



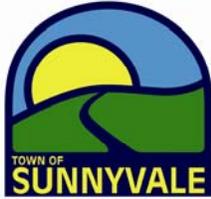
**Town of Sunnyvale**

**Town Council**

**Regular Meeting**

**July 23, 2012**

**7:00 p.m.**



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
REGULAR MEETING  
MONDAY, JULY 23, 2012  
7:00 P.M.**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL MEETING TO ORDER**

Mayor calls the Meeting to order, state the date and time. State Councilmember's present and declare a quorum present.

**PUBLIC FORUM**

Citizens may speak on any matter other than personnel matters or matters under litigation. No Town Council actions or discussion will be taken until such matter is placed on the agenda and posted in accordance with law.

**CONSENT AGENDA ITEMS #1 THROUGH #8**

All items on the consent agenda are routine items and may be approved with one motion; should any member of the Town Council or any individual wish to discuss any item, said item may be removed from the consent agenda by motion of the Town Council.

1. **MINUTES OF SPECIAL MEETING OF 05/14/2012.**
2. **MINUTES OF REGULAR MEETING OF 05/14/2012.**
3. **MINUTES OF SPECIAL MEETING OF 05/15/2012.**
4. **MINUTES OF SPECIAL MEETING OF 05/29/2012, 6:00 p.m.**
5. **MINUTES OF SPECIAL MEETING OF 05/29/2012, 7:00 p.m.**
6. **MINUTES OF SPECIAL MEETING OF 06/11/2012.**
7. **MINUTES OF REGULAR MEETING OF 06/11/2012.**
8. **CONSIDER APPROVAL OF RESOLUTION 12-13: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF A HEALTH SERVICES CONTRACT WITH THE DALLAS COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, CONCERNING THE TOWN OF SUNNYVALE'S PARTICIPATION WITH THE COUNTY OF DALLAS IN ESTABLISHING COORDINATED HEALTH SERVICES FOR THE TOWN, OPERATING CERTAIN HEALTH SERVICES FOR THE RESIDENTS OF THE TOWN, TO PROMOTE THE EFFECTIVENESS OF LOCAL PUBLIC HEALTH PROGRAMS, TO PARTICIPATE IN PROVIDING PUBLIC HEALTH SERVICES FOR THE RESIDENTS OF THE TOWN,**

AND TO FURTHER THE PUBLIC PURPOSE AND BENEFIT THE CITIZENS OF THE COUNTY AS A WHOLE.

**END CONSENT AGENDA**

**DISCUSSION/ACTION ITEMS**

9. **ELECT MAYOR PRO-TEM.**
10. **CONSIDER ORDINANCE NO. 12-14:** AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS AMENDING ARTICLE 1.11500, *PARKS*, OF CHAPTER 1, *GENERAL PROVISIONS*, OF THE TOWN OF SUNNYVALE CODE OF ORDINANCES BY ADDING SECTION 1.1514, *SMOKING PROHIBITED* AND PROVIDING A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.
11. **DISCUSSION REGARDING POSSIBLE ORDINANCE PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES.**
12. **DISCUSS BOARD AND COMMISSION APPLICATIONS.**
13. **MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS.**

**EXECUTIVE SESSION**

Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:

Sec. 551.074. PERSONNEL MATTERS

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

**Municipal Court Associate Judge**

**END OF EXECUTIVE SESSION**

Reconvene into open session and take any action necessary as a result of the Executive Session. Consider any official action on the executive session closed meeting items.

**CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:**

14. **CONSIDER APPOINTING MUNICIPAL COURT ASSOCIATE JUDGE.**

**ADJOURN**

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

THE SUNNYVALE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND 551.086 (ECONOMIC DEVELOPMENT).

THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS PRIOR TO THE MEETING.

THE FOREGOING NOTICE WAS POSTED IN THE FOLLOWING LOCATIONS:

SUNNYVALE ISD 417 E. TRIPP ROAD  
SUNNYVALE LIBRARY AT 402 TOWER PLACE

**I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON JULY 20, 2012, IN THE FOLLOWING LOCATION AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:**

**TOWN HALL AT 127 N. COLLINS ROAD**

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**LESLIE MALONE, TOWN SECRETARY**



**MINUTES  
TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
SPECIAL MEETING  
MONDAY, MAY 14, 2012  
6:00 P.M.**

**MAYOR  
MAYOR PRO-TEM  
COUNCILMEMBER  
COUNCILMEMBER  
COUNCILMEMBER  
COUNCILMEMBER**

**JIM PHAUP  
KAREN HILL  
PAULA YATES  
SAJI GEORGE  
RONNIE HENDERSON, JR  
PAT WILEY**

**CALL TOWN COUNCIL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 6:02 p.m. Mayor Phaup, Mayor Pro-Tem Hill, and Councilmembers Yates and Wiley were present.

**EXECUTIVE SESSION**

Councilmember Wiley made a motion to recess into Executive Session. Councilmember Yates seconded the motion. The Council recessed into Executive Session at 6:03 p.m. Councilmembers George and Henderson arrived during the Executive Session.

**EXECUTIVE SESSION AGENDA:**

**A. SECTIONS 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY**

- 1. ICP VS. TOWN OF SUNNYVALE**
- 2. VULCAN VS. TOWN OF SUNNYVALE**

**END OF EXECUTIVE SESSION**

Mayor Phaup reconvened the Special Meeting of the Town Council and stated no action would be taken as a result of the Executive Session.

**1. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED  
MEETING ITEMS:**

**A. SECTIONS 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY**

- 1. ICP VS. TOWN OF SUNNYVALE**
- 2. VULCAN VS. TOWN OF SUNNYVALE**

**ADJOURN**

Mayor Phaup adjourned the meeting at 7:01 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

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Mayor Jim Phaup

ATTEST:

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Leslie Malone, Town Secretary



**MINUTES  
TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
REGULAR MEETING  
MONDAY, MAY 14, 2012  
7:00 P.M.**

**MAYOR  
MAYOR PRO-TEM  
COUNCILMEMBER  
COUNCILMEMBER  
COUNCILMEMBER  
COUNCILMEMBER**

**JIM PHAUP  
KAREN HILL  
PAULA YATES  
SAJI GEORGE  
RONNIE HENDERSON, JR  
PAT WILEY**

**INVOCATION**

Mayor Pro-Tem Hill led the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Phaup led the Pledge of Allegiance.

**CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:03 p.m. All Councilmembers were present.

**PUBLIC FORUM**

No citizen comments were made.

**RECOGNITION OF OUTSTANDING SUNNYVALE HIGH SCHOOL STUDENTS**

Mayor Phaup recognized students that participated in the 13-2A UIL Academic Meet and presented certificates to those students, as well as the Sunnyvale High School Lady Raiders Softball Team.

**CONSENT AGENDA ITEM #1 THROUGH #3**

**CONSIDER APPROVAL OF THE FOLLOWING MINUTES:**

- 1. SPECIAL MEETING OF 04/23/2012.**
- 2. REGULAR MEETING OF 04/23/2012.**
- 3. SPECIAL JOINT MEETING WITH 4A DEVELOPMENT CORPORATION OF 04/30/2012.**

Councilmember Henderson requested Item Number 2, Minutes from the Regular Meeting of 4/23/2012 be removed from the Consent Agenda. Mayor Pro-Tem Hill made a motion, seconded by Councilmember Wiley to approve items 1 and 2 of the Consent Agenda. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 5/0.

Councilmember Henderson made a motion to add East after Stone Canyon in the second sentence under Item 7 and in paragraph three rephrasing to read, "Due to the HOA indicating that the subject property was the responsibility of the Town..." Councilmember Wiley seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 5/0.

## **END OF CONSENT AGENDA**

### **PUBLIC HEARING**

#### **4. APPLICATION FOR SITE PLAN**

APPLICANT: ECI ACADEMY

AT OR ABOUT: 302 TOWN EAST BLVD

REQUEST: CHANGE OF USE

Director of Community Development Steve Gilbert informed the Council that the applicant has obtained a Traffic Impact Analysis since the Council last heard the Site Plan in April. The Traffic Impact Analysis states that no school zone is needed at this point. Once the school is operating, school zones, cross walks, and crossing guards may be needed in the future. In response to a question from Councilmember George, Gilbert stated that staff sent notices to the Creekside Homeowner's Association. In response to a question by Councilmember George, Gilbert stated there is sufficient space on the property for the number of students the Academy expects to enroll.

Town Manager Scott Campbell stated the Council would have the option to require a review of school zones, cross walks, and crossing guards, once the school reaches a specific enrollment number.

Applicant Jackie Whitaker, 2422 N. Jupiter Road in Garland, stated her understanding from the City of Mesquite was that once the school was in place, if traffic was impacted a review would be triggered regardless of enrollment numbers. In response to a question from Councilmember Yates, the applicant stated the Academy is looking to purchase the property. In response to a question from Mayor Pro-Tem Hill, the applicant stated students must remain in a controlled area even when school is dismissed. Students will not be able to leave the property and walk through the surrounding neighborhoods.

Mayor Phaup opened the Public Hearing.

Deborah Franklin, resident at 629 Pecan Creek Drive, asked if students would attend Sunnyvale, or Mesquite schools after completing the eighth grade. Mayor Phaup responded by stating the students would either attend a different Charter School or would attend their home School District based upon the address of their residence.

Rajan Philip, resident at 403 Chatham Street, stated the increased traffic would cause a burden on surrounding neighborhoods and stated there should be some screening between the property and a neighboring subdivision.

Mayor Phaup closed the Public Hearing.

Director of Community Development Gilbert stated there is some fencing along the property lines to the rear of the property. Screening is not required for Change of Use, only new development.

Town Manager Campbell stated if screening became an issue, it would be best addressed when the issue arises. We could contact the school and ask them to address it depending on the needs that arise.

In response to a question by Councilmember Yates, the applicant stated the Academy does not offer any athletics. If that arises in the future, a new Site Plan would have to be submitted.

In response to a question by Councilmember George, Director of Community Development Gilbert stated he had received some negative feedback from residents, but they generally did not give a reason. Councilmember Yates stated she had heard from some residents that were concerned about increased noise.

Councilmember George asked who would be responsible for making any improvements if increased traffic, etc. warranted the improvements.

In response to a question by Councilmember Yates, the applicant stated that even though the law currently allows Charter Schools to participate in athletic and other extracurricular activities through the local public schools, they do not currently participate with Mesquite ISD, and do not foresee a policy change in that area.

Mayor Pro-Tem Hill made a motion to accept the Site Plan application for ECI Academy located at 302 Town East Blvd. subject to a maximum enrollment of 300 students. Mayor Phaup called for a vote with all Councilmembers Hill, George, Wiley, and Henderson voting affirmative, Councilmember Yates voting against the motion, the motion passed 4/1.

## **DISCUSSION/ACTION ITEMS**

### **5. PRESENTATION OF REQUEST FROM THE STONE CANYON HOMEOWNER'S ASSOCIATION FOR INSTALLATION OF ENTRYWAY GATES.**

Mayor Phaup informed the Council the Home Owner's Association (HOA) is requesting to add gates at the entrances of the subdivision due to security issues. The Town Attorney has provided an opinion stating the Town does not have any approval process for the gates.

Representatives from the HOA introduced themselves. Representative Gene Swank, 421 Mustang Drive, stated the HOA wanted to be open and compliant with Town requirements. Stone Canyon has many young families and with the increase in crime in the neighborhood, some realtors have been steering away families from the subdivision. Mr. Swank thanked the efforts of the Sheriff's Department. The proposed gates will be located far enough away from streets adjacent to the subdivision so as not to impede traffic. Emergency Services, essential services, and residents will be able to open the gates quickly due to remotes. Otherwise, the gates will have a delay opening of about fifteen seconds. It is hopeful that gates will reduce

crime and help to slow down traffic as they must stop to enter and exit the subdivision. The HOA will bear the entire cost of the gates.

HOA Representatives included Wanda Nemer, Amanda McNeill, Andrea Wright, Christine Chuckleford.

Mayor Phaup stated a vote by the HOA is expected in the next week. Town Engineer Marc Bentley is reviewing the project to make sure it is safe.

Mayor Pro-Tem Hill verified that no action is necessary from the Council. Hill also asked if any traffic data has been collected. Glenwick had similar traffic issues, and installed cameras that showed most speeders were residents. The Town must still provide right of access to the public. Gates don't promote the small town atmosphere.

HOA Representative Swank stated he has witnessed increased speeding in the area. In response to a question from Mayor Pro-Tem Hill, Mr. Swank stated signs informing visitors of the delay would be posted.

Councilmember Yates reviewed the crime statistics for the neighborhood.

HOA Representative Amanda McNeill informed the Council that the cost of the gate is \$75,000 and the HOA would cover maintenance for the gates.

Councilmember Henderson stated the neighborhood wants to invest in itself to increase property values.

Resident Mike Parsley, 434 Hunters Creek in Stone Canyon, spoke against adding gates citing increased maintenance that will burden the HOA budget, delays in response time by emergency personnel, eight residents that responded were against the gates as well. Gates may be a deterrent, but the bad guys will wait. Cameras would serve the neighborhood's needs. Slowing down for gates to open does not mean speeding will decrease within the neighborhood.

Resident Michael Ohr, 428 Stone Canyon, stated he believes lighting decreases burglaries along with signs for security systems and gates.

Chris McNeill, 166 Overlook Stone Canyon, wanted to reiterate that these are commercial grade gates with maintenance contracts. Sixty of seventy polls returned were in favor of the project. Crime should be looked at in terms of types of crimes not by number of crimes. Most of the crimes occur during the day and lighting will not deter these crimes. Stone Canyon has a reputation among criminals as being an easy target.

**6. CONSIDERATION OF ORDINANCE NO: 12-07: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING SECTION 6 OF ORDINANCE NO. 549, CONCERNING THE REINVESTMENT ZONE NUMBER ONE, TOWN OF SUNNYVALE, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, BY ESTABLISHING THE PERCENTAGE OF INCREMENTAL SALES TAX AND PROPERTY TAX INCREMENT INCLUDED WITHIN THE TAX**

**INCREMENT FUND FOR THE REINVESTMENT ZONE NUMBER ONE, TOWN OF SUNNYVALE, TEXAS; AMENDING EXHIBIT B OF ORDINANCE NO. 549, CONCERNING THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, TOWN OF SUNNYVALE, TEXAS, BY APPOINTING THE BOARD OF DIRECTORS TO REINVESTMENT ZONE NUMBER ONE, TOWN OF SUNNYVALE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Scott Campbell reminded the Council this Ordinance memorializes participation rates and establishes a Board for the Tax Increment Reinvestment Zone (TIRZ).

Jeff Moore, 4A Economic Development Attorney, 740 East Canyon Richardson, Texas, stated if the Council appointed the Board, three would serve through December 2013, and two would serve through December 2014.

In response to a question by Mayor Pro-Tem Hill, Mr. Moore stated the Council appoints the Board and a Chairman is appointed on an annual basis. Boards have recommended people to serve on the Board.

4A Economic Development Corporation President Terri Shatter stated 4B recommended Mark DeWitt, 4A recommended David Carlile and Bill Metzger to serve on the TIRZ Board.

Mayor Pro-Tem Hill stated the Council should discuss participation rates.

Councilmember Yates stated she would like input from the new Economic Development Director that begins next week. Future infrastructure needs should be considered.

Mayor Phaup asked the Council if there were some rates that were too high. Mayor Pro-Tem Hill stated 60% was too high. Councilmember George agreed that the Town has needs that also need to be addressed.

Mayor Phaup asked to hold a Workshop in June to discuss this with the new Economic Development Director.

Councilmember George stated projected cash flows will need to be considered.

In response to a question by Councilmember George, Shatter stated she felt it would be the end of the summer for the Council to finalize participation rates and begin TIRZ Board meetings.

In response to a question from Mayor Pro-Tem Hill, Attorney Moore stated the TIRZ Board would draft the project or finance plan, and the Council would have final approval. With Tax Increment Financing, there is usually not an application. Each project is taken on a case by case basis.

Councilmember Wiley made a motion to table consideration of Ordinance 12-07 until the Town Council Regular Meeting of June 25. Councilmember Yates seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 5/0.

**7. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS**

Mayor Phaup asked about any change in the water restrictions from NTMWD. The Mayor would like to update the Town on watering days and times.

Councilmember George asked for an update from the Fire Chief.

Councilmember Yates asked about the status of the Audit, and the status of the Water Quality Analysis.

Councilmember Wiley stated the Make A Wish Foundation Gala raised over \$570,000

**ADJOURN**

Mayor Phaup adjourned the meeting at 8:56 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

\_\_\_\_\_  
Mayor Jim Phaup

ATTEST:

\_\_\_\_\_  
Leslie Malone, Town Secretary



**MINUTES  
TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
SPECIAL MEETING  
TUESDAY, MAY 15, 2012  
6:00 P.M.**

	<b>MAYOR</b>	<b>JIM PHAUP</b>
	<b>MAYOR PRO-TEM</b>	<b>KAREN HILL</b>
<b>ABSENT</b>	<b>COUNCILMEMBER</b>	<b>PAULA YATES</b>
	<b>COUNCILMEMBER</b>	<b>SAJI GEORGE</b>
<b>ABSENT</b>	<b>COUNCILMEMBER</b>	<b>RONNIE HENDERSON, JR</b>
	<b>COUNCILMEMBER</b>	<b>PAT WILEY</b>

**CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 6:00 p.m. Councilmembers Yates and Henderson were absent.

**DISCUSSION/ACTION ITEMS**

**1. ADOPTION OF RESOLUTION 12-12 DECLARING THE RESULTS OF MAY 12, 2012, TOWN OFFICER'S ELECTION.**

Mayor Phaup read the vote totals.

Jim Wade	547
John Bailey	462
Ronnie Henderson	584
Rajan Mepuram Philip	291
Dale Graves	120
Saji George	768
Jean Holt	232

Councilmember Wiley made a motion to approve Resolution 12-12 Declaring the results of May 12, 2012, Town Officer's Election. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote with Councilmembers Hill, Wiley, and George voting AYE, the motion carried 3/0.

**ADJOURN**

Mayor Phaup adjourned the meeting at 6:02 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

\_\_\_\_\_  
Mayor Jim Phaup

ATTEST:

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Leslie Malone, Town Secretary



**MINUTES  
TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
SPECIAL MEETING  
TUESDAY, MAY 29, 2012  
6:00 P.M.**

<b>MAYOR</b>	<b>JIM PHAUP</b>
<b>MAYOR PRO-TEM</b>	<b>KAREN HILL</b>
<b>COUNCILMEMBER</b>	<b>PAULA YATES</b>
<b>COUNCILMEMBER</b>	<b>SAJI GEORGE</b>
<b>COUNCILMEMBER</b>	<b>RONNIE HENDERSON, JR</b>
<b>ABSENT</b>	<b>PAT WILEY</b>

**CALL TOWN COUNCIL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 6:00 p.m. Mayor Pro-Tem Hill arrived at 6:03 p.m. Councilmember Wiley was absent.

**SWEARING IN OF NEWLY ELECTED TOWN COUNCIL MEMBERS**

Town Attorney Walt McCool swore in newly elected Councilmembers Wade, Henderson, and George.

**EXECUTIVE SESSION**

Councilmember Yates made a motion to adjourn into Executive Session at 6:04 p.m. Councilmember George seconded the motion. Mayor Pro-Tem Hill arrived. Mayor Phaup called for a vote, and with all Councilmembers voting affirmative the motion passed 5/0.

**EXECUTIVE SESSION AGENDA:**

**A. SECTION 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY**

- 1. ICP VS. TOWN OF SUNNYVALE**
- 2. VULCAN VS. TOWN OF SUNNYVALE**

**B. SECTION 551.071 - CONSULTATION ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

**END OF EXECUTIVE SESSION**

**CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:**

**A. SECTION 551.071 - CONSULTATION ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY**

**RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY  
CONFLICTS WITH THIS CHAPTER.**

**B. SECTION 551.071 - CONSULTATION ON A MATTER IN WHICH THE DUTY OF THE  
ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY  
RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY  
CONFLICTS WITH THIS CHAPTER**

Mayor Phaup confirmed that no action would be taken as a result of the Executive Session.

**ADJOURN**

Mayor Phaup adjourned the meeting at 7:06 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

\_\_\_\_\_  
Mayor Jim Phaup

ATTEST:

\_\_\_\_\_  
Leslie Malone, Town Secretary



**MINUTES  
TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
SPECIAL MEETING  
TUESDAY, MAY 29, 2012  
7:00 P.M.**

**MAYOR  
MAYOR PRO-TEM  
COUNCILMEMBER  
COUNCILMEMBER  
COUNCILMEMBER  
COUNCILMEMBER**

**JIM PHAUP  
KAREN HILL  
PAULA YATES  
SAJI GEORGE  
RONNIE HENDERSON, JR  
JIM WADE**

**INVOCATION**

Mayor Pro-Tem Hill led the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Phaup led the Pledge of Allegiance.

**CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:09 p.m.

**PUBLIC FORUM**

Citizens may speak on any matter other than personnel matters or matters under litigation. No Town Council actions or discussion will be taken until such matter is placed on the agenda and posted in accordance with law.

**1. RECOGNITION OF SERVICE FOR OUTGOING TOWN COUNCIL MEMBER**

Mayor Phaup recognized former Councilmember Pat Wiley and thanked him for his service on the Town Council.

No citizen's comments were made.

**PUBLIC HEARINGS**

- 2. CONSIDER AN ORDINANCE (AS REQUESTED BY APPLICANT, QUICK TRIP CORPORATION) AMENDING ZONING ORDINANCE NO. 324, AS AMENDED BY ORDINANCE NOS. 324, 332, 338, AND 339, AND AS AMENDED FROM TIME TO TIME, ADDING THE USE 'CONVENIENT STORES WITH GASOLINE SALES' AS A CONDITIONAL USE IN THE GENERAL BUSINESS (GB) ZONING CLASSIFICATION, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Town Manager Scott Campbell informed the Council that Ordinance 12-07 represents a request for a text amendment to the Zoning Ordinance to add a new use, Convenient Stores with Gasoline Sales, as a conditional use.

Joe Domier, 1120 N. Industrial Blvd., Real Estate Manager, introduced himself and stated the approval of this Ordinance would allow the applicant to subsequently apply for a Conditional Use Permit to construct a QuikTrip (QT) Convenient Store on the southeast corner of U.S. Hwy 80 and Collins Rd. The General Business District allows gas stations, but does not allow more than two islands. The applicant is requesting to put in more than two islands. Mr. Domier gave a presentation outlining what uses are allowed by right in the area. In response to a question by Mayor Phaup, the applicant stated he wanted to use this meeting to reiterate what QT brings to the community.

In response to a question by Mayor Pro-Tem Hill, Director of Community Development Steve Gilbert stated an "Atmos Fence" is in reference to an easement held by Atmos Gas that prevents a fence in the area. A masonry wall is required between Commercial and Non-Commercial Zoning and it would be addressed during Site Plan Review if this request is approved.

Mayor Phaup opened the Public Hearing.

Gene Swank, 421 Mustang Dr., stated the Stone Canyon Homeowner's Association (HOA) is not hiding from discussing QT. This is all about a quick vote for QuikTrip. QT has only been in contact with the HOA for five or six weeks. QT chose not to continue to work with the Planning & Zoning (P&Z) Commission. This request changes zoning town wide. A vote on something of this magnitude should not be held the day after the holiday. This business is not to provide gasoline for Sunnyvale residents, but is for pass-through traffic. There is a difference between growth and quality growth. Mr. Swank raised safety concerns.

David Griffin, 425 Hunters Creek, stated that P&Z should not be bypassed. Opinions of the citizens should be heard. Southlake is an example of a city that has put citizens first. If the citizens are put first, the right types of businesses will come.

Andrea Wright, 171 Overlook Drive, also one of the owners of Towers at Sunnyvale (Valero Gas Station located at 224 S. Collins), stated they are a locally owned business. Zoning rules and guidelines are in place to be different with our zoning regulations. If this request is approved, it will not affect QT, but it will impact the lives of all Sunnyvale residents.

Walt Thomas, 477 East Fork Rd., as a resident of Sunnyvale for 12 years, has heard that we are anti-business. QT seems to be a large reputable business looking to come to Sunnyvale. If people get off the highway to get gas, they may also stop and eat in local restaurants. QT seems to be a responsible corporate entity. As a town, we cannot afford to drive businesses away. This could be the spark to development in Sunnyvale. There has to be a way to compromise.

Stacey Stewart, 169 Overlook Drive, stated this request is a change to existing zoning. If QT wants to come to Sunnyvale, they should do so under existing zoning requirements. We can standby and wait for something better. Offices and retail are much better suited to be located behind neighborhoods. The issue at hand is whether or not the zoning requirements are

changed. If this request is approved, every citizen of Sunnyvale will be affected. The citizens of Sunnyvale deserve better.

David Henderson, 466 San Gabriel, stated this seems to be a quick decision. We should take caution and accept the decision of the P & Z. This decision is emotional but there is also logic. This change will also impact existing businesses. The small town feel was a big attraction to Sunnyvale. This proposed zoning change will change the nature of Sunnyvale if approved. Sunnyvale is a desired community and is known for having standards.

Kara Ranta, 372 South Larkin, stated this proposal would not directly affect her in a negative way, but she is here on principle. Changing the zoning does not make sense. Ms. Ranta read Section 1.2 of the Zoning Ordinance.

Bill Metzger, 414 Ranchero, stated he enjoys his urban living in a rural environment. He frequents local businesses adjacent to the Stone Canyon subdivision. Please consider the zoning change will affect people's lives.

Don Hamilton, 433 Hunter's Creek Drive, stated he is a Board Member of the Stone Canyon HOA. This zoning change means a lot to the residents of Stone Canyon. As a business man, one of the concerns is the type of people we want residing in Sunnyvale. Allowing a QT in Sunnyvale, will hinder the type of growth we want in Sunnyvale.

Denise Bettis, 428 Hunters Creek Drive, changing the text of the Ordinance impacts the entire Town. We need to protect the first impression of Sunnyvale. This is all about the money for QT.

Trent Blackley, 415 Mustang Drive, stated Sunnyvale has built a great bridge and intersection and whatever development goes in first on that corner will set the tone for future development. QT will not be a draw for future development. This area is one of the most visible in Sunnyvale.

Clemon Akins, 418 Mustang Drive, stated he moved into Stone Canyon 18 months ago. Had he known a QT was proposed for that location, he would not have moved to Sunnyvale.

Ashton Wright, 171 Overlook Drive, stated allowing QT to move in could put the Towers of Sunnyvale out of business.

Mayor Phaup closed the Public Hearing.

Applicant Domier thanked the speakers that spoke in the Public Hearing. QT is not trying to bypass P & Z. The applicant will gladly go back through P & Z and take the time if it will make a difference. Increased activity in the area can decrease crime. QT is the benchmark for the industry. Pass through traffic means that tax dollars that would normally be spent elsewhere are now brought to Sunnyvale. QT would like to be a part of this community. If the citizens are willing to work with QT, the applicant would work with the HOA and P & Z.

Town Manager Scott Campbell clarified that not all uses mentioned by the applicant are allowed by right. Some uses will require a Conditional Use Permit.

Mayor Pro-Tem Hill stated that by passing Beer & Wine, requests from convenient stores will increase as shown by surrounding communities. The Sunnyvale Center will not survive without pass-through traffic. The Town is working with the Texas Department of Transportation to address Hwy. 352. This may not be the right time to change the Zoning Ordinance. Mayor Pro-Tem Hill stated this change is too broad for her comfort. We must have businesses in Sunnyvale. We will not have the opportunity to develop around the 190 Toll Road. We have to get used to the idea of bringing businesses to Sunnyvale. There is a balancing act of determining how to notify residents of proposed changes. Mayor Pro-Tem Hill stated she is not comfortable with a change at this time.

Councilmember Henderson stated he met with the QT people. The intensity of uses next to residential is a concern. The Council has spent time fighting increasing the intensity of uses next to residential. The uniqueness of Sunnyvale is worth protecting. Councilmember Henderson stated he can't see increasing the intensity when the Council has been fighting the same.

Councilmember George stated the impact of this change is unknown. To approve this change would be hasty.

Mayor Phaup cited the continuing conflict between neighboring uses. Mr. Stewart's comments were on point. We are not looking at the potential use. We are looking at the text change. The proposed change creates an unacceptable risk throughout the Town. Mayor Phaup's recommendation was to deny the request.

Councilmember Henderson made a motion, seconded by Councilmember George, to deny Ordinance 12-07: (As requested by applicant, QuikTrip Corporation) amending Zoning Ordinance No. 324, as amended by Ordinance Nos. 324, 332, 338, and 339, and as amended from time to time, adding the use '*Convenient Stores with Gasoline Sales*' as a Conditional Use in the General Business (GB) Zoning Classification, providing a severability clause; providing a conflicts clause; and providing an effective date. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion was approved 5/0.

### **DISCUSSION/ACTION ITEMS**

#### **3. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA ITEMS**

Mayor Phaup stated he was working on the Strategic Goals and Objectives update for the Council.

Councilmember George asked about an update from North Texas Municipal Water District (NTMWD) regarding water restrictions.

Mayor Phaup announced Sunnyfest is June 29<sup>th</sup> at 6 p.m.

Councilmember Henderson asked if a draft agenda could be sent out ahead of the meeting.

**CONVENE INTO EXECUTIVE SESSION**

Councilmember Yates made a motion, seconded by Mayor Pro-Tem Hill, to adjourn into Executive Session at 8:55 p.m. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 5/0.

**EXECUTIVE SESSION AGENDA:**

**A. SECTIONS 551.071 - ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

**END OF EXECUTIVE SESSION**

Reconvene into open session and take any action necessary as a result of the Executive Session.

**1. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:**

**A. SECTIONS 551.071 - ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

Mayor Phaup reconvened the meeting and stated no action would be taken as a result of the Executive Session.

