



Legislation Details (With Text)

**File #:** 20-0296

**On agenda:** 4/14/2020 **Final action:** 4/14/2020

**Enactment date:** **Enactment #:**

**Title:** Retroactively approve and authorize the Sheriff-Coroner-Public Administrator to submit grant application and, on behalf of the County, execute grant application from the Executive Office of the President's Office of National Drug Control Policy (ONDCP) for the Central Valley High Intensity Drug Trafficking Areas program in the amount of \$827,628; retroactively approve and authorize the Sheriff-Coroner-Public Administrator, on behalf of the County, to execute retroactive Grant Agreement Number G20CV0004A and approve Grant Conditions for the Office of National Drug Control Policy effective January 1, 2020 to December 31, 2021 (\$827,628); and approve and authorize the Sheriff-Coroner-Public Administrator, 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, 2020 to December 31, 2021

**Attachments:** 1. Agenda Item, 2. Grant Application, 3. HIDTA 2020 Grant Award Agreement, 4. MOUs with CV HIDTA Agencies

| Date      | Ver. | Action By            | Action                  | Result |
|-----------|------|----------------------|-------------------------|--------|
| 4/14/2020 | 1    | Board of Supervisors | Approved as Recommended | Pass   |

**DATE:** April 14, 2020

**TO:** Board of Supervisors

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

**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-Public Administrator to submit grant application and, on behalf of the County, execute grant application from the Executive Office of the President's Office of National Drug Control Policy (ONDCP) for the Central Valley High Intensity Drug Trafficking Areas program in the amount of \$827,628;**
- 2. Retroactively approve and authorize the Sheriff-Coroner-Public Administrator, on behalf of the County, to execute retroactive Grant Agreement Number G20CV0004A and approve Grant Conditions for the Office of National Drug Control Policy effective January 1, 2020 to December 31, 2021 (\$827,628); and**
- 3. Approve and authorize the Sheriff-Coroner-Public Administrator, 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, 2020 to December 31, 2021.**

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 \$827,628 for the 2020 grant year. The grant application was submitted contingent upon your Board's approval. The Sheriff's Office is requesting approval to sign the application and award letter on behalf of the County as ONDCP protocol requires a Law Enforcement's Officer's authorization. Approval of the third recommendation action will allow the Sheriff's Office to execute

MOUs with CV HIDTA resource agencies for the new grant period. This item is countywide.

ALTERNATIVE ACTION(S):

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

RETROACTIVE AGREEMENT:

The recommended agreement and MOUs are retroactive due to receipt of the grant application from ONDCP on February 24, 2020.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The maximum amount of the CV HIDTA Grant Agreement (\$827,628) will be fully offset with CV HIDTA Grant funds. Grant Agreement G20V0004A has a two year spending period. Sufficient appropriations and estimated revenues are included in the Sheriff Office's FY 2019-20 Adopted Budget Org 3111 for HIDTA activities and will be included in the Department's FY 2020-21 budget request.

DISCUSSION:

The HIDTA program, created by Congress with the Anti-Drug 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, 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 June 18, 2019, your Board approved the Sheriff's Office to submit the CV HIDTA grant application for the period of performance 1/1/2019 to 12/31/2020, and execute the subsequent Grant Agreement Award Number G19CV0004A and MOUs for Resource Agencies of the CV HIDTA. 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's Office and CV HIDTA Resource Agencies. As the fiduciary agent for the CV HIDTA, the Sheriff's Office processes reimbursement requests from CV HIDTA Resource Agencies for expenditures and overtime.

Each year the CV HIDTA submits a budget request to ONDCP. In June 2019, the CV HIDTA submitted a budget request to ONDCP for the 2020 grant year in the amount of \$827,628. On February 24, 2020, the Sheriff's Office received a grant application and award in the amount of \$827,628 and a grant agreement from ONDCP. Once the Board approves the recommended actions, the Sheriff's Office will submit the acceptance of the grant agreement to the National HIDTA Assistance Center (NHAC).

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. Due to the Sheriff's determination to identify the CV HIDTA Resource Agencies as Contractors, they have also been determined to be Sole Source Contractors. This determination is made because of the jurisdiction 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 fifteen 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> |
|--------------------------------|------------------|---------------|------------------------------|
| Administration                 |                  | \$140,000     | 17%                          |
| Fresno Areas Surveillance Team | \$ 50,000        | 6%            |                              |
| High Impact Investigation Team | \$254,000        | 31%           |                              |
| Merced County Task Force       | \$143,344        | 17%           |                              |
| Southern Tri-County Task Force | <u>\$240,284</u> | <u>29%</u>    |                              |
| TOTAL                          |                  | \$827,628     | 100%                         |

Approval of the third recommended action will allow the Sheriff 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
- Federal Bureau of Investigation
- Fresno County District Attorney
- Fresno Police Department
- Kern County Probation
- Kern County Sheriff's Department
- Kings County Sheriff's Department
- Livingston Police Department
- Los Banos Police Department
- Merced Police Department
- Merced Sheriff's Department
- Tulare Sheriff's Department

Staff has included in the Board Packet a sample MOU which staff prepared for execution by the County and the State Department of Justice. The form included in the Board Packet will be used for all MOUs with each of the fifteen listed agencies. Staff will change the titles, signature blocks, and other language as necessary to adapt the form to each member agency.

REFERENCE MATERIAL

BAI # 29, June 18, 2019  
BAI # 21, November 4, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Grant Application  
On file with Clerk - HIDTA 2020 Grant Award/ Agreement  
On file with Clerk - MOUs with CV HIDTA Agencies

CAO ANALYST:

Yussel Zalapa