

File No. 180919

Committee Item No. 2
Board Item No. 15

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date October 4, 2018

Board of Supervisors Meeting

Date October 14, 2018

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | MOU |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Information Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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Completed by: Linda Wong Date September 28, 2018
Completed by: Linda Wong Date October 9, 2018

1 [Accept and Expend Grant - California Department of Justice - Proposition 56 Tobacco Law
2 Enforcement Grant Program - \$1,753,378]

3 **Resolution retroactively authorizing the Department of Public Health to accept and**
4 **expend a grant from California Department of Justice to participate in a program**
5 **entitled "Proposition 56 Tobacco Law Enforcement Grant Program," in the amount of**
6 **\$1,753,378 for the period of June 1, 2018, through June 30, 2020.**

7
8 WHEREAS, The California Department of Justice has agreed to fund Department of
9 Public Health (DPH) in the amount of \$1,753,378 for the period of June 1, 2018, through June
10 30, 2020; and

11 WHEREAS, The purpose of this project will allow DPH to strengthen and increase the
12 Department's capacity to outreach and improve education efforts for the existing tobacco
13 retailers, expand the Police Departments decoy operations for tobacco sales under 21 years
14 of age, eliminate the illegal sales of tobacco products by unpermitted retailers, develop and
15 implement a protocol to investigate and sample consumption products at hookah lounges
16 and/or bars, sustain an increased enforcement workload, and share data and knowledge with
17 other City agencies, jurisdictions, or interested parties; and

18 WHEREAS, The grant does not require an Annual Salary Ordinance Amendment; and

19 WHEREAS, A request for retroactive approval is being sought because DPH received
20 the final Memorandum of Understanding on June 13, 2018, for a project start date of June 1,
21 2018; and

22 WHEREAS, The budget includes a provision for indirect costs in the amount of
23 \$83,494; now, therefore, be it

24 **RESOLVED**, That DPH is hereby authorized to retroactively accept and expend a grant
25 in the amount of \$1,753,378 from California Department of Justice; and, be it

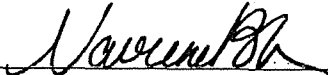
1 FURTHER RESOLVED, That DPH is hereby authorized to retroactively accept and
2 expend the grant funds pursuant to Administrative Code, Section 10.170-1; and, be it

3 FURTHER RESOLVED, That the Director of Health is authorized to enter into the
4 Agreement on behalf of the City.

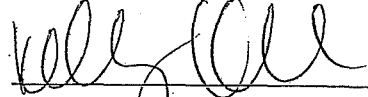
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RECOMMENDED:


Barbara A. Garcia, MPA
Director of Health

APPROVED:


for Office of the Mayor


for Office of the Controller

File Number: 180919
(Provided by Clerk of Board of Supervisors)

Grant Resolution Information Form
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Proposition 56 Tobacco Law Enforcement Grant Program**
2. Department: **Department of Public Health – Population Health Division
Environmental Health Branch**
3. Contact Person: **Janine Young** Telephone: **(415) 252-3903**
Jennifer Callewaert **(415) 252-3971**

4. Grant Approval Status (check one):

Approved by funding agency Not yet approved

5. Amount of Grant Funding Approved or Applied for:

\$822,835 Year 1
\$930,543 Year 2
\$1,753,378 Total for project

6a. Matching Funds Required: \$0

b. Source(s) of matching funds (if applicable): N/A

7a. Grant Source Agency:

California Office of the Attorney General, Department of Justice

b. Grant Pass-Through Agency (if applicable): N/A

8. Proposed Grant Project Summary:

Under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, the San Francisco Department of Public Health (Department) has been awarded approximately \$1.8 million for 2018-2020 for tobacco law enforcement and outreach. The grant will allow DPH to strengthen and increase the Department's capacity to outreach and improve education efforts for the existing tobacco retailers, expand the San Francisco Police Departments decoy operations for tobacco sales under 21 years of age, eliminate the illegal sales of tobacco products by unpermitted retailers, develop and implement a protocol to investigate and sample consumption products at hookah lounges and/or bars, sustain an increased enforcement workload, and share data and knowledge with other City agencies, jurisdictions, or interested parties.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: **June 1, 2018**

End-Date: **June 30, 2020**

10a. Amount budgeted for contractual services:

Administrative Law Judge (TBD):

\$45,000 Year 1
\$45,000 Year 2
\$90,000 Total for project

Laboratory Support, Services and Supplies (TBD):

\$11,500 Year 1
\$11,500 Year 2
\$23,000 Total for project

b. Will contractual services be put out to bid? **Yes, we will put out an RFP**

c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements? **Yes**

d. Is this likely to be a one-time or ongoing request for contracting out? **We will be requesting the grant funding in the future to continue the program and department mission.**

11a. Does the budget include indirect costs? Yes No

b1. If yes, how much?

