



# Board Agenda Item 26

DATE: April 27, 2021

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 2020 Local Solicitation

RECOMMENDED ACTION(S):

1. **Approve and authorize Chairman to execute a retroactive Memorandum of Understanding (MOU) with the City of Fresno that the City will act as a Fiscal Agent for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 Local Solicitation from the U.S. Department of Justice (U.S. DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), \$84,215;**
2. **Approve and authorize Chairman to execute the Certifications and Assurances by Chief Executive; and**
3. **Authorize the Sheriff-Coroner-Public Administrator or her designee to sign and/or initial award documents and other related and required documents, as appropriate, that are necessary to accept this grant.**

There is no additional Net County Cost associated with the recommended actions. The City of Fresno submitted the joint application before the August 19, 2020 deadline. The U.S. DOJ Edward Byrne Memorial JAG Program has awarded Fresno County \$84,215 on September 19, 2020 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, 2019 through September 30, 2023. The Sheriff's Office is recommending utilizing these funds for the Explosive Ordnance Disposal (EOD) Unit and for the Video Infrastructure Protection Program (VIPP). This item is countywide.

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 U.S. DOJ/OJP/BJA on July 9, 2020 and is retroactive to October 1, 2019 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. The City of Fresno submitted the joint application before the August 19, 2020 deadline and received the award on September 19, 2020. Subsequent time for processing of the application/agreement and MOU and working with the California Department of Justice via the City of Fresno regarding the U.S. DOJ's policy on immigration 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 \$84,215. The Special Revenue Fund for JAG Org 1456 has a balance of \$66,448. The appropriations and estimated revenues for this agreement will be included in the Sheriff-Coroner-Public Administrator's FY 2021-22 Requested Budget for Org 3111. 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 2020 JAG allocation of \$11,689 will enable the Sheriff's Office to upgrade safety mitigation equipment in support of the EOD unit 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. \$70,000 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. The Sheriff's Office will be utilizing the remaining funding of \$2,526 towards their 3% National Incident-Based Reporting System (NIBRS) compliance towards software, hardware, and training needs that are dependent on the implementation of the Computer Aided Dispatch/Records Management System/Jail Management System that will ensure NIBRS compliance.

To complete the JAG application and access award funds, the chief executive of the applicant unit of local government must execute the Certification and Assurances that the unit of local government will comply with all provisions of the JAG Program statute and all other applicable Federal laws including that no federal funds will be used to supplant local funds. For FY 2020, U.S. DOJ agreed to not enforce the immigration-related award conditions 31-41 in the JAG award or the requirement in the JAG solicitation to provide the jurisdiction's policies for communicating with Department of Homeland Security, and/or Immigration and Customs Enforcement. For FY 2020, in connection with award condition 9 of the JAG award, the U.S. DOJ is not requiring employment eligibility reverification after the initial verification at the time of hire. U.S. DOJ agreed not to withhold or claw back funding from any California state or local jurisdiction, such as the County on account of those conditions, and a jurisdiction's acceptance of the award does not constitute acceptance of those conditions.

To accept the drawdown of funds the City requires the Sheriff's Office to sign and initial the award document and special conditions including compliance with the DOJ Financial Guide and the timely submission of all financial and programmatic reports.

REFERENCE MATERIAL:

BAI #25, July 7, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU with the City of Fresno for JAG (including award conditions, application, solicitation and Certifications and Assurances by Chief Executive)

CAO ANALYST:

Yussel Zalapa