



Board Agenda Item 33

DATE: February 20, 2024

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Retroactive Organized Retail Theft Prevention Grant Program Joint Partners Application and Agreement with the Board of State and Community Corrections and Memorandum of Understanding with the City of Fresno

RECOMMENDED ACTION(S):

1. **Retroactively approve and authorize the Probation Department's previous submittal of a multi-agency partnership application with the City of Fresno to the Board of State and Community Corrections for the Organized Retail Theft Prevention Grant Program, effective October 1, 2023 to June 1, 2027 (\$23,663,194);**
2. **Approve and authorize the Chairman to execute the retroactive Memorandum of Understanding with the City of Fresno so that the County may receive Board of State and Community Corrections Organized Retail Theft Prevention Grant Program funds from the City of Fresno, effective October 1, 2023 to June 1, 2027, total not to exceed \$1,089,975;**
3. **Retroactively approve and ratify execution by Chief Probation Officer of Operational Agreement Between Fresno Police Department, Clovis Police Department, Fresno County Probation Department, and Fresno County District Attorney's Office, which establishes each party's intention to work toward the mutual goal of creating a task force to combat and prosecute Organized Retail Theft offenders (\$0); and**
4. **Adopt Budget Resolution increasing FY 2023-24 appropriations and estimated revenue for Probation Org 3432 in the amount of \$681,325 (4/5 vote).**

There is no additional Net County Cost associate with the recommended actions. Approval of the first recommended action would approve and authorize the retroactive Organized Retail Prevention (ORT) Grant Program multi-partnership application to the Board of State and Community Corrections (BSCC); the City of Fresno is lead public agency. The second recommended action approves and authorizes the execution of the retroactive Memorandum of Understanding with the City of Fresno (MOU). The third recommended action ratifies the execution by the Chief Probation Officer on July 6, 2023 of an operational agreement establishing each party's agreement to participate in a collaborative effort to combat ORT offenders. This operational agreement was necessary documentation for the City of Fresno to apply for this grant. The fourth recommended action will increase FY 2023-24 appropriations and estimated revenues in the Probation's Org 3432 by \$681,325.

BSCC published a request for proposal on April 14, 2023; to meet the grant application deadline the City of Fresno submitted the application on July 7, 2023, contingent on the Board's approval. On September 14, 2023, the BSCC voted to approve funding awards. The grant application and subsequent grant agreement between the City of Fresno and the BSCC, with the MOU between the City of Fresno and County of Fresno, was approved by the Fresno City Council on December 14, 2023. The Memorandum of Understanding between the City and the County in regard to the District Attorney's Office will be brought to your Board at a later date. This item is county wide.

ALTERNATIVE ACTION(S):

If the Board does not approve the recommended actions, the Probation Department will withdraw from the grant and lose the opportunity and funds to partner with the City of Fresno and other law enforcement agencies on organized retail theft prevention.

RETROACTIVE AGREEMENT:

The recommended multi-agency partnership grant application to BSCC and MOU between the City and County of Fresno is retroactive to October 1, 2023 due to the length of time for the City to receive the notice of award, to obtain approval from the Fresno City Council on December 14, 2023, and the Probation Department to receive the approved and signed MOU on January 03, 2024, after the mayor's veto period. This item is being brought before your Board on the first available date within agenda item processing deadlines.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions; the costs will be fully offset with grants funds. Approval of the third recommended action will increase the Adopted FY 2023-24 appropriations and estimated revenues for the Probation Department Org 3432 in the amount of \$681,325 and will be included in future requested budgets.

DISCUSSION:

The State Budget Act of 2022, Senate Bill 154, established the ORT Prevention Grant Program. The ORT Prevention Request for Proposals (RFP) was released by the BSCC on April 14, 2023, making funds available competitively to city police departments, county sheriff departments, and county probation offices to help address the serious problems related to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft. On July 7, 2023, a multi-partner application proposal was submitted to BSCC by the lead agency, the City of Fresno. The intent of this grant is to enhance the collaborative effort of local law enforcement agencies to work together to implement the Fresno Metropolitan Area Organized Retail Task Force with the primary objective of combatting and aggressively prosecuting ORT offenders. On September 14, 2023, the BSCC Board voted to approve the recommended grant awards, one of which was the multi-partnership application submitted by the City of Fresno. On December 14, 2023, the ORT grant agreement and MOU between the City of Fresno and the County of Fresno was presented and approved by the Fresno City Council.

This MOU is to use the grant funds for investigation and prosecution of ORT, catalytic converter theft, and vehicle theft at all levels until the expiration of the program. Exhibit A of the MOU outlines the expenses the Probation Department will be reimbursed for in all three years of the agreement. These items include weekend/weekday overtime for Deputy Probation Officers, GPS devices and monitoring services, two-way and handheld radios, Toughbooks, aerial surveillance equipment, community awareness campaign materials, 3 fully equipped vehicles, and costs of data collection and case management system updates.

While the County is not in a direct agreement with the BSCC, the MOU provides that the County agrees to comply with the terms of the grant program, and in accordance with all applicable statutes, regulations, Office of Management and Budget Circulars, and guidelines, including the BSCC Grant Administration Guide.

The Memorandum of Understanding between the City and the County in regard to the District Attorney's Office will be brought to your Board at a later date.

This agreement differs from the County's model contract in that it contains a mutual hold harmless clause.

This clause has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. In the event of concurrent negligence on the part of the City and the County, the liability for any and all such claims shall be apportioned under the State of California's theory of comparative negligence as presently established or as may be modified in the future. This clause has been reviewed by Risk Management and deemed to be acceptable for this agreement between public entities.

Approval of the fourth recommended action will increase FY 2023-24 appropriations and estimated revenues in the Probation's Org 3432 by \$681,325.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Grant Application with BSCC/ MOU with City of Fresno
On file with Clerk - Budget Resolution

CAO ANALYST:

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