\$41,747 Year 1

\$41,747 Year 2

\$83,494 Total for project

b2. How was the amount calculated? **The grant would not allow indirect costs to exceed 5% of the total grant amount. Therefore, the indirect costs are 7.8% of DPH salaries and benefits.**

c1. If no, why are indirect costs not included? **N/A**

Not allowed by granting agency

To maximize use of grant funds on direct services

Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs? **N/A**

12. Any other significant grant requirements or comments:

A request for retroactive approval is being sought because DPH received the final Memorandum of Understanding on June 13, 2018, for a project start date of June 1, 2018.

GRANT CODE (Please include Grant Code and Detail in Financial System Project (FSP)):

Project Code: 10033799

Proposal ID is: CTR00000836

****Disability Access Checklist** (Department must forward a copy of all completed Grant Information Forms to the Mayor's Office of Disability)**

13. This Grant is intended for activities at (check all that apply):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Existing Site(s) | <input checked="" type="checkbox"/> Existing Structure(s) | <input checked="" type="checkbox"/> Existing Program(s) or Service(s) |
| <input type="checkbox"/> Rehabilitated Site(s) | <input type="checkbox"/> Rehabilitated Structure(s) | <input type="checkbox"/> New Program(s) or Service(s) |
| <input type="checkbox"/> New Site(s) | <input type="checkbox"/> New Structure(s) | |

14. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local disability rights laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

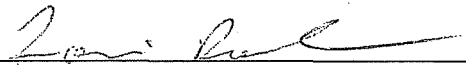
Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Toni Rucker, PhD
(Name)

DPH ADA Coordinator
(Title)

Date Reviewed: 08/09/2018

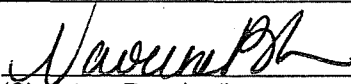

(Signature Required)

Department Head or Designee Approval of Grant Information Form:

Barbara A. Garcia, MPA
(Name)

Director of Health
(Title)

Date Reviewed: 8/9/18


(Signature Required)



TOBACCO LAW ENFORCEMENT GRANT PROGRAM PROPOSAL 2018-2020

I. SUMMARY

San Francisco is a city consisting of over 800,000 residents. The composition of San Francisco residents is 41.7% White, 33.1% Asian, 15.2% Latino, 5.6% Black/African-American, and 3.3% multiracial. Unfortunately, San Francisco is home to one of the nation’s highest density of off-sale alcohol outlets, which often double as tobacco retailers. These tobacco retailers are disproportionately concentrated in low-income neighborhoods in San Francisco, such as Chinatown, the Mission, and the Tenderloin as highlighted in the graph below:

District Number and Name	Number Retail Tobacco Stores	Median Household Income
1 Richmond	52	\$74,668
2 Marina	48	\$105,509
3 Chinatown/North Beach	152	\$45,513
4 Outer Sunset	45	\$77,376
5 Western Addition/Haight	83	\$67,331
6 Tenderloin/SOMA	136	\$37,431
7 Inner Sunset	28	\$94,121
8 Twin Peaks	64	\$95,930
9 Mission/Castro	101	\$67,989
10 Bayview	57	\$55,487
11 Outer Mission	49	\$71,504

In these low income districts with high density of tobacco retailers, residents also contend with a greater perceived neighborhood disorder issues (e.g. graffiti, litter); as well as issues relating to low educational attainment; higher rates of at risk minors and young adults; homelessness; mental illness; veterans; LGBT; and formerly incarcerated residents.

The San Francisco Department of Public Health (Department) is the largest employer in the City and County of San Francisco (City) with a combined workforce of over 8,000 employees. Traditional and innovative public health activities primarily fall under the Population Health Division (PHD) of the Department. Within PHD, the Environmental Health and the Community Health Equity & Promotion Branches work collaboratively to control tobacco use in the City. However, Environmental Health, being the largest Branch within PHD with over 140 employees, is the enforcement arm of the Department and is responsible for issuing permits, conducting compliance inspections, and enforcing over 40 state and local laws, codes, and regulations.

For the permitting, compliance, and enforcement of Articles 19H and 19N of the San Francisco Health Code for the sales of tobacco products, including electronic smoking devices, the Department funds only one full-time employee (FTE) Senior Health Inspector and 0.50 FTE Public Health Trainee to oversee tobacco-related activities for approximately 815 tobacco establishments.

One of the Department’s strategic priorities is to reduce the adult smoking rate by eliminating the access of tobacco products to minors and young adults. To accomplish this goal, over the years,

the Department, through the empowerment of community groups and the use of evidence-based data, continues to strengthen San Francisco's tobacco control laws. Additionally, taking enforcement action against retailers that sell tobacco products to minors sends a strong message of the City's non tolerance to youth accessing these products. In order to improve our work and expand our goals, the Department is requesting a budget of \$61,924 for FY 2017-2018; \$911,454 for FY 2018-2019; and \$922,189 for FY 2019-2020. The budget's primary use will be for staff and expanding our work with consultants to improve the problematic areas.

II. PROBLEM STATEMENT

San Francisco has been a leader in implementing strong and progressive policies to discourage smoking, protect individuals from second hand smoke, and to eliminate youth access to tobacco products. These efforts have reduced smoking in the City from 20% in 1990 to 12-14% in the 2000's. Compared nationally, San Francisco's average annual decrease in adult smoking between 1996 and 2012 has been among the highest in the country for both men and women, at about 3%. However, since 2003, the rate of adult smoking has remained relatively unchanged, around 13%, which is higher than most of our neighboring counties in the Bay Area. To further drive down the adult smoking rate, the Department's *most important* strategies have been to continue to enforce and support policy and regulations that reduce exposure to secondhand tobacco smoke and reduce youth access/persons under 21 years of age to tobacco products. However, to further support the Department's goals, Environmental Health has identified and commits to improving the following problematic areas:

- A. Changes in Federal, State, and Local Tobacco Control Laws Cause Confusion for Retailers**
Since 2014, there has been numerous legislative changes at the federal, state, and local level. Departmental surveys and interviews conducted with retailers have revealed that city government agencies poorly communicate the changes in laws and fees that are required of them. The retailers want more fact-to-face interactions with the regulators. They also want to see materials in a manner that is readily available to them.
- B. Implementation and Verification of Tobacco 21 Law through SFPD Decoy Operations**
Currently, the Department has a signed Memorandum of Understanding (MOU) with San Francisco Police Department (SFPD) to conduct 10 decoy operations per year, resulting in 200 site visits, which is only a quarter of the total tobacco permitted retailer inventory. Furthermore, although the current MOU allows SFPD to investigate single cigarette sales and to revisit retailers that sold to the minors within a year; SFPD is unable to accomplish these two objectives at the current funding level.
- C. Illegal Sales of Tobacco Products by Unpermitted Retailers**
In order to sell tobacco products in San Francisco, a retailer must obtain a California tobacco license and the Department's tobacco permit. Currently, there are almost 100 retailers without the dual state tobacco license and Department permit. To complicate matters, the City's tobacco permit density law allows new tobacco permits under very strict criteria. Many of these retailers may not be able to obtain a valid Department permit.
- D. The Increase of Hookah Lounges/Bars Alleging the Use Non-Tobacco and Non-Nicotine Consumption Products**
From 2010 to 2013, the Department closed over 25 restaurants operating hookah lounges and bar in violation of local indoor smoking and retail tobacco permit requirements. In 2014, a few hookah lounges replaced hookah tobacco with "steaming stones", a product containing porous rocks soaked in flavored infused glycerin; and by definition does not violate any local or state laws. However, since 2014, the number of reports of the use of hookah tobaccos by retailers without the dual state tobacco license and Department permit

has significantly increased. To complicate matters, Department staff documented consumption products in unlabeled containers. Without the ability to analyze the unknown products used by the hookah lounge/bar, the Department will not be able to build a strong enforcement case.

E. Support and Sustainability of the Enforcement Process.

Currently, there is a backlog of enforcement work due to changing program priorities. The allotment of 1.5 FTE for tobacco enforcement work is unsustainable. Each enforcement case may take up to 40 hours or more of administrative time to ensure due process is given to the retailer, including, but not limited to, an abatement conference, director's hearing, and, possibly, working with our City Attorney, if the case is heard at the Board of Appeals. We estimate there are 100 enforcement cases that need attention.

III. PROJECT DESCRIPTION

The enforcement grant will allow SFDPH to strengthen and increase the Department's capacity to outreach and improve education efforts for the existing tobacco retailers; expand the San Francisco Police Department's decoy operations; eliminate the illegal sales of tobacco products by unpermitted retailers; develop and implement a protocol to investigate and sample consumption products at hookah lounges and/or bars; and to share data and knowledge with other City agencies, jurisdictions, or interested parties. Over the contract period, the Department will complete the following goals and objectives:

A. Improvement of Education Material and Increase Outreach Efforts

- Conduct outreach, education, and compliance checks for about 400 retailers per fiscal year (FY)
- Provide the California and San Francisco Tobacco 21 signage and San Francisco's "No Smoking or Vaping" signs free of charge for up to 400 retailers per FY

B. Expand SFPD Under 21 Decoy Operations

- By June 30, 2018, the Department and San Francisco Police Department will sign an updated MOU to increase decoy operations with up to 20 additional operations per FY beginning July 1, 2018
- Conduct investigation and implement enforcement action plan within 3 months of Department receiving a report with a California penal code citation for the sales of tobacco products to anyone under 21 years old
- Maintain a record of all tobacco permit suspension period when appropriate (for example, after the Permit Holder exhausts their appeal process)

C. Elimination of Illegal Sales of Tobacco Products by Unpermitted Retailers

- Conduct investigation of up to 50 retailers that allegedly sell tobacco products without a valid State of California tobacco license or the Department's tobacco permit per FY

D. Develop and Implement Protocols to Investigate and Sample Consumption Products at Hookah Lounges/Bars

- Phase 1 – Within 6 months of grant funding, contract laboratory and develop protocols and procedures for sampling consumption products used by hookah lounges/bars; develop enforcement process plan; identify hookah lounges/bars that allegedly use non-tobacco and non-nicotine consumption products
- Phase 2 – Within 6 -12 months of grant funding, develop and issue educational material to hookah lounges/bars before implementation of any sampling and enforcement action plan
- Phase 3 – After 12 months (FY 2019-2020), investigate and implement enforcement action plan, as needed

- Phase 4 – Within 18 – 24 months of grant funding, improve educational material, sampling and/or analytical protocols, and enforcement action plan, if necessary

E. Sustainability of an Increase Enforcement Workload

- Within 6 months of the grant funding, the Department will issue a request for qualifications (RFQ) and contract the services of an administrative law judge to precede over a second monthly administrative hearing process. The grant funded 9910 – Public Health Trainees will assist with, along with other Department staff, the coordination and scheduling for the additional administrative hearing.

F. Share Data and Knowledge

- Phase 1 – During FY 2019-2020, Department’s tobacco compliance and enforcement team will develop a 4-hour training to share their knowledge around any of the Department’s enforcement activities
- Phase 2 – Within 24 months of grant funding, up to 4 staff covered by this grant activities will conduct the following trainings at an agreed upon location:
 - One presentation at the California Conference of Directors’ of Environmental Health (CCDEH) to announce the free enforcement training
 - One 4-hour training at any national or state conference
 - Two 4-hour trainings for a rural Northern California jurisdiction

IV. PROJECT PERSONNEL

Currently, the Department funds 1.0 full time employee (FTE) 6122 – Senior Health Inspector to conduct the current compliance and enforcement work through the local tobacco license fee. Furthermore, the Department funds the education, cessation, administration and data support, and the management of SFDP decoy operations contract through San Francisco’s Proposition A – Master Settlement Agreement (MSA). However, over the past few years, the MSA funding has been reduced by more than 50% and the Department is extremely limited by the type of work that may be funded by the MSA. The grant funding will be used to increase the Department’s capacity to expand the compliance, outreach, and enforcement with the addition of the following personnel:

- A. One-tenth (0.10) FTE 6124 – Principal Inspector: The tobacco team’s Principal Inspector provides support and direction, as needed, to ensure that the Department’s staff meets both the Department and contract goals and objectives. With the projected increase in enforcement work, the grant will support the participation of the Principal Inspector in the Department’s enforcement process. As part of the enforcement process, the Principal Inspector approves the senior staff enforcement action. During the administrative hearing process, the Principal Inspector summarizes Environmental Health’s investigation and recommends the administrative fine and/or permit suspension period. For appeals, the Principal Inspector represents the Department.
- B. One (1.0) FTE 6122 – Senior Health Inspector: The senior staff supported by this grant will have the responsibility of managing the grant and ensuring that the Department meets the proposed objectives and goals. This senior inspector will join the existing senior inspector to oversee and conduct the enforcement operations, including the investigation of illegal sales of tobacco products by San Francisco retailers, as well as, the hookah lounge/bar consumption products. Both senior staff will provide field and enforcement training and supervise the two non-senior field staff assigned to the tobacco enforcement program. The senior staff will also coordinate and lead any joint City agency inspections that involve retailers selling tobacco products.

- C. Two at 1.0 FTE 9910 – Public Health Trainees: Within 4 months of the signed MOU, the Department will hire two 9910s to conduct outreach and education, compliance checks, and to support the senior staff with the enforcement process. Additionally, the 9910 will provide assistance with the tobacco permit application review process, receive training in other Environmental Health programs, and to support the Department’s administrative hearing process.
- D. Half (0.5) FTE 1406 – Senior Clerk: The Senior Clerk will be responsible for the completion of administrative tasks for the tobacco program, which includes processing applications and internal forms; managing tobacco control related service requests alleging illegal tobacco sales, sales to any person under 21 years old, or single cigarette sales; triaging customer calls about San Francisco’s tobacco permitting process; and serving as the liaison between the Department’s tobacco program and San Francisco Tax Collector’s Office.
- E. 9924 – Public Service Aid: For the issuance of new tobacco permits, the Department must provide San Francisco Planning Department with GIS coordinates of active tobacco permits and school (K-12 both public and private) locations. With the grant funds, the Department will assign a Public Service Aid to dedicate 500 hours per year to maintain and validate GIS tobacco retailers and school data, develop GIS reports for Department and City staff upon request, and make available to the public requested GIS data or report in accordance with state or local public records law.
- F. Memorandum of Understanding (MOU) with San Francisco Police, Alcohol Liaison Unit (SFPD) Decoy Operations
Currently, the Department funds SFPD decoy operations to provide oversight, training, planning, management, and enforcement of decoys under the age of 20 conducting up to 200 site visits per year. Beginning in FY 2018, the Department will use the grant to expand the SFPD decoy operations to conduct an additional 400 visits per year.
- G. Contracted Services
 - a. Administrative Law Judge: The Department currently funds a monthly administrative hearing which is at capacity and may not be able to sustain an increase of too many additional caseloads. The grant funds will allow the Department to contract an administrative law judge to serve a second monthly hearing. The administrative law judge contract will also include an 8-hour enforcement training for the tobacco team and Department staff that serves at the administrative hearing.
 - b. Laboratory: In order to legally determine the contents of consumption products used at hookah bar lounges, the grant provide the funding to contract laboratory services that will include development of sampling and testing protocols, test and submit analytical reports, and validate data that will strengthen Department staff enforcement cases.

