

CAMPAIGN CHRONICLES

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WORKING ON TOBACCO CONTROL POLICIES

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 **AMERICAN
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of California
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IT'S UNANIMOUS.

Strong Licensing Ordinance Passes in Sacramento

By Brian Peterson,
Project Director

Following months of campaign planning, education, meetings, and turnout events, the Sacramento City Council recently voted 9-0 in support of licensing tobacco retailers.

The vote creates one of the few local licensing ordinances in the state that provides sufficient fees and means for enforcement along with meaningful penalties. In brief, the policy requires every tobacco retailer to pay an annual fee of \$300 that pays for two full time positions to cover code enforcement and data entry. Penalties range from a 30-day suspension for the first violation to a one-year revocation after the third offense.

"This is exactly what we wanted," says the American Lung Association's Carolyn Martin, who played a key role in coordinating the campaign as a member of the Sacramento County Tobacco Control Coalition.

The Campaign

Following a recommendation from their Youth Access subcommittee, the Sacramento County TCC formed a task force to begin

planning the campaign strategy and developing a timeline for tactics, the Center providing limited technical assistance during this initial phase. However, the timeline was quickly made obsolete as soon as Councilwoman Sandy Sheedy approached the TCC with her support.

The campaign had its Champion.

Martin herself confesses, "it doesn't get any easier than this," adding that from that point Sheedy worked like a bulldozer to clear the path for smooth relations with city staff and tobacco control advocates.

"There was an incredible amount of harmony. But the coalition also did its

Organizing with Champions: *Tips for Your Campaign*

By Vanessa Marvin,
Organizing Coordinator

People who have passed strong policies know that having a champion is valuable. Some of us are lucky to find a great champion on our city council or board of supervisors and others are not as fortunate. This article will suggest some tips for finding a good champion; how to work with your champion; and what to do if you can't find a champion.

A champion is an advocate and tough negotiator for your ordinance on the council or board. They are much more than just simply a supporter or a "yes" vote.

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LEGISLATIVE UPDATE

By Julie Bradley-Hart,
Policy Coordinator

The Center is tracking the following tobacco related legislation. Below is a summary of each bill. A more complete analysis will be available soon. If you have questions about the bills or would like more information, please contact Julie Bradley-Hart at 916-442-4299 or jbhart@alac.org.

AB 384 (Leslie, R – Tahoe City) Tobacco Prohibition in Prisons: would prohibit the possession of tobacco products by inmates in state prisons and California Youth Authority (CYA) facilities.

AB 1239 (Wiggins, D – Santa Rosa) Fees on Tobacco Manufacturers: would im-

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homework organizing the campaign: creating and distributing educational materials; writing letters; making phone calls; and attending meetings”, said Martin.

In particular, fact sheets were a critical part of maintaining the credibility of the campaign. Beyond keeping everyone updated and on message, they were also developed in response to opposition statements. When opposing grocers tried to confuse council members with erroneous information about AB71, Martin and the coalition put together a revised fact sheet that clarified the issue.

After key meetings with the City Attorney, Council Members, Tobacco Retail Licensing Task Force and

Technical Assistance Legal Center representatives, an ordinance was drafted based on TALC’s model language.

The Decision

On March 30th, with about 25 coalition members and advocates packing the Sacramento City Council chambers, coordinated and impassioned testimony from advocates helped convince the council that licensing tobacco retailers was the only choice they could make.

And thanks to BREATH’s Dian Kiser, who ordered and had duplicated the videotape of the event, you can even watch the 55-minute video of the Sacramento City Council ordinance hearing. Contact BREATH (916)739-8925 or Sacramento

County Local Lead Karen Olson (916)875-5869. The video is an ideal educational tool for coalitions interested in working on this issue. You can also get a copy of the Sacramento ordinance, a summary of state laws, a Q & A by visiting the Center’s website at <http://www.californialung.org/thecenter>.

