

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: November 8, 2005

2005 OCT 26 PM 2:02

Re: A Report and Proposed Resolution Authorizing the City Administrator to Accept and Appropriate Grant Funds in the Amount of Twenty-Five Thousand Dollars (\$25,000) from the Alameda County Public Health Department, Tobacco Control Program, for a Tobacco Control Enforcement Project by the Police Department from November 1, 2005 to May 31, 2006 and Authorizing the Department to Enter into a Contract for Services with the Alameda County Public Health Department for Implementation of this Initiative

SUMMARY

A resolution has been prepared authorizing the City Administrator, on behalf of the City of Oakland, to accept and appropriate a grant in the amount of \$25,000 from the Alameda County Public Health Department, Tobacco Control Program. The resolution includes a provision that upon approval of the grant acceptance by the City, the Alameda County Public Health Department will issue a contract for services for implementation of the initiative. The program period is November 1, 2005 through May 31, 2006.

The funds will be used for a seven-month Tobacco Control Enforcement Project administered by the Police Department's Alcoholic Beverage Action Team (ABAT). The goal of the project is to enhance abatement efforts to eliminate the smoking of tobacco products inside bars and the illegal sale of tobacco products to minors at liquor stores within the City of Oakland.

FISCAL IMPACT

It is anticipated that the Department will receive Alameda County Public Health Department grant funds in the amount of \$25,000 for a Police Department Tobacco Control Enforcement Project. Revenues and appropriations will be allocated in the Alameda County Grant Fund: 2160, ABAT Org.: 105622, Vice Narcotics Program Code: PS12, in a Project Account to be determined. The program will be managed by the ABAT Unit Supervisor and the program liquidation period is 45 days following the program end date. There is no match requirement. The funds will be allocated as follows:

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Description and Use of Funds	Amount
Police Officers - overtime charges for bar checks and minor decoy operations (2 @ 75 hrs/ea x \$60/hr)	\$9,000
Sergeant - overtime charges for bar checks and minor decoy operations (1 @ 75/hrs x \$73.00/hr)	\$5,475
Police Service Technicians - overtime charges for administrative responsibilities (2 @ 75/hrs x \$37.50/hr)	\$5,625
Administrative Analyst II – overtime charges for administrative tasks (1 @ 75/hrs x \$55.00/hr)	\$4,235
Buy Money for Sting Buy/ Decoy Operations	\$665
TOTAL	\$25,000

Based on a 17.77% calculation rate, Central Services Overhead (CSO) charges associated with the \$24,335 for salary and wages equals \$4,324. CSO charges will be expensed to the State of California Grant Fund 2999, Criminal Investigations Org. Code: 102310, Criminal Investigations Program Code PS12.

BACKGROUND

In August, 1993 the Oakland City Council adopted a “Deemed Approved” program (Ordinance No. 11624 C.M.S.) designed to improve enforcement against problem alcoholic beverage sale establishments through a cooperative effort of the Oakland Police Department, the Office of Planning and Building and other state and county agencies. The Deemed Approved Program not only subjects alcoholic beverage establishments to specific performance (sales) standards, it also provides education, monitoring and enforcement to licensees and is designed to work as an administrative abatement mechanism.

In 2001, ABAT assumed additional duties associated with tobacco use law enforcement by providing educational materials to local bar and convenience store outlets and providing police officers with training on the enforcement of tobacco laws. During the period April 2005 through June 2005, ABAT completed 18 operations reaching 257 locations. The ABAT Unit also conducted 64 bar check operations and issued six citations for violations of LC 6404.5 (Alameda County Smoke-Free Work Place). Of the 64 locations referenced above, ABAT verified non-compliance at three locations.

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ABAT also conducted 127 decoy operations, subsequently verifying that 99% of retailers complied with California Penal Code Section 308 (sale of tobacco products to minors) by not selling to minor decoys.

KEY ISSUES AND IMPACTS

The illegal use and sale of tobacco products to minors by commercial establishments remains a problem in the City of Oakland. For the past four years ABAT has provided education materials governing the use and sale of tobacco products to hundreds of local bars and convenience stores. ABAT personnel also staged several decoy sting operations, resulting in the issuance of citations for violations associated with state and local tobacco control laws.

