

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

0130-02085-0002

Date: March 20, 2023

To: The Mayor
The CouncilAttn: Heleen Ramirez, Legislative Coordinator, Mayor's Office
Patrice Lattimore, Council and Public Services Division, City Clerk's OfficeFrom: Matthew W. Szabo, City Administrative Officer 

Subject: PHASE II ECIVIS GRANTS MANAGEMENT PROGRAM – GRANT ACCEPTANCE PACKET FOR THE PROPOSITION 56 CALIFORNIA HEALTHCARE, RESEARCH AND PREVENTION TOBACCO TAX ACT OF 2016 - GRANT AWARD FOR THE FISCAL YEAR 2022-26 TOBACCO LAW ENFORCEMENT GRANT PROGRAM

Attached is the Grant Acceptance Packet (Packet) for a grant award in the amount of \$347,033 from the State of California Department of Justice for the period from January 1, 2023 through June 30, 2026, for the Los Angeles Decreasing Adolescent Tobacco Access (LA DATA) Program. There is no match requirement for this grant.

The LA DATA Program provides combined direct retailer education with Penal Code 308 enforcement and novel post-violation support through in-house retailer diversion aimed to deter recidivism. The grant award will enable these services to be expanded to include for an online retailer education and outreach program and provide increased City-wide tobacco-related enforcement activities and signage in support of the new tobacco laws implemented in January 2023. The total grant funding of \$347,033 will provide \$217,798 for salary costs for resolution authority for a new Legal Secretary II position to support the online retailer education program. The balance of the grant funding will provide \$110,035 for related costs and \$19,200 for supplies.

The total program cost over the four year performance period is \$368,809 and consists of \$347,033 in grant funds and \$21,776 in related costs not covered by the grant. The Department plans to offset this cost through salary savings.

As a participant in the Phase II eCivis Grants Management Program, the City Attorney's Office submitted the packet for review and analysis by the Office of the City Administrative Officer (CAO) Grants Oversight Unit and the assigned CAO Analyst. In accordance with the approved procedures for the Grants Management Program, this Office reviewed the Packet for completeness, conducted a concise analysis, and prepared a Fiscal Impact Statement. The Packet consists of the following:

- Review of Grant Award and Acceptance Determination
- Department Request for Acceptance of Grant Award
- Grant Agreement

If you have any questions regarding the Grant Acceptance Packet, please contact Claire Su Kyung No at (213) 473-7520.

MWS:EFR:CN:04230089

Attachments

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Review of Grant Award and Acceptance Determination

Recipient City Department: Office of the City Attorney		Award Notification Date: November 21, 2022	
Grant Award Title: Prop 56 California Healthcare Research and Prevention Tobacco Tax Act of 2016 – FY2022-26		Grant Amount: \$347,033 Prior Grant Award(s): \$4,608,556	
Awarding Agency: State of California Department of Justice			
Grant Agreement Number/Reference: DOJ-PROP56-2022-23-1-021/ C.F. 13-1204-S7	Performance Start Date: January 1, 2023	Performance End Date: June 30, 2026	
Purpose: The Office of the City Attorney requests authority to accept a grant award of \$347,033 from the State of California Department of Justice for the Los Angeles Decreasing Adolescent Tobacco Access (LA DATA) Program, for a performance period of January 1, 2023 through June 30, 2026. The grant award will provide for expanded online retailer education and outreach program and increased City-wide tobacco-related enforcement activities and signage. The total program cost over the course of the four year program period is \$368,809 and consists of grant funding of \$347,033 and \$21,776 in related costs not covered by the grant. The City Attorney's Office plans to offset the cost through salary savings. There is no match requirement for this grant.			

Checklist for Grant Acceptance:	Yes	No	N/A	Comments
1. Authority for Grant Acceptance				
<ul style="list-style-type: none"> Department requests acceptance of the Grant 	X			() Terms/Conditions outlined in Award Notice/Grantor Agreement
2. Match Requirement Review				
<ul style="list-style-type: none"> Match Sources Identification completed 			X	() Obtain match requirements from Award Notice/Grantor Agreement
<ul style="list-style-type: none"> Additional Funds requested 			X	() Submit to CAO for review
3. Charter Section 1022 Determination				
<ul style="list-style-type: none"> Charter Section 1022 findings completed 			X	() Submit to CAO for review and determination
4. Provisions for Grant-Funded Contracts				
<ul style="list-style-type: none"> Standard and Grantor Provisions or equivalent language is included 			X	() Incorporate Provisions or Language into proposed agreement
<ul style="list-style-type: none"> Pro Forma Agreement RFP <input type="checkbox"/> MOU <input type="checkbox"/> PSA <input type="checkbox"/> 			X	() Submit to City Attorney for review and approval; copy to CAO
5. Personnel Authorities				
<ul style="list-style-type: none"> Department has submitted a request for position(s) 	X			() Review documents and make determination
6. Grant Implementation Recommendations				
<ul style="list-style-type: none"> Department has submitted grant implementation instructions 	X			() Submit to CAO for review
7. Controller Instructions for Fund/Accounts Set-Up				
<ul style="list-style-type: none"> Department has requested Funds/Accounts Set-up 	X			
8. Governing Body Resolution/Certification				
<ul style="list-style-type: none"> Department has submitted Resolution/Certification 	X			() Submit to CAO and City Attorney for review