If you have questions about this ordinance, please contact Carolyn Martin (916) 489-5293. And if tobacco retailer licensing is on the horizon for your community and you would like organizing technical assistance, be sure to call us at The Center.

Congratulations to the Sacramento County Tobacco Control Coalition!

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Recently the City of Sacramento passed a strong licensing ordinance (see related article). The Sacramento Tobacco Control Coalition had a great champion, Vice Mayor Sandy Sheedy. She is very committed to tobacco issues and to retail licensing and like many of us, her family has experienced the tragedy of tobacco-related illness and death. So she was a passionate and strong advocate. Her telephone call to the Sacramento Lung Association last June and her interest in retail licensing caused the Coalition’s newly formed Tobacco Retail Licensing Task Force, to focus their campaign on the City of Sacramento. Her strong ongoing advocacy on behalf of the ordinance makes her a great example of a champion.

Tip #1 – Find your Champion.

Some times finding a champion can be easy - someone you’ve worked with on other tobacco control policies. For example, in Sacramento Councilwoman Sheedy had strongly supported the Smoke-free Entryway ordinance. If you are unsure of who has been supportive in the past, look at voting records and public comments to help you identify a champion.

More often you will have to meet with several council members or supervisors and evaluate which is the most supportive. But before asking someone to be your champion consider if they are well respected by the other council members or supervisors and other community groups. Ideally, you’ll know this out before meeting with them.

Tip #2 – Work with your Champion.

A champion should work with you to pass your ordinance. The champion will advocate and negotiate on your behalf with the council or board. Do not compromise on your ordinance before you get to the champion. Let your champion help you judge whether there are provisions that need to be modified and compromises that must be made.

Throughout the campaign your champion should give you advice on what to do to help your ordinance pass – which council members or supervisors you need to talk to, which council members or supervisors support your ordinance, what arguments you should use, which endorsements you need to get, and what tactics would be most well

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received. The champion should help you work with the city or county attorneys and other city or county staff. In return, you need to think about how you can help support your champion – for example, by getting political support for them, by getting them good press, or by bringing lots of community support to council meetings.

In the Sacramento campaign Vice Mayor Sheedy did a lot to move the ordinance forward. She provides us with a good example of what a champion should do. Either she or her Administrative Assistant came to all the meetings of the Retail Licensing Taskforce of the Sacramento Tobacco Control Coalition; she brought Code Enforcement and a city attorney to a key meeting with Randy Kline of TALC; she organized a public forum and sent out 400 invitations and coordinated the agenda with the Licensing Task Force; she provided valuable advice on advocacy and talked with other council members; and she helped the ordinance withstand weakening amendments after discussing the proposals with the Task Force. Although the Coalition support proved strong and effective, she sought additional support such as the County Medical Association and from the Teen Advisors to Council members. It was a mutually beneficial collaboration with excellent communication from inception to victory.

So what is your role as a campaign organizer? Your job is to prepare the champion for likely arguments and challenges. You need to make it clear what you are unwilling to compromise on (for example, in licensing, the fee and the enforcement). Because sometimes elected officials say one thing to you and do another, it is a good idea to check with an independent insider to confirm that your champion is truly working on your behalf.

It is important to have an ongoing presence in front of your champion. Show up to community events where your champion is and say a few words to them. Continue to meet with them to talk about the strategy. Invite them to your campaign meetings. That continuing presence keeps the issue alive in the mind of the champion. It gives you a chance to keep the champion current on recent news from the campaign and it gives the champion an opportunity to pass along important inside information you wouldn't otherwise know.

Tip #3 – Can't find a Champion?

Sometimes, we are not able to get a council member or supervisor who is as supportive in our communities as council member Sheedy was in Sacramento. Maybe you have council members or supervisors who agree on the issue, but are not willing to champion an ordinance either because of the work involved, lack of

connection with the issue, or the political risk. In this case ask if they can do activities to lend support in a less direct way. For example, they could hold a public hearing on the issue or request a study or advise the campaign team on how to approach other elected officials who will support the ordinance. At the very least you will need a council member or supervisor who will introduce your ordinance.

