



# Monterey County

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## Board Report

Legistar File Number: A 16-120

May 17, 2016

**Introduced:** 5/9/2016

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** BoS Agreement

Approve and authorize the Director of Health or Assistant Director of Health to execute an Agreement with the City of Monterey (City) for the provision of enforcement services by the County of Monterey (County) of the City's tobacco retail license ordinance, Ordinance No. 3508, commencing on June 1, 2016 terminable by either party pursuant to Section 7 of the Agreement.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and authorize the Director of Health or Assistant Director of Health to execute an Agreement with the City of Monterey (City) for the provision of enforcement services by the County of Monterey (County) of the City's tobacco retail license ordinance, Ordinance No. 3508, commencing on June 1, 2016 terminable by either party pursuant to Section 7 of the Agreement.

### SUMMARY/DISCUSSION:

On July 2, 2012 Supervisor Dave Potter, as Board Chair, notified City Mayors within Monterey County that the Board of Supervisors had implemented a County Tobacco Retail License (TRL) Program by adopting an ordinance that added chapter 7.80 to the Monterey County Code that established licensing requirements for tobacco retailing within the unincorporated area of Monterey County. The County TRL ordinance is structured so that cities can implement their own tobacco retail license program by adopting the county ordinance as their own ordinance. The primary goal of the County TRL Program and TRL ordinance is to reduce youth access to tobacco. Supervisor Potter encouraged Mayors to join the County and help abolish youth smoking.

Following Board approval of the County TRL ordinance, the City of Monterey (City) adopted its own TRL ordinance, Ordinance No. 3508, that created a tobacco retail license program within the City's jurisdiction and provided that it "shall be enforced by any duly authorized employee or agent of the City and by the duly appointed representative of the County Department of Public Health." Tobacco Retail License Program staff has worked with County Counsel to develop an Agreement between the County and City which will allow the County to implement and administer the TRL program on behalf of the City. The City enacted the ordinance in order to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, particularly those which prohibit or discourage the sale or distribution of tobacco products to minors.

Under the proposed Agreement, the County would assist the City in enforcing the ordinance by providing such administrative and enforcement services as are specified under the ordinance, on

the terms and condition specified in this Agreement. Any costs borne by the County to administer and enforce the ordinance within the City limits shall be recovered by the fees approved by the City and received by the County from tobacco retailers within the City, pursuant to the ordinance.

Once approved, the Agreement with the City will serve as a template for review and approval of the Agreement with the Cities of Salinas and Carmel. Once the Agreement with these cities are approved, County staff will begin implementation of TRL programs in these cities as well. The Monterey County Health Department appreciates the County Board of Supervisors' ongoing support of public health efforts to reduce youth tobacco access which will reduce tobacco use in Monterey County and save lives.

This work supports the following Monterey County Health Department 2011-2015 strategic plan initiatives: 1) Empower the community to improve health through programs, policies, and activities; and 2) Enhance community health and safety by emphasizing prevention. This work also supports one or more of the ten essential public health services, specifically: 5) Develop policies and plans that support individual and community health efforts; 6) Enforce laws and regulations that protect health and ensure safety; and 10) Research for new insights and innovative solutions to health problems.

OTHER AGENCY INVOLVEMENT:

County Counsel, Risk Management, and the Auditor-Controller have reviewed and approved this Agreement as to legal form, liability and fiscal provisions respectively.

FINANCING:

This Agreement is fully funded by fees received directly from tobacco retailers within the City, pursuant to the City's ordinance. There are sufficient appropriations included in the Health Department's (HEA003-8124) Requested Budget for FY 2015-16.

Prepared by: Patricia McFadden, MAII, 4726

Approved by: Elsa Jimenez, Interim Director of Health, 4526

Attachment:

Agreement is on file with the Clerk of the Board