**ADJOURN**

Mayor Phaup adjourned the meeting at 10:04 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

\_\_\_\_\_  
Mayor Jim Phaup

ATTEST:

\_\_\_\_\_  
Leslie Malone, Town Secretary



**MINUTES  
TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
SPECIAL MEETING  
MONDAY, JUNE 11, 2012  
6:00 P.M.**

<b>MAYOR</b>	<b>JIM PHAUP</b>
<b>MAYOR PRO-TEM</b>	<b>KAREN HILL</b>
<b>COUNCILMEMBER</b>	<b>PAULA YATES</b>
<b>COUNCILMEMBER</b>	<b>SAJI GEORGE</b>
<b>BY PHONE COUNCILMEMBER</b>	<b>RONNIE HENDERSON, JR</b>
<b>COUNCILMEMBER</b>	<b>JIM WADE</b>

**CALL TOWN COUNCIL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 6:09 p.m.

**EXECUTIVE SESSION**

Councilmember Yates made a motion to recess into Executive Session. Mayor Pro-Tem Hill seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting AYE, the motion carried 4/0. Councilmember Henderson joined the Executive Session by phone.

**EXECUTIVE SESSION AGENDA:**

**A. SECTION 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY**

- 1. ICP VS. TOWN OF SUNNYVALE**
- 2. VULCAN VS. TOWN OF SUNNYVALE**

**END OF EXECUTIVE SESSION**

Mayor Phaup reconvened the meeting at 7:00 p.m.

**CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED  
MEETING ITEMS:**

**A. SECTION 551.071 – PENDING LITIGATION CONSULTATION WITH ATTORNEY**

- 1. ICP VS. TOWN OF SUNNYVALE**
- 2. VULCAN VS. TOWN OF SUNNYVALE**

Mayor Phaup confirmed that no action would be taken as a result of the Executive Session.

**ADJOURN**

Mayor Phaup adjourned the meeting at 7:00 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

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Mayor Jim Phaup

ATTEST:

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Leslie Malone, Town Secretary



**TOWN OF SUNNYVALE  
SUNNYVALE TOWN COUNCIL  
REGULAR MEETING  
MONDAY, JUNE 11, 2012  
7:00 P.M.**

	<b>MAYOR</b>	<b>JIM PHAUP</b>
	<b>MAYOR PRO-TEM</b>	<b>KAREN HILL</b>
	<b>COUNCILMEMBER</b>	<b>PAULA YATES</b>
	<b>COUNCILMEMBER</b>	<b>SAJI GEORGE</b>
<b>ABSENT</b>	<b>COUNCILMEMBER</b>	<b>RONNIE HENDERSON, JR</b>
	<b>COUNCILMEMBER</b>	<b>JIM WADE</b>

**INVOCATION**

Mayor Pro-Tem Hill led the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Phaup led the Pledge of Allegiance.

**CALL MEETING TO ORDER**

Mayor Phaup called the meeting to order at 7:02 p.m. Councilmember Henderson was absent.

**PUBLIC FORUM**

John Noster, 120 Lakeview Drive, presented the Council with an email from Dallas County Sherriff's Deputy Sergeant Russell Jacks concerning a solicitor going door to door selling mulch. Also presented, was promotional information on giving blood.

**DISCUSSION/ACTION ITEMS**

- 1. CONSIDER ORDINANCE NO. 12-08:** AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, CALLING A JOINT PUBLIC HEARING OF THE TOWN PLANNING AND ZONING COMMISSION AND TOWN COUNCIL TO CONSIDER AN APPLICATION FOR AMENDMENT TO AN APPROVED CONCEPT PLAN FOR AN ATTACHED HOUSING COMMERCIAL (AHC) DISTRICT LOCATED ON A PORTION OF THE PROPERTY GENERALLY DESCRIBED AS 201 PLANTERS ROAD IN SUNNYVALE; CONSISTENT WITH TEXAS LOCAL GOVERNMENT CODE CHAPTER SECTIONS 211; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Phaup stated this Ordinance sets a Public Hearing and Joint Meeting with Planning & Zoning Commission for July 9<sup>th</sup> at 7:00 p.m. to discuss changes to the Concept Plan approved by the Council in April of 2011. There have been changes in the number of bedrooms in the unit plans. There will be a Joint Workshop on June 25<sup>th</sup> at 6:00 p.m.

Mayor Pro-Tem Hill made a motion to approve Ordinance 12-08: An Ordinance of the Town of Sunnyvale, Texas, calling a joint public hearing of the Town Planning and Zoning Commission and Town Council to consider an application for amendment to an approved Concept Plan for an Attached Housing Commercial (AHC) District located on a portion of the property generally

described as 201 Planters Road in Sunnyvale; consistent with Texas Local Government Code Chapter Sections 211; providing for a severability clause; and providing an effective date. Councilmember Yates seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 4/0. Councilmember Henderson was absent.

**2. CONSIDER ORDINANCE NO. 12-09: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS AMENDING CHAPTER 13,"UTILITIES", OF THE SUNNYVALE CODE OF ORDINANCES BY ADDING ARTICLE 13.1400, *CROSS-CONNECTION CONTROL*; PROVIDING A PENALTY CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Town Manager Scott Campbell stated this Ordinance addresses a Public Health and Safety issue. Representatives from Hardin and Associates helped draft this Ordinance. The lack of a Backflow Ordinance was a concern. This helps protect Town residents.

Councilmember Wade asked if existing residents with fire prevention systems would be required to install a backflow device. Water Superintendent Johnny Meeks stated that would only be required if backflow problems arose. The concern is primarily driven by commercial uses within the Town.

Byron Hardin, of Hardin and Associates, 153 Simmons Drive, Coppell, stated the Plumbing Ordinance currently requires a backflow device, however if problems arise, this Ordinance provides the authority to require the homeowner to replace the device. This does not require annual testing of Residential systems unless the specific residential system poses a threat to health and safety. Commercial systems that pose a health hazard require annual testing. The Ordinance does allow Town to terminate water service. The registration fee will only be required for those devices that require annual inspections.

Mayor Pro-Tem Hill stated that residents have been required to install fire hydrants in the past. She asked if the resident would be required to put a deposit in for backflow devices. Water Superintendent Meeks stated this is for construction zones. The deposit is for the fire hydrant meter and the backflow device on the meter.

In response to a question by Councilmember Yates, Water Superintendent Meeks stated fire line testers are licensed by the State. Fire Line Testers must be a full time employee of an approved Fire Line Contractor. The business chooses the Fire Line tester and pays a registration fee to the Town.

In response to a question by Councilmember George, Water Superintendent Meeks stated the Town has completed the Water Use Surveys of the businesses. The Town will be sending a letter to inform the businesses of the issues found. The business owners have been willing to correct any problems. Most problems have been minor. Approximately twenty of the fifty businesses surveyed were found to be noncompliant. The high-risk facilities were surveyed first. If a major infraction is found, Staff will provide a time period for the facility to fix unless it poses a health risk to the Town.

Town Manager Campbell stated this Ordinance meets the minimum requirements outlined by the Texas Commission on Environment Quality. Any violations of the Code of Ordinance can suffer penalties enforced by the Town.

Mayor Pro-Tem Hill made a motion to approve Ordinance 12-09: An Ordinance of the Town of Sunnyvale, Texas amending Chapter 13, "Utilities", of the Sunnyvale Code of Ordinances by adding Article 13.1400, *Cross-Connection Control*; providing a penalty clause, and a severability clause; and providing an effective date changing Page 10, Section b, should read "for the fire sprinkler system. A RP must be installed..." Councilmember Yates seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 4/0. Councilmember Henderson was absent.

**3. CONSIDER ORDINANCE NO. 12-10: AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS AMENDING CHAPTER APPENDIX A, FEE SCHEDULE, OF THE TOWN OF SUNNYVALE CODE OF ORDINANCES BY ADDING SECTION 8.3000, *CROSS-CONNECTION CONTROL AND PREVENTION FEES*, ADDING A SEVERABILITY AND SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

Town Manager Scott Campbell stated this Ordinance adopts fees in conjunction with Ordinance 12-09 that was just passed by the Council. The annual device registration fee is \$25 annually to cover administrative costs.

In response to a question by Councilmember George, Town Manager Campbell stated that a third party administrator would manage the database, letters to businesses, etc. The current files are archaic.

In response to questions by Councilmember Wade and Mayor Pro-Tem Hill, Mayor Phaup recommended changing the Ordinance to read as follows:

**8.3004 - Annual Device Registration Fee:**

An annual backflow device registration fee for qualified systems shall be twenty-five dollars (\$25.00) per each backflow prevention assembly. The Town of Sunnyvale will send out annual notice letters to customers notifying them of the annual testing requirements.

**8.3005 - Deposit Fee for Fire Hydrant Water Meter With Backflow Prevention Device:**

There shall be a refundable; rental deposit fee for fire hydrant water meters with backflow prevention devices of one thousand seven hundred dollars (\$1,700.00). The deposit will be refunded when the meter is returned and damage has been assessed.

Byron Hardin, of Hardin and Associates, 153 Simmons Drive, Coppell, stated that residential inspections are complaint based.

Mayor Pro-Tem Hill made a motion to approve Ordinance 12-10: An Ordinance of the Town of Sunnyvale, Texas amending Chapter Appendix A, Fee Schedule, of the Town of Sunnyvale

Code of Ordinances by adding Section 8.3000, *Cross-Connection Control and Prevention Fees*, adding a severability and savings clause, and providing an effective date and approving the two changes recommended by Mayor Phaup. Councilmember George seconded the motion. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 4/0. Councilmember Henderson was absent.

**4. CONSIDER RESOLUTION NO. 12-12:** A RESOLUTION DENYING THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION'S STATEMENT OF INTENT TO CHANGE THE GAS UTILITY RATES IN THE MUNICIPALITY, SO THAT THE COMPANY MAY PURSUE A SYSTEM-WIDE RATE CASE WITH THE RAILROAD COMMISSION OF TEXAS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR NOTICE HEREOF TO THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Town Manager Scott Campbell stated on February 27, 2012, the Town Council approved a resolution (12-09) suspending the rate increase request entered by Atmos Energy. The suspension expires on June 15, and Atmos is asking cities to deny the rate change request to allow for their appeal to the Railroad Commission. As in the past, the Town will monitor the case through the consortium of cities and update council on the appeal.

Susan Harris, Atmos Energy, 5420 LBJ Fwy, Dallas, stated Atmos is asking the Town to deny in order to continue negotiations.

Councilmember Yates made a motion, seconded by Councilmember George to approve Resolution 12-12: A Resolution denying the Mid-Tex Division of Atmos Energy Corporation's statement of intent to change the gas utility rates in the municipality, so that the company may pursue a system-wide rate case with the Railroad Commission of Texas; providing an effective date; providing for notice hereof to the Mid-Tex Division of Atmos Energy Corporation; and finding and determining that the meeting at which this resolution is passed is open to the public as required by law. Mayor Phaup called for a vote with all Councilmembers voting affirmative, the motion passed 4/0. Councilmember Henderson was absent.

#### **5. BOARD AND COMMISSION REPORT – 4A DEVELOPMENT CORPORATION**

- a. Introduction of Newly Appointed Economic Development Coordinator, Severyn Brandau

Mayor Phaup introduced Economic Development Coordinator Severyn Brandau.

Economic Development Coordinator Severyn Brandau gave a brief presentation on his work background.

- b. Presentation and discussion of proposed Economic Development Action Plan

Economic Development Coordinator Brandau gave a presentation on the proposed Economic Development Action Plan and the Council provided input.

**6. PRESENTATION OF CASH HANDLING AND INTERNAL CONTROLS ASSESSMENT –  
TOWN STAFF AND WEBB WATCH**

Mayor Phaup informed the Town Council this Assessment was completed after some thefts were discovered at Town Hall last Fall. One of the representatives from Webb Watch had a significant medical event and the information was unavailable to Council. This presentation will be delayed until June 25<sup>th</sup>.

**7. MAYOR AND COUNCIL REQUESTS FOR FUTURE STAFF UPDATES AND AGENDA  
ITEMS**

Mayor Phaup reminded the audience of Sunnyfest on June 29<sup>th</sup>, at 6:00 p.m., at Samuell Farm.

Councilmember George asked for an update from the Fire Chief regarding response times of the Fire Department.

Councilmember Yates asked for the Council to consider an Ordinance to ban smoking in all public facilities, and public areas including restaurants.

Mayor Pro-Tem Hill asked Staff to make sure information regarding Board & Commission Appointments is prominently placed on the website.

**ADJOURN**

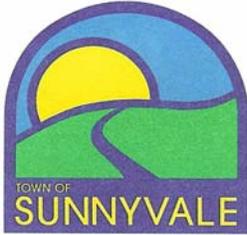
Mayor Phaup adjourned the meeting at 8:26 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

\_\_\_\_\_  
Mayor Jim Phaup

ATTEST:

\_\_\_\_\_  
Leslie Malone, Town Secretary



## **AGENDA ITEM SUMMARY – ITEM # 8**

***Consider Resolution 12-13:*** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF A HEALTH SERVICES CONTRACT WITH THE DALLAS COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, CONCERNING THE TOWN OF SUNNYVALE’S PARTICIPATION WITH THE COUNTY OF DALLAS IN ESTABLISHING COORDINATED HEALTH SERVICES FOR THE TOWN, OPERATING CERTAIN HEALTH SERVICES FOR THE RESIDENTS OF THE TOWN, TO PROMOTE THE EFFECTIVENESS OF LOCAL PUBLIC HEALTH PROGRAMS, TO PARTICIPATE IN PROVIDING PUBLIC HEALTH SERVICES FOR THE RESIDENTS OF THE TOWN, AND TO FURTHER THE PUBLIC PURPOSE AND BENEFIT THE CITIZENS OF THE COUNTY AS A WHOLE.

**DEPT – ADMIN**

**DATE – July 20, 2012**

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This is a renewal of our existing contract with Dallas County. This interlocal agreement allows Sunnyvale residents to utilize the services of the County’s Health and Human Services Department. Sections 2 and 3 indicate the services provided and associated fees. There are no increases in the fees, and these costs are included in the budget.

**RESOLUTION NO. 12-13**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE APPROVING THE ENTERING INTO OF A HEALTH SERVICES CONTRACT WITH THE DALLAS COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, CONCERNING THE TOWN OF SUNNYVALE'S PARTICIPATION WITH THE COUNTY OF DALLAS IN ESTABLISHING COORDINATED HEALTH SERVICES FOR THE TOWN, OPERATING CERTAIN HEALTH SERVICES FOR THE RESIDENTS OF THE TOWN, TO PROMOTE THE EFFECTIVENESS OF LOCAL PUBLIC HEALTH PROGRAMS, TO PARTICIPATE IN PROVIDING PUBLIC HEALTH SERVICES FOR THE RESIDENTS OF THE TOWN, AND TO FURTHER THE PUBLIC PURPOSE AND BENEFIT THE CITIZENS OF THE COUNTY AS A WHOLE.**

WHEREAS , the Town of Sunnyvale and the Dallas County Department of Health and Human Services are desirous of entering into that certain Agreement Between Dallas County, on behalf of Dallas County Health and Human Services, and the Town of Sunnyvale, Texas (attached hereto as Exhibit "A"), which provides for the Town of Sunnyvale (1) to participate with the County in establishing coordinated health services for the Town and Dallas County, (2) to allow the County to operate certain health services for the residents of the Town in order to promote the effectiveness of local public health programs, (3) to allow cities located within Dallas County to participate in providing public health services for their residents, and (4) to further the public purpose and benefit the citizens of the County as a whole (the "Agreement").

WHEREAS, the entering into of such Agreement and the utilization of the features in accordance therewith will promote the health, safety and general welfare of Sunnyvale citizens.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Sunnyvale, Texas as follows:

RESOLVED that the Agreement and all assurances and obligations contained therein is hereby approved in all respects;

RESOLVED further that the proposed Agreement is hereby authorized and approved and the Mayor of Sunnyvale is hereby authorized, empowered and directed to execute the Agreement for and on behalf of and in the name of the Town of Sunnyvale with such ministerial changes in the terms and provisions thereof as said Mayor shall in his sole discretion deem necessary and in the best interest of the Town of Sunnyvale, his signature being conclusive evidence that he did so deem any such changes to be necessary or desirable and in the best interest of the Town of Sunnyvale.

RESOLVED further that Leslie Malone, the Town Secretary of the Town of Sunnyvale, is hereby authorized, empowered and directed to certify and attest any documents which she may deem necessary or appropriate to consummate the transaction contemplated by the Agreement; and

RESOLVED further that this Resolution shall be effective when adopted;

And it is so resolved;

Passed and approved this the 23<sup>rd</sup> day of July, 2012.

**TOWN OF SUNNYVALE**

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Jim Phaup, Mayor

ATTEST:

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Leslie Malone, Town Secretary

THE STATE OF TEXAS	§	INTERLOCAL AGREEMENT FOR
	§	COORDINATED HEALTH SERVICES
	§	BETWEEN DALLAS COUNTY, TEXAS, ON
	§	BEHALF OF DALLAS COUNTY HEALTH AND
COUNTY OF DALLAS	§	HUMAN SERVICES, AND THE TOWN OF
	§	SUNNYVALE, TEXAS

**1. PARTIES**

**Whereas**, Dallas County (“County”) has offered to provide certain health services to the various cities throughout Dallas County on a contract for services basis; and

**Whereas**, the Town of Sunnyvale, Texas (“Town”) desires to participate with County in establishing coordinated health services for Town and Dallas County; and

**Whereas**, County will operate certain health services for the residents of Town in order to promote the effectiveness of local public health services and goals (“Program”); and

**Whereas**, the cooperative effort will allow cities located within Dallas County to participate in providing public health services for their residents; and

**Whereas**, such cooperative effort serves and furthers the public purpose and benefits the citizens of County as a whole.

**Now therefore**, County, on behalf of Dallas County Health and Human Services (“DCHHS”), enters into this Interlocal Agreement (“Agreement”) with Town, pursuant to the authorities of the Texas Health and Safety Code Chapter 121, the Texas Government Code Chapter 791, and other applicable laws for health services to Town.

**2. HEALTH SERVICES TO BE PERFORMED**

A. County agrees to operate the Program, which will include the following health services:

- 1) Tuberculosis Control Services: providing preventive, diagnostic treatment, and epidemiological services;
- 2) Sexually Transmitted Disease Control Services: consisting of education to motivate people to use preventive measures and to seek early treatment, prophylaxis, epidemiological investigation, and counseling in accordance with County policy;
- 3) Communicable Disease Control Services: providing information concerning immunization and communicable diseases and coordinating with the Texas Department of State Health Services (“DSHS”) in monitoring communicable diseases;
- 4) Laboratory Services: performing chemical, biological, and bacteriological analysis

and tests on which are based diagnosis of disease, effectiveness of treatment, the quality of the environment, the safety of substance for human consumption, and the control of communicable disease.

B. County agrees to provide to Town, in accordance with state and federal law, the following public health services:

- 1) Immunizations;
- 2) Child health care;
- 3) High risk infant case management; and
- 4) Home visits.

County also agrees to work with Town in order to decentralize clinics and to plan and provide for desired services by Town; however, any other services that Town requires, in addition to the above mentioned services, may result in additional fees to Town.

C. County agrees to charge a sliding fee based on ability to pay to all residents of every municipality, including Town, in Dallas County. The fees charged by County for the services listed in Section 2A of this Agreement will be used to offset the Town's Program costs for the next Agreement Term. A schedule of fees to be charged by County is set out in Exhibit A, attached and incorporated herein by reference for all purposes.

D. County agrees that the level of service provided in the Program for Town will not be diminished below the level of service provided to Town for the same services in the prior Agreement Term except as indicated in Section 2E of this Agreement. For purposes of Section 2E, level of service is measured by the number of patient visits and number of specimens examined. County will submit to Town a monthly statement, which will also include the number of patient visits and number of specimens examined during the preceding month.

E. The possibility exists of reductions in state and federal funding to the Program that could result in curtailment of services if not subsidized at the local level. County will notify Town in writing of any amount of reduction, and any extent to which services will be curtailed as a result. The notice will also include an amount that Town may elect to pay to maintain the original level of services. Town will notify County in writing no later than fourteen (14) calendar days after the date of Town's receipt of the notice of funding reduction as to Town's decision to pay the requested amount or to accept the curtailment of service. If Town elects to pay the requested amount, payment is due no later than forty-five (45) calendar days after the date of the notice of funding reduction.

### 3. BUDGET

- A. County agrees to submit to Town by July 31st of each year a proposed budget describing the proposed level of services for the next Agreement Term;
- B. For the Term of this Agreement, County agrees to provide the services listed in Section 2 of this Agreement at the level of services and for the amount stated in Exhibit D, which is attached and incorporated herein by reference for all purposes;
- C. Payment. Town shall pay County the following amount, as stated in Exhibit D, Ninety-nine and 00/100 Dollars (\$99.00), which is the agreed upon amount for Town's share of the total cost of the Program less federal and state funding.
- D. In lieu of paying the actual dollar amount stated in this Agreement, Town has the option, to the extent authorized by law, ordinances or policy, of making a request to negotiate for in-kind services that are equal in value to the total amount.
- E. This Agreement is contingent upon Town's appropriation of funds, or ability to perform in-kind services as described in Section 3D of this Agreement, for the services set forth herein. In the event Town fails to appropriate such funds, or provide in-kind services, County shall not incur any obligations under this Agreement.

### 4. ASSURANCES

- A. County shall operate and supervise the Program.
- B. Nothing in this Agreement shall be construed to restrict the authority of Town over its health programs or environmental health programs or to limit the operations or services of those programs.
- C. Town agrees to provide to County or assist County in procuring adequate facilities to be used for the services under this Agreement. These facilities must have adequate space, waiting areas, heating, air conditioning, lighting, and telephones. None of the costs and maintenance expenses associated with these facilities shall be the responsibility of County and County shall not be liable to Town or any third party for the condition of the facilities, including any premises defects.
- D. Town and County agree that other cities/towns/municipalities may join the Program by entering into an agreement with County that contains the same basic terms and conditions as this Agreement.
- E. Each party paying for the performance of governmental functions or services under this Agreement must make those payments from current revenues available to the paying party.

## 5. FINANCING OF SERVICES

- A. The health services provided under this Agreement will be financed as follows:
- 1) Town and County will make available to the Program all appropriate federal and state funds, personnel, and equipment to provide the health services included under this Agreement and will use best efforts to cause these funds and resources to continue to increase.
  - 2) Town shall pay to County, or provide in-kind services, its share of budgeted costs that are in excess of the federal and state funding for providing the health services under this Agreement. Budgeted costs shall not exceed those reflected in Exhibits B, C and D for the appropriate Agreement Term.
- B. County shall bill Town each month an amount equal to one-twelfth (1/12) of its share of annual budgeted costs that exceed federal and state funding for the expenses of the preceding month.
- C. Any payment not made within thirty (30) calendar days of its due date shall bear interest in accordance with Chapter 2251 of the Texas Government Code.
- D. Town and County agree that no more than ten percent (10%) of the Town's cost of participating in the Program will be used for administration of the Program.

## 6. TERM

The Term of this Agreement shall be effective from October 1, 2012 through September 30, 2013, unless otherwise stated in this Agreement.

## 7. TERMINATION

- A. Without Cause: This Agreement may be terminated in writing, without cause, by either party upon thirty (30) calendar days prior written notice to the other party.
- B. With Cause: Either party may terminate the Agreement immediately, in whole or in part, at its sole discretion, by written notice to the other party, for the following reasons:
- 1) Lack of, or reduction in, funding or resources;
  - 2) Non-performance;
  - 3) The improper, misuse or inept use of funds or resources directly related to this Agreement;
  - 4) The submission of data, statements and/or reports that is incorrect, incomplete and/or false in any way.

## 8. RESPONSIBILITY

County and Town agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any governmental immunity available to County or Town or their respective officials, officers, employees, or agents under Texas or other law and without waiving any available defenses under Texas or other law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

## 9. INSURANCE

Town and County agree that they will, at all times during the Term of this Agreement, maintain in full force and effect insurance or self-insurance to the extent permitted by applicable laws. Town and County will be responsible for their respective costs of such insurance, any and all deductible amounts in any policy and any denials of coverage made by their respective insurers.

## 10. ACCESS TO RECORDS RELEVANT TO PROGRAM

Town and County agree to provide to the other upon request, copies of the books and records relating to the Program. Town and County further agree to give Town and County health officials access to all Program activities. Both Town and County agree to adhere to all applicable confidentiality provisions, including those relating to Human Immunodeficiency Virus (HIV) and Sexually Transmitted Disease (STD) information, as mandated by federal and State law, as well as by DSHS.

## 11. NOTICE

Any notice to be given under this Agreement shall be deemed to have been given if reduced to writing and delivered in person by a reputable courier service or mailed by Registered Mail, postage pre-paid, to the party who is to receive such notice, demand or request at the addresses set forth below. Such notice, demand or request shall be deemed to have been given, if by courier, at the time of delivery, or if by mail, three (3) business days subsequent to the deposit of the notice in the United States mail in accordance herewith. The names and addresses of the parties' hereto to whom notice is to be sent are as follows:

**Zachary Thompson, Director**  
Dallas County Health & Human Services  
2377 N. Stemmons Freeway, LB 12  
Dallas, TX 75207-2710

\_\_\_\_\_  
Town of Sunnyvale  
127 N. Collins Rd.  
Sunnyvale, TX 75182

## 12. IMMUNITY

This Agreement is expressly made subject to County's and Town's Governmental Immunity, including, without limitation, Title 5 of the Texas Civil Practices and Remedies Code, and all applicable federal and state laws. The parties expressly agree that no provision of this Agreement is in any way intended to constitute a waiver of any immunities from suit or from liability, or a waiver of any tort limitation, that Town or County has by operation of law or otherwise. Nothing in this Agreement is intended to benefit any third party beneficiary.

### **13. COMPLIANCE WITH LAWS AND VENUE**

In providing services required by this Agreement, Town and County must observe and comply with all licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials, and all applicable federal, State, and local statutes, ordinances, rules, and regulations. Texas law shall govern this Agreement and exclusive venue shall lie in Dallas County, Texas.

### **14. AMENDMENTS AND CHANGES IN THE LAW**

No modification, amendment, novation, renewal or other alteration of this Agreement shall be effective unless mutually agreed upon in writing and executed by the parties hereto. Any alteration, addition or deletion to the terms of this Agreement which are required by changes in federal or State law are automatically incorporated herein without written amendment to this Agreement and shall be effective on the date designated by said law.

### **15. ENTIRE AGREEMENT**

This Agreement, including all Exhibits and attachments, constitutes the entire agreement between the parties hereto and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written.

### **16. BINDING EFFECT**

This Agreement and the respective rights and obligations of the parties hereto shall inure to the benefit and be binding upon the successors and assigns of the parties hereto, as well as the parties themselves.

### **17. GOVERNMENT FUNDED PROJECT**

If this Agreement is funded in part by either the State of Texas or the federal government, County and Town agree to timely comply without additional cost or expense to the other party, unless otherwise specified herein, to any statute, rule, regulation, grant, contract provision or other State or federal law, rule, regulation, or other similar restriction that imposes additional or greater requirements than stated herein and that is directly applicable to the services rendered under the terms of this Agreement.

### **18. DEFAULT/ CUMULATIVE RIGHTS/ MITIGATION**

In the event of a default by either party, it is not a waiver of default if the non-defaulting party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Agreement are cumulative, and either party's use of any right or remedy will not preclude or waive its right to use any other remedy. These rights and remedies are in addition to any other rights the parties may have by law, statute, ordinance or otherwise. Both parties have a duty to mitigate damages.

## **19. FISCAL FUNDING CLAUSE**

Notwithstanding any provisions contained herein, the obligations of County and Town under this Agreement are expressly contingent upon the availability of funding for each item and obligation contained herein for the Term of the Agreement and any extensions thereto. Town and County shall have no right of action against the other party in the event the other party is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding for any item or obligation from any source utilized to fund this Agreement or failure to budget or authorize funding for this Agreement during the current or future Agreement Terms. In the event that County or Town is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding, or if funds become unavailable, each party, at its sole discretion, may provide funds from a separate source or may terminate this Agreement by written notice to the other party at the earliest possible time.

## **20. COUNTERPARTS, NUMBER, GENDER AND HEADINGS**

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Words of any gender used in this Agreement shall be held and construed to include any other gender. Any words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise. Headings herein are for the convenience of reference only and shall not be considered in any interpretation of this Agreement.

## **21. PREVENTION OF FRAUD AND ABUSE**

Town and County shall establish, maintain and utilize internal management procedures sufficient to provide for the proper, effective management of all activities funded under this Agreement. Any known or suspected incident of fraud or program abuse involving County or Town's employees or agents shall be reported immediately for appropriate action. Moreover, Town and County warrant to be not listed on a local, county, State or federal consolidated list of debarred, suspended and ineligible contractors and grantees. Town and County agree that every person who, as part of their employment, receives, disburses, handles or has access to funds collected pursuant to this Agreement does not participate in accounting or operating functions that would permit them to conceal accounting records and the misuse of said funds. Each party shall, upon notice by the other party, refund their respective expenditures that are contrary to this Agreement.

## **22. AGENCY / INDEPENDENT CONTRACTOR**

County and Town agree that the terms and conditions of this Agreement do not constitute the creation of a separate legal entity or the creation of legal responsibilities of either party other than under the terms of this Agreement. County and Town are and shall be acting as independent contractors under this Agreement; accordingly, nothing contained in this Agreement shall be construed as establishing a master/servant, employer/employee, partnership, joint venture, or joint enterprise relationship between County and Town. Town and County are responsible for their own acts, forbearance, negligence and deeds, and for those of their respective officials, agents or employees in conjunction with the performance of work covered under this Agreement.