V. BUDGET

The Department commits to continue the current funding level for the enforcement of San Francisco’s tobacco control laws through the license fees and MSA. However, the Department’s resources are stretched and there is not sufficient funding to address the problems identified in this proposal. The grant funding will be used to increase the current staffing and complete the expanded goals and objectives as described earlier in this proposal. The complete project budget is detailed in Appendix A.

TOBACCO LAW ENFORCEMENT GRANT BUDGET AND JUSTIFICATION

Costs Per Fiscal Year (July 1 - June 30)

A. Personal Services				
Salaries				
Classification/Positions	Computation	FY 2017-18 (June)	FY 2018-19	FY 2019-20
9910 Public Health Technician Trainee Conduct outreach and education, compliance checks, and to support the senior staff with the enforcement process. Provide assistance with the tobacco permit application review process, receive training in other Environmental Health programs, and to support the Department's administrative hearing process.	\$34.26/hour x 2081 hours x 1.0 FTE		\$ 71,295	\$ 71,295
9910 Public Health Technician Trainee Conduct outreach and education, compliance checks, and to support the senior staff with the enforcement process. Provide assistance with the tobacco permit application review process, receive training in other Environmental Health programs, and to support the Department's administrative hearing process.	\$34.26/hour x 2081 hours x 1.0 FTE		\$ 71,295	\$ 71,295
6122 Senior Environmental Health Inspector This senior inspector will join the existing senior inspector to oversee and conduct the enforcement operations, including the investigation of illegal sales of tobacco products by San Francisco retailers, as well as, the hookah lounge/bar consumption products. Both senior staff will provide field and enforcement training and supervise the two 9910 staff assigned to the Tobacco Enforcement Program. The senior will coordinate and lead joint City agency inspections that involve retailers selling tobacco products.	\$62.60/hour x 2081 hours x 1.0 FTE		\$ 130,270	\$ 130,270
1406 Senior Clerk (0.5 FTE) Administrative tasks for the tobacco program, which includes processing applications and internal forms; managing tobacco control related service requests alleging illegal tobacco sales, sales to any person under 21 years old, or single cigarette sales; triaging customer calls about San Francisco's tobacco permitting process; and serving as the liaison between the Department's Tobacco Program and San Francisco Tax Collector's Office.	\$47.41/hour x 2081 hours x 0.5 FTE		\$ 49,332	\$ 49,332
9924 Public Service Aide Maintain and validate GIS tobacco retailers and school data, develop GIS reports for Department and City staff upon request, and make available to the public requested GIS data or report in accordance with state or local public records law.	\$34.26/hour x up to 550 hours annually		\$ 18,843	\$ 18,843
6124 Principal Inspector (0.1 FTE) As part of the enforcement process, the Principal Inspector approves the senior staff enforcement action. During the administrative hearing process, the Principal Inspector summarizes EHB's investigation and recommends the administrative fine and/or permit suspension period. For appeals, the Principal Inspector represents the Department.	\$67.30/hour x 2081 hours x up to 0.2 FTE		\$ 28,010	\$ 28,010
SUBTOTAL			\$ 369,045	\$ 369,045
Overtime				
Classification/Positions	Computation	FY 2017-18	FY 2018-19	FY 2019-20
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
SUBTOTAL		\$ -	\$ -	\$ -

TOBACCO LAW ENFORCEMENT GRANT BUDGET AND JUSTIFICATION

Benefits				
Classification/Positions	Computation	FY 2017-18	FY 2018-19	FY 2019-20
Standard SFDPH fringe benefit package includes: Social Security and OASDI, Retirement, Health Insurance, Dependent Care, Dental Coverage, Unemployment Insurance, Long-term Disability, and Vacation and Sick Leave.	Rate of 45% of Salary		\$ 166,070	\$ 166,070
SUBTOTAL		\$ -	\$ 166,070	\$ 166,070
TOTAL PERSONAL SERVICES		\$ -	\$ 535,116	\$ 535,116

B. Operating Expenses (e.g. supplies, signage, tobacco products, etc.)				
Description	Computation	FY 2017-18	FY 2018-19	FY 2019-20
Printed materials - fact sheets and brochures to provide for tobacco permit holders, key stakeholders, and the public.			\$ 12,000	\$ 10,000
Printed "No Smoking/No Vaping" Signs to distribute to tobacco permit holders.	1,850 signs		\$ 5,000	\$ -
Purchase tobacco products for educational trainings held or enforcement.	Purchase sample products at up to \$60 + tax		\$ 500	\$ 300
Allocated Operating Expenses including rent, car fleet management to house employees and to provide transportation to businesses and stakeholder meetings.			\$ 183,931	\$ 174,528
Unlimited Hotspots Plan - Use in field for enforcement and education at permit holder locations.	4 plans x \$130/month		\$ 6,500	\$ 6,240
TOTAL		\$ -	\$ 207,931	\$ 191,068

