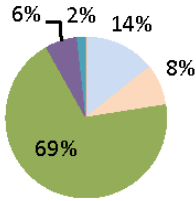
<sup>5</sup> Ibid.

<sup>6</sup> <http://data1.cde.ca.gov/dataquest>

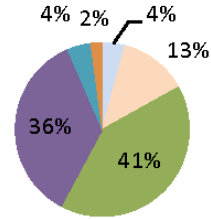
<sup>7</sup> Ibid.

# CHART 1

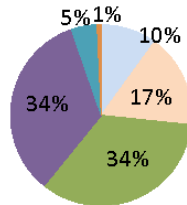
Riverview Middle School, 2014-15



Mt Diablo Unified School District, 2014-15



Contra Costa County, 2014-15

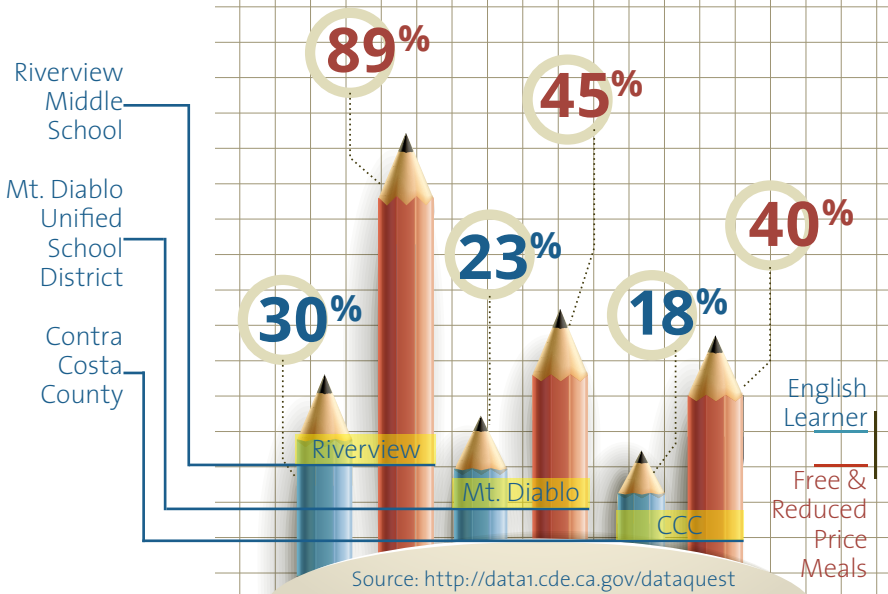


Legend: NH AA (light blue), NH API (orange), Hispanic or Latino (green), NH white (purple), NH Two or More Races (teal), None Reported (Ethnicity) (brown)

Source: <http://data1.cde.ca.gov/dataquest>

# CHART 2

Student Demographics 2014-15



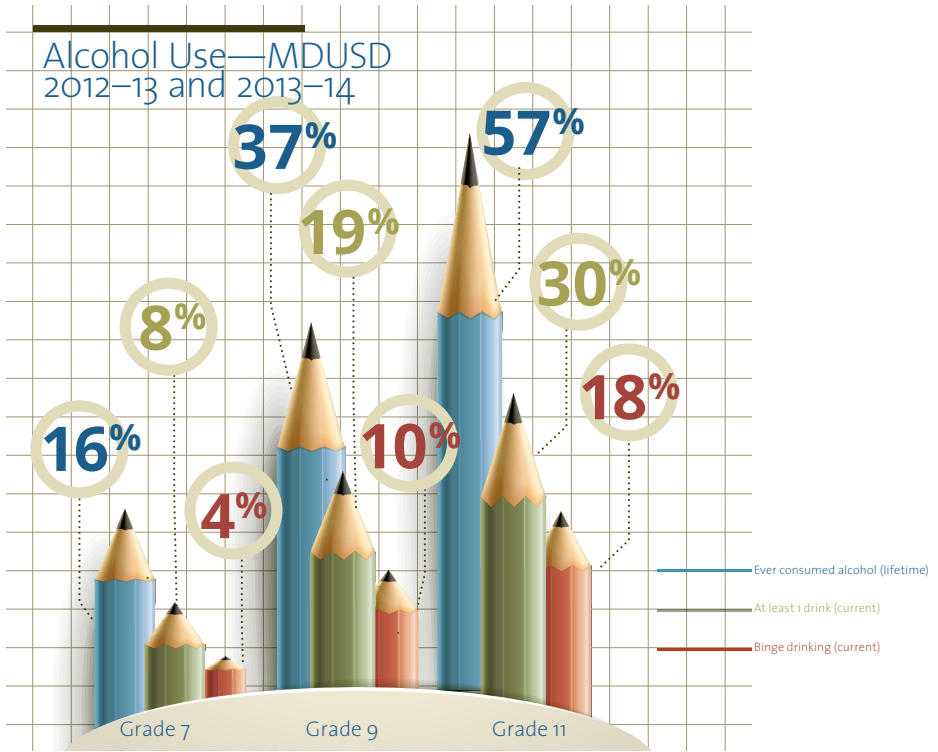
Source: <http://data1.cde.ca.gov/dataquest>



## B. YOUTH ALCOHOL USE AND PERCEIVED ACCESS

“Excessive alcohol consumption [i.e., binge drinking, heavy drinking, underage drinking, and any drinking by pregnant women] is the third leading cause of preventable death in the US and is a risk factor for many health and societal problems.”<sup>8</sup> The estimated economic cost of excessive drinking was \$249 Billion in the US in 2010.<sup>9</sup>

CHART 3



Mt. Diablo Unified School District. California Healthy Kids Survey, 2013-14 (9th & 11th grades); 2012-13 (7th grade): Main Report, San Francisco: WestEd. Health & Human Development Program for the California Department of Education.

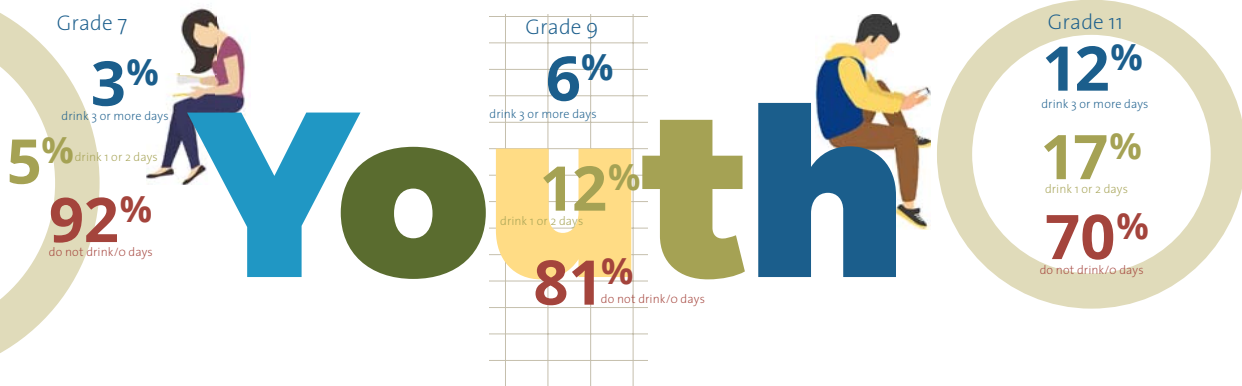
8 <http://www.thecommunityguide.org/alcohol/index.html>

9 Sacks JJ, Gonzales KR, Bouchery EE, Tomedi LE, Brewer RD. 2010 National and State Costs of Excessive Alcohol Consumption. American Journal of Preventive Medicine 2015 Nov;49(5):e73–9.

Alcohol use among teens is higher than any other drug. In 2015, 39.9% of US students (8<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> graders) reported any alcohol use in the prior 12 months and most of these students indicated they consumed flavored alcohol (72.2% of those who reported annual alcohol use; 28.8% of all students).<sup>10</sup> In Mount Diablo Unified School District (MDUSD), estimates for 11<sup>th</sup> graders indicate local consumption is high: ever consumed alcohol (57%); current drinking (i.e., at least one drink of alcohol in the past 30 days) (30%), and current binge drinking (i.e., at least 5 or more drinks of alcohol in a row in the past 30 days) (18%).<sup>11</sup> (Chart 3) These behaviors begin early. Estimates for 7<sup>th</sup> graders in MDUSD are as follows: ever consumed alcohol (16%), current drinking (8%), and current binge drinking (4%).<sup>12</sup> (Chart 3) Almost half (41%) of 7<sup>th</sup> graders who ever drank alcohol reported they started drinking at age 10 or younger.

Frequent drinking among local youth (i.e., on 3 or more of the past 30 days) is also an issue: at least one drink (12%) and binge drinking (7%) of 11<sup>th</sup> graders.<sup>13</sup> (Charts 4 & 5) Perceived access is quite high among local youth. Approximate one-third (31%) of 7<sup>th</sup> graders and more than half of 9<sup>th</sup> and 11<sup>th</sup> graders (60% and 74%, respectively) reported they felt it would be “fairly easy” or “very easy” to get alcohol if they wanted it.(Chart 6)

**CHART 4** Frequency of Current Alcohol Use—At Least 1 Drink  
MDUSD 2012–13 and 2013–14



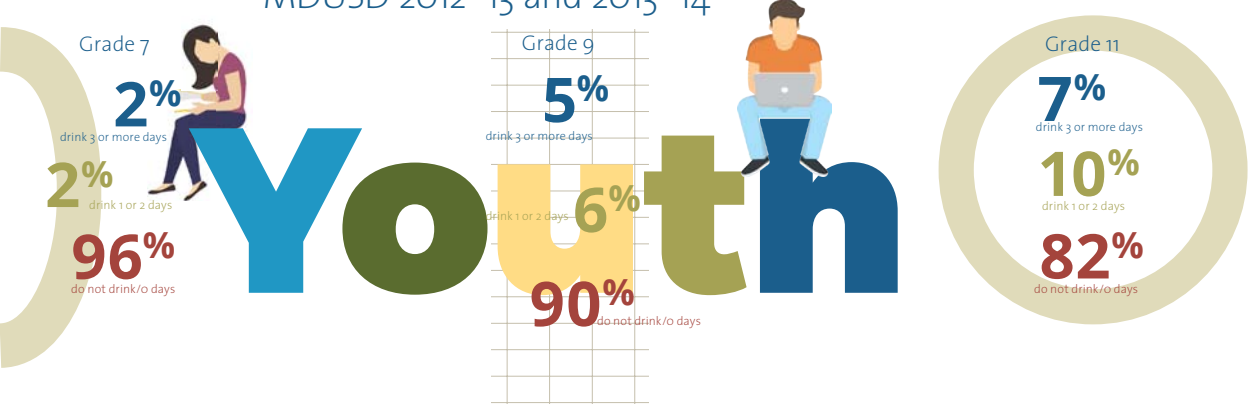
10. Johnston, L. D., O’Malley, P. M., Miech, R. A., Bachman, J. G., & Schulenberg, J. E. (2016). Monitoring the Future national survey results on drug use, 1975-2015. Ann Arbor: Institute for Social Research, the University of Michigan. <http://www.monitoringthefuture.org/data/15data/15drtbl15.pdf>

11. Mt Diablo Unified School District (MDUSD). California Healthy Kids Survey (CHKS), 2013-14: Main Report. San Francisco: WestEd Health & Human Development Program for the California Department of Education.

12. MDUSD. CHKS, 2012-13: Main Report. San Francisco: WestEd Health & Human Development Program for the California Department of Education.

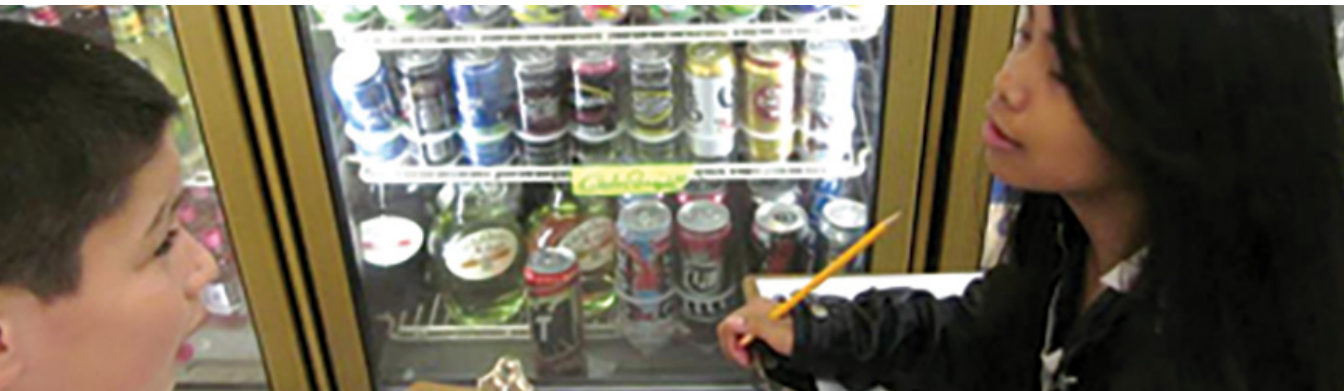
13. Ibid, CHKS 2012-13 and 2013-14

## CHART 5 Frequency of Current Alcohol Use—Binge Drinking MDUSD 2012–13 and 2013–14



### C. ALCOPOP ACCESS & REGULATION

Price and availability impact young people’s ability to gain access to alcohol. Based in part on evidence suggesting that higher alcohol prices are associated with less youth drinking, the Task Force for Community Preventive Services recommends increasing alcohol excise taxes.<sup>14</sup> California classifies alcopops as beer rather than distilled spirits, which translates to lower taxes and prices than if they were classified as the latter. In addition to the price implications, this classification allows for greater availability of alcopops because they can be sold in many outlets frequented by youth where beer sales are allowed, including grocery stores, gas stations and convenience stores.<sup>15</sup>



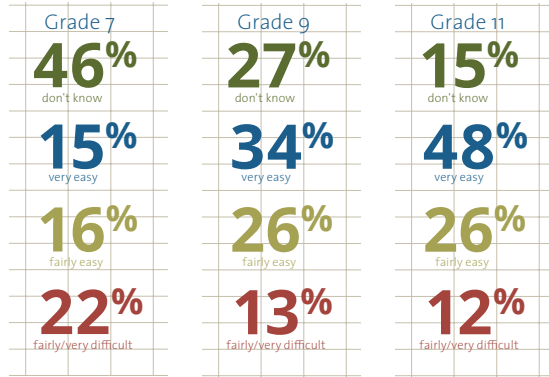
14. [www.thecommunityguide.org/alcohol/increasingtaxes.html](http://www.thecommunityguide.org/alcohol/increasingtaxes.html)

15. Healthy Stores for a Healthy Community 2013, as cited in: Alcopops—Sweet, Cheap and Dangerous to Youth—A Report . from Alcohol Justice and the San Rafael Alcohol & Drug Coalition. December 2015.



## CHART 6 Perceived Difficulty Obtaining Alcohol MDUSD 2012–13 and 2013–14

Mt Diablo Unified School District. California Healthy Kids Survey, 2012–13 (7<sup>th</sup> grade) and 2013–14 (9<sup>th</sup> & 11<sup>th</sup> grades): Main Report. San Francisco:WestEd Health & Human Development Program for the California Department of Education.



The operational practices of alcohol retail outlets also impact underage drinking.<sup>16</sup> “The link between alcohol retail sales establishments and community health and safety problems has prompted governments to regulate their number, location and practices. Most states establish minimum guidelines through a licensing system and permit local governments to impose additional restrictions in order to tailor the alcohol availability structure to meet local circumstances...Typically local controls are exercised through land use and zoning and/or planning and public safety ordinances.”<sup>17</sup> Yet in some states, including California, the State exercises “exclusive or near exclusive regulatory authority over alcohol retail sales, prohibiting (or “preempting”) local authority regarding this particular type of land use.”<sup>18</sup> However, the California State legislature has “carved out” one way for local jurisdictions to have some power on this issue, by prohibiting the issuance of State alcohol retail licenses “if the issuance would violate a valid local zoning ordinance.”<sup>19</sup> In an attempt to address public health and safety issues related to alcohol outlets, many local jurisdictions in California have created Conditional Use Permit (CUP) ordinances specific to new alcohol outlets only.<sup>20</sup> The City of Oakland enacted the first “deemed approved” ordinance (DAO) in 1993, to allow for regulation of pre-existing alcohol outlets that were not covered under typical

16. Ventura County Behavioral Health, Alcohol Retail Outlet Density Affects Neighborhood Crime and Violence. Ventura, CA: Ventura County Behavioral Health, Alcohol and Drugs Programs Prevention Services Issue Briefing (September 2008), as cited in: Mosher J.F., Cannon C., Treffers R., Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California, September 2009.
17. Mosher J.F., Cannon C., Treffers R., Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California, September 2009.
18. Mosher, J. How to Use Local Regulatory and Land Use Strategies to Prevent Underage Drinking. Washington, DC: Office of Juvenile Justice and Delinquency Prevention (2000), as cited in: Mosher J.F., et al., Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California, September 2009.
19. Mosher J.F., et al., Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California, September 2009.
20. Wittman, F. and Shane, P. Manual for Community Planning to Prevent Problems of Alcohol Availability, Sacramento: California State Dept of Alcohol and Drug Programs (September, 1988); Appendix B: Case Studies, pp. 119-140 - as cited in: Mosher J.F., et al., Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California, September 2009.

