Legislation Details (With Text)

File #:	19-0235	**Name:**	Retroactive Application/Agreement Drug Cannabis Eradication Suppression Program
		In control:	Sheriff - Coroner - Public Administrator
On agenda:	5/7/2019	**Final action:**	5/7/2019
Enactment date:		**Enactment #:**	Agreement No. 19-194

Title: Retroactively authorize the Sheriff's previous submittal of a Drug Cannabis Eradication Suppression Program (DCE/SP) application to the U.S. Department of Justice (DOJ), Drug Enforcement Administration (DEA); authorize the Chairman to execute, by initialing and signing, the Letter of Agreement (LOA) and Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements and Assurances (including the certification) effective October 1, 2018 through September 30, 2019 ($106,500); and authorize the Sheriff-Coroner-Public Administrator, or her/his designee, to act as the official representative of Fresno County, as required by paragraph 1 of Assurances, to act in connection with the application and to provide such additional information as may be required pursuant to the DCE/SP

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Agreement A-19-194 with DEA United States DOJ

Date	Ver.	Action By	Action	Result
5/7/2019	1	Board of Supervisors	Conducted Hearings	Pass

DATE: May 7, 2019

TO: Board of Supervisors

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

SUBJECT: Retroactive Application/Agreement Drug Cannabis Eradication Suppression Program

RECOMMENDED ACTION(S):

1. **Retroactively authorize the Sheriff's previous submittal of a Drug Cannabis Eradication Suppression Program (DCE/SP) application to the U.S. Department of Justice (DOJ), Drug Enforcement Administration (DEA);**
2. **Authorize the Chairman to execute, by initialing and signing, the Letter of Agreement (LOA) and Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements and Assurances (including the certification) effective October 1, 2018 through September 30, 2019 ($106,500); and**
3. **Authorize the Sheriff-Coroner-Public Administrator, or her/his designee, to act as the official representative of Fresno County, as required by paragraph 1 of Assurances, to act in connection with the application and to provide such additional information as may be required pursuant to the DCE/SP.**

There is no increase in Net County Cost associated with the recommended actions. The application was submitted on July 26, 2018 to meet the DEA of the United States DOJ requirements, contingent on your Board's approval. The DEA of the United States DOJ has awarded Fresno County $106,500 for the period of

October 1, 2018 to September 30, 2019 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.

RETROACTIVE AGREEMENT:

The recommended application was announced by the DEA of the United States DOJ on July 16, 2018 with a filing deadline of August 1, 2018. In order to meet the filing deadline, the application was previously submitted to the DEA of the United States DOJ on July 26, 2018, contingent on your Board's approval. On February 22, 2019, the Sheriff's Office was notified by the DEA of the United States DOJ of the award; the application and 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 $106,500 through September 30, 2019. Sufficient appropriations and estimated revenues are included in the FY 2018-19 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 Deputies overtime and other direct costs relating to the eradication and suppression of illicit cannabis plants. On July 16, 2018 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 July 26, 2018 to the DEA of the United States DOJ to meet the application deadline, contingent on your Board's approval. On February 22, 2019, the Sheriff's Office was notified the application was approved in the amount of $106,500 for the period of October 1, 2018 to September 30, 2019.

The County's FY 2019 DCESP provision of funding of $106,500 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 Deputies overtime 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 County's activities related to the LOA. Given the value of the LOA, the Sheriff recommends accepting the LOA as written.

The Assurances contains language that a resolution, motion or similar action has been duly adopted or passes 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 of 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.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - LOA with DEA United States DOJ

CAO ANALYST:

Jeannie Z. Figueroa