



July 16, 2019

The Honorable Paul M. Haakenson  
Presiding Judge  
Marin County Superior Court  
3501 Civic Center Drive  
San Rafael, CA 94903

Mr. Pat Randolph  
2018-2019 Foreperson,  
Marin County Civil Grand Jury  
P.O. Box 4988  
San Rafael, CA 94913

Re: City of San Rafael response to "Vaping An Under-the-Radar Epidemic" Marin County Civil Grand Jury report dated May 9, 2019

Dear Judge Haakenson and Foreperson Randolph:

At the regular City Council meeting on July 15, 2019, the San Rafael City Council reviewed the report "Vaping An Under-the-Radar Epidemic" and in accordance with Penal Code 933 (c) responded to recommendations R5 and R8 as requested.

Should the members of the Grand Jury require additional information, please contact Jim Schutz, City Manager, at (415) 485-3070.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Phillips", written over a blue horizontal line.

Gary Phillips  
Mayor

**RESOLUTION NO. 14711**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED "VAPING: AN UNDER-THE-RADAR EPIDEMIC"**

**WHEREAS**, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations must, within ninety (90) days, provide a written response to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury, responding to the Report's findings and recommendations; and

**WHEREAS**, Penal Code section 933 specifically requires that the "governing body" of the public agency provide the response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

**WHEREAS**, the City Council of the City of San Rafael has received and reviewed the Marin County Grand Jury Report, dated May 9, 2019, entitled "Vaping: An Under-the-Radar Epidemic;" and

**WHEREAS**, on June 17, 2019, the City Council of the City of San Rafael enacted Ordinance 1970 banning the sale of flavored tobacco products citywide and a ban on the sale of all tobacco products at pharmacies effective January 1, 2021; and

**WHEREAS**, at a regular City Council meeting held on July 15, 2019, the Grand Jury Report was presented, public testimony was accepted, and the City Council discussed the report findings and recommendations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Rafael hereby:

1. Approves and authorizes the Mayor to execute the City's response to the Marin County Grand Jury's report, entitled "Vaping: An Under-the-Radar Epidemic," a copy of which response is attached hereto and incorporated herein by reference.
2. Directs the City Clerk to forward the City's response forthwith to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Grand Jury.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 15th day of July 2019, by the following vote to wit:

AYES: COUNCILMEMBERS: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



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LINDSAY LARA, City Clerk

COPY

**ATTACHMENT “A”**

**RESPONSE OF THE CITY OF SAN RAFAEL TO GRAND JURY REPORT  
“VAPING: AN UNDER-THE-RADAR EPIDEMIC”**

RECOMMENDATIONS AND RESPONSES:

*R5: All municipalities in the county that have not banned the sale of flavored tobacco products should do so within the next year.*

Response: On June 17<sup>th</sup>, 2019, the San Rafael City Council enacted Ordinance 1970 after several months of public meetings and community outreach. Ordinance 1970 amends Chapter 8.15 of the San Rafael Municipal Code banning the sale of flavored tobacco products citywide and banning on the sale of all tobacco products at pharmacies effective January 1, 2021. The City Council chose to make the effective date of this ordinance January 1, 2021.

*R8. All law enforcement agencies should coordinate the enforcement of sales bans on flavored tobacco.*

Response: Enforcement of the San Rafael’s Tobacco Retail License program is conducted as part of a Memorandum of Understanding (MOU) with the Marin County Sheriff’s Department. As part of this enforcement, the Sherriff conducts compliance checks at every tobacco retailer outlet in the county at least once each year. In addition to this MOU, the Sheriff began a three-year California Department of Justice grant on April 1st that will provide additional compliance checks through at least March 2022. When Ordinance 1970 goes into effect on January 1, 2021 enforcement of the flavored tobacco ban and ban on tobacco sales at pharmacies will be carried out through this process.