

CITY OF YUBA CITY
STAFF REPORT

Date: May 21, 2019
To: Honorable Mayor & Members of the City Council
From: Police Department
Presentation By: Brian Thornton, Patrol Sergeant

Summary

Subject: Research and Prevention Tobacco Tax Act Enforcement Grant, to include identification of problematic retailers, ordinance compliance inspections, educational training, and shoulder tap operations

Recommendation: A. Conduct a Public Hearing, and after consideration;
B. Adopt a Resolution authorizing receipt, allocation and expenditure of the FY 2018-2021 Research and Prevention Tobacco Tax Act of 2016 through the Department of Justice (DOJ), and approve expenditure recommendations;
C. Authorize a supplemental appropriation in the amount of \$53,895 to Account No. 100-43116 [Federal Law Enforcement Grant].

Fiscal Impact: \$53,895 to Account No. 100-43116 – No City match required.

Purpose:

To accept a no-match grant from the California Department of Justice to further the City's tobacco education and enforcement efforts.

Background:

In October 2018, the Yuba City Police Department submitted for the Research and Prevention Tobacco Tax Act Enforcement Grant offered by the California Department of Justice. In December 2018 the Department received award notification for the grant with authorization to receive funds in the amount of \$53,895. No matching funds are required by the City of Yuba City to accept the grant. This grant runs in accordance with the fiscal years 18/19, 19/20, and 20/21 (07/01/18-06/30/21) and would not continue without future applications and approval for the grant.

Analysis:

For many years, the Department has had a positive working relationship with the California Department of Justice but have not been awarded the Research and Prevention Tobacco Tax Act Enforcement Grant. This grant will allow the department to continue to combat underage tobacco use in our community. This will include identification of problematic retailers, ordinance compliance inspections, educational training, and shoulder tap operations. These operations deploy officers within the City with a primary goal of reducing underage tobacco smoking and tobacco use through targeting individuals who would choose to assist in minors obtaining tobacco. This would include the person(s) or establishment(s) who knowingly provided tobacco to minors.

The goal of the grant is to reduce the number of underage tobacco users and those that provide the tobacco to minors through education and enforcement of established laws. "Best practice" strategies will be conducted on an overtime basis. The funded strategies include ordinance compliance and inspections of retail establishments, shoulder tap operations utilizing underage decoys, and law enforcement roll call trainings. These strategies are designed to earn media attention thus enhancing the overall deterrent effect. The California Department of Justice has designed these operations and the funding for them to be done in addition to our daily duties, thus making an additional impact on tobacco enforcement.

Fiscal Impact:

The City will be reimbursed \$53,895 from the California Department of Justice. No matching funds are required for this grant. Funds will be drawn down through Account No. 100-43116 [Federal Law enforcement Grant] and expended for division 2187 for personnel overtime costs, for travel and training, and for direct costs associated with the grant.

Alternatives:

Do not accept the grant and / or direct staff to research alternatives.

Recommendation

- A. Adopt a Resolution authorizing the Chief of Police to accept \$53895 in grant funding from The Research and Prevention Tobacco Tax Act of 2016 through the California Department of Justice (DOJ), and approve expenditure recommendations associated with identifying and deterring violations involving underage tobacco use and/or sales.
- B. Authorize supplemental appropriations in the amount of \$53,895 to revenue account no. 100-43116 [Federal Law Enforcement Grant] and to division 2187 for travel, training, and supplies.

Note: Public Hearing notification requirements have been met.

Attachment

- 1. Resolution

Prepared By:

/s/ Brian Thornton

Brian Thornton
Patrol Sergeant

Submitted By:

/s/ Diana Langley

Diana Langley
Interim City Manager

Reviewed By:

Department Head
Finance
City Attorney

RL
RB
SLC by email

ATTACHMENT 1

RESOLUTION NO. _____
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING RECEIPT, ALLOCATION AND EXPENDITURE, OF THE FY
2018-2021 RESEARCH AND PREVENTION TOBACCO TAX ACT OF 2016

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

WHEREAS, THE Yuba City Council desires to undertake a certain project designated as Research and Prevention Tobacco Tax Act of 2016 to be funded in part from funds made available through the California Department of Justice (DOJ).

NOW, THEREFORE, BE IT RESOLVED that the Chief of Police of the City of Yuba City is authorized, on its behalf to execute a contract, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto subject to approval as to legal form by the City Attorney.

The contract with the State may provide that any liability arising out of the performance of the agreement, including civil court actions for damages, shall be the responsibility of the City as grant recipient and the authorizing agency. The contract may further provide that the State of California disclaims responsibility for such liability, and the award of the grant is not subject to local hiring freezes.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The City Council approves staff-recommended expenditures under grant to allow for the combating of underage tobacco use in the Yuba City community, including identification of problematic retailers, ordinance compliance inspections, educational training, and shoulder tap operations.

I hereby certify that the foregoing is a true copy of the resolution adopted by the Yuba City Council of Yuba City in a meeting thereof held on May 21, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Patricia Buckland, City Clerk

Shon Harris, Mayor

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP