



PINE COUNTY TOBACCO EDUCATION PROGRAM

1-E-3 Pre-Intervention Policy Record Activity Summary

For Pine Bluffs Tobacco Retail Licensing Objective

Bough Evergreen, External Evaluator ♦ December 2018

PURPOSE

To better understand the tobacco control policy climate in Pine Bluffs, the project conducted a review of policy records including the city council archives and council member profiles. This was done to identify existing tobacco control policies in the region, examine the voting records and interests of the currently seated council members, see how issues were framed and discussed, and identify potential allies and adversaries. The collected data will inform our outreach to council members about the need for a tobacco retail licensing policy that earmarks a portion of the license fee for enforcement activities and eliminates the sale and distribution of flavored tobacco products in Pine Bluffs.

METHODOLOGY

Instrument Development. A data collection instrument originally developed by Los Angeles County was used with minor adaptations made by the project's External Evaluator and the Project Director. A copy of the instrument is provided in Appendix A of this document.

Target. The targeted jurisdiction was the City of Pine Bluffs and the persons of interest were the city council members.

Procedures. The Policy Record Review was conducted on September 5, 2017. An online search of the city's website (www.pinebluffs.ca.us) and related links was performed by the Project Director. The data was then sent to the External Evaluator for content analysis.

Measures. The search looked for: 1) existing tobacco-related policies in the jurisdiction and region, 2) mention of TRL-related topics in the Council minutes, 3) voting records, 4) Council member profiles (including name, years in office, term end, interests and alliances).

RESULTS

In the last 10 years, Pine Bluffs policy makers voted on five tobacco-related policies, all of which were adopted:

1. **Smoke-Free Pine Bluffs City Plaza:** Prohibits smoking within the City Plaza. Electronic nicotine delivery device use was not expressly included in the definition of smoking for this policy when adopted. Secondhand smoke dangers and benefits of protections were expressed in support of the policy. City pride in the appearance and cleanliness of the business district was also used in arguments for the policy. There were no opposing arguments. The policy was ultimately adopted by a 3 to 0 vote (2 council members recused themselves because they own businesses in the plaza). (Resolution amending Ordinance 2196 adopted 10/20/09.)
2. **Smoke-Free Fairgrounds Endorsement:** Council members were asked to endorse a policy that would ban smoking on the Sawmill Fairgrounds. The discussion of this endorsement dovetailed with the discussion about banning smoking in Pine Bluffs City Plaza. Electronic nicotine delivery devices use was not addressed by the endorsement when initially adopted. One Council member at the time did not believe it was appropriate for the Council to endorse the policy adoption because the decisionmaking body has no jurisdiction over the matter. Despite this view, the endorsement was adopted by a 6 to 1 vote by a mixture of current and past City Council members. (Resolution to Endorse Smoke-Free Fairgrounds adopted 10/20/09.)
3. **Smoke-free Entryway Ordinance:** Prohibits smoking within 20 feet of a public entryway, exit, operable window, and ventilation system. Electronic nicotine delivery device use was not expressly included in the definition of smoking for this policy when adopted. A Council member no longer in office opposed passing the policy until the council received more input from the business owners in the downtown area. A community member opposed the policy because he believed it would waste taxpayers' dollars and would not be enforced. The policy was ultimately adopted by a 5 to 2 vote by a mixture of current and past Council members. (Ordinance 2347 adopted 11/16/12.)
4. **Smoke-free Parks Ordinance:** Prohibits smoking in Pine Bluffs parks. Electronic nicotine delivery device use was not expressly included in the definition of smoking for this policy when initially adopted. Because the region is known for its pristine outdoor areas and policymakers are staunchly protective of them, advocates expected this policy to sail through without comment. For this reason, arguments in favor were not introduced as part of the introductory reading. Unexpectedly, however, vested interests voiced opposition to the policy unless it included an exemption for the large golf course inside Paul Bunyan Park. Without this exemption, the first introductory reading motion failed. The proposed language was quickly remedied and the second introductory reading which included an exemption for the golf course was adopted by a 5-2 vote. It is important to note that Council members Silawese and Rhonert dissented because of the inclusion of the exemption. (Ordinance 2444 adopted 05/07/13.)
5. **Electronic Smoking Devices added to definitions of smoking** in existing smoking ordinances, thereby prohibiting vaping wherever smoking combustible cigarettes are prohibited. The ordinance was adopted by a 5 to 1 vote, with 1 Council member absent.

Councilmember Coolidge stated for the record that in essence what this ordinance was doing was making water vapor illegal. (There were three different ordinances adopted this same year (2015): the City of Aspen, the City of Pine Bluffs and the County of Pine).

The existence of five tobacco control policies already passed in this small city bucks the trend of rural areas typically being less amenable to any policies seen as government encroachment on the free market or individual liberties. The precedence these policies set is a positive sign that the Council has been open in the past to efforts to protect citizens from the harms of tobacco use and secondhand smoke. Proposals for a TRL policy can attempt to build upon these policy successes.

Current City Council Members and Support for Tobacco-Related Policy

As illustrated in Table 1, of the current Pine Bluffs City Council members, five have voted in support of tobacco related policies in the past; one voted in opposition and one was not in office (NIO) when the policies were adopted.

Table 1. Pine Bluffs City Council Members Voting Behavior Regarding Tobacco-Related Policy.

	Tobacco-Related Policy				
	City Plaza	Fairgrounds	Entryways	Parks	ESDs
Mayor	NIO	NIO	NIO	Yes	Absent
Vice Mayor	NIO	NIO	NIO	NIO	Yes
Council member 1	NIO	NIO	No	Yes	Yes
Council member 2	NIO	NIO	NIO	No	No
Council member 3	NIO	NIO	NIO	NIO	NIO
Council member 4	Recused	Yes	Yes	No	Yes
Council member 5	NIO	NIO	NIO	Yes	Yes

Three of the current council members have voted yes on at least two different tobacco-related policies.

A review of member profiles reveals that the mayor is supported by tourism and environmental interests and therefore is aligned with environmental arguments about tobacco litter being a problem, but cautious about otherwise affecting the bottom line of businesses. Council member 3 is a smoker and finds any limits on smoking or purchasing/selling tobacco products an infringement of personal freedoms. Council member 5 has a young family and therefore is concerned about this issue as it relates to children and youth. Keeping these positions and affiliations in mind, issues should be framed in terms of policymaker interests and concerns to whatever degree possible.

RECOMMENDATIONS

Although this research suggests that there is considerable support among Pine Bluffs City Council members regarding tobacco-related policy, three members have voted 'no' on some ordinances in the past. For that reason, the project should focus on the following before trying to introduce a policy for consideration to the current city council members:

1. Understand Member Positions.

Reach out to members who have voted no at some point on tobacco control policies for interviews to understand their concerns and possible provisions that would garner their support.

2. Build Community Support.

Using member profiles, seek connections with stakeholders aligned with member interests or supporters. Conduct one-on-one meetings or educational presentations with key community leaders, framing the need in terms of issues they care about. Educate the community through an intense media campaign, as well as through community meetings before conducting a public opinion poll in Fall 2019.

3. Identify Champions.

Determine the position of the newest council member and find a tobacco retailer and/or a member of the city council to champion the issue. Encourage community groups to mobilize their constituent populations to advocate for change. Find policymakers from nearby jurisdictions who can talk about how a TRL policy is working in their community.

4. Make the Case.

Gather information, fact sheets and sample legislation. Most importantly, collect local data such as through the Young Adult Tobacco Purchase Survey, which includes an observation of the presence of flavored tobacco products. Tie the issue in with marijuana, the sale of which was banned in Pine Bluffs by the City Council in 2018.

5. Engage Youth.

Identify youth advocates willing to speak about their perceptions of flavored tobacco products, how marketing affects their peers, and the easy access of such products in stores. Involve youth in one-on-one meetings with key community leaders and policy makers.

Knowing the Council's voting record and background will help us to identify potential allies among community groups with shared concerns, frame arguments more persuasively to policymakers based on their interests and supporters, and have a better understanding of potential obstacles or opposing views.

Photo: cc Cappi Thompson

This example was adapted from a summary report written by external evaluator Sue Haun

APPENDIX A

Pine County Public Health Tobacco Education Program **1-E-3 POLICY RECORD FORM**

AGENCY:		SITE CODE:	
JURISDICTION and JURISDICTION CODE:		JURISDICTION WEBSITE:	
STAFF CONTACT:		DATE OF ACTIVITY:	

The questions you are trying to answer include:

1. Has the Council considered other tobacco retail licensing policies that include restrictions on flavored tobacco (or other tobacco control policies) in the past?
2. What was the outcome of past proposals for tobacco control policies?
3. What issues were raised for or against the proposals?
4. What issues for or against the policy were talked about during deliberations of the policy?
5. Who voted for the policy and who voted against it?
6. In the City(ies) that adopted the policy, what information seemed most important in getting the policy passed?
7. In the City(ies) that did not adopt the policy, what considerations seemed to be the most important barriers to getting the policy passed?

Ultimately you are identifying what worked, what did not work and how the intervention could be improved in the future.

The information from policy records can be used to build strategy charts towards a specific objective (e.g. TRL) by identifying: Constituents and their tactics; Allies and their tactics; Opponents and their tactics; and Targets (e.g., individual city council members) and their stance of support, opposition or neutrality on the issue.

Note: The following protocol is based on research conducted through a jurisdiction's website and related links. If the jurisdiction does not have a website or it is limited in scope, the information requested in the tables can still be found and/or supplemented via phone calls and in-person inquiries with the City Clerk and other City staff members.

Web-based steps to finding Council member voting records on tobacco control-related agenda items:

1. Using the City's website, locate the City Councilmember web page and fill in the table below. The biographies of the Council members often list the beginning and ending dates of a Councilmember's term.
2. Using the City's website, find the municipal code online, and locate sections where tobacco control ordinances are likely located (e.g. *Health and Safety, Public Safety, City Policies, Business License and/or Zoning*)
3. Search these sections of the municipal code for tobacco control-related ordinances (e.g., smoke-free outdoor areas, including parks, beaches, outdoor areas/dining, tobacco retail licensing, zoning/

OTIS Progress Report Narrative (in activity fields)

1-E-3 Policy Record

To inform our outreach to council members about the need for a tobacco retail licensing policy in Pine Bluffs, the project director conducted a review of policy records in September 2017. City Council archives and council member profiles were searched online in order to identify existing tobacco control policies in the region, examine the voting records and interests of the currently seated council members, see how issues were framed and discussed, and identify potential allies and adversaries. The data helped us identify potential allies among community groups with shared concerns, frame arguments more persuasively to policymakers based on their interests and supporters, and have a better understanding of potential obstacles or opposing views.

Tracking Measures Uploaded into Document Repository

De-identified Activity Summary Report (remove names of individual Council members)
Data Collection Instrument (Policy Record Form – included in Summary Report)

Implementation and Results Section of a Brief or Final Evaluation Report

To inform our outreach to Pine Bluffs City Council members about the need for a tobacco retail licensing policy, the project director conducted a review of policy records in September 2017. City Council archives and Council member profiles were searched online in order to identify existing tobacco control policies in the region, examine the voting records and interests of the currently seated council members, see how issues were framed and discussed, and identify potential allies and adversaries. The existence of five tobacco control policies in the jurisdiction indicated that there was support for addressing the harms of tobacco product exposure, however subsequent key informant interviews revealed that opinion was less favorable surrounding tobacco retail licensing. Even so, policy record data helped us identify potential allies among community groups with shared concerns, frame arguments more persuasively to policymakers based on their interests and supporters, and have a better understanding of potential obstacles or opposing views.