CUP ordinances, by issuing “deemed approved” permits and establishing “public nuisance standards” that pre-existing retailers must abide by in order to maintain their permit.”<sup>21,22</sup> This DAO withstood a legal challenge from alcohol retailers and subsequently became a “model” for other local jurisdictions including Contra Costa County.<sup>23</sup>

Contra Costa County’s Deemed Approved Ordinance (DAO) was originally adopted by the Board of Supervisors in 2002 to help address problems associated with the sale of alcoholic beverages in the Unincorporated County. Ordinance No. 2002–33, which established Chapter 82–38 of the County Ordinance Code, regulates Alcoholic Beverage Sales Commercial Activities (i.e., alcohol retail sales locations). It requires land use permits for newly established Alcoholic Beverage Sales Commercial Activities, provided Deemed Approved (i.e., “grandfathered”) status for existing Alcoholic Beverage Sales Commercial Activities (i.e., those established before the 11/22/02 effective date), and outlines performance standards and an administrative hearing process for reviewing violations of those standards in order to protect the general health and welfare of residents of the county, and to prevent nuisance activities where alcoholic beverage sales occur.<sup>24</sup> Performance standards violations are identified based on complaints filed with the County; these can be submitted by the Sheriff’s office or any concerned citizen. Enforcement is conducted by the County Department of Conservation and Development (DCD). An annual fee related to this ordinance, which is collected by the Tax Collector, helps cover DCD’s costs associated with inspection of the Deemed Approved establishments, hearing costs for violations and staff time to review and monitor correspondence from the State Department of Alcoholic Beverage Control.<sup>25</sup> As of 2015, approximately 81 establishments in unincorporated Contra Costa County were covered under the DAO, with 33 in District 5 and 13 in Bay Point.<sup>26</sup>

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21 Moshier, J. and Works, R. *Confronting Sacramento: State Preemption, Community Control, and Alcohol-Outlet Blight in Two Inner-City Communities*, San Rafael, CA: Marin Institute for Prevention of Alcohol and Other Drug Problems (1994), as cited in: Moshier J.F., et al., *Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California*, September 2009.

22 Moshier J.F., et al., *Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California*, September 2009.

23 *City of Oakland v. Superior Court*, 53 Cal. App.4th 740 (1996), review denied, as cited in: Moshier J.F., et al., *Reducing Community Alcohol Problems Associated with Alcohol Sales: The Case of Deemed Approved Ordinances in California*, September 2009.

24 6/3/14 Board Order/memo from Supervisor Glover to the Board of Supervisors re; REFER to Public Protection Committee a review of the Alcoholic Beverage Sales Commercial Activities Ordinance.

25 3/24/15 Staff Report from the Department of Conservation and Development to the County Planning Commission re: Proposed Revision to the Alcoholic Beverage Sales Commercial Activities Ordinance, Chapter 82-38 of the County Code.

26 Estimates provided by Contra Costa County Department of Conservation and Development, 3/30/16

### III. EVALUATION METHODS & LIMITATIONS

An evaluation was conducted to address four key questions about Contra Costa’s revised DAO: (1) What was the process to get the revised DAO, with alcopop restrictions, developed and adopted in Contra Costa County?; (2) What were the facilitators and challenges of this process?; (3) What role did the Riverview Middle Club Live chapter (youth participants) play in this process?; and (4) What key lessons can be learned from this experience that could inform future work of this kind? The evaluation employed a non-experimental study design and case study approach with the following methods:

- **Retrospective interviews with 17 key informants** who were purposefully selected based on their involvement in the DAO revision process: **5 policy makers/policy maker staff** (i.e., Bay Point Municipal Advisory Council , Contra Costa Board of Supervisors (BOS) , and staff to a BOS member ); **6 Contra Costa County staff** from Alcohol and Other Drugs Services (AODS), the Department of Conservation and Development (DCD), and County Counsel’s Office; **the Coordinator** of the Riverview Middle School Club Live (RMS CL) chapter; and **5 others from youth development and alcohol prevention** organizations who provided technical assistance, advice and/or other support to the Riverview Middle School Club Live chapter during this process. A semi- structured interview guide was developed by the evaluator, which included open-ended questions focused on facilitators, successes, challenges, and lessons learned from this process. The evaluator conducted interviews between April 2015 and January 2016; 13 in person and four by phone. Interviews were recorded and transcribed and the data were coded and organized into themes.
- **A focus group**, conducted by the evaluator and the Riverview Middle School Club Live (RMS CL) Coordinator, with a convenience sample of 8 youth members who attended the April 16, 2015 RMS CL chapter meeting on campus. Participant characteristics were as follows: 13 years old (average age); 100% Hispanic; most were long-term members with a high level of involvement—62% joined the program before Fall 2014, all but one attended chapter meetings weekly and all participated in activities outside of these meetings (i.e., data collection, public speaking and other community activities). Focus group questions were developed by the evaluator and RMS CL Coordinator to capture information about participants’ experiences working on the alcopop issue. The group discussion was recorded; notes were transcribed, coded and key themes were identified.

- **Review of public policy and other relevant documents** including the original and revised Deemed Approved Ordinances, available video recordings, meeting minutes, other related materials for public policy meetings in Contra Costa in which the alcopop issue and/or DAO revisions were discussed as well as other documents from Contra Costa County Alcohol and Other Drugs Services (AODS), the County AOD Advisory Board, Riverview Middle School Club Live chapter, Friday Night Live, Alcohol Justice, etc.
- **Media scan** to identify local print and online media covering the alcopop issue from April 2013—June 2015. Keyword searches were conducted using Google on 9/29/15 using the following: (“Bay Point” AND “alcopop”; “Contra Costa” AND “alcopop”; “San Francisco Chronicle + alcopop”; “Contra Costa Times + alcopop”; “San Francisco Chronicle + Healthy Stores for a Healthy Community”; “Contra Costa Times+Healthy Stores for a Healthy Community”). Searches using these terms were also conducted on the San Francisco Chronicle and Contra Costa Times websites. (The relevant articles identified are summarized in Appendix 1, Table 2.)
- **Analysis of secondary data** on demographics and youth alcohol use and perceptions.

Key limitations of this evaluation include: Small samples for the key informant interviews and for the focus group, which was a convenience sample, could impact representativeness of the information gathered. Also, lack of access to certain key people involved in the DAO revision process who moved on to other jobs or retired before or shortly after the evaluation began limited the evaluator’s ability to gather complete information from some relevant sources. In addition, the evaluation began in April 2015, two years after the initial public policy meetings that were part of this process occurred. As a result, interviewees may not have recalled things as easily or accurately as they would have had less time elapsed. Lastly, some records lacked detail or were incomplete, including some RMS CL chapter documents and policy maker meeting minutes and related documents. It is also important to note that this case study documents one way in which this kind of public policy change can occur; it does not conclude that this is the only way for this kind of change to happen nor that this approach would work elsewhere.

## IV. KEY FINDINGS

### A. OVERVIEW OF THE DAO REVISION PROCESS

On June 16, 2015, the Contra Costa County Board of Supervisors voted unanimously to adopt Ordinance No. 2015–10, which amends the Ordinance Code Chapter 82–38—Alcoholic Beverage Sales Commercial Activities Ordinance (i.e., Deemed Approved Ordinance) to, “add” alcopops to the list of alcoholic beverages whose sales may be restricted if nuisance conditions exist at retail locations where alcoholic beverages are sold, and to establish new posting requirements<sup>27</sup> for the Deemed Approved Performance Standards notice including that the notice be “11x17” in size, with font of (at least) 20-point type.<sup>28</sup> These amendments became effective on July 16, 2015. In addition to these proposed changes to the DAO, “various implementation procedures and strategies were also approved in order to better coordinate the efforts of the Department of Conservation and Development (DCD) with other County departments and agencies for implementation and enforcement of the Deemed Approved Ordinance. Such policy revisions included establishing protocols with the Office of the Sheriff, the Tax Collector, and the Health Services Department for improved information and data sharing concerning Deemed Approved alcohol establishments in the unincorporated areas of Contra Costa County. The Board also directed (DCD) staff to report back with an immediate status update on enforcement efforts.”<sup>29</sup>

A review of public policy and RMS CL program documents and media materials revealed a 3-phase process over 2 years that culminated in the County’s revised DAO with alcopop restrictions:

- **Phase 1:** the alcopop issue was introduced to policy makers and County staff through education by Riverview Middle School Club Live youth members (April 2013–May 2014);
- **Phase 2:** the DAO and alcopop issues were studied by policy makers and County staff (June–Sept 2014);
- **Phase 3:** DAO revisions were recommended by County staff and adopted by policy makers (October 2014–June 2015)

The alcopop issue and/or the idea to revise the Deemed Approved Ordinance (DAO) to address youth access to alcopops were discussed at 10 public policy meetings in Contra Costa between June 2013 and June 2015: Bay Point Municipal Advisory Council (BPMAC)—6/4/13, 2/4/14, 2/3/15; Board of Supervisors (BOS)—4/22/14; 6/3/14; 12/16/14; 6/16/15; Board’s Public Protection Committee (PPC)—6/23/14; 10/27/14; and County Planning Commission (3/24/15). At each opportunity during this process, public policy makers voted to progress work on the alcopop



issue and the DAO revisions. The only concern that surfaced was related to implementation/enforcement of the DAO. Supervisor John Gioia expressed concern about enforcement based at least in part on limited complaints and hearings since the original version of the DAO was adopted in 2002. He indicated an interest in getting the necessary complaint and other nuisance data to pursue effective enforcement (i.e., hold hearings and impose conditions, when appropriate). When the BOS adopted the revised DAO he asked for an update from DCD staff on implementation/enforcement within 6 months (i.e., September 2015).



Youth members of the Riverview Middle School Club Live (RMS CL) chapter were the primary advocates who spoke in support of alcopop restrictions at these meetings; they attended and/or presented at many of them. Other advocates supported the young people’s efforts to restrict alcopops by attending, providing testimony and submitting letters of support for the Board of Supervisors’ meetings including Jorge Castillo from Alcohol Justice, the Contra Costa AOD Advisory Board, and AODS-funded groups including members/coordinators of regional alcohol policy coalitions and high school youth working with these. Outside of these public policy meetings, the RMS CL youth engaged in other activities to raise awareness of the alcopops issue including: data collection and analysis and broader outreach. Print and online media during this process highlighted the local availability and youth appeal of alcopops,

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27 Contra Costa Ordinance No. 2015-10, Alcoholic Beverage Sales Commercial Activities.

28 Contra Costa Resolution No 2015/170.

2910/20/15 memo to the Board of Supervisors from John Kopchik, Director, Conservation and Development Department re Status Report on the Administration of the Sales of Alcoholic Beverages Zoning Ordinance

youth involvement in the efforts to restrict them, and the adoption of the revised DAO with alcopop restrictions.[See Table 1–3 in Appendix 1 for overviews of the public policy meetings, media activity, and DAO revision process timelines.]

- **PHASE 1:** Alcopop Issue Introduced to Policy Makers and County Staff through education by Riverview Middle School Club Live youth members (April 2013–May 2014)

#### **PUBLIC POLICY MEETINGS & COUNTY STAFF EFFORTS**

Youth from the Riverview Middle School Club Live (RMS CL) chapter in Bay Point initiated this process, with support from their Coordinator. On June 4, 2013, RMS CL youth members introduced the alcopop issue to the Bay Point Municipal Advisory Council (BPMAC) through a presentation they developed with their Coordinator and delivered to the policy makers that highlighted the appeal, use, and dangers of alcopops for youth. (Note: The RMS CL Coordinator first mentioned to the BPMAC in April 2013 that the youth were looking into the alcopop issue; this set the stage for the young people’s subsequent presentation.) A Senior District Representative of County Board Supervisor Federal Glover, whose district includes Bay Point, attended this presentation where he learned about the young people’s efforts on this issue.

The RMS CL youth presented to the BPMAC on the issue again on February 4, 2014. Shortly thereafter, Supervisor Glover placed an Alcohol Awareness Month Resolution on the April 22, 2014 Board of Supervisors (BOS) meeting agenda. This meeting introduced alcopops, and the related youth efforts to restrict them, to the Board. After a brief introduction of the resolution by AODS Prevention Program lead staff, RMS CL youth presented to the full Board. The resolution and youth presentations highlighted the problems of underage drinking, youth appeal and local retail availability of alcopops, and potential strategies to reduce youth access to these products. Other advocates, including members/coordinators of the regional alcohol policy coalitions along with high school youth working with them from DeAnza High School (Richmond) and Ygnacio Valley High School (Concord), demonstrated support for the RMS CL youth and their efforts to restrict alcopops by attending this meeting. Members of the AOD Advisory Board provided a letter of support to the Board in advance of the meeting and attended as well to indicate their support.

Based on interest from Supervisor Glover’s office, staff from the Department of Conservation and Development (DCD) and the AODS Prevention Program discussed the DAO as a possible strategy to address the alcopop issue. DCD requested alcopop availability data from the Public Health Department in May 2014, which indicated that approximately 85% of tobacco retailers that sell alcohol in the county sell alcopops.<sup>30</sup> Later that month, AODS Prevention Program lead staff along with several regional alcohol policy Coalition Coordinators and the RMS CL Coordinator educated DCD about alcopops, the DAO and problem stores selling alcohol in the unincorporated county through a presentation to the Department’s Planning staff.

#### **OTHER AWARENESS-BUILDING ACTIVITIES**

During this time, the RMS CL youth engaged in activities outside of public policy meetings to raise awareness of the problems associated with alcopops and the need to restrict youth access to them: store assessments to identify local retail alcopop availability and placement, on campus peer surveys to assess youth awareness of alcopops, and community surveys to inform local adults about their campaign and assess interest in alcopop restrictions. They also presented at several local community venues—a Bay Point Partnership meeting, their own Town Hall meeting and Supervisor Glover’s Youth Summit—and spoke with White House Official Dave Mineta at another Town Hall meeting he hosted locally on alcohol and drug issues. NOTE: Several policy makers and County staff attended these meetings in the community.

Local media coverage of the alcopop issue in Contra Costa during this period included nine print and online stories. In April 2013, a brief announcement of a presentation at Riverview Middle School on “the dangers of alcopops” ran in the Contra Costa Times. On March 5, 2014, a media alert, press release and press conference produced by Contra Costa Health Services announced local results of the statewide Healthy Stores for a Healthy Community (HSHC) survey, a campaign to improve the health of Californians by addressing unhealthy product marketing in the retail environment. Six stories highlighted the HSHC launch with data from the survey, including local retail availability of alcopops; most also mentioned the need for policy strategies to prevent youth access to alcopops. Three other media pieces highlighted RMS CL youth efforts to address the alcopop issue. [See Appendix 1, Table 2 for a media overview.]

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<sup>30</sup> Healthy Stores for a Healthy Community Survey, 2013.

- **PHASE 2:** DAO and alcopop issues studied by policy makers and County staff (June–Sept 2014)

#### **PUBLIC POLICY MEETINGS & COUNTY STAFF EFFORTS**

Supervisor Glover initiated the process to officially consider revisions to the County’s Deemed Approved Ordinance (DAO) by sponsoring a June 3, 2014 Board Order directing the Board’s Public Protection Committee (PPC) to review the County’s DAO for potential updates “to address certain alcoholic beverage products that may contribute to nuisance activities in the County.”<sup>31</sup> *This Board Order was approved by the BOS on the consent calendar.* The PPC, which included two Board Supervisors (Glover and Gioia), assigned the task of reviewing and recommending revisions to the DAO to staff of the Department of Conservation and Development (DCD). At their June 23, 2014 meeting, the PPC *approved a 4-phase work plan* developed by DCD “to examine the overall adequacy of the Deemed Approved Ordinance and to explore possible amendments that could be made to specifically address the sale of alcopops”<sup>32</sup> in the unincorporated areas of the County. The 4-phase workplan, which was implemented by DCD from June–September 2014, included: 1) Data gathering to understand more about alcopops and the community/youth impact of alcohol consumption/sales; 2) Site inspections of all Deemed Approved locations by Code Enforcement to verify compliance with the DAO Performance Standards and review complaint data and law enforcement actions for these locations; 3) Data analysis; and 4) Policy recommendations. DCD developed an internal workgroup with members of Administration, Code Enforcement, and Community Development and worked with AODS Prevention Program lead staff within the Health Services Department to collect and analyze some of the data and to develop recommendations. RMS CL youth and AOD Advisory Board members attended the June PPC meeting.

#### **OTHER AWARENESS-BUILDING ACTIVITIES**

The RMS CL youth also continued to conduct other outreach to raise awareness about the alcopop issue; they gathered community surveys and talked with then State Senator Mark DeSaulnier about statewide alcopop restrictions at the local Unity in Community event and presented at a Statewide Youth Traffic Safety Summit. No local media coverage of the alcopop issue ran during this time.

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31 6/3/14 Board Order/memo from Supervisor Glover to the BOS re: REFER to Public Protection Committee a review the Alcoholic Beverage Sales Commercial Activities Ordinance.

32 6/23/14 memo from Catherine Kutsuris, DCD Director, re Proposed Work Plan to Review Ordinance 82-38 – Alcoholic Beverage Sales Commercial Activities (Deemed Approved Ordinance)

- **PHASE 3:** DAO revisions recommended and adopted by public policy makers (Oct 2014–June 2015)

**PUBLIC POLICY MEETINGS & COUNTY STAFF EFFORTS.**

At the October 27, 2014 PPC meeting DCD staff presented findings from their work plan. DCD reported several *alcopop-related insights*: public perception suggested “alcopops are marketed to youth, and are more accessible to minors than other alcoholic beverages”<sup>33</sup> and in store placement of alcopops varied—in most Deemed Approved establishments inspected they were in the back of the store, in the refrigerated section next to other alcoholic beverages. In some locations in Bay Point and Rodeo, which are within the District that Board Supervisor Glover represented and where the RMSCL chapter was based, alcopops were near the front of the store or near the cash register; areas that could be more easily accessed by youth. *Alcopop-related recommendations included*: 1) add language to the DAO specifically allowing the County to prohibit the sale of alcopops if an establishment is found to be in violation of the ordinance; and 2) advocate for state legislation banning the sale of alcopops by businesses that sell alcohol.<sup>34</sup>

*Other findings about DAO implementation and enforcement included*: Health Services Department staff conduct inspections of businesses selling alcohol, including Deemed Approved establishments; no complaints were received by DCD about Deemed Approved (DA) establishments yet alcohol-related crimes (e.g., sales to minors) and other crimes were reported at most DA establishments in the prior 4 years despite most of them being free of nuisance activities during the site inspections; many DA establishments were within High Crime Reporting Districts,<sup>35</sup> yet crime data for DA establishments was not shared in a coordinated way between DCD and the Sheriff’s office; and most DA establishments did not have the Performance Standards posted in the store as required but when they did, the materials were outdated (e.g., old contact information). *Implementation/enforcement-*

33 10/27/14 memo from John Kopchik, Interim Director, Conservation and Development Department re Proposed Findings and Recommendations Alcoholic Beverage Sales Commercial Activities

34 12/16/14 memo from the PPC to the BOS re: Findings and Recommendations re the County’s Alcoholic Beverage Sales Commercial Activities Ordinance (“Deemed Approved Ordinance”)

35 Per the DAO, Crime Reporting Districts are defined as, “Geographical areas within the boundaries of unincorporated area of county that are identified by the Contra Costa County Sheriff’s Department in the compilation and maintenance of statistical information on reported crimes and arrests...New alcohol beverages sales commercial activity is not permitted ...within a Crime Reporting District, or within 600’ of a Crime Reporting District, where the general crime rate exceeds the countywide general crime rate by more than 20%.”

*related recommendations included:* require the Performance Standards notice be a certain size (including font size, etc.) and posted in specific location(s); update the Performance Standards notice with correct contact information and adding a “QR” (Quick Response) code to the notice with information about submitting complaints to make it easier for citizens to use the complaint process; and establish protocols to further facilitate DAO implementation and enforcement. *The suggested protocols included:* **data sharing** (i.e., for the Sheriff’s office to share crime data with DCD for all DA establishments annually and for Health Services to share the results of their inspections of businesses selling alcohol); **appropriate fee collection** through the Tax Collectors Office; and **consistent site inspections** of DA establishments. The final recommendation was to conduct periodic trainings on the DAO for owners and employees of DA establishments to raise awareness of the new policy.<sup>36</sup>

The PPC *approved* DCD’s report and *directed staff* to bring the approved recommendations to the full Board of Supervisors (BOS).<sup>37</sup> After a public hearing at their December 16, 2014 meeting, the BOS *unanimously accepted DCD’s findings, approved the proposed recommendations* related to the DAO, referred them to the County Planning Commission for consideration, and directed staff to return to the BOS within a year for an update on the effects of implementation of the performance standards.<sup>38</sup> The proposed DAO amendments and protocol changes were *approved on consent* by the Planning Commission on March 24, 2015, with a recommendation by the Commission for ultimate approval by the BOS;<sup>39</sup> these were subsequently *unanimously adopted* by the BOS on June 16, 2015.<sup>40</sup>

RMS CL youth remained the key public speakers involved in this final phase of the process, updating the BP MAC on their efforts, attending/presenting at the PPC meeting when DCD’s findings and recommendations were approved and expressing their support at the December 2014 BOS meeting for approval of the revised DAO that was ultimately adopted in June 2015. An Alcohol and Other Drugs (AOD) Advisory Board member attended the PPC meeting and both he and Jorge Castillo from Alcohol Justice expressed their support for the DAO revisions at the December 2014 BOS meeting.

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<sup>36</sup> 12/16/14 memo from the PPC to the BOS re: Findings and Recommendations re the County’s Alcoholic Beverage Sales Commercial Activities Ordinance (“Deemed Approved Ordinance”)

<sup>37</sup> 10/27/14 PPC Meeting Minutes.

<sup>38</sup> 12/16/14 Contra Costa Board of Supervisors Meeting Annotated Agenda & Minutes.

<sup>39</sup> 3/24/15 Contra Costa Planning Commission Meeting Revised Agenda

<sup>40</sup> 6/16/15 Contra Costa Board of Supervisors Meeting Minutes.

### OTHER AWARENESS-BUILDING ACTIVITIES

The RMS CL youth continued to conduct outreach outside of these public policy meetings to raise awareness about the alcopop issue: they presented locally—to the Center for Human Development Board of Directors and an East County Alcohol Policy Coalition Town Hall meeting in Pittsburg—and they met with California State Assembly member Susan Bonilla about possible statewide regulations of alcopops. They also began to share the DAO revision process “success story” with other groups interested in pursuing similar work, including: NorCal Safe & Healthy Schools Conference, Yolo County FNL Youth Council, and Teens Tackle Tobacco Conferences for High School and Middle School students.

A press release generated by the RMS CL chapter and distributed by Alcohol Justice on December 17, 2014 announced the adoption of the revised DAO with alcopop restrictions and highlighted the RMS CL youth advocacy role. Eight media pieces (print and online) ran in December 2014, announcing the revised DAO adoption, although technically it wasn’t officially adopted by the BOS until June 2015. Many of these stories mentioned the RMS CL youth role in the DAO revision process; several also indicated that Contra Costa County was supportive of a state ban on alcopops.

## B. FACILITATORS, SUCCESSES & CHALLENGES

Information about facilitators, successes, challenges and lessons learned were captured through key informant interviews.

### FACILITATORS

The primary **facilitators** of the process to revise Contra Costa’s DAO mentioned by interviewees included: 1) youth involvement in the process, which was critical to getting the alcopop issue on the public policy agenda in Contra Costa; 2) the RMS CL Coordinator’s successful engagement and support of youth involved in the process; 3) efforts by County Board Supervisor Federal Glover and his Senior District Representative to elevate the alcopop issue from the local to the County level; 4) public policy maker support, driven by youth appeal for help to address the alcopop issue; 5) the County’s existing DAO, which was a vehicle for including alcopop restrictions; and 6) County staff efforts to make the DAO revisions, including alcopop restrictions, come to fruition. [NOTE: Quote source codes are as follows: Public policy makers/policy maker staff (PM/PM staff); County staff (CS); and Youth Development/Alcohol Prevention agency staff (YD/AP).

- 1) Youth involvement was critical to getting the alcopop issue on the public policy agenda in Contra Costa.

Young people from the Riverview Middle School Club Live (RMS CL) chapter introduced the alcopops issue to public policy makers, many of whom were unaware of alcopops and/or their appeal and marketing to youth, through presentations to the Bay Point Municipal Advisory Council (BP MAC) and the Contra Costa County Board of Supervisors. (*n=all but one public policy maker/policy maker staff interviewees.*) Interviewees described these presentations as informative and impressive. Several key issues raised by the young people in their presentations, including the youth appeal and youth-targeted marketing of alcopops, were particularly impactful. (*n=all public policy maker/policy maker staff interviewees.*) Contra Costa public policy makers were compelled to act on this issue due to youth appeal for help in addressing the negative impact of alcopops on young people. (*n=all public policy maker/policy maker staff interviewees.*)

“ This group of kids [from RMS CL] introduced the [alcopops] topic to the [Bay Point] MAC...they presented their findings...[from] polling their peers and looking at some of the outlets...and it was impressive [and]...surprising, a lot of the information they gave us. I didn't know that these alcopops existed at the time. And a lot of the MAC members didn't know...the alcohol content...prevalence and use among minors. [The kids] gave this spiel to the MAC, they had their own Town [Hall meeting], they presented to the Public Protection Committee and...to the Board [of Supervisors]... [Their presentation at the April 2014 Board meeting]...was the first time that a lot of people had heard of the alcopops. (PM/PM staff1)

The [youth presenters] would hold up several of the beverages and ask, 'Can you tell me which one is not alcoholic? Which has alcohol and which doesn't?' And whoever they were presenting to would guess. And what it showed is that it was difficult to determine which are [alcopops] and which are...sport/energy drinks and...soft drinks. And it became obvious...that there's almost no distinction...The kids also found out...that [some merchants] didn't distinguish between the sports drinks and the alcoholic drinks. They were sometimes presented side-by-side in the store, without any sign saying, 'These are alcoholic; these are energy drinks.' (PM/PM staff1)



“ [The youth] made the point that because [alcopops are] sweet [they] appeal to their age group. It’s like soda pop with alcohol. If they had beer they would spit it out but because these products taste like soda they like them. (PM/PM staff3)

The kids were key!...to look at these 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> graders and tell them ‘No’ when they are doing something so positive...I think if it had just been an adult issue, I don’t think it would have [gone] as far as it did... because the reality is that they are the victims of this...of the advertising at the stores and the making it look attractive and fun...Who is going to say ‘No’ to these little kids? (PM/PM staff 2)



- 2) The Riverview Middle School (RMS) Club Live Coordinator (CLC) played a key role in engaging the young people and supporting their efforts to restrict alcopops.

The RMS CL youth were very engaged in the alcopop issue and the public policy process. (n=more than half of the interviewees including all public policy maker/policy maker staff interviewees.) The RMS CL Coordinator was a key facilitator of the process; she introduced the alcopops topic to the youth and engaged and supported them in their efforts to restrict alcopops. (n=more than half of the interviewees.) She accomplished this by developing strong relationships and working in partnership with the young people, engaging them in exploring the problem and possible solutions, and enabling them to have a sense of ownership over their involvement in the process. She also conducted outreach to spread the word with others who might help support the young people's effort (n=several interviewees).

“ [The youth] were very articulate and knew their data when they came before us. And it didn't appear that they were just reading from a script. It was like this was something they were REALLY into and interested in. I thought that they were very passionate about it...They looked you in the eye when they talked to you. They were IN IT. They weren't just there to get credit or anything. They believed in what they were doing.  
(PM/PM staff2)

...so when I first [started at RMS] one of my recruitment activities was [with] alcopops and nonalcoholic beverages that looked similar, placed together. And I asked the [youth], 'Can you tell a difference?' And they couldn't. At their first [RMS CL chapter] meeting, they were like, "What are we going to do about this? This is like a horrible product and it's in Bay Point and we have to work on this." And so they decided from day one that this is what they wanted to work on. (RMS CL Coordinator)

...Enough can't be said about the kids themselves and the person who pushed them along; gave them information. [The RMS CL Coordinator] was a real guiding force for the children. And I don't think it could have gone as far as it did without her input. (PM/PM staff1)

“ [The Coordinator] facilitated the [youth] involvement...and acted as kind of a coach and a mentor to the kids...She...maintain[ed] that core group of kids’ interest over a long period of time...Every time they came to the MAC, which was over a couple of years, we were seeing the same faces. So it wasn’t like this is just a group of kids moving through and it’s really [the Coordinator’s] dream, not theirs. We would see those same kids over and over again. (PM/PM staff2)

As the adult of the group and realizing that I have a privilege as being an adult and the ability to connect with people that these young people can’t. So I took what they envisioned and I told everyone about it. So ...I would talk very passionately about [the young people’s] work and people connected with that. And that’s something that people tell me, “Like, wow, you’re really excited about this.” (RMS CL Coordinator)

3. Supervisor Federal Glover’s office helped raise the visibility of the alcopop issue from the local to the County level and the Supervisor himself championed the issue with the Board of Supervisors (BOS) and County staff. Supervisor Glover’s Senior District Representative initially brought the youth efforts on alcopops in Bay Point to the Supervisor’s attention. (*n=several interviewees.*) Supervisor Glover and his Senior District Representative pursued the issue with County staff and facilitated the introduction of the issue to the Board of Supervisors through a meeting on the annual Alcohol Awareness Month Resolution. (*n =approximately half of the interviewees.*) The Supervisor subsequently sponsored a Board Order formally requesting that the Public Protection Committee oversee a process to review and revise the DAO to address alcopops and pursue other relevant improvements to the Ordinance.

“ So this group of kids introduced the topic to the MAC. And I brought it back to the Supervisor and I said, ‘This looks very interesting. Is there anything the County can do to help these kids move it along?’ We saw it one, as a necessary ordinance, possibly at that point; and two, we thought it would be a good civics lesson for the youth, to see how legislation and ordinances are developed and passed...I suggested to the Supervisor that this is an issue that we could actually have an impact on and it would result in a safer/healthier community...It was a good, safe topic for us to champion. (PM/PM staff1)

“ With Supervisor Glover’s permission I contacted County staff and asked them to look into this issue even more...we were able to connect Conservation and Development [i.e., DCD], which writes the ordinances, with the Health Department [i.e., AODS Prevention Program lead staff]; the Health Department had the information [about alcopops]...and Conservation and Development didn’t...but they would have to go through Conservation and Development to write it into the ordinance. So they got together...it became an inter-department issue.  
(PM/PM staff1)

The fact that the Supervisor expressed an interest was certainly a push factor...He would meet periodically with the Director of DCD and...this was a topic they talked about...so it was at a pretty high level. It did need a champion...The [Department staff] knew they had the support of the Supervisor and that carried a lot of weight...[Staff from], the various departments were all willing [to work on this]. (PM/PM staff1)

[At the April 2014 BOS meeting]...it was the Supervisor’s turn to [introduce the annual Alcohol Awareness Month Resolution]...We thought this would be a good time for the kids to do a presentation in front of the full Board...And that was the first time that a lot of people heard of the alcopops. It fit right in making [the BOS] more aware of how...these drinks are market[ed] to kids...It was an introduction for other Board members to the topic and to emphasize to [County] staff that we are serious about this...So when the [Board Order] telling the staff to perform the [DAO] study came up...everyone was aware of the [alcopops] topic. (PM/PM staff1)

4. Throughout the process, public policy makers on the Bay Point Municipal Advisory Council (BP MAC) and the Contra Costa County Board of Supervisors were supportive of addressing the alcopop issue, driven by the young people’s efforts on this issue.

The MAC was supportive of the young people’s efforts to restrict alcopops, which was important because of their advisory role with the Board of Supervisors (n=several interviewees who attended the relevant BP MAC meetings, including Bay Point MAC member interviewees). There was also universal Board support to address the alcopop

issue (n=several interviewees who attended the relevant Board meetings including both Board Supervisor interviewees). The Board's history of working with young people to address issues impacting youth was also mentioned by both Board Supervisor interviewees as relevant context for this process. Contra Costa public policy makers were compelled to act on this issue because the youth appealed to them for help in addressing the negative impact of alcopops on young people (n=all public policy maker/policy maker staff interviewees). Please see Facilitator #1 for relevant quotes about the young people's appeal to policy makers for help.