C. Equipment (tangible items with a per-unit cost of \$5,000 or more)				
Description	Computation	FY 2017-18	FY 2018-19	FY 2019-20
Desktop computers, monitors, keyboards, mouse, phones for inspectors and trainees.	2 desktop setup x \$1,585 + tax and shipping		\$ 3,531	\$ -
Field laptops +Hotspot device - Use in field for enforcement and education at permit holder locations.	(4 laptops x \$1,883 + 4 hotspots x \$199) + tax and shipping		\$ 9,536	\$ -
				\$ -
		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
TOTAL		\$ -	\$ 13,067	\$ -

TOBACCO LAW ENFORCEMENT GRANT BUDGET AND JUSTIFICATION

D. Travel Expenses/Registration Fees*

Description and Destination	Computation	FY 2017-18	FY 2018-19	FY 2019-20
Transit passes for field staff - MUNI passes, Bart passes, and clipper card passes to transport inspectors and trainees to permitted/unpermitted establishments, meetings, and trainings.	4 passes x \$94/month		\$ 4,512	\$ 4,512
Conference or Training - California Conference of Directors' of Environmental Health (CCDEH) to announce the free enforcement training, training at any national or state conference, trainings for a rural Northern California jurisdiction.	Up to 4 field staff/year for 4 nights (\$500 registration, \$600 roundtrip air, \$200/night, per diem \$70/day)		\$ 7,600	\$ 7,600
		\$ -	\$ -	\$ -

*For DQT-sponsored events only. Travel will only be reimbursed under the current state rate
TOTAL \$ - \$ 12,112 \$ 12,112

E. Other Expenses

Description	Computation	FY 2017-18	FY 2018-19	FY 2019-20
Police contract- increase decoy operation for sales to persons under 21, enforce, & administrative costs for SFPD to run their decoy operations.	Up to 2 SFPD officers x \$100/hour x 400 hours/year		\$ 80,000	\$ 80,000
Youth decoys and operation expenses for the decoy.	\$400/operation x up to 20 operations		\$ 8,000	\$ 8,000
Administrative Law Judge to serve a second monthly hearing for SFDPH, EHB. The contract will also include an 8-hour enforcement training for the tobacco team and Department staff that serves at the administrative hearing.	\$150/hour x up to 300 hours/year		\$ 45,000	\$ 45,000
Laboratory Support, Services, and Supplies - determine the contents of consumption products used at hookah bar lounges and the development of sampling and testing protocols, test and submit analytical reports, and validate data that will strengthen Department staff enforcement cases.	Up to 5 sampling events/year x up to 20 samples/events x \$50-\$75/sample + supplies and shipping		\$ 11,500	\$ 11,500
Host off-site Training for up to 50 people with continental breakfast	2 Off-site trainings x \$30/person for continental breakfast + printed material	\$ -	\$ -	\$ 6,000
TOTAL		\$ -	\$ 144,500	\$ 150,500

F. Administrative Costs*

Description	Computation	FY 2017-18	FY 2018-19	FY 2019-20
Department Indirect Costs			\$ 41,747	\$ 41,747

*Administrative costs may not exceed 5% of the total budget.
TOTAL \$ - \$ 41,747 \$ 41,747

TOBACCO LAW ENFORCEMENT GRANT BUDGET AND JUSTIFICATION

SUMMARY				
Budget Category	FY 2017-18	FY 2018-19	FY 2019-20	Total Request
A. Personal Services	\$ -	\$ 535,116	\$ 535,116	\$ 1,070,231
B. Operating Expenses	\$ -	\$ 207,931	\$ 191,068	\$ 398,999
C. Equipment	\$ -	\$ 13,066	\$ -	\$ 13,066
D. Travel/Registration	\$ -	\$ 12,488	\$ 12,112	\$ 24,600
E. Other Expenses	\$ -	\$ 12,488	\$ 150,500	\$ 162,988
F. Administrative Costs	\$ -	\$ 41,747	\$ 41,747	\$ 83,494
TOTAL PROJECT COSTS	\$ -	\$ 822,836	\$ 930,543	\$ 1,753,378

San Francisco
Department of Public Health

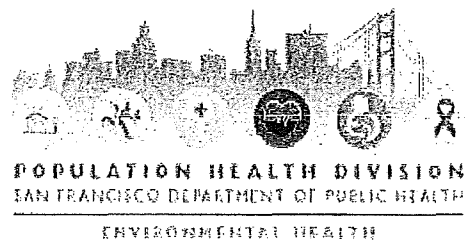
Acting Principal Inspector Janine Young
Population Health Division/Environmental Health Branch
(415) 252-3903
Janine.young@sfdph.org
1390 Market St, Suite 210, SF, CA, 94102 (Mail Stop: Suite 910)