OFFICE OF THE CITY ADMINISTRATIVE OFFICER
Review of Grant Award and Acceptance Determination

9. Fiscal Impact Analysis							
	• Department has sub mitted Fiscal Impact Statement	X				() Submit to CAO for review and Determination	
10. Grant Award Summary							
<p>The Office of the City Attorney requests approval to accept the State of California Department of Justice grant award of \$347,033 for the City's Los Angeles Decreasing Adolescent Tobacco Access (LA DATA) Program to expand the LA DATA Program services to include for an online retailer education program for diversion participants; increase enforcement of significant tobacco-related Municipal Code provisions including a flavor ban and new wholesaler permit requirement and an exemption to hookah lounges determined by the City to be eligible; implement new and consistent retailer signage citywide related to tobacco laws; improve data collection and evaluation of enforcement activities. The grant will also fund a new Legal Secretary II resolution authority position to support the new online retailer education program.</p> <p>The total program cost is \$368,809, of which the grant award of \$347,033 will provide \$217,798 for salary costs, \$94,916 for fringe benefits, \$15,119 for related costs, and \$19,200 for supplies over a four year program performance period of January 1, 2023 through June 30, 2026. The Department will absorb \$21,776 in related costs, and the City Attorney's Office plans to cover this cost through salary savings. There is no match required for this grant.</p>							
11. Recommendations							
Pursuant to a review of departmental recommendations for this grant, please provide a complete list of necessary actions for implementation including acceptance of the award by the City, Controller instructions for fund and accounts set-up, coordination of project activities, etc.							
That the Council, subject to the approval of the Mayor:							
<p>1. Authorize the City Attorney, or designee, to:</p> <ul style="list-style-type: none"> a. Approve the Standard Agreement with the State of California Department of Justice for the period of January 1, 2023 to June 30, 2026, subject to the approval of the City Attorney as to form; b. Accept the grant award in the amount of \$347,033 from the State of California Department of Justice; c. Provide resolution authority for one Legal Secretary II (0581-0) position for the period January 1, 2023 through June 30, 2026; d. Adopt the attached Resolution requested by the California Attorney General's Office for receipt of the grant award; 							
(Recommendations continued on Page 4)							
12. Fiscal Impact Statement							
(X) Yes This Office finds that the Grant complies with City financial policies as follows (see below):							
() No This Office finds that the Grant does not comply with City financial policies as follows (see below):							
<p>The total program cost of the Los Angeles Decreasing Adolescent Tobacco Access (LA DATA) Program is \$368,809, and consists of \$347,033 in grant funds and \$21,776 in related costs over the four year program period. The Department will absorb \$21,776 not covered by the grant. As the City Attorney's Office plans to cover this cost through salary savings, there is no additional impact to the General Fund. The recommendations in this report complies with the City's Financial Policies in that total program costs are funded through grant funds to the extent possible. Program costs beyond the grant performance period will be subject to the availability of on-going revenues.</p> <p>The City's Financial Policies require that the City pursue federal, state and private grants, but strictly limit financial support of these programs to avoid commitments that continue beyond available funding. The recommendations in this report comply with City Financial Policies in that the proposed funding is balanced against established revenue approved by Council actions and from Federal and State grant receipts. All funding is subject to the availability of grant funds and determinations by Mayor and Council.</p>							
Claire Su Kyung No	Edward F. Roes						
CAO Analyst	Chief	CAO/Assistant CAO	Date				

11. Recommendations (continued from page 2)

2. Authorize the Controller to:

- a. Establish a receivable within Fund No. 368 in the amount of \$347,033 from the State of California Department of Justice;
- b. Establish a new appropriation account within Fund No. 368 as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
12W643	LA DATA Program (2023-26)	\$347,033

