

Seattle Board of Park Commissioners
Meeting Minutes
April 16, 2015

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Board of Park Commissioners

Present:

Lydia Albert
Antoinette Angulo
Bob Edmiston
Diana Kincaid
Brice Maryman
Tom Tierney, Chair

Excused:

Barbara Wright
Yazmin Mehdi, Vice Chair

Seattle Parks and Recreation Staff

Christopher Williams, Acting Superintendent
Susan Golub, Policy Unity Manager
Rachel Acosta, Park Board Coordinator

This meeting is held at Seattle Park Headquarters, 100 Dexter Avenue North. Commissioner Tierney calls the meeting to order at 6:30pm. Commissioner Tierney asks for approval of the Agenda; Commissioner Kincaid moves to approve the consent items and Commissioner Edmiston seconds. The consent items are approved.

Oral Requests and Communications from the Audience

Sharon LeVine: She came to discuss I-5 Colonnade Park which she helped to get started. A Steering Committee has been formed by the Eastlake Community Council who have received a grant to activate the park and how to cure problems at that park. The off-leash area is having issues because it is quite hidden. When the park was constructed there were no big apartment buildings or construction. There is unlimited parking on Franklin Avenue and so there's no parking for anyone else. She requests Parks ask SDOT to make the parking paid 2 hour parking from 8am to 6pm that would be amazing! Mountain bikers cannot access it because they can't get there. Acting Superintendent Williams says he will follow up.

Presentation, Public Hearing: Smoking Ban in Seattle Parks

Presented by Susanne Rockwell, David Takami and Victoria Schoenburg

Written Briefing on the Smoking Ban in Seattle Parks

MEMORANDUM

Date: March 19, 2015
To: Board of Park Commissioners
From: Susanne Rockwell
Subject: Smoking Ban in Seattle Parks

Requested Board Action

Recommend to the Superintendent a ban on smoking per the description below. This comprehensive policy approach has been recommended by Public Health – Seattle & King County.

Staff Recommendation: Extend smoking ban to apply to all publically accessible portions of property under Parks' jurisdiction.

Proposed language to replace the current language in Parks Code of Conduct P 060 7.21.00 section 3.2.10:

It is a violation of these rules for any person to smoke or light cigars, cigarettes, hookahs, tobacco, or other smoking material, within all publically accessible portions of property under Parks' jurisdiction. For the purposes of this section, "smoke" or "smoking" means the carrying, holding, or smoking of any kind of lighted pipe, cigar or cigarette or any other lighted smoking equipment, but does not include any electronic smoking device in which vaporized liquid is inhaled through the use of heat from an electronic ignition system (for example, e-cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vape-pens).

The Superintendent may suspend this rule in writing for any permitted event not open to the general public, provided that no employees, children or animals are exposed to smoke, and provided further that such smoking shall not create any fire hazard or create any danger of damage to property, plants or any park feature.

Policy Description and Background (please see Appendix for additional information and resources)

Seattle Parks and Recreation's Code of Conduct consolidates the majority of behaviors which are prohibited in parks. The Code of Conduct is an administrative rule prohibiting specified behaviors in parks and at parks owned facilities. It outlines enforcement measures including withdrawing a person's permission to be in a park by issuance of Parks Exclusions.

CURRENT RULE. Currently, Parks Code of Conduct prohibits "smoking, chewing, or other tobacco use within 25 feet of other park patrons and in play areas, beaches, playgrounds, or picnic areas [is prohibited]." Parks Code of Conduct 060 7.21.00, section 3.2.10. Parks adopted the partial smoking ban in 2010 in response to input from the Public Health – Seattle & King County and from Seattle City Councilmembers who expressed concern about the health impacts of smoking on youth in particular. The Parks Superintendent originally proposed an outright smoking ban as part of a Code of Conduct in January 2010. After listening to the public and the recommendation of the Board of Park Commissioners, the Superintendent instituted the more limited restrictions which are currently in the code.

OTHER JURISDICTIONS. Since Seattle's consideration of an outright smoking ban in 2010, numerous other cities across the country have implemented them. Tobacco-free parks made national headlines in 2011 when New York City Mayor Michael Bloomberg signed legislation making all of the city's parks, beaches and pedestrian plazas and boardwalks smoke-free. Previously the ban had just applied to children's playgrounds. Also in 2011 Los Angeles County extended its smoking ban, which already covered beaches and playgrounds, to include municipal parks. San Francisco and Salt Lake City have also banned smoking in parks. In December 2013, the City of Boston extended their smoking ban from

playgrounds to all City parks. And most recently, Philadelphia's Mayor Michael Nutter signed into law a bill banning smoking in the city's parks on April 29, 2014.

