



Board Agenda Item 26

DATE: May 3, 2022

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive Memorandum of Understanding with the City of Fresno for the Edward Byrne Memorial Justice Assistance Grant Program FY 2021 Local Solicitation

RECOMMENDED ACTION(S):

1. **Approve and authorize Chairman to execute a retroactive Memorandum of Understanding (MOU) with the City of Fresno, which provides that the City will act as a Fiscal Agent for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2021 Local Solicitation from the U.S. Department of Justice (U.S. DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), \$95,911; and**
2. **Approve and authorize Chairman to execute the Certifications and Assurances by Chief Executive; and**
3. **Authorize the Sheriff-Coroner-Public Administrator or her designee to sign claims for reimbursement and programmatic reports that are necessary to stay in compliance with this grant.**

There is no additional Net County Cost associated with the recommended actions. The City of Fresno submitted the joint application before the August 9, 2021 deadline. The U.S. DOJ Edward Byrne Memorial JAG Program awarded Fresno County \$95,911 on October 8, 2021 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, 2020 through September 30, 2024. The Sheriff's Office is recommending utilizing these funds to support the Special Weapons and Tactics (SWAT) unit, Canine Unit, the Explosive Ordnance Disposal (EOD) Unit, and for the Video Infrastructure Protection Program (VIPPP). This item is countywide.

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 U.S. DOJ/OJP/BJA on June 8, 2021, and is retroactive to October 1, 2020, 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. The City of Fresno submitted the joint application before the August 9, 2021 deadline and received the award on October 8, 2021. Subsequent time for processing of the application/agreement and MOU and working with the California Department of Justice via the City of Fresno regarding the U.S. DOJ's policy on immigration delayed this item from being placed on an earlier Board date.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The recommended MOU with the City will complete the process for the County of Fresno to receive its portion of the joint grant in the amount of \$95,911. The Special Revenue Fund for JAG Org 1456 has a balance of \$111,509. The appropriations and estimated revenues for the recommended agreement will be included in the Sheriff-Coroner-Public Administrator's FY 2022-23 Requested Budget for Org 3111. 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 2021 JAG allocation of \$23,950 will enable the Sheriff's Office to support the SWAT unit to purchase a throw phone to safely gather audio intelligence and communication when responding to a critical incident. \$12,999 of the allocation will allow the replacement of aging or retiring police canine(s), and the necessary training to prepare both the canine and handler for patrol. \$8,184 of the allocation will be used to fund supplies to support the EOD unit's Federal Bureau of Investigations (FBI) certified bomb technicians to respond immediately to an active EOD incident, in which lives are in danger and time is limited. None of the funds will be expended for explosives. \$23,950 of the allocation will be used toward radio encryption for Sheriff's Office members that rely on this form of communication for their day-to-day assignments. \$23,950 will be used to augment the ongoing VIPP to expand video protection to high risk facilities and resources that are determined to be critical infrastructure. The Sheriff's Office will be utilizing the remaining funding of \$2,878 towards their 3% National Incident-Based Reporting System (NIBRS) compliance towards software, hardware, and training costs necessary for implementation of the Computer Aided Dispatch/Records Management System/Jail Management System that will ensure NIBRS compliance.

To complete the JAG application and access award funds, the chief executive of the applicant unit of local government must execute the Certification and Assurances that the unit of local government will comply with all provisions of the JAG Program statute and all other applicable Federal laws including that no federal funds will be used to supplant local funds. For FY 2021, BJA has been made aware that special condition number 42 regarding "Methods of Administration" with respect to civil rights requirements was inadvertently added to FY 2021 Local JAG awards. That condition was intended only for awards made directly to State Administering Agencies and for the County to please disregard the condition.

The recommended MOU contains a mutual indemnification provision, which is typical in the County's agreements with other governmental agencies.

REFERENCE MATERIAL:

BAI #26, April 27, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU with the City of Fresno for JAG (including award conditions, application, solicitation and Certifications and Assurances by Chief Executive)

CAO ANALYST:

Yussel Zalapa