



# County of Fresno

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## Legislation Details (With Text)

**File #:** 21-0909 **Name:** Retroactive Revenue Agreement with the California Department of Public Health

**In control:** Public Health

**On agenda:** 11/16/2021 **Final action:** 11/16/2021

**Enactment date:** **Enactment #:** Agreement No. 21-477

**Title:** 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, 2021 through December 31, 2021 (\$411,028)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Agreement A-21-477 with CDPH

| Date       | Ver. | Action By            | Action                     | Result |
|------------|------|----------------------|----------------------------|--------|
| 11/16/2021 | 1    | Board of Supervisors | Consent Agenda be approved | Pass   |

**DATE:** November 16, 2021

**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):

**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, 2021 through December 31, 2021 (\$411,028).**

There is no additional Net County Cost associated with the recommended action. Approval of the recommended action will represent acceptance of the allocation agreement for Quarters 1 and 2 of FY 2021-22, funding period July 1, 2021 through December 31, 2021, for the 2017-2021 Local Lead Agency Comprehensive Tobacco Control Plan from the California Department of Public Health (CDPH). The six-month allocation will fund the Department's Tobacco Prevention Program (TPP) 6.55 Full Time Equivalent staff, services, and supplies to support tobacco prevention education and cessation activities. This item is countywide.

### 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 education and cessation activities.

### RETROACTIVE AGREEMENT:

The recommended Agreement was received from CDPH on August 31, 2021 and is retroactive to July 1, 2021. The time required to prepare and review the agreement did not allow presentation to your Board at an earlier

date.

#### FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. The proposed revenue allocation (\$411,028) represents Quarters 1 and 2 of FY 2021-22 and is the final allocation of the 4-year Comprehensive Tobacco Control Plan for 2017-2021. Funding for the six-month allocation period consists of Proposition 99 - Tobacco Tax and Health Promotion Act of 1988 (\$75,000) and Proposition 56 - California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (\$336,028) funds.

Sufficient appropriations and estimated revenues are included in the Department's Org 5620 FY 2021-22 Adopted Budget. The Department's indirect rate of 22.579% (\$40,325) will be fully covered as CDPH indirect cost rate limit is 25%.

#### DISCUSSION:

With your Board's approval, the Department will continue to receive its allocation for tobacco use prevention and reduction through funds from California Proposition 99, the Tobacco Tax and Health Promotion Act of 1988 and Proposition 56, the California Healthcare, Research, and Prevention Tobacco Act of 2016. The purpose of the funding is to allow adequate time to complete the Communities of Excellence needs assessment and develop and prepare a new comprehensive tobacco control plan with participation of community members for the County as required by Health and Safety Code 104375. The new tobacco control plan will begin on January 1, 2022.

During the 6-month (July 2021-December 2021) period, funding will be used to support the following workplan activities:

- Conduct teacher in-service trainings for school staff on youth vaping and available resources.
- Conduct individual and group presentations to the Fresno County Board of Supervisors, Fresno City Council, Mendota City Council, Selma City Council and Fresno County staff on various policy campaigns.
- Conduct key informant interviews with community leaders and county officials.
- Host a Healthy Mendota event to bring resources to the community of Mendota and educate on a tobacco retailer licensing program.
- Work with the City of Fresno and Selma to update the tobacco-related definitions in all applicable sections of the municipal code.
- Provide technical assistance to the City of Fresno on their smoke-free multi-unit housing policy.

Unspent balances must be returned to the CDPH when the 2017-2021 Comprehensive Tobacco Control Plan ends on December 31, 2021 and are due 90 days after receiving the plan's closeout letter. The Department will return to your Board with a new allocation agreement for Quarters 3 and 4 of FY 2021-22 once received from CDPH.

The recommended agreement contains non-standard termination language as it allows CDPH to terminate without cause if written notice has been delivered at least 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 CDPH substantially fails to perform its responsibilities under the agreement.

#### REFERENCE MATERIAL:

BAI #40, October 6, 2020  
BAI #44, September 24, 2019  
BAI #58, September 25, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CDPH

CAO ANALYST:

Ron Alexander