

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/13/09		Item Number: <u>C-6</u>	
AGENDA ITEM: Adoption of an Ordinance Amending Title 11, Business Regulations, of the Culver City Municipal Code Relating to Add a New Chapter 11.15 Relating to the Licensing of Tobacco Retailers.			
Contact Person/Dept.: Jeff Muir, Chief Financial Officer; and Heather Baker, Assistant City Attorney		Phone Number: 310-253-5865; 310-253-5660	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Email Master Notification List (07/08/09); County of Los Angeles Department of Health Services, Culver City Chamber of Commerce, Downtown Business Association and individuals who spoke at prior Council Meetings (07/07/09); Coalition for a Tobacco Free LA County (comprised of over 70 organizations including Culver City Youth Against Smoking – this notification was emailed courtesy of the County of Los Angeles Department of Health Services) (07/07/09).			
Department Approval: Jeff Muir (07/07/09) Carol Schwab (by H. Baker) (07/07/09)		City Attorney Approval: Carol Schwab (by H. Baker) (07/07/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (07/08/09)		City Manager Approval: Mark Scott (07/08/09)	

RECOMMENDATION:

Staff recommends the City Council adopt an Ordinance amending Title 11, Business Regulations, of the Culver City Municipal Code to add a new Chapter 11.15 relating to the licensing of tobacco retailers.

BACKGROUND/DISCUSSION:

At the City Council meeting of June 22, 2009, the City Council introduced the Ordinance, with revisions, by a unanimous vote (5-0). From the dais, the City Council made the following revisions to the Ordinance prior to adoption:

- §11.15.030.B.1 – clarification of language that a Tobacco Retailer License shall not be issued where any suspension or revocation proceedings are pending.
- §§11.15.050.A & B – clarification of language regarding the findings and penalties relating to suspension or revocation of a Tobacco Retailer License.

In addition, staff has deleted §11.15.045.H, as it is redundant of §11.15.045.A.

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The above revisions are not considered to be substantive in nature; therefore, the Ordinance is not required to be re-introduced. The Ordinance, as revised, is brought back tonight for adoption.

FISCAL ANALYSIS:

Adoption of the proposed Ordinance would have minor financial impact. The administrative and enforcement costs of the proposed tobacco retailer licensing program would be borne entirely by fees collected from the covered businesses in the form of the license fee. These fees would be adjusted annually to reflect actual costs. The collection of fines for criminal prosecution would result in a negligible source of revenue, as the court receives a portion of such fines and those funds coming directly to the City would serve to offset costs of the potential increase in enforcement activity by the Police Department. It is not possible at this time to quantify an annual revenue receipt amount or forecast how much additional criminal enforcement activity may be expended on this effort. Any fines received in this regard would be deposited into the Police Department's Miscellaneous Revenue account – 10140900.386100.

ATTACHMENTS:

1. Proposed Ordinance

MOTION:

That the City Council:

Adopt an Ordinance amending Title 11, Business Regulations, of the Culver City Municipal Code to add a new Chapter 11.15 relating to the licensing of tobacco retailers.