

RESOLUTION NO 2022-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING ACCEPTANCE OF \$45,086 FROM STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE, TOBACCO GRANT PROGRAM, AUTHORIZING
EXPENDITURE OF SAID \$45,086 RECEIVED FROM STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE, TOBACCO GRANT PROGRAM, AUTHORIZING FINANCE
DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES AND
AUTHORIZING CITY MANAGER TO EXECUTE GRANT DOCUMENTS ON BEHALF OF
THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, the State of California, Department of Justice, Tobacco Grant Program has awarded a \$45,086 grant to the City of Marina (“**EXHIBIT B**”), and;

WHEREAS, the Tobacco Grant Program funds will be used for conducting police enforcement operations and educational programs related to tobacco laws regarding the sale of and procurement of tobacco products by youth, and;

WHEREAS: the Police Department will conduct tobacco retailer inspections, minor decoy operations, conduct operations enforcing tobacco laws in locations youth are likely present, create a public information/education program geared towards youth and parents, and create and implement a tobacco retail licensing ordinance to meet the requirement of the grant, and;

WHEREAS, funds received from the Tobacco Grant Program may only be used to fund officer overtime while they are conducting grant related activities, and grant funds may not be used to supplant officer salaries or purchase equipment or supplies, and;

WHEREAS, the Tobacco Grant Program does not require matching funds of the City, and;

WHEREAS, the City Council of the City of Marina accepts and approves the expenditure of funds received from the State of California, Department of Justice, Tobacco Grant Program in the amount of \$45,086.

NOW, THEREFORE IT BE RESOLVED, that the City Council of the City of Marina does hereby:

1. Approve acceptance of funds from the State of California, Department of Justice, Tobacco Grant Program in the amount of \$45,086, and;
2. Approve the expenditure of the funds received from the State of California, Department of Justice, Tobacco Grant Program in the amount of \$45,086 and;
3. Authorize Finance Director to make necessary accounting and budgetary entries, and;
4. Authorize City Manager to execute grand documents on behalf of City subject to final review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 19th day of January 2022, by the following vote:

AYES, COUNCIL MEMBERS: Medina Dirksen, Burnett, Berkley, Biala, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



DIVISION OF OPERATIONS
TOBACCO GRANT PROGRAM
P.O. BOX 160187
SACRAMENTO, CA 95816-0187
Telephone: (916) 210-6422
E-Mail Address: TobaccoGrants@doj.ca.gov

November 18, 2021

Bryan Whittaker, Sergeant
Marina Police Department
211 Hillcrest Avenue
Marina, CA 93933

Re: Tobacco Grant Award Notification FY 21/22

Dear Bryan Whittaker:

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 \$45,086¹.

The California Department of Justice was excited to receive applications totaling over \$71 million to support local law enforcement agencies in educating minors about the harms of tobacco products, enforcing state and local tobacco laws, and conducting retailer enforcement. Consequently, some awards were approved with modifications.

In order to accept the award, your agency must, within 15 calendar days of the date of this letter, respond with a signed Letter of Intent (template attached) affirming either 1) your agency will seek a resolution to accept the award, if your agency has a governing body; or 2) no governing body exists and no resolution is required. The letter can be sent via email to TobaccoGrants@doj.ca.gov with subject line "FY 21-22_Letter of Intent_Marina Police Department" and/or hard copy to:

CA Department of Justice
Division of Operations
Tobacco Grant Program
P.O. Box 160187
Sacramento, CA 95816-0187

If the Letter of Intent is only being sent via hard copy, it must be postmarked within 15 days of the date of this letter. Upon receipt of the Letter of Intent, the Local Assistance Unit

¹Award amounts are subject to change due to appeals or declinations of awards.

November 18, 2021

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within the California Department of Justice will provide documents as part of your grant agreement (Memorandum of Understanding, Handbook, etc.).

Also provided with the electronic version of this letter are the Award Summary and approved Budget Detail which will reflect any necessary modifications. If you wish to realign the approved funds, please reference the attached instruction sheet and return your revised Budget Detail with your letter of intent.

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

Digitally signed by Stacy
Heinsen
Date: 2021.11.17
17:37:08 -08'00'

STACY HEINSEN
Manager, Tobacco Grant Program

For ROB BONTA
Attorney General

MEMORANDUM OF UNDERSTANDING

PURPOSE

This Memorandum of Understanding (MOU) is entered into by the Department of Justice (hereinafter, “Department”) and the City of Marina 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 Summary of Award document 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 March 2021), and Summary of Award document are hereby incorporated by reference into this MOU.

COST REIMBURSEMENT

The Department agrees to reimburse Grantee in arrears, for Grantee’s actual expenditures in performing the project or scope of work included in the approved Summary of Award document, upon receipt of invoices from Grantee and approval of the invoices by the Department, 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 Department 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 Department shall have the option to either cancel this MOU with no liability occurring to the Department, or offer an addendum 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, the Department may take one or more of the actions described under Noncompliance in the Grantee Handbook.

MISCELLANEOUS PROVISIONS

Addendum – No addendum 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 Department, its officers, agents and employees from all claims, liabilities, or losses in connection with the performance of this MOU.

Termination – The Department 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: 12/1/2021 – 6/30/2025

Award Amount				
Category of Expenditure	Budget FY 2021-2022	Budget FY 2022-2023	Budget FY 2023-2024	Budget FY 2024-2025
Personal Services	\$22,543	\$22,543	\$0	\$0
Operating Expenses and Equipment	\$0	\$0	\$0	\$0
Administrative Costs (Not to Exceed 5%)	\$0	\$0	\$0	\$0
TOTAL AWARD AMOUNT	\$45,086			

The time limit for reimbursements against this award ends 6/30/2025. Requests received after 7/15/2025 cannot be reimbursed by the Department.

GRANTEE CONTACT INFORMATION

Name and Title

Agency Name, Department/Unit

Mailing Address

Phone Number

E-Mail

AUTHORIZATION

The Department and Grantee, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU and any future addendums 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.

Layne Long, City Manager
 City of Marina

 Date

Tina Nieto, Chief of Police
 Police Department
 City of Marina

 Date

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

 Date

CHRIS RYAN, CHIEF
 Division of Operations
 California Department of Justice

 Date

December 23, 2021

Item No. **8g(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of January 19, 2022

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2022-,
APPROVING ACCEPTANCE OF \$45,086 FROM STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE, DIVISION OF OPERATIONS, TOBACCO
GRANT PROGRAM, AUTHORIZING EXPENDITURE OF SAID \$45,086
RECEIVED FROM STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE,
DIVISION OF OPERATIONS, TOBACCO GRANT PROGRAM, AUTHORIZING
FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND
BUDGETARY ENTRIES AND AUTHORIZING CITY MANAGER TO
EXECUTE GRANT DOCUMENTS ON BEHALF OF CITY SUBJECT TO FINAL
REVIEW AND APPROVAL BY THE CITY ATTORNEY**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2022-, approving acceptance of \$45,086 from State of California, Department of Justice, Division of Operations, Tobacco Grant Program, and;
2. Authorize expenditure of said \$45,086 received from State of California, Department of Justice, Division of Operations, Tobacco Grant Program, and;
3. Authorize Finance Director to make necessary accounting and budgetary entries, and;
4. Authorize City Manager to execute grant documents on behalf of City subject to final review and approval by the City Attorney.

BACKGROUND:

On April 7, 2021, the Police Department applied for the State of California, Department of Justice, Division of Operations, Tobacco Grant Program to receive funds for conducting police enforcement operations related to violations of California tobacco laws. Specifically, sales and procurement of tobacco products by minors and providing educational opportunities for those establishments that sell tobacco products. Operations will be conducted in areas where youth smoking is prevalent. The goal is to educate and or cite youth for using tobacco products while underage.

On November 22 2021, the Department received notification that it had been awarded a Tobacco Grant Program grant in the amount of \$45,086 (“**EXHIBIT A**”). There is no local cash match required of the City. Grant funds are for overtime use only and only to be used for overtime dedicated to grant operations and educational programs stipulated by the grant MOU (“**EXHIBIT B**”). Funds may not be used to supplant regular pay/and or salary. This two-year grant will begin December 1, 2021.

The grant requires the Department to perform specific types of educational programs and enforcement operations. The following are the stipulated grant areas required.

1. Tobacco Retailer Inspections
2. Minor Decoy Operations
3. Enforcement/Educational visitations of locations youth are present.
4. Public Information/Education Programs
5. Creation of tobacco retail licensing ordinance.

The grant also requires additional actions related to issuance of press releases, distribution of letters and flyers, submittal of quarterly reports and a final project summary at the end of the life of the grant as well as quarterly reimbursement requests.

The Police Department pursued this grant in to educate tobacco retailers and minors about California law restricting access to, and use of tobacco products by minors.

ANALYSIS:

Police Department staff identified the need to conduct enforcement operations and educational programs related to the sale of tobacco products to minors. As conducting enforcement operations and educational programs are difficult to do by officers assigned to Patrol Operations and the Investigations Bureau during their regularly scheduled shifts, utilization of overtime was determined to be the most effective way to properly conduct the operations and education programs needed to be effective.

The Department's Investigations Bureau will be facilitating grant operations, requirements. They will perform the enforcement operations and educational programs utilizing Investigations Bureau personnel as well as Patrol Operations officers as needed. As some enforcement operations will utilize underage decoys, the Department will rigorously screen, interview and train the decoys to determine their suitability for the operations.

Enforcement operations will be staffed by a minimum of three officers. When minor decoys are being utilized officers will be in close proximity to the decoys at all times to provide maximum safety. The use of "wirers" may be used to further monitor contacts.

The enforcement and educational programs to be utilized during the grant are:

1. Tobacco Retailer Inspections: Twelve (12) retailer inspections will be conducted over the life of the grant targeting those retailers who have been identified as being problematic. However, as many tobacco retailer locations will be visited as possible with the hope that the problematic ones will receive at least two visits during the grant period.
2. Minor Decoy Operations: Twelve (12) minor decoy operations will be conducted during the grant period. Establishments that tend to have a larger than normal amount of youth frequenting them will receive special attention.
3. Enforcement/Educational visitations of locations youth are present: Eight (8) operations will be conducted in areas within the City where youth smoking is prevalent. The goal of these operations is to educate youth on the dangers of smoking and the illegality of what they are doing. Citations may be issued if it is deemed necessary.
4. Public Information/Education Programs: The Department intends to create a youth and public education program facilitated by the Department's youth services officer. This program will utilize social and local media outlets. The Marina PAL Explorers Program has a media production program wherein they can produce high quality videos for media distribution during the life of the grant. The Explorers will be highly involved in this process, producing, editing, and providing support in all aspects of the video production. The Explorers will be provided support by the Police Department's PAL advisors cadre.
5. Creation of tobacco retail licensing ordinance: Working with the Monterey County Health Department and the Blue Zone Project, the Department will craft a tobacco retail ordinance. Department research has shown that an effective tobacco retail ordinance is appropriate to ensure that retailers comply with tobacco laws and business standards of the City. State law permits local governments to enact ordinances regarding the local licensing of tobacco retailers and allows for the suspension or revocation of a local license for violation of any State tobacco law.

The grant requires awardees submit quarterly reports as well as quarterly invoices and these are done electronically. A final report is due at the end of the grant's life. Police Department personnel will complete and submit all reports, requests for reimbursement and supply any other information the granting authority may request.

Receipt of this grant will provide a tool to effectively deter the use of tobacco products by youth and to educate retailers regarding laws surrounding the sale of tobacco products. The use of enforcement operations and educational programs is effective in combating the life altering effects tobacco products have on youth and their futures.

FISCAL IMPACT:

There will be no budgetary impact except for an inflow of funds from the grant in the amount of \$45,086, which will be received over the course of the two-year life of the grant. Should City Council approve this request a Tobacco Grant Program revenue account will be created in the Police Department FY 2021 - 2022 Budget.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Richard J. Janicki
Management Analyst
Police Department
City of Marina

REVIEWED/CONCUR:

Tina Nieto
Chief of Police
City of Marina

Layne Long
City Manager
City of Marina