

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2003 SEP 11 PM 2:19

To: Office of the City Manager
Attn: Deborah Edgerly
From: Police Department
Date: September 23, 2003

Re: A report and proposed resolution authorizing the City Manager to accept and appropriate thirty-seven thousand dollars (\$37,000) from the Alameda County Public Health Department, Tobacco Control Program for a seven-month Tobacco Law Enforcement Project within the Police Department

SUMMARY

The Police Department's Vice/Narcotics Section was awarded a grant in the amount of thirty-seven thousand dollars (\$37,000), from the Alameda County Public Health Department, Tobacco Control Program. The funds will be used for a special seven-month Tobacco Law Enforcement Project administered by the section's Alcohol Beverage Action Team (ABAT). The goal of the project is to enhance abatement efforts in the elimination of smoking of tobacco products inside bars and the illegal sale of tobacco products to minors at liquor stores within the City of Oakland.

The illegal use and sale of tobacco products remains a problem in the City of Oakland. For the past two years ABAT has provided educational materials governing the use and sale of tobacco products to hundreds of local bars and convenience store outlets. Many decoy sting operations have been staged, resulting in the issuance of numerous citations for violations associated with state and local tobacco control laws.

FISCAL IMPACT

The Alameda County Public Health Department, Tobacco Control Program, approved the Police Department's Tobacco Law Enforcement Project and granted the City of Oakland \$37,000 in county funds. Funds will be allocated in Fund: 2160, Org.: 104638, in a Project Account to be determined. The funds will be allocated as follows:

Description and Use of Funds	Amount
Police overtime charges for sting operations	\$21,048.00
Civilian overtime charges for administrative responsibilities	\$14,735.00
Sting Buy Operations	\$600.00
Supply/Copy Services	\$617.00
TOTAL	\$37,000.00

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In reference to the City's mandate regarding Central Services Overhead (CSO) charges, total CSO associated with the \$35,783 (for salary and wages only) equals \$3,506; (based upon a calculation rate of 9.8%). However, according to the granting agency, indirect costs (CSO) charges are disallowed. Therefore, the Department requests a waiver for all Central Services Overhead charges.

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. (A portion of the fees levied against alcohol beverage outlets for sale violations are used to fund ABAT.) 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 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 calendar year 2002, the ABAT decoy operations at Oakland liquor/convenience stores resulted in 15 stores being cited for violations of California Penal Code Section 308, (sale of tobacco products to minors).

KEY ISSUES AND IMPACTS

The Tobacco Law Enforcement Project is expected to encompass 175 bar and liquor store establishments within the City of Oakland. This will be accomplished through the distribution of materials to establishment owners regarding current tobacco laws. These outreach efforts will supply operators with the information necessary to comply with laws governing the sale and consumption of tobacco products. When it is deemed appropriate, project participants may also conduct decoy "sting" operations.

SUSTAINABLE OPPORTUNITIES

Economic

- Supplies and reprographic needs will be purchased locally.
- Success of the project may reduce the amount of sales taxes collected from tobacco products.

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Environmental

- As result of the enactment of the Tobacco Law Enforcement Project, air quality within each of the targeted bars will be improved.

Equity

- Promotion of the project and the distribution of materials will provide continued reinforcement as to the perils of tobacco use.

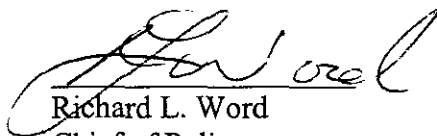
DISABILITY AND SENIOR CITIZEN ACCESS

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

RECOMMENDATION

The Oakland Police Department recommends that the City Council authorize the City Manager to accept the grant in the amount of \$37,000 from the Alameda County Public Health Department, Tobacco Control Program, appropriating said funds to the Police Department.

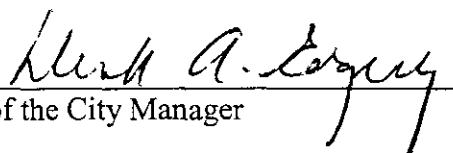
Respectfully submitted,



Richard L. Word
Chief of Police

Prepared by: Candice Jessie
Administrative and Technical Services Division
Bureau of Services

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:


Office of the City Manager

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OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality
Ch...ll
City Attorney

2003 SEP 11 PM RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND APPROPRIATE THIRTY-SEVEN THOUSAND DOLLARS (\$37,000) FROM THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT, TOBACCO CONTROL PROGRAM FOR A SEVEN-MONTH TOBACCO LAW ENFORCEMENT PROJECT WITHIN THE POLICE DEPARTMENT

WHEREAS, the Alameda County Public Health Department, Tobacco Control Program, has advised the City Manager that the City of Oakland has been awarded a grant in the amount of thirty-seven thousand dollars (\$37,000) to fund a seven-month Tobacco Law Enforcement Project within the Police Department; and

WHEREAS, the Alameda County Public Health Department, Tobacco Control Program previously awarded grants to the Department to fund Tobacco Law Enforcement Projects within the Police Department; and

WHEREAS, the City Council previously authorized acceptance of this similar type of grant funds by Resolution No. 76915 C.M.S., dated January 8, 2002, and Resolution No. 77530 C.M.S., dated October 20, 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 use abatement projects in bars and provide educational materials on the illegal sale of tobacco products to minors at liquor stores within the City of Oakland; and

WHEREAS, the proposed grant does not cover Central Services Overhead charges in the amount of \$3,506, and the Department has requested a waiver of said charges; now, therefore be

RESOLVED: That the City Council hereby authorizes the City Manager or her designee to accept thirty-seven thousand dollars (\$37,000) in Alameda County Public Health Department funds and to appropriate said funds to the Police Department; and be it

FURTHER RESOLVED: That the grant monies shall be maintained in the Alameda County Grant Fund: 2160; Org.: 104638; Program PS; with a Project Number to be established; and be it

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FURTHER RESOLVED: That the City Central Services Overhead costs of \$3,506 (9.8%) are hereby waived; and be it

FURTHER RESOLVED: That the City Manager 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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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