“ I listened to the MAC respond...and they were just amazed at the presentations that these young people put forth. Their comments were in full support of [restricting alcopops]...So [I knew]...that the MAC supported this action even though they didn't vote on it formally. I could tell they were fully in support of any action that [the Board] took.  
(PM/PM staff1) ”

5. Contra Costa's existing Deemed Approved Ordinance (DAO), adopted in 2002, was a vehicle for new alcopop restrictions. The alcopop issue was the impetus to review and revise the existing DAO and the County capitalized on this opportunity to address long-standing concerns about enforcement of the Ordinance as well (n=all County interviewees, including public policy makers).
6. County staff from several departments helped make the revised ordinance come to fruition.

AODS Prevention Program lead staff played an important role in the process—working on County systems change by initially suggesting the DAO as a possible vehicle for alcopop restrictions and educating other County staff about alcopops and some DAO enforcement issues early in the process (n=several interviewees). DCD played the lead role in assessing and recommending DAO revisions; other County staff willingness to work on this helped make it happen (n=several interviewees).

“...when I started looking into [the alcopop issue], I contacted [AODS Prevention Program lead staff]; this seemed like the most logical place to start. And she brought up the Deemed Approved Ordinance. She said that they had been looking at this also and wanted to strengthen it...[She] was aware of what the kids were proposing and...she suggested modifying the DAO and that was the path that we sought. (PM/PM staff1)

[Before this process, alcopops weren't]...anything we were looking at or were aware of any problems with them...AOD provided us with the background on what alcopops are and their contribution to underage drinking in the county. And they had provided that to the Public Protection Committee so we were kind of given the background by Health Services when we started the project. (CS2)

[AOD organized a] presentation to all of the [DCD] Planners...[with] the Coordinators of the [regional] alcohol policy coalitions [and the RMS CL Program Coordinator] and we brought all the [alcopop] products we could find...The [DCD Planners] were like...‘This is the amount of alcohol content [in alcopops]? Oh my gosh!’ [We emphasized that] it’s important...[to] make sure...merchants are not selling these to the kids. [We also provided information] about the DAO...What it’s intended to do and who is supposed to do that...And the [Planners] were all new, [so] they didn’t know [much about the ordinance]. (CS1)

The DAO is administered and enforced by DCD...and so in terms of changes to the Ordinance...the PPC...entrusted [DCD] to do the work and make the changes on the ordinance. (CS2)

[Some] County Counsels would have said, ‘You can’t touch this [issue], period.’ So the fact that they were willing to make even this modest [change to the DAO language] was a good step forward. (YD/AP2)

“ It was...an easy process working with the other [County] departments that were involved. It went very quickly and very smoothly. I think everyone was invested in it and thought it was important and there was a good spirit of cooperation because of that. It was definitely a worthwhile project and everybody was on board with it. I think that’s why it went so well. (CS2) ”

### SUCCESSSES

Several interviewees mentioned the positive impacts on youth involved in the process as a key success: young people from disadvantaged backgrounds were engaged in the process and those involved learned about the public policy process, experienced having their voices heard by public policy makers and creating policy change, gained advocacy/presentation skills, developed a sense of ownership about their work on the alcopop issue, and due to their involvement, had an expanded sense of possibility for their lives.

“ I think the success would be that we were able to engage these young people that come from really disadvantaged backgrounds. A lot of them don’t realize the options they have...And so just the fact that they are involved [is a success]...attending the public meetings and voicing their opinion is super important...They are presenting their work. That has kind of made [them feel a sense of] ownership. (RMS CL Coordinator) ”

They got a sense that there is a place in their community to express their concerns and possibly get help if they wanted to take on a project. The kids became aware of their local decision makers and they learned the steps to developing [public] policy. And they got experience giving presentations. So I think they were able to develop some of those public speaking skills. (PM/PM staff2)

RMS CL chapter members who participated in the focus group provided feedback about their experiences with the process, which illustrated some of these positive impacts on them:

“ ...I used to be shy a lot...talking in front of people...now I’m just like... confidence (sic) and things like that. (RMS CL youth) ”



You learn skills...confidence to speak on stage. (RMS CL youth)



Makes me feel like I belong; something about these meeting (sic) me feel good about myself. (RMS CL youth)

It is satisfying telling people what we accomplished. (RMS CL youth)

I enjoy that I know that we are making a difference in our community... stopping alcohol. (RMS CL youth)

I think that my ideas matter a lot because people take them into consideration...don't just put them down. (RMS CL youth)

We all learned how to work together...with different opinions...[to be] part of something really good. (RMS CL youth)

We accomplished many things, like the ordinance. And we've talked...in many meetings and the people feel that [alcopops is] something they need to work on. (RMS CL youth)

It was pretty exciting when [they] listened to our ideas. (RMS CL youth)

It felt like we've done a lot since the beginning...[I] felt achievement. (RMS CL youth)

I feel different because I know that I have created change and it feels good, especially at this age...in middle school...to make a big change in the world...so once you grow up you can make more changes, like helping the poor. (RMS CL youth)

[I] see the world differently...I see problems and good stuff. (RMS CL youth)

Increased local awareness of alcopops, including their impact on young people, and the effective and innovative effort to organize youth to promote legislated alcopop restrictions were also mentioned as key successes by several interviewees.



“ Well I think there [were] many successes...Just the awareness that [alcopops] exist...generated by the youth. I don't think this was on anyone's radar except for the youth that were being exposed to it. But now it's on the radar of parents and...people that run various youth programs. (PM/PM staff4) ”

...alcopops and their effect were made known to local health legislators and to local health officials...the people who can make public policy and are monitoring health are aware of them now. (YD/AP1)

...a prevention campaign only focused on alcopops...it is one of the first in the country that has taken that approach and has been successful... all the way to public policy. (YD/AP1)

...it's just great...a success story. It's really the way it should be. They didn't get caught up in just trying to do a study or focus groups or... that really common approach that people in prevention use...in which they only try to change social norms...things like a social host ordinance or poster campaign or Town Hall meeting. They went ahead and went straight to something that could impact society at large.“ (YD/AP1)

## CHALLENGES

Many interviewees were unable to identify any challenges of the process, either because they felt the process went well or they weren't privy to this aspect of the process. The only challenge mentioned by several interviewees was developing the final language for the DAO revision, crafted primarily by DCD and County Counsel, which involved creating a specific definition of alcopops and ensuring that the new language on alcopop restrictions was compatible with the existing ordinance and did not establish a role for the County that overstepped that of the California Department of Alcoholic Beverage Control.

The Riverview Middle School Club Live (RMS CL) Coordinator mentioned several additional challenges, including lack of adequate support in her role as campaign manager of the youth alcopop efforts; difficulties leading a first-of-its-kind policy change effort; issues related to the length of the process; and other challenges with engaging school-age youth in the process.

Lack of adequate support manifested in several ways: 1) Lack of relevant training (e.g., community organizing, policy development) and staff support for the Coordinator, from the organization in which the RMS CL chapter was embedded, limited her capacity to document the process and do other work to further the project. Pursuing public policy change requires specific skills and relationships, which staff of community-based organizations that implement traditional prevention education programs often lack. 2) Limited access to people who could advise the Coordinator about alcohol policy strategies. She did, however, seek out several people mentioned below for some advice; and 3) Absence of a larger advocacy movement to support this local action campaign.

“ This kind of effort is usually led by one non-profit but it is...a longer term process and you usually have a lot more support from the community and also, from the providers...hospitals, firemen, labor unions, school districts...a lot of outside forces to come in and support an ordinance... But what happened in CoCo County (sic) was kind of unique because there wasn't this type of broad involvement...But I think it also speaks to the fact that a Department in the County and the BOS in CoCo County (sic) were very receptive to the issue and they see it as a problem and they want to address it...Now the issue is how do you follow up and enforce it? If you had a broader base, you might be able to put more pressure...to ensure enforcement (YD/AP1). ”

The primary difficulty in leading a first-of-its-kind youth advocacy effort to legislate local alcopop restrictions was that a template for how to run this type of effort didn't exist. As a result, the Coordinator had to determine both how to move things forward and simultaneously prepare youth to be involved in the process. To move the campaign forward, she sought out advice from others with relevant expertise including: Jorge Castillo from Alcohol Justice, who shared his agency's experience with advocacy campaigns for voluntary alcopop restrictions (i.e., Alcopop Free Zones); Jim Mosher, an alcohol policy legal expert and longtime supporter of local alcohol policy advocacy to promote healthy communities, who provided her with important background information on the alcopop issue and advice about possible strategies to restrict alcopop access; and Contra Costa regional alcohol prevention coalition coordinators and others at the state level with experience running alcohol prevention advocacy campaigns. Although the Friday Night Live program had a Roadmap “framework” for coordinators to follow, it did not have a curriculum designed to engage

middle school aged youth in this kind of policy change effort. As a result, the Coordinator often had to create new materials as the campaign evolved.

“I was a little nervous as well because I had only done this [kind of work] with tobacco. [I thought], ‘How would this work with alcohol? What is a Deemed Approved Ordinance?’ I had no idea. So there were times where I was stuck. I [said to myself], ‘Ok, how do I move forward on this?’...And then I would talk to people. I would talk to Jorge [Castillo from Alcohol Justice]. I would talk to people at the State. I would talk to other counties. I would talk to the [local] alcohol coalition people because there [are] 5 alcohol coalitions in Contra Costa County. So I would just pick their brains—‘What’s next? What do you think about this?’...Just kind of talking their ear off; so just having those conversations with people. And realizing that if nothing happens, nothing happens. I have no control over that. But I can build the capacity of these young people, give them skills so when I was stuck I think that’s what I ended up doing with [the youth]...team-builder [activities].” (RMS CL Coordinator)

“ And then I also spoke to Jim Mosher. He’s a big alcohol policy guy. He’s written a ton of...articles and I just called him [and said], ‘Hi my name is [xxx]. I work [with the Riverview Middle School Club Live program]; here’s what I’m doing. What do you think?’ And I think we spoke on the phone for like 3 hours that day. He just gave me the lay of the land. ... And he just explained to me... the history of alcopops...the [failed prior effort to restrict alcopops through] the Board of Equalization...and he [said], ‘I’m just so glad you are working on this. And here are all the potential things you can work on’ (RMS CL Coordinator).

Staff turnover, fluctuation in Club Live chapter membership, and youth members’ need for immediate gratification were some of the challenges related to the long timeline for this process. As new students joined the Club Live chapter the Coordinator had to elicit buy-in from them. To provide the youth with a sense of accomplishment before the final policy was adopted, the Coordinator attempted to create smaller, short-term attainable goals along the way. Other challenges with engaging school-age youth in the process included lack of support from some adults to include youth in all aspects of the process, which the Coordinator felt was key to them having a meaningful experience, and difficulty involving them in many of the public policy meetings because these occurred during the day and required getting the young people out of school.

## C. LESSONS LEARNED

Lessons learned were abstracted from the interviews, including things mentioned explicitly as lessons as well as other important learning identified by the evaluator.

1. **Middle school aged youth can play a critical role in promoting public policy change.** In Contra Costa, youth from the Riverview Middle School Club Live chapter played a lead role in raising awareness among public policy makers of the alcopop issue and the need to restrict youth access to these products. The young people collected and analyzed data to help identify and illustrate the problem and possible solutions, developed a campaign to support their message, and created and delivered presentations in various community forums, which got this issue on public policy makers' agenda and motivated them to create a revised county ordinance with alcopop restrictions. Public policy makers at the local and County level commended the RMS CL youth on their efforts to address the alcopop issue and the Contra Costa County Board of Supervisors and the AOD Advisory Board acknowledged the critical role these young people played in this process by awarding them a 2014 "People Who Make a Difference" Award, which is given to individuals and groups that have significantly contributed to reducing alcohol and other drug abuse in Contra Costa communities.

“ I want to commend our young folks for once again stepping up to the plate. They have taken on a number of issues and it's just great to see that they've taken this one on  
(Board Supervisor Glover, 4/22/14 BOS meeting). ”



“ Our youth have really led the charge on a number of things and this is one...they also brought to the attention of the County. [Changes to the Deemed Approved] Ordinance [have] been worked on by the Department of Conservation and Development...through the leadership of our young folks...and I wanted to acknowledge the Riverview Middle School kids...because they provided much leadership in terms of getting information to the...Public Protection Committee and we've made some changes through the Department that are before us today...and again acknowledgement of Riverview Middle School in Bay Point for bringing this to the attention of the Board of Supervisors. I think that's outstanding work...Stay focused and continue to bring us this kind of stuff. (Board Supervisor Glover, 12/16/14 BOS meeting)

Youth really are the best messengers on this...so thanks for being here. ...For you to be able to pass this message on with your friends means a lot. You are all leaders by being here today  
(Board Supervisor Gioia, 4/22/14 BOS meeting).

The Riverview Middle School Club Live Chapter identified Alcopops as an issue in the Bay Point community. Since then, this powerful group of middle school youth has worked diligently to eliminate Alcopops, which is one of the most dangerous alcohol products on the market...The Riverview Club Live chapter exemplifies the power of youth advocacy and the benefits of youth leadership development as an effective strategy to prevent alcohol and other drugs in the community.  
(People Who Make A Difference Award, 6/24/14)

2. **Successful youth involvement in public policy change efforts can occur when meaningful youth engagement is the priority. Relationship-building and creating strong youth-adult partnerships are critical to this kind of engagement.** The mission of Friday Night Live (FNL), the parent organization of the RMS CL chapter, is focused on creating this kind of positive experience for youth: “Friday Night Live builds partnerships for positive and healthy youth development which engage youth as active leaders and resources in their communities.” The RMS CL Coordinator also had a strong commitment to youth development, due in part to her experience as a member of FNL during her own youth. She successfully engaged young people in

this process by prioritizing their experience, focusing on relationships and partnership with them, and listening and being responsive to their needs.

“ I think the personal relationship [piece is key]...like connecting. I make it a point to learn everyone’s name. And get to know them, like “What’s going on with you?” I have an idea of what’s happening with everyone— with school, with academics, family. So just asking genuine questions and really getting to know them. And I remember at one meeting they [said], ‘You’re like a teacher but you’re NOT because you listen. And I wish our teachers listened to us; actually listened.’  
(RMS CL Coordinator)

...it really has to be a one-on-one connection. So, when I go to recruitment events, yes I have this activity going on. But...it’s just to get them to the table and talk to them.  
(RMS CL Coordinator)

...we want to talk about [public] policy but you can’t talk about that forever. So a lot of what I’ve done is looked at other things they can learn or do. So last week I worked on a team-builder. Having them build a little tower with spaghetti and putting a marshmallow on top. And I connect it to the policy [work] we do...and that’s what keeps them coming back as well. So yeah, the issue is super important, but they also want to like just talk and connect with other people.  
(RMS CL Coordinator)

[The RMS CL Coordinator] was able to...adjust. She would say, ‘OK, let’s take a step back. It’s probably going to set us...behind but it doesn’t matter. If the kids aren’t getting it let’s spend a little more time on this until they get it.’ That was AWESOME. (CS1)

“ There’s a lot of personal stuff happening [with middle school age youth]. You know, so sometimes I would have this packed agenda but I couldn’t move forward because they were somewhere else. So I had to talk about that. So sometimes it became a group therapy session a little bit; just to kind of talk about it, move past it and then we could move on.” (RMS CL Coordinator)

3. **Engaging young people in all aspects of the data, and focusing on data that support the overall goal and are easy to understand, helps make data actionable for youth advocacy projects.** The RMS CL Coordinator involved the youth in capacity building activities to teach them how to consider, collect, analyze and present data to support their campaign to restrict youth access to alcopops. Their presentations typically covered a few key points about alcopops, including availability and youth-targeted marketing they observed in stores. This information helped the young people illustrate the problem they hoped to address and public policy makers indicated it resonated with them.