MEMORANDUM OF UNDERSTANDING

With the

California Department of Justice

June 1, 2018 – June 30, 2020



I PURPOSE

This Memorandum of Understanding (the "MOU") is entered into by the Department of Justice ("DOJ") and the San Francisco Department of Public Health (hereinafter, "Grantee"), to provide grant funds to Grantee for expenditure. The Grantee will expend funds for the purposes identified in the approved Grant Application submitted by Grantee in response to the DOJ's Request for Proposals for activities of Local Law Enforcement Agencies to be funded under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (the "Act"), approved by the voters as Proposition 56.

This MOU becomes effective upon completion of all signatures, and expires on June 30, 2020.

The DOJ grants to Grantee \$1,753,378, (the "Grant Amount") for expenditure in accordance with this MOU, including the Scope of Work included in the approved Grant Application.

The Request for Proposals, Grantee Handbook and Grant Application are incorporated by reference into this MOU.

II COMMUNICATION

All reports, notices, requests, and/or correspondence pertaining to this MOU shall be forwarded to the Tobacco Grant Unit at:

California Department of Justice
Division of Law Enforcement
Attn: Shannon Patterson
1300 I Street, Suite 1140
Sacramento, CA 95814
TobaccoGrants@doj.ca.gov
(916) 210-7418

III BUDGET

Grantee agrees to expend the Grant Amount in accordance with the approved Budget (Attachment 1).

Grantee must submit any request for a change to a Budget item in writing or via e-mail to the DOJ and any changes to the Budget must be pre-approved in writing by the Tobacco Grant Unit at least thirty (30) days in advance of any change to the Budget item.

IV COST REIMBURSEMENT/INVOICING

DOJ agrees to reimburse Grantee, in arrears, for Grantee's actual expenditures in performing the Scope of Work, upon receipt of invoices from Grantee and approval of the invoices by DOJ. Grantee will submit only one (1) invoice each month for items included in the Budget, included

completed travel and training, if applicable. The Grantee is required to ensure that all vendor deliverables are accepted and approved, equipment delivered, travel completed, and administrative activities performed. Invoiced amounts may not exceed the costs specified in the approved Budget.¹

Grantee will provide substantiation to DOJ pertaining to acceptance of hardware, software, services, and deliverables along with approved invoices for payment. Invoices paid by the Grantee and submitted to the DOJ for reimbursement must include the invoice number, invoice date, service period, agreement number, vendor name, vendor contact information, amounts, along with the approved Budget Template clearly identifying which expenditure the invoice is associated with. Grantee shall provide copies of packing slips substantiating delivery of purchased equipment. Grantee invoices and supporting documentation must be sent to the DOJ in hard copy format no later than the 15th calendar day following the month of expenditure. (Example, a purchase made on June 2nd would require invoice to be received by the DOJ no later than July 15th).

Invoices must be e-mailed or delivered via U.S. Mail addressed to:

California Department of Justice
 Division of Law Enforcement
 Attn: Tobacco Grant Unit
 1300 I Street, Suite 1140
 Sacramento, CA 95814
TobaccoGrants@doj.ca.gov

V BUDGET CONTINGENCY CLAUSE

It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under the agreement does not appropriate sufficient funds for this MOU, this MOU shall be of no further force and effect. In this event, the DOJ shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this MOU and Grantee shall not be obligated to continue performing any provisions of this agreement for which it would have been reimbursed.

If funding for any fiscal year is reduced or deleted in the Budget Act for purposes of this MOU, the DOJ shall have the option to either cancel this MOU with no liability occurring to the DOJ, or offer an amendment to the Grantee to reflect the reduced amount.

VI QUARTERLY REPORTING REQUIREMENTS

Grantee will submit quarterly progress reports to the DOJ. These reports, which will describe progress made on the recipient's Scope of Work, shall be submitted to DOJ according to the following schedule:

¹ Approved Budget included under Attachment 1.

- 1) January 1 through March 31: Due April 15
- 2) April 1 through June 30: Due July 15
- 3) July 1 through September 30: Due October 15
- 4) October 1 through December 31: Due January 15

Grantees shall submit any other reports and data as required by the DOJ.

VII ADMINISTRATION AND AUDIT

The DOJ is not liable for the Grantee's use of funds or any subsequent audit findings.

Grantee agrees that the DOJ and the California State Auditor, or their designated representatives shall have the right to review and copy any records and supporting documentation pertaining to the funds expended by Grantee and the Grantee's performance of the Scope of Work under this MOU. Grantee agrees to maintain all such records and reports for possible audit for a minimum of three (3) years after payment by DOJ of the final invoice submitted by Grantee. Grantee agrees to allow access to such records during normal business hours and to allow interviews with officers and employees who might reasonably have information related to such records. [Grantee agrees to include a similar right for DOJ and the California State Auditor to audit records and interview staff in any subcontract related to performance of the MOU.]

