



# Board Agenda Item 22

DATE: February 25, 2025

TO: Board of Supervisors

SUBMITTED BY: John Zaroni, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive Application/Agreement with Department of Justice Drug Enforcement Administration - Drug Cannabis Eradication Suppression Program

## RECOMMENDED ACTION(S):

1. **Retroactively authorize the Sheriff's previous submittal of a Drug Cannabis Eradication Suppression Program application to the U.S. Department of Justice, Drug Enforcement Administration;**
2. **Approve and authorize the Chairman to execute retroactive Letter of Agreement and Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements and Assurances, effective October 1, 2024 through September 30, 2025 (\$250,000); and**
3. **Authorize the Sheriff-Coroner-Public Administrator, or his designee, to act as the official representative of the County of Fresno, as required by the granting agency, to act in connection with the application and to provide such additional information as may be required pursuant to the Drug Cannabis Eradication Suppression Program.**

There is no increase in Net County Cost associated with the recommended actions. The Sheriff's Office submitted the Drug Cannabis Eradication Suppression Program (DCESP) application on August 23, 2024 to meet the Drug Enforcement Administration (DEA) of the United States Department of Justice (DOJ) requirements, contingent on your Board's approval. The DEA of the United States DOJ has awarded funding to the County in the amount of \$250,000, for the period of October 1, 2024 to September 30, 2025, to defray costs relating to the eradication and suppression of illicit cannabis. This item is countywide.

## ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the DCESP funds would be denied, which would impact the Sheriff's Office ability to eradicate and suppress illicit cannabis.

## RETROACTIVE AGREEMENT:

On January 8, 2025 the Sheriff's Office was notified by the DEA of the DOJ of the award; The application and Letter of Agreement (LOA) are being brought to your Board on the first available Board date. The funding period of the LOA began on October 1, 2024.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The Sheriff's Office was allocated \$250,000 through September 30, 2025. Sufficient appropriations and estimated revenues are included in the FY 2024-25 Adopted Budget for Sheriff-Coroner-Public Administrator Org 3111 for this

program. There is no match requirement for receipt of the funds. Monies will be used to fund operational costs, as well as Deputy overtime while Deputies are directly engaged in the illicit cannabis eradication process.

#### DISCUSSION:

The County has received funding through this program since 2006 to fund Deputy overtime and other direct costs relating to the eradication and suppression of illicit cannabis plants. On August 6, 2024, your Board approved the Department of Justice Drug Enforcement Administration - Drug Cannabis Eradication Suppression Program Application/Agreement in the amount of \$250,000 effective from October 1, 2023 through September 30, 2024. On July 22, 2024, the DEA of the DOJ forwarded the current year application to the Sheriff's Office to apply for funding to investigate, locate and eradicate illicit cannabis plants. The application was submitted on August 23, 2024, to meet the application deadline, contingent on your Board's approval. On January 8, 2025, the Sheriff's Office was notified the application is approved in the amount of \$250,000 for the period of October 1, 2024 through September 30, 2025.

The County's FY 2025 DCESP funding of \$250,000 will allow the Sheriff's Office to continue to combat the illegal cultivation and trafficking of marijuana on private, public, agricultural and forest land, and continue its efforts to investigate growers who use the medical marijuana laws as a guise to grow marijuana for profit in Fresno County. Monies will be used to fund operational costs, as well as Deputy overtime while Deputies are directly engaged in the illicit cannabis eradication process.

These grant funds may not be used for: (i) issuing licenses, permits, or other forms of authorization permitting the holder to manufacture, distribute, sell, or use marijuana in contravention of the Controlled Substances Act (CSA); (ii) conducting ancillary activities related to the issuance of such licenses and permits, such as background checks on applicants; (iii) collecting state or local tax or licensing revenue related to the manufacture, distribution, or sale of marijuana in contravention of the CSA; (iv) preparing or issuing regulations governing the manufacture, distribution, sale, or possession of marijuana in contravention of the CSA; (v) monitoring compliance with state or local laws or regulations that permit the manufacture, distribution, sale, or use marijuana in contravention of the CSA; or (vi) the purchase of evidence and the purchase of information.

The LOA contains indemnification language that is not the County's standard indemnification language. The LOA also requires the County to take responsibility for all liability resulting from the County's activities related to the LOA. Given the value of the LOA, the Sheriff recommends accepting the LOA as written. In addition, Risk Management has reviewed the LOA and finds it acceptable.

The LOA requires that the County attest to certifications including a Lobbying certification, a Debarment, Suspension, and Other Responsibility Matters certification, and a Drug-Free Workplace certification.

The Assurances require that a resolution, motion or similar action be duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the Sheriff or his designee as the official representative of the applicant to act in connection with the application and to provide such additional information, which is accomplished in Action Item Three. The Sheriff understands that the authority granted by the third Recommended Action is limited, and does not extend to substantial changes in the nature of the recommended agreement, assurances, or certifications. The Assurances also require compliance with a number of Federal requirements and laws, including, but not limited to, limitations on certain political activities of employees, compliance with Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, compliance with the Federal Fair Labor Standards Act, and compliance with nondiscrimination requirements of specified Federal laws.

REFERENCE MATERIAL:

BAI #29, August 6, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - LOA with United States DOJ DEA

CAO ANALYST:

Nai Fine