



# Board Agenda Item 34

DATE: September 26, 2017

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner

SUBJECT: Retroactive Memorandum of Understanding with the City of Fresno for the Edward Byrne Memorial Justice Assistance Grant Program FY 2017 Local Solicitation

## RECOMMENDED ACTION(S):

1. **Approve and authorize Chairman to execute a retroactive Memorandum of Understanding (MOU) with the City of Fresno that the City will submit a joint application and act as Fiscal Agent for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), \$65,072;**
2. **Approve and authorize Chairman to execute Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters and Drug-free Workplace Requirements; Disclosure of Lobbying Activities; and Standard Assurances; and**
3. **Approve and authorize County Counsel or his authorized representative to execute Certification of Compliance with 8 U.S.C. section 1373 when the Certification is in an acceptable form to County Counsel.**

There is no Net County Cost associated with these actions. The U.S. DOJ Edward Byrne Memorial JAG Program has awarded Fresno County \$65,072 for front line law enforcement, including the purchase of equipment with no required County match. The City of Fresno is the lead agency for the grant application. The award period for this grant is from October 1, 2016 to September 30, 2020. The Sheriff-Coroner's Office is recommending utilizing these funds for the Video Infrastructure Protection Program (VIPPP) and for the Explosive Ordnance Disposal (EOD) unit.

## ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the grant funds would be denied.

## RETROACTIVE AGREEMENT:

The recommended joint application/agreement was announced by DOJ/OJP/BJA on August 3, 2017 and is retroactive to October 1, 2016. This grant is retroactive to October 2016 to be in line with the Federal Fiscal Year as mandated by DOJ/OJP/BJA. However, the funds will not be expended until after Board approval. Subsequent time for processing of the application/agreement, which includes working with the City of Fresno, delayed this item from being placed on an earlier Board date.

## FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The recommended MOU with the City will complete the process for the County to receive the County's portion of the joint grant in the amount of

\$65,072. A total of \$56,866 was included for this grant in the Sheriff-Coroner's FY 2017-18 Recommended Budget for Org 3111; leaving an estimated \$158,036 in Special Revenue Fund Org 1456. This fund was established to account for monies received from the U.S. DOJ, BJA Grant. The monies are drawn down in advance and transferred into the General Fund as JAG grant funds are expended.

DISCUSSION:

The Edward Byrne Memorial JAG program, administered by the BJA, blends the previous Byrne Formula and Local Law Enforcement Block grant programs and provides States, tribes and local governments with critical funding necessary to support law enforcement programs, including the purchase of equipment. The City of Fresno and County of Fresno must submit a joint application specifying the funding distribution to each disparate unit of local government and the purposes for which the funds will be used. The City has agreed to be the fiscal agent to submit the application and administer the joint grant.

The County has received funding through this program since 1999. The County's FY 2017 JAG allocation of \$65,072 will enable the Sheriff-Coroner's Office to augment the ongoing VIPP to purchase cameras, radios, technical equipment, and installation costs in order to expand the functional uses of the video system for the VIPP. The remaining funding will be used to purchase safety equipment and tools in support of explosive device mitigation for the EOD Unit. The EOD Unit conducts trainings on a regular basis, which requires the use of explosives to maintain the required expertise needed to work in the explosive ordnance environment.

While the County has received funding through this program since 1999, this is the first time that the BJA has conditioned receipt of BJA grant monies on the execution of a Certification of Compliance with 8 U.S.C. section 1373 by the County Counsel. Section 1373, effective June 21, 2017, states that notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Department of Homeland Security and/or Director of the Office of Refugee Resettlement of the Department of Health and Human Services information regarding the citizenship or immigration status, lawful or unlawful, of any individual. By signing the Certification, the County Counsel states that the County is not subject to or bound by any applicable prohibition or any restriction that deals with a government entity or official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. section 1373.

County Counsel is aware of California Penal Code section 422.93, which prohibits a peace officer from reporting or turning over an individual to federal immigration authorities when that person is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, and that person is not charged with or convicted of committing any crime under state law. County Counsel is currently seeking revisions to the Certification to identify the existence of Penal Code section 422.93 and exempt that Penal Code section from the scope of the Certification signed by the County Counsel. Resolution on this issue may not occur prior to today's Board meeting; therefore, the third recommended action requests Board approval to execute once County Counsel determines the certification is acceptable.

REFERENCE MATERIAL:

BAI # 27, August 9, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU with the City of Fresno for JAG

CAO ANALYST:

Jeannie Z. Figueroa