“ I do something called a Birds Eye View activity, where I have students fill out like where you can access alcohol, what people say about alcohol, where you can get it, where you can access it...and then we put it in the middle and I add alcohol ads, I add store names, different places where alcohol is available like Quinceaneras, Baby Showers... And then I have them stand on their chairs and look down at...all these different images. And I tell them, “This is our community. This is what it looks like. How are we going to change it? How do we change these factors that contribute to underage drinking?...your friends and family are drinking because they are told to drink.”...See, what tends to happen is that people go into individual prevention and telling each individual not to drink. So I was trying to shift it to...[get them thinking about the idea that] where they live is telling them to drink. (RMS CL Coordinator)

I would do matching data activities. So I would have a statement and a number and I'd [say], 'Match the numbers.' [Then] I'll have them look at [the data]. I'll tape it up on the wall or the floor and ask, 'What does this mean to you? What stands out? What connections can you make?' So I do that but I also ask them, 'Ok, what's missing here. What do we want to know? And how do we collect that?' (RMS CL Coordinator)

...We looked at data but there's always missing pieces, so we did a Community Walk Around...store assessments. We entered all the stores in Bay Point and just looked at the store. 'What does it look like? Where [are] the alcohol advertisements, promotions? Where is the alcohol located? What's next to that?'...That was probably the most pivotal activity to do with the young people because they started to just do that every day. (RMS CL Coordinator)

4. **It is important to prepare youth involved in advocacy efforts to be patient, since public policy change can take time.** Despite public policy maker support and County staff commitment to address alcopops, it took two years from the time the youth presented to the Bay Point MAC until the adoption of the revised DAO by the Board of Supervisors. The RMS CL Coordinator engaged the youth in a process that took things one step at a time to keep them engaged and moving forward throughout the process.



5. **Community members play an important role in public policy change by raising awareness among public policy makers and public agency staff about key issues of concern to the community.** In Contra Costa County, the RMS CL youth brought their concerns about alcopops and their interest in restricting them to their local public policy advisory group—the Bay Point Municipal Advisory Council (BP MAC). Although the BP MAC does not have formal decision-making power, it was through this forum that staff of the County Board Supervisor for Bay Point heard their message and advanced it to the County level, where public policy changes could be made by County staff and the Board of Supervisors.

“...if this was a group of kids presenting to the community, it might have stopped right there. But they came to the MAC...an official body that is supposed to represent them. In [the local Board Supervisor’s] office, we stress the necessity of being accessible to our constituents in any format that they feel comfortable...we just need to listen better to the community. There may be other issues out there that could be looked into.  
(PM/PM staff1)

We have to pay attention to what our young people are talking about ... listen...Our youth have become very outspoken on these issues and I just would encourage it. [As a young person] if you know something’s not right...make sure you give that information to the proper authorities. When we hear things that are out of line, [we need to] question it, and then be ready to do something about it. (PM/PM staff4)

6. **To achieve public policy change, community-organizing efforts should focus on a core issue and goal while being flexible about strategies to address the issue.** In Contra Costa the RMS CL youth remained focused on getting their message about alcopops to public policy makers who could help restrict these products. Their Coordinator credits their strategic action plan with helping them maintain this focus. But they were also flexible in their approach to possible solutions. They began their effort with a goal of securing a voluntary ban on alcopops in Bay Point. However, when a solution to legislate restrictions on alcopops through the County’s DAO surfaced, they embraced this solution and as a result the DAO was revised to include alcopop restrictions in the unincorporated areas of Contra Costa County including Bay Point.

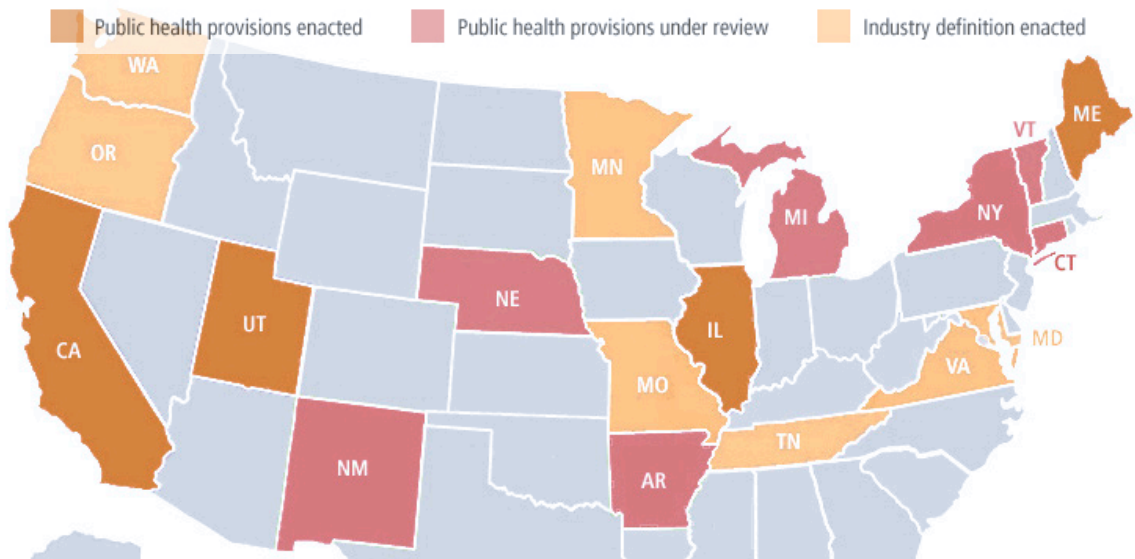


“ ...it’s important to be specific and focused, which is what the youth were. They were trying to address only alcopops. They kept it limited to that...They didn’t get too broad or too abstract. I think that was the lesson—stay focused, get the support. (YD/AP1) ”

7. **One strategy to pursue alcohol policy issues is to use available tools, including existing public policies. This approach offers the opportunity to amend, assess and improve the effectiveness of these policies.** Contra Costa’s original DAO included a list of alcohol products that could be restricted as a condition imposed upon violators of the ordinance; adding alcopops to this was less complicated than creating an entirely new public policy. Several key players in the DAO revision process, including public policy makers and County agency staff, contributed to the development of the original DAO and were familiar with and supportive of it but also realized its limitations. The review of the DAO to identify how to include alcopop restrictions prompted an assessment of the ordinance effectiveness as a whole, which resulted in additional changes to facilitate enforcement of the ordinance.
8. **City and County Deemed Approved Ordinances (DAOs) provide limited local control over alcohol access, especially when the enforcement is complaint-based. Local public policy efforts to restrict alcopops may influence State policy, which could result in significant restrictions on these products.** The purpose of Contra Costa’s DAO is “to ensure that the sale of alcohol is compatible with the surrounding neighborhood. This law is a tool used by the Planning and Building Divisions in the

county to protect against blight and preserve the quality of life.<sup>41</sup> As such, the DAO is focused on addressing nuisance issues (e.g., disturbance of the peace, illegal drug activity, and other various illegal activities) in and around a subset of stores selling alcohol in the unincorporated parts of the county—those that existed before 2002, when the original DAO was adopted. The revised DAO allows for alcopop restrictions in these stores only if violations are identified and alcopop restrictions are imposed on the violators as a condition of maintaining Deemed Approved status. Because Contra Costa’s DAO enforcement is complaint-driven, these violations may only be identified if a complaint is filed with the County. Some counties, including Los Angeles, have considered more proactive enforcement of such ordinances using staff dedicated to this task. Although this approach may help improve implementation of local restrictions, State policy is likely the most effective way to restrict alcopops since the California Department of Alcoholic Beverage Control currently regulates alcohol products. Local public policy victories like Contra Costa’s DAO revision may help create momentum in other local jurisdictions, which could influence State policy change on this issue. As a result of the DAO revision process, Contra Costa County included a statement in support of statewide alcopop restrictions in the County’s January 2016 State Legislative platform: “ADVOCATE for State legislation banning the sale of alcopop products by businesses that sell alcoholic beverages.”

#### ALCOPOP CLASSIFICATION: LEGISLATIVE & REGULATORY ACTIVITY



<sup>41</sup> Source: <http://www.contracosta.ca.gov/5831/Deemed-Approved-Alcohol-Beverage-Sales>. Accessed 4/15/16.

“ Legislative reform at the state level is unlikely without a vocal grassroots, statewide organization because of industry opposition and its powerful lobbying presence in Sacramento. This is well illustrated by the fact that the Board of Equalization promulgated a higher tax for alcopops in 2007 which was never implemented because of industry opposition. (YD/AP2)

DAOs are often complaint-based, which can be their weakness. You need proactive law enforcement for them to be effective. This can be accomplished by imposing a fee that can cover the cost of having enforcement officers that focus specifically on DAO compliance. The officers can conduct regular site visits, not waiting for complaints. They can encourage stores to reduce nuisance problems and file complaints when stores do not respond. The alcopop provision only applies once a violation is established and new conditions are imposed. Despite this problem, I found the RMS CL Coordinator’s idea exciting because it put the youth in Contra Costa in the lead in seeking the DAO alcopop provision. It gives young people an authentic voice in establishing the damage and dangers of these products. The Contra Costa youth can take the lead and prompt other youth organizations to do the same, encouraging city councils and county boards from around the state to enact similar provisions. A youth-based statewide coalition can then be organized to promote the state legislation that is needed to impose meaningful restrictions on alcopops, something local governments have only limited authority to enact. Youth advocacy becomes the key organizing tool. And an added benefit is that the strategy gets young people engaged in the public policy process an exciting development in itself. (YD/AP2)

“ Los Angeles...passed an ordinance...that creates a Conditional Compliance Unit...it’s a partnership between the Planning Department and Building & Safety...that creates new jobs and new fees to fund a unit that goes out there and enforces Condition Use Permits. That’s all they do. They actually track things. So it takes it out of the hands of the Police Department...or the Planning Department, which has no time to go out there and check businesses. (YD/AP1)

9. **County Alcohol and Other Drugs Services (AODS) can impact alcohol public policy when environmental prevention is a priority strategy, by supporting community efforts and working on County systems level change to complement these efforts.** Environmental prevention and public policy change are key strategies included in Contra Costa County’s AODS Prevention Services 2013–18 Strategic Plan and as such are supported with funding and other capacity-building resources for community providers. Contra Costa’s AODS Prevention Services funded the RMS CL chapter. AODS Prevention Program lead staff also provided technical assistance/coaching to help the RMS CL Coordinator navigate the public policy landscape in Contra Costa. This staff also supported the young people’s efforts on alcopops at the County level by suggesting to other County staff that the DAO be considered as a potential vehicle to restrict alcopops and by educating County staff on alcopops and the DAO.

“ [In Contra Costa]... AOD, has been given the Public Health...spin...but that’s not true for the rest of the counties. (CS1)

A lot of the counties had been asked by the State Department of Alcohol and Drugs...to support the [State’s HSHC] retail environment [campaign]...Of all the counties, we actually did more than ANYBODY else...[by getting new] language into an existing ordinance. And that was highlighted at the State level...as an example that it’s possible. So that was a learned lesson at the State level...[But to do this] we have to move away from individualized prevention; from education-based programs. It’s the Public Health model that we need to apply... (CS1)

100% of [Contra Costa’s AODS] prevention funding [used to be] in Education...[but now it is 50%] to do environmental prevention...and [with the] Environmental Prevention Coalition work...we have more capacity to do environmental prevention. We have five [alcohol policy]

“ Coalitions...and we do [annual] capacity building...[workshops on] passing legislation with local officials. We also [do an annual] 3-day capacity-building Summer Institute for both Education and Environmental Prevention providers. A lot of the counties are still stuck in Education strategies. So I think that we are very unique [here] in Contra Costa. (CS1)

The key people here are AODS Prevention Program lead staff and the RMS CL Coordinator. AODS Prevention Program lead staff...understands the importance of public policy when it comes to prevention. The RMS CL Coordinator understood that coming in right away. And I think the combination of having an organizer that understood the value of it... and then having AODS Prevention Program lead staff allowing her to work on it and also opening up the way for it to happen...that was key. ...AODS Prevention Program lead staff allowed the Coordinator to move forward and to develop a campaign and also she pursued it herself at the County level. (YD/AP1)

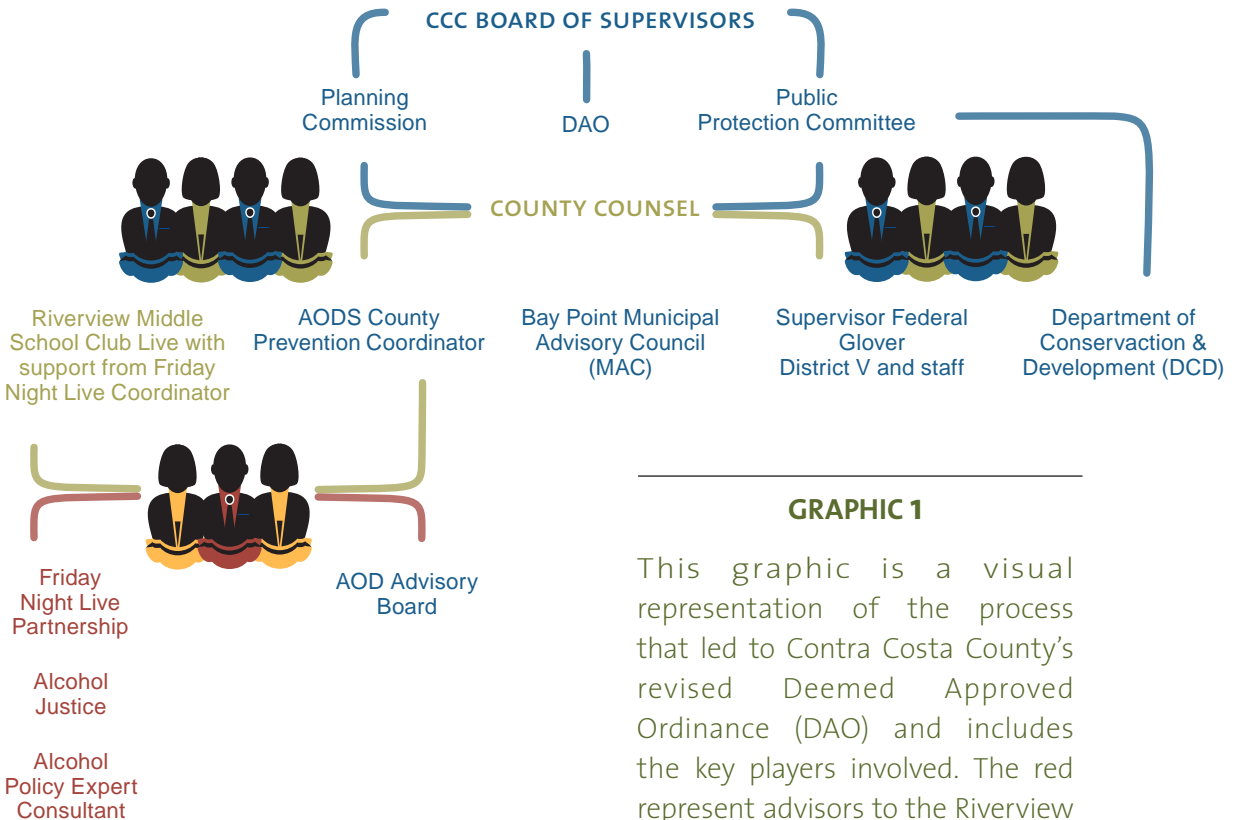
The [idea to restrict alcopops through the] DAO in Contra Costa [came about] because I was at a prevention training...And my instructor was...a founding member of Alcohol Justice (then the Marin Institute). I mentioned our alcopop free zone [idea] and how we could only do a voluntary ban [with this approach.] He [suggested] classify[ing] alcopops as a nuisance under the DAO. During my 15 minute break I called the AODS Prevention Program lead staff and told her about it over the phone. Then I emailed her the idea. She then took it and made it happen. (YD/AP1)



# APPENDIX 1

Process Overview Documents

## KEY PLAYERS DIAGRAM



**GRAPHIC 1**

This graphic is a visual representation of the process that led to Contra Costa County’s revised Deemed Approved Ordinance (DAO) and includes the key players involved. The red represent advisors to the Riverview Middle School Club Live youth and Coordinator, who supported the group in creating an action plan and implementing their campaign to restrict alcopops. The blue represent elected officials/entities and County staff who supported the youth efforts on this issue by listening to the young people and contributing to the County’s efforts to assess and revise the DAO.



