County of Fresno

Hall of Records, Rm. 301
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Legislation Details (With Text)

File #:	20-0916	**Name:**	Retroactive Agreement with the City of Clovis to participate on the Public Safety Realignment Act Adult Compliance Team
		In control:	Probation
On agenda:	9/22/2020	**Final action:**	9/22/2020
Enactment date:		**Enactment #:**	Agreement No. 20-349

Title: Approve and authorize the Chairman to execute a retroactive Agreement with the City of Clovis to assign two sworn Police Officers, and one Crime Analyst; and to provide payment for training services to the Public Safety Realignment Act Adult Compliance Team, effective July 1, 2020 through June 30, 2021 ($657,716)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Agreement A-20-349 with the City of Clovis

Date	Ver.	Action By	Action	Result
9/22/2020	1	Board of Supervisors	Approved as Recommended	Pass

DATE: September 22, 2020

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Office
Margaret Mims, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive Agreement with the City of Clovis to participate on the Public Safety Realignment Act Adult Compliance Team

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Agreement with the City of Clovis to assign two sworn Police Officers, and one Crime Analyst; and to provide payment for training services to the Public Safety Realignment Act Adult Compliance Team, effective July 1, 2020 through June 30, 2021 ($657,716).

There is no Net County Cost associated with the recommended action, as Public Safety Realignment Act (Assembly Bill 109) funds will be utilized to fund this Agreement. The recommended action will authorize a retroactive agreement with the City of Clovis to continue to provide two sworn Police Officers and one Crime Specialist ("Police Officers") to participate as members of the Public Safety Realignment Act (Assembly Bill 109) Adult Compliance Team (ACT) as authorized by the Community Corrections Partnership (CCP) Plan. The recommended agreement also includes an ACT training allocation that was approved by the CCP within the Sheriff's Department Org. 3111 Budget. Although the recommended agreement is with the City of Clovis, which is in District Five, this item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the ACT would not include two Police Officers and one Crime

Specialist from the City of Clovis, and the County would need to identify an alternative method of paying ACT trainings.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive, due to the length of time required to prepare the agreement and have it reviewed and approved by the City of Clovis. The recommended agreement was signed by the City of Clovis and is being brought before your Board at the first available date within agenda item processing deadlines.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The recommended action will provide funding for the agreement with the City of Clovis in the amount of $657,716, to provide for two sworn Police Officers and one Crime Specialist ($584,416) and ACT Training ($73,300). The recommended agreement is fully funded with Assembly Bill 109 revenue. Sufficient appropriations and estimated revenues are included in Probation's FY 2020-21 Adopted Budget for Org 3430 and Sheriff's FY 2020-21 Adopted Budget for Org 3111. There are no pending invoices.

DISCUSSION:

Assembly Bill 109 was signed into law on April 5, 2011 and went into effect October 1, 2011. Assembly Bill 109 transferred responsibility for housing/supervising of specified inmates and parolees from the California Department of Correction to counties. In accordance with Assembly Bill 109/Assembly Bill 117, the County created a CCP Executive Committee, and developed an implementation plan that will enable the County to meet the goals of the Public Safety Realignment ACT. The CCP Executive Committee (voting members) in Fresno County consists of seven members: the Chief of Probation (chair), the Presiding Judge of the Superior Court or designee, the District Attorney, the Sheriff, the Public Defender, the Director of Behavioral Health, and the City of Fresno's Chief of Police. This implementation plan was approved by the CCP August 19, 2011 and approved by the Board on September 13, 2011. The CCP Executive Committee and the Board have approved six updates to the CCP Plan since it was initially approved. The ACT was included in the original CCP Plan, and updates have included expansions of the ACT.

The ACT is currently comprised of sworn officers from the Fresno County Sheriff's Department; the Fresno Police Department, which also includes a Crime Analyst; the Clovis Police Department, which also includes a Crime Specialist; the Selma Police Department; the Reedley Police Department; the Kerman Police Department; the Kingsburg Police Department; the Fresno County Probation Department; and two Investigators from the Fresno County District Attorney's Office. The purpose of the ACT is to add an additional layer of supervision and public safety by working as a cooperative unit capable of addressing public safety concerns and issues facing local law enforcement in Fresno County. The ACT enforces conditions of probation, conducts compliance and non-compliance searches of Assembly Bill 109 probationers who are under the supervision of the Fresno County Probation Department, and provides immediate response to crisis situations. In addition, ACT can provide surveillance and warrant sweeps in conjunction with other law enforcement agencies.

In accordance with the approved CCP Plan, the recommended action will approve an agreement with the City of Clovis to continue to provide two sworn Police Officers and one Crime Specialist to the ACT and ACT training costs for FY 2020-21. The Chief of Police for the City of Clovis is responsible for payment of the trainings for the ACT Officers, as approved by the Sheriff's Sergeant assigned to the ACT. The City of Clovis is reimbursed for these expenses by the Sheriff's Office through its Assembly Bill 109 allocation. The recommended agreement identifies responsibilities and obligations of the City of City and the County in operation of the ACT and allows for reimbursement of these costs with Assembly Bill 109 funds.

This agreement differs from the County's model contract in that it contains a mutual hold harmless clause. This has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. The mutual hold harmless clause has been reviewed by staff and deemed to be acceptable for this agreement between public entities.

It should be noted, ACT agreements with other cities are before your Board on this date.

REFERENCE MATERIAL:

BAI # 36 - October 22, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with the City of Clovis

CAO ANALYST:

Samantha Buck