If you are dealing with a council member that is not enthusiastically supportive or a little nervous about your ordinance, be careful about the information that you share with them. Again, a supporter is NOT the same as a champion.

Of course if a champion is just not available or can't be developed, the campaign will need to rely more heavily on other community organizing strategies and tactics that produce the leverage necessary to pass the policy.

Just as we bring together partner organizations to form powerful coalitions to fight tobacco, finding and working in partnership with a champion can increase the efficacy and impact of our campaigns. In some cases, their presence and participation can mean victory or defeat. Tobacco control is important to our communities, and finding champions who will advocate for us will increase the chances that only the strongest ordinances will pass.

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pose a fee on non-participating manufactures (NPMs), and create a fund to be used for tobacco-related health measures including smoking cessation programs. (See related bill SB 676)

AB 2443 (Daucher, R - Brea) Sales to Minors Laws: would amend the STAKE Act to increase the fines imposed on violators and allow local law enforcement agencies to conduct enforcement without a contract from the Department of Health Services. The bill would also increase the fines established in both the STAKE Act and in Penal Code 308 for not posting a STAKE Act Sign at each point of purchase.

AB 2694 (Bough, R – Cherry Valley) Littering of Tobacco Products: would increase the range of fines established in current law for discarding a cigarette, cigar, match, or any flaming or glowing substance.

AB 2997 (Firebaugh, D – E. Los Angeles) Smoking in Cars with Minors: would make it an infraction for a person to drive a vehicle while smoking and transporting a minor.

AB 3092 (Assembly Committee on Governmental Organization) STAKE Act Signage: would increase the fines under Penal Code 308 for failure to post a STAKE ACT sign. The fines would increase from \$10 to \$50 for the first violation and from \$50 to \$100 for each subsequent violation.

AB 3093 (Assembly Committee on Governmental Organization) Cigarette and Tobacco Licensing Act Assessment: would require the Bureau of State Audits to include in their performance audit an assessment of the overall effectiveness of the licensing program established with the enactment of AB 71.

SB 676 (Ortiz, D - Sacramento) Fees on Tobacco Manufacturers: would impose an annual fee on non-participating manufacturers (tobacco product manufacturers that did not participate in the MSA agreement) to compensate the state for costs associated with tobacco related illnesses and disease. (See related bill - AB 1239)

SB 1173 (Ortiz, D Sacramento) Self-Service Display Ban: would broaden the current state ban on self-service displays of cigarettes to a ban on self-service displays of all tobacco products and tobacco paraphernalia.

SB 1667 (Aanestad, R – Grass Valley) Fee Voting Requirement: would increase the vote requirement for raising fees from a majority of the legislature to two-thirds of the legislature. This bill is tobacco related in that it would make it more difficult to pass bills such as SB 676, AB 1239 and any future attempts at the state level to pass an annual licensing fee on retailers that would fund the enforcement of sales to minors laws.

SB 1821 (Dunn, D – Santa Ana) Tobacco to 21: would increase the minimum age to purchase or possess tobacco in California from 18 to 21 years.

Spot Bills: There are also several spot bills that the Center will be watching. A spot bill is a bill that is introduced making only technical, nonsubstantive changes to existing law. Spot bills, such as those listed below, are a way for legislators to meet the deadline for introducing a bill before they have worked out all of the details of the legislation they wish to propose - a placeholder.

AB 2030 (Cogdill, R - Modesto): this bill is intended to provide a vehicle for cleanup to last years tobacco licensing bill (AB 71). (See AB 2491)

AB 2244 (Vargas, D – San Diego): this bill makes technical, nonsubstantive changes to Proposition 99 enabling legislation.

AB 2491 (Horton, D - Inglewood): another bill intended as a vehicle to cleanup AB 71. (See AB 2030)

AB 3017 (Chavez, D – La Puente): this bill makes technical, nonsubstantive changes to the enabling legislation for Proposition 10, the California Children and Families First Act of 1998.

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