- c. Transfer \$33,575 from Fund No. 368, Department No. 12, Account No. 12W643, LA DATA Program to Fund No. 100, Department No. 12, Account No. 001010, Salaries General;
 - d. Upon approval of expenses and receipt of grant funds, transfer up to \$111,512 from Fund No. 368, Department No. 12, Account No. 12W643, LA DATA Program to Fund No. 100, Department No. 12, Revenue Source 5346, Related Cost Reimbursement from Grants as reimbursement for City Attorney fringe benefits and indirect costs related to the LA DATA for the period January 1, 2023 to June 30, 2026;
3. Instruct the City Clerk to place on Council Agenda for the first regular Council meeting on July 1, 2023, or shortly thereafter, the following actions relative to the LA DATA Program:

That the City Council, subject to the approval of the Mayor, AUTHORIZE the Controller to:

- a. Transfer \$70,908 from Fund No. 368, Department No. 12, Account No. 12W643, LA DATA Program to Fund No. 100, Department No. 12, Account No. 001010, Salaries General;
4. Instruct the City Clerk to place on Council Agenda for the first regular Council meeting on July 1, 2024 or shortly thereafter, the following actions relative to the LA DATA Program:

That the City Council, subject to the approval of the Mayor, AUTHORIZE the Controller to:

- a. Transfer \$74,854 from Fund No. 368, Department No. 12, Account No. 12W643, LA DATA Program to Fund No. 100, Department No. 12, Account No. 001010, Salaries General;

5. Instruct the City Clerk to place on Council Agenda for the first regular Council meeting on July 1, 2025, or shortly thereafter, the following actions relative to the LA DATA Program:

That the City Council, subject to the approval of the Mayor,
AUTHORIZE the Controller to:

- a. Transfer \$38,461 from Fund No. 368, Department No. 12, Account No. 12W643, LA DATA Program to Fund No. 100, Department No. 12, Account No. 001010, Salaries General; and,

9. Authorize the City Attorney or designee to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and authorize the Controller to implement the instructions.



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

MEMORANDUM

<p>To: The Honorable Karen Bass Mayor of Los Angeles City Hall Los Angeles, CA 90012</p>	<p>Honorable Members of City Council City Of Los Angeles City Hall Los Angeles, CA 90012</p>
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From: Kyle Kirkpatrick, Grants Coordinator 

Date: January 23, 2023

Re: FY 2022/23 Prop. 56 CA Healthcare, Research and Prevention Tobacco Tax Act of 2016
Grant Award

Transmitted herewith for Mayor and City Council consideration is a continuation grant award totaling \$347,033 for FY 2022/23 to address illegal sales of tobacco products to minors. Awarded grant funds will maintain retailer compliance checks and enforce state and local tobacco laws.

Grant funding originates from the Prop. 56 California Healthcare, Research and Prevention Tobacco Tax Act of 2016, which is administered by the California Attorney General's Office through a competitive grant process. Council previously accepted a FY 2021/22 award (CF # 13-1204-S6) to launch LA DATA (Decreasing Adolescent Tobacco Access), which is now entering its fifth year of operation.

Since its inception, DATA has undertaken 2,824 PC 308 investigations; 2743 tobacco retailer inspections; 1,784 STSTAKE Compliance Checks, 8 tobacco search warrants/investigations of illicit tobacco; 105 hookah related task force operations. DATA has referred 460 first time PC 308 violators to a tobacco-specific diversion program (developed by the City Attorney's Office); conducted 1,000 tobacco retailer trainings; and completed 220 youth tobacco use prevention outreach programs.



City of Los Angeles
Grant Award Notification and Acceptance

Recipient Department			
This Grant Award is: <input type="checkbox"/> New <input type="checkbox"/> Continuation/Renewal <input type="checkbox"/> Supplemental <input type="checkbox"/> Suballocation			
Grants Coordinator:	Celina Porras	E-Mail: celina.porras@lacity.org	Phone: 213-202-5576
Project Manager:	Celina Porras	E-Mail: celina.porras@lacity.org	Phone: 213-202-5576
Department/Bureau/Agency:	City Attorney		Date: 01/26/2023

Grant Information			
Name of Grantor:		Pass Through Agency:	
CA Department of Justice			
Grant Program Title:		Notification of Award Date:	
Tobacco Grant Program - FY 2023		11/21/2022	
Funding Source (Public / Private):		Grant Type:	Agency's Grant ID:
State	Competitive/Discretionary	Funds Disbursement:	CFDA#:
		Reimbursement	Other ID#:
			eCivis ID#:
Match Requirement:		None	Amount: \$0.00 %Match 0
Match Type:		N/A Identify Source of Match:	
Fiscal Information:	Awarded Funds:	Match/In-Kind Funds:	Additional/Leverage Funds: Total Project Budget:
	\$347,033.00	\$0.00	\$347,033.00

