



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: SEPTEMBER 6, 2011

ITEM NUMBER:

**SUBJECT:** REQUEST OF MAYOR MONAHAN FOR ADOPTION OF A RESOLUTION DIRECTING THE CITY CEO TO PLACE SIGNS IN CITY PROPERTIES WARNING OF THE DANGERS OF DENTAL AMALGAM

**DATE:** AUGUST 29, 2011

**FROM:** MAYOR GARY MONAHAN

**PRESENTATION BY:** DAN JOYCE, INTERIM PUBLIC AFFAIRS MANAGER

**FOR FURTHER INFORMATION CONTACT:** DAN JOYCE (714) 754-5667  
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## **RECOMMENDATION:**

Consider adoption of the proposed Resolution.

## **BACKGROUND:**

Mayor Monahan has requested that the City Council adopt a resolution directing the City CEO to place signs on certain City-owned properties warning of the dangers of Dental Amalgam. Consumers for Dental Choice have provided substantial material regarding the adverse impacts of mercury on the environment as well as the impacts of its use in dental practices.

It is unclear at this time as to whether the City of Costa Mesa, as a general law City, has any legal authority to ban the use of Dental Mercury. As a general rule, regulation of the medical professions is outside the purview of local government. However, the City clearly has the authority to express as a matter of public policy its support for a ban on Dental Mercury and to post signs on its own property stating the potential dangers of Dental Amalgam. Consequently, the attached Resolution has been prepared for consideration by the City Council and the public.

## **ALTERNATIVES CONSIDERED:**

The Council could choose not to pass the resolution, in which case, no signs will be posted.

## **FISCAL REVIEW:**

The current fiscal impact is unknown at this time.

## **LEGAL REVIEW:**

The attached Resolution has been approved as to form.

**CONCLUSION:**

This is a matter of public policy in expressing the City's position on banning dental mercury. Should the City Council adopt the attached Resolution, it will represent a policy statement on behalf of the City and will only result in the City CEO placing signs upon City-owned property that notify the public regarding the dangers of Dental Amalgam.

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THOMAS R. HATCH  
City Manager

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DAN JOYCE  
Interim Public Affairs Manager

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THOMAS P. DUARTE  
City Attorney

ATTACHMENTS:     1     [Resolution No.](#)  
                          2     [City Council Staff Report – October 19, 2010](#)