



# Board Agenda Item 64

DATE: November 28, 2023

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, Director, Department of Public Health

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

## RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive revenue Agreement with the California Department of Public Health, for Proposition 99 and Proposition 56 Tobacco Control Program funds, effective July 1, 2023 through June 30, 2024 (\$706,281);**
- 2. Adopt Budget Resolution increasing FY 2023-24 appropriations and estimated revenues for the Department of Public Health Org 5620 in the amount of \$140,491 (4/5 vote); and**
- 3. Adopt Budget Resolution increasing FY 2023-24 appropriations and estimated revenues for the Department of Public Health Org 1164 in the amount of \$140,491 (4/5 vote).**

There is no additional Net County Cost associated with the recommended actions. Approval of the first recommended action represents acceptance of the Local Lead Agency (LLA) Annual Allocation Agreement for Proposition 99 and Proposition 56 Tobacco Control Program funds, for Fiscal Year (FY) 2023-24, from the California Department of Public Health (CDPH) California Tobacco Control Program (CTCP). Funding for the 12-month annual allocation period of July 1, 2023 through June 30, 2024 totals \$706,281 and will fund the Department of Public Health's (Department) Tobacco Prevention Program staff, services, and supplies. The Tobacco Prevention Program will continue their work to provide tobacco prevention education and cessation activities in the County. Approval of the second and third recommended actions will allow the transfer of revenue from the Special Revenue Fund (SRF) to the General Fund to increase appropriations and estimated revenues for the Department in FY 2023-24 for the increase in Proposition 56 Tobacco Control Program funds from CDPH. This item is countywide.

## ALTERNATIVE ACTION(S):

There is no viable alternative action. Should your Board not approve the recommended actions, the Department would be unable to fund tobacco prevention education and cessation activities in our County, leaving a void in these much-needed services.

## RETROACTIVE AGREEMENT:

The recommended Agreement is retroactive to July 1, 2023 because of a delay in the Department receiving the notification letter from CDPH, which was received on September 21, 2023. This item is being brought to your Board in accordance with agenda item processing timelines.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Annual allocations are comprised of both Proposition 99 - Tobacco Tax and Health Promotion Act of 1988 and Proposition 56 - California Healthcare, Research and Prevention Tobacco Tax Act of 2016 funds. The recommended

revenue allocation for FY 2023-24 is \$706,281.

The combined totals of both Propositions, per fiscal year, are as follows:

<u>Fiscal Year</u>	<u>Prop 99</u>	<u>Prop 56</u>	<u>Total Prop 99+56</u>
FY 2021-22	\$75,000	\$315,515	\$390,515
FY 2022-23	\$150,000	\$516,485	\$666,485
FY 2023-24	\$150,000	\$556,281*	\$706,281
FY 2024-25	\$150,000	\$329,854	\$479,854

\*Increased from \$415,790 to \$556,281 on August 22, 2023.

Approval of the recommended actions will accept the recommended annual allocation agreement for Proposition 99 and Proposition 56 funds for FY 2023-24 (\$706,281). Approval of the recommended Budget Resolutions will allow the additional Prop 56 funding increase of \$140,491 to move from the SRF to increase the appropriations and estimated revenues for the Department's Org 5620 FY 2023-24 Adopted Budget for related tobacco prevention activities. Any unbudgeted costs associated with the Tobacco Prevention Program that exceed the Department's allocation will be assessed and accounted for in future Department 5620 Org budgets.

DISCUSSION:

With your Board's approval, the Department will accept the CDPH CTCP's annual allocation for FY 2023-24, from the 2022-2025 LLA Comprehensive Tobacco Control plan. The annual allocation funding is from both the cigarette tax, California's Proposition 99, the Tobacco Tax and Health Promotion Act of 1988, and Proposition 56, the California Healthcare, Research, and Prevention Tobacco Act of 2016. Both propositions fund the County's annual allocation amount, with the main purpose of the funding for implementing a comprehensive tobacco control plan as required by California Health and Safety Code 104375. FY 2023-24 in the 2022-2025 CDPH CTCP Comprehensive Tobacco Control plan centers on the Department's Tobacco Prevention Program leading more community campaigns and serving as the backbone agency within the County by working with local, regional, and statewide tobacco control projects, coalitions, non-traditional partners, and community leaders, to plan and implement campaign activities. During FY 2023-24, funding will support the following planned activities:

- Convene and train a coalition of young adult community residents to assist in the development and implementation of tobacco control efforts throughout the County;
- Collect public opinion surveys in the City of Fowler to support the implementation of its General Plan tobacco-related policy actions;
- Foster small business economic development through partnerships with city, county, and/or regional economic development programs to enable prosperity without tobacco product sales;
- Conduct observation surveys at tobacco retail establishments to document the types of tobacco products sold, price discounts for tobacco products, and the types of advertising on storefront windows;
- Collaborate with the Fresno County Sheriff's Office on a proposed tobacco retail licensing ordinance that supports efforts to reduce youth vaping and youth access to tobacco products;
- Educate elected officials about how the tobacco retail environment impacts the health of the community, share local data, and provide information on evidence-based policy solutions; and
- Educate community members on youth vaping, youth access to tobacco products, and the dangers of secondhand smoke exposure.

The County's Risk Management Division has reviewed the allocation agreement and found that it does not contain the County's standard insurance and indemnification language but deems this acceptable as CDPH is providing the funding to the County.

REFERENCE MATERIAL:

BAI #30, October 11, 2022

BAI #34, March 8, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CDPH

On file with Clerk - Budget Resolution (Org 5620)

On file with Clerk - Budget Resolution (Org 1164)

CAO ANALYST:

Ron Alexander