Approved Grant Budget Summary				
Category	Awarded	Match	Additional	Explanation
Personnel				
Legal Secretary II FTE	\$228,688.00	\$0.00		Direct: 217,798 Indirect 10,890
Fringe Benefits				
Legal Secretary II FTE	\$98,185.00	\$0.00		Direct: 93,510 Indirect 4,675
Supplies				
Office furniture, computer, software, printing	\$20,160.00	\$0.00		Direct 19,200 Indirect 960
Total	\$347,033.00	\$0.00		

Approved Project	
Descriptive Title of Funded Project: LA DATA V (FY22-26)	
Performance Period Start/End Dates (Month/Day/Year):	
Start: 01/01/2023	End: 06/30/2026
Citywide:	
Affected Council District(s):	
Affected Congressional District(s):	
Purpose:	
Identify Internal Partners (City Dept/Bureau/Agency):	
Identify External Partners:	

Summary

Please provide a project summary including goals, objectives (metrics), specific outcomes, and briefly describe the activities that will be used to achieve these goals. You may attach an additional sheet of paper if necessary.

The Los Angeles City Attorney's Office (LACA), through its Tobacco Enforcement Operations Unit, is nationally recognized for its successful efforts in reducing youth tobacco access through comprehensive retailer education and effective enforcement strategies. Through Prop 56 funding, the LACA has successfully developed and implemented the Decreasing Adolescent Tobacco Access (DATA) program. The DATA program combines direct retailer education with Penal Code 308 enforcement and provides novel post-violation support through in-house retailer diversion aimed to deter recidivism. While the DAT A program currently receives funding that supports an attorney, an investigator, a grant coordinator and clerk, the size of the City and the number of regulated retailers has triggered an emerging need for a new legal secretary position. This legal secretary will support the new online retailer education program and will be necessary in order for the DAT A program to sustain the increased educational and outreach responsibilities that will be triggered when several new tobacco laws become operative on January 1, 2023. In addition, the LACA seeks funding to procure signage for tobacco retailers to ensure accuracy and consistency across the City with regards to applicable laws and mandatory signage requirements.

Recommendations

Please provide a complete list of necessary actions for implementation, including acceptance of the award by the City, Controller instructions for fund and accounts set-up, coordination of project activities (such as contract and position authorities).

1. AUTHORIZE the City Attorney or his designee to approve the Standard Agreement with the State of California Department of Justice for the period of January 1, 2023 to June 30, 2026, subject to the approval of the City Attorney as to form. 2. ACCEPT funding in the amount of \$347,033 from the State of California Department of Justice for the period January 1, 2023 to June 30, 2026. 3. RESOLVE an employment authority in the City Attorney's Office for the period January 1, 2023 to June 30, 2026, for one Legal Secretary II (0581-0) position is approved. 4. ADOPT the attached Resolution requested by the California Attorney General's Office for receipt of the grant award. 5. AUTHORIZE the Controller to: a. Establish a receivable within Fund 368 in the amount of \$347,033 from the State of California Department of Justice b. Establish a new appropriation account within Fund 368 as follows: Account 12W643 – LA DATA Program (2023-2026) - \$347,033 c. Transfer \$33,575 from Fund 368, Department 12, Account 12W643 - LA DATA Program to Fund 100, Department 12, Account 001010 – Salaries General. d. Upon approval of expenses and receipt of grant funds, transfer up to \$111,512 from Fund 368, Department 12, Account 12W643 – LA DATA Program to Fund 100, Department 12, Revenue Source 5346 – Related Cost Reimbursement from Grants as reimbursement for City Attorney fringe benefits and indirect costs related to the LA DATA for the period January 1, 2023 to June 30, 2026. 6. AUTHORIZE the City Council to Instruct the City Clerk to place on Council Calendar for July 1, 2023, the following action relative to the LA DATA PROGRAM: That the City Council, subject to the approval of the Mayor, AUTHORIZE the Controller to: a. Transfer \$70,908 from Fund 368, Department 12, Account 12W643 - LA DATA Program to Fund 100, Department 12, Account 001010 – Salaries General. 7. AUTHORIZE the City Council to Instruct the City Clerk to place on Council Calendar for July 1, 2024, the following action relative to the LA DATA PROGRAM: That the City Council, subject to the approval of the Mayor, AUTHORIZE the Controller to: a. Transfer \$74,854 from Fund 368, Department 12, Account 12W643 - LA DATA Program to Fund 100, Department 12, Account 001010 – Salaries General. 8. AUTHORIZE the City Council to Instruct the City Clerk to place on Council Calendar for July 1, 2025, the following action relative to the LA DATA PROGRAM: That the City Council, subject to the approval of the Mayor, AUTHORIZE the Controller to: a. Transfer \$38,461 from Fund 368, Department 12, Account 12W643 - LA DATA Program to Fund 100, Department 12, Account 001010 – Salaries General. 9. AUTHORIZE the City Attorney to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer and instruct the Controller to implement the instructions.

