



Board Agenda Item 25

DATE: November 14, 2017

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner

SUBJECT: Retroactive Memorandum of Understanding (MOUs) for Central Valley High Intensity Drug Trafficking Areas (CV HIDTA)

RECOMMENDED ACTION(S):

Approve and authorize the Sheriff-Coroner, on behalf of the County, to execute retroactive Memorandums of Understanding (MOUs) for Central Valley High Intensity Drug Trafficking Areas (CV HIDTA) Resource Agencies for Grant Agreement G17CV0004A effective January 1, 2017 to December 31, 2018.

There is no increase in Net County Cost associated with the recommended action. Fresno County is the approved fiduciary for the CV HIDTA. Approval of the recommended action will allow the Sheriff-Coroner to execute updated MOUs with CV HIDTA Resource Agencies that incorporate new Federal policies. The MOUs will supersede and replace the MOUs previously approved by the Board on March 28, 2017. The MOUs taken to the Board on March 28, 2017 were not executed with the CV HIDTA Resource Agencies, due to new Federal policies distributed after the processing of the March 2017 agenda item.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, Fresno County will not be able to act as the fiduciary for HIDTA enforcement activities, which would hinder the Department's impact on drug trafficking.

RETROACTIVE AGREEMENT:

The MOUs are retroactive due to processing time from different County Departments to incorporate new Federal policies required for implementation that were not included in the original MOUs. The new policies were distributed for implementation after the March 2017 agenda item was processed.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Sufficient appropriations and estimated revenues are included in the Sheriff-Coroner's FY 2017-18 Adopted Budget Org 3111 for HIDTA activities.

DISCUSSION:

The HIDTA program, created by Congress with the Anti-Drug Abuse Act of 1988, provides assistance to federal, state, local, and tribal law enforcement agencies operating in areas determined to be critical drug-trafficking regions of the United States.

Each HIDTA assesses the drug trafficking threat in its defined area for the upcoming year, develops a strategy to address the threat, designs initiatives to implement the strategy, proposes funding needed to carry out the initiatives, and prepares an annual report describing its performance from the previous year. A central feature of the HIDTA program is the discretion granted to the Executive Boards to design and implement initiatives that confront drug trafficking threats in each HIDTA.

On November 4, 2014, your Board approved Fresno County as the fiduciary for the CV HIDTA. On March 28, 2017, your Board approved the Sheriff-Coroner to submit the CV HIDTA grant application, and execute the subsequent Grant Agreement Award Number G17CV0004A in the amount of \$766,420 from January 1, 2017 to December 31, 2018, and MOUs for Resource Agencies of the CV HIDTA. Each HIDTA grant is for a twelve-month period with a two-year spending period for each grant. The MOUs facilitate the transfer of funds between the Sheriff-Coroner's Office and CV HIDTA Resource Agencies. As the fiduciary agent for the CV HIDTA, the Sheriff-Coroner's Office processes reimbursement requests from CV HIDTA Resource Agencies for expenditures and overtime.

The new Federal policies from the Uniform Guidance indicate that these CV HIDTA Resource Agencies need to be identified as either Subrecipients or Contractors. The Fresno County Sheriff-Coroner's Office has identified the CV HIDTA Resource Agencies as Contractors, and this decision has been approved by the CV HIDTA Executive Board. Due to this decision to make the CV HIDTA Resource Agencies Contractors, they also then have to be determined as Sole Source Contractors. This determination is made because of the jurisdictional differences and inter-city agency differences for each Resource Agency; therefore, Sole Source is the only accurate option. Fresno County Purchasing Division concurs with this decision, and indicated since there are more than fifteen agencies as provided below, it is not necessary to fill out a Sole Source form for each agency.

Approval of the recommended action will allow the Sheriff-Coroner to execute Amended MOUs for the current grant period. Other Law Enforcement Resource Agencies involved in the CV HIDTA, including but not limited to, are as follows:

- Atwater Police Department
- Bakersfield Police Department
- California Department of Corrections and Rehabilitation
- California Department of Justice
- California Department of Fish and Wildlife
- California Highway Patrol
- Fresno Police Department
- Kern County Probation Department
- Kern County Sheriff's Department
- Kings County Sheriff's Department
- Livingston Police Department
- Los Banos Police Department
- Merced County Probation
- Merced Police Department
- Merced Sheriff's Department
- Tulare Sheriff's Department
- Stanislaus Sheriff's Office

REFERENCE MATERIAL:

BAI # 22, March 28, 2017

BAI # 21, November 4, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOUs with CV HIDTA Agencies and Exhibits A through H

CAO ANALYST:

Jeannie Z. Figueroa