CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK

2006 AUG 29 PM 5:00

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: September 12, 2006

Re: **A Report and Proposed Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Accept and Appropriate Grant Funds in an Amount Not to Exceed Thirty-Five Thousand Dollars ($35,000) from the Alameda County Public Health Department, Tobacco Control Program, for Implementation of the 2006 Tobacco Control Enforcement Project in the Police Department, and Authorizing the Department to Enter into a Contract for Service 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 $35,000 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, 2006 through May 31, 2007.

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 an amount not to exceed $35,000 for a Police Department Tobacco Control Enforcement Project. Revenues and appropriations will be allocated in the Alameda County Grant Fund: 2160, ABAT Org.: 101363, Patrol Program Code: PS11, 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:

Description and Use of Funds	Amount
Police Officers - overtime charges for bar checks and minor decoy operations	$18,700
Sergeant - overtime charges for bar checks and minor decoy operations	$5,840
Police Service Technicians - overtime charges for administrative responsibilities	$5,850
Administrative Analyst II – overtime charges for administrative tasks	$4,230
Buy Money for Sting Buy/ Decoy Operations	$380
TOTAL	**$35,000**

Based on a 17.77% calculation rate, Central Services Overhead (CSO) charges associated with the $34,620 for salary and wages equals $6,151. CSO charges will be expensed to the General Purpose Fund: 1010, ABAT Division Org. Code: 101363, Patrol Program Code PS11.

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 2005 through May 2006, ABAT completed 18 tobacco control enforcement operations, reaching more than 300 locations. The ABAT Unit also conducted 70 bar check operations, and issued citations for violations of LC 6404.5 (Alameda County Smoke-Free Work Place). ABAT conducted more than 100 decoy operations, verifying that local retailers are complying with California Penal Code Section 308 (sale of tobacco products to minors) by not selling tobacco products to minor decoys.

KEY ISSUES AND IMPACTS

The illegal use and sale of tobacco products to minors by commercial establishments is of concern in the City of Oakland. For the past five years, ABAT has provided educational materials governing the use and sale of tobacco products to hundreds of local bars and convenience stores. ABAT personnel also stage decoy sting operations, resulting in the issuance of citations for violations associated with state and local tobacco control laws.

PROJECT DESCRIPTION

The 2006 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

Sales taxes collected from tobacco products may be reduced as a result of this program's implementation.

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, on behalf of the City of Oakland, to accept grant funds in an amount not to exceed $35,000 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
Budget and Grants Administrator
Bureau of Administration

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:

Office of the City Administrator

Item: _____
Public Safety Comte.
September 12, 2006

Approved as to Form and Legality

City Attorney

OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2006 AUG 29 PM 5:00

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND DOLLARS ($35,000) FROM THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT, TOBACCO CONTROL PROGRAM, FOR IMPLEMENTATION OF THE 2006 TOBACCO CONTROL ENFORCEMENT PROJECT IN THE POLICE DEPARTMENT, AND AUTHORIZING THE DEPARTMENT TO ENTER INTO A CONTRACT FOR SERVICE WITH THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT IN AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND DOLLARS ($35,000) FOR IMPLEMENTATION OF THIS INITIATIVE

WHEREAS, it is anticipated that grant funds in an amount not to exceed thirty-five thousand dollars ($35,000) will be received from the Alameda County Public Health Department, Tobacco Control Program, for a seven-month Tobacco Control Program; and

WHEREAS, the grant term for the proposed Tobacco Control Program shall be November 1, 2006 to May 31, 2007; 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 Program in Oakland; and

WHEREAS, the City Council previously authorized acceptance of similar grant funds by Resolution No. 79592 C.M.S., dated November 15, 2005, 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 up to $35,000 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.: 101363; Vice Narcotics Program Code: PS11; 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 $35,000 for the implementation of the Tobacco Control Program; and be it

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