



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** January 6, 2020

FROM: Matthew Bronson, City Manager

PREPARED BY: John Peters, Chief of Police

SUBJECT: Acceptance of California Department of Justice Tobacco Law Enforcement Grant Award Funds and Approval of Budget Appropriation

RECOMMENDATION

Adopt the Resolution authorizing the Chief of Police to accept the California Department of Justice Tobacco Law Enforcement Grant Program funds in the amount of \$137,661 over three fiscal years from FY 2019-20 through FY 2021-22 and approve a budget appropriation for FY 2019-20.

BACKGROUND

In July 2019, the Grover Beach Police Department applied for a California Department of Justice Tobacco Law Enforcement Grant Program grant which provides funding for officers to conduct several specialized operations from FY 2019-20 through FY 2021-22. The grant funds are made available through The California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Prop. 56) and administered by the California Department of Justice to support local efforts to reduce the illegal sale of tobacco products in the City. On September 30, 2019, the Police Department received notice from the Department of Justice that the City had been selected to receive a three-year grant totaling \$137,661.

Tobacco grant funds were awarded to selected law enforcement agencies throughout California to expand their compliance and enforcement efforts on tobacco violations within their jurisdiction. The focus of the grant program is to educate kids about the harms of tobacco products, enforce state and local tobacco laws, and conduct retailer enforcement operations. With these funds, the Police Department will conduct educational lessons in local schools through the Drug Abuse Resistance Education (D.A.R.E.) program, conduct tobacco use enforcement operations in and around City parks, and educate and conduct enforcement operations with our local tobacco licensed establishments. These educational opportunities and enforcement operations will help ensure minors are not buying, using or possessing tobacco products and our retail establishments are in compliance with state and local laws. In addition, the Police Department will enforce state and local laws that prohibit the use of tobacco products in City parks.

The goals of the proposed program are to reduce access of tobacco products to minors and reduce tobacco violations during the three-year grant period. To achieve these goals, the Police Department will conduct enforcement operations monthly with the following activities:

- Provide DARE educational lessons at all three elementary schools each year.
 - Provide six (two annually) educational lessons to all tobacco retailers in the city.
 - Conduct twelve (four annually) "Minor Decoy" operations in the city. This is when an underage individual attempts to purchase tobacco from a retailer.
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- Conduct twelve (four annually) unannounced site inspections of tobacco licensed businesses.
- Conduct sixty (20 annually) bike patrol or foot patrol enforcement operations in and around City parks, festivals and special events where tobacco is not permitted.
- In collaboration with the San Luis Obispo County Department of Public Health and the Tobacco Control Program, the Police Department will provide educational materials to the public regarding the dangers of tobacco use.

If approved by Council, the Department of Justice Tobacco Grant requires the signature of the Chief of Police in order to enter into a Memorandum of Understanding (MOU) for acceptance of the funds. The grant funds must be utilized during each fiscal year and must not be used to supplant previously approved expenditures or the General Fund. The City does not have a matching funds requirement for this grant, however, the funds for the grant are paid back to the City on a reimbursement basis. If accepted, the City will be reimbursed by the State on a monthly basis for operational expenses related to this program.

FISCAL IMPACT

The MOU requires the City to expend the approved grant amount of \$137,661 (FY 2019-20 = \$44,050; FY 2020-21 = \$46,106; FY 2021-22 = \$47,505) for these Police Department operations with full annual reimbursement being provided by the Department of Alcoholic Beverage Control during each fiscal year. Staff is seeking Council approval for a corresponding budget appropriation for FY 2019-20 for the following accounts: revenue account 01-000-44170-000-9003 of \$44,050 and corresponding expenditure accounts 01-192-50030-000-9003 (reserve salaries) of \$36,448 and 01-192-50050-000-9003 (overtime) of \$7,602. The approved grant amounts for FY 2020-21 of \$46,106 and FY 2021-22 of \$47,505 will be included with the operating budgets for each fiscal year.

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Adopt the Resolution authorizing the Chief of Police to accept the California Department of Justice Tobacco Grant Program funds in the amount of \$137,661 for three fiscal years from FY 2019-20 through FY 2021-22 and approve a budget appropriation for FY 2019-20.
2. Decline the California Department of Justice Tobacco Grant Program funds in the amount of \$137,661.
3. Provide staff with alternative direction.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Resolution No. 20-XX
Exhibit A - Tobacco Grant Memorandum of Understanding
2. Tobacco Grant Award Notification

RESOLUTION NO. 20-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$137,661 FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF ATTORNEY GENERAL, TOBACCO LAW ENFORCEMENT GRANT PROGRAM

WHEREAS, the City of Grover Beach desires to participate in the Tobacco Law Enforcement Grant Program, which is made available through The California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Prop. 56) and administered by the California Department of Justice to support local efforts to reduce the illegal sale of tobacco products in the City; and

WHEREAS, the Grover Beach Police Department submitted a proposal to participate in the grant opportunity and the State of California Department of Justice offered to award \$137,661 for a three-year grant program beginning July 1, 2019 and ending June 30, 2022; and

WHEREAS, the Chief of Police for the City of Grover Beach is authorized to execute on behalf of the City of Grover Beach the attached Memorandum of Understanding, (Exhibit A) including any extensions or amendments thereof and any subsequent Memorandum of Understanding with the State in relation thereto; and

WHEREAS, the grant funds will be used for salary expenditures related to educational opportunities for children, tobacco enforcement operations, local retailer inspections and training and that grant funds received from the Department of Justice shall not be used to supplant expenditures of the General Fund approved by this body.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach does hereby authorize the Chief of Police to accept the Department of Tobacco Grant Program funds to be used by the Police Department.

On motion by _____, seconded by _____, and on the following roll call vote, to wit:

AYES: Council Members -
NOES: Council Members -
ABSENT: Council Members -
ABSTAIN: Council Members -

the foregoing Resolution was **PASSED, APPROVED, AND ADOPTED** at the Regular Meeting of the City Council of the City of Grover Beach, California, this 6th day of January, 2020.

****DRAFT****

JEFF LEE, MAYOR

ATTEST:

WENDI SIMS, CITY CLERK

MEMORANDUM OF UNDERSTANDING

PURPOSE

This Memorandum of Understanding (“MOU”) is entered into by the Department of Justice (“DOJ”) and the Grover Beach Police Department (hereinafter, “Grantee”), to provide grant funds to Grantee for expenditure in compliance with the Grantee Handbook. The Grantee will expend funds for the purposes identified in the approved Grant Application submitted by Grantee in response to the DOJ’s Request for Proposals for activities of Local Government Agencies to be funded under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (the “Act”), approved by the voters as Proposition 56.

The Request for Proposals, Grantee Handbook (dated November 2019), and Grant Application are hereby incorporated by reference into this MOU.

COST REIMBURSEMENT

DOJ agrees to reimburse Grantee in arrears, for Grantee’s actual expenditures in performing the Scope of Work included in the approved Grant Application, upon receipt of invoices from Grantee and approval of the invoices by DOJ, in accordance with the reimbursement procedures set forth in the Grantee Handbook.

BUDGET CONTINGENCY CLAUSE

It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under the agreement does not appropriate sufficient funds for this MOU, this MOU shall be of no further force and effect. In this event, the DOJ shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this MOU and Grantee shall not be obligated to continue performing any provisions of this agreement for which it would have been reimbursed.

If funding for any fiscal year is reduced or deleted in the Budget Act for purposes of this MOU, the DOJ shall have the option to either cancel this MOU with no liability occurring to the DOJ, or offer an amendment to the Grantee to reflect the reduced amount.

ADMINISTRATION

Should Grantee fail to comply with this MOU, including any expenditures for purposes not permitted under the MOU, DOJ may take one or more of the actions described under Remedies for Noncompliance in the Grantee Handbook.

