



Board Agenda Item 25

DATE: October 21, 2025

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney

SUBJECT: Retroactive Grant Application and Agreement with the State of California Office of Traffic Safety for the Alcohol and Drug Impaired Driver Vertical Prosecution Program

RECOMMENDED ACTION(S):

1. **Retroactively approve and authorize the District Attorney's previous submittal of a grant application to the California Office of Traffic Safety (OTS) for continuation of the Alcohol and Drug Impaired Driver Vertical Prosecution Program for FY 2025-26 (\$845,113); and**
2. **Approve and authorize the Chairman to execute retroactive Grant Agreement (Grant Number DI26002), with an electronic signature, for the Alcohol and Drug Impaired Driver Vertical Prosecution Program with the California Office of Traffic Safety for the period October 1, 2025, through September 30, 2026 (\$705,000).**

There is no additional Net County Cost associated with the recommended actions, which will allow for the continuation of the Alcohol and Drug Impaired Driver Vertical Prosecution program (ADIVPP) through September 30, 2026. The ADIVPP grant program will fund one Senior Deputy District Attorney, one Deputy District Attorney, and one part time Senior District Attorney Investigator to handle cases throughout each step of the criminal process, work to increase the capabilities of the program by obtaining and delivering specialized training and enable the grant program staff to share information with peers and law enforcement personnel throughout the County and across the State. To meet the grant filing deadline, the application was submitted to the OTS, contingent on your Board's approval. OTS requires an electronic signature to execute the grant agreement. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, this program will not be funded for FY 2025-26, which would result in the elimination of one Senior Deputy District Attorney, one Deputy District Attorney, and one part time Senior District Attorney Investigator, unless alternative funding is found.

RETROACTIVE AGREEMENT:

The request to approve and accept the OTS grant award is retroactive because the DA did not receive the finalized grant award agreement until September 26, 2025, precluding placement of this item at an earlier Board date.

FISCAL IMPACT:

There is no increase in Net County Cost associated with these actions, and no match requirement for the

receipt of the funds. The Department submitted a grant application on January 30, 2025, in the amount of \$845,113. The OTS awarded \$705,000 to Fresno County for the FY 2025-26 ADIVPP. This amount is included in the FY 2025-26 Adopted Budget for the District Attorney - Grants Org 2862. The grant funds one Senior Deputy District Attorney, one Deputy District Attorney, and one part time Senior District Attorney Investigator. If funding is not granted, the Department will have to identify an alternative funding source for the above listed positions. If an alternative funding source is not identified, these positions will be deleted. Because the grant period aligns with the federal fiscal cycle (October 1, 2025 - September 30, 2026), sufficient appropriations and estimated revenues will also be included in subsequent budget requests, including the FY 2026-27 Recommended Budget to support program activities and expenditures occurring in the first quarter of that fiscal year.

DISCUSSION:

The goal of the ADIVPP is to investigate and vertically prosecute felony alcohol and drug-impaired driving cases and will accomplish the grant objectives to prevent impaired driving and reduce alcohol and drug-involved traffic fatalities and injuries. The ADIVPP grant program will fund two Deputy District Attorneys and one part time investigator to investigate and prosecute cases throughout each step of the criminal process, and work to increase the capabilities of the program by obtaining and delivering specialized training. The ADIVPP program staff will also share information with peers and law enforcement personnel throughout the County and across the State.

The OTS grant manual, which is incorporated into the grant, requires the County to indemnify the State for any claims or losses resulting to any contractor or other entity furnishing or supplying work services, materials, or supplies in connection with the performance of the agreement, as well as any person, firm, or corporation who may be injured or damaged by the County in the performance of this agreement. The OTS grant manual also contains a non-standard limitation on liability.

In addition to the standard State and Federal certifications included in the Board of Supervisor's Administrative Policy No. 47, the grant also requires that the Grantee Agency will comply with the Hatch Act, a Federal law restricting the partisan political activities of employees "whose principal employment activities are funded in whole or part with Federal Funds."

If grant funding is eliminated, the associated positions will be deleted, unless alternative funding is found.

REFERENCE MATERIAL:

BAI #25, October 8, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Grant Agreement with OTS

CAO ANALYST:

Fine Nai