



# Board Agenda Item 35

DATE: April 22, 2025

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, Director, Department of Public Health

SUBJECT: Retroactive Agreement with Cal OES

## RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive grant Application/Revenue Agreement, including Assurances, Certifications and Authorized Agent Form, with the State of California, Governor's Office of Emergency Services for the FY 2024 Homeland Security Grant Program, for the period of September 1, 2024 through May 31, 2027 (\$927,408);**
- 2. Retroactively approve and authorize the Director of Public Health's previous execution and submission of the grant award letter for the FY 2024 Homeland Security Grant Program; and**
- 3. Approve and authorize the Vice-Chairman to execute the Governing Body Resolution.**

There is no additional increase in Net County Costs associated with the recommended actions, which will allow for the submission and execution of the non-competitive retroactive grant application/revenue agreement with the California Governor's Office of Emergency Services (Cal OES) for the FY 2024 Homeland Security Grant Program (HSGP). The County has received funding from Cal OES for the Homeland Security Program since 1999. The recommended agreement provides pass-through Federal grant funds to enhance terrorism and disaster response capabilities in Fresno County. The second recommended action is required as release of funding was dependent on Cal OES' receipt of the signed award letter within twenty days. The award letter was received from Cal OES on October 29, 2024, was signed, and submitted to Cal OES on November 14, 2024, contingent upon the Board's approval. The third recommended action is required to ensure the Chairman does not self-certify Cal OES' required forms. This item is countywide.

## ALTERNATIVE ACTION(s):

Should your Board not approve the recommended actions, the Department would not be able to provide pass-through funding to local agencies, which would result in a decreased level of local terrorism preparedness and response in our County.

## RETROACTIVE AGREEMENT:

The recommended agreement was received from Cal OES on January 21 and was finalized on March 14, 2025. This item is retroactive to September 1, 2024 and is being brought before your Board within agenda item processing deadlines.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The recommended revenue agreement of \$927,408 represents a 10.8% (\$112,228) decrease over the prior year, is non-competitive, and does not require matching funds. The reduction in funding is due to constraints in the federal budget.

The County's Office of Emergency Services (County OES) administers the HSGP wherein Federal funds pass-through the County to multiple jurisdictions on a reimbursement basis. The Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) requires at least 35% of grant funding (\$324,593) be utilized for Law Enforcement Terrorism Prevention Activities (LETPA).

The recommended revenue agreement includes funding for partial recovery of grant administrative direct costs at 5% (\$46,370).

Sufficient appropriations and estimated revenues of \$275,000 are included in the Department's Org 5620 FY 2024-25 Adopted Budget. The remaining balance of \$652,408 will be included in future budget requests.

#### DISCUSSION:

The DHS Appropriations Act, 2018 and the DHS FY 2024 HSGP provides funding for terrorism prevention to states, territories, urban areas, and other local and tribal governments. The funding is used to prevent, protect against, mitigate, respond to, and recover from potential terrorism and other catastrophic events. DHS continues to encourage local jurisdictions to utilize HSGP funding to build, maintain, and enhance local capabilities, such as:

- Cybersecurity;
- Infrastructure Systems;
- Access Control and Identity Verification;
- Economic Recovery; and
- Long-term Vulnerability Reduction.

After assessing the National risk profile for FY 2024, DHS/FEMA has determined that the following priority areas should be addressed to enhance: cybersecurity; the protection of soft targets/crowded places; information and intelligence sharing and cooperation with federal agencies, including DHS; enhancing community preparedness and resilience; enhancing election security; and combating domestic violent extremism. The grant funds will be utilized for equipment, training, organization and planning in these areas. On top of these National Priorities, DHS/FEMA has also determined that 35% of grant funds must be used for LETPA.

HSGP funds are allocated to multiple jurisdictions within Fresno County by a mandated HSGP Approval Authority. The Approval Authority is comprised of stakeholders who represent their respective disciplines as follows:

- Emergency Medical Services Director - Fresno County EMS;
- County Fire Chief - Fresno County Fire Protection District;
- Municipal Fire Chief - City of Clovis Fire Department;
- Sheriff - Fresno County Sheriff-Coroner's Office; and
- Municipal Chief of Police - City of Fresno Police Department.

It should be noted the County has run a Homeland Security Program since 1999. This marks the second year of a non-competitive grant funding cycle for the 2023 grant year, approved by your Board on March 5, 2024. Additionally, this is the third year of a non-competitive grant funding cycle for the 2022 grant year, which received Board approval on December 13, 2022. The County's 2021 non-competitive grant year,

initially approved by your Board on December 14, 2021, remains open. This extension, granted by FEMA, is a direct result of the supply chain disruptions caused by the COVID-19 pandemic, which significantly impacted project completion timelines. Fresno County OES received notification about the possibility of funding from Cal OES late 2023 and is still open bed was required to submit a proposed spending plan by March 2024, to Cal OES, contingent upon your Board's approval.

With your Board's approval, the recommended grant agreement is retroactively effective September 1, 2024, through May 31, 2027. The agreement may be suspended or terminated by Cal OES if the County fails to comply with the terms; however, it does not allow the County to terminate without cause. The terms also state the County shall be responsible for any liability arising out of the performance of this agreement. HR Risk has reviewed and noted that the Application-Agreement does not contain the County's standard indemnification or insurance language. Risk has deemed this to be acceptable since the County is a recipient of the grant funds and the language covers workers comp and each party retaining liability for the purposes of these grant funds. Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body.

REFERENCE MATERIAL:

BAI #41, March 5, 2024  
BAI#59, December 13, 2022  
BAI#63, December 14, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Cal OES  
On file with Clerk - HSGP Award Letter

CAO ANALYST:

Ronald Alexander