



Board Agenda Item 27

DATE: April 17, 2018

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner

SUBJECT: Retroactive Grant Application/Award/Agreement and Memorandum of Understanding (MOUs) for Central Valley High Intensity Drug Trafficking Areas

RECOMMENDED ACTION(S):

1. **Retroactively approve and authorize the Sheriff-Coroner to submit grant application and, on behalf of the County, to execute grant application from the Executive Office of the President's Office of National Drug Control Policy for the Central Valley High Intensity Drug Trafficking Areas program in the amount of \$668,683;**
2. **Approve and authorize the Sheriff-Coroner, on behalf of the County, to execute retroactive Grant Agreement Award Number G18CV0004A and approve Grant Conditions from the Office of National Drug Control Policy effective January 1, 2018 to December 31, 2019 (\$234,039);**
3. **Approve and authorize the Sheriff-Coroner, on behalf of the County, to execute retroactive Grant Modification Award Number G18CV0004A (to be received at a future date once funds are released) and approve Grant Conditions from the Office of National Drug Control Policy effective January 1, 2018 to December 31, 2019 (\$434,644); and**
4. **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 Resource Agencies effective January 1, 2018 to December 31, 2019.**

There is no increase in Net County Cost associated with the recommended actions. Fresno County is the approved fiduciary for the Central Valley High Intensity Drug Trafficking Areas (CV HIDTA). The CV HIDTA received a grant application in the amount of \$668,683 for the 2018 grant year. The grant application was submitted contingent upon your Board's approval. The Sheriff-Coroner received the first portion of the Grant Award on February 26, 2018 in the amount of \$234,039. The President's Office of National Drug Control Policy (ONDCP) only released 35% of the Award initially and the rest will be released at a later date. The Sheriff-Coroner is requesting approval to sign the application, award letter (35%), and award modification (65%) (when received) on behalf of the County as ONDCP protocol requires a Law Enforcement Officer's authorization. Approval of the fourth recommended action will allow the Sheriff-Coroner to execute MOUs with CV HIDTA resource agencies for the new grant period.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, Fresno County would not receive funding for HIDTA enforcement activities, which would hinder the department's impact on drug trafficking.

RETROACTIVE AGREEMENT:

The recommended agreement and MOUs are retroactive due to receipt of the grant application from ONDCP on February 26, 2018.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations and estimated revenues are included in the Sheriff-Coroner's FY 2017-18 adopted budget Org 3111 for HIDTA activities and will be included in the department's FY 2018-19 requested budget.

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 for the period of performance from 1/1/2017 to 12/31/2018, and execute the subsequent Grant Agreement Award Number G17CV0004A and MOUs for Resource Agencies of the CV HIDTA. On November 14, 2017, your Board approved the Sheriff-Coroner to execute MOUs for Resource Agencies of the CV HIDTA containing new Federal policies that were required to be implemented, not yet known at the time of the March 28, 2017 Board Agenda Date. 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.

Every year the CV HIDTA submits a budget request to ONDCP. In June of 2017, the CV HIDTA submitted a budget request to ONDCP for the 2018 grant year in the amount of \$668,683. On February 26, 2018, the Sheriff-Coroner received a grant application in the amount of \$668,683 and an award letter, grant agreement and conditions from ONDCP for 35% of the total award in the amount of \$234,039. Once the Board approves the recommended actions, the Sheriff-Coroner's Office will submit the acceptance of the grant agreement and conditions to the National HIDTA Assistance Center (NHAC). In addition, once the award modification with the additional 65% of funding is received (which is expected to be released by ONDCP at a later date) and executed by the Sheriff-Coroner, it will be submitted to the NHAC to become the final agreement between the County and the ONDCP.

The MOUs for Resource Agencies in the CV HIDTA implement Federal policies from the Uniform Guidance that require these CV HIDTA Resource Agencies 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 fourteen agencies as provided below, it is not necessary to fill out a Sole Source form for each agency.

The current initiative summary of the award outlines the following allocations for which Fresno County will be the responsible fiduciary:

<u>Agency</u>	<u>Amount</u>	<u>% of Total Allocation</u>
Fresno County Operations	\$287,055	43%
Merced County Task Force	\$143,344	21%
Southern Tri-County Task Force	<u>\$238,284</u>	<u>36%</u>
TOTAL	\$668,683	100%

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

- Atwater Police Department
- California Department of Corrections and Rehabilitation
- California Department of Justice
- 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

REFERENCE MATERIAL:

BAI # 25, November 14, 2017

BAI # 22, March 28, 2017

BAI # 21, November 4, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Grant Application

On file with Clerk - HIDTA 2018 Grant Award/Agreement

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

CAO ANALYST:

Jeannie Z. Figueroa