**23. SEVERABILITY**

If any provision of this Agreement is construed to be illegal or invalid, this will not affect the legality or validity of any of the other provisions in this Agreement. The illegal or invalid provision will be deemed stricken and deleted, but all other provisions shall continue and be given effect as if the illegal or invalid provisions had never been incorporated.

**24. SIGNATORY WARRANTY**

Each person signing and executing this Agreement does hereby warrant and represent that such person has been duly authorized to execute this Agreement on behalf of Town or County, as the case may be.

**DALLAS COUNTY:**

**TOWN OF SUNNYVALE:**

\_\_\_\_\_  
By: Clay Lewis Jenkins  
Dallas County Judge

\_\_\_\_\_  
By: \_\_\_\_\_  
Town Manager/Mayor

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Recommended:**

**Attested:**

\_\_\_\_\_  
By: Zachary Thompson  
Director, DCHHS

\_\_\_\_\_  
By: \_\_\_\_\_  
Town Secretary

**Approved as to Form\*:**  
CRAIG WATKINS  
DISTRICT ATTORNEY

**Approved as to Form:**

\_\_\_\_\_  
By: Melanie Barton  
Assistant District Attorney

\_\_\_\_\_  
By: \_\_\_\_\_  
Town Attorney

\*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

## FY 2013 FEE SCHEDULE

SEXUALLY TRANSMITTED

Treatment	\$20 - \$45 (Sliding Scale)
Blood Drawing	\$5
Cryotherapy	\$15
Chemical Lesion Reduction	\$45
Medical Records Copies	\$5 each

TUBERCULOSIS

TB Testing-Level I (Office Visit)	\$30
TB Testing-Level II (Quantiferon)	\$50
Chest X-Ray Copies	\$5

LABORATORY

Wet Prep	\$6 each
Gram Stain	\$6 each
GC Culture	\$14 each
RPR	\$11 each
GEN Probe GC Screen	\$47 each
GEN Probe CT Screen	\$47 each
HIV Test	\$15 each
HIV Test - Rapid	\$20 each
Salmonella/Shigella	\$16 each
TB Culture & Concentration	\$25 each
TB Identification	\$15 each
TB Susceptibility	\$31 each
TB Acid Fast Stain	\$ 8 each

NURSING SERVICE

Hepatitis A Havrix*	\$50/Injection
Hepatitis B Vaccine*	\$55/Injection
Twinrix	\$65/Injection
Rabies (PE)	\$220/Injection
IPV	\$45/Injection
Pneumococcal*	\$85/Injection
Adacel (Pertusis)	\$55/injection
HIB	\$45/injection
Japanese Encephalitis	\$120/Injection
Meningococcal (Menomune)	\$135/Injection
Typhoid (Polysaccharide)	\$65/Injection
Typhoid (Oral)	\$50/box
Varivax*	\$110/Injection
Yellow Fever Vaccine	\$105/Injection
Boostrix Vaccine	\$50/Injection
Influenza Vaccine*	\$20/Injection
MMR*	\$75/Injection
Rabies Administrative Fee/	
Serves State Vaccine	\$25
Foreign Travel Office Visit Fee	\$25

ENVIRONMENTAL HEALTH

Septic Tank Inspection	\$310/Commercial/Business \$260/Residential
Septic Tank Re-inspection	\$35/Residential \$85/Commercial
Food Establishment Inspection	\$150/yr./establishment
Half-Way Houses & Boarding Homes, Residential	\$75/plus \$25 for each additional unit on site
Mosquito Spraying for Non- contracting cities	\$185/ per hour
Water Sample	\$50
Mosquito Testing	\$35
Food Mgr. Cert. Program	\$100/per person
Food Mgr. Cert. Retesting	\$50/per person

Note: 1) # Indicates \$10 charge for State fee

CRIMINAL TESTING

Blood Draws	\$38
Buccal Swabs	\$38

Comprehensive TB Testing & Evaluation (Incl. Chest X-ray)	\$80
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MTD Testing for TB	\$40/ each
Pregnancy Test	\$20 each
Urinalysis	\$15 each
Dark Field	\$16 each
Chancroid Culture	\$10 each
Herpes Culture	\$38 each
Herpes Type 1 & 2 Serology	\$50 each
Group A Strep	\$14 each
<i>Urine Screen:</i>	
Neisseria Gonorrhoeae	\$47 each
Chlamydia Trachomatis	\$47 each
Lead Screen	\$10 each
Staphylococcus/Aureus Culture	\$17 each

TD*	\$40/Injection
Meningococcal (MCV4)*	\$125/Injection
Zostavax (Shingles)*	\$215.00/Injection
Gardasil (HPV)*	\$175.00/Injection

*Communicable Disease Program:*

Hepatitis C Screening	\$35/Test
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*Immunization/VFC Program:*

DPT,DT,Hib,	\$5/Per child
Well Baby	\$5/Visit
Diabetic Testing	\$5/Test

*Records:*

Immunization Record	\$5 each
Foreign Travel Yellow Card	\$5 each

\*Note: Vaccines marked with an asterisks are part of the Adult Safety Net Program (ASNP). Clients eligible to receive services through the ASNP will be charged a fee of \$10/shot.

Day Care Center Inspections	\$2/per authorized child
Temporary Food Permit	\$75/plus \$10 per day
Funeral Home Inspection	\$200
FHA, VA, Conventional Loans	\$125/Licensed \$150/Unlicensed
Annual Group Home Inspection	\$50
Food Handler Class	\$15/per person
Sub-division Plat Approval	\$200/Residential \$150/Commercial
Animal Control/Quarantine	\$7/per day
Animal Control/Vicious Animal	\$12/per day
Food Manager Re-certification	\$50/Test
W/Multiple Test Sites	

## January, 2011 thru December, 2011

<i>Municipality</i>	<i>Tuberculosis</i>	<i>Sexually Transmitted Diseases</i>	<i>Laboratory</i>	<i>Communicable Disease</i>
<i>Addison</i>	202	63	258	218
<i>Balch Springs</i>	557	164	1113	205
<i>Carrollton</i>	1178	289	2497	638
<i>Cedar Hill</i>	965	311	429	257
<i>Cockrell Hill</i>	208	0	6	46
<i>Coppell</i>	291	26	91	321
<i>Dallas</i>	37204	14535	71653	42323
<i>Desoto</i>	1270	398	636	270
<i>Duncanville</i>	758	323	1594	498
<i>Farmers Branch</i>	347	94	716	163
<i>Garland</i>	4984	962	8447	778
<i>Glenn Heights</i>	98	78	177	62
<i>Grand Prairie</i>	1539	513	2476	1131
<i>Highland Park</i>	0	0	0	79
<i>Hutchins</i>	40	52	265	16
<i>Irving</i>	4996	1157	7329	1744
<i>Lancaster</i>	348	492	1007	775
<i>Mesquite</i>	1648	870	3581	1329
<i>Richardson</i>	878	212	1232	734
<i>Rowlett</i>	558	49	336	123
<i>Sachse</i>	56	10	83	123
<i>Seagoville</i>	557	86	486	138
<i>Sunnyvale</i>	10	10	1	46
<i>University Park</i>	0	0	0	36
<i>Wilmer</i>	27	35	277	11
<i>Out of County</i>	2042	2075	182966	9403
<b>Total</b>	<b>60761</b>	<b>22804</b>	<b>287656</b>	<b>61467</b>

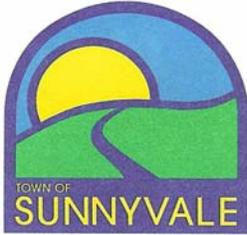
**DALLAS COUNTY HEALTH & HUMAN SERVICES  
FY '13**

EXHIBIT C

Municipality	TB Clinic	STD Clinic	Public Health Lab	Communicable Disease Control	FY '10 Contract Total
Addison	3,403	4,076	1,835	2,767	2,500
Balch Springs	11,055	13,985	5,695	1,990	9,377
Carrollton	21,608	16,304	12,167	4,320	23,823
Cedar Hill	15,566	27,337	2,216	2,515	2,498
Cockrell Hill	5,277	0	90	281	2,301
Coppell	8,495	2,741	321	2,574	3,131
Dallas	912,235	1,019,755	388,038	337,206	1,754,252
Desoto	11,477	32,326	2,873	4,083	17,620
Duncanville	20,210	17,709	5,294	3,721	11,273
Farmers Branch	7,836	4,357	4,592	2,552	6,856
Garland	144,265	61,561	46,173	8,714	80,156
Glenn Heights	2,929	5,200	837	252	574
Grand Prairie	56,777	38,440	16,679	10,815	38,854
Highland Park	0	70	0	459	132
Hutchins	1,609	2,670	1,033	518	3,149
Irving	122,472	76,178	40,207	12,627	81,906
Lancaster	13,904	39,494	6,116	4,771	12,106
Mesquite	51,026	54,955	19,572	10,186	31,608
Richardson	13,904	14,687	6,793	28,502	23,756
Rowlett	18,811	4,498	1,960	2,685	4,925
Sachse	5,725	773	256	829	362
Seagoville	3,984	5,271	2,637	621	6,440
Sunnyvale	528	141	10	318	99
University Park	79	0	0	1,050	48
Wilmer	1,583	4,919	2,818	74	2,597
Out of County	33,085	128,954	819,025	50,502	77,142
	\$1,487,844	\$1,576,401	\$1,387,238	\$494,934	\$2,197,485

## FY'13 CONTRACT COSTS

MUNICIPALITIES	CONTRACT COST
ADDISON	\$2,500
BALCH SPRINGS	\$9,377
CARROLLTON	\$23,823
CEDAR HILL	\$2,498
COCKRELL HILL	\$2,301
COPPELL	\$3,131
* DALLAS	\$1,754,252
* DESOTO	\$17,620
* DUNCANVILLE	\$11,273
FARMERS BRANCH	\$6,856
* GARLAND	\$80,156
GLENN HEIGHTS	\$574
GRAND PRAIRIE	\$38,854
HIGHLAND PARK	\$132
HUTCHINS	\$3,149
IRVING	\$81,906
LANCASTER	\$12,106
* MESQUITE	\$31,608
* RICHARDSON	\$23,756
* ROWLETT	\$4,925
SACHSE	\$362
* SEAGOVILLE	\$6,440
SUNNYVALE	\$99
UNIVERSITY PARK	\$48
* WILMER	\$2,597
* UNINCORPORATED	\$77,142
<b>TOTAL</b>	<b>\$2,197,485</b>



## **AGENDA ITEM SUMMARY – ITEM # 9**

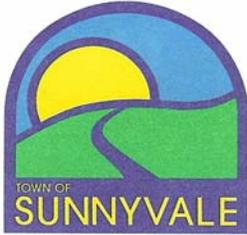
### ***ELECT MAYOR PRO-TEM***

**DEPT – ADMIN**

**DATE – July 19, 2012**

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The Code of Ordinances requires the Town Council to elect a Mayor Pro-Tem following the election of Town Council members each year. This action was not completed when the election was cancelled and the Councilmembers were sworn in.



## **AGENDA ITEM SUMMARY – ITEM # 10**

### ***CONSIDER ORDINANCE NO. 12-14- PROHIBITING SMOKING AT TOWN FACILITIES AND PARKS***

**DEPT – ADMIN**

**DATE – July 19, 2012**

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As directed at the last meeting, attached is a revised version of Ordinance 12-14. The revised version prohibits smoking at all Town facilities and parks. Based on the discussion, the prohibition includes smoking in cars while in a town owned parking lot.

**ORDINANCE NO. 12-14**

**AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS AMENDING CHAPTER 1, GENERAL PROVISIONS, OF THE TOWN OF SUNNYVALE CODE OF ORDINANCES BY ADDING ARTICLE 1.1900, SMOKING PROHIBITED - TOWN FACILITIES AND PARKS, PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION BY CAPTION, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is a generally accepted principle that second-hand smoke from cigarettes and other tobacco products constitutes a hazard to a person's health; and,

**WHEREAS**, the purpose of this article is to improve and protect the public's health by eliminating smoking in or at any Town-owned facility or park, and

**WHEREAS**, the Town Council of the Town of Sunnyvale believes it is in the best interest of the public's health, safety, and welfare to establish all Town facilities and parks as smoke-free environments,

**NOW, THEREFORE, BE IT ORDAINED** BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:

**SECTION 1.** That the above recitals are found to be true and correct and are incorporated herein for all purposes.

**SECTION 2.** That Chapter 1, "*General Provisions*", of the Code of Ordinances of the Town of Sunnyvale, Texas is hereby amended by adding Article 1.1900, "Smoking Prohibited – Town Facilities and Parks," to read as follows:

**Article 1.1900 Smoking Prohibited – Town Facilities and Parks**

Section 1.1901 – Smoking Prohibited

(a) It is unlawful for a person to possess a burning tobacco product, or to smoke tobacco in any form, in a facility, building, structure, or park owned by the Town of Sunnyvale. The prohibited conduct includes: (1) possessing, carrying, or holding a lighted pipe, cigar, cigarette of any kind, or other lighted smoking equipment; (2) lighting a pipe, cigar, cigarette of any kind, or other lighted smoking equipment; or (3) emitting or exhaling smoke of a pipe, cigar, cigarette of any kind, or other lighted smoking equipment.

(b) "Park" means a Town-owned park or recreational area including spectator and concession areas, playgrounds, public squares, athletic fields, and walking and biking trails. This also includes a park or

recreational area made available to the Town of Sunnyvale under an agreement with another local government entity.

(c) At a location where conduct is prohibited by this Ordinance, the prohibition extends to the parking lot of the facility, building, structure, or park. Smoking in a vehicle parked in such a parking lot is not excepted from these prohibitions.

The proposed amendments as set forth above are adopted and the Code of Ordinances is revised accordingly.

**Section 3.** Compliance. The Town Council finds that each notice required by law was given, and notice of this Ordinance was posted and the Ordinance passed in accordance with the Texas Open Meetings Act.

**Section 4.** A person violating a provision of this Ordinance is guilty of a misdemeanor and, upon conviction, may be fined in any sum not to exceed two hundred dollars (\$200.00).

**Section 5.** Severability. It is declared to be the intention of the Town Council that if a section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or otherwise illegal by a valid judgment or decree of a court of competent jurisdiction, that event will not affect the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, as the same would have been enacted by the Town Council without the incorporation into this Ordinance of the unconstitutional or illegal phrase, clause, sentence, paragraph or section.

**Section 6.** The Town Council authorizes and directs the Town Secretary to cause publication of the descriptive caption of this ordinance as an alternative method of publication as provided by law.

**Section 7.** This Ordinance is effective immediately upon passage.

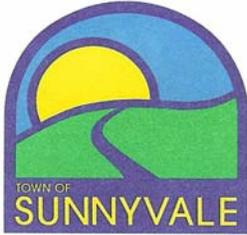
PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Jim Phaup, Mayor

ATTEST:

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Leslie Malone, Town Secretary



## **AGENDA ITEM SUMMARY – ITEM # 11**

### ***DISCUSSION REGARDING COMPREHENSIVE SMOKING ORDINANCE IN CERTAIN PUBLIC PLACES***

**DEPT – ADMIN**

**DATE – July 19, 2012**

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Based on previous discussions, attached please find several sample ordinances prohibiting smoking in certain public places. Also attached is survey data depicting the types of non-smoking ordinances adopted throughout the country. Staff is seeking direction on a number of issues as we move toward a final draft to present to council in August. Specifically, shall our focus be restaurants only, or restaurants *and* bars, and/or non-hospitality workplaces (offices, factories, etc.)? Do we want to offer the option for restaurants to add special ventilation systems to accommodate a smoking section as some ordinances do? We have posted this as a discussion item only to ensure staff is working toward a document that reflects council consensus. Through its research, staff has found that many municipalities have surveyed their citizenry as part of the

effort before final approval of an ordinance. Attached are samples of some of the surveys.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING ARTICLE IV IN ITS ENTIRETY AND ADDING A NEW ARTICLE IV THEREBY UPDATING SMOKING REGULATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

**SECTION 1.** That Chapter 10 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Article IV in its entirety and adding a new Article IV to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

#### **ARTICLE IV. SMOKING**

##### **Sec. 10-96. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bar* means an enclosed indoor establishment that is open to the public and is devoted primarily to the sale and service of alcoholic beverages for on-premises consumption.

*Common use areas* or *common areas* means areas within a building not leased or designated for use by a particular individual or individuals which are available for use by all of the occupants of the building and, in many instances, members of the public, including but not limited to lobbies, reception areas, hallways, elevators, restrooms, vending machine areas, break rooms and similar amenity areas.

*Consumer* means a buyer of goods or services.

*Employee* means an individual who is employed by an employer for direct or indirect monetary wages or profit or volunteers their services for an employer.

*Employer* means a person, business, partnership, association, corporation, including a municipal corporation, trust or non-profit entity that employs one or more individuals or uses the volunteer services of one or more individuals.

*Grocery store* is a retail store that primarily sells food for off-premises consumption and other household goods.

*Health care facility* means any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions.

*Multi-tenant business building* means a business building that houses more than one tenant.

*Pedestrian service line* means an indoor or outdoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money. This includes, but is not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines and sporting events lines.

*Person* means any individual, firm, partnership, association, corporation, company or organization of any kind.

*Place of employment* means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment. A private residence is not a place of employment except when used as a child-care, adult day-care or health care facility.

*Proprietor or person in charge* means any owner, manager or operator of a public place or a place of employment that is responsible for the management or operation of said public place or place of employment.

*Public conveyance* means any mass transit vehicle or school bus.

*Public meeting* means any meeting or assembly held in any room or chamber wherein public, civic or governmental business is conducted and which is open to the public either as participants or spectators.

*Public place* means any area to which the public is invited or in which the public is permitted. A private residence is not a public place except when used as a child care, adult day-care or health care facility. A facility operated by a fraternal or veterans' organization for a charitable, benevolent, veteran related or educational function if the premises are controlled by the organization is not a public place. A public place includes, but is not limited to:

- (a) All or any part of a building used for local governmental purposes;
- (b) A retail store, office or other commercial or business establishment;
- (c) A grocery store;
- (d) A restaurant, cafeteria, delicatessen, commissary or mobile food unit;
- (e) A public primary or secondary school;
- (f) A public institution of higher education;
- (g) A restroom;

- (h) A theater, movie house, auditorium or arena;
- (i) An elevator;
- (j) A library or a museum;
- (k) A health care facility;
- (l) A child care nursery;
- (m) A courtroom or a jury waiting or deliberation room;
- (n) A recreational facility;
- (o) A public park; or
- (p) A pedestrian service line, cashier area, over-the-counter sales area or common traffic area.

*Restaurant* means any establishment or place within an establishment, open to the public that offers food and beverages for consumption on the premises including, but not limited to, coffee shops, sandwich stands, drive-ins, and private and public school cafeterias, which gives or offers for sale food to the public, guests or employees, as well as kitchens, catering facilities, commissaries or mobile food units, in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include the bar area within the restaurant.

*Retail store* means any establishment whose primary purpose is to sell or offer for sale to consumers, not for resale, any goods, merchandise or food for consumption off the premises.

*Smoking* means the lighting, holding or carrying of, or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

*Sports arena* means any indoor facility primarily used for sports, cultural or similar events.

*Theater* means any indoor facility primarily used for the exhibition of any motion picture, stage drama, musical recital, dance, lecture or other similar performance.

**Sec. 10-97. Violation; enforcement, penalty.**

- (a) A person commits an offense if:
  - (1) At a public meeting or in a public place fails or refuses to extinguish smoking materials or move to a designated smoking area upon a request by any person to do so; or
  - (2) He willfully destroys or defaces a sign posted or required by this article.
- (b) The proprietor or person in charge of a business or other public place commits an offense if the proprietor or person in charge fails or refuses upon the request of

any person to ask a person smoking to extinguish smoking materials or move to a designated smoking area.

- (c) This article does not require the owner, operator, manager or any employee of an establishment to report a violation of this article or to take legal action against any individual violating this article.
- (d) Any person convicted of violating this article shall be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00).

**Sec. 10-98. Construction; severability.**

- (a) Nothing in this article shall be construed to permit smoking where it is otherwise prohibited by law or regulations.
- (b) Nothing in this article shall be construed to preclude any owner or other person having the authority to manage and control any public place or place of employment from prohibiting smoking to a greater extent than is provided by this article.

**Sec. 10-99. Smoking prohibited in public places.**

Smoking is unlawful in the following public places during the hours in which they are open to the public:

- (a) Airports;
- (b) Art galleries, libraries and museums;
- (c) Bars or night clubs;
- (d) Billiard halls;
- (e) Bingo facilities;
- (f) Bowling centers;
- (g) Classrooms and lecture halls;
- (h) Day care centers;
- (i) Elevators;
- (j) Grocery stores;
- (k) Health care facilities;
- (l) Hotels, motels, or public or private convention centers as follows:

- (1) Any conference room, meeting room or assembly room of any hotel, motel, or public or private convention center;
  - (2) Any indoor common areas of hotels and motels; and
  - (3) At least 90 percent of rooms rented to guests;
- (m) Indoor or outdoor pedestrian service lines in which one or more persons is giving or receiving goods or services of any kind;
  - (n) Lobbies, reception areas, waiting rooms, hallways and any other common use areas;
  - (o) Any areas available to and customarily used by the general public in all businesses;
  - (p) Any indoor common areas of a multi-family development;
  - (q) Multi-tenant business buildings and service establishments including, but not limited to buildings with insurance, medical, accountant, therapist or attorney's offices with the exception as provided for tobacco stores in paragraph (z) below;
  - (r) Polling places;
  - (s) Public conveyances including school buses and mass transit vehicles;
  - (t) Public meetings;
  - (u) Public parks in the following areas:
    - (1) Concession stands;
    - (2) Dugouts, bleachers and ball fields and within 50 feet of a dugout, bleacher or ball field;
    - (3) A playground or within 50 feet of a playground;
    - (4) Plaza areas at athletic complexes or within 50 feet of such area; or
    - (5) Restroom facilities or within 50 feet of a restroom facility.
  - (v) Primary or secondary schools. Any facility of a public primary or secondary school including parking lots and courtyards, indoor and outdoor common use areas;
  - (w) Public transit depots. Indoor waiting areas of public transit depots or shelters;
  - (x) Restaurants;
  - (y) Restrooms;

- (z) Retail stores with the exception of retail tobacco stores whose primary activity is the sale or promotion of tobacco, tobacco products and accessories, and wherein all smoking is conducted within a sealed, ventilated room approved by the Building Official and is dedicated exclusively to smoking;
- (aa) Sexually-oriented businesses;
- (bb) Taxicabs;
- (cc) Theaters and sports arenas;
- (dd) Train stations;
- (ee) Within 50 feet of the outside entrance to a prohibited smoking area; or
- (ff) Indoor common areas of places of employment.

**Sec. 10-100. Management responsibilities.**

- (a) A proprietor or person in charge of a public place or an employer in a place of employment shall:
  - (1) Post clearly and conspicuously in the public place or place of employment, as applicable:
    - a. A sign with the words "No Smoking;" or
    - b. A sign with the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across the cigarette;
  - (2) Post at each entrance to the public place or place of employment, as applicable, a conspicuous sign clearly stating that smoking is prohibited; and
  - (3) Remove all ashtrays from any area in which smoking is prohibited.
- (b) An employer shall provide written notice that smoking is prohibited in the place of employment to each:
  - (1) Prospective employee in any application the employer supplies; and
  - (2) Employee on the first day of employment.

**Sec. 10-101. Affirmative Defense.**

It is a defense to prosecution under this article that smoking prohibited by section 10-99 took place:

- (a) In a theater as part of a theatrical production.
- (b) In a bingo facility licensed under the Bingo Enabling Act, Chapter 2001 of the Occupations Code, where the bingo facility:
  - (1) Provides an enclosed non-smoking area;
  - (2) Provides mechanical ventilation in the smoking area to prevent smoke from entering a non-smoking area;
  - (3) Prohibits admittance to the bingo facility to anyone under the age of 18;
  - (4) Provides a separate entrance from the building exterior to the non-smoking area; and
  - (5) Pays an annual smoking permit fee of \$1,000.

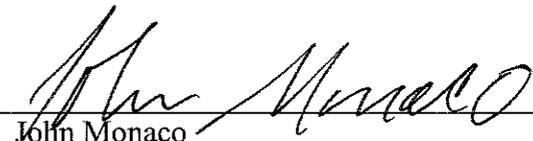
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

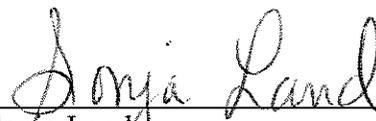
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. That this ordinance shall take effect immediately from and after June 14, 2009.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of March, 2009.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

**ARTICLE X**

**REGULATION OF SMOKING**

**Section 10.01 Definitions**

The following words and terms when used in this article shall have the meanings respectively ascribed to them in this section:

"Administrative area" shall mean that part of any place or establishment not generally accessible to the public, including but not limited to individual offices, stock rooms, meeting rooms and employee lounges.

"Bar" shall mean any establishment licensed by the State for the sale of alcoholic beverages that derives more than 75% of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption. For purposes of this Ordinance, any establishment which sells or serves alcoholic beverages in quantities which exceed 75% of the estimated daily gross sales is defined as a bar. For purposes of this definition, "daily gross sales" shall be calculated using the normal selling price of all items of food and alcoholic beverages served in the establishment and shall reflect the price normally charged for such items in the particular establishment for which the daily gross sales figure is calculated, whether such item is actually sold at normal selling price, below normal entrance fee or other consideration paid. Reduced prices charged during promotions, happy hours, and other occasions when drinks are sold at reduced prices or served at no charge, shall not be considered "normal selling price" for calculation of daily gross sales. (Amend Ord 06-103, 10/10/06)

"Billiard hall" shall mean a place of amusement whose chief purpose is providing the use of billiard/pool tables to the public for a fee.

"Bingo parlor" shall mean a facility regulated under V.T.C.A., Occupations Code §2001.001 et seq. - "Bingo Enabling Act". (Amend Ord 06-103, 10/10/06)

"Bus" shall mean every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

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"Condominium" shall mean a form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners. (Amend Ord 05-092, 10/11/05)

"Eating establishment" shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually served or available to be served to patrons at all times such establishment is open to the public, and where food sales constitute not less than 25% of the daily gross sales of said establishment; and for purposes of this Ordinance, any establishment which sells or serves alcoholic beverages in quantities which exceed 75% of the daily gross sales of said establishment is excluded from the category of establishments defined as restaurants and shall be included in the category of establishments defined as bars. For purposes of this definition, "daily gross sales" shall be calculated using the normal selling price of all items of food and alcoholic beverages served in the establishment and shall reflect the price normally charged for such items in the particular establishment for which the daily gross sales figure is calculated whether such item is actually sold at normal selling price, below normal entrance fee or other consideration paid. Reduced prices charged during promotions, happy hours, and other occasions when drinks are sold at reduced prices or served at no charge, shall not be considered "normal selling price" for calculation of daily gross sales. (Amend Ord 06-103, 10/10/06)

"Employee" shall mean any person who is employed by any employer for direct or indirect monetary wages or profit.

"Employer" shall mean any person who employs the services of an individual person or any person in control of the workplace. (Amend Ord 93-25, 3/23/93)

"Enclosed" shall mean closed in by a roof and walls with appropriate openings for ingress and egress.

"Fraternal Organization" shall mean a facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues, or other houses of worship. (Amend Ord 07-022, 4/10/07)

"Health care facility" shall mean any ambulatory surgical center, rehabilitation center, or minor emergency treatment facility. (Amend Ord 06-103, 10/10/06)

"Motion picture theater" shall mean any theater engaged in the business of exhibiting motion pictures to the public.

"Net floor area" shall mean the total floor area of the interior of an eating establishment, excluding the kitchen, restrooms, storage areas and offices.

"Nursing Home" shall mean a facility or area furnishing food and shelter in single or multiple facilities to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment. In addition, the facility provides minor treatment under the direction and supervision of a physician, or provides a service which meets some need beyond the basic provision of food, shelter and laundry. (Amend Ord 07-022, 4/10/07)

"Park" shall mean any land selected, obtained, or acquired by the City for use as a public park, or recreation or playground area, and any building or facility thereon, owned and maintained by the City as a public park, or recreation or playground area, whether or not such areas have been formally dedicated to such purpose. (Amend Ord 07-022, 4/10/07)

"Physically separated section" shall mean areas totally enclosed by walls and doors. (Amend Ord 93-25, 3/23/93)

"Private Club" shall mean the private quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only. (Amend Ord 07-022, 4/10/07)

"Public business" shall mean any deliberation between a quorum of members of any board, commission, department, committee or agency within the executive or legislative department of the State of Texas, or the City Council or any Board or Commission of the City of Arlington at which any

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public business or public policy is discussed or considered or at which any formal action is taken.

"Retail or service establishment" shall mean any establishment which sells goods or services to the general public, except eating establishments and establishments regulated by Section 10.03 of this article.

"Shared HVAC system" shall mean a heating/ventilation/air conditioning system that circulates air through more than one retail or service establishment in which public or private business is conducted. (Amend Ord 06-103, 10/10/06)

"Smoker's lounge" shall mean any facility that is attached to a retail tobacco shop for the purpose of enjoyment of tobacco products purchased from the attached tobacco shop. (Amend Ord 08-020, 3/18/08)

"Smoking" shall mean the combustion of any cigar, cigarette, pipe or similar article using any form of tobacco or other combustible substance in any form.

"Stand Alone Tobacco Shop" shall mean a tobacco shop that is housed in a facility that shares no common mechanical equipment systems or physical properties such as walls, ceilings, or hallways with any other establishment, occupancy or use. (Amend Ord 08-020, 3/18/08)

"Tobacco product" shall mean a cigarette, cheroot, stogie, cigar, snuff, smoking tobacco, chewing tobacco and any article or product made of tobacco or a tobacco substitute.

