

2018 JUL -3 AM 10: 37

Approved as to Form and Legality

  
City Attorney's Office

**OAKLAND CITY COUNCIL**  
**RESOLUTION NO. 87315 = C.M.S.**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ALLOW THE OAKLAND POLICE DEPARTMENT (OPD) TO ENTER INTO AN MOU (MEMORANDUM OF UNDERSTANDING) WITH THE CALIFORNIA DEPARTMENT OF JUSTICE (CA DOJ) AND TO ACCEPT AND APPROPRIATE ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR A TWO-YEAR GRANT FUNDED UNDER THE CALIFORNIA HEALTHCARE, RESEARCH AND PREVENTION TOBACCO TAX ACT OF 2016, APPROVED BY THE VOTERS AS PROPOSITION 56**

**WHEREAS**, the CA DOJ serves as the grant administrator of the Tobacco Law Enforcement Program funded by the California Healthcare, Research and Prevention Tobacco Tax Act (Prop 56); and

**WHEREAS**, the OPD has been awarded one hundred thousand dollars (\$100,000) to expand and enhance OPD's Alcoholic Beverage Action Team's (ABAT) ability to identify and target problematic retailers of tobacco products who sell to minors; increase enforcement efforts against tobacco establishments that generate tobacco-related violations, promote strategies that reduce marketing of tobacco products to minors in Oakland communities, and develop and educate merchants on the laws with respect to tobacco-related violations; and

**WHEREAS**, in order to accept the Tobacco Law Enforcement Program grant, the State requires grantees to enter into an MOU with the CA DOJ; and

**WHEREAS**, the Tobacco Law Enforcement Program grant period of performance is from July 1, 2018 through June 30, 2020; and

**WHEREAS**, grant funds will be used to cover overtime costs for ABAT's enforcement operations and operational expenses related to the enforcement, outreach, and education activities; and

**WHEREAS**, the 14.32% Central Service Indirect Overhead Costs in the amount of \$14,320 is not allowed by the grantor; and

**WHEREAS**, Article V, Section 504(l) of the Oakland City Charter requires that the City Council approve all intergovernmental relationships and contracts; now, therefore be it

**RESOLVED:** That the City Council does hereby authorize the City Administrator or designee to accept and appropriate a grant award in the amount not to exceed one hundred thousand dollars (\$100,000) from CA DOJ, which serves as the grant administrator of the Tobacco Law Enforcement Program funded by the California Healthcare, Research and Prevention Tobacco Tax Act (Prop 56); and be it

**FURTHER RESOLVED:** That the CA DOJ Tobacco Enforcement Grant revenues will be allocated to the State of California Fund (2159); Special Operations Division Org (107710); Project (TBD); Special Operations Program (PS13); and be it

**FURTHER RESOLVED:** That the City Council authorizes a contribution of \$14,320 from the general purpose fund to cover the associated central services overhead costs of 14.32 percent which the grant does not cover; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend, renew and/or amend such an MOU without returning to the City Council; and be it

**FURTHER RESOLVED:** That in accordance with Article IV, Section 401(6) of the City Charter, the MOU authorized by this resolution shall be approved by the City Attorney's Office as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 24 2018

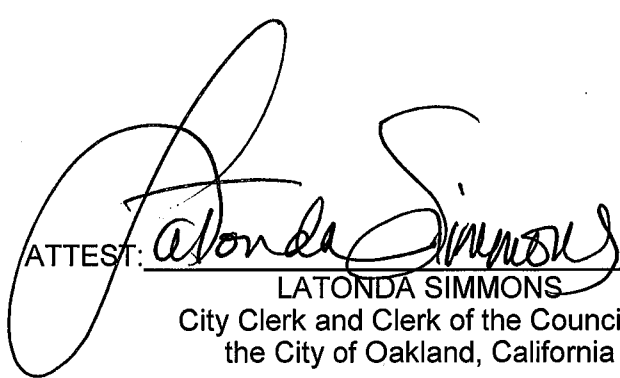
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California