California leads the nation with 155 city bans on smoking in parks, followed by Minnesota and New Jersey. American Nonsmokers' Rights Foundation lists 967 municipalities with smoke-free parks laws. Public Health - Seattle & King County's *Report on Tobacco Policies in Local Parks, 2014*, states that there are four cities in King County that have made their parks 100% tobacco-free (Bothell, Shoreline, Woodinville and Burien), while another eight cities within the county had policy restrictions ranging from allowing smoking only in designated smoking areas, or prohibiting smoking in non-smoking areas, or prohibiting smoking in certain park types.

REASON FOR BAN ON TOBACCO. The reasons for smoking bans tend to fall into four categories:

1. Health concerns over the effects of second hand smoke on children, youth and other adults
2. Environmental impacts and maintenance concerns
3. Encouragement for smokers to quit
4. Ease of enforcement.

As an agency that has a fundamental mission to support the health and well-being of Seattle residents, it is appropriate and beneficial for Seattle Parks and Recreation to prohibit the use of tobacco products at parks and park facilities. The negative health impacts of tobacco and exposure to secondhand smoke are well documented and have immediate adverse effects on the cardiovascular system and can cause coronary heart disease and stroke. The Center for Disease Control reports that:

- Secondhand smoke causes nearly 34,000 premature deaths from heart disease each year in the United States among nonsmokers.
- Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing heart disease by 25–30%.
- Secondhand smoke increases the risk for stroke by 20–30%.
- Secondhand smoke exposure causes more than 8,000 deaths from stroke annually.

In addition, Parks staff spend considerable time cleaning up cigarette butts that litter our parks. According to the Washington Department of Ecology, 480 million cigarette butts are littered in Washington State every year. Cigarette butts are not biodegradable and can take up to 15 years to decompose. During that time, they leach cadmium, arsenic, and other poisons into the soil. Cigarette butts may also be ingested by toddlers, pets, birds, and fish.

Enforcement

Enforcing Seattle's current 25-foot-from-another-patron rule is challenging in any park, and is nearly impossible in the pedestrian-heavy parks of downtown where many people are constantly moving about. Additionally, in small heavily-used parks that have a children's play space, such as Westlake, even if smokers are successfully kept at a distance of 25 feet from the play space, the children are not protected from second-hand smoke. A smoking assessment of Westlake Park conducted over four days in March, 2014 by Zoe Vitter, Graduate Research Assistant from the Center for Evidence-Based Crime Policy at George Mason University, determined that "Generally, about a quarter of people using the park at any given time were smoking."

The proposal of a smoking ban is ardently supported by the Downtown Seattle Association, the Friends of Westlake Park, and the Urban Experience Committee. Since the play space was installed in Westlake in 2013, some parents have verbally complained about secondhand smoke. Park Rangers concur that the enforcement of the 25-foot-from-another-patron rule is very challenging, especially in parks such as Victor Steinbrueck Park where the density of patrons and the size of the park provide few options.

Enforcement of the Code of Conduct, including a citywide ban on smoking in parks would work as follows:

1. Verbal warning and education - Patrons breaking the code would be asked to stop their behavior or leave the premises. Note this point is more of a courtesy to foster good will and to allow patrons to act responsibly.
2. Written trespass warning - If a patron refuses to act on a voluntary basis, they would then be issued a trespass warning.
3. Infraction citation, with a fee of \$27
4. Repeat offenders are in violation of the trespass warning and subject to arrest.

The extent to which officers and park rangers employ verbal warnings, written trespass warnings, and infractions will be discretionary based upon the park and circumstances. Arrest for trespass warning violation can only occur when the offender has *re-offended* or violated some other Park Rule within a designated period after having received a written trespass warning.

Most enforcement actions are expected to occur in the parks in the downtown core where there is already a proactive enforcement presence of both police and park rangers. While the police will have the capacity to enforce the smoking ban themselves, it is expected that verbal and written warnings will primarily be issued by Park Rangers. We would expect most violations to occur in Occidental Park, Victor Steinbrueck Park and Westlake Park, as these parks have the highest number of park users per square foot. Outside of the downtown area, police precincts will work with the community as needed to address enforcement and respond to calls for service related to smoking as resources allow.

