

# **CITY OF OAKLAND**

## **AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2007 NOV -1 PM 3:28

**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Police Department  
**Date:** November 13, 2007

**Re:** **A Report and Proposed Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Accept and Appropriate Funds in an Amount of One Hundred Thousand Dollars (\$100,000.00) from the Alameda County Public Health Department, Tobacco Control Program, for Implementation of the 2007-2011 Tobacco Control Enforcement Project in the Police Department, and Authorizing the City Administrator to Enter into a Grant Contract with the Alameda County Public Health Department to Provide Services Necessary to Implement this Initiative in the Amount of One Hundred Thousand Dollars (\$100,000.00)**

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### **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 \$100,000 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 December 1, 2007 to June 30, 2011.

The funds will be used for Tobacco Control Enforcement Projects 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**

Approval of the proposed resolution will authorize the application, acceptance, and appropriation of Alameda County Public Health Department grant funds in an amount not to exceed \$100,000 for a Tobacco Control Enforcement Program Grant for the period December 1, 2007 to June 30, 2011. Funding will be appropriated to the Alameda County Grant Fund (2160), Alcoholic Beverage Action Team (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:

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<b>Description and Use of Funds</b>	<b>Amount</b>
Police Officers – Overtime Charges for Enforcement Activities (2 @ \$41.91/hr x 1.5 x 280 hrs/ea.)	\$ 35,204
Sergeant of Police – Overtime Charges for Enforcement Activities (1 @ \$48.35 x 1.5 x 300 hrs.)	\$ 21,757
Police Service Technicians – Overtime Charges for Administrative Tasks (2 @ \$37.50 x 1.5 x 200 hrs./ea.)	\$ 22,500
Administrative Analyst II – Overtime Charges for Administrative Tasks (1 @ \$40.00 x 1.5 x 300 hrs./ea.)	\$ 18,000
Operating Expenses – Sting Buy Monies for Decoy Operations (\$31.74 x 80 operations)	\$ 2,539
<b>TOTAL</b>	<b>\$100,000</b>

Based on a 17.77% calculation rate, Central Services Overhead (CSO) charges associated with the \$97,461 for salary and wages equals \$17,319. 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 former Office of Planning and Building and other state and county agencies. The Deemed Approved Program not only subjects alcoholic beverage establishments to specific performance (nuisance) 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. The OPD ABAT Unit has been the recipient of Tobacco Control Enforcement Grant funds for seven consecutive award periods, beginning in November 2002.

From November 2006 through May 2007, ABAT completed 16 tobacco control enforcement operations, reaching more than 350 locations. The table below summarizes the ABAT Unit’s accomplishments during the 2006 grant award period:

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	<b>LC 6404.5 (Smoking Violations)</b>	<b>PC 308 (Sale of Tobacco to Minors)</b>	<b>Other Tobacco Inspections</b>	<b>Met Contract Requirements</b>
<b>Number of Operations</b>	4	7	25	Yes
<b>Number of Inspections</b>	61	55	235	Yes
<b>Citations Issued</b>	7	8	13	Yes

## **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.

Research conducted by the ABAT Unit has confirmed that the City of Oakland, like other municipalities, has noted an increased occurrence of illegal sales of alcoholic beverages and tobacco products to minors. These illegal sales have and will continue to grow without additional law enforcement intervention. The Department has verified that a decrease in alcohol and tobacco sales to minors occurs when targeted intervention initiatives are deployed. However, without ongoing external financial support, the issue of illegal alcohol and tobacco sales to minors will remain problematic.

## **PROJECT DESCRIPTION**

The 2007 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 including Oakland's revised Smoking Ordinance. Outreach efforts are designed to supply operators with the information necessary to comply with the laws governing the sale and consumption of tobacco products. In addition, ABAT will monitor businesses for compliance and to follow up on complaints regarding the smoking ordinance.

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## **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 funds in an amount of \$100,000.00 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 City Administrator to enter into a Contract for Services with the Alameda County Public Health Department under which the City will provide services necessary to implement the Tobacco Control Enforcement Project.

## ACTION REQUESTED BY THE CITY COUNCIL

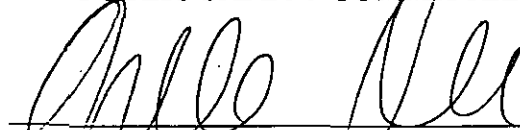
Staff recommends that the City Council approve the resolution.

Respectfully submitted,

  
Wayne G. Tucker  
Chief of Police

Prepared by: Robert P. Crawford  
Sergeant of Police  
Bureau of Field Operations  
and  
Debbie Beyea  
Grants and Budget Management Assistant  
Bureau of Administration

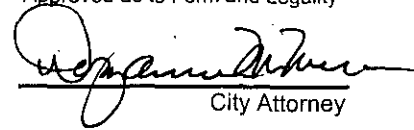
APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

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RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE FUNDS IN AN AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FROM THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT, TOBACCO CONTROL PROGRAM, FOR IMPLEMENTATION OF THE 2007 TO 2011 TOBACCO CONTROL ENFORCEMENT GRANT PROJECT IN THE POLICE DEPARTMENT, AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A GRANT CONTRACT WITH THE ALAMEDA COUNTY PUBLIC HEALTH DEPARTMENT UNDER WHICH THE CITY WILL PROVIDE THE SERVICES NECESSARY TO IMPLEMENT THIS INITIATIVE IN AN AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**

**WHEREAS**, it is anticipated that grant funds in an amount not to exceed one hundred thousand dollars (\$100,000) will be received from the Alameda County Public Health Department, Tobacco Control Program, for a Tobacco Control Program; and

**WHEREAS**, the grant term for the proposed Tobacco Control Program shall be December 1, 2007 to June 30, 2011; 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. 80156 C.M.S., dated September 19, 2006, 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 \$100,000.00 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); ~~Patrol Program~~ (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 grant contract for implementation of the initiative and the City Administrator or her designee is hereby authorized to enter into said agreement in an amount of \$100,000.00 under which the City will provide services necessary 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 for form and legality.

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, California