



# Board Agenda Item 19

DATE: January 7, 2020

TO: Board of Supervisors

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

SUBJECT: Retroactive State of California Off-Highway Vehicle Grant Award/Agreement

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to execute retroactive Off-Highway Project Grant Award/Agreement with the State of California Department of Parks and Recreation for the period of September 5, 2019, through September 4, 2020 (\$96,768);**
2. **Adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues in the Sheriff-Coroner-Public Administrator's Org 3111 in the amount of \$29,024 (4/5 vote); and**
3. **Approve and authorize the Clerk of the Board to execute Budget Transfer No. 6 (\$40,000) transferring appropriations within the Sheriff-Coroner-Public Administrator's Org 3111, from Account 7385 (Small Tools & Instruments) to Account 8300 (Equipment) for the purchase of a vehicle.**

There is no increase in Net County Cost associated with the recommended actions. The State of California Department of Parks and Recreation has awarded the Sheriff's Office a \$96,768 grant to fund Deputy Sheriff overtime costs and for the purchase of a vehicle. The grant provides funding to assist in the enforcement of off-road vehicle laws and meet bi-annually with U.S. Forest Service and Bureau of Land Management (BLM) enforcement staff to discuss Off-Highway Vehicle (OHV) concerns and issues. Overtime is recommended because the grant does not fund a full-time Deputy Sheriff position, and it would be more costly to hire and train an extra-help Deputy Sheriff. The second and third recommended actions appropriate the difference in the grant award and the funding included in the department's current year budget and transfer funds for the purchase of a vehicle. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the grant award will be withdrawn, which will result in a reduction in enforcement of off-road vehicle laws.

RETROACTIVE AGREEMENT:

The recommended agreement was received from the State of California Department of Parks and Recreation on November 7, 2019 and is retroactive to September 5, 2019. Subsequent time for processing delayed this item from being placed on an earlier agenda date.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The total OHV program cost of \$129,024 (as approved by the State) is funded with \$96,768 in grant funds and a required 25% match

of \$32,256. The FY 2019-20 Adopted Budget for Org 3111 included \$100,000 in appropriations and estimated revenues for the OHV program. The second recommended action will appropriate the difference of \$29,024 in the Sheriff's Org 3111 for FY 2019-20 for program costs. The third recommended action will transfer OHV grant appropriations of \$40,000 from Account 7385 - Small Tools & Instruments to Account 8300 - Equipment for the purchase of a replacement vehicle to include upfitting costs. Maintenance costs for the vehicle are included in the department's FY 2019-20 Adopted Budget and will be included in subsequent budget requests.

DISCUSSION:

On May 7, 2019, your Board approved and authorized the Sheriff's Office to submit an application to the State of California Department of Parks and Recreation for Off-Highway Vehicle Grant funds. The Sheriff's Office has been awarded a total of \$96,768.

Most Fresno County off-road vehicle activity is located in the eastern part of the County where the U.S. Forest Service maintains trails in the mountain areas for snowmobiles and other off-road vehicles. The Sheriff's Office Off-Road Safety team has the ability to resolve many off-road related problems that are otherwise difficult for deputies to address. These grant monies will enhance the off-road enforcement efforts by dedicating additional staff through the use of overtime.

If approved by your Board, the first recommended action authorizes the Chairman to execute the agreement by signing the Project Agreement. Once the Grant Award is executed by the Chairman and the State of California, the documents become the final Agreement between the County and the State of California effective September 5, 2019.

The second and third recommended actions will allow the Department to fund program costs and the purchase and upfitting of a new Ford F-150 Crew Cab 4x4. Currently, the Fresno County OHV unit operates one 2001 Ford F-250 XL V10 Crew Cab truck. This truck has operated well for OHV operations over the last 18 years. However, over the years the maintenance and upkeep on this vehicle has increased due primarily to age.

Under the terms of the Project Agreement, the State has the following remedies due to a breach of the Agreement,

- i. The State is entitled to "specific performance" (the Sheriff's Office must actually perform its obligations under the Agreement).
- ii. Regardless of the first remedy above, if the Sheriff's Office cannot mitigate or remedy or could not have prevented the breach, the State's sole remedy will be monetary reimbursement.

The Department understands this obligation and wishes to move forward with the Project Agreement.

It should be noted that the Sheriff's Office is identified as the grant recipient. As per instructions from the State Department of Parks and Recreation, the County of Fresno cannot be the grantee recipient unless they apply for the grant. The Fresno County Sheriff's Office applied for this grant, and therefore is the grantee recipient.

REFERENCE MATERIAL:

BAI #37, May 7, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Award/Agreement with Off-Highway Vehicle

On file with Clerk - Resolution (Org 3111)

On file with Clerk - Budget Transfer No. 6

CAO ANALYST:

Jeannie Z. Figueroa