

**DEPARTMENT:** County Counsel

**BY:** Steven W. Dahlem

**PHONE:** 966-3222 *6-9-09 Adopt*

**RECOMMENDED ACTION AND JUSTIFICATION:**

*S/W* Waive First Reading and Introduce Ordinance *S/W* 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If Chapter 14.10 is not rescinded there will continue to be inconsistent smoking policies within the Mariposa County Code.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: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		First and Second Reading of Ordinance
Source:		_____
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:** *5/26 Intro.*  
 Res. No.: \_\_\_\_\_ Ord. No. *1053*  
 Vote - Ayes: *5* Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
*MW* Approved  
 ( ) Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**  
 Requested Action Recommended  
 No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

CAO: *PB*

**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)**

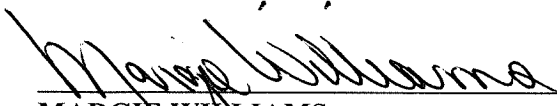
**SECTION II:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

**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