



AGENCY:	City Council
MEETING DATE:	June 8, 2015
DEPARTMENT:	Administration
PRESENTED BY:	L. Ruffing

AGENDA ITEM SUMMARY

TITLE:

RECEIVE RECOMMENDATION FROM PUBLIC SAFETY COMMITTEE AND PROVIDE DIRECTION TO STAFF REGARDING PREPARATION OF A "SOCIAL HOST ORDINANCE" TO ADDRESS UNDERAGE DRINKING

ISSUE:

Earlier this year, the Coalition for Gang Awareness and Prevention (CGAP) approached the Council's Public Safety Committee to encourage the City to adopt a "social host ordinance" that would allow law enforcement to issue citations to any individual who hosts an underage drinking party. The Public Safety Committee recommends that the City adopt such an ordinance. The topic is brought forward for Council consideration and direction to staff. Three students who have worked on the social host ordinance will attend the Council meeting to provide a Powerpoint presentation regarding their work and recommendations.

RECOMMENDED ACTION:

The Public Safety Committee recommends that a Social Host Ordinance be prepared for Council adoption. Staff will seek direction from the City Council regarding specific policies in the ordinance.

ALTERNATIVE ACTION(S):

1. No action. Under this alternative, the City would not proceed with adoption of a Social Host Ordinance.
2. Assign the item to the Public Safety Committee for further discussion and/or community outreach.

ANALYSIS:

CGAP and a group of high school students have prepared a number of handouts that provide an excellent overview of the problems associated with underage drinking parties and the utility of a social host ordinance as a tool for deterring and responding to underage drinking parties. (See Attachment 1: Issue Brief "What's the Problem?" and Attachment 2: Frequently Asked Questions Regarding Social Host Ordinance.)

CGAP drafted a social host ordinance based on the City of Napa's ordinance, and that was reviewed by the Public Safety Committee in March 2015. The Committee recommends that the City move forward with preparation and adoption of an ordinance. The ordinance proposed by the proponents was subsequently reviewed by the City Attorney's office. They have identified some issues that can be remedied if the Council chooses to proceed. What is necessary at this time is for the Council to provide clear policy direction on the following topics:

1. Should the City proceed with preparation of a social host ordinance?
2. Should the ordinance hold the parents of juveniles (under 18) responsible for events organized by juveniles, irrespective of whether they knew of the event and/or knew and intended that alcoholic beverages would be possessed and consumed by minors? The

alternative would be for the ordinance to apply only when the adult has “knowingly” allowed a party where underage drinking occurred.

3. Should the ordinance allow for recovery of police response costs?
4. Should the ordinance require administrative penalties (i.e., fines based on violation of the ordinance with appeals in the form of administrative hearings)? Alternatively, violations could be classified as infractions or misdemeanors which may require adjudication through the courts.
5. Should the ordinance provide a definition for and prohibition against “Loud or Unruly Gatherings” (which may or may not include underage drinking but which are neighborhood nuisance regardless).

The proponents recommend that the ordinance not be enforced solely against adults (over 21 years of age) and in control of the property who knowingly served or aided or otherwise permitted a minor to consume alcohol. Their rationale is as follows:

Having a civil ordinance allows police to cite at the scene, at their discretion, anyone (under 21 or over 21) who knowingly or unknowingly hosts a party. This could be a teenage host, adult, or a property owner (landlord). The first instance of a violation could even be a warning, without a citation. It provides increasing penalties for repeated violations and provides for cost recovery for police responses.

The proponents also recommend issuance of administrative citations rather than criminal penalties to create a swiftly applied penalty that is perceived as a deterrent to hosting underage drinking, offering the following rationale:

It equips the police with a tool to provide an immediate penalty for hosting parties with underage drinking, a lower threshold for the penalty, easier and more cost effective administration through a system similar to parking tickets. The civil social host ordinance becomes a deterrent because the perception is that the penalty is imposed relatively swiftly and is relatively certain. It does not make criminals of hosts (who may or may not know that there is underage drinking occurring on their property), is used at the judgment of the police on the scene, and the penalty can be appealed through an administrative process.

FISCAL IMPACT:

The Social Host Ordinance would have minimal fiscal impacts on the City, but would provide an additional tool for our police officers to use to discourage and respond to underage drinking parties.

CONSISTENCY:

Not applicable.

IMPLEMENTATION/TIMEFRAMES:

If direction is provided to proceed with a Social Host Ordinance, the City Attorney will prepare a Social Host Ordinance to meet the Council’s policy objectives. It will be brought back to the Council for adoption in July.

ATTACHMENTS:

1. Issue Brief “What’s the Problem?”
2. Frequently Asked Questions Regarding Social Host Ordinance

NOTIFICATION:

1. Laura Welter, Safe Passage/CGAP

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____