



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: June 5, 2018

TO: Carolyn Lehr, City Manager

FROM: Oliver Collins, Police Captain

SUBJECT: Resolution of The City Council of The City of Emeryville to Approve Acceptance Of The \$33,488 Grant Funds Awarded By The California Department of Justice (DOJ) Proposition 56 Tobacco Law Enforcement Grant Program For A Tobacco Education And Enforcement Campaign To Reduce The Sales Of Tobacco Products To Minors

RECOMMENDATION

Adopt the resolution to accept grant funds awarded by the California DOJ, Division of Law Enforcement, Proposition 56 Tobacco Law Enforcement Grant Program for \$33,488 and authorize the Emeryville Police Department to utilize the grant funds to reduce under age access to tobacco products and increase tobacco sales compliance within the City. Consider revising revenues and appropriations upon award of the grant.

BACKGROUND

This grant opportunity is part of California Proposition 56, via the California DOJ, Division of Law Enforcement. This \$30 million grant program was established to reduce illegal sales of tobacco products, especially to minors. The program is funded through the California Healthcare, Research, and Prevention Tax Act of 2016 (aka Prop. 56). A tax increase on the sales of tobacco products, in the amount of \$2.00 per product, began in April 2017 in California and these grant funds are drawn from this tobacco tax.

The grant goals are to improve enforcement of laws relating to the sale, marketing, and restrictions on the use of tobacco products. A primary focus of this grant goal is to reduce the purchase and use of tobacco products by minors. Improvement in the compliance rates of tobacco retailers can be directly linked to targeted education and enforcement campaigns. This grant can assist municipalities in achieving higher compliance rates by providing overtime funding for educational outreach and focused compliance checks of tobacco retailers.

The Emeryville Police Department has not applied for many grants in recent years due in part to staffing shortages and workload requirements of police staff. Now that the police department is closer to full staffing, we feel we can take a proactive role in improving the health of our community by ensuring laws are being followed by tobacco retailers. We feel that we can have a positive impact on our community by effectively and efficiently using the Prop. 56 grant funds.

The Police Department will work with local youth advocacy groups on prevention education, will focus targeted enforcement on tobacco retail businesses in the City, and will work to reduce child access to tobacco products. Another component of the education campaign is to partner with local news media outlets (who frequently received media releases on upcoming and past Prop. 56 tobacco outreach operations). The Police Department also garners support from residents and merchants throughout the City in reducing secondhand smoke and compliance with the smoking laws. The City's adoption of the Smoking Pollution Control ordinance (EMC 5-29.01 through 5-29.17), on March 1, 2007, and subsequent ordinance updates, shows the community has an interest in the City managing smoking pollution.

Compliance checks of tobacco retail establishments have shown to not only reduce the number of sales of tobacco products to minors, but the employees of these establishments gain important insight, resulting in better prevention practices regarding tobacco sales to minors.

We have outlined the following project goals and objectives for this two-year grant cycle:

1. Conduct six community outreach operations at local community events or with tobacco licensees directly, focusing on educating the community on the impacts of tobacco use and delivering training on tobacco sales to retail establishments.
2. Conduct eight compliance inspections with the goal of inspecting at least eight licensed tobacco retail establishments on their sales and age verification practices, advertising compliance, and watching for straw purchasing (shoulder tap sales).
3. Conduct six decoy/shoulder tap operations for tobacco purchases by minors at retail establishments.
4. Issue press releases outlining the grant operations and issue post operation press releases to inform the public of the results of each operation
5. Conduct patrol line-up training to our line staff and supervisors on tobacco laws and offences covering the Emeryville Muni Code smoking ordinance laws.

In addition to the enforcement operations, a community education and awareness campaign will be utilized. The police department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes. The Police Department will be required to submit Quarterly Performance Reports and Quarterly Evaluation data forms to the Prop. 56 DOJ grant administrators.

The grant period is June 1, 2018 through June 30, 2020.

DISCUSSION

A driving goal for the City and for the Police Department is to make the community safer and healthier through creating partnerships and relationships with those who live, work and play in the City. This commitment to partnership includes working with residents as well as businesses on measurable safety improvements. With a large working

population visiting the City of Emeryville daily, the Police Department will work with the many retailers who sell tobacco products to ensure a community friendly atmosphere of partnership. The Police Department is optimistic that by partnering with the tobacco retailers in the City, we can reduce the sales of tobacco products to minors, through cooperation and partnership rather than through enforcement. Compliance checks will be conducted to ensure our educational campaign is working and being followed.

Since this will be a grant program the Police Department has not applied for in the past, the benefits as well as the potential opportunities for future safety improvements within the City should be considered. Increasing the safety for our residents and visitors to the City is a continuing goal of the Police Department, and this grant would help toward achievement of that goal.

FISCAL IMPACT

The fiscal impact to the City will be the initial expenditure of overtime costs to conduct the various education and enforcement operations. However, since the Prop. 56 grant operates through a reimbursement process, there will be no real impact to the budget. Some police Administrative Staff time will be required to manage the awarded grant and this staff time will be considered part of their normal duties. Because Prop. 56 grant funding is based loosely on the fiscal year calendar which begins on July 1 and ends on June 30, the City of Emeryville expenditures will come from FY18/19 and the FY19/20 budget years. The personnel overtime and equipment costs will be submitted to DOJ for reimbursement on a quarterly basis.

STAFF COMMUNICATION WITH THE PUBLIC

None.

CONFLICT OF INTEREST

None.

CONCLUSION

This program offers a great opportunity for the City of Emeryville, the Emeryville Police Department and to the Emeryville community. Staff recommends supporting this Prop 56 Tobacco grant award to enhance our efforts to improve safety within our community.

PREPARED BY: Oliver Collins, Emeryville Police Department Captain

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

ATTACHMENTS

1. Resolution