



# Board Agenda Item 23

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DATE: January 7, 2025

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Memorandum of Agreement for Emergency Assistance with Neighboring Counties

RECOMMENDED ACTION(S):

**Approve and authorize the Chief Probation Officer or his/her designee to execute a Memorandum of Agreement with neighboring County Probation Departments, in substantially the form as attached to this item, to provide and receive assistance in the event of a declared emergency which will necessarily affect the juvenile probation institution/probation field services of the requesting county, subject to approval as to legal form by County Counsel (\$0).**

There is no Net County Cost associated with the recommended action. Approval of the recommended action will authorize the Chief Probation Officer, or his/her designee, to execute a Memorandum of Agreement (MOA) with neighboring County Probation Departments to provide mutual aid to one another in the event of an emergency which will necessarily affect the juvenile probation institution/probation field services of the requesting county. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Probation Department will not be able to provide or receive streamlined assistance from neighboring county probation departments in the event of an emergency which will necessarily affect the juvenile probation institution/probation field services of the requesting county without first coming to your Board for approval.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The recommended MOA requires no monetary exchange between the neighboring County Probation Department and the County. The Department have staff as part of the normal course of Department functions. Salary and benefit cost associated with these functions are included in Probation's budget. Sufficient appropriations and estimated revenues are available in Probation's Org 3430 and Org 3440 FY 2024-25 Adopted Budgets and will be included in future budget requests. The recommended action will allow neighboring County Probation Departments to aid one another in the event of an emergency.

DISCUSSION:

The county probation departments executing the recommended MOA currently provide juvenile probation institution services, as well as juvenile and adult probation field supervision services, within their territorial jurisdictions. All parties involved desire to provide mutual aid to one another in the event of an emergency, defined as any situation that will, or is likely to, cause a serious disruption, interruption, or breakdown in juvenile probation institution services and/or juvenile and adult probation field supervision services provided

by the party affected by such an emergency. The recommended MOA provides that as a precondition to providing mutual aid response, the requesting county's Board of Supervisors or County Administrative Officer (whichever is legally authorized by that county) must declare a state of emergency in that county which will necessarily affect the juvenile probation institution/probation field services of the requesting county, and then notify the County Administrative Officer of the assisting County of the emergency.

There is a provision within the recommended MOA specifying that if a requesting county's youth is transferred and held by the assisting county longer than a period of thirty (30) days, the requesting county shall reimburse the assisting county at a reasonable cost for housing the youth beyond the initial thirty-day period, as cost recovery for the assisting county. An assisting county will only hold a requesting party's youth for the minimum amount of time necessary, and the youth shall be transferred back to the requesting county as soon as possible.

The recommended MOA includes probation departments from Fresno County, Inyo County, Kings County, Merced County, Mono County, San Luis Obispo County, Stanislaus County, Tulare County, Mariposa County, and Tuolumne County.

The recommended MOA provides that each county to the MOA will indemnify the other counties for liability arising out of that county's own fault, but each party will be liable for its own fault, except when an assisting county is acting under the requesting county's direction. Requesting counties will indemnify assisting counties for claims arising out of the transfer and all actions and activities of requesting county's youth while being that youth is transferred to the assisting county's facilities, excepting any claims arising from any indemnitees' gross negligence or willful misconduct. This indemnification provision differs from the County standard provision, but the Department believes the benefits of entering into the recommended MOA outweigh any associated risks.

The recommended MOA provides that in general, the assisting counties will not be paid compensation for assistance to the requesting county, although each party will cooperate to ensure any reimbursements are available to the assisting counties through federal or state emergency management relief funds (e.g., FEMA or the State Office of Emergency Services), if applicable.

The recommended MOA also provides that if the County provides equipment to a requesting county to help in the emergency and that equipment is lost or damaged, the requesting county will pay the County for the replacement of the equipment after the conclusion of the emergency.

This item was initially scheduled for the Board of Supervisor's meeting on May 21, 2024, but it was deleted and deferred to allow for further discussions with Unit 11. A meeting was held on June 28, 2024, to address comments and concerns raised by Unit 11. Unit 11 requested a commitment by the Department to assign a Deputy Probation Officer IV or Assistance Deputy Chief to any assignment where the Department agrees to respond to a request for assistance. After careful consideration, the Department is unable to commit to this request. Each assignment will be assessed and assigned on an individual basis. Based on this information, the Probation Department intends to proceed with this item.

Approval of the recommended action will approve a MOA between the Fresno County Probation Department, Inyo County Probation Department, Kings County Probation Department, Mariposa County Probation Department, Merced County Probation Department, Mono County Probation Department, San Luis Obispo County Probation Department, Stanislaus County Probation Department, Tulare County Probation Department, and Tuolumne County Probation Department to receive and provide emergency assistance to one another.

REFERENCE MATERIAL:

BAI #40, May 21, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOA for Emergency Assistance with Neighboring Counties

CAO ANALYST:

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