



Board Agenda Item 26

DATE: December 14, 2021

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive State of California Off-Highway Vehicle Grant Award/Agreement

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive Off-Highway Grant Award/Project Agreement with the State of California Department of Parks and Recreation for the period of September 6, 2021, through September 5, 2022 (\$91,942); and**
- 2. Adopt Budget Resolution increasing the FY 2021-22 appropriations and estimated revenues in the Sheriff-Coroner-Public Administrator's Org 3111 in the amount of \$30,650 (4/5); and**
- 3. Approve and authorize the Clerk of the Board to execute Budget Transfer No. 37 (\$55,500) transferring appropriations within the Sheriff-Coroner-Public Administrator's Org 3111, from Account 6300 (Overtime) 7025 (Clothing & Personal Supplies), Account 7205 (Maintenance-Equipment) and 7415 (Trans, Travel & Education) to Account 8300 (Equipment) for the purchase of two snowmobiles and a trailer (4/5).**

There is no increase in Net County Cost associated with the recommended actions. The State of California Department of Parks and Recreation has awarded the Sheriff's Office \$91,942 in grant funding to fund Deputy Sheriff overtime costs. The grant provides funding to assist in the enforcement of off-road vehicle laws, and to enable Sheriff's Office staff to meet bi-annually with U.S. Forest Service and Bureau of Land Management (BLM) enforcement staff to discuss Off-Highway Vehicle (OHV) concerns and issues. These grant monies will enhance the off-road enforcement efforts by dedicating additional staff through the use of overtime. Overtime is recommended, because the grant does not fund a full-time Deputy Sheriff position, and it would be more costly to hire and train an extra-help Deputy Sheriff. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the grant award will be withdrawn, which will result in a reduction in enforcement of off-road vehicle laws.

RETROACTIVE AGREEMENT:

The recommended agreement was received from the State of California Department of Parks and Recreation on September 6, 2021 and is effective until September 5, 2022. Subsequent time for processing delayed this item from being placed on an earlier agenda date.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The total OHV program cost of \$122,589 (as approved by the State) is funded with \$91,942 in grant funds and a required 25% match of \$30,650. The FY 2021-22 Adopted Budget for Org 3111 includes the appropriate and estimated revenues

for the OHV program cost. The second recommended action will appropriate the difference of \$30,650 in the Sheriff's Org 3111 for FY 2021-22 for program costs. The third recommended action will transfer OHV grant appropriations of \$55,500 from Account 6300 Overtime, 7025 - Clothing & Personal Supplies, 7205 Maintenance-Equipment and 7415 Trans, Travel & Education to Account 8300 - Equipment for the purchase of two snowmobiles and a snowmobile trailer.

DISCUSSION:

On June 22, 2021, your Board approved and authorized the Sheriff's Office to submit an application to the State of California Department of Parks and Recreation for Off-Highway Vehicle Grant funds. The Sheriff's Office has been awarded a total of \$91,942.

Most Fresno County off-road vehicle activity is located in the eastern part of the County, where the U.S. Forest Service maintains trails in the mountain areas for snowmobiles and other off-road vehicles. The Sheriff's Office Off-Road Safety team has the ability to resolve many off-road related problems that are otherwise difficult for deputies to address. These grant monies will enhance the off-road enforcement efforts by dedicating additional staff through the use of overtime.

If approved by your Board, the recommended action authorizes the Chairman to execute the recommended Project Agreement. Once the Grant Award/Project Agreement is executed by the Chairman and the State of California, the documents become the final Agreement between the County and the State of California, effective September 6, 2021.

The second and third recommended actions will allow the Department to fund program costs and the purchase of two snowmobiles and a snowmobile trailer. Currently, the Fresno County OHV unit operation uses older model 2010 and 2012 snowmobiles. These snowmobiles have operated well for OHV operations over the last 11 years. However, over the years, the maintenance and upkeep on these snowmobiles have increased, due primarily to the age of the snowmobiles.

Under the terms of the recommended Project Agreement, the State has the following remedies due to a breach of the Agreement,

- i. The State is entitled to "specific performance" (the Sheriff's Office must actually perform its obligations under the Agreement).
- ii. Regardless of the first remedy above, if the Sheriff's Office cannot mitigate or remedy or could not have prevented the breach, the State's sole remedy will be monetary reimbursement.

The recommended Project Agreement also requires that the County waive all claims against the State, including the right to contribution of loss of damage to persons or property arising out of the agreement, unless the claims are due to the concurrent or sole negligence of the State and its employees. The recommended Project Agreement also requires that the County indemnify and defend the State for any damages arising out of the Project, except for liability arising out of, and attributable to, the concurrent or sole negligence of the State and its employees.

The Department understands these risks associated with the recommended agreement but believes the benefits of entering into the recommended agreement outweigh these risks and wishes to move forward with the Project Agreement.

It should be noted that the Sheriff's Office is identified as the grant recipient. As per instructions from the State Department of Parks and Recreation, the County of Fresno cannot be the grantee recipient unless they apply for the grant. The Fresno County Sheriff's Office applied for this grant, and therefore is the grantee recipient.

REFERENCE MATERIAL:

BAI #29, June 22, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Award Agreement with Off-Highway Vehicle

On file with Clerk - Resolution (Org 3111)

On file with Clerk - Budget Transfer No. 37

CAO ANALYST:

Yussel Zalapa