



# Board Agenda Item 35

DATE: October 11, 2016

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Retroactive Revenue Allocation Agreement with the California Department of Public Health

## RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute retroactive revenue Allocation Agreement with the California Department of Public Health for Tobacco Control Program funds, effective July 1, 2016 through June 30, 2017 (\$184,674).**

Approval of the recommended retroactive Agreement with the California Department of Public Health (CDPH) will allow the Department of Public Health to continue tobacco health education activities in the County with funding from the California Tobacco Control Program (CTCP). The funding provides for Tobacco Prevention Program (TPP) staff, services and supplies to support tobacco health education and cessation, with no increase in Net County Cost.

## ALTERNATIVE ACTION(S):

There is no viable alternative action. Should your Board not approve the recommended action, the Department would be unable to fund tobacco prevention and cessation health education activities as outlined in the grant scope of work.

## RETROACTIVE AGREEMENT:

The recommended retroactive revenue allocation Agreement was received from CDPH on August 17, 2016 and is retroactive to July 1, 2016. The Agreement was not presented to your Board in September because CDPH required additional time to allocate unanticipated revenue.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommend action. The proposed Agreement (\$184,674) reflects an increase of (\$34,674) from prior year's allocation due to additional revenue available from CTCP and will provide funding for TPP staff, services, and supplies to support tobacco health education. The recommended Agreement represents the final year of a three-year funding cycle; the three-year maximum is \$484,674. Sufficient appropriations and estimated revenues are included in the Department Org 5620 FY 2016-17 Adopted Budget to cover personnel and program related costs. The Department's indirect rate is 15.873 percent; however, all agreements with CDPH have a maximum indirect rate of 15.0 percent; or an estimated \$27,701 of allowable costs. The remainder (\$1,612) will be covered using Health Realignment funds.

## DISCUSSION:

The Department has received CDPH Proposition 99: California Tobacco Tax and Health Protection Act of 1988

(Prop 99) funds since 1989. Prop 99 mandates funds allocated to health departments designated as Local Lead Agencies be used to:

- conduct health education interventions and behavioral change programs at the state level, in the community, and other non-school settings;
- apply the most current research findings; and,
- give priority to programs that demonstrate an understanding of the role community norm change has in influencing behavioral change regarding tobacco use.

TPP provides scope of work services to interested participants on a voluntary basis. Entities that TPP assists include municipalities, school districts, local businesses and non-profit organizations.

During the three-year funding cycle, TPP's scope of work objectives are to:

1. limit storefront advertising to no more than 15 percent of window and clear (e.g., glass) doors of alcohol and tobacco retailers in at least one County jurisdiction;
2. engage youth in tobacco control initiatives; and,
3. disclose the locations of smoking and non-smoking units in multi-unit housing.

In FY 2014-15, TPP achieved its first goal that resulted in the successful adoption of an ordinance in City of Selma (Selma Municipal Code Chapter 28 Title XI Section 6-4) limiting storefront advertising to no more than 15 percent. In FY 2015-16, TPP continued to collaborate with the City of Selma to educate Selma residents and more than 50 business owners about the new policy. Based upon the city's request for technical assistance, TPP worked closely with the City of Selma in the successful adoption two new city ordinances: (1) regulate the use and sale of electronic smoking devices and paraphernalia (Selma Municipal Code Chapter 23 to Title V), and (2) require Conditional Use Permits for tobacco stores, smoke/vape shops, hookah lounges (Selma Municipal Code Chapter 9 Of Title VI). The newly adopted City of Selma ordinances are now a model that other County jurisdictions can utilize to develop and adopt similar ordinances. This achievement exemplifies the sustainability of TPP's efforts.

In addition, TPP successfully conducted a collaborative assessment with community partners of 471 County retailers to measure the availability, promotion and pricing of tobacco products, alcoholic beverages, healthy foods and condoms. The results of this assessment will be utilized by the program to help guide future policy efforts to improve the health of Fresno County residents.

During FY 2015-16, TPP recruited and trained 15 new youth volunteers, adding to the 12 volunteers from prior year for a total of 27 volunteers working to increase awareness of tobacco-related issues that impact their community. The volunteers are scheduled to conduct an educational presentation to the Selma School Board in September 2016 on the work they have accomplished.

Approval of the recommended action will allow TPP to continue to execute its primary scope of work objectives in addition to the following ongoing TPP efforts:

- educate and inform business owners on compliance with local, state and federal tobacco-related laws;
- respond to an average of 15 tobacco-related complaints (e.g., exposure to second-hand smoke, smoking in prohibited areas, and illegal tobacco sales to minors) per year, resolve complaints through education and information, and refer violations to local law enforcement and/or code enforcement when necessary;
- provide technical expertise to Department's Environmental Health Division in the review of new hookah lounges, smoke-shop and vape-shop applications;
- provide tobacco cessation information and referrals to County residents;
- respond to and conduct media interviews on various tobacco-related topics;
- participate in approximately 15 community outreach education events per year; and,
- maintain a local tobacco-control coalition comprised of various community partners.

The recommended Agreement between the State and County contains non-standard termination language as it allows the State to terminate the Agreement without cause, provided that written notice has been delivered at least thirty (30) days prior to termination. The recommended Agreement also includes a termination clause that allows the County to submit a written request to terminate the Agreement only in the event the State substantially fails to perform its responsibilities under the Agreement. In the event of a dispute between parties, the resolution process outlined in the Agreement terms and conditions must be followed.

REFERENCE MATERIAL:

BAI #28, September 1, 2015

BAI #22, September 9, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Acceptance of Allocation Agreement

CAO ANALYST:

Sonia De La Rosa