



MEMORANDUM

TO: City Council

FROM: Michael Martinez, Chief of Police

BY: Jason Castillo, Administrative Sergeant

SUBJECT: Consideration of a Resolution Authorizing the Acceptance of a Tobacco Grant Award

DATE: April 9, 2024

SUMMARY OF ACTION:

Approval of a Resolution (Attachment 1) authorizing the Chief of Police to execute an agreement with the California Department of Justice (DOJ) for the receipt of grant funding through the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Prop. 56) to support local efforts to reduce the illegal sale of tobacco products in the City.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

The total grant award is for \$153,826 for the following fiscal years: \$51,276 allocated to Fiscal Year (FY) 2024-25, \$51,275 allocated to FY 2025-26, and \$51,275 allocated to FY 2026-27. Grant funds will be used to pay for Police Department staff overtime to conduct specialized operations shoulder tap and minor decoy. The costs of grant management will be absorbed into the regular duties of the Police Department administration and Administrative Services Department. These grant funds will be incorporated into the FY 2024-25 Mid Cycle Update and the future FY 2025-27 Biennial Budget.

RECOMMENDATION:

Adopt a Resolution authorizing the Chief of Police to execute an agreement with the California Department of Justice for the receipt of grant funding through the California Healthcare Research and Prevention Tobacco Tax Act of 2016 (Prop. 56) to support local efforts to reduce the illegal sale of tobacco products in the City.

BACKGROUND:

In June 2023, the Police Department applied for a California DOJ Tobacco Grant Program grant, which will provide funding for officers to conduct several specialized operations during three consecutive fiscal years beginning in FY 2024-25 through FY 2026-27. On October 11, 2023, the Police Department received notice from the DOJ that the City had been selected to receive a three-year grant totaling \$153,826 (Attachment 2).

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ANALYSIS OF ISSUES:

Tobacco grant funds were awarded to selected law enforcement agencies throughout California to expand their compliance and enforcement efforts on tobacco violations within their jurisdictions. The focus of the grant program is to educate minors about the harms of tobacco products, to enforce State and local tobacco laws, and to conduct retailer enforcement operations. The Police Department proposes to utilize the tobacco grant funds to conduct several educational lessons in local schools, to conduct tobacco use enforcement operations such as shoulder taps, and to educate and conduct enforcement operations with local tobacco-licensed establishments. These educational opportunities and enforcement operations will help ensure minors are not using or possessing tobacco products and that local retail establishments are in compliance with State and local laws. In addition, the Police Department will enforce State and local laws that prohibit the sale of tobacco products to underage persons.

The goals of the proposed program are to reduce minors' access to tobacco products and reduce tobacco violations during the three-year grant period. To achieve these goals, the Police Department will conduct enforcement and educational operations monthly. The operations will include the following activities:

- Minor decoy operations.
- Conduct unannounced inspections of businesses.
- Shoulder Tap operations, which involve an underage decoy soliciting the purchase of tobacco products.
- Provide nine (three annually) educational lessons to all tobacco retailers in the City.
- Disseminate educational information regarding the dangers of tobacco use.
- Receive "roll call" training regarding various tobacco laws, enforcement, and education for the public.

If approved by the City Council, the DOJ Tobacco Grant requires the signature of the Chief of Police to enter into a Memorandum of Understanding (MOU) for acceptance of the funds. Grant funds must be utilized during each fiscal year and must not be used to supplant previously approved expenditures of the General Fund. The City does not have a matching funds requirement for this grant; however, the funds for the grant are paid back to the City on a reimbursement basis. If accepted, the City will be reimbursed by the State on a monthly basis for operational expenses related to this program. These grant funds will be incorporated into the FY 2024-25 Mid Cycle Update and the future FY 2025-27 Biennial Budget.

Through grant funding from the California DOJ, the Police Department will be more successful in educating the public and curbing the problems associated with the sale and possession of tobacco products to minors. This will increase awareness of the dangers of consuming tobacco products.

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ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Adopt the Resolution, authorizing the Chief of Police to execute the grant document;
2. Do not adopt the Resolution;
3. Provide other direction to staff.

ADVANTAGES:

Accepting the California DOJ tobacco grant will have several advantages. It will fund additional training for officers in the area of tobacco laws and enforcement. It will fund overtime for officers to conduct specialized enforcement operations in the identified areas of concern such as sales of tobacco to minors and businesses possessing or distributing vape products. The grant funding will also support additional education efforts for youth regarding the health implications of tobacco use.

DISADVANTAGES:

By not accepting the grant, the Police Department will not receive additional funding to enhance its current training programs in the identified areas. This will limit the Police Department's additional enforcement programs, training, and enhanced public education that can be accomplished with grant funding.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item, as this action is not a "project" per § 15378(b)(5) of the CEQA Guidelines because the action pertains to submittal and approval of information regarding the City's acceptance of the DOJ Tobacco Grant Award and is therefore an organizational and administrative activity that will not result in direct or indirect physical changes to the environment.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

ATTACHMENTS:

1. Proposed Resolution and Exhibit A – Tobacco Grant Memorandum of Understanding
2. Tobacco Grant Award Notification