



Legislation Details (With Board Report)

File #:	A 21-181	Name:	Gonzales - TRL Agreement
Type:	BoS Agreement	Status:	Passed - Health Department
File created:	4/30/2021	In control:	Board of Supervisors
On agenda:	5/18/2021	Final action:	5/18/2021

Title: Approve and Authorize the Director of Health or Assistant Director of Health to execute an Agreement with City of Gonzales (City) for the provision of administrative and enforcement services by the County of Monterey (County) of the City’s tobacco retail license ordinance, Ordinance No. 2019-115 in Chapter 4.70, retroactive from November 16, 2020, terminable by either party pursuant to Section 7 of the Agreement.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Agreement, 3. Completed Board Order Item No. 19

Date	Ver.	Action By	Action	Result
5/18/2021	1	Board of Supervisors	approved - health department	Pass

Approve and Authorize the Director of Health or Assistant Director of Health to execute an Agreement with City of Gonzales (City) for the provision of administrative and enforcement services by the County of Monterey (County) of the City’s tobacco retail license ordinance, Ordinance No. 2019-115 in Chapter 4.70, retroactive from November 16, 2020, 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 City of Gonzales (City) for the provision of administrative and enforcement services by the County of Monterey (County) of the City’s tobacco retail license ordinance, Ordinance No. 2019-115 in Chapter 4.70, retroactive from November 16, 2020, terminable by either party pursuant to Section 7 of the Agreement.

SUMMARY/DISCUSSION:

The primary goal of the County Tobacco Retail License (TRL) Program and TRL ordinance is to reduce youth access to tobacco. The County TRL ordinance is structured so that cities can implement their own TRL program by adopting the county ordinance as their own ordinance.

The City of Gonzales (City) adopted its own TRL ordinance, Ordinance No. 2019 in Chapter 4.70 in Chapter 4.70, that created a TRL 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.” TRL 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 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.

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. The start date of the Agreement is retroactive to November 16, 2020 due to the length of time it took to negotiate the terms of the TRL agreement with the City.

This work supports the following Monterey County Health Department 2018-2022 Strategic Plan Initiatives: 1. Empower the community to improve health; 2. Enhance public health and safety through prevention. It also supports the following 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:

The office of the County Counsel and the Auditor-Controller have reviewed and approved this Agreement as to form, 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) Adopted Budget for FY 2020-21.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Frances Stevens, Management Analyst II, 755-4532

Approved by:

Date: _____
Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachment:
Agreement