

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

0130-02085-0001

Date: January 25, 2019

To: The Mayor
The CouncilAttn: Mandy Morales, Legislative Coordinator, Mayor's Office
Patrice Lattimore, Council and Public Services Division, City Clerk's Office

From: Richard H. Llewellyn, Jr., City Administrative Officer

Subject: **GRANTS PILOT PROGRAM – GRANT ACCEPTANCE PACKET FOR THE
PROPOSITION 56 CALIFORNIA HEALTHCARE, RESEARCH AND
PREVENTION TOBACCO TAX ACT OF 2016 - GRANT AWARD FOR THE
FISCAL YEAR 2018-21 TOBACCO LAW ENFORCEMENT GRANT PROGRAM**

Attached is the Grant Acceptance Packet (Packet) for a grant award in the amount of \$1,650,593 from the State of California Department of Justice for the period from July 1, 2018 through June 30, 2021 for the Los Angeles Decreasing Adolescent Tobacco Access (LA DATA) Program.

The City Attorney partners with the Los Angeles Police Department (LAPD) on the LA DATA Program multi-agency DATA Task Force. Funds from this grant will be used to enhance the program by maintaining retailer compliance checks; increasing outreach and enforcement activities at tobacco only stores; and developing new regulations around flavored tobacco products. The 2018-21 grant finances \$99,167 for City Attorney salaries; \$45,736 for fringe benefits; \$1,470,000 for contractual services; and, \$35,690 for related costs. As a participant in the Grants Pilot Program, the City Attorney's Office submitted the Grant Acceptance Packet for review and analysis by the CAO Grants Oversight Unit.

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 Resolution

If you have any questions about the Grant Acceptance Packet, please contact Sharon Lee at (213) 978-7629.

RHL:EFR:SCL:04190086a

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: December 4, 2018
Grant Award Title: California Healthcare Research and Prevention Tobacco Tax Act of 2016		Grant Amount: \$1,650,593 Prior Grant Award(s): \$5,515,140
Awarding Agency: State of California Department of Justice		
Grant Agreement Number/Reference: LAC0041	Performance Start Date: July 1, 2018	Performance End Date: June 30, 2021
Purpose: The City Attorney's Office requests authority to accept grant funding in the amount of \$1,650,593 from the State of California Department of Justice for the Los Angeles Decreasing Adolescent Tobacco Access (LA DATA) Program for a grant performance period from July 1, 2018 through June 30, 2021. Grant funding will offset the direct costs and related costs of one Deputy City Attorney IV and one City Attorney Administrative Coordinator III positions to support the program, and contractual services for tobacco retailer compliance checks.		

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
9. Fiscal Impact Analysis				
<ul style="list-style-type: none"> Department has submitted Fiscal Impact Statement 	X			() Submit to CAO for review and determination

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

10. Grant Award Summary

The City Attorney's Office requests authority to accept \$1,650,593 in grant funding from the State of California Department of Justice for the Los Angeles Decreasing Adolescent Tobacco Access (LA DATA) Program. The City Attorney partners with the Los Angeles Police Department (LAPD) on the LA DATA Program multi-agency DATA Task Force. These funds will be used to enhance the program by maintaining retailer compliance checks; increasing outreach and enforcement activities at tobacco only stores; and developing new regulations around flavored tobacco products. The grant funds will offset the salary and related costs for one Deputy City Attorney IV and one City Attorney Administrative Coordinator III to perform the work related to the grant, and for contractual services to conduct compliance checks utilizing undercover minors as decoys.

The grant award will provide funding for a three-year performance period, from July 1, 2018 through June 30, 2021. Grant funds will be reimbursed to the City as follows: \$99,167 for salaries; \$45,736 for fringe benefits; \$35,690 for related costs; and \$1,470,000 for contractual services. Contractual Services will be provided through the California Department of Public Health Food and Drug Branch's Stop Tobacco Access to Kids Enforcement (STAKE) Program to conduct compliance checks for a period of three years.

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:

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 July 1, 2018 through June 30, 2021, subject to the approval of the City Attorney as to form;
2. Accept funding in the amount of \$1,650,593 from the State of California Department of Justice for the period of July 1, 2018 through June 30, 2021;
3. Adopt the attached Resolution requested by the California Attorney General's Office for receipt of the grant award;

(Recommendations continued on page 3)


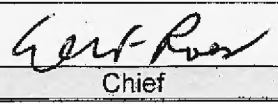

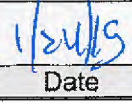
12. Fiscal Impact Statement

☒ **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):

Acceptance of this grant award will provide \$1,650,593 to the City Attorney's Office to offset the salary costs and related costs for one Deputy City Attorney IV and one City Attorney Administrative Coordinator III assigned to the Los Angeles Decreasing Adolescent Tobacco Access Program, and contractual services to conduct compliance checks. There is no General Fund impact as the positions are fully funded by the grant. The recommendations in this report are in compliance with the City's Financial Policies in that budget appropriations will be balanced against receipts expected from this grant.

Doc. No. 04190086

 CAO Analyst	 Chief	 CAO/Assistant CAO	 Date
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11. Recommendations (continued from page 2)

4. Authorize the Controller to:

- a. Establish a receivable within Fund 368 in the amount of \$1,650,593 from the State of California Department of Justice;
- b. Establish a new appropriation account within Fund 368 as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
12R643	LA DATA Program (2018-21)	\$1,650,593
- c. Transfer \$32,489 from Fund 368, Account 12R643 – LA DATA Program (2018-21) to Fund 100, Department 12, Account 001010 – Salaries General;
- d. Upon approval of expenses and receipt of grant funds, transfer up to \$45,736 from Fund 368, Account 12R643 to Fund 100, Department 12, Revenue Source 5361 – Reimbursement Related Costs, Other as reimbursement for fringe benefits and indirect costs related to the LA DATA Program for the period of July 1, 2018 to June 30, 2021;

5. Authorize the City Council to instruct the City Clerk to place on the Council Agenda for the first regular Council meeting on July 1, 2019, 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:

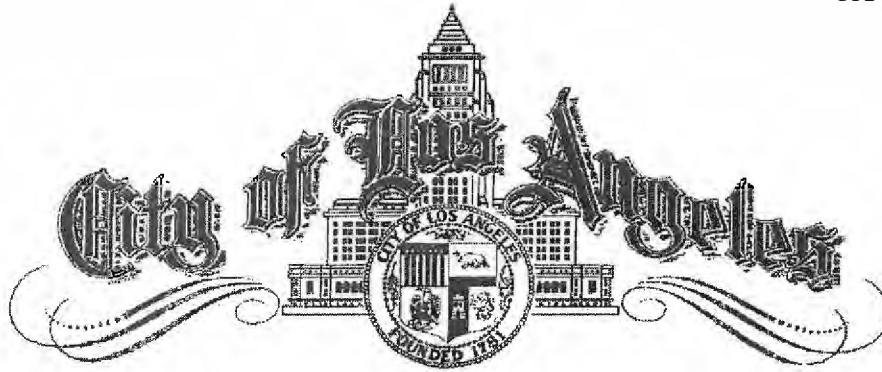
- a. Transfer \$33,051 from Fund 368, Department 12, Account 12R643 LA DATA Program (2018-21) to Fund 100, Department 12, Account 001010 - Salaries General;

6. Authorize the City Council to instruct the City Clerk to place on the Council Agenda for the first regular Council meeting on July 1, 2020, 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 \$33,627 from Fund 368, Department 12, Account 12R643 LA DATA Program (2018-21) to Fund 100, Department 12, Account 001010 - Salaries General; and,


7. 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.



MIKE FEUER
CITY ATTORNEY

MEMORANDUM

To: The Honorable Eric Garcetti Honorable Members of City Council
 Mayor of Los Angeles City of Los Angeles
 City Hall City Hall
 Los Angeles, CA 90012 Los Angeles, CA 90012
 Attention: Mandy Morales Attention: Patrice Lattimore

From: Leela Kapur, Chief of Staff 

Cc: Michiko Reyes, Budget Director
 Janette Flintoft, Director of Grants Operations

Date: December 27, 2018

Re: FY 2018 – 21 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 \$1,650,593 for FY 2018-21 to address illegal sales of tobacco products to minors.

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 2017-20 award (CF #12-1204-S6) to launch LA DATA (Decreasing Adolescent Tobacco Access), which is a comprehensive citywide youth tobacco cessation program.

Through the new \$1,650,593 grant award, the City Attorney's Office will enhance DATA through the following: 1) maintaining retailer compliance checks; 2) increasing outreach and enforcement activities at tobacco only stores; and 3) developing new regulations around flavored tobacco products.

