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DATE: November 4, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Kate McCoy, Senior Management Analyst  
Nick McGowan, Deputy Police Chief

SUBJECT: Resolution Accepting the California Department of Justice (DOJ) Tobacco Grant Program Award for the Police Department to conduct two (2) Minor Decoy Operations per year over the next three (3) years and Authorizing the City Manager to Execute All Documents Necessary to Complete the Grant Award

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### **RECOMMENDATION**

It is recommended that the City Council adopt the attached Resolution Accepting the California Department of Justice (DOJ) Tobacco Grant Program Award for the Police Department to conduct two (2) Minor Decoy Operations per year over the next three (3) years and Authorizing the City Manager to Execute All Documents Necessary to Complete the Grant Award

### **BACKGROUND**

In November of 2021, the City of Petaluma adopted a [Tobacco Retail License \(TRL\)](#) ordinance which included a prohibition on the sales of flavored tobacco products that reinforced compliance with California's tobacco regulations. The ordinance aimed to reduce access to flavored tobacco products, which are particularly appealing to young people. At the time the City's ordinance was the strongest in the region, being the first to ban menthol flavor. Despite a reduction in the number of tobacco retailers within city limits, youth access to tobacco products remains a concern.

To continue the mission of reducing youth access to tobacco products, the Petaluma Police Department applied for the California Department of Justice (DOJ) Tobacco Grant Program to further enhance our ongoing efforts to reduce underage access to tobacco products. This grant is part of the broader statewide initiative under the California Healthcare, Research, and Prevention Tobacco Tax Act of 2016 (Proposition 56), which seeks to improve public health by reducing tobacco-related harms, especially among minors.

## **DISCUSSION**

On October 16, 2024, the Department received a notification that the City had been awarded the California DOJ Tobacco Grant Program. Upon receipt, the Department reviewed the grant program and returned a signed letter stating the Department would prepare a resolution for the City Council's review and approval.

The California DOJ Tobacco Grant Program will provide \$22,020.00 over the next three years, allowing the City of Petaluma to conduct two (2) Minor Decoy Operations annually. These operations will target retailers within city limits who may be violating state and local tobacco laws, ensuring compliance and protecting our youth from the harmful effects of tobacco use.

This grant will enable the Police Department to collaborate with the Community Development Department (CDD), to conduct additional enforcement operations aimed at reducing underage access to tobacco products. The grant will fund two Minor Decoy Operations annually over the next three years. These operations involve underage decoys, under police supervision, attempting to purchase tobacco products from local retailers to ensure that retailers are held accountable. The focus of these operations will be on retailers identified as potential violators through prior compliance checks and community feedback. These targeted enforcement efforts will assist the Petaluma Police Department to identify tobacco retailers that are not complying with state law. The enforcement efforts will also provide educational resources to help the tobacco retailers better understand and comply with tobacco laws. This balanced approach ensures that retailers are both held accountable and equipped with the knowledge to prevent future violations.

Lastly, these targeted enforcement operations align with the City's Tobacco Retail Ordinance and California's flavor tobacco ban by creating a strict regulatory environment designed to protect youth from the dangers of tobacco products. While the City aims to reduce illegal tobacco sales to minors through enforcement efforts, the full impact of these operations is continually being assessed. The additional Minor Decoy Operations funded by this grant will further support ongoing efforts to address compliance issues, with the goal of minimizing underage access to tobacco products. Through a combination of enforcement and retailer education, the City is taking steps to ensure these measures contribute to a healthier and safer community for youth.

## **PUBLIC OUTREACH**

This agenda item appeared on the City's tentative agenda document for the November 4, 2024, public-noticed meeting.

## **COUNCIL GOAL ALIGNMENT**

This resolution aligns with the City's goal #4 of fostering "A Safe Community That Thrives." The enforcement of tobacco laws through the Minor Decoy Operations aligns with these priorities by protecting youth from tobacco products and promoting a safer community through regulatory compliance.

### **CLIMATE ACTION/SUSTAINABILITY EFFORTS**

There is no climate action or sustainability impacts associated with this item.

### **ENVIRONMENTAL REVIEW**

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that accepting a grant to help enforce the City's tobacco regulations does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. If accepting this grant was a project under CEQA it would be exempt under the Common Sense Exemption CEQA Guidelines Section 15061(b)(3) as this is an administrative task that will help fund a program that the City has already adopted.

### **FINANCIAL IMPACTS**

The total grant award is \$22,020.00, which will be used over a three-year period. There is no financial impact on the City's General Fund as the grant will fully cover the costs associated with the planned Minor Decoy Operations, including personnel overtime, operational expenses, and decoy stipends.

### **ALTERNATIVES**

The City Council could choose not to accept the grant. However, this would limit the Department's ability to conduct targeted enforcement operations against illegal tobacco sales to minors and could hinder efforts to ensure full compliance with the City's tobacco ordinances

### **ATTACHMENTS**

1. Resolution Tobacco Grant
2. Petaluma PD\_Award Letter 24-25
3. Petaluma PD\_Summary of Award 24-25