"Tobacco shop" shall mean a retail establishment whose annual gross revenues from the sale of tobacco products and smoking accessories are at least fifty percent (50%).

"Workplace" shall mean any enclosed area of a structure, or portion thereof, intended for occupancy by employees who provide primarily clerical, professional or business services of a business entity, or which provide primarily clerical, professional or business services to other business entities or to the public at that location. (Amend Ord 91-58, 6/18/91)

**Section 10.02 Smoking Prohibited - Public Places**

- A. Prohibited Places. A person commits an offense if he possesses a burning tobacco product or smokes a tobacco product within:
1. A public primary or secondary school;
  2. An elevator in buildings generally used by and open to the public, including elevators in office buildings, hotels and multi-family dwellings;
  3. A library;
  4. A museum;
  5. The buildings or grounds of a hospital, health care facility or nursing home;
  6. A transit system bus;
  7. A room or enclosed place of public assembly in which public business is conducted when the public business requires or provides an opportunity for direct participation or observation by the general public;
  8. Indoor or outdoor service lines in which more than one (1) person is giving or receiving goods or services of any kind;
  9. Retail or service establishments;
  10. Public rest rooms;
  11. Every publicly or privately owned theater, auditorium or other enclosed facility which is open to the public for the primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event or any other performance or event;
  12. Any portion of any publicly or privately owned room, building or other enclosed place to which the public or a substantial group of the public has access, which has been designated by the owner, manager, operator or other person having control of such area, as a nonsmoking area;

13. Any portion of any publicly or privately owned unenclosed area to which the public or a substantial group of the public has access, which has been designated by the owner, manager, operator or other person having control of such area, as a nonsmoking area;
14. Any seating area of any publicly or privately owned outdoor athletic facility having an overall fixed seating capacity of at least six hundred (600) people and used for the purpose of viewing a single athletic field;
15. Any designated seating area of any publicly or privately owned outdoor theater or amphitheater having an overall fixed or temporary seating capacity of at least five thousand (5,000) people or more and used for the purpose of viewing live performances;
16. Any common area of a multi-family development; or
17. Fifty feet of outside entrances, operable windows, or ventilation systems of enclosed areas where smoking is prohibited by this Article, so as to ensure that tobacco smoke does not enter those areas.
18. the following areas of a park:
  - a. while seated in or within fifty (50) feet of a dugout or bleacher provided for spectators at outdoor athletic events;
  - b. a park playground or within fifty (50) feet of a park playground;
  - c. in plaza areas at athletic complexes or within fifty (50) feet of such area;
  - d. in a park restroom or within fifty (50) feet of such restroom; or
  - e. within the fenced areas at a swimming pool or within fifty (50) feet of such area.

B. Exceptions.

1. It is an exception to Subsection (A) that the smoking or possession was by a person as part of his participation in an authorized theatrical performance.

2. It is an exception to Subsection (A)(16) that the smoking or possession occurred in an unenclosed common area which has been designated by the owner, manager, or operator or other person having control of such areas, as a smoking area.
3. It is an exception to Subsection (A)(16) if the multi-unit development is owner occupied condominiums.
4. It is an exception to Subsection (A)(5) that the smoking or possession occurred on the grounds of a nursing home in an outdoor area, that may be enclosed by fixed walls, which has been designated by the owner, manager, or operator or other person having control of such area, as a smoking area.  
  
Said designated smoking area must be at least fifty feet from outside entrances, operable windows, or ventilation systems of enclosed areas where smoking is prohibited by this Article.
5. It is an exception to Subsection (A) that the smoking or possession occurred in a fraternal organization or private club unless the smoking occurred in an area that has been designated by the owner, manager, operator or other person having control of such area, as a nonsmoking area.
6. It is an exception to Subsection (A) that the smoking or possession was by a person in a smoker's lounge attached to a tobacco shop that meets the following requirements:
  - a. The smoker's lounge shall not allow or employ persons under the age of eighteen (18). Signs shall be conspicuously posted at all entrances of the smoker's lounge which state: **"No One Under Age 18 Allowed."**
  - b. Smoking is prohibited within the tobacco shop. Signs shall be conspicuously posted at all entrances to the tobacco shop in accordance with Section 10.04(A)(1) of this ordinance.
  - c. The smoker's lounge shall have separate entrances, exits and restroom facilities from the attached tobacco shop.

- d. The smoker's lounge shall be enclosed from floor to roof by solid walls and shall have no voids or penetrations allowing air from the smoker's lounge to migrate into the tobacco shop or any other establishment, occupancy or use where smoking is prohibited.
- e. The smoker's lounge must have a separate heating and cooling system from the tobacco shop and any other establishment, occupancy or use where smoking is prohibited.
- f. The smoker's lounge shall have a ventilation system which provides a complete air change every fifteen (15) minutes and shall exhaust the air to the exterior of the building and shall not allow air from the smoker's lounge to migrate into the tobacco shop or any other establishment, occupancy or use where smoking is prohibited.
- g. The ventilation system may be tested by the City to verify that the system removes visual smoke at a rate of four (4) times per hour and that air from the smoker's lounge is not allowed or drawn into the tobacco shop or any other establishment where smoking is prohibited.
- h. The owner shall be required to pass additional tests in the future, as determined by the Administrator, if the adequacy of the system appears to fail to meet the objectives of the ordinance.
- i. The Administrator may deny the opportunity to operate a smoker's lounge upon a finding that:
  - (1) Smoke is migrating from the smoker's lounge into the tobacco shop or any other establishment, occupancy or use where smoking is prohibited; or
  - (2) The smoker's lounge has failed to meet any of the standards set forth in this section or tests prescribed by the Administrator.

Upon such a finding, the smoker's lounge shall be deemed to be nonsmoking until successfully tested.

- j. The owner, manager or operator of a tobacco shop commits an offense if he or she allows smoking of a tobacco product in an area deemed to be nonsmoking by the Administrator.
  - k. The owner, manager or operator of a tobacco shop commits an offense if he or she designates or maintains a smoking area in violation of this section.
7. Exception for Tobacco Shops meeting the requirements set forth below:
- a. Stand Alone Tobacco Shop. It is an exception to Subsection (A) that the smoking or possession was by a person in a Stand Alone Tobacco Shop that meets the following requirements:
    - (1) The stand alone tobacco shop shall not allow or employ persons under the age of eighteen (18).
    - (2) Signs shall be conspicuously posted at all entrances of the stand alone tobacco shop which state: **"No One Under Age 18 Allowed."**
  - b. Tobacco Shop. It is an exception to Subsection (A) that the smoking or possession was by a person in a tobacco shop that meets the following requirements:
    - (1) The tobacco shop shall not allow or employ persons under the age of eighteen (18).
    - (2) Signs shall be conspicuously posted at all entrances of the tobacco shop which state: **"No One Under Age 18 Allowed."**
    - (3) The tobacco shop shall be enclosed from floor to roof by solid walls and shall have no voids or penetrations allowing

air from the tobacco shop to migrate into the any other establishment, occupancy or use where smoking is prohibited.

- (4) The tobacco shop must have a separate heating and cooling system from any other establishment, occupancy or use where smoking is prohibited.
- (5) The tobacco shop shall have a ventilation system which provides a complete air change every fifteen (15) minutes and shall exhaust the air to the exterior of the building and shall not allow air from the tobacco shop to migrate into any other establishment, occupancy or use where smoking is prohibited.
- (6) The ventilation system may be tested by the City to verify that the system removes visual smoke at a rate of four (4) times per hour and that air from the tobacco shop is not allowed or drawn into any other establishment where smoking is prohibited.
- (7) The owner shall be required to pass additional tests in the future, as determined by the Administrator, if the adequacy of the system appears to fail to meet the objectives of the ordinance.
- (8) The Administrator may deem the tobacco shop nonsmoking upon a finding that:
  - (a) Smoke is migrating from the tobacco shop into any other establishment, occupancy or use where smoking is prohibited; or
  - (b) The tobacco shop has failed to meet any of the standards set forth in this section or tests prescribed by the Administrator.

Upon such a finding, the tobacco shop shall be deemed to be nonsmoking until successfully tested.

- c. The owner, manager or operator of a tobacco shop or stand alone tobacco shop commits an offense if he or she allows smoking of a tobacco product in an area deemed to be nonsmoking by the Administrator.
- d. The owner, manager or operator of a tobacco shop or stand alone tobacco shop commits an offense if he or she designates or maintains a smoking area in violation of this section. (Amend Ord 08-020, 3/18/08)

C. Defenses.

- 1. It is a defense to prosecution under this section that the conveyance or public place within which the offense occurred did not have prominently displayed a reasonably sized notice that smoking was prohibited.
- 2. It is a defense to prosecution under this section that facilities for the extinguishment of smoking materials were not located within the conveyance or within fifty feet (50') of the public entrances to the place or establishment.
- 3. It is a defense to prosecution under Sections 10.02(A)(14) and 10.02(A)(15) that the offense occurred in an open concourse designated as a smoking area by the owner, operator or person in control of the outdoor athletic facility, theater or amphitheater.

D. Eating Establishments. An eating establishment within a use governed by this section shall be governed by Section 10.03.

E. Shared HVAC System. Notwithstanding other provisions to the contrary, smoking shall be prohibited in all facilities that have shared HVAC systems, unless smoking is otherwise permitted in all the establishments using a shared HVAC system.

F. Rangers Ballpark in Arlington. Smoking at the Rangers Ballpark in Arlington is allowed only at designated

areas near the outer perimeter of the first level and upper concourse. When food kiosks are located in the smoking areas, smoking is prohibited in the kiosk line and within fifty (50) feet of the food kiosk. Signage must indicate that smoking is not permitted in a kiosk line or within fifty (50) feet of the food kiosk. Smoking is not restricted in private club areas of the Rangers Ballpark in Arlington. (Amend Ord 07-022, 4/10/07)

**Section 10.03 Regulation of Smoking - Eating Establishments, Bars, Night Clubs, Sexually Oriented Businesses, Billiard Halls, Bingo Parlors and Bowling Centers**

- A. A person commits an offense if he or she smokes tobacco or possesses a burning tobacco product in an eating establishment, bar, night club, sexually oriented business, billiard hall, bingo parlor or bowling center.
- B. An owner, manager or operator of an eating establishment, bar, nightclub, sexually oriented business, billiard hall, bingo parlor or bowling center commits an offense if he or she allows smoking of a tobacco product.
- C. Exceptions.
  - 1. It is an exception to Subsection (A) and (B) that the smoking or possession occurred in a bar, nightclub, sexually oriented business, billiard hall, bingo parlor or bowling center that:
    - a. does not allow or employ persons under the age of eighteen (18) years; and
    - b. does not open into an eating establishment, hotel, motel or any other establishment in which smoking is prohibited under this Article.
  - 2. Notwithstanding Subsection (1), smoking shall be prohibited in all facilities that have shared HVAC systems, unless all the establishments using a shared HVAC system meet the requirements for exception as outlined in subsection (1) above.

D. Defenses.

1. It is a defense to a prosecution under Subsection (A) that the establishment did not have prominently displayed a reasonably sized notice that smoking was prohibited.
2. It is a defense to a prosecution under Subsection (A) that the facilities for the extinguishment of smoking materials were not located within fifty feet (50') and outside of the public entrances of the establishment.

E. The owner, manager or operator of an eating establishment, bar, nightclub, sexually oriented business, billiard hall, bingo parlor or bowling center commits an offense if he or she designates or maintains a smoking area in violation of this section.

- F.
1. An establishment which does not meet the exception requirements of Subsection (C) shall post a sign at all public entrances stating: **"No Smoking - City Ordinance."**
  2. The owner or manager of an establishment governed by this subsection commits an offense if he or she fails to post and maintain the required signs. There shall be no requirement of a culpable mental state for this offense. (Amend Ord 06-110, 11/28/06)
  3. All children's playgrounds associated with eating establishments shall be nonsmoking. All doors and gates leading to such play areas shall be posted: **"No Smoking - City Ordinance."** (Amend Ord 06-103, 10/10/06)

**Section 10.04 Posting of Signs, Placing of Receptacles and Public Address System Announcement Required**

A. Signs.

1. A place or conveyance regulated by Sections 10.02 or 10.03; that is required to be totally nonsmoking, shall have signs conspicuously posted at all entrances which state: **"No Smoking - City Ordinance."**

2. If a place or conveyance regulated by Section 10.02 has a designated smoking area, such signs may also state: **"Except In Designated Areas."**
  3. A designated smoking area shall have signs conspicuously posted in the area which state: **"Smoking In This Area Only."**
  4. Establishments exempt under Subsection 10.03(C) shall have signs conspicuously posted at all entrances which state: **"We Do Not Have A Nonsmoking Area."** (Amend Ord 06-103, 10/10/06)
- B. Receptacles. A place, establishment or conveyance regulated by Sections 10.02 or 10.03, which is partially or totally nonsmoking, shall have facilities for the extinguishment of smoking materials located within fifty feet (50') of all entrances and within all designated smoking areas. (Amend Ord 06-110, 11/28/06)
- C. Public Address System Announcement. In those outdoor athletic facilities, theaters and amphitheaters where a public address system is used, the owner, operator or person in control of an outdoor athletic facility, theater or amphitheater shall announce prior to each game or performance the prohibition of smoking in seating areas.
- D. Offenses.
1. The owner, manager or operator of a place, conveyance or establishment commits an offense if he fails to post signs and provide extinguishment facilities as required by this section. There shall be no requirement of a culpable mental state for this offense.
  2. The owner, manager or operator of a place, conveyance or establishment commits an offense if he places or maintains facilities for the extinguishment of smoking materials in public areas other than as provided for in Subsection (B). There shall be no requirement of a culpable mental state for this offense.
  3. The owner, manager or operator of an outdoor athletic facility, theater or amphitheater where a public address system is used, commits an offense if he operates such a facility without announcing

or causing to be announced prior to each game or performance the prohibition of smoking in seating areas. (Amend Ord 06-110, 11/28/06)

**Section 10.05 Regulation of Smoking - Workplace**

- A. The purpose of this section is to assure that all employers provide working conditions for nonsmoking employees which will eliminate exposure to secondhand smoke while working or using common facilities.
- B. Employers shall:
  - 1. Designate all common areas of the workplace including, but not limited to, conference rooms, break areas, rest rooms, and dining areas as non-smoking except where separate areas are provided for smokers as described in Subsections (B)(3) and (E)(2), below.
  - 2. Designate as nonsmoking areas of shared office space except where separate areas are provided for smokers as described in Subsection (E)(2) below.
  - 3. Not designate smoking common areas which are larger than comparable areas designated for non-smokers.
  - 4. Prominently display signs at the place of business with the universal symbol or wording to indicate that smoking is prohibited or permitted only in designated areas.
  - 5. Communicate the requirements of this ordinance to all employees.
  - 6. Not discriminate, discharge, or in any other manner retaliate against any employee exercising a right created by this ordinance.
- C. Multiple employers sharing common ventilation/air handling systems shall be designated as nonsmoking.
- D. Building managers or owners shall prominently display signs at the place of business indicating "smoking in designated areas only" if the building is occupied by more than one employer. Buildings where all tenants have their own separate entrances to the outdoors and

no common areas are shared are exempt from the requirements of this paragraph.

- E. An employer may:
1. Designate the entire workplace as nonsmoking or have more stringent requirements than the requirements of this ordinance.
  2. Allow smoking in a physically separated section of the workplace if all employees in that area are smokers; and:
    - a. The air handling/ventilation system serving such section does not serve any other area of the workplace; or
    - b. No return air is permitted from such section to a common air handling/ventilation system, exhaust ventilation equal to four (4) air changes per hour is provided, and exhaust ventilation shall terminate outside the building.
- F. Designated smoking areas may be provided if:
1. Tenant spaces not sharing ventilation systems with any other tenant are totally separated with walls and doors from other parts of the business; or
  2. Buildings with more than one (1) employer are totally separated with walls and doors from other parts of the building and are equipped with a separate ventilation system which serves smoking areas only.
- G. Employers are encouraged to promote employee participation in tobacco education and smoke cessation programs.
- H. An employer commits an offense if he violates any provision of this section.
- I. Customer smoking areas in establishments regulated elsewhere in this article are exempt from the provisions of this section. (Amend Ord 94-02, 01/04/94)

**Section 10.06 Penalty For Violation**

- A. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not less than Twenty-five and No/100 Dollars (\$25.00) nor more than Two Hundred and No/100 Dollars (\$200.00); provided, however, in the event the actor has previously been convicted under this section, the actor shall be fined an amount not less than Fifty and No/100 Dollars (\$50.00) nor more than Five Hundred and No/100 Dollars (\$500.00) for a second conviction hereunder, and shall be fined an amount not less than One Hundred and No/100 Dollars (\$100.00) nor more than Two Thousand and No/100 Dollars (\$2,000.00) for a third conviction hereunder and for each conviction thereafter. Each day that a violation is permitted to exist shall constitute a separate offense.
- B. Notwithstanding Subsection (A) above, the fine for violations of Subsections 10.03(F)(2), 10.04(D)(1) and 10.04(D)(2) or any other offense within this Article where the culpable mental state is specifically dispensed, shall be an amount not less than One Hundred and No/100 Dollars (\$100.00) nor more than Five Hundred and No/100 Dollars (\$500.00) for a third conviction hereunder and for each conviction thereafter. (Amend Ord 06-110, 11/28/06)

CITY OF ROCKWALL

ORDINANCE NO. 07-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 14 HEALTH AND SANITATION, ARTICLE IV. SMOKING BY REPEALING SEC. 14.44 AND SEC. 14.46 IN THEIR ENTIRETY AND BY ADDING A NEW SEC. 14.44 NO SMOKING IN FOOD SERVICE ESTABLISHMENTS AND AMENDING SEC. 14.45; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

**Section 1.** That Chapter 14 of the Code of Ordinances shall be amended in Article IV Smoking by repealing Sec. 14.44 in its entirety and in lieu thereof, Sec. 14.44 shall state in its entirety as follows:

“ ARTICLE IV.

SMOKING

**Sec. 14-44. No smoking areas in food service establishments; compliance required.**

(a) It shall be unlawful for the owner, manager or other person having control of a food service establishment to fail to comply with the provisions of Sec. 14.45 herein.

(b) Appropriate signs, visible to patrons, shall be posted clearly visible to those entering the food service establishment stating *'City Ordinance No. 07-14 Prohibits Smoking within any Food Service Establishment.'*”

**Section 2.** That Chapter 14 of the Code of Ordinances shall be amended in Article IV Smoking in Sec. 14.45, which shall hereafter read in its entirety as follows:

“**Sec. 14-45. No Smoking in food service establishments.**

(a) A person commits an offense if he/she smokes or possesses a burning tobacco, weed, or other plant product in the whole interior of a food service establishment.”

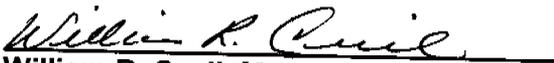
**Section 3.** That Chapter 14 of the Code of Ordinances shall be amended in Article IV Smoking by repealing Sec. 14-46 No Requirement to Report in its entirety.

**Section 4.** Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Code of Ordinances.

**Section 5.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

**Section 6.** That this ordinance shall take effect May 1, 2007, and it is so ordained.

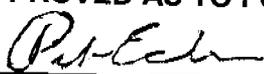
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of April, 2007.**

  
William R. Cecil, Mayor

ATTEST:

  
Dorothy Brooks, TRMC, City Secretary

APPROVED AS TO FORM:

  
Pete Eckert, City Attorney



1<sup>st</sup> Reading: 04-02-07

2<sup>nd</sup> Reading: 04-16-07

# Advertising Receipt

Terrell Tribune  
Rockwall County News  
150 9th Street, P.O. Box 669  
Terrell, TX 75160  
Phone: (972) 563-6476  
Fax: (972) 563-0340

ROCKWALL, CITY OF-LEGALS ®  
c/o Dorothy Brooks, City Secretary  
385 SOUTH GOLIAD  
ROCKWALL, TX 75087

**Cust#:** 01100978-000  
**Ad#:** 05505387  
**Phone:** (972)771-7700  
**Date:** 04/18/07

**Ad taker:** 11      **Salesperson:** 6      **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
02 ROCKWALL COUNTY NEWS	04/26/07	04/26/07	1	54.00		54.00

**Payment Reference:**

LG#316386  
Ord. #07-14  
per Dorothy Brooks

**Total:** 54.00  
**Tax:** 0.00  
**Net:** 54.00  
**Prepaid:** 0.00

**Total Due** 54.00

# PUBLISHER'S AFFIDAVIT

## THE STATE OF TEXAS COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says the he is the Publisher of **The Rockwall County News** and the said newspaper meets the requirements of Section 2051.044 of the Texas Government Code to wit:

1. it devotes not less than twenty (25%) of its total column lineage interest items;
2. it is published at least once e
3. it is entered as second-class in the county where it is publish
4. it has been published regula continuously since 1985; and
5. it is generally circulated withi County.

Publisher further deposes the attached notice was publish news paper on the following date(s) to wit:

April 26th A.D. 2007

[Signature]  
William Jordan  
Editor and Publisher

### SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

- a) is personally know to me, or  
 b) provided the following evidence to establish his/her identity.

on the 27th day of April, A.D. 2007  
to certify which witness my hand and seal of office.

[Signature]  
Notary Public, State of Texas



### CITY OF ROCKWALL ORDINANCE NO. 07-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL IN CHAPTER 14 HEALTH AND SANITATION, ARTICLE IV. SMOKING BY REPEALING SEC. 14.44 AND SEC. 14.46 IN THEIR ENTIRETY AND BY ADDING A NEW SEC. 14.44 NO SMOKING IN FOOD SERVICE ESTABLISHMENTS AND AMENDING SEC. 14.45; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

/s/ William R. Cecil, Mayor  
/s/ Dorothy Brooks, TRMC, City Secretary  
1st Reading: 04-02-07  
2nd Reading: 04-16-07



**6 contd. If Yes, which of the following best characterizes the frequency of such complaints**

If Yes,	
Daily	2
Weekly	1
Monthly	3
Less frequent than monthly	1
	<u>7</u>

**7. Which of the following best describes your preference regarding smoking in your restaurant?  
(Respondents could select multiple preferences)**

No change in existing ordinance	6
Additional ventilation & physical barriers to minimize exposure to second hand smoke	3
No smoking in all eating areas inside restaurants	15
No smoking in all eating and bar areas inside restaurants	6
No smoking in all outdoor eating areas/patios	6
No smoking with 15 to 20 feet of restaurant entrances/exits	6
No Response	2
	<u>44</u>

**8. Do you anticipate a negative impact on your revenues should the Council decide to enact a Non-Smoking Ordinance for Establishments where Food is served?**

Yes	6	24%
No	15	60%
Don't Know	4	16%
No Response	0	0%
	<u>25</u>	<u>100%</u>

**9. Does your restaurant have a corporate policy on smoking?**

Yes	7	28%
No	10	40%
Don't Know	6	24%
No Response	2	8%
	<u>25</u>	<u>100%</u>

**9. contd. If Yes, please provide a brief statement describing such policy**

- I think it is up to each store within city regulations.
- Virtually identical to Rockwall's current policy
- No smoking in restaurant.
- No employee is allowed to smoke while on duty and no smoking is allowed inside eating and/or restaurant area.
- My husband passed with lung cancer.
- No smoking in any Target store!
- 100% smoke free
- We are a franchise owned restaurant with no smoking area inside restaurant.

-All of our restaurants (over 1200) in the country are "no smoking".

**10. Are there any other comments you would like to make regarding Rockwall's smoking ordinance? If so, please specify below.**

**General Comments (3)**

-We are a hotel facility, so our rooms are physically separate from each other by walls. Our guests appreciate our smoking rooms.

-We made our dining rooms no smoking two years ago. We installed our Taplon ventilation units about 3 years ago and they are largely overkill! What if we wanted to host a "scotch and cigar" dinner in one of our downstairs private room which are apart from the main dining room?

-We anticipate some impact if we are unable to smoke on our patio, especially with the Bass Pro Shop restaurants having lakeside patios. Again, we went to non-smoking in dining rooms two years ago. Good luck and thanks for the March 5th meeting.

**In Favor Comments (9)**

-If any ordinance is imposed, then it should be for no smoking period.

-I have worked in other cities with no smoking before. It was met with some resistance at first, but in the long run it just becomes part of the daily routine. I am in favor!

-It would be a neutral to positive overall effect if a full ban was initiated.

-No smoking in all eating areas inside restaurants please.

-No smoking in all eating areas and no smoking inside the restaurant in all areas - kitchen, dining room, restroom.

-I am very tired of seeing all of these butts in the street in front of my restaurant. What happened to "Keep Rockwall Beautiful"?

-Make all of Rockwall no smoking!!

-I would welcome the "no smoking" in all eating areas of a restaurant for the enjoyment of my food and second-hand smoke. I frequent other restaurants in Rockwall with my family numerous times a week. Thank you.

-In the 6 years we have been open for business, we have had maybe a handful of people who have expressed displeasure that we do not permit smoking in the restaurant.

**Not in Favor Comments (1)**

-Let each establishment have their own policy of where their patrons can smoke or not smoke. Don't forget the small business women who might weather the ordinance.

# Rockwall Residents Public Opinion Survey Results

1,796 surveys returned out of 10,500 surveys mailed or 17%

**1. In general, do you feel that exposure to second-hand smoke is a serious health hazard, a moderate health hazard, or not a health hazard at all?**

	# responses	% of total
a. Serious health hazard	1257	70%
b. Moderate health hazard	249	14%
c. Minor health hazard	144	8%
d. Not a health hazard at all	71	4%
e. Don't Know	27	2%
No Response	48	3%
	<b>1796</b>	<b>100%</b>

**2. Are you satisfied or dissatisfied with the current smoking ordinance in Rockwall?**

	# responses	% of total
a. Satisfied	413	23%
b. Dissatisfied	1236	69%
c. Don't Know	89	5%
No Response	58	3%
	<b>1796</b>	<b>100%</b>

**3. Do you feel the smoking ordinance should be changed?**

	# responses	% of total
a. Yes	1386	77%
b. No	322	18%
c. Don't Know	54	3%
No Response	34	2%
	<b>1796</b>	<b>100%</b>

**4. If yes, do you feel the smoking ordinance should be more lenient or more restrictive?**

	# responses	% of total
a. More restrictive	1356	98%
b. More lenient	25	2%
c. Same	5	0%
d. Don't Know	0	0%
No Response	0	0%
	<b>1386</b>	<b>100%</b>

**5. If you selected *more restrictive*, which of the following would you support? (Respondents could select multiple options)**

**% of 1,356\***

a. Additional ventilation systems and physical barriers	29%
b. No smoking in all eating areas inside the restaurants	94%
c. No smoking in all eating and bar areas inside restaurants	75%
d. No smoking in all outdoor eating areas/patios	52%
e. No smoking within 15 to 20 feet of restaurant entrances/exits	57%
No Reponse	1%

\*Data cross tabulated

**6. If Rockwall changed its ordinance making all restaurants smoke-free, would you go out to restaurants in Rockwall more often, less often, or about the same amount as you do now?**

	<b># responses</b>	<b>% of total</b>
a. More often	932	52%
b. Less often	169	9%
c. About the same	641	36%
d. Don't Know	21	1%
No Response	33	2%
	<b>1796</b>	<b>100%</b>

**7. Which best describes your smoking behavior?**

	<b># responses</b>	<b>% of total</b>
a. Never smoke	1546	86%
b. Smoke on occasion	127	7%
c. Smoke regularly	68	4%
No Response	55	3%
	<b>1796</b>	<b>100%</b>

**8. Does anyone else living in your household smoke cigarettes?**

	<b># responses</b>	<b>% of total</b>
a. Yes	147	8%
b. No	1610	90%
No Response	39	2%
	<b>1796</b>	<b>100%</b>

**9. Are there any other comments you would like to make about Rockwall's smoking ordinance?**

128 General
437 In Favor
167 Not In Favor
13 Random
<b>745 Total</b>

**States, Commonwealths, and Municipalities with 100% Smokefree Laws in Non-Hospitality Workplaces, Restaurants, or Bars**  
*currently in effect as of July 1, 2012*

Local laws generally pave the way for state and commonwealth laws. The states and commonwealth listed below had, in many instances, a high percentage of the population covered by strong city and county laws before the state or commonwealth law was enacted. To see a complete list of these local laws, as well as summary totals of all 100% smokefree laws, please go to [Municipalities with Local 100% Smokefree Laws](#).

**Note: The jurisdiction(s) affected by county-level laws vary widely. Look for a plus symbol (+) next to each county with a law that includes both incorporated and unincorporated areas. A county without a symbol means that the county law covers unincorporated areas only.**

**Non-Hospitality Workplaces**

Only laws that do not allow smoking in separately ventilated rooms and do not have size exemptions are listed here. Includes both public and private non-hospitality workplaces, including, but not limited to, offices, factories, and warehouses.

