



Board Agenda Item 32

DATE: April 9, 2019

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 2018 Local Solicitation

RECOMMENDED ACTION(S):

1. **Approve and authorize Chairman to execute a Memorandum of Understanding (MOU) with the City of Fresno that the City will act as Fiscal Agent for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2018 Local Solicitation from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), \$71,622;**
2. **Approve and authorize Chairman to execute Certification and Assurances by Chief Executive; and**
3. **Approve and authorize Sheriff-Coroner or her authorized representative to accept the award and initial the conditions contained in the Award.**

There is no additional Net County Cost associated with the recommended actions. The U.S. DOJ Edward Byrne Memorial JAG Program has awarded Fresno County \$71,622 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, 2017 through September 30, 2021. The Sheriff's Office is recommending utilizing these funds for the Explosive Ordnance Disposal (EOD) Unit and for the Video Infrastructure Protection Program (VIPPP).

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 DOJ/OJP/BJA on July 25, 2018 and is retroactive to October 1, 2017 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. Subsequent time for processing of the application/agreement and working with the City of Fresno 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 to receive the County's portion of the joint grant in the amount of \$71,622. The Special Revenue Fund for JAG Org 1456 has a balance of \$126,481. A total of \$109,507 was included for this grant in the Sheriff-Coroner's FY 2018-19 Adopted Budget for Org 3111; leaving an estimated \$16,974 in Special Revenue Fund Org 1456 (excluding the FY 2017 JAG grant's

allocation of \$65,072 approved on February 5, 2019 and the FY 2018 JAG grant). 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 2018 JAG allocation of \$60,000 will enable the Sheriff's Office to upgrade safety mitigation equipment in support of the EOD unit to work in the Homeland Security environment to conduct law enforcement operations within the United States. The upgrading of equipment is an ongoing endeavor needed to insure the safe and efficient operation of this unit in a manner that provides protection and security to the public. The EOD Unit conducts training on a regular basis, which requires the use of a variety of safety equipment to maintain the required expertise needed to work in the Homeland Security environment. None of the funds will be expended for explosives. The remaining funding of \$11,622 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.

While the County has received funding through this program since 1999, this is the second year that the DOJ attempted to condition receipt of BJA grant monies on County Counsel's execution of a Certification of Compliance with 8 U.S.C. section 1373. This year DOJ also tried to condition receipt of BJA grant monies on County Counsel's execution of a Certification relating to 8 U.S.C. sections 1644, 1226(a) & (c), 1324(a), 1357(a) & 1366(1) & (3). However, due to lawsuits filed in California and other states, the Certifications County Counsel was required to sign are not currently required. Certain conditions related to immigration enforcement are also not presently being enforced. As to all conditions of the Award, the MOU indicates that the County reserves the right to withdraw from the MOU, any terms related to the MOU, and any agreement made pursuant to or related to the MOU, should such require the County to violate California Law.

County Counsel has struck through paragraphs 7 and 8 of the Certifications and Assurances by the Chief Executive as the DOJ publicly announced that no California recipient of JAG awards is required to submit the "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. 1373 and 1644."

REFERENCE MATERIAL:

BAI #34, September 26, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU with the City of Fresno for JAG

CAO ANALYST:

Jeannie Z. Figueroa