PROJECT DESCRIPTION

The Tobacco Control Enforcement Project is expected to encompass 50 bars and liquor stores in Oakland. Project goals include the distribution of materials to establishment owners regarding current tobacco laws. Outreach efforts are designed to supply operators with the information necessary to comply with the laws governing the sale and consumption of tobacco products.

SUSTAINABLE OPPORTUNITIES

Economic

Success of the project may reduce the amount of sales taxes collected from tobacco products.

Environmental

The Tobacco Control Enforcement Project will improve the air quality inside targeted bars by ensuring patrons observe the State's 1998 no-smoking laws (Labor Code 6404.5).

Equity

Promotion of the project and the distribution of materials will provide continued reinforcement on the perils of tobacco use.

DISABILITY AND SENIOR CITIZEN ACCESS

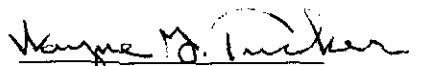
There are no ADA or senior citizen access issues contained in this report.

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RECOMMENDATION

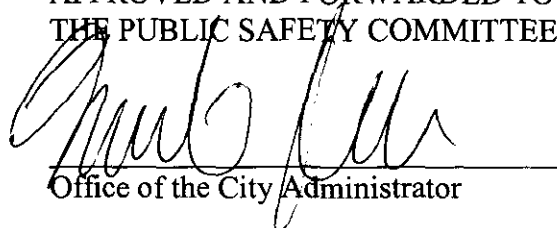
The Oakland Police Department recommends that the City Council approve the proposed resolution authorizing the City Administrator to accept grant funds in the amount of \$25,000 from the Alameda County Public Health Department, Tobacco Control Program and appropriate said funds to the Police Department. Adoption of the resolution shall also authorize the Department to enter into a Contract for Services, to be issued by the Alameda County Public Health Department, for implementation of the Tobacco Control Enforcement Project.

Respectfully submitted,


Wayne G. Tucker
Chief of Police

Prepared by: Robert P. Crawford
Sergeant of Police
Bureau of Field Operations and
Candice Jessie
Fiscal Services Division
Bureau of Administration

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Administrator

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OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK

RESOLUTION No. _____ C.M.S.

 City Attorney

 2005 OCT 26 PM 2:03
 Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FROM THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT, TOBACCO CONTROL PROGRAM, FOR A TOBACCO CONTROL ENFORCEMENT PROJECT BY THE POLICE DEPARTMENT FROM NOVEMBER 1, 2005 TO MAY 31, 2006, AND AUTHORIZING THE DEPARTMENT TO ENTER INTO A CONTRACT FOR SERVICES WITH THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT FOR IMPLEMENTATION OF THIS INITIATIVE

WHEREAS, it is anticipated that grant funds in the amount of twenty-five thousand dollars (\$25,000) will be received from the Alameda County Public Health Department, Tobacco Control Program, for a seven-month Tobacco Control Enforcement Project; and

WHEREAS, these Alameda County Public Health Department grant funds shall be used to expand law enforcement efforts to address tobacco-related problems through a comprehensive Tobacco Control Enforcement Project in Oakland; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 79101 C.M.S., dated March 15, 2005, Resolution No. 78893 C.M.S., dated November 16, 2004; Resolution No. 78105 C.M.S., dated September 30, 2003, and Resolution No. 77530 C.M.S., dated November 12, 2002, and contracted for services with Alameda County for the same; and

WHEREAS, these new Alameda County Public Health Department funds will be used to assist in tobacco abatement projects in bars and provide educational materials on the illegal sale of tobacco products to minors at convenience stores in Oakland; now, therefore be it

RESOLVED: That the City Council does hereby authorize the City Administrator or her designee to accept \$25,000 in Alameda County Public Health Department funds and to increase revenues and appropriate said budget to the Police Department; and be it

FURTHER RESOLVED: That the grant monies shall be maintained in the Alameda County Grant Fund: 2160; ABAT Org.: 105622; Vice Narcotics Program Code: PS12; in a Project Account to be determined; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the grant award; and be it

FURTHER RESOLVED: That upon approval of the grant, the Alameda County Public Health Department will issue a contract for services for implementation of the initiative and the City Administrator or her designee is hereby authorized to enter into said agreement in an amount not to exceed \$25,000 for the implementation of the Tobacco Control Enforcement Project.

FURTHER RESOLVED: That the City Attorney shall review and approve said agreement with the Alameda County Public Health Department.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, Ca