**All non-hospitality workplaces in these states and commonwealths are smokefree:**

- |              |                   |                              |                         |
|--------------|-------------------|------------------------------|-------------------------|
| 1. Arizona   | 10. Maine         | 19. New York                 | 27. South Dakota        |
| 2. Delaware  | 11. Maryland      | 20. North Dakota             | 28. U.S. Virgin Islands |
| 3. Florida   | 12. Massachusetts | 21. Northern Mariana Islands | 29. Utah                |
| 4. Hawaii    | 13. Michigan      | 22. Ohio                     | 30. Vermont             |
| 5. Illinois  | 14. Minnesota     | 23. Oregon                   | 31. Washington          |
| 6. Indiana   | 15. Montana       | 24. Pennsylvania             | 32. Wisconsin           |
| 7. Iowa      | 16. Nebraska      | 25. Puerto Rico              |                         |
| 8. Kansas    | 17. Nevada        | 26. Rhode Island             |                         |
| 9. Louisiana | 18. New Jersey    |                              |                         |

**In addition, all non-hospitality workplaces in these cities and counties are smokefree:**

- |                                  |                  |                    |                         |
|----------------------------------|------------------|--------------------|-------------------------|
| Anchorage, AK                    | Clay, AL         | Oxford, AL         | Burlingame, CA          |
| Fairbanks, AK                    | Cottonwood, AL   | Phenix City, AL    | Butte County, CA        |
| Haines Borough, AK <sup>+</sup>  | Daphne, AL       | Prichard, AL       | Calabasas, CA           |
| Juneau, AK                       | Decatur, AL      | Robertsdale, AL    | Calexico, CA            |
| Klawock, AK                      | East Brewton, AL | Spanish Fort, AL   | Calistoga, CA           |
| Nome, AK                         | Fairhope, AL     | Talladega, AL      | Capitola, CA            |
| Sitka, AK                        | Flomaton, AL     | Tuskegee, AL       | Carpinteria, CA         |
| Skagway Borough, AK <sup>+</sup> | Foley, AL        | Fairfield Bay, AR  | Ceres, CA               |
| Albertville, AL                  | Fultondale, AL   | Highfill, AR       | Chico, CA               |
| Alexander City, AL               | Geneva, AL       | Alameda County, CA | Chino Hills, CA         |
| Atmore, AL                       | Gulf Shores, AL  | Albany, CA         | Colfax, CA              |
| Bayou La Batre, AL               | Jasper, AL       | Auburn, CA         | Contra Costa County, CA |
| Birmingham, AL                   | Lanett, AL       | Belmont, CA        | Cotati, CA              |
| Center Point, AL                 | Midfield, AL     | Belvedere, CA      | Cupertino, CA           |
| Citronelle, AL                   | Opelika, AL      | Berkeley, CA       | Davis, CA               |
|                                  | Orange Beach, AL | Blue Lake, CA      | Del Mar, CA             |

Eureka, CA	Santa Barbara, CA	Douglasville, GA	Warrensburg, MO
Fairfax, CA	Santa Barbara County, CA	Dunwoody, GA	Amory, MS
Fort Bragg, CA	Santa Clara, CA	Loganville, GA	Anguilla, MS
Fremont, CA	Santa Clara County, CA	Morrow, GA	Bassfield, MS
Glendale, CA	Santa Clarita, CA	Savannah, GA	Brookhaven, MS
Goleta, CA	Santa Cruz, CA	Valdosta, GA	Calhoun City, MS
Hughson, CA	Santa Cruz County, CA	Ashland, KY	Canton, MS
Imperial Beach, CA	Santa Rosa, CA	Bardstown, KY	Collins, MS
Laguna Hills, CA	Saratoga, CA	Bowling Green, KY	Corinth, MS
Laguna Woods, CA	Sausalito, CA	Campbellsville, KY	Crystal Springs, MS
Larkspur, CA	Scotts Valley, CA	Clark County, KY <sup>+</sup>	Durant, MS
Lathrop, CA	Sebastopol, CA	Corbin, KY	Flora, MS
Loma Linda, CA	Shafter, CA	Danville, KY	Flowood, MS
Long Beach, CA	Shasta County, CA	Elizabethtown, KY	Georgetown, MS
Mammoth Lakes, CA	Solano County, CA	Georgetown, KY	Greenwood, MS
Marin County, CA	Sonoma County, CA	Hardin County, KY	Gulfport, MS
Martinez, CA	South Pasadena, CA	Henderson, KY	Hattiesburg, MS
Mendocino County, CA	Stanislaus County, CA	Kenton County, KY <sup>+</sup>	Hernando, MS
Merced, CA	Temecula, CA	Lexington/Fayette County, KY <sup>+</sup>	Hollandale, MS
Mill Valley, CA	Tiburon, CA	London, KY	Jackson, MS
Millbrae, CA	Tracy, CA	Louisville/Jefferson County, KY <sup>+</sup>	Kosciusko, MS
Modesto, CA	Tuolumne County, CA <sup>+</sup>	(except the city of Sonora)	Laurel, MS
Monterey, CA	Ukiah, CA	Madison County, KY <sup>+</sup>	Lumberton, MS
Monterey County, CA	Union City, CA	Manchester, KY	Madison, MS
Moorpark, CA	Vallejo, CA	Morehead, KY	Mayersville, MS
Morgan Hill, CA	Ventura, CA	Prestonsburg, KY	Meridian, MS
Morro Bay, CA	Ventura County, CA	Radcliff, KY	Metcalfe, MS
Mountain View, CA	Visalia, CA	Somerset, KY	New Albany, MS
Napa County, CA	Watsonville, CA	Ballwin, MO	Petal, MS
Newark, CA	Yountville, CA	Blue Springs, MO	Prentiss, MS
Novato, CA	Arvada, CO	Brentwood, MO	Ridgeland, MS
Oakland, CA	Avon, CO	Clayton, MO	Starkville, MS
Ojai, CA	Boulder, CO	Creve Coeur, MO	Sumrall, MS
Paradise, CA	Boulder County, CO	Fulton, MO	Tupelo, MS
Pasadena, CA	Eagle County, CO	Gladstone, MO	Verona, MS
Patterson, CA	Edgewater, CO	Grandview, MO	Walls, MS
Petaluma, CA	Firestone, CO	Hannibal, MO	West, MS
Pleasant Hill, CA	Fort Collins, CO	Hazelwood, MO	Montreat, NC
Richmond, CA	Pueblo, CO	Independence, MO	Albuquerque, NM
Rohnert Park, CA	San Luis, CO	Jefferson City, MO	Bayard, NM
Roseville, CA	Snowmass Village, CO	Kansas City, MO	Carlsbad, NM
Ross, CA	Superior, CO	Kirkwood, MO	Dona Ana County, NM
Sacramento, CA	Telluride, CO	Lake Saint Louis, MO	Edgewood, NM
Sacramento County, CA	Timnath, CO	Lee's Summit, MO	Espanola, NM
San Anselmo, CA	Washington, DC	Liberty, MO	Mesilla, NM
San Bernardino County, CA	Berkeley Lake, GA	Maryville, MO	Santa Clara, NM
San Francisco, CA	Buena Vista, GA	North Kansas City, MO	Santa Fe, NM
San Jose, CA	Chatham County, GA	O'Fallon, MO	Aiken, SC
San Juan Bautista, CA	Columbia County, GA	Parkville, MO	Aiken County, SC <sup>+</sup> (except the cities of Aiken and North Augusta)
San Luis Obispo, CA	Cordele, GA	Raymore, MO	Beaufort, SC
San Mateo, CA	Decatur, GA	Rolla, MO	Beaufort County, SC
San Mateo County, CA	DeKalb County, GA	Springfield, MO	Bluffton, SC
San Rafael, CA	Douglas, GA	St. Louis, MO	Camden, SC
San Ramon, CA	Douglas County, GA	St. Louis County, MO <sup>+</sup>	

Cayce, SC	College Station, TX	Robinson, TX	Marion County, WV <sup>+</sup>
Chapin, SC	Conroe, TX	Rosenberg, TX	Marlinton, WV
Chesnee, SC	Copperas Cove, TX	Round Rock, TX	Mercer County, WV <sup>+</sup>
Columbia, SC	Corpus Christi, TX	Rowlett, TX	Mineral County, WV <sup>+</sup>
Easley, SC	Dallas, TX	San Angelo, TX	Mingo County, WV <sup>+</sup>
Edisto Beach, SC	El Paso, TX	San Antonio, TX	Monongalia County, WV <sup>+</sup>
Fort Mill, SC	Ennis, TX	Socorro, TX	Monroe County, WV <sup>+</sup>
Greenville, SC	Flower Mound, TX	Southlake, TX	Morgan County, WV <sup>+</sup>
Hampton, SC	Fort Worth, TX	Sugar Land, TX	Morgantown, WV
Hollywood, SC	Frisco, TX	Tyler, TX	Nicholas County, WV <sup>+</sup>
Lexington, SC	Galveston, TX	Vernon, TX	Ohio County, WV <sup>+</sup>
Lexington County, SC	Harlingen, TX	Victoria, TX	Pendleton County, WV <sup>+</sup>
North Augusta, SC	Hewitt, TX	Woodway, TX	Pleasants County, WV <sup>+</sup>
North Myrtle Beach, SC	Highland Village, TX	Yoakum, TX	Pocahontas County, WV <sup>+</sup>
Pine Ridge, SC	Horseshoe Bay, TX	Barbour County, WV <sup>+</sup>	Preston County, WV <sup>+</sup>
Richland County, SC	Houston, TX	Berkeley County, WV <sup>+</sup>	Raleigh County, WV <sup>+</sup>
Rock Hill, SC	Humble, TX	Boone County, WV <sup>+</sup>	Randolph County, WV <sup>+</sup>
South Congaree, SC	Kaufman, TX	Braxton County, WV <sup>+</sup>	Ritchie County, WV <sup>+</sup>
Spartanburg, SC	Kilgore, TX	Brooke County, WV <sup>+</sup>	Roane County, WV <sup>+</sup>
Springdale, SC	Killeen, TX	Cabell County, WV <sup>+</sup>	Summers County, WV <sup>+</sup>
Sumter, SC	Laredo, TX	Calhoun County, WV <sup>+</sup>	Tucker County, WV <sup>+</sup>
Surfside Beach, SC	Leander, TX	Clay County, WV <sup>+</sup>	Upshur County, WV <sup>+</sup>
Walterboro, SC	Marshall, TX	Doddridge County, WV <sup>+</sup>	Wayne County, WV <sup>+</sup>
West Columbia, SC	McKinney, TX	Fayette County, WV <sup>+</sup>	Webster County, WV <sup>+</sup>
York County, SC	Missouri City, TX	Grant County, WV <sup>+</sup>	Wirt County, WV <sup>+</sup>
Abilene, TX	Nacogdoches, TX	Greenbrier County, WV <sup>+</sup>	Wood County, WV <sup>+</sup>
Alton, TX	New Braunfels, TX	Hardy County, WV <sup>+</sup>	Wyoming County, WV <sup>+</sup>
Athens, TX	Palestine, TX	Harrison County, WV <sup>+</sup>	Burlington, WY
Austin, TX	Pasadena, TX	Jackson County, WV <sup>+</sup>	Mountain View, WY
Baytown, TX	Pearland, TX	Jefferson County, WV <sup>+</sup>	
Beaumont, TX	Plano, TX	Kanawha County, WV <sup>+</sup>	
Benbrook, TX	Portland, TX	Lewis County, WV <sup>+</sup>	
Caldwell, TX	Richardson, TX	Lincoln County, WV <sup>+</sup>	

## Restaurants

Only laws that do not allow separately ventilated smoking rooms, do not have size exemptions, and include any attached bar in the restaurant are listed here.

### All restaurants in these states and commonwealths are smokefree:

- |                   |                   |                    |                         |
|-------------------|-------------------|--------------------|-------------------------|
| 1. American Samoa | 10. Illinois      | 20. Montana        | 30. Puerto Rico         |
| 2. Arizona        | 11. Indiana       | 21. Nebraska       | 31. Rhode Island        |
| 3. California     | 12. Iowa          | 22. Nevada         | 32. South Dakota        |
| 4. Colorado       | 13. Kansas        | 23. New Hampshire  | 33. U.S. Virgin Islands |
| 5. Connecticut    | 14. Louisiana     | 24. New Jersey     | 34. Utah                |
| 6. Delaware       | 15. Maine         | 25. New Mexico     | 35. Vermont             |
| 7. Florida        | 16. Maryland      | 26. New York       | 36. Washington          |
| 8. Hawaii         | 17. Massachusetts | 27. North Carolina | 37. Wisconsin           |
| 9. Idaho          | 18. Michigan      | 28. Ohio           |                         |
|                   | 19. Minnesota     | 29. Oregon         |                         |

### In addition, all restaurants in these cities and counties are smokefree:

Anchorage, AK	Barrow, AK	Dillingham, AK	Haines Borough, AK <sup>+</sup>
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Juneau, AK	Decatur, GA	Kirkwood, MO	Starkville, MS
Klawock, AK	Douglas, GA	Lake Saint Louis, MO	Sumrall, MS
Nome, AK	Effingham County, GA	Lee's Summit, MO	Tupelo, MS
Petersburg, AK	Gainesville, GA	Liberty, MO	Verona, MS
Sitka, AK	Loganville, GA	Maryville, MO	Walls, MS
Skagway Borough, AK <sup>+</sup>	Madison, GA	Nixa, MO	Bismarck, ND
Unalaska, AK	Morrow, GA	North Kansas City, MO	Cavalier, ND
Albertville, AL	Peachtree City, GA	O'Fallon, MO	Devils Lake, ND
Alexander City, AL	Savannah, GA	Rolla, MO	Fargo, ND
Atmore, AL	Snellville, GA	Springfield, MO	Grand Forks, ND
Auburn, AL	Tift County, GA	St. Louis, MO	Napoleon, ND
Bay Minette, AL	Tifton, GA	St. Louis County, MO <sup>+</sup>	Pembina, ND
Bayou La Batre, AL	Valdosta, GA	Warrensburg, MO	West Fargo, ND
Birmingham, AL	Ashland, KY	Aberdeen, MS	Philadelphia, PA
Citronelle, AL	Bardstown, KY	Amory, MS	Aiken, SC
Clay, AL	Bowling Green, KY	Anguilla, MS	Aiken County, SC <sup>+</sup> (except the cities of Aiken and North Augusta)
Cottonwood, AL	Campbellsville, KY	Bassfield, MS	Atlantic Beach, SC
Daphne, AL	Clark County, KY <sup>+</sup>	Batesville, MS	Beaufort, SC
Decatur, AL	Corbin, KY	Brandon, MS	Beaufort County, SC
East Brewton, AL	Danville, KY	Brookhaven, MS	Camden, SC
Fairfield, AL	Elizabethtown, KY	Calhoun City, MS	Cayce, SC
Fairhope, AL	Frankfort, KY	Canton, MS	Chapin, SC
Flomaton, AL	Georgetown, KY	Clinton, MS	Charleston, SC
Foley, AL	Glasgow, KY	Collins, MS	Chesnee, SC
Fort Payne, AL	Hardin County, KY	Corinth, MS	Clemson, SC
Fultondale, AL	Letcher County, KY <sup>+</sup>	Crystal Springs, MS	Columbia, SC
Gulf Shores, AL	Lexington/Fayette County, KY <sup>+</sup>	Durant, MS	Easley, SC
Headland, AL	London, KY	Ecru, MS	Edisto Beach, SC
Homewood, AL	Louisville/Jefferson County, KY <sup>+</sup>	Flora, MS	Florence, SC
Jasper, AL	Madison County, KY <sup>+</sup>	Flowood, MS	Fort Mill, SC
Lanett, AL	Manchester, KY	Georgetown, MS	Greenville, SC
Luverne, AL	Morehead, KY	Grenada, MS	Hampton, SC
Midfield, AL	Oldham County, KY <sup>+</sup>	Gulfport, MS	Hilton Head Island, SC
Northport, AL	Paducah, KY	Hattiesburg, MS	Hollywood, SC
Opelika, AL	Paintsville, KY	Hernando, MS	Isle of Palms, SC
Opp, AL	Pikeville, KY	Hollandale, MS	Lexington, SC
Orange Beach, AL	Prestonsburg, KY	Jackson, MS	Lexington County, SC
Oxford, AL	Radcliff, KY	Kosciusko, MS	Liberty, SC
Phenix City, AL	Somerset, KY	Laurel, MS	Mount Pleasant, SC
Prichard, AL	Ballwin, MO	Lumberton, MS	North Augusta, SC
Robertsdale, AL	Brentwood, MO	Madison, MS	North Myrtle Beach, SC
Saraland, AL	Chillicothe, MO	Mayersville, MS	Pendleton, SC
Spanish Fort, AL	Clayton, MO	Meridian, MS	Pickens, SC
Talladega, AL	Columbia, MO	Metcalfe, MS	Pine Ridge, SC
Tuskegee, AL	Creve Coeur, MO	Monticello, MS	Quinby, SC
Fairfield Bay, AR	Fulton, MO	New Albany, MS	Ravenel, SC
Fayetteville, AR	Grandview, MO	Oxford, MS	Richland County, SC
Highfill, AR	Hannibal, MO	Pearl, MS	Rock Hill, SC
Pine Bluff, AR	Hazelwood, MO	Petal, MS	South Congaree, SC
Washington, DC	Independence, MO	Picayune, MS	Spartanburg, SC
Athens/Clarke County, GA <sup>+</sup>	Jefferson City, MO	Pontotoc, MS	Springdale, SC
Berkeley Lake, GA	Kansas City, MO	Prentiss, MS	Sullivan's Island, SC
Buena Vista, GA	Kirksville, MO	Ridgeland, MS	Summerville, SC
Chatham County, GA		Senatobia, MS	
Columbia County, GA			

Sumter, SC	Harlingen, TX	Sweeny, TX	Monongalia County, WV <sup>+</sup>
Surfside Beach, SC	Horseshoe Bay, TX	Tyler, TX	Monroe County, WV <sup>+</sup>
Walterboro, SC	Houston, TX	University Park, TX	Morgan County, WV <sup>+</sup>
West Columbia, SC	Humble, TX	Vernon, TX	Morgantown, WV
York County, SC	Killeen, TX	Victoria, TX	Ohio County, WV <sup>+</sup>
Abilene, TX	Laredo, TX	Woodway, TX	Pendleton County, WV <sup>+</sup>
Alton, TX	Marshall, TX	Norfolk, VA	Pleasants County, WV <sup>+</sup>
Angleton, TX	McKinney, TX	Barbour County, WV <sup>+</sup>	Pocahontas County, WV <sup>+</sup>
Arlington, TX	Mesquite, TX	Berkeley County, WV <sup>+</sup>	Randolph County, WV <sup>+</sup>
Austin, TX	Missouri City, TX	Braxton County, WV <sup>+</sup>	Ritchie County, WV <sup>+</sup>
Baytown, TX	Nacogdoches, TX	Cabell County, WV <sup>+</sup>	Roane County, WV <sup>+</sup>
Beaumont, TX	Pasadena, TX	Calhoun County, WV <sup>+</sup>	Summers County, WV <sup>+</sup>
Benbrook, TX	Pearland, TX	Clay County, WV <sup>+</sup>	Tucker County, WV <sup>+</sup>
Boerne, TX	Plano, TX	Doddridge County, WV <sup>+</sup>	Upshur County, WV <sup>+</sup>
Brenham, TX	Portland, TX	Fayette County, WV <sup>+</sup>	Webster County, WV <sup>+</sup>
Brownsville, TX	Prosper, TX	Grant County, WV <sup>+</sup>	Wirt County, WV <sup>+</sup>
College Station, TX	Robinson, TX	Greenbrier County, WV <sup>+</sup>	Wood County, WV <sup>+</sup>
Conroe, TX	Rockwall, TX	Harrison County, WV <sup>+</sup>	Wyoming County, WV <sup>+</sup>
Copperas Cove, TX	Rollingwood, TX	Jackson County, WV <sup>+</sup>	Burlington, WY
Corpus Christi, TX	Rosenberg, TX	Kanawha County, WV <sup>+</sup>	Cheyenne, WY
Dallas, TX	Round Rock, TX	Lewis County, WV <sup>+</sup>	Evanston, WY
El Lago, TX	Rowlett, TX	Lincoln County, WV <sup>+</sup>	Laramie, WY
El Paso, TX	San Angelo, TX	Marion County, WV <sup>+</sup>	Mountain View, WY
Ennis, TX	San Antonio, TX	Marlinton, WV	Rock Springs, WY
Flower Mound, TX	Socorro, TX	Marshall County, WV <sup>+</sup>	
Fort Worth, TX	Southlake, TX	McDowell County, WV <sup>+</sup>	
Frisco, TX	Sugar Land, TX	Mercer County, WV <sup>+</sup>	

### Bars

Only laws that do not allow separately ventilated smoking rooms and do not have size exemptions are listed here.

#### All bars in these states and commonwealths are smokefree:

- |                |                    |                   |                         |
|----------------|--------------------|-------------------|-------------------------|
| 1. Arizona     | 9. Kansas          | 17. Nebraska      | 25. Rhode Island        |
| 2. California  | 10. Massachusetts  | 18. New Hampshire | 26. South Dakota        |
| 3. Colorado    | 11. Maryland       | 19. New Jersey    | 27. U.S. Virgin Islands |
| 4. Connecticut | 12. Maine          | 20. New Mexico    | 28. Utah                |
| 5. Delaware    | 13. Michigan       | 21. New York      | 29. Vermont             |
| 6. Hawaii      | 14. Minnesota      | 22. Ohio          | 30. Washington          |
| 7. Iowa        | 15. Montana        | 23. Oregon        | 31. Wisconsin           |
| 8. Illinois    | 16. North Carolina | 24. Puerto Rico   |                         |

#### In addition, all bars in these cities and counties are smokefree:

Anchorage, AK	Auburn, AL	Fultondale, AL	Phenix City, AL
Haines Borough, AK <sup>+</sup>	Bayou La Batre, AL	Gulf Shores, AL	Saraland, AL
Juneau, AK	Birmingham, AL	Headland, AL	Talladega, AL
Klawock, AK	Citronelle, AL	Homewood, AL	Fairfield Bay, AR
Nome, AK	Clay, AL	Jasper, AL	Washington, DC
Petersburg, AK	Cottonwood, AL	Lanett, AL	Athens/Clarke County, GA <sup>+</sup>
Skagway Borough, AK <sup>+</sup>	Decatur, AL	Luverne, AL	Buena Vista, GA
Unalaska, AK	East Brewton, AL	Midfield, AL	Chatham County, GA
Albertville, AL	Fairfield, AL	Orange Beach, AL	Effingham County, GA
Atmore, AL	Flomaton, AL	Oxford, AL	Gainesville, GA

Morrow, GA	Fulton, MO	Bismarck, ND	Alton, TX
Savannah, GA	Hannibal, MO	Cavalier, ND	Austin, TX
Snellville, GA	Independence, MO	Devils Lake, ND	Baytown, TX
Tift County, GA	Jefferson City, MO	Fargo, ND	Beaumont, TX
Moscow, ID	Kansas City, MO	Grand Forks, ND	Benbrook, TX
Bloomington, IN	Kirksville, MO	Napoleon, ND	College Station, TX
Cumberland, IN	Kirkwood, MO	Pembina, ND	Copperas Cove, TX
Delaware County, IN <sup>+</sup>	Lake Saint Louis, MO	West Fargo, ND	Corpus Christi, TX
Elkhart, IN	Lee's Summit, MO	Aiken, SC	Dallas, TX
Evansville, IN	Liberty, MO	Aiken County, SC <sup>+</sup> (except	El Lago, TX
Fort Wayne, IN	Maryville, MO	the cities of Aiken and North	El Paso, TX
Franklin, IN	North Kansas City, MO	Augusta)	Ennis, TX
Greencastle, IN	O'Fallon, MO	Atlantic Beach, SC	Flower Mound, TX
Hancock County, IN <sup>+</sup>	Rolla, MO	Beaufort, SC	Frisco, TX
Indianapolis/Marion	Springfield, MO	Beaufort County, SC	Harlingen, TX
County, IN <sup>+</sup> (except the cities	Aberdeen, MS	Camden, SC	Horseshoe Bay, TX
of Beech Grove, Lawrence,	Amory, MS	Cayce, SC	Houston, TX
Southport, and Speedway)	Anguilla, MS	Chapin, SC	Kerrville, TX
Monroe County, IN <sup>+</sup>	Bassfield, MS	Charleston, SC	Laredo, TX
Plainfield, IN	Batesville, MS	Chesnee, SC	Marshall, TX
Terre Haute, IN	Brookhaven, MS	Clemson, SC	McKinney, TX
Vanderburgh County, IN <sup>+</sup>	Calhoun City, MS	Columbia, SC	Mesquite, TX
(except the city of Evansville)	Canton, MS	Easley, SC	Missouri City, TX
West Lafayette, IN	Clinton, MS	Edisto Beach, SC	Nacogdoches, TX
Zionsville, IN	Collins, MS	Fort Mill, SC	Pearland, TX
Ashland, KY	Crystal Springs, MS	Greenville, SC	Plano, TX
Bardstown, KY	Durant, MS	Hampton, SC	Rollingwood, TX
Bowling Green, KY	Ecru, MS	Hilton Head Island, SC	Rowlett, TX
Campbellsville, KY	Flora, MS	Hollywood, SC	San Angelo, TX
Clark County, KY <sup>+</sup>	Georgetown, MS	Isle of Palms, SC	San Antonio, TX
Corbin, KY	Greenwood, MS	Lexington, SC	Socorro, TX
Danville, KY	Grenada, MS	Lexington County, SC	Southlake, TX
Elizabethtown, KY	Hattiesburg, MS	Mount Pleasant, SC	Tyler, TX
Frankfort, KY	Hernando, MS	North Augusta, SC	University Park, TX
Georgetown, KY	Hollandale, MS	North Myrtle Beach, SC	Vernon, TX
Glasgow, KY	Jackson, MS	Pendleton, SC	Victoria, TX
Hardin County, KY	Kosciusko, MS	Pickens, SC	Woodway, TX
Lexington/Fayette County,	Laurel, MS	Pine Ridge, SC	Norfolk, VA
KY <sup>+</sup>	Lumberton, MS	Quinby, SC	Braxton County, WV <sup>+</sup>
London, KY	Madison, MS	Ravenel, SC	Cabell County, WV <sup>+</sup>
Louisville/Jefferson County,	Mayersville, MS	Richland County, SC	Calhoun County, WV <sup>+</sup>
KY <sup>+</sup>	Meridian, MS	Rock Hill, SC	Doddridge County, WV <sup>+</sup>
Madison County, KY <sup>+</sup>	Metcalfe, MS	South Congaree, SC	Grant County, WV <sup>+</sup>
Manchester, KY	Monticello, MS	Spartanburg, SC	Harrison County, WV <sup>+</sup>
Morehead, KY	New Albany, MS	Springdale, SC	Jackson County, WV <sup>+</sup>
Paducah, KY	Oxford, MS	Sullivan's Island, SC	Kanawha County, WV <sup>+</sup>
Prestonsburg, KY	Petal, MS	Summerville, SC	Lincoln County, WV <sup>+</sup>
Radcliff, KY	Pontotoc, MS	Sumter, SC	Marlinton, WV
Somerset, KY	Prentiss, MS	Surfside Beach, SC	Monongalia County, WV <sup>+</sup>
Alexandria, LA	Ridgeland, MS	Walterboro, SC	Morgantown, WV
Ballwin, MO	Senatobia, MS	West Columbia, SC	Ohio County, WV <sup>+</sup>
Brentwood, MO	Starkville, MS	York County, SC	Pendleton County, WV <sup>+</sup>
Chillicothe, MO	Sumrall, MS	Abilene, TX	Pleasants County, WV <sup>+</sup>
Columbia, MO	Tupelo, MS	Alpine, TX	Pocahontas County, WV <sup>+</sup>
Creve Coeur, MO	Verona, MS		Randolph County, WV <sup>+</sup>

Ritchie County, WV<sup>+</sup>  
Roane County, WV<sup>+</sup>  
Summers County, WV<sup>+</sup>  
Tucker County, WV<sup>+</sup>

Upshur County, WV<sup>+</sup>  
Wirt County, WV<sup>+</sup>  
Wood County, WV<sup>+</sup>  
Wyoming County, WV<sup>+</sup>

Burlington, WY  
Cheyenne, WY  
Evanston, WY  
Laramie, WY

Mountain View, WY

<sup>+</sup>Law pertains to both incorporated and unincorporated areas of county.

**Only ordinances reviewed and analyzed by ANR Foundation staff using standardized criteria are included on these lists. Omission of a particular ordinance may be the result of differences of opinion in interpretation, or because staff have not yet analyzed the ordinance.**

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**[LS- 01]**

## Municipalities with Local 100% Smokefree Laws currently in effect as of July 1, 2012

**Note:** The jurisdiction(s) affected by county-level laws vary widely. Look for a plus symbol (+) next to each county with a law that includes both incorporated and unincorporated areas. A county without a symbol means that the county law covers unincorporated areas only.

Only municipalities with ordinances or regulations that do not allow smoking in attached bars or separately ventilated rooms and do not have size exemptions are listed here. A state or local municipality can pass a Non-Hospitality Workplace\*, Restaurant\*\*, or Bar law, or any combination of the three. For state law information, please see the last pages.