Should Grantee fail to comply with this MOU, including any expenditures for purposes not permitted under the MOU, DOJ may take one or more of the actions described under Remedies for Noncompliance in the Grant Handbook. Actions include but are not limited to requiring Grantee to return grant funds, and any other remedies available under law, and the Grantee may be disqualified from applying for or receiving future grant funds.

VIII GRANTEE CONTACT INFORMATION

Janine Young, Retail Tobacco Enforcement Grant Coordinator
SF Department of Public Health – Population Health Division
Environmental Health Branch, 1390 Market St, Suite 210, SF, CA, 94102
(415) 252-3903 / Janine.young@sfdph.org

Jennifer Callewaert, R-TEAM Principal Inspector
SF Department of Public Health – Population Health Division
Environmental Health Branch, 1390 Market St, Suite 210, SF, CA, 94102
(415) 252-3971 / Jennifer.callewaert@sfdph.org

Patrick Fosdahl, Environmental Health Branch Assistant Director
SF Department of Public Health – Population Health Division
Environmental Health Branch, 1390 Market St, Suite 210, SF, CA, 94102
(415) 252-3904 / Patrick.fosdahl@sfdph.org

IX MISCELLANEOUS PROVISIONS

Amendment-No amendment or variation of the terms of this MOU is valid unless made in writing, and signed by the duly authorized representatives of the parties.

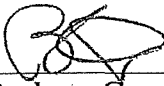
Assignment- This MOU is not assignable by Grantee in whole or in part.

Indemnification- Grantee agrees to indemnify and hold harmless the DOJ, its officers, agents and employees from all claims, liabilities, or losses in connection with the performance of this MOU.

Termination – The DOJ may terminate this MOU and be relieved of any obligation to provide grant funds to Grantee should Grantee fail to perform the Scope of Work at the time and in the manner provided in this MOU.

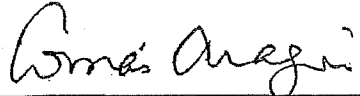
X AUTHORIZATION

The DOJ and Grantee, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU and any future amendments shall be forwarded to the Division of Law Enforcement, Office of the Chief, with all its attachments, and will become effective upon completion of signature from all parties. .



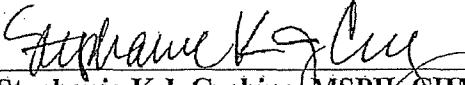
Barbara Garcia, MPA
Director of Health
San Francisco Department of Public Health

5/18/18
Date




Tomás J. Aragón, MD, DrPH
Health Officer, City & County of San Francisco
Director, Population Health Division
San Francisco Department of Public Health

5/18/18
Date



Stephanie K.J. Cushing, MSPH, CHMM, REHS
Director, Environmental Health Branch
Population Health Division
San Francisco Department of Public Health

5/15/18
Date



Patrick Fosdahl, MS, REHS
Assistant Director, Environmental Health Branch
Population Health Division
San Francisco Department of Public Health

5/15/18
Date

SHANNON PATTERSON, GRANT MGR.
Office of the Chief
California Department of Justice

6/14/18

Date

KEVIN GARDNER, Chief
Office of the Chief
California Department of Justice

6-4-18

Date

CHRIS RYAN, Chief
Office of Fiscal Management
California Department of Justice

6/7/18

Date

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London Breed
Mayor

Barbara A. Garcia, MPA
Director of Health

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Barbara A. Garcia, MPA
Director of Health

DATE: August 9, 2018

SUBJECT: Grant Accept and Expend

GRANT TITLE: Accept and Expend Grant- Proposition 56 Tobacco Law
Enforcement Grant Program- \$1,753,378

WB

Attached please find the original and 2 copies of each of the following:

- Proposed grant resolution, original signed by Department
- Grant information form, including disability checklist -
- Budget and Budget Justification
- Grant application
- Memorandum of Understanding
- Other (Explain):

Special Timeline Requirements:

Departmental representative to receive a copy of the adopted resolution:

Name: Richelle-Lynn Mojica

Phone: 255-3555

Interoffice Mail Address: Dept. of Public Health, Grants Administration for
Community Programs, 1380 Howard St.

Certified copy required Yes

No

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS
SAN FRANCISCO

2018 SEP 18 AM 11:45

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment):
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Cohen

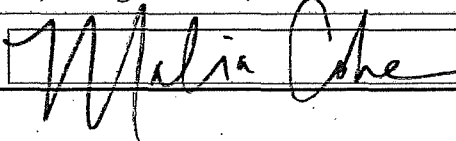
Subject:

[Accept and Expend Grant – Proposition 56 Tobacco Law Enforcement Grant Program- \$1,753,378]

The text is listed:

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$1,753,378 from California Department of Justice to participate in a program entitled Proposition 56 Tobacco Law Enforcement Grant Program for the period of June 1, 2018, through June 30, 2020.

Signature of Sponsoring Supervisor:



For Clerk's Use Only