



Board Agenda Item 21

DATE: March 24, 2020

TO: Board of Supervisors

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

SUBJECT: Retroactive Application/Agreement Domestic Cannabis Eradication/Suppression Program

RECOMMENDED ACTION(S):

1. **Retroactively authorize the Sheriff's previous submittal of a Domestic Cannabis Eradication/Suppression Program (DCESP) application to the U.S. Department of Justice, Drug Enforcement Administration;**
2. **Authorize the Chairman to execute, by initialing and signing, retroactive Letter of Agreement and Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements and Assurances effective October 1, 2019 through September 30, 2020 (\$198,500); and**
3. **Authorize the Sheriff-Coroner-Public Administrator, or her designee, to act as the official representative of Fresno County, as required by the granting agency, to act in connection with the application and to provide such additional information as may be required pursuant to the DCEP.**

There is no increase in Net County Cost associated with the recommended actions. The application was submitted on October 15, 2019 to meet the Drug Enforcement Administration (DEA) of the United States Department of Justice (DOJ) requirements, contingent on your Board's approval. The DEA of the United States DOJ has awarded Fresno County \$198,500 for the period of October 1, 2019 to September 30, 2020 to defray costs relating to the eradication and suppression of illicit cannabis. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the grant funds would be denied, which would impact the Department's ability to eradicate and suppress illicit cannabis.

RETROACTIVE AGREEMENT:

The recommended application was announced by the DEA of the United States DOJ on October 1, 2019 with a filing deadline of October 15, 2019. In order to meet the filing deadline, the application was previously submitted to the DEA of the United States DOJ on October 15, 2019, contingent on your Board's approval. On February 11, 2020, the Sheriff's Office was notified by the DEA of the United States DOJ of the award; the application and Letter of Agreement (LOA) are being brought to your Board on the first available Board date.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The Sheriff's Office

was allocated \$198,500 through September 30, 2020. Sufficient appropriations and estimated revenues are included in the FY 2019-20 Adopted Budget for Sheriff Org. 3111 for this program, and will be included in subsequent budget requests to continue funding overtime and operations costs. There is no match requirement for receipt of the funds.

DISCUSSION:

The County has received funding through this program since 2006 to fund Deputy overtime and other direct costs relating to the eradication and suppression of illicit cannabis plants. On October 1, 2019, the DEA of the United States DOJ forwarded the current year application to the Sheriff's Office to apply for funding to investigate, locate, and eradicate illicit cannabis plants. The application was submitted on October 15, 2019 to meet the application deadline, contingent on your Board's approval. On February 11, 2020, the Sheriff's Office was notified the application was approved in the amount of \$198,500 for the period of October 1, 2019 through September 30, 2020.

The County's FY 2020 DCESP funding of \$198,500 will allow the Sheriff's Office to continue to combat the illegal cultivation and trafficking of marijuana on private, public, agricultural, and forest land, and continue its efforts to investigate growers who use the medical marijuana laws as a guise to grow marijuana for profit in Fresno County. Monies will be used to fund Deputy overtime costs while they are directly engaged in the illicit cannabis eradication process and operational costs.

The LOA contains indemnification language that is not the County's standard indemnification language. The LOA also requires the County to take responsibility for all liability resulting from the County's activities related to the LOA. Given the value of the LOA, the Sheriff recommends accepting the LOA as written. In addition, Risk Management has reviewed the LOA and finds it acceptable.

The Assurances contain language requiring that a resolution, motion, or similar action be duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the Sheriff or her designee as the official representative of the applicant to act in connection with the application and to provide such additional information. The Sheriff understands that the authority granted by the third Recommended Action is limited and does not extend to substantial changes in the nature of the agreement, assurances, or certifications, and does not extend to approving or disproving the changes in line item accounts that are in excess of 15% and don't modify the total fiscal value of the agreement. In the event of such, the Sheriff will return to the Board for approval.

REFERENCE MATERIAL:

BAI #38, May 7, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - LOA with DEA United States DOJ

CAO ANALYST:

Jeannie Z. Figueroa