

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

0130-02085-0000

Date: August 30, 2018

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 2018-20 TOBACCO LAW ENFORCEMENT GRANT PROGRAM**

Attached is the Grant Acceptance Packet (Packet) for a grant award in the amount of \$5,515,140 from the State of California Department of Justice for the period from June 1, 2018 through June 30, 2020 for the Los Angeles Decreasing Adolescent Tobacco Access (LA DATA) Program.

The City Attorney will partner with the Los Angeles Police Department (LAPD) on the LA DATA Program to establish a multi-agency DATA Task Force; increase enforcement of underage youth tobacco and e-cigarette sales; increase illegal hookah lounge enforcement and abatement; create a tobacco retailer diversion program; increase youth anti-tobacco outreach and updating curriculum to include new e-cigarette devices such as JUUL and PAX; and, improve data collection and evaluation of enforcement activities. The 2018-20 grant finances \$1,386,411 for City Attorney salaries; \$1,499,430 for LAPD sworn overtime; \$547,206 for fringe benefits; \$38,645 for supplies; \$16,992 for parking and travel; \$1,750,700 for contractual services; and, \$275,756 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:04190017a

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: July 2, 2018
Grant Award Title: Tobacco Law Enforcement Grant Program - 2017/18		Grant Amount: \$5,515,140 Prior Grant Award(s): \$0.00
Awarding Agency: State of California Department of Justice		
Grant Agreement Number/Reference: LAC00119/C.F. 13-1204-S6	Performance Start Date: June 1, 2018	Performance End Date: June 30, 2020
<p>Purpose: The City Attorney's Office requests authority to accept grant funding in the amount of \$5,515,140 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 June 1, 2018 through June 30, 2020. In addition, the City Attorney's Office requests authorization for three new resolution authority positions, including one Deputy City Attorney II, one City Attorney Administrative Coordinator I, and one City Attorney Investigator III to support the program.</p>		

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 \$5,515,140 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 will partner with the Los Angeles Police Department (LAPD) on the LA DATA Program to establish a multi-agency DATA Task Force; increase enforcement of underage youth tobacco and e-cigarette sales; increase illegal hookah lounge enforcement and abatement; create a tobacco retailer diversion program; increase youth anti-tobacco outreach and updating curriculum to include new e-cigarette devices such as JUUL and PAX; and, improve data collection and evaluation of enforcement activities.

The funding will increase the duties and functions of the City Attorney's Tobacco Enforcement Program by adding one City Attorney Administrative Coordinator I, one Deputy City Attorney II, and one City Attorney Investigator III positions. The City Attorney Investigator III position is subject to a paygrade determination by the Office of the City Administrative Officer, Employee Relations Division.

(Grant Award Summary continued on page 3)

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 June 1, 2018 through June 30, 2020, subject to the approval of the City Attorney as to form;
2. Accept funding in the amount of \$5,515,140 from the State of California Department of Justice for the period of June 1, 2018 through 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 City Attorney or designee to issue three Request for Proposals (RFPs) for the following services: a tobacco retailer outreach campaign; development of a youth tobacco awareness multi-media campaign; and to provide research and program evaluation; and execute the vendor agreements between the City Attorney's Office and the selected providers;
5. Resolve an employment authority in the City Attorney's Office for the period of October 1, 2018 through June 30, 2019, for one City Attorney Administrative Coordinator I (Class Code 0567) position is approved;

(Recommendations continued on page 4)


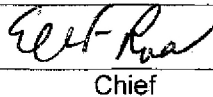
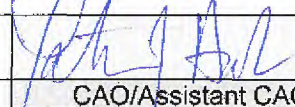
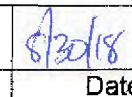
12. Fiscal Impact Statement

(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):

The total cost of the Los Angeles Decreasing Adolescent Tobacco Access Program is \$5,588,582 of which \$5,515,140 will be reimbursed by the State of California Department of Justice. The grant will provide full direct cost funding of \$4,692,178 and partial related cost funding of \$822,962. The remaining related costs of \$73,442 for one City Attorney Administrative Coordinator I, one Deputy City Attorney II, and one City Attorney Investigator II will not be reimbursed and will therefore be an obligation of the General Fund.

Doc. No. 04190017

 CAO Analyst	 Chief	 CAO/Assistant CAO	 Date
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10. Grant Award Summary (continued from page 2)

The total cost of the program is \$5,588,582 of which \$5,515,140 will be reimbursed to the City as follows: \$1,386,411 for salaries; \$1,499,430 for LAPD sworn overtime; \$547,206 for fringe benefits; \$38,645 for supplies; \$16,992 for parking and travel; \$1,750,700 for contractual services; and, \$275,756 for related costs. The grantor limits direct cost provisions outside of fringe benefits to five percent of the direct salary provision. This limitation will result in a \$73,442 General Fund contribution requirement over the course of the grant period for related costs; however, no General Fund appropriation is required at this time.

Grant funds of \$1,750,700 will be used to issue three separate Request for Proposals (RFP) for the following contractual services: 1) LA DATA project evaluator; 2) a tobacco retailer outreach campaign targeting illegal sales to minors; and, 3) a multi-media youth outreach campaign focused on the perils associated with tobacco products, including e-cigarettes such as JUUL.

11. Recommendations (continued from page 2)

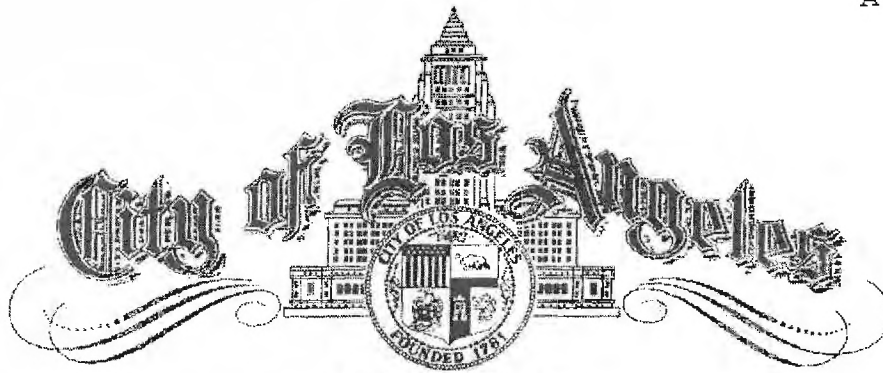
6. Resolve an employment authority in the City Attorney's Office for the period of October 1, 2018 through June 30, 2019, for one Deputy City Attorney II (Class Code 0595) position is approved;
7. Resolve an employment authority in the City Attorney's Office for the period of October 1, 2018 through June 30, 2019 for one City Attorney Investigator II (Class Code 0560) position is approved;
8. Approve the City cash and in-kind match and an additional contribution in the amount of \$73,442 for the period of June 1, 2018 through June 30, 2020;
9. Authorize the Controller to:
 - a. Establish a receivable within Fund 368 in the amount of \$5,515,140 from the State of California Department of Justice;
 - b. Establish an appropriation account within Fund 368, as follows:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
12R642	LA DATA Program	\$5,515,140
 - c. Transfer \$733,220 from Fund 368/12, Account 12R642 - LA DATA Program to Fund 100/12, Account 001010 - Salaries General;
 - d. Transfer \$755,540 from Fund 368/12, Account 12R642 - LA DATA Program to Fund 100/70, Account 001092 - Sworn Overtime;
 - e. Upon approval of expenses and receipt of grant funds, transfer up to \$822,962 from Fund 368/12, Account 12R642 - LA DATA Program to Fund 100/12 Revenue Source 5361 - Related Cost Reimbursement - Other, to reimburse fringe benefits and related costs associated with the LA DATA Program for the period of June 1, 2018 through June 30, 2020;
10. 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 \$653,191 from Fund 368/12, Account 12R642 - LA DATA Program to Fund 100/12, Account 001010 - Salaries General;

- b. Transfer \$743,890 from Fund 368/12, Account 12R642 - LA DATA Program to Fund 100/70, Account 001092 - Sworn Overtime;
- 11. 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

<p>To: The Honorable Eric Garcetti Mayor of Los Angeles City Hall Los Angeles, CA 90012 Attention: Mandy Morales</p>	<p>Honorable Members of City Council City of Los Angeles City Hall Los Angeles, CA 90012 Attention: Patrice Lattimore</p>
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From: Leela Kapur, Chief of Staff *[Signature]*

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

Date: July 16, 2018

Re: FY 2018 – 20 Prop. 56 CA Healthcare, Research and Prevention Tobacco Tax Act of 2016 Grant Award

Transmitted herewith for Mayor and City Council consideration is a new grant award totaling \$5,515,140 for FY 2018-20 to address illegal sales of tobacco products to minors in partnership with LAPD. Funding originates from the Prop. 56 CA Healthcare, Research and Prevention Tobacco Tax Act of 2016, which is administered by the California Attorney General's Office through a competitive grant process.

Through new resources, the City of Los Angeles (led by the Los Angeles City Attorney's Office in partnership with the Los Angeles Police Department) will address local youth centered, tobacco-related issues through its seminal initiative entitled **LA DATA (Decreasing Adolescent Tobacco Access)**. Under the direction of a multi-agency task force, LA DATA will feature aggressive tobacco retailer enforcement, illegal hookah lounge enforcement/abatement, a tobacco retailer diversion program, and widespread outreach regarding unlawful tobacco sales to youth. Strategies will also be developed and implemented to address the alarming increase in youth usage of e-cigarettes such as devices manufactured under the name of JUUL and PAX. In addition, a multi-media youth tobacco and e-cigarette awareness campaign involving online, television, radio and print outreach will be developed.

LA DATA Project goals will entail:

1. Establishing a multi-agency DATA Task Force
2. Increasing Penal Code (PC) section 308 (underage youth tobacco and e-cigarette sales) enforcement
3. Increasing illegal hookah lounge enforcement and abatement
4. Creating new enforcement pathways involving diversion
5. Increasing youth anti-tobacco outreach and updating curriculum to include new e-cigarette devices such as JUUL and PAX.
6. Improving data collection and evaluation of enforcement activities

Measurable outcomes will include:

1. # of task force participants and agencies, task force meetings, task force operations, and policy objectives identified and advanced.
2. # of roll-call trainings by LAPD and TEP on PC 308 and tobacco-related laws.
3. # of PC 308 undercover decoy operations, arrests, and retailers brought into compliance;
4. # of PC 308 cases diverted, filed, and disposition rates.
5. # of outreach attempts with unlawful hookah lounge business owners, task force operations, and unlawful venues brought into compliance through filings and abatements.
6. # of resources developed to support school administrators, faculty, parents, and students participating in strategies to address unlawful tobacco sales and to decrease youth uptake of tobacco and e-cigarettes.
7. # of retailers referred to LACA's new tobacco-specific diversion program, participant completion rates, and participant recidivism rates.
8. # of tobacco outreach strategies developed and disseminated.

To carry out the increased duties and functions in partnership with the Los Angeles Police Department, an Administrative Coordinator I, Deputy City Attorney II, and Investigator III will be added to the City Attorney's Tobacco Enforcement Program. Funding will also provide overtime resources for task force operations and undercover deployment. The grant provides for full cost recovery for the new positions. In addition, there will be a savings to the general fund for the time existing staff spends on the grant.

Three RFPs will be issued for: 1) a LA DATA project evaluator; 2) tobacco retailer outreach campaign regarding illegal sales to minors; and 3) multi-media youth outreach campaign regarding the perils associated with tobacco products, including e-cigarettes such as JUUL.

The California Attorney General's Office has indicated its intent to continue administering Prop. 56 funds, for which the City Attorney's Office will seek as continuation funding to sustain the LA DATA Initiative.

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 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: