



Board Agenda Item 59

DATE: November 7, 2023

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Retroactive Agreement with the City of Clovis to participate on the Public Safety Realignment Act Adult Compliance Team

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Agreement with the City of Clovis to assign a sworn Police Officer and one Crime Specialist and to provide payment for training to the Public Safety Realignment Adult Compliance Team, effective July 1, 2023 through June 30, 2024 (\$592,835).

There is no Net County Cost associated with the recommended action, which will approve a retroactive agreement with the City of Clovis to continue to provide one sworn Police Officer and one Crime Specialist (“Police Officers”) to participate as members of the Public Safety Realignment Act (Assembly Bill 109) Adult Compliance Team (ACT) as authorized by the Community Corrections Partnership (CCP) Plan. The recommended agreement also includes an ACT training allocation that was approved by the CCP within the Sheriff’s Department Org 3111 Budget. Although the recommended agreement is with the City of Clovis, which is in District Five, this item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the ACT would not include one sworn Officer and one Crime Specialist from the City of Clovis, and the County would need to identify an alternative method of paying for ACT trainings.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive, due to waiting for the Board’s approval of the County’s budget to ensure the availability of funds, and the length of time required to prepare the agreement and have it reviewed and approved by the City of Clovis. The recommended agreement was signed by the City of Clovis in October 2023, and is being brought before your Board at the first available Board date within agenda item processing deadlines.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The cost of \$592,835 for the recommended agreement is funded with Assembly Bill 109 (\$515,983 plus \$73,300 from Sheriff’s budget for ACT Training), and Senate Bill 129 funds (\$3,552) received from the State of California. Sufficient appropriations and estimated revenues for these services are included in Probation’s FY 2023-24 Adopted Budget for Org 3430 and the Sheriff’s FY 2023-24 Adopted Budget for Org 3111. There are no pending invoices for this agreement.

DISCUSSION:

Assembly Bill 109 was signed into law on April 5, 2011, and went into effect October 1, 2011. Assembly Bill 109 transferred responsibility for housing/supervising of specified inmates and parolees from the California Department of Corrections to counties. In accordance with Assembly Bill 109/Assembly Bill 117, the County created a CCP Executive Committee, and developed an implementation plan that will enable the County to meet the goals of the Public Safety Realignment Act. The CCP Executive Committee (voting members) in Fresno County consists of seven members: The Chief of Probation (chair), the Presiding Judge of the Superior Court or designee, the District Attorney, the Sheriff, the Public Defender, the Director of Behavioral Health, and the City of Kingsburg's Chief of Police. This implementation plan was approved by the CCP August 19, 2011, and approved by the Board on September 13, 2011. The CCP Executive Committee and the Board have approved eight updates to the CCP Plan since it was initially approved. The ACT was included in the original CCP Plan, and updates have included expansions of the ACT.

The ACT is currently comprised of sworn officers from the Fresno County Sheriff's Department; the Fresno Police Department, which also includes a Crime Analyst; the Clovis Police Department, which also includes a Crime Specialist; the Selma Police Department; the Reedley Police Department; the Kerman Police Department; the Kingsburg Police Department; the Sanger Police Department; the Fresno County Probation Department; and two Investigators from the Fresno County District Attorney's Office. The purpose of the ACT is to add an additional layer of supervision and public safety by working as a cooperative unit capable of addressing public safety concerns and issues facing local law enforcement in Fresno County. The ACT enforces conditions of probation, conducts compliance and non-compliance searches of Assembly Bill 109 probationers who are under the supervision of the Fresno County Probation Department, and provides immediate response to crisis situations. In addition, ACT can provide surveillance and warrant sweeps in conjunction with other law enforcement agencies.

In accordance with the approved CCP Plan, the recommended action will approve an agreement with the City of Clovis to continue to provide one sworn Police Officer, one Crime Specialist to the ACT, and ACT training costs for FY 2023-24. The Chief of Police for the City of Clovis is responsible for payment of the trainings for the ACT Officers, as approved by the Sheriff's Sergeant assigned to the ACT. The City of Clovis is reimbursed for these expenses by the Sheriff's Office through its Assembly Bill 109 allocation. On December 13, 2022, the Board approved the most recent Agreement. The recommended agreement identifies responsibilities and obligations of the City and the County in operation of the ACT and allows for reimbursement of these costs with Assembly Bill 109 funds.

On March 22, 2022, your Board approved revenue Agreement No. 22-110 with the Superior Court of California for the Pretrial Services Expansion Program. As a part of this program, the recommended agreement includes funding to reimburse the City of Clovis for overtime and/or stand-by costs related to the Pretrial After-Hours program. The Pretrial After-Hours program will allow ACT to respond to after-hours Global Positioning System violations, questions, and technical problems, Monday through Friday from 5:00pm to 8:00am and on weekends and holidays; further increasing the safety of the community. All costs associated with the Pretrial Services Expansion Program will be covered with Senate Bill 129 funds.

The recommended agreement differs from the County's model contract in that it contains a mutual hold harmless clause. This has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. This is typical in agreements between public entities. The mutual hold harmless clause has been reviewed by Risk Management and department staff and deemed to be acceptable for this recommended agreement between public entities.

ACT agreements with other cities are also before your Board on this date. On November 29, 2022, the Board authorized and ratified the execution of the current Operating Agreement, which is included in the ACT agreements as Exhibit A. The Operating Agreement identifies the responsibilities and obligations of the signing parties in operation of the ACT, and is intended to be a binding agreement, with indemnification

provisions to protect all signing parties.

REFERENCE MATERIAL:

BAI #53, December 13, 2022
BAI #13, March 22, 2022
BAI # 55, December 14, 2021
BAI #8, September 13, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with the City of Clovis

CAO ANALYST:

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