

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 OCT 13 PM 5:16

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: October 26, 2004

Re: A Report and Proposed Resolution Authorizing the City Administrator to Accept and Appropriate Grant Funds in an Amount Not to Exceed Fifteen Thousand Dollars (\$15,000) from the Alameda County Public Health Department, Tobacco Control Program for a Three-Month Tobacco Control Enforcement Project within the Police Department 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 an amount not to exceed \$15,000, from the Alameda County Public Health Department, Tobacco Control Program. The resolution also reflects that upon approval of the grant to the City, the Alameda County Public Health Department will issue a contract for services for implementation of the initiative.

The funds will be used for a three-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 of up to \$15,000 for the Police Department's Tobacco Control Enforcement Project. The proposed program period is November 1, 2004 through January 31, 2005. 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 Section Commander, 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 @ 40 hrs/ea x \$55.41/hr)	4,430
Sergeant - overtime charges for bar checks and minor decoy operations (1 @ 50/hrs x \$69.00/hr)	3,450
Police Service Technicians - overtime charges for administrative responsibilities (2 @ 50/hrs x \$36.00/hr)	3,600
Administrative Analyst – overtime charges for administrative tasks (1 @ 60/hrs x \$52.00/hr)	3,120
Buy Money for Sting Buy/ Decoy Operations	400
TOTAL	\$15,000

According to the granting agency, indirect costs (Central Services Overhead) charges are disallowed. Therefore, the Department requests a waiver of CSO charges totaling \$2,594 (17.77% of the \$14,600 allocation for salaries and wages).

BACKGROUND

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

KEY ISSUES AND IMPACTS

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 November 2002 through June 2003, ABAT decoy operations at Oakland liquor/convenience stores resulted in five stores being cited for violations of California Penal Code Section 308 (sale of tobacco products to minors), and Revenue and Tax Code 30471. Further, twenty-one bars were cited for violations of LC 6404.5 (Alameda County Smoke-Free Work Place) and Business and Professions (B&P) 17200 (Unfair Competition).

PROJECT DESCRIPTION

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

As result of the enactment of the Tobacco Control Enforcement Project, air quality inside the targeted bars will improve.

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.

RECOMMENDATION

The Oakland Police Department recommends that the City Council authorize the City Administrator to accept grant funds in an amount not to exceed \$15,000 from the Alameda County Public Health Department, Tobacco Control Program and appropriate said funds to the

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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.

ACTION REQUESTED BY THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

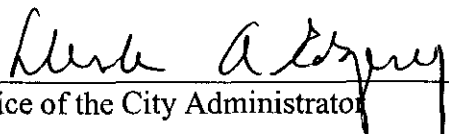
Respectfully submitted,



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 Administrator

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OAKLAND CITY COUNCIL

RESOLUTION No. _____

C.M.S. 2004

Approved as to Form

[Signature]
OFFICE OF THE CITY ATTORNEY
OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000) FROM THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT, TOBACCO CONTROL PROGRAM FOR A THREE-MONTH TOBACCO CONTROL ENFORCEMENT PROJECT WITHIN THE POLICE DEPARTMENT 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 not to exceed fifteen thousand dollars (\$15,000) will be received from the Alameda County Public Health Department, Tobacco Control Program, for a three-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. 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 use abatement projects in bars and provide educational materials on the illegal sale of tobacco products to minors at liquor/convenience stores in Oakland; and

WHEREAS, the grant does not cover Central Services Overhead charges in the amount of \$2,594, (based upon a calculation rate of 17.77% for salary and wages of \$14,600), and the Department has requested a waiver of said charges; now, therefore be it

RESOLVED: That the City Council does hereby authorize the City Administrator or her designee to accept up to \$15,000 in Alameda County Public Health Department funds and to increase revenues and appropriate said budget to the Police Department; and be it

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

WHEREAS **RESOLVED**: That the City Central Services Overhead costs of \$2,594 (17.77%) be waived; and be it

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

FURTHR RESOLVED: that upon approval of the grant to the City of Oakland, the Alameda County Public Health Department will issue a contract for services for implementation of the initiative, and that the City Administrator or her designee is hereby authorized to enter into said agreement in an amount not to exceed \$15,000 for the implementation of the Tobacco Control Enforcement Project.

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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PUBLIC SAFETY CMTE
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