



Board Agenda Item 21

DATE: February 25, 2025

TO: Board of Supervisors

SUBMITTED BY: John Zaroni, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive Grant Award/Agreement for State of California Off-Highway Vehicle Grant Award

RECOMMENDED ACTION(S):

- 1. Retroactively approve and authorize the Sheriff-Coroner-Public Administrator's previous submittal of a grant application to the State of California Department of Parks and Recreation for Off-Highway Motor Vehicle Grant funds (\$474,175);**
- 2. Approve and adopt a Resolution accepting these grant funds, making certain required certifications, and approving the Sheriff, or his designee, to conduct all negotiations, and execute and submit all documents necessary for completion of the Project; and**
- 3. Approve and authorize the Sheriff, or his designee, to execute a retroactive OHV Grant Award/Project Agreement with the State of California Department of Parks and Recreation for the period of September 7, 2024, through September 6, 2025 (\$126,129).**

There is no increase in Net County Cost associated with the recommended actions. The State of California Department of Parks and Recreation has awarded the Sheriff's Office \$94,597 in grant funding to fund Deputy Sheriff overtime costs. The grant provides funding to assist in the enforcement of off-road vehicle laws, and to enable Sheriff's Office staff to meet bi-annually with U.S. Forest Service and Bureau of Land Management (BLM) enforcement staff to discuss OHV concerns and issues. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the grant award will be withdrawn, which will result in a reduction in enforcement of off-road vehicle laws.

RETROACTIVE AGREEMENT:

The recommended agreement was received from the State of California Department of Parks and Recreation on December 23, 2024, and is retroactive to September 7, 2024. Subsequent time for processing delayed this item from being placed on an earlier agenda date.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The total OHV program cost of \$126,129 (as approved by the State) is funded with \$94,597 in grant funds and a required 25% match of \$31,532. The FY 2024-25 Adopted Budget for Org 3111 includes the appropriations and estimated revenues for the OHV program cost.

DISCUSSION:

The OHV grant is an annual allocation provided by the State to local agencies for the purpose of The OHV grant is an annual allocation provided by the State to local agencies for the purpose of enforcing off-road vehicle laws and to meet bi-annually with BLM enforcement staff to discuss OHV concerns and issues. Most Fresno County off-road vehicle activity is located in the eastern part of the County where the U.S. Forest Service maintains trails in the mountain areas for snowmobiles and other off-road vehicles. These grant monies will enhance the County's off-road enforcement efforts by dedicating additional staff through the use of overtime. Overtime is recommended, because the grant does not fund a full-time Deputy Sheriff position, and it would be more costly to hire and train an extra-help Deputy Sheriff. On January 9, 2024, your Board approved the Off-Highway Project Grant Award/Agreement with the State of California Department of Parks and Recreation for the period of September 6, 2023 to September 6, 2024. The recommended application and Award/Agreement are for a new funding cycle.

In order to meet the grant filing deadline, the grant application was submitted to the California Department of Parks and Recreation in the amount of \$474,175, contingent upon your Board's approval.

In addition to the standard State and Federal certifications included in the Board of Supervisors Administrative Policy No. 47, the grant also requires the certifications summarized here;

- (1) Approves the receiving of grant funding from the Off-Highway Vehicle Grant or Cooperative Agreement Program;
- (2) Certifies that the County understands its legal obligations to the State upon approval of the Grant;
- (3) Certifies that the County understands the California Public Resources Code requirement that Acquisition, and Development Projects be maintained to specific conservation standards;
- (4) Certifies that the Project will be well-maintained during its useful life;
- (5) Certifies that the County will implement the Project with diligence once funds are available and the Applicant has reviewed, understands, and agrees with the Project Agreement;
- (6) Certifies that the County will provide the required matching funds;
- (7) Certifies the public and adjacent property owners have been notified of this Project (as applicable); and
- (8) Appoints the Sheriff as agent to conduct all negotiations, execute and submit all documents including, but not limited to Applications, agreements, amendments, payment requests and so on, which may be necessary for completion of the Project.

Once the recommended Grant Award/Project Agreement is executed by the Sheriff, or his designee, and the State of California, the documents become the final Agreement between the County and the State of California, retroactive to September 7, 2024.

Under the terms of the recommended Project Agreement, the State has the following remedies due to a breach of the Agreement:

- i. The State is entitled to "specific performance" (the Sheriff's Office must actually perform its obligations under the Agreement).
- ii. Regardless of the first remedy above, if the Sheriff's Office cannot mitigate or remedy or could not have prevented the breach, the State's sole remedy will be monetary reimbursement.

The recommended Project Agreement requires that the County waive all claims against the State, including the right to contribution of loss of damage to persons or property arising out of the Project Agreement, unless the claims are due to the concurrent or sole negligence of the State and its employees. The recommended Project Agreement also requires that the County indemnify and defend the State for any damages arising out of the Project, except for liability arising out of, and attributable to, the concurrent or sole negligence of the State and its employees. The recommended Project Agreement also provides that if the State is named as a codefendant in an action under Government Code section 895 et. seq., the County

must represent the State in the legal action unless the State decides to represent itself.

The Department understands the risks associated with the recommended Project Agreement but believes the benefits of entering into the recommended Project Agreement outweigh these risks, and wishes to move forward with the Project Agreement.

It should be noted that the Sheriff's Office is identified as the grant recipient. As per instructions from the State Department of Parks and Recreation, the County of Fresno cannot be the grant recipient unless the County applies for the grant. The Fresno County Sheriff's Office applied for this grant, and therefore is the grant recipient.

REFERENCE MATERIAL:

BAI #25, January 9, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Award/Agreement with Off-Highway Vehicle
On file with Clerk - Resolution

CAO ANALYST:

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