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
1. Anchorage	AK	Yes	Yes	Yes
2. Barrow	AK		Yes	
3. Dillingham	AK		Yes	
4. Fairbanks	AK	Yes		
5. Haines Borough <sup>+</sup>	AK	Yes	Yes	Yes
6. Juneau	AK	Yes	Yes	Yes
7. Klawock	AK	Yes	Yes	Yes
8. Nome	AK	Yes	Yes	Yes
9. Petersburg	AK		Yes	Yes
10. Sitka	AK	Yes	Yes	
11. Skagway Borough <sup>+</sup>	AK	Yes	Yes	Yes
12. Unalaska	AK		Yes	Yes
13. Albertville	AL	Yes	Yes	Yes
14. Alexander City	AL	Yes	Yes	
15. Atmore	AL	Yes	Yes	Yes
16. Auburn	AL		Yes	Yes
17. Bay Minette	AL		Yes	
18. Bayou La Batre	AL	Yes	Yes	Yes
19. Birmingham	AL	Yes	Yes	Yes
20. Center Point	AL	Yes		
21. Citronelle	AL	Yes	Yes	Yes
22. Clay	AL	Yes	Yes	Yes
23. Cottonwood	AL	Yes	Yes	Yes
24. Daphne	AL	Yes	Yes	
25. Decatur	AL	Yes	Yes	Yes
26. East Brewton	AL	Yes	Yes	Yes
27. Fairfield	AL		Yes	Yes
28. Fairhope	AL	Yes	Yes	
29. Flomaton	AL	Yes	Yes	Yes
30. Foley	AL	Yes	Yes	
31. Fort Payne	AL		Yes	
32. Fultondale	AL	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
33. Geneva	AL	Yes		
34. Gulf Shores	AL	Yes	Yes	Yes
35. Headland	AL		Yes	Yes
36. Homewood	AL		Yes	Yes
37. Jasper	AL	Yes	Yes	Yes
38. Lanett	AL	Yes	Yes	Yes
39. Luverne	AL		Yes	Yes
40. Midfield	AL	Yes	Yes	Yes
41. Northport	AL		Yes	
42. Opelika	AL	Yes	Yes	
43. Opp	AL		Yes	
44. Orange Beach	AL	Yes	Yes	Yes
45. Oxford	AL	Yes	Yes	Yes
46. Phenix City	AL	Yes	Yes	Yes
47. Prichard	AL	Yes	Yes	
48. Robertsdale	AL	Yes	Yes	
49. Saraland	AL		Yes	Yes
50. Spanish Fort	AL	Yes	Yes	
51. Talladega	AL	Yes	Yes	Yes
52. Tuskegee	AL	Yes	Yes	
53. Fairfield Bay	AR	Yes	Yes	Yes
54. Fayetteville	AR		Yes	
55. Highfill	AR	Yes	Yes	
56. Pine Bluff	AR		Yes	
57. Chandler	AZ	Yes		
58. Coconino County	AZ	Yes	Yes	
59. Cottonwood	AZ	Yes		
60. Flagstaff	AZ	Yes	Yes	Yes
61. Gilbert	AZ	Yes	Yes	Yes
62. Goodyear	AZ	Yes		
63. Guadalupe	AZ	Yes	Yes	Yes
64. Nogales	AZ	Yes		
65. Prescott	AZ	Yes	Yes	Yes
66. Santa Cruz County	AZ	Yes		
67. Sedona	AZ	Yes	Yes	Yes
68. Surprise	AZ	Yes		
69. Tempe	AZ	Yes	Yes	Yes
70. Youngtown	AZ	Yes	Yes	Yes
71. Alameda County	CA	Yes	Yes	Yes
72. Albany	CA	Yes	Yes	Yes
73. Auburn	CA	Yes		
74. Belmont	CA	Yes	Yes	Yes
75. Belvedere	CA	Yes		Yes
76. Berkeley	CA	Yes	Yes	Yes
77. Blue Lake	CA	Yes	Yes	Yes
78. Burlingame	CA	Yes		
79. Butte County	CA	Yes		

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
80. Calabasas	CA	Yes	Yes	Yes
81. Calexico	CA	Yes	Yes	
82. Calistoga	CA	Yes		
83. Campbell	CA		Yes	Yes
84. Capitola	CA	Yes		
85. Carpinteria	CA	Yes	Yes	Yes
86. Ceres	CA	Yes		
87. Chico	CA	Yes	Yes	Yes
88. Chino Hills	CA	Yes		
89. Colfax	CA	Yes		
90. Contra Costa County	CA	Yes	Yes	Yes
91. Cotati	CA	Yes		
92. Cupertino	CA	Yes		
93. Davis	CA	Yes	Yes	Yes
94. Del Mar	CA	Yes	Yes	Yes
95. Dublin	CA		Yes	Yes
96. El Cajon	CA		Yes	Yes
97. El Cerrito	CA		Yes	Yes
98. Emeryville	CA		Yes	Yes
99. Eureka	CA	Yes	Yes	Yes
100. Fairfax	CA	Yes	Yes	Yes
101. Fort Bragg	CA	Yes		
102. Fremont	CA	Yes	Yes	
103. Galt	CA		Yes	Yes
104. Gilroy	CA		Yes	Yes
105. Glendale	CA	Yes	Yes	Yes
106. Goleta	CA	Yes		
107. Hayward	CA		Yes	Yes
108. Hughson	CA	Yes		
109. Imperial Beach	CA	Yes	Yes	Yes
110. Laguna Hills	CA	Yes	Yes	Yes
111. Laguna Woods	CA	Yes	Yes	Yes
112. Larkspur	CA	Yes	Yes	Yes
113. Lathrop	CA	Yes		
114. Loma Linda	CA	Yes	Yes	Yes
115. Long Beach	CA	Yes	Yes	Yes
116. Mammoth Lakes	CA	Yes	Yes	Yes
117. Marin County	CA	Yes	Yes	Yes
118. Martinez	CA	Yes	Yes	Yes
119. Mendocino County	CA	Yes		
120. Menlo Park	CA		Yes	Yes
121. Merced	CA	Yes		
122. Mill Valley	CA	Yes		
123. Millbrae	CA	Yes	Yes	Yes
124. Mission Viejo	CA		Yes	Yes
125. Modesto	CA	Yes	Yes	
126. Monterey	CA	Yes	Yes	Yes

	<b>Municipality</b>	<b>State</b>	<b>100% Smokefree Non-Hospitality Workplaces</b>	<b>100% Smokefree Restaurants</b>	<b>100% Smokefree Freestanding Bars</b>
127.	Monterey County	CA	Yes	Yes	
128.	Moorpark	CA	Yes	Yes	Yes
129.	Morgan Hill	CA	Yes	Yes	Yes
130.	Morro Bay	CA	Yes	Yes	Yes
131.	Mountain View	CA	Yes	Yes	Yes
132.	Murrieta	CA		Yes	Yes
133.	Napa	CA		Yes	Yes
134.	Napa County	CA	Yes		
135.	Newark	CA	Yes	Yes	Yes
136.	Novato	CA	Yes	Yes	Yes
137.	Oakland	CA	Yes		
138.	Ojai	CA	Yes		
139.	Paradise	CA	Yes		
140.	Pasadena	CA	Yes	Yes	Yes
141.	Patterson	CA	Yes		
142.	Petaluma	CA	Yes		
143.	Pinole	CA		Yes	Yes
144.	Pittsburg	CA		Yes	Yes
145.	Pleasant Hill	CA	Yes	Yes	Yes
146.	Pleasanton	CA		Yes	
147.	Rancho Cucamonga	CA		Yes	Yes
148.	Richmond	CA	Yes	Yes	Yes
149.	Rohnert Park	CA	Yes	Yes	Yes
150.	Roseville	CA	Yes		
151.	Ross	CA	Yes	Yes	Yes
152.	Sacramento	CA	Yes		
153.	Sacramento County	CA	Yes		
154.	Salinas	CA		Yes	Yes
155.	San Anselmo	CA	Yes	Yes	Yes
156.	San Bernardino County	CA	Yes		
157.	San Carlos	CA		Yes	Yes
158.	San Diego	CA		Yes	Yes
159.	San Francisco	CA	Yes	Yes	
160.	San Jose	CA	Yes	Yes	Yes
161.	San Juan Bautista	CA	Yes	Yes	
162.	San Luis Obispo	CA	Yes	Yes	Yes
163.	San Mateo	CA	Yes	Yes	Yes
164.	San Mateo County	CA	Yes		
165.	San Rafael	CA	Yes		
166.	San Ramon	CA	Yes		
167.	Santa Barbara	CA	Yes	Yes	Yes
168.	Santa Barbara County	CA	Yes		
169.	Santa Clara	CA	Yes	Yes	
170.	Santa Clara County	CA	Yes	Yes	Yes
171.	Santa Clarita	CA	Yes		
172.	Santa Cruz	CA	Yes		
173.	Santa Cruz County	CA	Yes		

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
174.	Santa Rosa	CA	Yes		
175.	Saratoga	CA	Yes		
176.	Sausalito	CA	Yes		
177.	Scotts Valley	CA	Yes	Yes	
178.	Sebastopol	CA	Yes	Yes	Yes
179.	Shafter	CA	Yes	Yes	
180.	Shasta County	CA	Yes	Yes	Yes
181.	Sierra Madre	CA		Yes	Yes
182.	Solana Beach	CA		Yes	Yes
183.	Solano County	CA	Yes		
184.	Sonoma County	CA	Yes	Yes	Yes
185.	South Pasadena	CA	Yes	Yes	Yes
186.	Stanislaus County	CA	Yes		
187.	Sunnyvale	CA		Yes	
188.	Temecula	CA	Yes	Yes	Yes
189.	Tiburon	CA	Yes	Yes	Yes
190.	Tracy	CA	Yes		
191.	Tuolumne County <sup>+</sup> (except the city of Sonora)	CA	Yes		
192.	Ukiah	CA	Yes		
193.	Union City	CA	Yes	Yes	Yes
194.	Vallejo	CA	Yes		
195.	Ventura	CA	Yes		
196.	Ventura County	CA	Yes		
197.	Visalia	CA	Yes	Yes	
198.	Watsonville	CA	Yes		
199.	Yountville	CA	Yes		
200.	Alamosa	CO		Yes	
201.	Arvada	CO	Yes	Yes	Yes
202.	Avon	CO	Yes	Yes	Yes
203.	Boulder	CO	Yes	Yes	Yes
204.	Boulder County	CO	Yes	Yes	Yes
205.	Breckenridge	CO		Yes	Yes
206.	Central City	CO		Yes	Yes
207.	Dillon	CO		Yes	Yes
208.	Eagle County	CO	Yes	Yes	Yes
209.	Edgewater	CO	Yes	Yes	Yes
210.	Firestone	CO	Yes		
211.	Fort Collins	CO	Yes	Yes	Yes
212.	Frisco	CO		Yes	Yes
213.	Golden	CO		Yes	Yes
214.	Grand Junction	CO		Yes	Yes
215.	Greeley	CO		Yes	Yes
216.	Lakewood	CO		Yes	Yes
217.	Longmont	CO		Yes	Yes
218.	Louisville	CO		Yes	Yes
219.	Loveland	CO		Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
220.	Monte Vista	CO		Yes	Yes
221.	Pueblo	CO	Yes	Yes	Yes
222.	Rifle	CO		Yes	Yes
223.	San Luis	CO	Yes	Yes	Yes
224.	Silverthorne	CO		Yes	Yes
225.	Snowmass Village	CO	Yes	Yes	Yes
226.	Steamboat Springs	CO		Yes	
227.	Summit County	CO		Yes	Yes
228.	Superior	CO	Yes		
229.	Telluride	CO	Yes	Yes	Yes
230.	Timnath	CO	Yes	Yes	Yes
231.	Washington	DC	Yes	Yes	Yes
232.	Athens/Clarke County <sup>+</sup>	GA		Yes	Yes
233.	Berkeley Lake	GA	Yes	Yes	
234.	Buena Vista	GA	Yes	Yes	Yes
235.	Chatham County	GA	Yes	Yes	Yes
236.	Columbia County	GA	Yes	Yes	
237.	Cordele	GA	Yes		
238.	Decatur	GA	Yes	Yes	
239.	DeKalb County	GA	Yes		
240.	Douglas	GA	Yes	Yes	
241.	Douglas County	GA	Yes		
242.	Douglasville	GA	Yes		
243.	Dunwoody	GA	Yes		
244.	Effingham County	GA		Yes	Yes
245.	Gainesville	GA		Yes	Yes
246.	Loganville	GA	Yes	Yes	
247.	Madison	GA		Yes	
248.	Morrow	GA	Yes	Yes	Yes
249.	Peachtree City	GA		Yes	
250.	Savannah	GA	Yes	Yes	Yes
251.	Snellville	GA		Yes	Yes
252.	Tift County	GA		Yes	Yes
253.	Tifton	GA		Yes	
254.	Valdosta	GA	Yes	Yes	
255.	Hawaii County <sup>+</sup>	HI	Yes	Yes	
256.	Honolulu	HI	Yes	Yes	
257.	Maui County <sup>+</sup>	HI		Yes	
258.	Glenwood	IA	Yes	Yes	Yes
259.	Moscow	ID			Yes
260.	Arlington Heights	IL	Yes	Yes	
261.	Barrington	IL	Yes	Yes	Yes
262.	Batavia	IL	Yes	Yes	Yes
263.	Bedford Park	IL	Yes	Yes	Yes
264.	Benton	IL	Yes	Yes	Yes
265.	Berwyn	IL	Yes		

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
266.	Bloomington	IL	Yes	Yes	Yes
267.	Buffalo Grove	IL	Yes	Yes	Yes
268.	Burr Ridge	IL	Yes	Yes	Yes
269.	Calumet City	IL	Yes		
270.	Carbondale	IL		Yes	Yes
271.	Centralia	IL	Yes	Yes	Yes
272.	Chicago	IL	Yes	Yes	Yes
273.	Chicago Heights	IL	Yes		
274.	Cook County <sup>+</sup> (except those areas governed by an ordinance of another governmental entity)	IL	Yes	Yes	Yes
275.	Countryside	IL	Yes	Yes	Yes
276.	Deerfield	IL	Yes	Yes	Yes
277.	DeKalb	IL	Yes	Yes	Yes
278.	East Moline	IL	Yes	Yes	Yes
279.	East Peoria	IL	Yes	Yes	Yes
280.	Elk Grove Village	IL	Yes	Yes	Yes
281.	Elmwood Park	IL	Yes	Yes	Yes
282.	Evanston	IL	Yes	Yes	Yes
283.	Frankfort	IL	Yes	Yes	Yes
284.	Galesburg	IL	Yes	Yes	Yes
285.	Hanover Park	IL	Yes	Yes	
286.	Hawthorn Woods	IL	Yes	Yes	Yes
287.	Highland Park	IL	Yes	Yes	Yes
288.	Hinsdale	IL	Yes	Yes	Yes
289.	Hoffman Estates	IL	Yes	Yes	
290.	Indian Head Park	IL	Yes		
291.	Justice	IL	Yes		
292.	La Grange	IL	Yes	Yes	
293.	La Grange Park	IL	Yes		Yes
294.	Lake Bluff	IL	Yes	Yes	Yes
295.	Lake County	IL	Yes	Yes	Yes
296.	Lake Forest	IL	Yes	Yes	Yes
297.	Lemont	IL	Yes	Yes	Yes
298.	Libertyville	IL	Yes	Yes	Yes
299.	Lincolnshire	IL	Yes		
300.	Lincolnwood	IL	Yes	Yes	Yes
301.	Lindenhurst	IL	Yes	Yes	Yes
302.	Long Grove	IL	Yes		
303.	Mclean County	IL	Yes	Yes	
304.	Milan	IL	Yes	Yes	Yes
305.	Morton Grove	IL	Yes	Yes	Yes
306.	Naperville	IL	Yes	Yes	Yes
307.	New Lenox	IL	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
308.	Niles	IL	Yes		
309.	Normal	IL	Yes	Yes	Yes
310.	Norridge	IL	Yes	Yes	Yes
311.	North Aurora	IL	Yes	Yes	Yes
312.	Northbrook	IL	Yes	Yes	
313.	Oak Lawn	IL	Yes		
314.	Oak Park	IL	Yes	Yes	Yes
315.	Orland Park	IL	Yes	Yes	Yes
316.	Palatine	IL	Yes	Yes	Yes
317.	Palos Hills	IL	Yes	Yes	Yes
318.	Park Forest	IL	Yes	Yes	Yes
319.	Park Ridge	IL	Yes	Yes	Yes
320.	Plainfield	IL	Yes	Yes	Yes
321.	Prospect Heights	IL	Yes	Yes	Yes
322.	Riverside	IL	Yes	Yes	
323.	Rochelle	IL	Yes	Yes	Yes
324.	Rolling Meadows	IL	Yes	Yes	Yes
325.	Sangamon County	IL	Yes	Yes	Yes
326.	Schaumburg	IL	Yes	Yes	
327.	Skokie	IL	Yes		
328.	South Beloit	IL	Yes	Yes	Yes
329.	Springfield	IL		Yes	Yes
330.	Steger	IL	Yes		
331.	Taylor Springs	IL	Yes	Yes	Yes
332.	Tinley Park	IL	Yes	Yes	Yes
333.	Urbana	IL	Yes	Yes	Yes
334.	Vernon Hills	IL	Yes	Yes	Yes
335.	Villa Grove	IL	Yes	Yes	Yes
336.	Wamac	IL	Yes	Yes	Yes
337.	Washington	IL	Yes	Yes	Yes
338.	Westchester	IL	Yes		
339.	Wheaton	IL	Yes	Yes	
340.	Wheeling	IL	Yes		
341.	Wilmette	IL	Yes	Yes	Yes
342.	Worth	IL	Yes	Yes	Yes
343.	Allen County <sup>+</sup> (except those cities that choose to opt out)	IN	Yes	Yes	
344.	Avon	IN	Yes	Yes	
345.	Bloomington	IN	Yes	Yes	Yes
346.	Carmel	IN	Yes	Yes	
347.	Chesterton	IN	Yes		
348.	Columbus	IN	Yes	Yes	
349.	Crown Point	IN	Yes	Yes	
350.	Cumberland	IN	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
351.	Delaware County <sup>+</sup>	IN	Yes	Yes	Yes
352.	Elkhart	IN	Yes	Yes	Yes
353.	Evansville	IN	Yes	Yes	Yes
354.	Fort Wayne	IN	Yes	Yes	Yes
355.	Franklin	IN	Yes	Yes	Yes
356.	Goshen	IN	Yes		
357.	Greencastle	IN	Yes	Yes	Yes
358.	Greenfield	IN	Yes	Yes	
359.	Greensburg	IN	Yes	Yes	
360.	Greenwood	IN	Yes	Yes	
361.	Hancock County <sup>+</sup>	IN	Yes	Yes	Yes
362.	Henry County <sup>+</sup>	IN	Yes	Yes	
363.	Indianapolis/Marion County <sup>+</sup> (except the cities of Beech Grove, Lawrence, Southport, and Speedway)	IN	Yes	Yes	Yes
364.	Jeffersonville	IN	Yes	Yes	
365.	Kokomo	IN	Yes	Yes	
366.	Lawrence	IN	Yes	Yes	
367.	Madison	IN	Yes	Yes	
368.	Monroe County <sup>+</sup>	IN	Yes	Yes	Yes
369.	Plainfield	IN	Yes	Yes	Yes
370.	Seymour	IN	Yes	Yes	
371.	Shelbyville	IN	Yes		
372.	Speedway	IN	Yes	Yes	
373.	Terre Haute	IN	Yes	Yes	Yes
374.	Valparaiso	IN	Yes		
375.	Vanderburgh County <sup>+</sup> (except the city of Evansville)	IN	Yes	Yes	Yes
376.	West Lafayette	IN	Yes	Yes	Yes
377.	Westfield	IN	Yes		
378.	Whitestown	IN	Yes		
379.	Zionsville	IN	Yes	Yes	Yes
380.	Abilene	KS		Yes	
381.	Bel Aire	KS		Yes	Yes
382.	Derby	KS	Yes	Yes	Yes
383.	Emporia	KS		Yes	Yes
384.	Fairway	KS	Yes	Yes	Yes
385.	Garden City	KS		Yes	Yes
386.	Harvey County	KS	Yes	Yes	Yes
387.	Hesston	KS	Yes	Yes	Yes
388.	Johnson County	KS		Yes	Yes
389.	Kansas City/Wyandotte County <sup>+</sup>	KS	Yes	Yes	Yes
390.	Lawrence	KS		Yes	Yes
391.	Leawood	KS	Yes	Yes	Yes
392.	Lenexa	KS	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
393.	Maize	KS		Yes	Yes
394.	Manhattan	KS	Yes	Yes	Yes
395.	Merriam	KS	Yes	Yes	Yes
396.	Mission	KS	Yes	Yes	Yes
397.	Newton	KS	Yes	Yes	Yes
398.	North Newton	KS	Yes	Yes	Yes
399.	Olathe	KS	Yes	Yes	Yes
400.	Ottawa	KS		Yes	
401.	Overland Park	KS	Yes	Yes	Yes
402.	Prairie Village	KS	Yes	Yes	Yes
403.	Pratt	KS	Yes		
404.	Pratt County	KS	Yes	Yes	Yes
405.	Roeland Park	KS	Yes	Yes	Yes
406.	Salina	KS	Yes	Yes	Yes
407.	Shawnee	KS	Yes		
408.	Topeka	KS	Yes	Yes	Yes
409.	Walton	KS		Yes	Yes
410.	Westwood	KS	Yes	Yes	Yes
411.	Winfield	KS		Yes	Yes
412.	Ashland	KY	Yes	Yes	Yes
413.	Bardstown	KY	Yes	Yes	Yes
414.	Bowling Green	KY	Yes	Yes	Yes
415.	Campbellsville	KY	Yes	Yes	Yes
416.	Clark County <sup>+</sup>	KY	Yes	Yes	Yes
417.	Corbin	KY	Yes	Yes	Yes
418.	Danville	KY	Yes	Yes	Yes
419.	Elizabethtown	KY	Yes	Yes	Yes
420.	Frankfort	KY		Yes	Yes
421.	Georgetown	KY	Yes	Yes	Yes
422.	Glasgow	KY		Yes	Yes
423.	Hardin County	KY	Yes	Yes	Yes
424.	Henderson	KY	Yes		
425.	Kenton County <sup>+</sup>	KY	Yes		
426.	Letcher County <sup>+</sup>	KY		Yes	
427.	Lexington/Fayette County <sup>+</sup>	KY	Yes	Yes	Yes
428.	London	KY	Yes	Yes	Yes
429.	Louisville/Jefferson County <sup>+</sup>	KY	Yes	Yes	Yes
430.	Madison County <sup>+</sup>	KY	Yes	Yes	Yes
431.	Manchester	KY	Yes	Yes	Yes
432.	Morehead	KY	Yes	Yes	Yes
433.	Oldham County <sup>+</sup>	KY		Yes	
434.	Paducah	KY		Yes	Yes
435.	Paintsville	KY		Yes	
436.	Pikeville	KY		Yes	

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
437.	Prestonsburg	KY	Yes	Yes	Yes
438.	Radcliff	KY	Yes	Yes	Yes
439.	Somerset	KY	Yes	Yes	Yes
440.	Alexandria	LA	Yes	Yes	Yes
441.	Gibbsland	LA	Yes		
442.	Grambling	LA	Yes		
443.	Lafayette	LA	Yes		
444.	Lafayette Parish <sup>+</sup>	LA	Yes		
445.	Mandeville	LA	Yes		
446.	Sulphur	LA	Yes		
447.	Abington	MA	Yes	Yes	Yes
448.	Acushnet	MA		Yes	
449.	Adams	MA	Yes		
450.	Amherst	MA	Yes	Yes	Yes
451.	Andover	MA		Yes	
452.	Aquinnah	MA	Yes		
453.	Arlington	MA	Yes	Yes	Yes
454.	Ashland	MA	Yes		
455.	Barnstable	MA		Yes	Yes
456.	Barre	MA		Yes	Yes
457.	Belchertown	MA		Yes	Yes
458.	Bellingham	MA		Yes	
459.	Belmont	MA		Yes	
460.	Beverly	MA	Yes	Yes	Yes
461.	Boston	MA	Yes	Yes	Yes
462.	Bourne	MA	Yes	Yes	Yes
463.	Braintree	MA	Yes	Yes	Yes
464.	Brewster	MA	Yes	Yes	Yes
465.	Bridgewater	MA	Yes	Yes	Yes
466.	Brimfield	MA	Yes	Yes	Yes
467.	Brookline	MA		Yes	
468.	Cambridge	MA	Yes	Yes	
469.	Canton	MA	Yes	Yes	Yes
470.	Carver	MA	Yes	Yes	Yes
471.	Chatham	MA	Yes	Yes	Yes
472.	Chelsea	MA	Yes	Yes	Yes
473.	Chilmark	MA	Yes	Yes	Yes
474.	Cohasset	MA		Yes	Yes
475.	Concord	MA		Yes	Yes
476.	Dedham	MA	Yes	Yes	Yes
477.	Dover	MA		Yes	Yes
478.	Dracut	MA	Yes		
479.	Duxbury	MA	Yes	Yes	Yes
480.	Easthampton	MA	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
481.	Easton	MA		Yes	Yes
482.	Edgartown	MA	Yes	Yes	Yes
483.	Egremont	MA	Yes	Yes	Yes
484.	Essex	MA	Yes	Yes	Yes
485.	Everett	MA	Yes	Yes	Yes
486.	Framingham	MA	Yes	Yes	Yes
487.	Freetown	MA	Yes	Yes	Yes
488.	Great Barrington	MA	Yes	Yes	Yes
489.	Hancock	MA	Yes	Yes	Yes
490.	Hatfield	MA	Yes	Yes	Yes
491.	Haverhill	MA	Yes		Yes
492.	Hingham	MA		Yes	Yes
493.	Holbrook	MA	Yes		
494.	Holliston	MA	Yes	Yes	Yes
495.	Holyoke	MA	Yes		
496.	Hopkinton	MA		Yes	Yes
497.	Hubbardston	MA		Yes	Yes
498.	Lee	MA	Yes	Yes	Yes
499.	Leicester	MA	Yes		
500.	Lenox	MA	Yes	Yes	Yes
501.	Lexington	MA	Yes	Yes	Yes
502.	Lincoln	MA	Yes	Yes	Yes
503.	Littleton	MA		Yes	Yes
504.	Lynn	MA	Yes	Yes	Yes
505.	Marblehead	MA		Yes	
506.	Marion	MA	Yes	Yes	Yes
507.	Marshfield	MA	Yes		
508.	Mashpee	MA	Yes	Yes	Yes
509.	Maynard	MA		Yes	Yes
510.	Medfield	MA	Yes	Yes	Yes
511.	Melrose	MA		Yes	Yes
512.	Middleton	MA	Yes	Yes	Yes
513.	Millville	MA	Yes	Yes	Yes
514.	Monterey	MA	Yes	Yes	Yes
515.	Nantucket	MA	Yes	Yes	Yes
516.	Needham	MA	Yes	Yes	Yes
517.	New Bedford	MA	Yes	Yes	Yes
518.	New Braintree	MA		Yes	Yes
519.	Newburyport	MA	Yes		
520.	Norfolk	MA		Yes	Yes
521.	North Adams	MA	Yes		
522.	Northampton	MA	Yes	Yes	Yes
523.	Norton	MA		Yes	Yes
524.	Norwood	MA	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
525. Oak Bluffs	MA	Yes	Yes	Yes
526. Orleans	MA		Yes	Yes
527. Oxford	MA	Yes	Yes	Yes
528. Peabody	MA	Yes	Yes	Yes
529. Pittsfield	MA	Yes	Yes	Yes
530. Plymouth	MA		Yes	Yes
531. Provincetown	MA		Yes	Yes
532. Quincy	MA	Yes	Yes	Yes
533. Reading	MA		Yes	Yes
534. Revere	MA	Yes	Yes	Yes
535. Richmond	MA	Yes	Yes	Yes
536. Salem	MA	Yes	Yes	Yes
537. Sandwich	MA	Yes	Yes	Yes
538. Saugus	MA	Yes	Yes	Yes
539. Scituate	MA		Yes	Yes
540. Sharon	MA		Yes	Yes
541. Somerset	MA	Yes	Yes	Yes
542. Somerville	MA	Yes	Yes	Yes
543. Southborough	MA		Yes	Yes
544. Sterling	MA		Yes	Yes
545. Stockbridge	MA	Yes	Yes	Yes
546. Stoneham	MA		Yes	Yes
547. Tisbury	MA	Yes	Yes	Yes
548. Truro	MA	Yes	Yes	Yes
549. Tyngsborough	MA	Yes	Yes	Yes
550. Tyringham	MA	Yes	Yes	Yes
551. Wakefield	MA	Yes	Yes	Yes
552. Walpole	MA	Yes	Yes	Yes
553. Wareham	MA		Yes	Yes
554. Watertown	MA	Yes	Yes	Yes
555. Wayland	MA	Yes	Yes	
556. Wellesley	MA		Yes	
557. Wellfleet	MA		Yes	Yes
558. West Tisbury	MA	Yes	Yes	
559. Westford	MA	Yes	Yes	Yes
560. Westport	MA	Yes	Yes	Yes
561. Westwood	MA		Yes	Yes
562. Weymouth	MA	Yes	Yes	Yes
563. Whately	MA	Yes	Yes	
564. Williamstown	MA		Yes	Yes
565. Winchendon	MA		Yes	
566. Winchester	MA	Yes	Yes	Yes
567. Woburn	MA		Yes	
568. Wrentham	MA	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
569.	Yarmouth	MA		Yes	Yes
570.	Baltimore	MD	Yes	Yes	Yes
571.	Charles County	MD		Yes	
572.	Gaithersburg	MD		Yes	
573.	Howard County	MD	Yes	Yes	Yes
574.	Kensington	MD		Yes	Yes
575.	La Plata	MD		Yes	Yes
576.	Montgomery County	MD		Yes	Yes
577.	Prince George's County <sup>+</sup>	MD		Yes	Yes
578.	Rockville	MD		Yes	Yes
579.	Takoma Park	MD		Yes	Yes
580.	Talbot County <sup>+</sup>	MD		Yes	
581.	Alger County <sup>+</sup>	MI	Yes		
582.	Baraga County <sup>+</sup>	MI	Yes		
583.	Benzie County <sup>+</sup>	MI	Yes		
584.	Berrien County <sup>+</sup>	MI	Yes		
585.	Calhoun County <sup>+</sup>	MI	Yes		
586.	Detroit	MI	Yes		
587.	Gogebic County <sup>+</sup>	MI	Yes		
588.	Grand Rapids	MI	Yes		
589.	Houghton County <sup>+</sup>	MI	Yes		
590.	Leelanau County <sup>+</sup>	MI	Yes		
591.	Lenawee County <sup>+</sup>	MI	Yes		
592.	Mackinac County <sup>+</sup>	MI	Yes		
593.	Marquette	MI	Yes		
594.	Marquette County <sup>+</sup>	MI	Yes		
595.	Midland County <sup>+</sup>	MI	Yes		
596.	Muskegon County <sup>+</sup>	MI	Yes		
597.	Ottawa County <sup>+</sup>	MI	Yes		
598.	Schoolcraft County <sup>+</sup>	MI	Yes		
599.	St. Clair County <sup>+</sup>	MI	Yes		
600.	Traverse City	MI	Yes		
601.	Washtenaw County <sup>+</sup>	MI	Yes		
602.	Beltrami County <sup>+</sup>	MN	Yes		
603.	Bloomington	MN	Yes	Yes	Yes
604.	Carlton County <sup>+</sup>	MN	Yes	Yes	Yes
605.	Cottage Grove	MN	Yes	Yes	Yes
606.	Duluth	MN	Yes	Yes	Yes
607.	Golden Valley	MN	Yes	Yes	Yes
608.	Hennepin County <sup>+</sup>	MN		Yes	Yes
609.	Hutchinson	MN	Yes	Yes	Yes
610.	Mankato	MN	Yes	Yes	Yes
611.	McLeod County <sup>+</sup>	MN	Yes		
612.	Minneapolis	MN		Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
613.	Moorhead	MN	Yes		
614.	Olmsted County <sup>+</sup>	MN	Yes	Yes	Yes
615.	St. Paul	MN		Yes	Yes
616.	Ballwin	MO	Yes	Yes	Yes
617.	Blue Springs	MO	Yes		
618.	Brentwood	MO	Yes	Yes	Yes
619.	Chillicothe	MO		Yes	Yes
620.	Clayton	MO	Yes	Yes	
621.	Columbia	MO		Yes	Yes
622.	Creve Coeur	MO	Yes	Yes	Yes
623.	Fulton	MO	Yes	Yes	Yes
624.	Gladstone	MO	Yes		
625.	Grandview	MO	Yes	Yes	
626.	Hannibal	MO	Yes	Yes	Yes
627.	Hazelwood	MO	Yes	Yes	
628.	Independence	MO	Yes	Yes	Yes
629.	Jefferson City	MO	Yes	Yes	Yes
630.	Kansas City	MO	Yes	Yes	Yes
631.	Kirksville	MO		Yes	Yes
632.	Kirkwood	MO	Yes	Yes	Yes
633.	Lake Saint Louis	MO	Yes	Yes	Yes
634.	Lee's Summit	MO	Yes	Yes	Yes
635.	Liberty	MO	Yes	Yes	Yes
636.	Maryville	MO	Yes	Yes	Yes
637.	Nixa	MO		Yes	
638.	North Kansas City	MO	Yes	Yes	Yes
639.	O'Fallon	MO	Yes	Yes	Yes
640.	Parkville	MO	Yes		
641.	Raymore	MO	Yes		
642.	Rolla	MO	Yes	Yes	Yes
643.	Springfield	MO	Yes	Yes	Yes
644.	St. Louis	MO	Yes	Yes	
645.	St. Louis County <sup>+</sup>	MO	Yes	Yes	
646.	Warrensburg	MO	Yes	Yes	
647.	Aberdeen	MS		Yes	Yes
648.	Amory	MS	Yes	Yes	Yes
649.	Anguilla	MS	Yes	Yes	Yes
650.	Bassfield	MS	Yes	Yes	Yes
651.	Batesville	MS		Yes	Yes
652.	Brandon	MS		Yes	
653.	Brookhaven	MS	Yes	Yes	Yes
654.	Calhoun City	MS	Yes	Yes	Yes
655.	Canton	MS	Yes	Yes	Yes
656.	Clinton	MS		Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
657.	Collins	MS	Yes	Yes	Yes
658.	Corinth	MS	Yes	Yes	
659.	Crystal Springs	MS	Yes	Yes	Yes
660.	Durant	MS	Yes	Yes	Yes
661.	Ecu	MS		Yes	Yes
662.	Flora	MS	Yes	Yes	Yes
663.	Flowood	MS	Yes	Yes	
664.	Georgetown	MS	Yes	Yes	Yes
665.	Greenwood	MS	Yes	Yes	Yes
666.	Grenada	MS		Yes	Yes
667.	Gulfport	MS	Yes	Yes	
668.	Hattiesburg	MS	Yes	Yes	Yes
669.	Hernando	MS	Yes	Yes	Yes
670.	Hollandale	MS	Yes	Yes	Yes
671.	Jackson	MS	Yes	Yes	Yes
672.	Kosciusko	MS	Yes	Yes	Yes
673.	Laurel	MS	Yes	Yes	Yes
674.	Lumberton	MS	Yes	Yes	Yes
675.	Madison	MS	Yes	Yes	Yes
676.	Mayersville	MS	Yes	Yes	Yes
677.	Meridian	MS	Yes	Yes	Yes
678.	Metcalfe	MS	Yes	Yes	Yes
679.	Monticello	MS		Yes	Yes
680.	New Albany	MS	Yes	Yes	Yes
681.	Oxford	MS		Yes	Yes
682.	Pearl	MS		Yes	
683.	Petal	MS	Yes	Yes	Yes
684.	Picayune	MS		Yes	
685.	Pontotoc	MS		Yes	Yes
686.	Prentiss	MS	Yes	Yes	Yes
687.	Ridgeland	MS	Yes	Yes	Yes
688.	Senatobia	MS		Yes	Yes
689.	Starkville	MS	Yes	Yes	Yes
690.	Sumrall	MS	Yes	Yes	Yes
691.	Tupelo	MS	Yes	Yes	Yes
692.	Verona	MS	Yes	Yes	Yes
693.	Walls	MS	Yes	Yes	
694.	West	MS	Yes		
695.	Bozeman	MT	Yes	Yes	
696.	Helena	MT	Yes	Yes	Yes
697.	Boone	NC		Yes	Yes
698.	Montreat	NC	Yes		
699.	Bismarck	ND	Yes	Yes	Yes
700.	Cavalier	ND	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
701.	Devils Lake	ND	Yes	Yes	Yes
702.	Fargo	ND	Yes	Yes	Yes
703.	Grafton	ND	Yes		
704.	Grand Forks	ND	Yes	Yes	Yes
705.	Napoleon	ND	Yes	Yes	Yes
706.	Pembina	ND	Yes	Yes	Yes
707.	West Fargo	ND	Yes	Yes	Yes
708.	Grand Island	NE	Yes	Yes	Yes
709.	Humboldt	NE	Yes	Yes	Yes
710.	Lincoln	NE	Yes	Yes	Yes
711.	Atlantic City	NJ	Yes	Yes	Yes
712.	Highland Park Borough	NJ	Yes		
713.	Holmdel Township	NJ	Yes		
714.	Livingston Township	NJ	Yes		
715.	Manville Borough	NJ	Yes		
716.	Alamogordo	NM		Yes	Yes
717.	Albuquerque	NM	Yes		
718.	Bayard	NM	Yes	Yes	Yes
719.	Carlsbad	NM	Yes		
720.	Curry County	NM		Yes	Yes
721.	Dona Ana County	NM	Yes	Yes	Yes
722.	Edgewood	NM	Yes	Yes	Yes
723.	Elephant Butte	NM		Yes	Yes
724.	Espanola	NM	Yes	Yes	Yes
725.	Farmington	NM		Yes	Yes
726.	Gallup	NM		Yes	Yes
727.	Las Cruces	NM		Yes	Yes
728.	Los Lunas	NM		Yes	Yes
729.	Magdalena	NM		Yes	Yes
730.	Mesilla	NM	Yes	Yes	Yes
731.	Portales	NM		Yes	Yes
732.	Rio Rancho	NM		Yes	Yes
733.	Roswell	NM		Yes	Yes
734.	Santa Clara	NM	Yes	Yes	
735.	Santa Fe	NM	Yes	Yes	Yes
736.	Taos	NM		Yes	Yes
737.	Tucumcari	NM		Yes	Yes
738.	Dutchess County <sup>+</sup>	NY	Yes	Yes	
739.	Nassau County <sup>+</sup>	NY	Yes	Yes	Yes
740.	New York City	NY	Yes	Yes	Yes
741.	Suffolk County <sup>+</sup>	NY	Yes	Yes	Yes
742.	Tompkins County <sup>+</sup>	NY	Yes	Yes	Yes
743.	Westchester County <sup>+</sup>	NY	Yes	Yes	Yes
744.	Bexley	OH	Yes	Yes	Yes

Municipality	State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
745. Centerville	OH	Yes		
746. Columbus	OH	Yes	Yes	Yes
747. Dublin	OH	Yes	Yes	Yes
748. Findlay	OH	Yes		
749. Gahanna	OH	Yes	Yes	Yes
750. Grandview Heights	OH	Yes	Yes	Yes
751. Granville	OH	Yes	Yes	Yes
752. Heath	OH	Yes	Yes	Yes
753. Hilliard	OH	Yes		
754. Marble Cliff	OH	Yes	Yes	Yes
755. New Albany	OH	Yes	Yes	Yes
756. Newark	OH	Yes		
757. Powell	OH	Yes	Yes	Yes
758. Summit County <sup>+</sup>	OH	Yes	Yes	Yes
759. Upper Arlington	OH	Yes	Yes	Yes
760. Westerville	OH	Yes	Yes	Yes
761. Worthington	OH	Yes	Yes	Yes
762. Baker City	OR	Yes		
763. Benton County	OR	Yes		
764. Central Point	OR	Yes		
765. Corvallis	OR	Yes	Yes	Yes
766. Dallas	OR	Yes	Yes	Yes
767. Eugene	OR	Yes	Yes	Yes
768. Independence	OR	Yes	Yes	Yes
769. Manzanita	OR	Yes		
770. Philomath	OR	Yes	Yes	Yes
771. Rockaway Beach	OR	Yes		
772. St. Helens	OR	Yes		
773. Tillamook	OR	Yes		
774. Tillamook County	OR	Yes		
775. Tualatin	OR	Yes		
776. Wheeler	OR	Yes		
777. Philadelphia	PA		Yes	
778. Aiken	SC	Yes	Yes	Yes
779. Aiken County <sup>+</sup> (except the cities of Aiken and North Augusta)	SC	Yes	Yes	Yes
780. Atlantic Beach	SC		Yes	Yes
781. Beaufort	SC	Yes	Yes	Yes
782. Beaufort County	SC	Yes	Yes	Yes
783. Bluffton	SC	Yes		
784. Camden	SC	Yes	Yes	Yes
785. Cayce	SC	Yes	Yes	Yes
786. Chapin	SC	Yes	Yes	Yes
787. Charleston	SC		Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
788.	Chesnee	SC	Yes	Yes	Yes
789.	Clemson	SC		Yes	Yes
790.	Columbia	SC	Yes	Yes	Yes
791.	Easley	SC	Yes	Yes	Yes
792.	Edisto Beach	SC	Yes	Yes	Yes
793.	Florence	SC		Yes	Yes
794.	Fort Mill	SC	Yes	Yes	Yes
795.	Greenville	SC	Yes	Yes	Yes
796.	Hampton	SC	Yes	Yes	Yes
797.	Hilton Head Island	SC		Yes	Yes
798.	Hollywood	SC	Yes	Yes	Yes
799.	Isle of Palms	SC		Yes	Yes
800.	Lexington	SC	Yes	Yes	Yes
801.	Lexington County	SC	Yes	Yes	Yes
802.	Liberty	SC		Yes	
803.	Mount Pleasant	SC		Yes	Yes
804.	North Augusta	SC	Yes	Yes	Yes
805.	North Myrtle Beach	SC	Yes	Yes	Yes
806.	Pendleton	SC		Yes	Yes
807.	Pickens	SC		Yes	Yes
808.	Pine Ridge	SC	Yes	Yes	Yes
809.	Quinby	SC		Yes	Yes
810.	Ravenel	SC		Yes	Yes
811.	Richland County	SC	Yes	Yes	Yes
812.	Rock Hill	SC	Yes	Yes	Yes
813.	South Congaree	SC	Yes	Yes	Yes
814.	Spartanburg	SC	Yes	Yes	Yes
815.	Springdale	SC	Yes	Yes	Yes
816.	Sullivan's Island	SC		Yes	Yes
817.	Summerville	SC		Yes	Yes
818.	Sumter	SC	Yes	Yes	Yes
819.	Surfside Beach	SC	Yes	Yes	Yes
820.	Walterboro	SC	Yes	Yes	Yes
821.	West Columbia	SC	Yes	Yes	Yes
822.	York County	SC	Yes	Yes	Yes
823.	Abilene	TX	Yes	Yes	Yes
824.	Alpine	TX			Yes
825.	Alton	TX	Yes	Yes	Yes
826.	Angleton	TX		Yes	
827.	Arlington	TX		Yes	
828.	Athens	TX	Yes		
829.	Austin	TX	Yes	Yes	Yes
830.	Baytown	TX	Yes	Yes	Yes
831.	Beaumont	TX	Yes	Yes	Yes

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
832.	Benbrook	TX	Yes	Yes	Yes
833.	Boerne	TX		Yes	
834.	Brenham	TX		Yes	
835.	Brownsville	TX		Yes	
836.	Caldwell	TX	Yes		
837.	College Station	TX	Yes	Yes	Yes
838.	Conroe	TX	Yes	Yes	
839.	Copperas Cove	TX	Yes	Yes	Yes
840.	Corpus Christi	TX	Yes	Yes	Yes
841.	Dallas	TX	Yes	Yes	Yes
842.	El Lago	TX		Yes	Yes
843.	El Paso	TX	Yes	Yes	Yes
844.	Ennis	TX	Yes	Yes	Yes
845.	Flower Mound	TX	Yes	Yes	Yes
846.	Fort Worth	TX	Yes	Yes	
847.	Frisco	TX	Yes	Yes	Yes
848.	Galveston	TX	Yes		
849.	Harlingen	TX	Yes	Yes	Yes
850.	Hewitt	TX	Yes		
851.	Highland Village	TX	Yes		
852.	Horseshoe Bay	TX	Yes	Yes	Yes
853.	Houston	TX	Yes	Yes	Yes
854.	Humble	TX	Yes	Yes	
855.	Kaufman	TX	Yes		
856.	Kerrville	TX			Yes
857.	Kilgore	TX	Yes		
858.	Killeen	TX	Yes	Yes	
859.	Laredo	TX	Yes	Yes	Yes
860.	Leander	TX	Yes		
861.	Marshall	TX	Yes	Yes	Yes
862.	McKinney	TX	Yes	Yes	Yes
863.	Mesquite	TX		Yes	Yes
864.	Missouri City	TX	Yes	Yes	Yes
865.	Nacogdoches	TX	Yes	Yes	Yes
866.	New Braunfels	TX	Yes		
867.	Palestine	TX	Yes		
868.	Pasadena	TX	Yes	Yes	
869.	Pearland	TX	Yes	Yes	Yes
870.	Plano	TX	Yes	Yes	Yes
871.	Portland	TX	Yes	Yes	
872.	Prosper	TX		Yes	
873.	Richardson	TX	Yes		
874.	Robinson	TX	Yes	Yes	
875.	Rockwall	TX		Yes	

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
876.	Rollingwood	TX		Yes	Yes
877.	Rosenberg	TX	Yes	Yes	
878.	Round Rock	TX	Yes	Yes	
879.	Rowlett	TX	Yes	Yes	Yes
880.	San Angelo	TX	Yes	Yes	Yes
881.	San Antonio	TX	Yes	Yes	Yes
882.	Socorro	TX	Yes	Yes	Yes
883.	Southlake	TX	Yes	Yes	Yes
884.	Sugar Land	TX	Yes	Yes	
885.	Sweeny	TX		Yes	
886.	Tyler	TX	Yes	Yes	Yes
887.	University Park	TX		Yes	Yes
888.	Vernon	TX	Yes	Yes	Yes
889.	Victoria	TX	Yes	Yes	Yes
890.	Woodway	TX	Yes	Yes	Yes
891.	Yoakum	TX	Yes		
892.	Norfolk	VA		Yes	Yes
893.	Burlington	VT		Yes	Yes
894.	South Burlington	VT		Yes	Yes
895.	Williston	VT		Yes	Yes
896.	Winooski	VT		Yes	Yes
897.	Clark County	WA	Yes	Yes	Yes
898.	King County <sup>+</sup>	WA	Yes	Yes	Yes
899.	Mason County	WA	Yes	Yes	Yes
900.	Appleton	WI	Yes	Yes	Yes
901.	Beaver Dam	WI	Yes	Yes	Yes
902.	Beloit	WI	Yes	Yes	Yes
903.	Big Bend	WI	Yes	Yes	Yes
904.	Chippewa County <sup>+</sup>	WI	Yes	Yes	Yes
905.	Dane County	WI	Yes	Yes	Yes
906.	De Pere	WI	Yes	Yes	Yes
907.	Eau Claire	WI	Yes	Yes	Yes
908.	Fennimore	WI	Yes	Yes	Yes
909.	Fitchburg	WI	Yes	Yes	Yes
910.	Fond du Lac	WI	Yes	Yes	Yes
911.	Glendale	WI	Yes	Yes	Yes
912.	Green Bay	WI	Yes	Yes	Yes
913.	Hudson	WI	Yes	Yes	Yes
914.	Kenosha	WI	Yes	Yes	Yes
915.	Lake Delton Village	WI	Yes	Yes	Yes
916.	Lincoln County	WI	Yes	Yes	Yes
917.	Madison	WI	Yes	Yes	Yes
918.	Marshfield	WI	Yes	Yes	Yes
919.	Menomonie	WI	Yes		

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
920.	Merrill	WI	Yes	Yes	Yes
921.	Middleton	WI	Yes	Yes	Yes
922.	Milwaukee	WI	Yes	Yes	Yes
923.	Monona	WI	Yes	Yes	Yes
924.	Neenah	WI	Yes	Yes	Yes
925.	North Hudson	WI	Yes	Yes	Yes
926.	Oak Creek	WI	Yes	Yes	Yes
927.	Oneida County <sup>+</sup>	WI	Yes	Yes	Yes
928.	Park Ridge	WI		Yes	
929.	Portage	WI	Yes	Yes	Yes
930.	Prairie du Chien	WI	Yes	Yes	Yes
931.	Reedsburg	WI	Yes	Yes	Yes
932.	Rhineland	WI	Yes	Yes	Yes
933.	Shorewood	WI	Yes	Yes	Yes
934.	Shorewood Hills	WI	Yes	Yes	Yes
935.	Somerset	WI	Yes	Yes	Yes
936.	South Milwaukee	WI	Yes	Yes	Yes
937.	Stevens Point	WI	Yes		
938.	Suamico	WI	Yes	Yes	Yes
939.	Verona	WI	Yes	Yes	Yes
940.	Watertown	WI	Yes	Yes	Yes
941.	West Allis	WI	Yes	Yes	Yes
942.	Weston	WI	Yes	Yes	Yes
943.	Winnebago County	WI	Yes	Yes	Yes
944.	Wisconsin Dells	WI	Yes	Yes	Yes
945.	Wisconsin Rapids	WI	Yes	Yes	Yes
946.	Barbour County <sup>+</sup>	WV	Yes	Yes	
947.	Berkeley County <sup>+</sup>	WV	Yes	Yes	
948.	Boone County <sup>+</sup>	WV	Yes		
949.	Braxton County <sup>+</sup>	WV	Yes	Yes	Yes
950.	Brooke County <sup>+</sup>	WV	Yes		
951.	Cabell County <sup>+</sup>	WV	Yes	Yes	Yes
952.	Calhoun County <sup>+</sup>	WV	Yes	Yes	Yes
953.	Clay County <sup>+</sup>	WV	Yes	Yes	
954.	Doddridge County <sup>+</sup>	WV	Yes	Yes	Yes
955.	Fayette County <sup>+</sup>	WV	Yes	Yes	
956.	Grant County <sup>+</sup>	WV	Yes	Yes	Yes
957.	Greenbrier County <sup>+</sup>	WV	Yes	Yes	
958.	Hardy County <sup>+</sup>	WV	Yes		
959.	Harrison County <sup>+</sup>	WV	Yes	Yes	Yes
960.	Jackson County <sup>+</sup>	WV	Yes	Yes	Yes
961.	Jefferson County <sup>+</sup>	WV	Yes		
962.	Kanawha County <sup>+</sup>	WV	Yes	Yes	Yes
963.	Lewis County <sup>+</sup>	WV	Yes	Yes	

Municipality		State	100% Smokefree Non-Hospitality Workplaces	100% Smokefree Restaurants	100% Smokefree Freestanding Bars
964.	Lincoln County <sup>+</sup>	WV	Yes	Yes	Yes
965.	Marion County <sup>+</sup>	WV	Yes	Yes	
966.	Marlinton	WV	Yes	Yes	Yes
967.	Marshall County <sup>+</sup>	WV		Yes	
968.	McDowell County <sup>+</sup>	WV		Yes	
969.	Mercer County <sup>+</sup>	WV	Yes	Yes	
970.	Mineral County <sup>+</sup>	WV	Yes		
971.	Mingo County <sup>+</sup>	WV	Yes		
972.	Monongalia County <sup>+</sup>	WV	Yes	Yes	Yes
973.	Monroe County <sup>+</sup>	WV	Yes	Yes	
974.	Morgan County <sup>+</sup>	WV	Yes	Yes	
975.	Morgantown	WV	Yes	Yes	Yes
976.	Nicholas County <sup>+</sup>	WV	Yes		
977.	Ohio County <sup>+</sup>	WV	Yes	Yes	Yes
978.	Pendleton County <sup>+</sup>	WV	Yes	Yes	Yes
979.	Pleasants County <sup>+</sup>	WV	Yes	Yes	Yes
980.	Pocahontas County <sup>+</sup>	WV	Yes	Yes	Yes
981.	Preston County <sup>+</sup>	WV	Yes		
982.	Raleigh County <sup>+</sup>	WV	Yes		
983.	Randolph County <sup>+</sup>	WV	Yes	Yes	Yes
984.	Ritchie County <sup>+</sup>	WV	Yes	Yes	Yes
985.	Roane County <sup>+</sup>	WV	Yes	Yes	Yes
986.	Summers County <sup>+</sup>	WV	Yes	Yes	Yes
987.	Tucker County <sup>+</sup>	WV	Yes	Yes	Yes
988.	Upshur County <sup>+</sup>	WV	Yes	Yes	Yes
989.	Wayne County <sup>+</sup>	WV	Yes		
990.	Webster County <sup>+</sup>	WV	Yes	Yes	
991.	Wirt County <sup>+</sup>	WV	Yes	Yes	Yes
992.	Wood County <sup>+</sup>	WV	Yes	Yes	Yes
993.	Wyoming County <sup>+</sup>	WV	Yes	Yes	Yes
994.	Burlington	WY	Yes	Yes	Yes
995.	Cheyenne	WY		Yes	Yes
996.	Evanston	WY		Yes	Yes
997.	Laramie	WY		Yes	Yes
998.	Mountain View	WY	Yes	Yes	Yes
999.	Rock Springs	WY		Yes	

<b>Total: 999, in 39 states and the District of Columbia</b>	<b>By Provision:</b>	<b>793</b>	<b>815</b>	<b>677</b>
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<sup>+</sup>Law pertains to both incorporated and unincorporated areas of county.

**Additional Summary Counts**

<b>Total Number of Municipalities that are 100% Smokefree Workplaces, Restaurants, and Freestanding Bars</b>	<b>520</b>
<b>Total Number of Municipalities that are 100% Smokefree in Both Workplaces and Restaurants</b>	<b>612</b>
<b>Total Number of Municipalities that are 100% Smokefree in Both Restaurants and Freestanding Bars</b>	<b>671</b>

## State and Commonwealth Laws

- **American Samoa** Territory law, which prohibits smoking in restaurants, can be found in ASCA Title 13 Chapter 12 (2010), and covers all of that Territory.
- **Arizona** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in AZ Rev. Statutes §36-601.01 (2006), and covers all **88** municipalities in that state, including any listed here.
- **California** State law, which prohibits smoking in restaurants, bars, and gaming facilities, can be found in CA Labor Code §6404.5 (1994), and covers all **536** municipalities in that state, including any listed here.
- **Colorado** State law, which prohibits smoking in restaurants, bars, and gaming facilities, can be found in CO Rev. Statutes §25-14-201 et seq. (2006), and covers all **269** municipalities in that state, including any listed here.
- **Connecticut** State law, which prohibits smoking in restaurants and bars, can be found in CT Code §19a-342 (2003), and covers all **208** municipalities in that state, including any listed here.
- **District of Columbia** See table above.
- **Delaware** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in DE Statutes, Title 16, Ch. 29 §2901 et seq. (2002), and covers all **60** municipalities in that state, including any listed here.
- **Florida** State law, which prohibits smoking in enclosed workplaces, including restaurants and gaming facilities, can be found in the FL Constitution, Art. X, §20 (2002) and FL Statutes §386.201 et seq. (1999, 2003), and covers all **468** municipalities in that state, including any listed here.
- **Hawaii** State law, which prohibits smoking in enclosed and partially enclosed workplaces, including restaurants and bars, can be found in HI Rev. Statutes Ch. 328J (2006), and covers all **5** municipalities in that state, including any listed here.
- **Idaho** State law, which prohibits smoking in restaurants, can be found in ID Statutes, §39-5501 et seq. (2004), and covers all **202** municipalities in that state, including any listed here.
- **Louisiana** State law, which prohibits smoking in enclosed workplaces, including restaurants, can be found in LA Rev. Statutes §§40:1300.251 et seq., 40:1300.255, 40:1300.261 et seq. (2006), and covers all **302** municipalities in that state, including any listed here.
- **Illinois** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in IL Compiled Statutes, Chapter 410, §82/1 et seq. (2007), and covers all **1287** municipalities in that state, including any listed here.
- **Indiana** State law, which prohibits smoking in enclosed workplaces, including restaurants, can be found in IN Code §7.1-5-12-0.5 et seq. (2012), and covers all **567** municipalities in that state, including any listed here.
- **Iowa** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in IA Statutes §142D.1 et seq. (2008), and covers all **947** municipalities in that state, including any listed here.
- **Kansas** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in KS Statutes §§21-3105, 21-4009 et seq., 65-530 (2010), and covers all **627** municipalities in that state, including any listed here.
- **Maine** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in 22 ME Rev. Statutes §1541 et seq. (2003) and §1580-A (2005, 2009), and covers all **533** municipalities in that state, including any listed here.
- **Maryland** State law, which prohibits smoking in workplaces, including restaurants, bars, and gaming facilities, can be found in MD Code, Health Art. §24-501 et seq. (2007), and covers all **157** municipalities in that state, including any listed here.
- **Massachusetts** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in MA General Laws Chapter 270, §22. (2004), and covers all **351** municipalities in that state, including any listed here.
- **Michigan** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in MI Code Chapter 333, §§12601 et seq., 12905 (2009), and covers all **1777** municipalities in that state, including any listed here.
- **Minnesota** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in MN Statutes, §144.411 et seq. (2007), and covers all **2670** municipalities in that state, including any listed here.
- **Montana** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in MT Code §50-40-101 et seq. (2005), and covers all **129** municipalities in that state, including any listed here.

- **Nebraska** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in NE Revised Statutes §71-5716 et seq. (2008, 2009), and covers all **531** municipalities in that state, including any listed here.
- **Nevada** State law, which prohibits smoking in enclosed workplaces, including restaurants, can be found in NV Rev. Statutes Ch. 202 (2006), and covers all **19** municipalities in that state, including any listed here.
- **New Hampshire** State law, which prohibits smoking in restaurants and bars, can be found in NH Revised Statutes Ch. 155, §64 et seq. (2007), and covers all **234** municipalities in that state, including any listed here.
- **New Jersey** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in NJ Statutes §26:3D-55 et seq. (2006), and covers all **566** municipalities in that state, including any listed here. Gaming facilities, including racetracks, are smokefree, except for casino gaming areas and casino simulcasting facilities.
- **New Mexico** State law, which prohibits smoking in restaurants and bars, can be found in NMSA §24-16-1 et seq. (2007), and covers all **101** municipalities in that state, including any listed here.
- **New York** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in NY Public Health Code, Art. 13-E, §1399-N et seq. (2003), and covers all **1691** municipalities in that state, including any listed here.
- **North Carolina** State law, which prohibits smoking in restaurants and bars, can be found in NC General Statutes §§130A-22, 491 et seq. (2009), and covers all **540** municipalities in that state, including any listed here.
- **North Dakota** State law, which prohibits smoking in enclosed workplaces, can be found in ND Century Code §23-12-09 et seq. (2005), and covers all **361** municipalities in that state, including any listed here.
- **Northern Mariana Islands** Commonwealth law, which prohibits smoking in all workplaces, can be found in Commonwealth Code Title 6, §3171 et seq. (2009), and covers all **4** municipalities in that Commonwealth, including any listed here.
- **Ohio** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in OH Rev. Statutes Ch. 3794 (2006), and covers all **942** municipalities in that state, including any listed here.
- **Oregon** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in OR Rev. Statutes §433.835 et seq. (2007), and covers all **240** municipalities in that state, including any listed here.
- **Pennsylvania** State law, which prohibits smoking in enclosed workplaces, can be found in PA Act No. 27 of 2008 (2008), and covers all **2566** municipalities in that state, including any listed here.
- **Puerto Rico** Commonwealth law, which prohibits smoking in all workplaces, including restaurants, bars, and gaming facilities, can be found in Act No. 40 (1993), Act No. 66 (2006), and covers all **78** municipalities in that Commonwealth, including any listed here.
- **Rhode Island** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in RI General Laws, Title 23, Chapter 20.10 (2004), and covers all **39** municipalities in that state, including any listed here.
- **South Dakota** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in §34-46-13 et seq. (2009), and covers all **376** municipalities in that state, including any listed here.
- **U.S. Virgin Islands** Territory law, which prohibits smoking in all all workplaces, including restaurants, bars, and gaming facilities, can be found in VI Code Title 19, Part VI, Ch. 53a (2010), and covers all of that Territory.
- **Utah** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in UT Code §26-38-1 et seq. (1994, 2006); Rule R392-510 (1996), and covers all **265** municipalities in that state, including any listed here.
- **Vermont** State law, which prohibits smoking in all workplaces, except in owner-occupied businesses which have no employees and are not open to the public, and all restaurants and bars, can be found in VT Statutes Title 18, Chapter 37 (1993, 2005); VT Statues Title 18, § 1421 et seq. (1987, 2009), and covers all **294** municipalities in that state, including any listed here.
- **Washington** State law, which prohibits smoking in enclosed workplaces, including restaurants, bars, and gaming facilities, can be found in Revised Code of WA §70.160.020 et seq. (2005), and covers all **280** municipalities in that state, including any listed here.
- **Wisconsin** State law, which prohibits smoking in enclosed workplaces, including restaurants and bars, can be found in WI Statutes §101.123 (2009), and covers all **1850** municipalities in that state, including any listed here.