**TABLE 1: PUBLIC POLICY MEETINGS OVERVIEW**

MEETING	AGENDA ITEMS	VOTES/DECISIONS
1) 6/24/13 Bay Point Municipal Advisory Council (BP MAC)	Presentation item—Alcopops (RMSCL Coordinator)	No official vote/action
2) 2/4/14 BP MAC	Presentation item—Alcopop Project Update (RMSCL Coordinator)	No official vote/action
3) 4/22/14 Board of Supervisors (BOS)	Presentation Item PR.3: Recognize April 2014 as Alcohol Awareness Month (AODS Prevention Program lead staff)	Unanimous vote of approval on Resolution No. 2014/136 Recognizing April as Alcohol Awareness Month
4) 6/3/14 BOS	Consent item C.173. REFER to the Public Protection Committee a review of Ordinance Code Chapter 82-38 entitled "Alcoholic Beverage Sales Commercial Activities", to determine whether the Code should be amended to address certain alcoholic beverage products that may contribute to nuisance activities in the County.(Supervisor Glover)	Approved the item on the consent calendar
5) 6/23/14 Public Protections Committee (PPC)	CONSIDER approving the proposed work plan for reviewing the Alcoholic Beverage Sales Commercial Activities Ordinance (commonly referred to as the "Deemed Approved Ordinance") and PROVIDE direction to staff as necessary. (DCD staff)	Both PPC members approved DCD's work plan, as presented.  Also directed County staff to return to the Committee with interim updates over the course of the 4-month workplan.
6) 10/27/14 PPC	CONSIDER accepting a report on the review of the Alcoholic Beverage Sales Commercial Activities Ordinance (commonly referred to as the "Deemed Approved Ordinance") and PROVIDE direction to staff as necessary. (DCD staff)	Both PPC members approved DCD's report.  DIRECTED staff to bring the approved recommendations to the full BOS.
7) 12/16/14 BOS	Discussion item D4. ACCEPT findings and CONSIDER approving proposed recommendations related to the County's Alcoholic Beverage Sales Commercial Activities (Deemed Approved) Ordinance; REFER the proposed Ordinance changes to the County Planning Commission, as recommended by the PPC (Supervisor Glover; DCD staff)	Unanimous vote of approval.  DIRECTED staff to return to the BOS within a year for an update on the effects of implementation of the performance standards.
8) 2/3/15 BP MAC	Alcopops (RMS CL Coordinator)	No official vote/action
9) 3/24/15 Planning Commission	Zoning Text Amendment: Public Hearing Consider recommending to the BOS a proposed revision to the County Code, Chapter 82-38—Alcoholic Beverage Sales Commercial Activities Ordinance ("DAO")...to add language to Section 82-38.814(d)(9) that would authorize the County to prohibit the sale of alcoholic beverage products commonly known as "alcopops" at any establishment not in compliance with the DAO, and also add text to Section 82-38.810 re: posting requirements of the Deemed Approved Performance Standards notice, and requiring the posted performance standards notice to be a 11"x17" in size and the font size on the notice to be 20- point type. Along with the proposed code changes, various policy revisions are also being recommended in order to better coordinate the efforts of the DCD with other County departments and agencies for implementation and enforcement of the DAO. Such policy revisions would include establishing protocols with the Office of the Sheriff, the Tax Collector, and the Health Services Department for improved information and data sharing concerning Deemed Approved alcohol establishments in the unincorporated areas of Contra Costa County.	Approved, on consent calendar.  Recommended ultimate approval by the BOS
10) 6/16/15 BOS	Discussion item D7: HEARING to consider adopting Ordinance No. 2015-10, which amends the Alcoholic Beverage Sales Commercial Activities Ordinance to restrict the sale of alcopops under certain conditions and establish new posting requirements for alcohol retail sales locations; and take related actions under the California Environmental Quality Act, as recommended by the DCD Director. (DCD staff)	Unanimous vote of 4 of 5 Board members present: ADOPT Ordinance No. 2015-10, amending the DAO.  ADOPT Resolution No. 2015/170, approving PPC and Planning Commission recommendations re: the DAO, including protocol changes between DCD, Sherriff's Dept, Tax Collector and Contra Costa Health Services to improve data and fee collection and other enforcement/ implementation

**TABLE 2: MEDIA OVERVIEW**

Headline	Media Outlet	Date	Healthy Stores for a Healthy Community (including alcopops)	Revised DAO with alcopop restrictions	Youth role in alcopop campaign/ DAO revision	Call for State alcopop ban
<b>PHASE I</b>						
1. <i>Presentation on Youth-Targeted Alcoholic Beverages to Take Place Friday in Bay Point</i>	Contra Costa Times	4/10/13			X	
2. <i>CoCo Health: New Data Shows Tobacco, Alcohol and Sugary Drinks Still Being Promoted to Youth</i>	Claycord	3/5/14	X			
3. <i>Survey: Contra Costa Stores Target Kids With Unhealthy Promotions</i>	East County Today	3/6/14	X			
4. <i>California Survey shows ready availability of Alcohol, Tobacco and Sugary drinks near schools</i>	Contra Costa Times	3/6/14	X			
5. <i>Survey finds stores offer plethora of unhealthy products for kids – Officials launch Healthy Stores for Healthy Community Campaign</i>	Pleasantonwe ekly.com	3/6/14	X			
6. <i>Survey Finds Bay Area Stores Offering Plethora of Unhealthy Products Aimed at Kids</i>	Martinez Patch	3/7/14	X			
7. <i>Cigarillos, alcopops marketed to area youth, health officials say</i>	Martinez News Gazette	3/9/14	X			
8. <i>White House Official Discusses Substance Abuse with Local Youth</i>	Mercury News	4/30/14			X	
9. <i>School Bell: Antioch Teachers Get Star Treatment for Tireless Work</i>	Contra Costa Times	4/29/14			X	
<b>PHASE III</b>						
10. <i>Group calls for a ban on “alcopops” in Contra Costa County</i>	Contra Costa Times	12/12/14		X		X
11. <i>Board of Supervisor to Place Stricter Limitations on “alcopops” in Contra Costa</i>	Contra Costa Times	12/16/14		X	X	X
12. <i>Tougher Rules on Four Lokos, Other ‘Alcopops’ in Contra Costa</i>	NBC Bay Area	12/18/14		X		X
13. <i>Now That Protestors Have Our Attention, What Do They Want To See Happen?</i>	Contra Costa Times	12/19/14		X		
14. <i>Contra Costa County Supervisors Vote on Revisions to Ordinance that Could Help Reduce Underage Drinking</i>	Claycord	12/25/14		X	X	
15. <i>Students in Contra Costa County Get Supes to Revise Ordinance</i>	El Cerrito Patch	12/27/14		X	X	
16. <i>Guest Commentary: Federal Glover: 2014: It was a busy, productive year in Contra Costa</i>	Contra Costa Times	1/6/15		X	X	
17. <i>Contra Costa Youth Summit Set May 9 For Students Grades 6 to 12</i>	Concord Patch	4/3/15		X	X	

TABLE 3—CONTRA COSTA DAO REVISION PROCESS TIMELINE

ACTIVITIES PHASE 1: Alcopop Issue Introduced to Policy Makers & County Staff (April 2013 – May 2014)						
<b>Public Policy Meetings &amp; Presenters</b>	<i>BP MAC mtg (4/2/13)</i>  - RMS CL Coord.	<i>BP MAC mtg (6/4/13)</i>  - RMS CL youth		<i>BP MAC mtg (2/4/14)</i>  - RMS CL youth	<i>BOS mtg to introduce/adapt Alcohol Awareness (AA) Resolution (4/22/14)</i>  - AOD staff - RMS CL youth	
<b>Other County Staff Efforts</b>						<b>Presentation at DCD staff mtg</b> - AOD, RMS CL Coord and others on DAO & alcopops (May 2014)
<b>Other Outreach by RMS CL Youth</b>	<b>Store &amp; peer assessment</b> (April-May 2013)	<b>Community surveys</b> (June 2013)	<b>Store &amp; peer assessment</b> (Sept-Nov 2013)  <b>Presented -</b> Local community/CBO mtg (Dec 2013)		<b>Hosted -</b> Town Hall mtg (4/29/14)  <b>Spoke</b> with Dave Mineta (4/28/14)	<b>Presented -</b> County Youth Summit (May 2014)
<b>MEDIA</b>	<b>MEDIA</b> (April 2013)			<b>MEDIA</b> (March 2014); PRESS RELEASE by <i>Contra Costa Health Services</i> re: <i>Healthy Stores Campaign</i>	<b>MEDIA</b> (April 2014)	

TABLE 3—CONTRA COSTA DAO REVISION PROCESS TIMELINE CONTINUED

PHASE II: DAO & Alcopops Studied (June - Sept 2014)		PHASE III: DAO Revisions Recommended & Adopted (Oct 2014-June 2015)				
<p><i>BOS mtg to approve Board Order for DAO review (6/3/14)</i></p> <p>- RMS CL Coord</p> <p><i>PPC mtg to approve DCD workplan for DAO review (6/23/14)</i></p> <p>- DCD staff</p> <p>- RMS CL youth</p>		<p><i>PPC mtg to approve DCD findings &amp; recommendations (10/27/14)</i></p> <p>- DCD staff</p> <p>- RMS CL youth</p>	<p><i>BOS mtg to approve DCD findings &amp; recommendations (12/16/14)</i></p> <p>- DCD staff</p> <p>- RMS CL youth</p> <p>- Others (e.g., AOD Advisory Board &amp; Alcohol Justice</p>	<p><i>BP MAC mtg (2/3/15)</i></p> <p>- RMS CL youth</p>	<p><i>Planning Commission mtg to approve DCD findings &amp; recommendations (3/24/15)</i></p> <p>- DCD staff</p>	<p><i>BOS mtg to approved DAO changes (6/16/15)</i></p> <p>- DCD staff</p>
DCD reviewed DAO - with AOD, Sheriff, County Counsel (June-Sept 2014)					DCD revised DAO & related protocols - with County Counsel (2015?)	
<p>Community surveys (June 2014)</p> <p>Spoke with Senator DeSaulnier (June 2014)</p>	<p>Presented - Statewide Youth Conference (Sept 2014)</p>	<p>Presented - Local CBO mtg (Oct 2014)</p> <p>Presented - NorCal Youth Conference (Nov 2014)</p>	<p>Presented - Town Hall mtg (Dec 2014)</p>	<p>Presented - Yolo County FNL Youth Council (Jan 2015)</p> <p>Met with Assembly member Bonilla (Jan 2015)</p>	<p>Presented - Statewide Youth Conferences (Mar 2015)</p>	<p>Presented - County Youth Summit (May 2015)</p>
			<p>MEDIA (Dec 2014); PRESS RELEASE by Alcohol Justice re: Revised DAO Adoption</p>	<p>MEDIA (Jan 2015)</p>	<p>MEDIA (April 2015)</p>	

## Appendix 2: Riverview Middle School Club Chapter Overview

Youth involvement in the process that led to new alcopop restrictions in Contra Costa County was facilitated by a Friday Night Live (FNL) Coordinator who was employed by the Center for Human Development (CHD), one of the community-based organizations contracted to deliver programs in partnership with and funded by Contra Costa Health Services Alcohol and Other Drugs Services. The Coordinator created a Club Live chapter at Riverview Middle School (RMS) in Bay Point. Club Live is an extension of the Friday Night Live program for high school students, targeted to middle school aged youth, and designed to “foster resiliency and protective factors through the development of action-oriented chapters. Club Live chapters strive to: provide support and opportunities for young people; develop strong, confident and successful young people; focus on building positive relationships; encourage peer oriented programming (youth driven and youth led); are goal-directed, action oriented and innovative; encourage and empower young people as active leaders and community resources; have broad appeal to diverse ethnic, racial and social groups; and encourage youth to care about each other and their environment.”<sup>42</sup>

The RMS CL chapter consisted of weekly chapter meetings held on campus and other community-based activities that offered skill-building and other opportunities for youth to engage in efforts to change their community environment. The chapter meetings were designed to align with the FNL Roadmap Framework, which includes five key phases to guide chapters supporting community mobilization of young people: capacity-building, assessment, planning, action/implementation and evaluation/reflection. (See Table 4) These meetings initially emphasized capacity building, including learning and practicing skills related to the Roadmap, environmental prevention, teamwork, and communication. As each school year progressed, meetings also included other educational and skill building activities related to assessment (i.e., data collection and analysis), planning, and implementation including public speaking. Activities and tools used in the chapter meetings were a mix of those taken directly from the Roadmap and others adapted from it and/or created by the RMS CL Coordinator to complement it and address the group’s specific needs. Youth involvement in the community activities was supported by the FNL Coordinator, who helped the youth secure and prepare for these opportunities, provided transportation and attended them along with the young people.

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<sup>42</sup> <http://www.fridaynightlive.org/our-programs/club-live/>

**TABLE 4. Overview of FNL Roadmap Modules<sup>43</sup>**

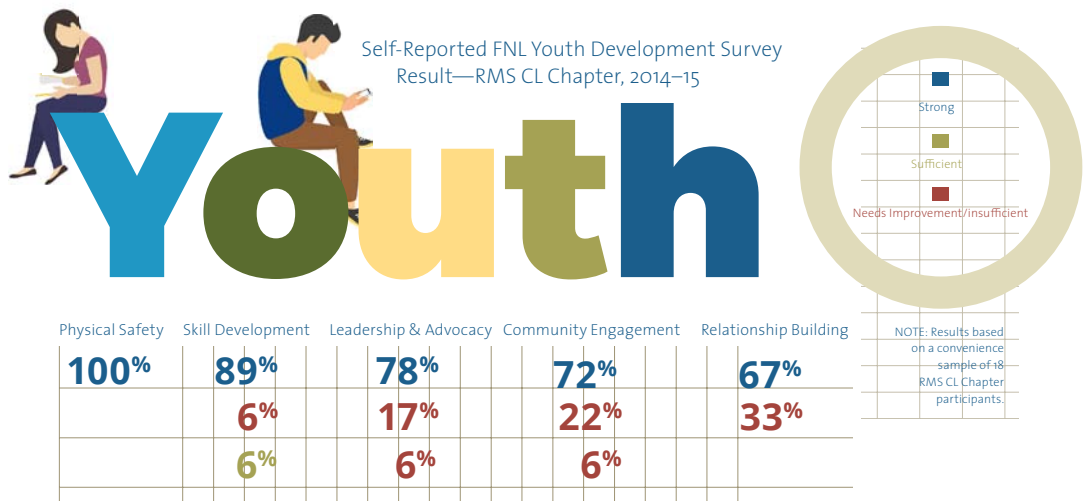
<b>MODULE</b>	<b>PURPOSE</b>
<b>Capacity Building</b>	To get FNL chapter members to know each other and identify their purpose with a common vision or mission. Additionally to build chapter members' knowledge about factors that influence health as well as youth-driven efforts and projects led by FNL chapters.
<b>Assessment</b>	For chapter members to conduct brief to intensive action research or assessment activities and analysis (depending upon the group's time and capacity) that help drive youth-led projects or actions.
<b>Planning</b>	For chapter members to choose a solution and develop an action of connected activities that supports their overall project goal or effort. These efforts can have a health promotion, prevention, environmental prevention or education focus in a variety of areas that impact young people (e.g., alcohol, tobacco or other drugs, violence, school climate, nutrition and food, environment, youth participation, etc.)
<b>Action/Implementation</b>	For chapters to implement specific projects, activities or campaigns in their schools or communities.
<b>Evaluation/Reflection</b>	To engage chapter members in reflecting on the process and impact of the program to ensure that youth participants have a high quality experience that is aligned with the FNL Standards of Practice.



43 FNL Roadmap Chapter Project Guide, Release 2. May 11, 2011; retrieved from <http://www.fridaynightlive.org/our-programs/friday-night-live/>

After starting up the chapter in early 2013, 77 chapter meetings were held over three school years (2012–13 through 2014–15). A total of 87 youth participated in at least one chapter meeting during this time; 23 attended meetings for multiple years and six youth participated all three years. On average, participants attended at least 21% of chapter meetings per year and a core group of chapter members (20%) attended at least half of the meetings each year. The racial/ethnic makeup of participants, based on self-reported data available for 29 of the 87 chapter members was as follows: Hispanic/Latino (60%); Non-Hispanic (NH) African American (16%), NH Asian (9%), NH Mixed (1%), NH white (4%). Results from a standardized FNL survey to assess youth development outcomes and program progress on FNL’s 5 Standards of Practice (SOP) indicated that by the end of the 2014–15 school year, most RMS CL respondents reported their experience with each of the supports and opportunities was “strong”<sup>44</sup> (See Chart 7). In addition, 94% of respondents agreed with the statement, “Through my program, I’ve had an opportunity to build upon the following skill: Looking at issues in my school or community.”

**CHART 7** RMS CL Chapter Youth Development Outcomes on FNL SOPs



44. California Friday Night Live Partnership—Youth Development Outcomes Project, 2015. Analysis of Youth Development Survey Data, 2014–2015. Prepared for the California Friday Night Live Partnership by Sarah Samuels Center. [NOTE: FNL Standards of Practice areas were measured/defined as follows in the survey: Physical Safety (Do young people feel physically safe in and around your program?); Skill Development (Do young people have the opportunity to build and practice skills in your program?); Leadership & Advocacy (Do young people have the opportunity to build their leadership skills in your program?); Community Engagement (Did involvement in your program help young people feel like they can make a difference and feel more connected to their community?); Relationship Building (Are young people forming relationships with adults and their peers in your program?).]

