RECOMMENDED ACTION AND JUSTIFICATION:

Waive First Reading and Introduce Ordinance  Waive Second Reading and Adopt
Ordinance rescinding Chapter 14.10 of the Mariposa County Code entitled “Smoking Policy”.

Adopt Ordinance rescinding Chapter 14.10 of the Mariposa County Code entitled “Smoking Policy”. Chapter 14.10 contains a smoking policy that is inconsistent with the current smoking policy adopted by the Board of Supervisors in 2004, which is contained in Chapter 9.20.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Ordinance No. 843 was adopted by the Board of Supervisors in 1992 creating Chapter 9.20 defining the regulation of smoking in County facilities, including County-owned vehicles, child care facilities, home day care, and regulating tobacco vending machines. Ordinance No. 1010 was adopted by the Board in 2004 prohibiting smoking in the above-mentioned places.

Ordinance No. 981 was adopted by the Board of Supervisors in 2002 creating Title 14 “Fleet”, which included Chapter 14.10 “Smoking Policy” specific to County-owned, rented and/or leased vehicles. Section 14.10.010 (b) of Chapter 14.10 provides that the department head may designate a smoking vehicle but it will be a non-smoking vehicle if a member of the public or a non-smoking employee is in the vehicle, which is inconsistent with the current County smoking policy adopted by the Board in 2004.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If Chapter 14.10 is not rescinded there will continue to be inconsistent smoking policies within the Mariposa County Code.

Financial Impact?  ( ) Yes  [x] No  Current FY Cost: $  Annual Recurring Cost: $  List Attachments, number pages consecutively
Budgeted In Current FY?  ( ) Yes  ( ) No  ( ) Partially Funded  First and Second Reading of Ordinance
Amount in Budget:  $  Source:
Additional Funding Needed:  $  Internal Transfer
Unanticipated Revenue  4/5’s vote  __________
Transfer Between Funds  4/5’s vote  __________
Contingency  4/5’s vote  __________
( ) General  ( ) Other

CLERK’S USE ONLY:

Res. No.:  2003 Ord. No. 1053
Vote = Ayes: 5  Noes: __________
Absent: __________
Approved  ( ) Minute Order Attached  ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: __________
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: __________
Deputy

COUNTY ADMINISTRATIVE OFFICER:

( ) Requested Action Recommended
( ) No Opinion
Comments:
____________________________________________________
____________________________________________________
____________________________________________________
____________________________________________________
____________________________________________________
CAO: __________
MARIPOSA COUNTY ORDINANCE NO. 1053

AN ORDINANCE RESCINDING CHAPTER 14.10
OF THE MARIPOSA COUNTY CODE

WHEREAS, the Board of Supervisors desire to bring the Mariposa County Code up to date by rescinding Chapter 14.10 in its entirety,

WHEREAS, Chapter 9.20 contains the current policy adopted by the Board of Supervisors in 2004 regarding the prohibition of smoking in County facilities, including County owned vehicles, and

WHEREAS, Chapter 14.10 contains a smoking policy that is inconsistent with the current policy and a redundancy of Chapter 9.20,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Chapter 14.10 of the Mariposa County Code is hereby rescinded.

14.10 Smoking Policy. (Rescind)

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 9th day of June, 2009 by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

BRAD ABORN, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel