



OFFICE OF THE CITY PROSECUTOR
Long Beach, California

DOUGLAS P. HAUBERT, City Prosecutor
RANDALL C. FUDGE, Assistant City Prosecutor

411 West Ocean Boulevard
Civic Center, 8th Floor
Long Beach, California 90802
Telephone: (562) 570-5600
Fax: (562) 570-7140
prosecutor@longbeach.gov

March 7, 2023

C-7

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt Resolution designating and authorizing the City Manager and City Prosecutor to execute applications, agreements, and other documents including amendments, to accept and expend funding from the California Department of Justice's Tobacco Grant Program, in an amount not to exceed \$505,146, for the FY 23 through FY 25 period; and,

Increase appropriations in the General Grants Fund Group in the City Prosecutor Department by \$505,146, offset by grant revenue from California Department of Justice. (Citywide)

DISCUSSION

The City of Long Beach City Prosecutor's Office has been selected to receive a grant from the State of California Department of Justice (CDOJ) for the Tobacco Grant Program (TGP). This grant will provide a total of \$505,146 for FY 23, FY 24, and FY 25.

The CDOJ's TGP was established in 2017 by the Office of the Attorney General to support local enforcement of tobacco laws. Funding for the TGP was created by the passage of the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Proposition 56).

The TGP supports a wide range of activities, including consumer protection, retailer compliance checks, public education outreach, along with inspection and enforcement efforts. All grants are competitive and include reporting and administrative requirements of the recipients.

The funding awarded to the City Prosecutor's Office will support efforts led by the City Prosecutor to increase prosecutions of repeat offenders for unlawful sale of tobacco products to minors, to provide training for local prosecutors, and to increase educational outreach to retailers with the goal of preventing tobacco sales to minors.

MARCH 7, 2023

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Additionally, a multi-agency task force will be established to coordinate compliance with relevant laws and accomplish the goals of the grant.

The CDOJ requires that the accompanying resolution be approved in order for the City to receive funding under the TGP.

This matter was reviewed by Deputy City Attorney Monica J. Kilaita on February 14, 2023 and by Budget Manager Grace H. Yoon on February 11, 2023.

TIMING CONSIDERATIONS

City Council action to execute an agreement is requested on March 7, 2023, to ensure the grant is in place expeditiously.


FISCAL IMPACT

The City will receive grant funding in an amount not to exceed \$505,146 for the period of FY 23 through FY 25, for the Tobacco Grant Program. An appropriation increase of \$505,146, offset by grant revenues, is requested in the General Grants Fund Group in the City Prosecutor's Office. No match or in-kind service mandate is required, and there is no local job impact associated with this recommendation. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

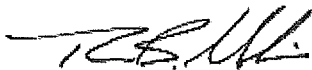
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



Douglas P. Haubert
CITY PROSECUTOR



Thomas B. Modica
CITY MANAGER

Attachments: Exhibit A - Grant Award Notification and Grant Details;
Resolution

Douglas Haubert

From: TobaccoGrants <TobaccoGrants@doj.ca.gov>
Sent: Thursday, December 29, 2022 3:05 PM
To: Douglas Haubert; Sherri Seldon
Subject: Tobacco Grant Program FY 2022-23 - Required Documents
Attachments: 2022-23_Long Beach City Prosecutor's Office.zip

Importance: High

-EXTERNAL-

Hello,

On behalf of the California Department of Justice (DOJ) and the Tobacco Grant Program, thank you for your efforts to reduce the illegal sale of tobacco products to minors!

The attached file contains various Tobacco Grant Program documentation for review. To receive reimbursement from the DOJ under the 2022-23 grant cycle, grantees must return the following three items **by email to TobaccoGrants@doj.ca.gov within 90 days** of receipt of this communication. *Failure to return these documents will be deemed a declination of the award and your agency will be unable to receive reimbursement for grant-related activities.*

- 1) **Governing Body Resolution:** the attached file includes a sample for your reference.
- 2) **Government Agency Taxpayer ID Form:** Please complete with your agency's taxpayer information. Note: the "AGENCY NAME" on your MOU must match the "Principal Government Agency Name" on this form.
- 3) **Memorandum of Understanding (MOU):** Please print, complete, and sign the attached MOU as indicated.

Also within the attached folder are a variety of important grant administration materials, including your agency's *Grantee (Excel) Workbook*, to create invoices for reimbursement. Please review all materials within the folder prior to performing any grant-related activities.

In February, our team will host a virtual workshop to provide an overview of the Tobacco Grant Program grantee administration process. The DOJ will host multiple sessions to ensure all grantees are able to attend. Invitations will be forthcoming in January.

Thank you!

Tobacco Grant Program

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Tobacco Grant Program

SUMMARY OF AWARD – DOJ-PROP56-2022-23-1-019

Long Beach City Prosecutor

I. Award Summary

Requested Amount: \$912,672	Award Amount: \$505,146
Removed from Award: None	Reduced Line Items: Reduced salary and benefits for Supervising and Deputy City Prosecutors and Administrative Coordinator. Reduced administrative costs to 5% based on revised personal services costs.
Other Changes: Please expand information with regard to "Other Expenses" listed on the Budget Detail spreadsheet. Specifically, provide more specifics regarding what supplies and other non-restricted items will be purchased. <i>These details are necessary for reimbursement purposes.</i>	

II. Notes for All Grantees

- a. Removed Personnel or Other Items
 - i. If specific personnel or other items were removed and not funded, they cannot be reinstated during the grant term.
- b. Reduced Line Items
 - i. If a specific line item was reduced, it cannot be increased during the grant term.
- c. Uniforms
 - i. These were not funded and cannot be reimbursed.
 - ii. If uniforms are included separately in reimbursement requests, they will not be reimbursed.
- d. Mileage/Fuel
 - i. Budgets which include mileage or fuel were amended to include both together in one line item.
 - ii. Mileage is limited to the state rate at the time of travel.
- e. Vape Detectors
 - i. If awarded, these have been funded at a specific amount, typically \$1,500 each (or less), including tax, installation, and any other associated costs.
- f. Equipment
 - i. All equipment-type items are funded in the first year of funding and must be purchased during that first year.

Please reference the Tobacco Grant Program Grantee Handbook for more information regarding allowable costs under this grant cycle.

Continued on next page.

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III. Goals and Budget Narrative

- a. Based on the information contained on page 1, the agency's goals, objectives, deliverables, and the budget narrative stated in the original proposal may change.
- b. Please re-state the funded goals, objectives, deliverables, and the budget narrative using the tables below.
- c. The Tobacco Grant Program will reference this document when determining whether an activity was approved for funding and is reimbursable.

Goal 1 Title:	Create a Multi-Agency Task Force
Goal Description:	Coordinate the various municipal bodies engaged in PC 308 and LBMC 5.81.070 enforcement to focus on youth-sensitive areas.
Measureable Outcome:	Creation of the task force and the convening of quarterly meetings to gauge involvement and targeted reductions in PC 308 violations centering on retailers near youth-sensitive areas.
Timeline:	10/01/2022 – 9/30/2025
Narrative Description:	<p>The task force will serve to increase compliance with both PC 308 and Long Beach's local ban on flavored tobacco products. It will coordinate tobacco retailer-related activities amongst the LBCP, DHHS (TREP and TEPP programs) and LBPD.</p> <p>The task force will focus on the creation of an educational campaign targeting youth-sensitive areas. This campaign will focus on retailers—and their surrounding communities—that are near locations where youths congregate such as schools and parks. It will educate the community on the flavored tobacco ban and the process for reporting violations. Not only will this help to engage the community in reporting violations, but it will also help facilitate efforts to identify retailers in such youth-sensitive areas and to ensure their compliance.</p> <p>Through the creation of the task force, LBCP intends to unify the efforts of the various arms of local government to ensure consistency and guard against redundancy as the city combats violations of PC 308 and LBMC 5.81.070.</p>

Goal 2 Title:	Increase prosecutions of Repeat Offenders
Goal Description:	Deter violators from engaging in illegal sales to minors.
Measureable Outcome:	Track recidivism rates of repeat offenders.

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Timeline:	10/01/2022 – 9/30/2025
Narrative Description:	<p>While criminal enforcement against offenders for selling tobacco products to minors deters violators from repeat conduct, retailers still become susceptible to repeat violations due to employee turnover and training deficiencies of new employees. To mitigate this, increasing prosecutions and escalating sanctions for repeat offenders can serve to reign in compliance.</p> <p>Targeting repeat offenders will further have an impact on chronic illegal tobacco sales where retailers flagrantly disregard the law or see it as a cost of doing business and illegal sales are an entrenched part of the community. Too often these locations bypass sustained enforcement as compliance activities move on to new locations in an effort to provide citywide coverage. By focusing on repeat offenders through data analysis and targeted operations, these flagrant violators will be held accountable. Experienced deputy prosecutors will have the skills and expertise to secure/create an evidence chain demonstrating repeat behavior, the skill and awareness to combat anticipated defenses, and the experience to overcome potential bias regarding perceptions of tobacco sales being a "victimless crime."</p> <p>Through grant funding, deputy prosecutors can extinguish ongoing and escalating sales to minors.</p>

Goal 3 Title:	Increase outreach to retailers and improve community relationships
Goal Description:	Increase direct retailer outreach and improve community relationships.
Measureable Outcome:	Number of trainings and educational outreach events for retailers and community groups.
Timeline:	10/01/2022 – 9/30/2025
Narrative Description:	<p>LBCP will work with partners in law enforcement and the LB Health Department on retailer training opportunities. We will focus on prevention (stopping the sale of tobacco products to minors), including best practices for refusing sales, how to identify counterfeit identification, and role-playing scenarios based on real-life experiences. Training will also include information alerting retailers to the possible penal consequences for those who to sell to minors, especially repeat offenders and establishments with a history of non-compliance.</p> <p>Working with community groups, LBCP will create greater awareness of state and local law in order to empower community members to report</p>

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	instances of violations. LBCP will focus on neighborhoods and groups in closer proximity to youth-sensitive areas (near schools, parks, and other locations where sales to youth have occurred). Based on input from community members, along with data obtained by LBCP and Long Beach Health Department, LBCP will identify gaps in enforcement and where education needs to be improved.
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Goal 4 Title:	Provide Trainings to City Prosecutors
Goal Description:	Provide training to City Prosecutors
Measureable Outcome:	Provide at least 2 in-person trainings and create best practices resource guide to assist cities with enforcement.
Timeline:	10/01/2022 – 9/30/2025
Narrative Description:	<p>There are 13 cities in California with jurisdiction to prosecute Penal Code section 308 violations, and 10 of those cities are located in Los Angeles County.</p> <p>The cities with jurisdiction to prosecute Penal Code section 308 violations include: Anaheim, Burbank, Hawthorne, Hermosa Beach, Huntington Beach, Inglewood, Long Beach, Los Angeles, Pasadena, Redondo Beach, San Diego, Santa Monica, and Torrance. To the best of our knowledge, there has never been a training related to Penal Code section 308 or tobacco retail crimes for city prosecutors. Long Beach is well-suited to lead a training because Long Beach City Prosecutor Doug Haubert is currently the President of the LA County Prosecutor’s Association, which includes the 10 Los Angeles County cities that prosecute state crimes along with the LA County District Attorney, and one LBCP prosecutor is a former Deputy District Attorney with several years’ experience running the Orange County District Attorney’s tobacco enforcement program.</p> <p>In addition to in-person trainings, a best practices guide will be created so that prosecutors both within the LBCP’s direct jurisdiction as well as those under the umbrella of the LA County Prosecutor’s Association will receive written material that can be referenced during their own enforcement efforts.</p>

Goal 5 Title:	
Goal Description:	
Measureable Outcome:	

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Timeline:	
Narrative Description:	

Budget Narrative:	Other Expenses: "Non-restricted items" are intended to include non-food costs for in-person events; social media campaigns, including digital artwork, marketing; printing of educational materials.
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH, CALIFORNIA, DESIGNATING AND
AUTHORIZING THE CITY MANAGER AND CITY
PROSECUTOR TO EXECUTE APPLICATIONS,
AGREEMENTS, AND OTHER NECESSARY DOCUMENTS
TO ACCEPT AND EXPEND FUNDING FROM THE
CALIFORNIA DEPARTMENT OF JUSTICE TOBACCO
GRANT PROGRAM

WHEREAS, the California Department of Justice (“CDOJ”) Tobacco Grant
Program (“Program”) was established in 2017 by the Office of the Attorney General to
support local enforcement of tobacco laws; and

WHEREAS, the Program supports a wide range of activities, including
consumer protection, retailer compliance checks, public education outreach, and
inspection and enforcement efforts; and

WHEREAS, the City of Long Beach has been selected for this Program and
desires to accept the Program’s funding; and

WHEREAS, the Program will support efforts led by the Long Beach City
Prosecutor’s Office to increase prosecutions of repeat offenders for unlawful sale of
tobacco products to minors, provide training for local prosecutors, and increase
educational outreach to retailers with the goal of preventing tobacco sales to minors; and

WHEREAS, the Program will provide funding in an amount not to exceed
Five Hundred Five Thousand One Hundred Forty-Six Dollars (\$505,146) throughout the
Fiscal Years between 2022-2025;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as
follows:

