



## Staff Report

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File #: REPORT 19-0145, Version: 1

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of March 12, 2019**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE DEPARTMENT OF JUSTICE AND  
THE HERMOSA BEACH POLICE DEPARTMENT  
(Acting Police Chief Milton McKinnon)**

**Recommended Action:**

Staff recommends that the City Council:

1. Approve Resolution No. 19-XXX to accept \$75,404 in grant funds from the Department of Justice for the Tobacco Law Enforcement Programs;
2. Authorize the City Manager to execute the Memorandum of Understanding and the City Clerk to attest;
3. Approve estimated revenue of \$38,052 in the Grant Fund; and
4. Appropriate \$38,052 in grant funds to the Police Department budget for fiscal year 2018-2019 for the implementation of the Tobacco Law Enforcement program.

**Executive Summary:**

The City of Hermosa Beach is a smoke-free community restricting smoking in all public areas throughout the City. Cigarette and tobacco sales and consumption, however, are still areas of concern, especially among the underaged. For this reason, the Hermosa Beach Police Department sought grant funding for proactive tobacco-related enforcement and education. The Department of Justice (DOJ) awarded the Department \$75,404 in grant funds from the Tobacco Law Enforcement Grant Program to address cigarette and tobacco-related issues in the City. The department would use this funding to enhance levels of tobacco-related enforcement and education, address quality of life issues associated with tobacco sales, and to reduce the availability of tobacco to minors. Staff recommends the acceptance of grant funds to proactively enforce tobacco sales and consumption in the City and to reduce the availability of tobacco products to minors.

**Background:**

Chapter 8.40 of the City of Hermosa Beach Municipal Code, as amended by ordinance in 2016, bans smoking in all outdoor public spaces throughout the City, including the beach, parks, sidewalks, streets, and publicly accessible private parking lots. Emissions from electronic smoking devices are also included in the City's definition of "smoking". Following adoption of this amendment by the City Council, the City launched the 'Healthy Air Hermosa' enforcement campaign to educate downtown

merchants and members of the public while ramping up citywide enforcement of this ban.

In addition to the environmental concern, smoking is tied to various health and enforcement issues. Since the City receives hundreds of thousands of visitors throughout the year, signage and education efforts have been developed to inform the public of the City's smoking provisions. Nevertheless, smoking in public and smoking among minors are still a prevalent issue for the community. Most recently, in December 2018, the City amended section 5.78.100.d of the municipal code to require business licenses for the sale of tobacco products in Hermosa Beach. The business license requirement, in effect starting June 1, 2019, should help mitigate the sale of electronic smoking devices and flavored tobacco products to minors in the City.

Enforcement of the smoke-free ordinance and other state and federal laws governing the sale of tobacco products in the City fall under the direction of the Chief of Police. The City's code enforcement division assists by issuing warnings and citations. Due to staff capacity issues, the Police Department is limited in its ability to proactively enforce cigarette and tobacco sales and illegal consumption within the City's limits. Therefore, the Police Department submitted a proposal for the Department of Justice's Tobacco Law Enforcement Grant Program. This grant is funded by the California Healthcare, Research and Prevention Tax Act of 2016, which promotes a healthier California by reducing the illegal sales and marketing of cigarettes and tobacco products to minors. The Department was among the 65 local government agencies throughout the state selected for funding for fiscal year 2018-2019.

### **Discussion:**

The Department of Justice awarded the Hermosa Beach Police Department \$75,404 in grant funds from the Tobacco Law Enforcement Grant Program for tobacco enforcement and education in the community of Hermosa Beach. The grant primarily covers personnel costs for specific enforcement and educational operations. The program's objectives include, but are not limited to, tobacco-related enforcement operations at locations where minors are likely to be present - licensed retail locations, retail license inspections, retailer education classes, youth organizations, etc.

The Field Operations Lieutenant would be responsible for implementation and coordination of the Tobacco Grant Program. Officers assigned to this program would attend training connected to tobacco enforcement and conduct public education presentations for students and youth organizations. The goal of the program is to identify problematic areas, educate both retailers and the community regarding laws governing tobacco, and enforce tobacco-related regulations. The grant becomes effective upon completion of the Memorandum of Understanding and expires on June 30, 2020.

### **General Plan Consistency:**

The acceptance of funds for the Tobacco Law Enforcement grant is consistent with the City's General Plan. Applicable policies are as follows:

## **Sustainability and Conservation**

Goal 3: Improved air quality and reduced air pollution emissions.

- *3.6 Healthy Air Hermosa.* Maintain high quality outdoor and public spaces in Hermosa Beach through the Healthy Air Hermosa program, or subsequent programs, which aim to reduce cigarette smoke.

## **Public Safety**

Goal 5: High quality police and fire protection services provided to residents and visitors

- *5.5 Crime prevention outreach programs.* Offer youth programs, recreation opportunities, educational programs, and other services to encourage crime prevention behavior.
- *5.9 Police and Fire enforcement grants.* Pursue grant funding and other outreach programs to minimize and abate nuisances.

## **Fiscal Impact:**

Award of a grant in the amount of \$75,404 from the Department of Justice requires the following budget actions:

1. Approve estimated revenue of \$38,052 in the Grant Fund. The remaining estimated revenue of \$37,352 would be included in the fiscal year 2019-2020 budget.
2. Appropriate \$38,052 in grant funds to the Police Department budget for fiscal year 2018-2019 for grant related expenditures. A request of appropriation for \$37,352 would be made with fiscal year 2019-2020 budget.

## **Attachments:**

1. Resolution 19-XXXX to accept grant funds for the Tobacco Law Enforcement Program
2. Memorandum of Understanding between the Department of Justice and the Hermosa Beach Police Department

**Respectfully Submitted by:** Milton McKinnon, Acting Chief of Police

**Noted for Fiscal Impact:** Viki Copeland, Finance Director

**Legal Review:** Mike Jenkins, City Attorney

**Approved:** Suja Lowenthal, City Manager