Specifically, City Attorney's Office will continue to contract with the California Department of Public Health Food and Drug Branch (CDPH) to conduct compliance checks utilizing undercover minor decoys throughout the City. In addition, funding will support personnel costs to conduct outreach to tobacco only stores regarding illegal sales to minors and the development of policies to regulate flavored tobacco products that have surged in popularity among youth.

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). In partnership with the Los Angeles Police Department, LA DATA will feature aggressive tobacco retailer enforcement, hookah lounge enforcement/abatement, and widespread youth outreach as coordinated through a new anti-tobacco task force. LA DATA will also feature an intensive, multi-media outreach campaign to address youth centered tobacco use entitled "*Join the Conversation.*"

NOW, THEREFORE, BE IT RESOLVED that the *City Attorney, Michael N. Feuer*, be authorized on behalf of the *City of Los Angeles* to enter in the FY 2018 - 2021 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:

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



DIVISION OF LAW ENFORCEMENT
P.O. BOX 161089
SACRAMENTO, CA 95816-1089
Telephone: (916) 210-7418
Fax (916) 731-2100
E-Mail Address: Shannon.Patterson@doj.ca.gov

December 4, 2018

Janette Flintoft, Director of Grants Operations
200 N. Main Street, 8th Floor
Los Angeles, CA, 90012

Re: Award Notification

Dear Janette,

Congratulations! Your 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 \$1,650,593.

Attached you will find a government agency taxpayer ID form. This will enable the Department of Justice to reimburse your agency in a timely manner. Please complete the form and e-mail it to TobaccoGrants@doj.ca.gov. In the meantime, our team will begin working to send you a draft Memorandum of Understanding with further instruction.

The Attorney General will announce the award recipients in a press release on Thursday, December 6th. If your agency would like to coordinate and provide two sentence quote, please contact Press Secretary Jennifer Molina at (213) 247-2803 or by e-mail at Jennifer.Molina@doj.ca.gov.

December 4, 2018

Page 2

If you have any questions about this process, please do not hesitate to contact me at (916) 210-7418 or at TobaccoGrants@doj.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon Patterson', with a long horizontal flourish extending to the right.

SHANNON PATTERSON
Staff Services Manager II

For XAVIER BECERRA
Attorney General



City of Los Angeles
Grant Award Notification and Acceptance

Recipient Department

This Grant Award is:	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Continuation/Renewal	<input type="checkbox"/> Supplemental	<input type="checkbox"/> Suballocation
Grants Coordinator:	Jessica Law	E-Mail:	jessica.law@lacity.org	Phone: 213-482-7498
Project Manager:	Celina Porras	E-Mail:	celina.porras@lacity.org	Phone: 213-202-5578
Department/Bureau/Agency:	City Attorney			Date: 12/14/2018

Grant Information

Name of Grantor:	California Department of Justice	Pass Through Agency:	
Grant Program Title:	California Healthcare Research and Prevention Tobacco Tax Act 2018	Notification of Award Date:	12/04/2018
Funding Source (Public / Private):	State	Grant Type:	Competitive/Discretionary
		Funds Disbursement:	Reimbursement
		Agency's Grant ID:	CFDA#:
			Other ID#:
			eCivis ID#: LAC0041
Match Requirement:	None	Amount:	\$0.00
Match Type:		%Match:	0
Fiscal Information:	Awarded Funds:	Match/In-Kind Funds:	Additional/Leverage Funds:
	\$1,650,593.00	\$0.00	Total Project Budget:
			\$1,650,593.00

Approved Grant Budget Summary

Category	Awarded	Match	Additional	Explanation
Personnel				
Salaries				
City Attorney AC III	\$12,068.00	\$0.00		FY 18-19 \$120,682 x 10% FTE
Deputy City Attorney IV	\$20,421.00	\$0.00		FY 18-19 \$204,208 x 10% FTE
City Attorney AC III	\$12,068.00	\$0.00		FY 19-20 \$120,682 x 10% FTE
Deputy City Attorney IV	\$20,983.00	\$0.00		FY 19-20 \$209,825 x 10% FTE
City Attorney AC III	\$12,068.00	\$0.00		FY 20-21 \$120,682 x 10% FTE
Deputy City Attorney IV	\$21,559.00	\$0.00		FY 20-21 \$215,590 x 10% FTE
Benefits				
City Attorney AC III	\$5,566.00	\$0.00		FY 18-19 \$120,682 x 10% FTE
Deputy City Attorney IV	\$9,418.00	\$0.00		FY 18-19 \$204,208 x 10% FTE
City Attorney AC III	\$5,566.00	\$0.00		FY 19-20 \$120,682 x 10% FTE
Deputy City Attorney IV	\$9,677.00	\$0.00		FY 19-20 \$209,825 x 10% FTE
City Attorney AC III	\$5,566.00	\$0.00		FY 20-21 \$120,682 x 10% FTE
Deputy City Attorney IV	\$9,943.00	\$0.00		FY 20-21 \$215,590 x 10% FTE
Contractual Services				
Compliance Checks (STAKE Investigations)	\$490,000.00	\$0.00		FY 2018-19 700 checks X \$700 each
Compliance Checks (STAKE Investigations)	\$490,000.00	\$0.00		FY 2019-20 700 checks X \$700 each
Compliance Checks (STAKE Investigations)	\$490,000.00	\$0.00		FY 2020-21 700 checks X \$700 each
Other				
Indirect Cost @ 35.99% of Salary expenses	\$11,693.00	\$0.00		FY 18-19 \$32,489 x 35.99%
Indirect Cost @ 35.99% of Salary expenses	\$11,895.00	\$0.00		FY 19-20 \$33,051 x 35.99%
Indirect Cost @ 35.99% of Salary expenses	\$12,102.00	\$0.00		FY 20-21 \$33,627 x 35.99%
Total:	\$1,650,593.00	\$0.00		

Approved Project

Descriptive Title of Funded Project:	FY 2018-19 DATA (Decreasing Adolescent Tobacco Access)
Performance Period Start/End Dates (Month/Day/Year):	Citywide: Yes
Start: 7/1/2018 End: 6/30/2021	Affected Council District(s): All
	Affected Congressional District(s):

Purpose: Through \$1,650,593 in Proposition 56 funding, the City of Los Angeles proposes to enhance DATA through retailer compliance checks.

Identify Internal Partners (City Dept/Bureau/Agency): LAPD and CA Department of Health

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.

Continuation funding for DATA to include personnel costs and compliance checks for 36 months.

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).

Please see attached 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.

There is no general fund impact since the positions are fully reimbursed by the grant.

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:

☒ Grant Award Notification and Acceptance

☒ Copy of Award Notice

☒ Grant Project Cost Breakdown (Excel Document)

☐ Copy of Grant Agreement (if applicable)

☐ Detail of Positions and Salary Costs (Excel Document)

☐ Additional Documents (if applicable)

Department Head Name:

Department Head Signature:

Date:

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:

1/22/19

LA DATA CONTROLLER INSTRUCTIONS

As part of the acceptance process, we request that the City Council, subject to the approval of the Mayor:

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 July 1, 2018 to June 30, 2020, subject to the approval of the City Attorney as to form.
2. **ACCEPT** funding in the amount of \$1,650,593 from the State of California Department of Justice for the period July 1, 2018 to June 30, 2020.
3. **ADOPT** the attached Resolution requested by the California Attorney General's Office for receipt of the grant award.
4. **AUTHORIZE** the Controller to:

- a. Establish a receivable within Fund 368 in the amount of \$1,650,593 from the State of California Department of Justice
- b. Establish a new appropriation account within Fund 368 as follows:

Account 12R643 – LA DATA Program (2018-21) - \$1,650,593

- c. Transfer \$32,489 from Fund 368, Account 12R642 - 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 \$45,736 from Fund 368, Account 12R643 to Fund 100, Department 12, Revenue Source 5361 – Reimbursement related costs, Other as reimbursement for fringe benefits and indirect costs related to the LA DATA project for the period July 1, 2018 to June 30, 2020.
5. **AUTHORIZE** the City Council to Instruct the City Clerk to place on Council Calendar for July 1, 2019, 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 \$33,051 from Fund 368, Department 12, Account 12R643 LA DATA program (2018-21) to Fund 100, Department 12, Account 001010 Salaries General.
 6. **AUTHORIZE** the City Council to Instruct the City Clerk to place on Council Calendar for July 1, 2020, the following action relative to the LA DATA PROGRAM:

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

- b. Transfer \$33,627 from Fund 368, Department 12, Account 12R643 LA DATA program (2018-21) to Fund 100, Department 12, Account 001010 Salaries General.

- 7. **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.