In early 2013, shortly after being hired, the Coordinator began recruiting youth on campus. Recruitment flyers advertised the program as “youth leadership, skill development, friends and fun.” Interest in the alcopop issue was stimulated during the formation of the RMS CL chapter—an activity involving alcopops was used by the Coordinator during recruitment and was discussed at the very first chapter meeting. But the idea of a campaign to restrict alcopops evolved over time. Early in the 2012–13 school year, Jorge Castillo from Alcohol Justice (AJ) was invited by the RMS CL Coordinator to speak with chapter members about AJ’s efforts to ban alcopops in Marin County through their **Alcopop-free Zone campaign**. Chapter members reviewed secondary data from the California Healthy Kids Survey (CHKS) on alcohol use and other information about local youth. To assess availability and awareness, they also collected and analyzed data from **store assessments** and **peer surveys**, which indicated that alcopops were available in all local stores with “off-sale” alcohol licenses and that their peers had difficulty distinguishing between alcopops and non-alcoholic drinks; 88% were unable to identify at least one of the alcopop products (Twisted Tea) as alcoholic. Later that year, chapter members created their “Alcopopless Bay Point” action plan, which described the goals of their project, including: eliminate alcopops from Bay Point and clear identification of alcopops as alcohol. The solutions identified in the plan included developing awareness and a campaign on the issue, presenting to local policymakers (i.e., Municipal Advisory Council Members), and working with merchants.

Participants engaged in more than two dozen capacity building, assessment, and outreach/implementation activities outside of regular chapter meetings to help further their alcopop campaign and build their capacity to do environmental prevention work. (See Table 6) A core group of 13 RMS CL chapter members participated in local public policy meetings to move their project forward. To help them gain familiarity with the public policy process, they attended and spoke at several Pittsburg City Council meetings in support of a Social Host Ordinance. Once their alcopop campaign got underway they presented to local policy makers on the Bay Point MAC and the Contra Costa County Board of Supervisors, to introduce the alcopop issue and express their support for alcopop restrictions including those proposed as part of the DAO revisions. Their presentations, which they developed and practiced with their Coordinator, highlighted the following: negative impacts of alcohol on the community; prevalence of youth consumption; youth appeal and youth-targeted marketing of alcopops (i.e., bright packaging, sweet flavors and low cost); difficulty distinguishing alcopop packaging from that of non-alcoholic beverages; high alcohol content of supersized containers; the ubiquitous availability of alcopops in local stores; and lastly, their proposed solution to restrict youth access to these products. They also conducted outreach for their alcopop



campaign to community members, leaders and organizations through their own Town Hall meeting, in several other community venues, at statewide youth leadership conferences and with state and federal officials. (See “Other awareness-building activities”, Phases 1–3 pp 20–23 for details about this outreach).

**TABLE 5. Overview of RMS CL Activities Outside of Chapter Meetings**

2012-13 School Year	2013-14 School Year	2014-15 School Year
<i>Data Collection</i>		
Collected data re alcopops - store assessments and peer & community surveys	Collected data re alcopops - store assessments and peer & community surveys	Collected data re alcopops - store assessments & informed merchants about TRACE*
<i>Outreach to Policy Makers</i>		
Presented on alcopops at local public policy meeting	Presented introduction of alcopops at local public policy meetings  Attended local public policy meeting re: plans to develop DAO revisions  Outreached to federal & state officials re alcopop restrictions.	Spoke in support of DAO revisions at local public policy meetings  Outreached to state official re: alcopop regulation.
<i>Other Outreach</i>		
	Presented on alcopops at local community events  Developed & led “STOP THE alcoPOP” Town Hall meeting	Presented on alcopops at local community events  Presented on alcopops at several statewide and regional conferences on youth traffic safety, safe and healthy schools, and tobacco control
<i>Other Capacity-Building Activities</i>		
Attended & spoke at public policy meetings re: local city council Social Host Ordinance  Attended statewide youth leadership conference	Attended statewide and regional youth traffic safety and leadership conferences	

(\*) NOTE: Target Responsibility for Alcohol Connected Emergencies (TRACE) is a protocol for first responders, developed by the Department of Alcoholic Beverage Control, Office of Traffic Safety, California Attorney General’s Office, California Highway Patrol, California Police Chiefs Association, and California State Sheriffs’ Association. The protocol applies in alcohol-related emergencies and indicates that first responders must immediately notify ABC when an incident involves a person under 21 and an alcoholic beverage. ABC Agents will conduct an investigation to determine where the alcoholic beverages were acquired, purchased, or served.

APPENDIX 3: Final Policy Documents (See attached)

- Contra Costa County Resolution No. 2014/136
- Contra Costa County Planning Commission Resolution No. 11-2015
- Contra Costa County Ordinance No. 2015-10, Alcoholic Beverage Commercial Sales Activity
- Contra Costa County Resolution No. 2015/170
- Contra Costa County Board of Supervisors June 16, 2015 Meeting Minutes



*The Board of Supervisors of  
Contra Costa County, California*

In the matter of recognizing April as "Alcohol Awareness Month" **Resolution No. 2014/136**

WHEREAS, the County of Contra Costa acknowledges that the epidemic of underage drinking kills more youth than all other drugs combined; and

WHEREAS, alcohol is the number one drug of choice among America's youth. In fact, the results from the California Healthy Kids Survey indicate that 1 in 5 California high school students drink 5 or more alcoholic drinks in a row per month; and

WHEREAS, alcopops for the purposes of this resolution are defined as youth oriented flavored malt beverages as described under 27 C.F.R. § 25.55; and

WHEREAS, The survey data released by health advocates Healthy Stores for a Healthy Community mark the launch of a statewide campaign to improve the health of Californians by informing them about the impacts of unhealthy product marketing in the retail environment. The campaign is a collaboration of public health departments in California, nonprofit organizations, and community groups; and

WHEREAS, Nearly 85% of stores surveyed that sell alcohol are also selling "alcopops," sweetened alcoholic drinks available in single bottles or cans that often resemble energy drinks popular with youth; and

WHEREAS, alcopops are packaged and marketed in a way that encourages underage youth to drink them and increase the likelihood underage youth, their families, and community will suffer from the consequences of underage drinking; and

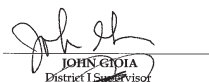
WHEREAS, many of the newer alcopops are supersized, that is they are single servings of malt beverage in cans containing the equivalent of four to five standard drink sizes (with 23.5 or 24 ounces of liquid and 8% to 12% alcohol), which is enough alcohol to cause dangerous inebriation and possible poisoning if consumed by an underage youth; and


WHEREAS, alcopops appeal to underage drinkers and about one-third of teenage girls ages 12 to 18 and one-fifth of teenage boys have tried them; and


WHEREAS, retailers may voluntarily enter into agreements with youth and community leaders to participate in zones where alcopops are not bought, stocked, sold or marketed;


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County does hereby support exploring the establishment of Alcopop-Free Zones near schools in this County, and BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby encourage all alcohol retailers to support all of the prevention activities aimed at reducing youth access to alcohol.

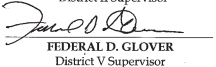
*PASSED by a unanimous vote of the Board of Supervisors members present this 22<sup>nd</sup> day of April, 2014.*

  
**JOHN GIOIA**  
 District I Supervisor

  
**KAREN MITCHOFF**  
 Chair,  
 District IV Supervisor

  
**CANDACE ANDERSEN**  
 District II Supervisor

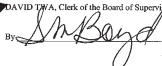
  
**MARY N. PIEPHO**  
 District III Supervisor

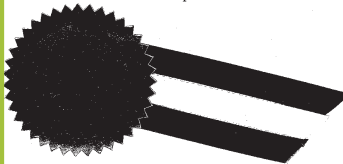
  
**FEDERAL D. GLOVER**  
 District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown:

ATTESTED: April 22, 2014

DAVID TWA, Clerk of the Board of Supervisors and County Administrator

By:  Deputy



**RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA RECOMMENDATION ON THE COUNTY INITIATED ZONING TEXT AMENDMENT THAT REVISES CHAPTER 82-38, THE ACOHOLIC BEVERAGE SALES COMMERCIAL ACTIVITIES ORDINANCE. (COUNTY FILE ZT15-0001)**

WHEREAS, Contra Costa County proposes a revision to the County Code, Chapter 82-38—Alcoholic Beverage Sales Commercial Activities Ordinance (“Deemed Approved Ordinance”). The proposed revision would add language to Section 82-38.814(d)(9) that would authorize the County to prohibit the sale of alcopops at any establishment not in compliance with the Deemed Approved Ordinance, and also add text to Section 82-38.810 regarding the posting requirements of the Deemed Approved Performance Standards notice, and requiring the posted performance standards notice to be a 11”x17” in size and the font size on the notice to be 20-point type. Along with the proposed code changes, various policy revisions are also being recommended in order to better coordinate the efforts of the Department of Conservation and Development with other County departments and agencies for implementation and enforcement of the Deemed Approved Ordinance. Such policy revisions would include establishing protocols with the Office of the Sheriff, the Tax Collector, and the Health Services Department for improved information and data sharing concerning Deemed Approved alcohol establishments in the unincorporated areas of Contra Costa County; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), and State and County CEQA Guidelines, staff has determined that the proposed action is not subject to the California Environmental Quality ACT (CEQA), pursuant to CEQA Guidelines 15061(b)(3). It can be seen with certainty that there is no possibility that the proposed ordinance amendment will have a significant impact on the environment. The proposal will only serve to clarify and make enforcement and administration of the Deemed Approved Ordinance more efficient; and

WHEREAS, after notice having been fully given, a public hearing was scheduled before the County Planning Commission on March 24, 2015, during which hearing the County Planning Commission fully reviewed, considered and evaluated all testimony and evidence submitted on this matter.

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission recommends adoption by the Board of Supervisors of the County of Contra Costa the proposed text amendment to Chapter 82-38 and the Public Protection Committee

recommendations as described in the March 24, 2015 staff report to the Planning Commission.

NOW, BE IT FURTHER RESOLVED that the secretary of this Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

This Resolution was approved upon motion of the County Planning Commission on Tuesday, March 24, 2015 by the following vote:

AYES: Commissioners Wright, Terrell, Stewart, Steele, Clark, Swenson, and Snyder

NOES: None

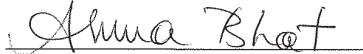
ABSENT: None

ABSTENTIONS: None

***Don Snyder***

Chair of the County Planning Commission  
County of Contra Costa, State of California

ATTEST:



Aruna Bhat, Secretary  
County of Contra Costa  
State of California

ORDINANCE NO. 2015-10  
ALCOHOLIC BEVERAGE SALES COMMERCIAL ACTIVITIES

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I. SUMMARY.** This ordinance amends Ordinance Code Chapter 82-38 to add “alcopops” to the list of alcoholic beverages whose sales may be restricted if nuisance conditions exist at retail locations where alcoholic beverages are sold, and to establish new posting requirements for these retail locations.

**SECTION II.** Section 82-38.814 of the County Ordinance Code is amended to read:

**82-38.814 Violations of performance standards, conditions of approval for continued deemed approved status following violation.**

- (a) If the county receives a complaint from the public, sheriff, or any other interested party that a deemed approved activity is not complying with the performance standards set forth in Section 82-38.808, the administrative hearing officer may review the deemed approved status of the deemed approved activity in question at a public hearing. Notification of the public hearing will be made in accordance with Section 82-38.1004 and must include notification that the officer will consider the deemed approved status of the deemed approved activity.
- (b) The purpose of the public hearing is to receive testimony on whether the operating methods of the deemed approved activity are causing negative impacts in the surrounding area. At the public hearing, the administrative hearing officer will determine whether the deemed approved activity conforms to the deemed approved performance standards set forth in Section 82-38.808. At the conclusion of the hearing, the administrative hearing officer may continue the deemed approved status for the activity in question or may require changes or impose reasonable conditions of approval to retain deemed approved status. The officer's decision will be based on information in staff documents and testimony from the business owner and all other interested parties. The deemed approved activity must comply with these conditions. The determination of the administrative hearing officer becomes final thirty calendar days after the date of decision unless appealed to the board of supervisors under Section 82-38.1002
- (c) The administrative hearing officer may impose conditions of approval relating to one or more of the following:

- (1) entertainment uses, activities, or amusement devices on the premises;
  - (2) separation, monitoring, or design of area devoted to alcohol sales;
  - (3) security measures;
  - (4) lighting, litter, trash receptacles, graffiti or nuisance abatement, or other similar requirements; or
  - (5) maintenance.
- (d) Specific conditions of approval that may be imposed include but are not limited to the following:
- (1) Soundwalls. If the alcoholic beverage sales commercial activity abuts residential uses and is allowed in the involved zoning district, a soundwall may be required between the activity and the abutting residential uses. The soundwall must be no higher than six feet and must not obstruct the view of the building and parking areas from the street. Vegetation may be required to be planted along the soundwall and be of a type that will cover the soundwall surface within two years.
  - (2) Graffiti Removal. The removal of all graffiti from the walls, fences, pavement or buildings within seventy-two hours of its appearance on the property may be required.
  - (3) Exterior Lighting. Exterior lighting containing high pressure sodium or equivalent type, with an illumination intensity of between one and four foot-candles, may be required. The lighting may be required to be lit during all hours of darkness. Any required lighting must be directed and shielded so as not to glare onto adjoining residential properties and must have a housing to protect against breakage. Any required lighting must illuminate the adjacent public sidewalks and all parking lots under the business establishment's control in a manner that allows law enforcement personnel to identify persons standing in those areas. Any broken or burned out lights may be required to be replaced within seventy-two hours.
  - (4) Trash Receptacles. Permanent, non-flammable trash receptacles, sixty gallons or less in size, may be required to be located at convenient locations, appropriately screened from view, outside the establishment and in the establishment's parking area (if any). The operators of the business may be required to remove on a daily basis, or more frequently if needed to maintain a litter-free environment, all trash from these receptacles and from the sidewalk adjacent to the establishment. The operators of the business also may be required to remove, at least three times per week, all trash originating from its establishment deposited on public property

ORDINANCE NO. 2015-10

within four hundred feet of any boundary of its premises. Security may also be required in a manner similar to that required under Section 88-16.010 (take-out food establishment). All trash receptacles of any size may be required to be appropriately screened from view.

- (5) Pay Telephones. Pay telephones on the site of the establishment may either be: (a) prohibited; or (b) required to be of the type that only allow outgoing calls and be located in a visible and well-lighted location.
- (6) Interior View. In establishments with glass storefronts, an unobstructed interior view from the street of the cash register area may be required and no more than thirty-three percent of the square footage of the windows and transparent doors of the premises may be allowed to bear advertising or signs of any sort. All advertising, signage and products may be required to be placed and maintained to ensure that law enforcement personnel have a clear and unobstructed view of the establishment's interior.
- (7) Program. A "complaint response-community relations" program established and maintained by the deemed approved activity may be required. The program may include the following:
  - (a) Posting at the entry of the establishment and providing to any requesting individual the telephone number for the area commander of the local law enforcement substation;
  - (b) Coordinating with the local law enforcement agency to monitor community complaints about the establishment's activities;
  - (c) Having a representative of the establishment meet with neighbors or neighborhood association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.
- (8) Activities. If appropriate, the following activities may be prohibited on the premises: pool or billiard tables, football or pinball games, arcade style video or electronic games, or coin operated amusements devices.
- (9) Prohibited Products. To discourage nuisance activities, an off-sale alcohol outlet may be prohibited from selling one or more of the following products:
  - (a) Wine or distilled spirits in containers of less than seven hundred fifty milliliters.

ORDINANCE NO. 2015-10

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- (b) Malt beverage products, including flavored malt beverage products, with alcohol content greater than five and one-half percent by volume. A “flavored malt beverage” product is a malt beverage product to which is added an alcoholic or other flavoring ingredient and is labeled or packaged in a manner that is similar to labeling or packaging used for non-alcoholic beverages such as sodas, teas, lemonades, fruit punches, energy drinks and slushes. Youth-oriented flavored malt beverage products are sold in bright, colorful packaging and are commonly known as “alcopops.”
- (c) Wine with an alcoholic content greater than fourteen percent by volume unless in corked bottles and aged at least two years.
- (d) Single containers of beer or malt liquor.
  - (e) Containers of beer or malt liquor not in their original factory packages of six-packs or greater.
  - (f) Containers of beer or malt liquor larger than thirty-nine ounces.
  - (g) Distilled spirits in bottles or containers smaller than three hundred seventy-five milliliters.
  - (h) Cooler products, either wine- or malt-beverage-based, in less than four-pack quantities.
  - (i) Alcohol-infused ice cream or ice pops with alcohol content greater than 0.5 percent by volume.
- (10) Chilled Alcoholic Beverages. An off-sale alcohol outlet may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.
- (11) Hours of Operation. In an off-sale alcohol outlet, the sale of alcoholic beverages may be restricted to certain hours of each day of the week unless limited further by the state of California Department of Alcoholic Beverage Control.
- (12) Cups. In off-sale alcohol outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.
- (13) Signs. The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

ORDINANCE NO. 2015-10



- (a) "California State Law prohibits the sale of alcoholic beverages to persons under twenty-one years of age";
  - (b) "No Loitering or Public Drinking"; and
  - (c) "It is illegal to possess an open container of alcohol in the vicinity of this establishment".
- (14) Presentation of Documents. A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license may be required to be kept on the premises and presented to any law enforcement officer or authorized county official upon request.
- (15) Mitigating Alcohol-Related Problems. The establishment may be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including but not limited to: sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, loud noise, and litter.
- (16) Signage. The total surface of signage pertaining to or referencing alcoholic sales or beverages that is visible from the public right-of-way may be required to not exceed six hundred thirty square inches.
- (17) Employee Training. All sales clerks in on-sale alcohol outlets and off-sale alcohol outlets may be required, within ninety days of the beginning of employment, to complete an approved course in "responsible beverage service training". The establishment may be required to provide evidence of the employee's completion of this training to county authorities within ten days following completion of training.
- (18) Drug Paraphernalia. An off-sale alcohol outlet may be prohibited from selling drug paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with California Health and Safety Code Section 11000).

- (19) Loitering. The establishment's operators or employees may be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.
- (20) Security Cameras. At least two twenty-four hour time-lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the sheriff's department. All criminal and suspicious activities recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment's operators may be required to provide any tapes or other recording media from the security cameras to the sheriff.
- (21) Prohibited Vegetation. No exterior vegetation may be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place. (Ords. 2015-10 §2, 2002-33 § 2).

**SECTION III.** Section 82-38.810 of the County Ordinance Code is amended to read:

**82-38.810 Posting.** The owner of each Deemed Approved Activity must post the performance standards for public review in a conspicuous and unobstructed place visible from the entrance of the establishment and in a place clearly visible to the buyer from the cash register. The posted performance standards must be displayed on a sign or notice 11 inches by 17 inches in size with lettering that is 20-point type or larger type. (Ords. 2015-10 §3, 2002-33 §2).

ORDINANCE NO. 2015-10

6

**SECTION IV. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on June 16, 2015, by the following vote:

AYES: Gioia, Andersen, Piepho, Mitchoff

NOES: None

ABSENT: Glover

ABSTAIN: None

ATTEST: DAVID J. TWA,  
Clerk of the Board of Supervisors  
and County Administrator

John Gioia  
Board Chair

By: June McHuen, Deputy Clerk

[SEAL]

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ORDINANCE NO. 2015-10

7

**SECTION IV. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on June 16, 2015, by the following vote:

AYES: Gioia, Andersen, Piepho, Mitchoff

NOES: None

ABSENT: Glover

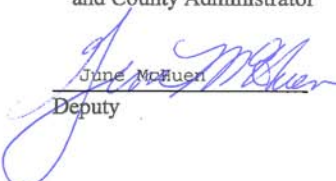
ABSTAIN: None

ATTEST: DAVID J. TWA,  
Clerk of the Board of Supervisors  
and County Administrator



John Gioia  
Board Chair

By:



June M. Guen  
Deputy

[SEAL]

NFD:  
H:\Alcoholic Beverages\Ord. No. 2015-10 5.5.2015.wpd

ORDINANCE NO. 2015-10

# A3-4

## THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 06/16/2015 by the following vote:

AYE:   
NO:   
ABSENT:   
ABSTAIN:   
RECUSE:



### Resolution No. 2015/170

IN THE MATTER OF Contra Costa County, Proposed Revision to the Alcoholic Beverage Sales Commercial Activities Ordinance, Chapter 82-38 of the County Code, Countywide Unincorporated Areas, All Districts, County File No. ZT15-0001

WHEREAS, Contra Costa County proposes a revision to the County Code, Chapter 82-38—Alcoholic Beverage Sales Commercial Activities Ordinance (“Deemed Approved Ordinance”). The proposed revision would add language to Section 82-38.814(d)(9) that would authorize the County to prohibit the sale of alcopops at any establishment not in compliance with the Deemed Approved Ordinance, and also add text to Section 82-38.810 regarding the posting requirements of the Deemed Approved Performance Standards notice, and requiring the posted performance standards notice to be a 11”x 17” in size and the font size on the notice to be 20-point type. Along with the proposed code changes, various policy revisions are also being recommended in order to better coordinate the efforts of the Department of Conservation and Development with other County departments and agencies for implementation and enforcement of the Deemed Approved Ordinance. Such policy revisions would include establishing protocols with the Office of the Sheriff, the Tax Collector, and the Health Services Department for improved information and data sharing concerning Deemed Approved alcohol establishments in the unincorporated areas of Contra Costa County, and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), and State and County CEQA Guidelines, staff has determined that the proposed action is not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines 15061(b)(3). It can be seen with certainty that there is no possibility that the proposed ordinance amendment will have a significant impact on the environment. The proposal will only serve to clarify and make enforcement and administration of the Deemed Approved Ordinance more efficient, and

WHEREAS, after notice having been fully given, a public hearing was scheduled before the County Planning Commission on March 24, 2015, during which hearing the Commission unanimously approved the ordinance and recommended that the Board of Supervisors approve and implement the proposed ordinance amendment and the recommendations of the Public Protection Committee related to enforcement of the Deemed Approved Ordinance.

NOW, THEREFORE, THE BOARD:

1. FINDS for purpose of compliance with the California Environmental Quality Act, that the proposed action is not subject to the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines 15061(b)(3), and that it can be seen with certainty that there is no possibility that the proposed ordinance amendment will have a significant impact on the environment, since the proposal will only serve to clarify and make enforcement and administration of the Deemed Approved Ordinance more efficient, and
2. ADOPTS Ordinance No. 2015-10, which amends the Alcoholic Beverage Sales Commercial Activities Ordinance to restrict the sale of alcopops under certain conditions and establish new posting requirements for alcohol retail sales locations; and
3. APPROVES the Public Protection Committee’s recommendation that the Performance Standards notice contain a smart phone “Quick Response Code” (QR Code) that contains information for how and where a person can submit a complaint about the operation of a Deemed Approved establishment; and
4. APPROVES the Public Protection Committee’s recommendation to establish protocols with the Office of the Sheriff to share with the Department of Conservation and Development crime data for all Deemed Approved establishments on a yearly basis; and
5. APPROVES the Public Protection Committee’s recommendation to establish protocols for performing consistent site inspections of Deemed Approved establishments, including developing protocols with the Health Services Department to share

with the Department of Conservation and Development the results of their inspections of businesses selling alcohol, including the Deemed Approved establishments; and

6. APPROVES the Public Protection Committee's recommendation to establish protocols with the Tax Collectors Office to ensure Deemed Approved establishments are paying the required fee pursuant to Section 82-38.1006 of the Deemed Approved Ordinance; and

7. APPROVES the Public Protection Committee's recommendation to conduct periodic training on the Deemed Approved Ordinance to owners and employees of Deemed Approved establishments; and

8. APPROVES the Public Protection Committee's recommendation to advocate for State legislation prohibiting the sale of alcopop products by businesses that sell alcoholic beverages; and

9. APPROVES the Public Protection Committee's recommendation to update the performance standards notice with correct contact information.

BE IT FURTHER RESOLVED that the reasons for these recommendations are as follows.

1. The proposed text amendment is consistent with the County General Plan, which includes goals to preserve the quality of life for residents of the County.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: June 16, 2015**

David J. Twa, County Administrator and Clerk of the Board of Supervisors

**Contact: Gary Kupp (925) 674-7799**

By: , Deputy

**cc:**

⊗ See item D7 (pages 4-5) regarding adoption of changes related to the "Deemed Approval Ordinance"

CALENDAR FOR THE BOARD OF SUPERVISORS
CONTRA COSTA COUNTY
AND FOR SPECIAL DISTRICTS, AGENCIES, AND AUTHORITIES GOVERNED
BY THE BOARD
BOARD CHAMBERS ROOM 107, ADMINISTRATION BUILDING, 651 PINE
STREET
MARTINEZ, CALIFORNIA 94553-1229

- JOHN GIOIA, CHAIR, 1ST DISTRICT
CANDACE ANDERSEN, VICE CHAIR, 2ND DISTRICT
MARY N. PIEPHO, 3RD DISTRICT
KAREN MITCHOFF, 4TH DISTRICT
FEDERAL D. GLOVER, 5TH DISTRICT

DAVID J. TWA, CLERK OF THE BOARD AND COUNTY ADMINISTRATOR, (925) 335-1900

PERSONS WHO WISH TO ADDRESS THE BOARD DURING PUBLIC COMMENT OR WITH
RESPECT TO AN ITEM THAT IS ON THE AGENDA, WILL BE LIMITED TO THREE (3)
MINUTES.

The Board Chair may reduce the amount of time allotted per speaker at the beginning of
each item or public comment period
depending on the number of speakers and the business of the day.
Your patience is appreciated.

A lunch break or closed session may be called at the discretion of the Board Chair.

ANNOTATED AGENDA & MINUTES

June 16, 2015

9:00 A.M. Convene, Call to Order and Opening Ceremonies

Inspirational Thought- "The great thing in the world is not so much where we stand, as
in what direction we are moving." - Oliver Wendell Holmes

Present: District I Supervisor John Gioia; District II Supervisor Candace Andersen; District III
Supervisor Mary N. Piepho; District IV Supervisor Karen Mitchoff

Absent: District V Supervisor Federal D. Glover

Staff Present: David Twa, County Administrator

**CONSIDER CONSENT ITEMS** (Items listed as C.1 through C.151 on the following agenda) – Items are subject to removal from Consent Calendar by request of any Supervisor or on request for discussion by a member of the public. **Items removed from the Consent Calendar will be considered with the Discussion Items.**

**PRESENTATIONS (5 Minutes Each)**

PRESENTATION recognizing Robert Calkins on his retirement and for his 13 years of service to Contra Costa County Department of Conservation and Development. (John Kopchik, Conservation and Development Director)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

PRESENTATION declaring June 2015, Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQQ) Pride Month in Contra Costa County. (Supervisor Gioia and Supervisor Mitchoff)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

PRESENTATION recognizing fifteen Contra Costa County students as California Arts Scholars as recommended by the Arts and Culture Commission of Contra Costa County. (Darwin Marable, Commissioner)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

**DISCUSSION ITEMS**

**D. 1** CONSIDER Consent Items previously removed.

*There were no items removed from consent for discussion.*



**D. 2 PUBLIC COMMENT (3 Minutes/Speaker)**

*Flora Eaton, Tom Shirley, Michael Floyd, David Nyberg (handout), John Abraham, Jeanne Coffey and Tracy Feng of Public Employees' Union Local 1, and Jeanne Coffey and Ange Cottone, CNA, brought to the Board's attention the loss and difficulty of retaining staff in scientific fields such as medical laboratories, results of a pay equity study in 1991 and actions taken at that time to equalize wages comparative to other counties, and a more recent study reflecting Contra Costa employees at a substantially lower compensation rate; and a recent severe recruiting problem countywide due to salary competition;*

*Joseph Partansky, resident of Concord, spoke on technical details of the Board's agenda in regard to the Better Government Ordinance and readability.*

- D. 3** CONSIDER approving and authorizing the Health Services Director to extend the term of temporary employment of Wendy Mailer, Health Plan Sales Manager, Health Services Department, Contra Costa Health Plan as a temporary County employee effective July 1, 2015 through June 30, 2016. (William Walker, M.D., Health Services Director)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

- D. 4** CONSIDER approving and authorizing the Chief Information Officer (Department of Information Technology) to extend the term of temporary employment of Neomi Markison, former Information Systems Programmer Analyst, Department of Information Technology, for the period April 28, 2015 through June 30, 2016. (Ed Woo, Chief Information Officer, Department of Information Technology)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

**D. 5** CONSIDER approving and authorizing the Employment and Human Services Director to extend the hiring of Daniel Chan, Senior Social Services Information Systems Analyst, in the Employment and Human Services Department, effective July 1, 2015 through June 30, 2016. (Kathy Gallagher, Employment and Human Services Director)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

**D. 6** CONSIDER approving and authorizing the County Administrator to extend the hiring of Dorothy Sansoe, former Senior Deputy County Administrator, in the County Administrator's Office effective July 1, 2015 through June 30, 2016. (David Twa, County Administrator)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

\* **D. 7**

Adoption of changes related to alcopops and the "Deemed Approved Ordinance"

HEARING to consider adopting Ordinance No. 2015-10, which amends the Alcoholic Beverage Sales Commercial Activities Ordinance to restrict the sale of alcopops under certain conditions and establish new posting requirements for alcohol retail sales locations; and take related actions under the California Environmental Quality Act, as recommended by the Conservation and Development Director. (Robert Calkins, Conservation and Development Department)

**CLOSED the hearing;**  
**FOUND for purposes of compliance with the California Environmental Quality Act (CEQA), that the proposed action is not subject to the California Environmental Quality Act (CEQA);**  
**ADOPTED Ordinance No. 2015-10, which amends the Alcoholic Beverage Sales Commercial Activities Ordinance to restrict the sale of alcopops under certain conditions and establish new posting requirements for alcohol retail sales locations, as amended today in regard to the font size on signage;**  
**ADOPTED Resolution No. 2015/170, which approves Public Protection Committee and Planning Commission recommendations related to the Alcoholic Beverage Sales Commercial Activities Ordinance;**  
**DIRECTED staff to implement the recommendations of the Public Protection Committee and Planning Commission in Resolution No. 2015/170 related to the Alcoholic Beverage Sales Commercial**

*Activities Ordinance; and  
DIRECTED the Department of Conservation and Development,  
Community Development Division to post a Notice of Exemption with  
the County Clerk.*

- D. 8** CONSIDER accepting the recommended program design for implementation of Assisted Outpatient Treatment (Laura's Law) in Contra Costa County; and authorizing and directing the Behavioral Health Services Director to proceed with the implementation. (Cynthia Belon, Behavioral Health Director)

*Speakers: Teresa Pasquini; Lauren Rettagliata; Joe Partansky.  
Douglas Dunn was unable to attend but provided written commentary  
(attached).*

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

- D. 9** HEARING to adopt Resolution No. 2015/201 approving the County Flood Control and Water Conservation District Stormwater Utility Assessments for areas 1-18 for Fiscal Year 2015/16, as recommended by the Chief Engineer, Flood Control and Water Conservation District, Countywide. (100% Stormwater Utility Area Assessments) (Mike Carlson, Public Works Department)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

- D.10** HEARING to levy assessments in Countywide Landscaping District AD 1979-3 (LL-2) Fiscal Year 2015-2016, as recommended by the Public Works Director (or Chief Engineer), Countywide. (100% Countywide Landscaping District AD 1979-3 (LL-2) Funds) (Susan Cohen, Public Works Department)

AYE: District I Supervisor John Gioia, District II Supervisor Candace Andersen, District III Supervisor Mary N. Piepho, District IV Supervisor Karen Mitchoff

Other: District V Supervisor Federal D. Glover (ABSENT)

**D.11**

## **ADULT ACKNOWLEDGEMENTS FOR ALCOPOP REPORT**

List of people that Jennifer interviewed:

- Supervisor Federal Glover, District V
- Supervisor John Gioia, District I
- Ed Diokno, Supervisor Federal Glover's Office
- Nina Dong, County Counsel
- Tom Geige, County Counsel
- Debra Mason, Bay Point MAC
- Charles Tremaine, Bay Point MAC
- Alcohol and Other Drugs Advisory Board
- Ryan Hernandez, Department of Conservation and Development
- Gary Kupp, Department of Conservation and Development
- Todd Fitzsimmons, Department of Conservation and Development
- Joe Losado, Department of Conservation and Development
- Thania Balcorta, Substance Abuse & Tobacco Control Programs
- Jorge Castillo, Alcohol Justice
- Lynne Goodwin, California Friday Night (FNL/CL) Live Partnership
- Jim Mosher, Consultant
- Alcohol and Other Drugs Policy Coalition Coordinators
- Center for Human Development