Fiscal Impact Statement

Please describe how the acceptance of this grant will impact the General Fund. Provide details on any additional funding that may be required to implement the project/program funded by this grant.

The total project cost is \$367,403 of which \$347,033 is reimbursed by grant funds received from the CA Department of Justice. The general fund contribution is \$20,370 in related costs (CAP 41) not reimbursed from grant funds.

Acceptance Packet

The above named Department has received an award for the Grant Program identified above, accepts full responsibility for the coordination and management of all Grant funds awarded to the City, and will adhere to any policies, procedures and compliance requirements set forth by the Grantor and its related agencies or agents, as well as those of the City, and its financial and administrative departments. The following items comprise the Acceptance Packet and are attached for review by the CAO Grants Oversight Unit:

<input checked="" type="checkbox"/> Grant Award Notification and Acceptance	<input checked="" type="checkbox"/> Copy of Award Notice
<input checked="" type="checkbox"/> Grant Project Cost Breakdown (Excel Document)	<input checked="" type="checkbox"/> Copy of Grant Agreement (if applicable)
<input checked="" type="checkbox"/> Detail of Positions and Salary Costs (Excel Document)	<input type="checkbox"/> Additional Documents (if applicable)
Department Head Name: Kyle Kirkpatrick	Department Head Signature: 
	Date: 1/26/2023

For CAO Use Only

The Office of the City Administrative Officer, Grants Oversight Unit has reviewed the information as requested, and has determined that the Acceptance Packet is:

- Complete The Acceptance Packet has been forwarded to appropriate CAO analyst
- Returned to Department (Additional information/documentation has been requested.)
- Flagged (See comments below.)

Comments:

CAO Grants Oversight Unit Signature: _____ Date: _____

**Grant Award Notification and Acceptance
Grant Project Cost Breakdown**

Grant Name: Decreasing Adolescent Tobacco Access Grant Project Breakdown	Grant Funds	Additional Costs**		Department:	City Attorney
		City Funds	Non-City Funds		
Salaries					
1010 Salaries General	217,798			217,798	City Attorney Staff Salaries
1020 Salaries Grant Reimbursed					
Other Volunteer Hours					
1090 Overtime				-	
Salaries Total:	\$ 217,798	\$ -	\$ -	\$ 217,798	
Related Costs*					
Related Costs*					
Fringe Benefits	93,510			93,510	City Attorney Staff
Department Administration		9,452		9,452	
Central Services	16,525	10,917.15		27,443	5% of Total Budget is allowable
Related Costs Total:	\$ 110,035	\$ 20,370	\$ -	\$ 130,405	
Expense					
2120 Printing & Binding					
2130 Travel & Training				-	
3040 Contractual Services				-	
3310 Transportation				-	
4160 Governmental Meetings				-	
6010 Office Supplies	19,200			19,200	
6020 Operating Supplies				-	
7300 Equipment				-	
Other Emergency Fund				-	
Other Cell Phone Service				-	
Expenses Total:	\$ 19,200	\$ -	\$ -	\$ 19,200	
Grand Total:	\$ 347,033	\$ 20,370	\$ -	\$ 367,403	
*Please use the full Cost Allocation Plan (CAP) rates unless disallowed by the Grantor. CAP rates should be applied to Gross Salaries (including Compensated Time Off.)					
**Other sources of funding. Please indicate whether these funds are part of a match requirement and whether they are already provided or new funding is required.					

LOS ANGELES CITY COUNCIL RESOLUTION
Proposition 56 Grant

WHEREAS the **Los Angeles City Attorney's Office** desires to participate in the Proposition 56 grant program administered by the California Attorney General's Office to establish LA DATA ("Decreasing Adolescent Tobacco Access). LA DATA will feature aggressive tobacco retailer enforcement, hookah lounge enforcement/abatement, and widespread youth outreach as coordinated through an anti-tobacco task force.

NOW, THEREFORE, BE IT RESOLVED that the **City Attorney, Hydee Feldstein Soto**, be authorized on behalf of the **City of Los Angeles** to enter in the FY 2022/23 Grant Agreement with the California Attorney General's Office, including any amendments thereof.

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

BE IT FURTHER RESOLVED that the **Los Angeles City Attorney's Office** agrees to abide by the terms and conditions of the Grant Agreement as set forth by the California Attorney General's Office.

PASSED AND ADOPTED on _____ by
the following vote of the City Council of the City of Los Angeles, to wit:

Ayes:

Noes:

Absent:

Signature:



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

11/15/2022

Michael N. Feuer, City Attorney
Los Angeles City Attorney's Office, Tobacco Enforcement Operations Unit
200 North Main Street, 8th Floor
Los Angeles, CA, 90012

Re: Tobacco Grant Award Notification Fiscal Year 2022-23 (RFP: DOJ-PROP56-2022-23-1)

Dear Michael N. Feuer,

Congratulations! On behalf of the California Department of Justice (Department), Tobacco Grant Program, I am pleased to inform you, your agency's grant application for the fiscal year 2022-23 grant cycle has been approved for grant funds authorized under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016. The total amount of your agency's grant award is \$347,033.

The Tobacco Grant Program's award process is highly competitive, and for the 2022-23 grant cycle, the Department received over \$34 million in requested grant funding. Grant funding was prioritized to support local enforcement efforts to reduce the illegal sale of tobacco products to minors. Also, as per the Request for Proposal, any funding for school resource officers/on-campus enforcement was not considered in this funding cycle. Consequently, some awards were approved with modifications based on funding priorities.

To accept the 2022-23 grant award, please return the following by email within 15 calendar days of receipt of this letter:

1. Signed Letter of Intent (template attached), affirming either:
 - a. Your agency will seek a resolution from the governing body to accept the award (*if your agency has a governing body*); or
 - b. No governing body exists and no resolution is required.
2. Award Summary (*if modifications are required based on the revised award amount, as indicated in the Award Summary document*)

Please email the signed Letter of Intent and other information as indicated above to TobaccoGrantRFP@doj.ca.gov with the subject line: "FY 22-23 Letter of Intent Los Angeles City Attorney's Office, Tobacco Enforcement Operations Unit." Upon receipt of this information, the Department will provide your agency with additional documents for

11/15/2022

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execution/use (e.g., Memorandum of Understanding, Grantee Handbook, etc.). These documents will contain more information about the process for reimbursement and other important details. Activities for reimbursement under this grant may commence January 1, 2023.

Should you have any questions regarding this letter or the required follow up information, please email TobaccoGrantRFP@doj.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Heinsen". The signature is fluid and cursive, with the first name "Stacy" written in a larger, more prominent script than the last name "Heinsen".

For STACY HEINSEN
Manager, Tobacco Grant Program

For ROB BONTA
Attorney General

Attachments:
Letter of Intent
Award Summary
Budget Detail

SUMMARY OF AWARD – DOJ-PROP56-2022-23-1-021

Los Angeles City Attorney’s Office

I. Award Summary

Requested Amount: \$367,822	Award Amount: \$347,033
Removed from Award: Removed parking from budget.	Reduced Line Items: Adjusted administrative costs to 5% annually based on grant amount.
Other Changes: None.	

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 the grant cycle 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.

CALIFORNIA DEPARTMENT OF JUSTICE

Tobacco Grant Program

III. Goals and Budget Narrative

- a. Agency Goals and the Budget Narrative are listed below based on the information contained in the original proposal.
- b. 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 new Legal Secretary position for the Los Angeles City Attorney’s (LACA) Decreasing Adolescent Tobacco Access (DATA) Program
Goal Description:	New legal secretary will case manage the retailer education program, prepare legal filings, and support implementation of new laws.
Measureable Outcome:	Number of diversion participants who complete the education program, number of case filings, education and signage provided.
Timeline:	During the first quarter of the grant, LACA will hire a new legal secretary, listed outcomes will be reported in 3 month increments.
Narrative Description:	<p>In 2023, LACA's new retailer education program for diversion participants is set to go online. This program will serve as the cornerstone of LACA's retailer diversion offerings. The legal secretary will be responsible for the following: 1) authorize enrollment and login credentials to diversion enrollees; 2) provide direct support by email/phone; 3) track enrollment; 4) flag instances when contact with retailers is needed for extra support; 5) conduct follow up with retailers to facilitate compliance; and 6) report completion rates to the prosecutor along with any supporting materials for the court to demonstrate fulfillment of the retailer's diversion obligations. The legal secretary will also prepare criminal case filings against retailers who fail to complete their diversion.</p> <p>Beginning Jan 1, 2023, several significant tobacco-related Municipal Code provisions (including a favor ban and new wholesaler permit requirement) became operative. The City's flavor ban provides an exemption to hookah lounges that are determined by the City to be eligible. A legal secretary is needed to gather eligibility documents from exemption applicants for attorney review and issue eligibility determinations on behalf of the City. A legal secretary will support needed education efforts, prepare case filings against recalcitrant offenders, and handle the anticipated high volume of phone and email inquiries these new laws will trigger. It should also be noted that the City of LA has the highest concentration of tobacco wholesalers across the State of California which highlights the new permit requirement.</p>

CALIFORNIA DEPARTMENT OF JUSTICE

Tobacco Grant Program

Goal 2 Title:	Implement new and consistent retailer signage citywide related to tobacco laws.
Goal Description:	Design and distribute retailer signage to accurately and consistently communicate tobacco retailer laws and smoking prohibitions.
Measureable Outcome:	The procurement of signage, development of protocols for signage distribution and the distribution of signage for up to 500 retailers.
Timeline:	Months 1-3: design/procure signage. Months 3-6: develop distribution protocols. Ongoing: Distribute and ensure installation.
Narrative Description:	<p>Tobacco retailers must comply with state and local signage requirements related to tobacco retail requirements and to smoking prohibitions. LACA is seeking funding to design, procure and distribute all requisite signage to City tobacco retailers. The Legal Secretary will distribute the requisite signage to all affected businesses to promote compliance and help reduce the number of retailers in violation of state and local signage requirements. The Legal Secretary will utilize direct correspondence to inform existing retailers of their obligation to post applicable signage and provide an opportunity to request any needed signage from LACA for free. In addition, all new permittees will receive a signage evaluation and direct contact from the legal secretary to ensure their new business is in compliance from its inception.</p> <p>Supporting signage compliance from the start of a tobacco retailer's business is important as it lays a strong foundation for continued compliance. These preemptive outreach efforts to provide requisite signage will help foster a relationship between the retailer and LACA outside of the punitive process inherent with issuing violations. This approach will advance LACA's efforts to construct a restorative justice framework in its outreach and support of tobacco retailers.</p> <p>Additionally, LACA's proposed signage project aligns well with the City's new flavored tobacco ban which requires certain retailers (such as hookah lounges) to post signage that restricts entry of anyone under 21 into the business location. Not providing signage to affected retailers leads to inconsistency amongst retailer signage, inaccurate signage, or non-compliance entirely. By providing City-approved signage, accuracy and consistency issues are alleviated and compliance rates will dramatically improve.</p>
Budget Narrative	Personal Services: \$311,308

CALIFORNIA DEPARTMENT OF JUSTICE

Tobacco Grant Program

	<p>To retain a new Legal Secretary to manage legal correspondence, intakes, and diversion compliance. Additional duties will include managing the new Online Tobacco Retailer Program (enrollment, retailer liaison, diversion verification, completion reports); assisting the prosecutor with criminal cases (vertical prosecution of all PC 308 cases against repeat offenders); and managing retailer outreach and education pertaining to the new Flavored Tobacco Ordinance to promote compliance (signage project and serve as point of contact).</p> <p>Operations: \$19,200</p> <p>Expenses to cover retailer signage mailings (\$15,000) and general office expenses for new Legal Secretary (laptop, chair, Adobe software, database license, office supplies).</p> <p>Administrative Costs: \$16,525</p> <p>TOTAL PROJECTED COSTS: \$347,033</p> <p>All project costs are directly related to the objectives and activities of LACA's DAT A program to reduce illegal sales of tobacco to youth. In addition to the attached Budget Detail, DATA will leverage other funding resources. Program enforcement will be supported by the City's general fund-in the form of salaries, benefits, and indirect costs for additional staff necessary to complete the project such as Administrative Coordinator Richard Kim, and Grant Director Janette Flintoft.</p>
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End

TOBACCO LAW ENFORCEMENT GRANT BUDGET DETAIL
Los Angeles City Attorney's Office - Grant # DOJ-PROP56-2022-23-1-021

10/19/2022

B. Operating Expenses and Equipment

Equipment (Tangible items with a per-unit cost of \$5,000 or more)

Description	Computation	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
SUBTOTAL		\$ -	\$ -	\$ -	\$ -

Other Expenses

Description	Computation	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Office furniture, computer, software, printing		\$ 3,000	\$ 15,000	\$ 700	\$ 500
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
SUBTOTAL		\$ 3,000	\$ 15,000	\$ 700	\$ 500

Travel Expenses/Registration Fees*

Description and Destination	Computation	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -

*For approved tobacco related training only. Travel cannot exceed current state rates.