MISCELLANEOUS PROVISIONS

Amendment – No amendment or variation of the terms of this MOU is valid unless made in writing, and signed by the duly authorized representatives of the parties.

Assignment – This MOU is not assignable by Grantee in whole or in part.

Indemnification – Grantee agrees to indemnify and hold harmless the DOJ, its officers, agents and employees from all claims, liabilities, or losses in connection with the performance of this MOU.

Termination – The DOJ may terminate this MOU and be relieved of any obligation to provide grant funds to Grantee should Grantee fail to perform the Scope of Work at the time and in the manner provided in this MOU.

TERMS

Grant Duration: 12/1/2019 – 6/30/2022

Award Amount			
Category of Expenditure	Budget FY 2019-2020	Budget FY 2020-2021	Budget FY 2021-2022
Personal Services	\$44,050	\$46,106	\$47,505
Operating Expenses and Equipment	\$0	\$0	\$0
Administrative Costs (Not to Exceed 5%)	\$0	\$0	\$0
TOTAL AWARD AMOUNT	\$137,661		

The time limit for reimbursements against this award ends 6/30/2022. Requests received after 7/15/2022 cannot be reimbursed by the DOJ.

GRANTEE CONTACT INFORMATION

Angelo Limon, Commander
 Grover Beach Police Department
 711 Rockaway Ave
 Grover Beach, CA 93433
 (805) 473-4506
 alimon@gbpd.org

AUTHORIZATION

The DOJ and Grantee, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU and any future amendments shall be mailed to the Division of Operations, Local Assistance Unit, Tobacco Grant Program, and will become fully executed upon completion of signatures from all parties.

JOHN PETERS, CHIEF OF POLICE
 Grover Beach Police Department

 Date

STACY HEINSEN, GRANT MGR.
 Division of Operations
 California Department of Justice

 Date

CHRIS RYAN, CHIEF
 Division of Operations
 California Department of Justice

 Date

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



DIVISION OF OPERATIONS
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Telephone: (916) 210-7006
Fax (916) 324-5033
E-Mail Address: Stacy.Heinsen@doj.ca.gov

September 30, 2019

John Peters, Chief of Police
Grover Beach Police Department
711 Rockaway Avenue
Grover Beach, CA 93433

Re: Tobacco Grant Award Notification FY 19/20

Dear John Peters,

Congratulations! On behalf of the California Department of Justice, I am excited to inform you that your agency's grant application for funds authorized under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 has been approved for funding in the amount of \$137,661.

The California Department of Justice was delighted to receive applications totaling over \$195 million to support local government agencies in educating kids about the harms of tobacco products, enforce state and local tobacco laws and, conduct retailer enforcement. Consequently, many awards were approved with modifications.

Attorney General Xavier Becerra will announce the award recipients in a press release on October 1, 2019. Until then, this information is embargoed and shall remain confidential. If your agency would like to coordinate and provide a two sentence quote for the press release, please contact Press Secretary Jennifer Molina at (213) 247-2803 or by email at Jennifer.Molina@doj.ca.gov. Attached please find a media kit that includes a template press release and social media. Please help us promote the program!

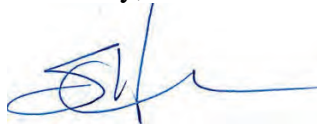
The Local Assistance Unit within the California Department of Justice will provide a follow up with your agency with detailed information pertaining to your particular award in addition to preparing the draft Memorandum of Understanding and all other required documents. In order to expedite this process, please send an e-mail to the Tobacco Grant Program at TobaccoGrants@doj.ca.gov with your application Budget Detail Sheet in Microsoft Excel format. Our team will insert any adjustments made during the award process.

September 30, 2019

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If you have any questions about this process, please do not hesitate to contact me at (916) 210-7006 or at TobaccoGrants@doj.ca.gov.

Sincerely,



STACY HEINSEN
Staff Services Manager II

For XAVIER BECERRA
Attorney General