

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2005 FEB 23 AM 11:36

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

**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 Four-Month Tobacco Control Enforcement Project by 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 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 funds will be used for a four-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 a Police Department Tobacco Control Enforcement Project. The proposed program period is March 1, 2005 through June 30, 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:

Item: \_\_\_\_\_  
Public Safety Committee  
March 8, 2005

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
<b>TOTAL</b>	<b>\$15,000</b>

According to the granting agency, charges for indirect costs (Central Services Overhead) 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

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, 21 bars were cited for violations of LC Section 6404.5 (Alameda County Smoke-Free Work Place) and Business and Professions (B&P) Section 17200 (Unfair Competition).

Item: \_\_\_\_\_  
Public Safety Committee  
March 8, 2005

## **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 three 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 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 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.

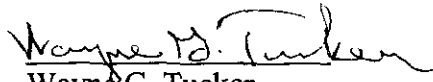
## **DISABILITY AND SENIOR CITIZEN ACCESS**

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

## RECOMMENDATION

The Oakland Police Department recommends that the City Council approve the proposed resolution authorizing 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 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: Candice Jessie  
Administrative and Technical Services Division  
Bureau of Services

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

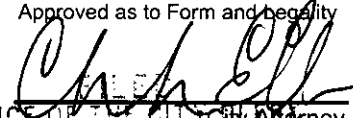
  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Safety Committee  
March 8, 2005

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_

C.M.S.

Approved as to Form and legality  
  
OFFICE OF THE CITY ATTORNEY  
OAKLAND

2005 FEB 23 AM 11:36

**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 FOUR-MONTH TOBACCO CONTROL ENFORCEMENT PROJECT BY 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 an amount not to exceed fifteen thousand dollars (\$15,000) will be received from the Alameda County Public Health Department, Tobacco Control Program, for a four-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. 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; 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); 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

**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 City Central Services Overhead costs of \$2,594 (17.77%) are hereby waived; 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 \$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, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
Interim City Clerk and Interim Clerk of the  
Council of the City of Oakland, California