SUBTOTAL \$ - \$ - \$ - \$ -

TOTAL OPERATING EXPENSES AND EQUIPMENT \$ 3,000 \$ 15,000 \$ 700 \$ 500

C. Administrative Costs*

Description	Computation	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Indirect Costs (5% of total budget)		\$ 2,560	\$ 5,841	\$ 5,338	\$ 2,786
TOTAL		\$ 2,560	\$ 5,841	\$ 5,338	\$ 2,786

*Administrative costs may not exceed 5% of the total budget.

TOBACCO LAW ENFORCEMENT GRANT BUDGET DETAIL
Los Angeles City Attorney's Office - Grant # DOJ-PROP56-2022-23-1-021

SUMMARY

Budget Category	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	Total Request
A. Personal Services	\$ 48,207	\$ 101,810	\$ 106,069	\$ 55,222	\$ 311,308
B. Operating Expenses and Equipment	\$ 3,000	\$ 15,000	\$ 700	\$ 500	\$ 19,200
C. Administrative Costs	\$ 2,560	\$ 5,841	\$ 5,338	\$ 2,786	\$ 16,525
TOTAL PROJECT COSTS	\$ 53,767	\$ 122,651	\$ 112,107	\$ 58,508	\$ 347,033

MEMORANDUM OF UNDERSTANDING

PURPOSE

This Memorandum of Understanding (“MOU”) is entered into by the Department of Justice (“Department”) and the Los Angeles City Attorney’s Office (“Grantee”), for the purpose of disbursing grant funds to Grantee for reimbursement of expenditures in compliance with the California Code of Regulations and the Fiscal Year 2022-23 Grantee Handbook.

Commencing January 1, 2023, the California Code of Regulations, Title 11, Division 1, Chapter 5: Department of Justice Tobacco Grant Program (“TGP Regulations”) shall govern the policies and procedures of the Tobacco Grant Program.

The TGP Regulations, Request for Proposals, Grantee Handbook (dated April 2022), and Summary of Award document are hereby incorporated by reference into this MOU. Grantee will expend funds for the purposes identified in the approved Summary of Award document. Reimbursements are to be funded under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, approved by the voters as Proposition 56.

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. Reimbursements will be made upon receipt of invoices from Grantee and approval of the invoices by the Department, in accordance with the reimbursement procedures set forth in the TGP Regulations and Grantee Handbook.

BUDGET CONTINGENCY CLAUSE

It is mutually agreed, if the Budget Act of the current fiscal year and/or any subsequent years covered under the MOU does not appropriate sufficient funds, the MOU shall be of no further force and effect. In the event this situation occurs, the Department shall have no liability to reimburse/pay any funds to Grantee, or to furnish any other considerations under this MOU. As well, Grantee shall not be obligated to continue performing the provisions of this MOU, for which the Grantee 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.

PROJECT BREACH-TERMINATION

Failure of a Grantee to comply with this MOU or the TGP Regulations shall be treated by the Department as a breach of contract. If an act of noncompliance occurs, the Department may take actions described within the TGP Regulations, including termination. The Department may terminate this MOU and be relieved of any obligation to disburse grant funds to Grantee should Grantee fail to perform the scope of work at the time and in the manner provided in this MOU.

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.

TERMS

Grant Duration: 1/1/2023 – 6/30/2026

Award Amount				
Category of Expenditure	Budget FY 2022- 2023	Budget FY 2023- 2024	Budget FY 2024- 2025	Budget FY 2025- 2026
Personal Services	\$48,207	\$101,810	\$106,069	\$55,222
Operating Expenses and Equipment	\$3,000	\$15,000	\$700	\$500
Administrative Costs (Not to Exceed 5%)	\$2,560	\$5,841	\$5,338	\$2,786
TOTAL AWARD AMOUNT	\$347,033			

The time limit for reimbursements against this award ends 6/30/2026. Requests for reimbursement received after 7/15/2026 cannot be considered by the Department.

GRANTEE CONTACT INFORMATION

Michael N. Feuer, City Attorney
 Los Angeles City Attorney’s Office
 200 North Main Street, 8th Floor
 Los Angeles, CA 90012
 (213) 978-8100
 mike.feuer@lacity.org

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 e-mailed to TobaccoGrants@doj.ca.gov, care of the Division of Operations, Local Assistance Unit, Tobacco Grant Program, and will become fully executed upon completion of signatures from all parties.

 NAME: _____ Date
 Title:
 Agency:

 NAME: _____ Date
 Title:
 Agency:

 NAME: _____ Date
 Title:
 Agency:

SHAYNA RIVERA, Grant Manager
Division of Operations
California Department of Justice

Date

STACY HEINSEN, Administrative Manager
Division of Operations
California Department of Justice

Date

CHRIS RYAN, Chief
Division of Operations
California Department of Justice

Date