Pending the outcome of the Board of Park Commissioners review and public process, the smoking ban could begin as early as June, with a soft rollout of enforcement for the first 30 days to allow for education and ramp-up. The ban does not pertain to marijuana use because that is already prohibited in parks under state law (RCW 70.160.050). Seattle Police officers currently hand out cards explaining the rules and regulations for smoking marijuana in public. The cards will be modified to include information on the citywide smoking ban in parks. In addition to the cards, Parks will initiate a social media education campaign and possibly partner with the American Heart Association and the American Lung Association for additional outreach and educational components.

Smoking Cessation Assistance

There are numerous smoking cessation programs available within the city and county, many of which are free of charge. The City of Seattle's Employee Assistance Program partners with Horizon Health to provide smoking cessation classes and programs free of charge for city employees. Other partnerships for programs available to the general public include: Group Health, UW Medicine, Plymouth Housing Group, Salvation Army, Union Gospel Mission, Bread of Life Mission, Downtown Emergency Service Center, Seattle Counseling Service, Entre Hermanos, Gay City, Asian Counseling and Referral Services, Consejo, Harborview, SeaMar, and Seattle Cancer Care Alliance, to name a few.

Key Policy Issues

Eliminating smoking in public parks clearly aligns with Parks Mission, and desired Outcomes regarding Healthy People and Healthy Environment.

While this is an administrative rule, there are those that might view the recommendation as 1) excessive government control and 2) the perception that the rule may be used as a tool to target poor and disenfranchised citizens who use parks as a place to spend their days. Implementing a city-wide ban on smoking in all parks and facilities would be the most equitable approach and straightforward to enforce and is consistent with other major cities across the country. The city-wide approach leaves no areas for ambiguity with the public or staff; if it's a park or park facility that is accessible to the public, there is no smoking of any sort allowed.

Public involvement process

We will provide a four-week comment period and a public hearing before the Board of Park Commissioners makes its recommendation. Following the Board recommendation there would be an official notice published and 30-day period before the ban would become effective.

The schedule is as follows:

- March 19 - Press release about public hearing; material available on the web and emailed to Park Board
- April 16 – Park Board briefing and public hearing – special session
- May 7 - Deadline for written comments
- May 14 - Park Board discussion and possible recommendation
- May 15 - Parks Superintendent makes ruling; ruling posted in the Daily Journal of Commerce for 30 days
- June 15 – Parks Superintendent makes the change to the Code of Conduct – administrative change

Additional Information

Susanne Rockwell

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References/Resources



Image from Public Health – Seattle & King County and the U.S. Department of Health and Human Services

Regulatory

RCW 70.160 Smoking in Public Places (formerly Washington clean indoor air act)

Seattle Municipal Code (SMC) Chapter 18.12 Parks Code

Parks Notice of Trespass SMC 18.12.279

Reports and Memos

Westlake Smoking Observations - City Auditors/SPD Report

Smoking Bans in Parks across the U.S. - Downtown Seattle Association

Washington State Department of Ecology (2007, April 12). Statewide litter campaign focuses on dangerous litter behavior. www.ecy.wa.gov/news/2007news/2007-083.html

Websites

http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm#overview

<http://www.clickondetroit.com/lifestyle/health/chicago-bans-smoking-in-all-580-city-parks/28000360>

<http://www.no-smoke.org/pdf/SmokefreeParks.pdf>

<http://www.kingcounty.gov/healthservices/health/tobacco/ctcp.aspx>

<http://www.bbc.com/news/world-europe-26785369><http://www.bbc.com/news/uk-northern-ireland-17822645>

<http://westseattleblog.com/2014/08/west-seattle-weekend-scene-imagine-a-buttless-beach/>

1-800-QUIT NOW (1-800-784-8669) or www.quitline.com

Presentation

Susanne Rockwell – Strategic Advisor, David Takami Strategic Advisor for the communications division and Victoria Schoenburg, Manager of Downtown Parks

Staff recommendation is to extend smoking ban to apply to all parks jurisdiction; code of conduct change from existing language, which says no smoking within 25 feet of other patrons. 5-6 years ago the ban went forward but scaled the proposal back to what we have currently. At the time, that was the norm across the country. Now, over 1000 cities have partial or total smoking bans. The total ban fits better with the Parks mission for healthy parks, healthy community, and healthy environment. The new rule would diminish ambiguity; positive for youth; staff spend a lot of time picking up cigarette butts; harmful to the environment.

The new rule has no reference to marijuana because it is covered by state law. E-cigarettes are not included because the data is still out. Parks code can be amended as needed. They have received much encouragement from Seattle King County Public Health, strong support from Downtown Seattle Association, Cancer Action Network, and City Auditors Network. There are legitimate concerns from a race and social justice perspective and the effects on homeless. The city has gone through the IOPE toolkit to see implications of project/policy change on underrepresented communities. There will be an evaluation period of 1-year to see how it has been implemented and enforced. Fair and honest to say there will be a disproportionate impact on homeless minorities. Homeless have equal right to fresh air as anyone else.

Acting Superintendent Williams acknowledges the impacts on homeless and people of color; they are trying to figure out how to mitigate those impacts through education and outreach. Parks staff are thinking about a variety of ways to soften the impacts if it is adopted.

David Takami discusses the outreach strategy and public information component. The press release went out on March 9. Communications division pushed it out on social media - Facebook and Twitter; they put out a Mindmixer survey. The project has been covered widely in the media. Acting Superintendent Williams did 4 interviews with the media. Parks staff did direct outreach to organizations directly impacted by the smoking ban.

Public education – There will be a soft launch press event – Parks will be partner with the American Lung Association, Surfrider and there will be more outreach by rangers. Parks will be organizing cleanups with children and families, and training for Parks employees. Deadline for public comment is Thursday, May 7.

Victoria Schoenberg manages downtown parks and park rangers. She says the rangers first step will be education – use uniform and presence to educate people on park rules and encourage compliance. They have the capacity to write citations and trespass warnings. The process for an individual smoking in a park would be: education, verbal warnings, written warnings and then the 2nd violation makes them eligible for arrest for trespass.

Bob asks if 1000 other cities have banned smoking, what can we learn from them? Has the mitigation of disproportionately affecting the homeless and people of color been successful and what did that mitigation look like?

Susanne responds that lack of enforcement has been more of an issue than backlash. The City Auditors Office had federal grant to study crime downtown. Westlake was a crime hotspot. They performed an 11-day smoking observation at Westlake Park and despite having many homeless at Parks the smoking issue lies mostly with those coming out to smoke during their work breaks.

Public Hearing

Linda Mitchell – She is the chair of the Downtown Residence Council and they support the ban. She presented letter last year in support of a ban. In 2005, Washington State passed Initiative 901 that stated Washington residents did not want people to smoke in public spaces. Smoking causes cancer and that activity is in conflict with our values for a healthy community.

Barbara Clabots – She is a volunteer for the Surfrider Foundation. On behalf of 800 members in the greater Seattle area, the Surfride Foundation works to protect oceans, waves, and beaches; work for improved water quality; improve quality of outdoor recreation; and, an ongoing commitment to picking up litter in Seattle parks. Cigarettes is the highest number of litter and it leaches toxics when wet. They are deadly to wildlife. 70% of pollution comes from storm water. Butts contribute to poor water quality. Surfrider Foundation supports placement of receptacles and signage in appropriate areas. They thank the Park Board.

Matt DeGooyer – He works for the American Lung Association (ALA) and he works to save lives by improving lung health and supports policies that create healthier communities. There's no such thing as a risk-free level to smoke. He feels this ban will reinforce healthy lifestyles and lead to changing community norms. Tobacco is not a form of recreation. Smoke-free parks allow those with asthma to go to the park. ALA would encourage the inclusion of e-cigarettes in the policy. It is not an approved cessation device.

Jim Page – He is a Seattle resident who turned 21 on the streets of Manhattan. He is a non-smoker and knows firsthand how hard it is to quit. He feels there is a misunderstood hierarchy of health concerns – making it through the night is the first concern. Cigarettes are an addiction and there is no way to deal with it on the streets. Cigarettes relaxed and focused him. People with walls and roofs can go home; people without walls and roofs this is their house. Provide housing so people don't smoke on the street.

Gordan Ek– Resident in Seattle for a little over 20 years. He lives across from Steinbreuck Park. He walks through the parks daily and is here to discuss smoking ban. The current rules and regulations are not being enforced. He has had extensive communication with the Parks management team and he feels they allow and enable breakdown in enforcement. This new rule will not change the fundamental problem. He compliments the staff who clean and maintain the parks every day for their clear dedication to the Seattle Park system.

Mian Rice – He is a strong supporter of banning smoking in public parks. He has had friends pass away because of lung cancer. Parks are intended to be environmentally clean and healthy for users. He recommends using the racial and social justice tool kit to leverage racial equity. If the smoking

ban is adopted, create an advisory panel that consists of community members and homeless advocates and develop a public education campaign that talks about the effects of smoking.

Scott Neal – He manages the Seattle King County Tobacco Prevention Plan and he supports the policy. Smoking is the #1 preventable cause of death in the nation. There needs to be a comprehensive effort to get people to quit. There are no barriers to access to cessation. There needs to be adequate signage that supports the message. He recommends parks staff who will be intervening train in education and support and provide cessation referrals; there are local places to access for cessation. He feels strongly that it be enforced equitably.

Sharon Jones – She is one of over 300 real change vendors. She is concerned the smoking ban will not be enforced equally and therefore make life harder for homeless. Many of us spend time in public parks and the homeless don't have anywhere else to go. Is this ban about public health or discriminating against people who don't have anywhere else to go? She feels this is another reason to harass the poor; the police should have more important things to do. She believes it is not in the interest of society. A Total ban makes life more difficult for people living outside; homelessness is not a crime. Let us not criminalize poor people.

Sharon LeVine – No one is proposing to ban low-income people from Seattle's parks. Cigarettes are hazardous to wildlife and people. She collected cigarette butts in a gallon-sized Ziploc bag and brings them to the meeting. They were collected today in a few minutes at a park next to Eastlake ship canal. She has removed tens of thousands of butts. They are poisoning our land and waterways; time for this organization to further protect our natural environment. Please ban smoking in our treasured parks.

Joshua Farris – walked outside the door and found trash; he wonders if Parks will ban all of these things. The fish are getting micro-fragments of plastics. He feels there are much bigger problems that people should be looking at. Seattle is becoming a playground for the rich and asks that Parks leave poor people alone.

Bryce Philips – 1000 different municipalities that passed this law; because someone else did it doesn't mean we should too. This law will mainly be enforced in areas that will disproportionately affect poor and underrepresented communities. Supports the current law. Regulating a substance that isn't even illegal. He feels there are so many laws and policies that harm the poor; the system is broken.

Josh Farris – He questions whether the smoking bans have been an issue in other parks. He has no fixed address and sometimes sleeps in parks. The litter is bad and says let's make it a litter thing not a homeless thing; good people don't like these laws either. Homeless people sleeps in parks, don't hassle them

Hannah Webb – SAFE organizer, activist for the environment. She wants Parks to enforce littering laws. She does not think the smoking ban is acceptable because it is turning smoking into a crime that generates revenue off the poor and that is not a good direction. Preexisting law seems fine.

Uri Cohen – She is homeless and her ancestors are Seattle's mascots. Smoking is a really bad habit and it is dangerous. Stop smoking.

Steve Sawada – He comes from a lot of privilege. He feels the tactics being used by the Surfrider Foundation and other proponents of the law don't seem evidence based but more anecdotal. The key is to stop smoking by investing money into smoking cessation programs. At risk communities use smoking to cope with life. Invest money into housing; no evidence that getting rid of smoking in public spaces leads to cessation.

Afam Ayika – Community organizer for Real Change Newspaper. His personal opinion –He doesn't see families downtown. Gentrification happened and the City is trying to make the city pretty for others. There is no enforcement now with current rules. What about the professionals who pop out to have a cigarette? He suggests looking at policies that actually solve the problems. There is a need more housing for homeless folks.

May 14 meeting to discuss and make formal recommendation. Public input allowed until May 7.

Old/New Business

Next meeting: elections for board leadership – Commissioner Tierney can serve 1 more term according to the bi-laws. Since Commissioner Mehdi is leaving the Board will need a new vice chair. Commissioner to send an email with nominations to Rachel/Susan and they will produce a ballot for the next meeting. Tom Byers nomination on 4/21 at Parks Committee; he may be able to attend the April 23 meeting.

Commissioner Kincaid heard from King County Metro; parks with less density don't get as much service. They are willing to have a bigger conversation about that. It will go to the Executive Committee for agenda discussion.

Commissioner Maryman moves the meeting adjourn; Commissioner Edmiston seconds the motion and the motion carries. The meeting adjourns at 7:42 pm.

APPROVED: _____ DATE _____
Tom Tierney, Chair
Board of Park Commissioners