\*Includes both public and private non-hospitality workplaces, including, but not limited to, offices, factories, and warehouses.

\*\*Includes any attached bar in the restaurant.

Only ordinances reviewed and analyzed by ANR Foundation staff using standardized criteria are included on these lists. Omission of a particular ordinance may be the result of differences of opinion in interpretation, or because staff have not yet analyzed the ordinance.

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**[LS-03]**

**AGENDA ITEM SUMMARY – ITEM # 12**

***DISCUSS BOARD AND COMMISSION APPLICATIONS***

**DEPT – ADMIN**

**DATE – JULY 20, 2012**

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As previously directed by Council, the Town advertised for board and commission openings to include a July 15 deadline for applications. Attached is a copy of a previous report indicating current board term status and all of the applications received for each board are placed behind each board term sheet. This item is not posted for actual appointments, rather a discussion regarding how council wishes to proceed with interviews, and timing for appointments.

**TOWN OF SUNNYVALE  
BOARD OF ADJUSTMENTS**

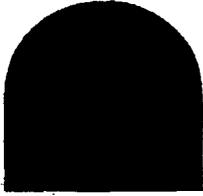
**MEMBER LIST**

<b><u>TITLE</u></b>	<b><u>MEMBER</u></b>	<b><u>ORIG. APPOINTED</u></b>	<b><u>TERM EXP.</u></b>	<b><u>TERM LIMITS</u></b>	<b><u>SERVE AGAIN?</u></b>
CHAIRPERSON	Jean Holt	2006	2012	2012	N/A
MEMBER	Ryan Finch	2010	2012	2016	Yes
MEMBER	Fred Miller	2008	2013	2014	N/A
MEMBER	Dale Graves	2010	2013	2016	N/A
MEMBER	Laela Naghela-EI	2009	2013	2015	N/A
ALTERNATE	Mathew Koshy	2010	2012	2016	Yes
ALTERNATE	Diane (DeLaGarza) Spruill	2010	2013	2016	N/A

<b>ATTENDANCE</b>												
<b>REGULAR MEETING</b>	<b>5-Jul</b>	<b>1-Aug</b>	<b>6-Sep</b>	<b>3-Oct</b>	<b>7-Nov</b>	<b>5-Dec</b>	<b>10-Jan</b>	<b>6-Feb</b>	<b>5-Mar</b>	<b>2-Apr</b>	<b>7-May</b>	<b>4-Jun</b>
Jean Holt	x	x	x		x		x	x		x	x	x
Ryan Finch	x	x	A		x		A	x		x	A	x
Fred Miller	x	x	x		x		x	x		x	x	x
Dale Graves	x	x	x		x		x	x		x	x	x
Laela Naghela-EI	x	x	x		A		A	x		A	x	x
Mathew Koshy	x	A	x		x		x	A		x	x	A
Diane (DeLaGarza) Spruill	x	x	x		A		A	x		x	x	A

x - present      A - Absent

<b>ATTENDANCE</b>	
<b>SPECIAL MEETINGS</b>	None
Jean Holt	
Ryan Finch	
Fred Miller	
Dale Graves	
Laela Naghela-EI	
Mathew Koshy	
Diane (DeLaGarza) Spruill	



**TOWN OF SUNNYVALE  
Council Appointment Fact Sheet  
2012**

**Appointment Sought:** Board of Adjustment, P and Z, 4A, or 4B<sup>1</sup>

**Personal Information:**

This application is shown behind the attendance sheet of each Board Mr. Golder applied for.

**Name:** James R. Golder

**Address:** 456 Rockshire Drive

**Telephone:** 214-912-4729 (unlisted)

**Sunnyvale Resident Since (mm/yy):** 10/10

**Occupation:** Attorney/Assistant Regional Director  
U.S. Federal Trade Commission-Southwest Region

**Background:**

**Prior/Current involvement in Town Government or related activities:** None

**Other related experience:** I attended the last four meetings of the SH190 Committee.

**Interest & Ability:**

**Why are you interested in serving in this capacity?** My recent participation at the SH190 Committee meetings has encouraged me to become more involved in serving my community.

**What do you feel you can contribute to the position?** I have well-developed analytical skills, and the ability to objectively examine and consider all sides of an issue.

**Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?** There are no specific results I want to achieve. I want to become involved and do my part to help keep Sunnyvale a wonderful place to live.

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<sup>1</sup> If selected to serve on a board or commission, I will need to obtain approval to serve from the FTC's Office of General Counsel in Washington, D.C. This should not be an issue.



**TOWN OF SUNNYVALE**  
**Council Appointment Fact Sheet**  
**2012**

**Appointment Sought:** Board of Adjustment

**Personal Information:**

**Name:** Donald R. Ivey

**Address:** 525 Larkin

**Telephone:** 972-226-5405

**Sunnyvale Resident Since (mm/yy):** 10/2009

**Occupation:** Pastor of Long Creek Baptist Church, Sunnyvale Texas for the past 9 years

**Background:**

**Prior/Current involvement in Town Government or related activities:**

I am retired (27.5 years) from the City of Dallas. For 20 years of this I was a Building Superintendent in ordinances and precedures. I oversaw and managed some of the largest projects in the City of Dallas Central Library, and others within Dallas.

**Other related experience:**

I have dealt with this board several times and know the rules and purpose of why it was created.

**Interest & Ability**

**Why are you interested in serving in this capacity?**

I am interested in seeing that not only the Town is kept in the best shape possible, while giving the and honest hearing when requestion a variance.

**What do you feel you can contribute to the position?**

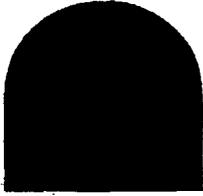
As stated above my knowledge in the field of building and design. I can also recommend areas of improvement to assit in keeping our Town a place where people want to live and build their dream

**Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?**

I would like to change the feel that this board is against you from the start. I wish to show the citizen is here to assist them in accomplishing their needs and wants but, at the same time keeping our Town it's best.

\*If you have applied in previous years, please apply again so we will have updated records. Please mail or fax your application to the attention of Leslie Malone, Town Secretary, by June 15th (127 Collins Road, Sunnyvale, Texas 75182 or fax to 972-226-1804). All applications will be forwarded to the Town Council for review. The Town Council will conduct interviews of selected applicants on a date and time to be announced.





**TOWN OF SUNNYVALE  
Council Appointment Fact Sheet  
2012**

**Appointment Sought:** Board of Adjustment, P and Z, 4A, or 4B<sup>1</sup>

**Personal Information:**

This application is shown behind the attendance sheet of each Board Mr. Golder applied for.

**Name:** James R. Golder

**Address:** 456 Rockshire Drive

**Telephone:** 214-912-4729 (unlisted)

**Sunnyvale Resident Since (mm/yy):** 10/10

**Occupation:** Attorney/Assistant Regional Director  
U.S. Federal Trade Commission-Southwest Region

**Background:**

**Prior/Current involvement in Town Government or related activities:** None

**Other related experience:** I attended the last four meetings of the SH190 Committee.

**Interest & Ability:**

**Why are you interested in serving in this capacity?** My recent participation at the SH190 Committee meetings has encouraged me to become more involved in serving my community.

**What do you feel you can contribute to the position?** I have well-developed analytical skills, and the ability to objectively examine and consider all sides of an issue.

**Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?** There are no specific results I want to achieve. I want to become involved and do my part to help keep Sunnyvale a wonderful place to live.

---

<sup>1</sup> If selected to serve on a board or commission, I will need to obtain approval to serve from the FTC's Office of General Counsel in Washington, D.C. This should not be an issue.

# TOWN OF SUNNYVALE

## Council Appointment Fact Sheet

Appointment Sought Planning & Zoning Board

### Personal Information

Name Kenneth R. Demko

Address 468 San Gabriel Way

Telephone 972.203.5724 (cell) 214.632.1701

Sunnyvale resident since (MM/YY) November 2003

Occupation General Contractor / Developer

### Background

Prior/current involvement in Town Government or related activities:

Planning and Zoning Board as Alternate

Other related experience:

I have worked as a design-build General contractor and developer in the area for 34 years.

I have dealt extensively with numerous P&Z Boards on various projects.

### Interest & Ability

Why are you interested in serving in this capacity?

I would like to see a well developed Comprehensive Zoning Plan established to promote city growth.

What do you feel you can contribute to the position?

33 years of dealing with numerous P&Z boards.

Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?

I would like to continue working with the P&Z Board to help make the existing Comprehensive planning and zoning policies current with the expanding growth of the town.

\*If you have applied in previous years, please apply again so we will have updated records.



Town of Sunnyvale  
Received

JUL 09 2012

**TOWN OF SUNNYVALE  
Council Appointment Fact Sheet  
2012**

Town Secretary

Appointment Sought: PtZ

**Personal Information:**

Name: Chris McNeill

Address: 166 Overlook Drive

Telephone: 214 724 0984

Sunnyvale Resident Since (mm/yy): 02/07

Occupation: Attorney

**Background:**

**Prior/Current involvement in Town Government or related activities:**

*Sunnyvale PtZ since 2008 as alternate and then full member*

**Other related experience:**

**Interest & Ability**

**Why are you interested in serving in this capacity?**

*Continue to serve in current capacity*

**What do you feel you can contribute to the position?**

*4 years' experience on PtZ*

**Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?**

*Continue to create the best community for our citizens*

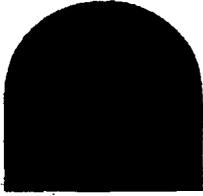
\*If you have applied in previous years, please apply again so we will have updated records. Please mail or fax your application to the attention of Leslie Malone, Town Secretary, by June 15th (127 Collins Road, Sunnyvale, Texas 75182 or fax to 972-226-1804). All applications will be forwarded to the Town Council for review. The Town Council will conduct interviews of selected applicants on a date and time to be announced.

**TOWN OF SUNNYVALE  
4A DEVELOPMENT CORPORATION**

**MEMBER LIST**

<b><u>TITLE</u></b>	<b><u>MEMBER</u></b>	<b><u>ORIG. APPOINTED</u></b>	<b><u>TERM EXP.</u></b>	<b><u>TERM LIMITS</u></b>	<b><u>SERVE AGAIN?</u></b>
PRESIDENT	TERRI SHATTER	2011	2013	2019	N/A
VICE PRESIDENT	RACHEL DOYLE	2008	2012	2016	Yes
SECRETARY	HARI PILLAI	2010	2012	2018	Yes
TREASURER	DAVID CARLILE	2010	2013	2018	N/A
MEMBER	BILL METZGER	2011	2013	2019	N/A

<b>ATTENDANCE</b>												
<b>REGULAR MEETING</b>	<b>7-Jul</b>	<b>4-Aug</b>	<b>1-Sep</b>	<b>6-Oct</b>	<b>3-Nov</b>	<b>1-Dec</b>	<b>5-Jan</b>	<b>2-Feb</b>	<b>1-Mar</b>	<b>5-Apr</b>	<b>3-May</b>	<b>7-Jun</b>
TERRI SHATTER	Former Corp. Members	x	x			x	x	x	?		?	x
RACHEL DOYLE		x	x			x	x	x		x		
HARI PILLAI		x	x			x	x	A		x		
DAVID CARLILE		x	x			x	x	x		x		
BILL METZGER		x	x			A	x	x		x		
x - present                      A - Absent												
<b>ATTENDANCE</b>												
<b>SPECIAL MEETINGS</b>	<b>30-Aug</b>	<b>10-Nov</b>	<b>20-Dec</b>	<b>5-Jan</b>	<b>6-Feb</b>							
TERRI SHATTER	x	x	x	x	x							
RACHEL DOYLE	x	x	x	x	x							
HARI PILLAI	x	x	A	A	A							
DAVID CARLILE	x	A	x	x	x							
BILL METZGER	x	x	x	A	x							



**TOWN OF SUNNYVALE  
Council Appointment Fact Sheet  
2012**

**Appointment Sought:** Board of Adjustment, P and Z, 4A, or 4B<sup>1</sup>

**Personal Information:**

This application is shown behind the attendance sheet of each Board Mr. Golder applied for.

**Name:** James R. Golder

**Address:** 456 Rockshire Drive

**Telephone:** 214-912-4729 (unlisted)

**Sunnyvale Resident Since (mm/yy):** 10/10

**Occupation:** Attorney/Assistant Regional Director  
U.S. Federal Trade Commission-Southwest Region

**Background:**

**Prior/Current involvement in Town Government or related activities:** None

**Other related experience:** I attended the last four meetings of the SH190 Committee.

**Interest & Ability:**

**Why are you interested in serving in this capacity?** My recent participation at the SH190 Committee meetings has encouraged me to become more involved in serving my community.

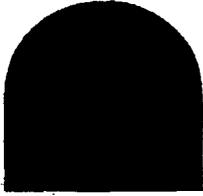
**What do you feel you can contribute to the position?** I have well-developed analytical skills, and the ability to objectively examine and consider all sides of an issue.

**Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?** There are no specific results I want to achieve. I want to become involved and do my part to help keep Sunnyvale a wonderful place to live.

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<sup>1</sup> If selected to serve on a board or commission, I will need to obtain approval to serve from the FTC's Office of General Counsel in Washington, D.C. This should not be an issue.





**TOWN OF SUNNYVALE  
Council Appointment Fact Sheet  
2012**

**Appointment Sought:** Board of Adjustment, P and Z, 4A, or 4B<sup>1</sup>

**Personal Information:**

This application is shown behind the attendance sheet of each Board Mr. Golder applied for.

**Name:** James R. Golder

**Address:** 456 Rockshire Drive

**Telephone:** 214-912-4729 (unlisted)

**Sunnyvale Resident Since (mm/yy):** 10/10

**Occupation:** Attorney/Assistant Regional Director  
U.S. Federal Trade Commission-Southwest Region

**Background:**

**Prior/Current involvement in Town Government or related activities:** None

**Other related experience:** I attended the last four meetings of the SH190 Committee.

**Interest & Ability:**

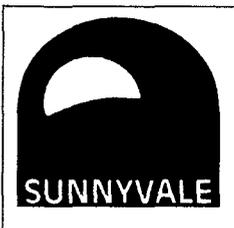
**Why are you interested in serving in this capacity?** My recent participation at the SH190 Committee meetings has encouraged me to become more involved in serving my community.

**What do you feel you can contribute to the position?** I have well-developed analytical skills, and the ability to objectively examine and consider all sides of an issue.

**Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?** There are no specific results I want to achieve. I want to become involved and do my part to help keep Sunnyvale a wonderful place to live.

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<sup>1</sup> If selected to serve on a board or commission, I will need to obtain approval to serve from the FTC's Office of General Counsel in Washington, D.C. This should not be an issue.



**TOWN OF SUNNYVALE  
Council Appointment Fact Sheet  
2012**

Appointment Sought: 4B

**Personal Information:**

Name: Javier Torres

Address: 624 Duck Creek Way

Telephone: 469-255-1338

Sunnyvale Resident Since (mm/yy): 3/11

Occupation: Systems Engineer

**Background:**

**Prior/Current involvement in Town Government or related activities:**

None, but have actively participated in 190 Citizen's committee meetings as well as attended various council and 4B meetings since moving to Sunnyvale.

**Other related experience:**

None since leadership positions in student organizations while in college.

**Interest & Ability**

**Why are you interested in serving in this capacity?**

Thanks to our town's natural beauty, I see a lot of potential to enhance the recreational aspects of our town. I'm an avid outdoorsman, so I'm passionate about the subject. With 190 coming thru town in the next decade, I feel we have an opportunity to influence economical and recreational development on the East side of Collins. Planning for this needs to start now.

**What do you feel you can contribute to the position?**

By jogging/cycling through our town's streets on a daily basis, I have a street view perspective on various projects/improvements 4B should at least be considering/planning for. I'll bring my ideas and contribute my time and energy to make Sunnyvale a better place to live and have fun at.

**Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?**

Yes, I have a lot of ideas of which many can be completed in the next two years, including:

- Plant trees to shade the new exercise equipment at Town Center Park.
- Ensure there are working water fountains with doggy bowls at all four existing parks. We also really need a couple of them somewhere East of Collins. We should definitely plan for one at the new water tower on Polly/Barnes Bridge. And we need to talk to the developers of St James to see if they would be willing to install one near one of their existing water fountains/features. I bet some of those high-end cyclists could turn out to be future customers / home builders ...
- Ensure meeting minutes are posted to the town's website so that citizens can be more involved with 4B's projects. Currently, only two of the 4B meeting minutes from 2011 are posted on the website and none from 2012. This has made it difficult for me to stay up to date on the committee's projects when I've been unable to attend the meetings.
- Gauge interest in a dog park area at Town Center Park. If the town citizen's feel this is worthwhile get corporate sponsorships (like the dog park in Rockwall did) to help with the associated costs. My wife and I are ready to sponsor a dog park bench for **Habla Speech Therapy PLLC**.

Longer term ideas that need to be planned for now:

- Recruit a bike shop to be a tenant at Sunnyvale Centre (we already have the cyclists come thru every day, might as well have them buy/service their \$1000 – \$10,000 bicycles here!)
- Land acquisition for a park East of Collins. Could be an opportunity to piggy back with 190 construction / land acquisition.
- Make some progress towards the multi-use master trail plan. Especially along these areas:
  - Greenbelts on Duck Creek, Long Branch Creek and adjacent flood plain land.
  - Selected 190 route.
  - Existing power lines.
  - Old railroad track.

Ensure any new walking/running trails use soft surface materials like those on the Katy Trail to ensure enjoyment for senior citizens and avid runners alike.

- When highway 80 is expanded, we should plan for a trail bridge/tunnel at highway 80 to connect the North side of town with Sunnyvale Centre. Possibly along the old railroad track and/or Samuel Farm

\*If you have applied in previous years, please apply again so we will have updated records. Please mail or fax your application to the attention of Leslie Malone, Town Secretary, by June 15th (127 Collins Road, Sunnyvale, Texas 75182 or fax to 972-226-1804). All applications will be forwarded to the Town Council for review. The Town Council will conduct interviews of selected applicants on a date and time to be announced.

**TOWN OF SUNNYVALE  
LIBRARY BOARD**

**MEMBER LIST**

<b>TITLE</b>	<b>MEMBER</b>	<b>ORIG. APPOINTED</b>	<b>TERM EXP.</b>	<b>TERM LIMITS</b>	<b>SERVE AGAIN?</b>
CHAIRPERSON	MARGARET JACOBS		2012		Yes
MEMBER	CAROLYN TRAMMELL		2013		N/A
MEMBER	ALICE CHARALES		2012		Yes
MEMBER	MARY HUGHES		2013		N/A
MEMBER	RANDY FERGUSON	2008	2012		Yes
MEMBER	GEORGEANN MOSS	2010	2012		Yes
MEMBER	KATIE FRAZIER	2010	2013		N/A
ALTERNATE	MIRIAN NEMER	2010	2012		Yes
ALTERNATE	RAJAN PHILIP	2011	2013		N/A

<b>ATTENDANCE</b>												
<b>REGULAR MEETING</b>	<b>19-Jul</b>	<b>16-Aug</b>	<b>20-Sep</b>	<b>18-Oct</b>	<b>15-Nov</b>	<b>20-Dec</b>	<b>17-Jan</b>	<b>21-Feb</b>	<b>20-Mar</b>	<b>17-Apr</b>	<b>15-May</b>	<b>19-Jun</b>
MARGARET JACOBS	x	x	x	x			x		x	x	?	?
CAROLYN TRAMMELL	x	x	x	A			x		x	x		
ALICE CHARALES	x	x	x	x			x		x	A		
MARY HUGHES	A	A	x	x			A		x	A		
RANDY FERGUSON	x	x	x	x			x		x	x		
GEORGEANN MOSS	x	x	x	x			x		x	x		
KATIE FRAZIER	A	x	x	x			x		x	x		
MIRIAN NEMER	A	x	x	x			x		x	x		
RAJAN PHILIP	x	x	x	x			x		x	x		
x - present      A - Absent												

<b>ATTENDANCE</b>	
<b>SPECIAL MEETINGS</b>	None
MARGARET JACOBS	
CAROLYN TRAMMELL	
ALICE CHARALES	
MARY HUGHES	
RANDY FERGUSON	
GEORGEANN MOSS	
KATIE FRAZIER	
MIRIAN NEMER	
RAJAN PHILIP	

# TOWN OF SUNNYVALE

## Council Appointment Fact Sheet

Appointment Sought Library board member

### Personal Information

Name Lucas Hales

Address 579 N. Collins Rd

Telephone 718.690.8818 email: lucas.hales@us.pwc.com

Sunnyvale resident since (MM/YY) 06/12

Occupation Public Accountant / CPA

### Background

Prior/current involvement in Town Government or related activities:

*I have experience serving the community as a secret leader as well as a community coordinator for a church congregation. I assisted in setting up multiple service projects for the community.*

Other related experience:

*Project management. I have worked on large engagements at my firm and I appreciate the effort that goes into managing a task and staying on budget.*

### Interest & Ability

Why are you interested in serving in this capacity?

*I love serving and I love libraries. Best place to do both is at the library. Also, I'm near to the community and I would like to jump in and get involved.*

What do you feel you can contribute to the position?

*Passion for libraries. Since being married my wife and I along with our children have been major proponents of library use.*

Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?

*I would like to help improve the library experience. Hopefully make it a destination for families to go and spend time together. Make it a central location for our community.*

\*If you have applied in previous years, please apply again so we will have updated records.

June 15, 2012

Town Secretary  
Town of Sunnyvale  
127 North Collins Road  
Sunnyvale, TX 75182

Dear Town Secretary:

I am currently living in Brooklyn, NY with my small family but we are moving to Sunnyvale on June 22 (in one week!). I recently visited your library website to get an idea of what to expect and as I did so I noticed that you are accepting applications for board members. We love libraries and I would love to serve with you at the Sunnyvale Library. So my question is if you would accept an application from a soon-to-be resident?

I have been an auditor with PwC for over 5 years giving me relevant skills for a public board position. I also love budgets. My family and I are very active library patrons and I would love to jump in and help out.

Best,

A handwritten signature in black ink, appearing to read "Lucas Hales". The signature is fluid and cursive, with a large initial "L" and "H".

Lucas Hales

Soon to be resident at:  
579 North Collins Road

## TOWN OF SUNNYVALE

### Council Appointment Fact Sheet

Appointment Sought Library Board Member

### Personal Information

Name Ann W. Smith PhD

Address 115 East Fork Rd. Sunnyvale →

Telephone (214) 221-8838

Sunnyvale resident since (MM/YY) Oct-2010

Occupation University Professor of History (retired) 35 years  
Henderson State Univ. - Arkadelphia, AR

### Background

Prior/current involvement in Town Government or related activities:

HOA President (Ark.), State Board member for History Day in Arkansas, State Sec. AAUP, campus pres. AAUP, State President AACTH (Ark. Assoc. of College History Teachers),

Other related experience:

Advisor for National award winning Chapter of Phi Alpha Theta (Historians.)

### Interest & Ability

Why are you interested in serving in this capacity?

I've been interested + involved with books my entire life — 40+ years experience at high school + university levels where I have gained some understanding of the specific needs for libraries.

What do you feel you can contribute to the position?

I would like to use whatever talents + understanding I have to advance the fortunes of the library.

Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?

- To promote increased utilization of library materials, especially encouraging teens to read seriously.
- attached is an item I found years ago. It is my philosophy on books + the need to share their contents with all ages + backgrounds.

\*If you have applied in previous years, please apply again so we will have updated records.

My husband and I own a home and acreage on East Fork, but my daughter, husband and family live there presently. Our present residence is in Dallas, but we are actively trying to locate a home in Sunnyvale. I do not want to misrepresent my status as an applicant for a position on the library board, but I do have a vested interest in the Town of Sunnyvale.

Ann W. Smith

### ***A Force to Be Reckoned With***

*I am full of wisdom, humor, tears, passion, and love. I am that which is held tightly to the breast, lightly on the lap, peered at, sighed over and remembered. I bring you foolish fancies; bring friendship to the lonely. I take you with me to the far reaches of the earth from India to China, to Mars, to Venus, and probe into the habits of chimpanzees.*



*I reach into your mind; I show you things that are unbelievable and make you believe them. You must treasure them. You must treasure me, protect me: I give you a knowledge of life you never dreamed of. Don't desecrate me; I fill the empty places of your life. I give myself gladly; seek me out and find me - I am a BOOK.*



*Ann W. Smith  
Prof. of History*

TOWN OF SUNNYVALE

Council Appointment Fact Sheet

Appointment Sought Library Board

Personal Information

Name Matthew Joseph

Address 583 N. Collins Rd.

Telephone 972-523-5746

Sunnyvale resident since (MM/YY) 03/01

Occupation Engineer

Background

Prior/current involvement in Town Government or related activities:

- Involved in church activities - Calvary Church; Board member & minister (Mega Church)
- Owner/President of RSN Engineering, Inc

Other related experience:

- Youth minister, counselor
- taught Engineering @ Mountainview Community college
- JOB w/ MW KELLOG IN THE TECHNICAL LIBRARY.

Interest & Ability

Why are you interested in serving in this capacity? Help Town of Sunnyvale  
- Bring new, fresh ideas  
- Get more folks to participate

What do you feel you can contribute to the position?  
Leadership, innovative ideas, time & talent

Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?

- \* Increase awareness of Town of Sunnyvale Library Programs/policies
- \* Get more funding for the library through sponsorship from businesses
- \* Have literary competition & fund raisers + reading & writing workshops

\*If you have applied in previous years, please apply again so we will have updated records.

Town of Sunnyvale  
Received

MAR 29 2012

TOWN OF SUNNYVALE

Town Secretary

Council Appointment Fact Sheet

Appointment Sought LIBRARY BOARD MEMBER

Personal Information

Name RANDY FERGUSON

Address 293 ASITWOOD LN, SUNNYVALE, TX 75102

Telephone 972-203-2285

Sunnyvale resident since (MM/YY) 02/02

Occupation DETECTIVE - DALLAS POLICE DEPARTMENT

Background

Prior/current involvement in Town Government or related activities: I AM CURRENTLY ON THE LIBRARY BOARD, MEMBER OF FRIENDS OF THE SUNNYVALE LIBRARY

Other related experience: COMMUNITY RELATIONS EXPERIENCE

Interest & Ability

Why are you interested in serving in this capacity? WOULD LIKE TO HELP IMPROVE THE QUALITY OF LIFE FOR SUNNYVALE CITIZENS

What do you feel you can contribute to the position? PAST EXPERIENCE DEALING WITH THE PUBLIC WILL HELP IN THE CURRENT MOMENTUM OF THE BOARD

Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they? CONTINUE THE PROGRESS WE HAVE MADE ON THE BOARD, THIS LAST TERM.

\*If you have applied in previous years, please apply again so we will have updated records.



TOWN OF SUNNYVALE  
Council Appointment Fact Sheet  
2012

Town of Sunnyvale  
Received

JUL 09 2012

Town Secretary

Appointment Sought: Library Board

Personal Information:

Name: GEORGEANN MOSS

Address: 453 STONE CANYON DRIVE

Telephone: 972-203-9175

Sunnyvale Resident Since (mm/yy): July 2008

Occupation: Director of Internet Publishing

Background: DALLAS County Community College District

Prior/Current involvement in Town Government or related activities: Have served on the Library Board for about 3 years.

Other related experience: Served on the Garland Park Board in the early 1990s.

Interest & Ability

Why are you interested in serving in this capacity? I LOVE to read and WANT to support the Sunnyvale Library. Serving on this board is an opportunity to give back to this

What do you feel you can contribute to the position? wonderful community. I HAVE more than 25 years experience

in marketing and public relations, plus 14 years experience as an administrator at DALLAS County Comm. College Dist.

Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they? Eventually, I would love to see the town build a new Library facility,

\*If you have applied in previous years, please apply again so we will have updated records. Please mail or fax your application to the attention of Leslie Malone, Town Secretary, by June 15th (127 Collins Road, Sunnyvale, Texas 75182 or fax to 972-226-1804). All applications will be forwarded to the Town Council for review. The Town Council will conduct interviews of selected applicants on a date and time to be announced.

**TOWN OF SUNNYVALE**

**Council Appointment Fact Sheet**

Appointment Sought LIBRARY BOARD MEMBER

**Personal Information**

Name ALICE CHARALES

Address 396 JOBSON ROAD, SUNNYVALE, TX 75182

Telephone (972) 226 1396

Sunnyvale resident since (MM/YY) 08/98

Occupation INSURANCE PROFESSIONAL

**Background**

Prior/current involvement in Town Government or related activities:

Current member - Sunnyvale Library Board

Other related experience:

**Interest & Ability**

Why are you interested in serving in this capacity?

Serve my community and work towards smooth functioning of library. What do you feel you can contribute to the position? Contribute new ideas that benefit the library and patrons.

Are there specific results you would like to accomplish as a member of this Board or Commission? If so, what are they?

Promote Sunnyvale Library to existing residents and new residents moving into Sunnyvale. Support programs that benefit, especially, children and young adults. Support programs that encourage reading from an young age.

\*If you have applied in previous years, please apply again so we will have updated records.