

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA # B-13

Urgent

Routine

AGENDA DATE April 14, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Submit and Accept if Awarded the 2009 Edward Byrne Memorial Justice Assistance Grant Application to Bureau of Justice Assistance to Enhance Criminal Justice Processes

STAFF RECOMMENDATIONS:

1. Authorize the Sheriff to submit a joint grant application to the Bureau of Justice Assistance for the 2009 Edward Byrne Memorial Justice Assistance Grant funding to enhance criminal justice processes.
2. Authorize the Chairman of the Board of Supervisors to sign the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Recovery Act: Justice Assistance (JAG) Program Award.

(continued on next page)

FISCAL IMPACT:

For Federal Fiscal Year 2009, \$225,354,622 has been allocated for the Edward Byrne Memorial Justice Assistance Grant (JAG) that is administered by the Bureau of Justice Assistance (BJA), U.S. Department of Justice. The JAG program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. Of the total \$225,354,622 allocated to the State of California, approximately 60% (\$135,641,945) was awarded to Cal-EMA as the State Administering Agency and approximately 40% (\$89,712,677) is for direct awards  
(continued on next page)

BOARD ACTION AS FOLLOWS:

No. 2009-232

On motion of Supervisor Grover, Seconded by Supervisor O'Brien and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Submit and Accept if Awarded the 2009 Edward Byrne Memorial Justice Assistance Grant Application to Bureau of Justice Assistance to Enhance Criminal Justice Processes

STAFF RECOMMENDATIONS (continued):

3. Direct the Auditor-Controller to establish a budget with estimated revenue and appropriations in the amount of \$1,082,445 per the attached budget journal after the grant is awarded and an acceptance letter is received by the Sheriff's Office.
4. Approve the recommendations for use of the 2009 Edward Byrne Memorial Justice Assistance Grant to share funding with the City of Modesto Police Department and continue funding for existing staff in the Sheriff's Department, Probation Department and District Attorney's Office.

FISCAL IMPACT (continued):

to local governments. This amount will be administered by the Federal Bureau of Justice Assistance (BJA).

The grant funding will provide \$1,082,445 in Federal funding to Stanislaus County. The funding will be shared between the Stanislaus County Sheriff, Probation and District Attorney, and the City of Modesto. A County match is not required.

The County has previously received funding from the Local Law Enforcement Block (LLEB) Grant program since 1996 which has been used to fund positions and purchase equipment. The LLEB grant funds are now included in the JAG program.

DISCUSSION:

To streamline justice funding and grant administration, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends in the Local Law Enforcement Block Grant Program to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. Funds through the Local Law Enforcement Block Grant are no longer available.

Funding in the amount of \$1,082,445 is available in 2009 from the JAG Program for use in Stanislaus County. Awards are made in the first fiscal year of the appropriation and may be expended during the following three years for a total of four years.

Previously, funding received through the Local Law Enforcement Block grant were utilized to fund one full-time Deputy Probation Officer for the Domestic Violence Program; one full-time Deputy Sheriff to provide community policing services for the South Modesto area surrounding the Shackelford School area; and one-half of a Deputy Sheriff position to provide a School Resource Officer on site at the Tuolumne Elementary School.

Approval to Submit and Accept if Awarded the 2009 Edward Byrne Memorial Justice Assistance Grant Application to Bureau of Justice Assistance to Enhance Criminal Justice Processes

DISCUSSION (continued):

For the first time in the four years the county has been receiving Justice Assistance Grant (JAG) funds from the Department of Justice, the County and the City of Modesto must file jointly due to what the DOJ terms Disparate Allocation. According to the DOJ this occurs "when city or municipality is scheduled to receive one and one-half times (150 percent) more than a county with concurrent jurisdiction, while that county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crime. When this occurs, the county and cities must identify a fiscal agent and submit a joint application for the total eligible amount." The Stanislaus County Sheriff's Department has been identified as the fiscal agent and will submit a joint application with the City of Modesto Police Department for the total grant amount of \$1,082,445 to be split among four agencies as described in the memorandum of agreement. The DOJ allocation of funds provides the county with \$413,009 and the city \$669,436. The grant also allows for an administrative fee of up to 10% to be charged by the fiscal agent. The Sheriff's Department will be charging a 3% administrative fee. The application of the administrative fee will result in the county receiving \$433,092 and the city receiving \$649,353.

Recommended distribution of the 2009 JAG funds is as follows:

District Attorney	\$ 170,309
Probation	\$ 170,309
Sheriff	\$ 60,000
Sheriff (3% Administrative Fee)	\$ 32,474
Modesto Police Department	<u>\$ 649,353</u>
	\$1,082,445

The Modesto Police Department will use its allocated share of \$649,353 to fund three police officer positions identified for elimination due to fiscal constraints. The Sheriff's Department will retain \$60,000 to continue to fund one-half of a Deputy Sheriff position assigned as a School Resource Officer for Tuolumne Elementary School. This position was originally added due to LLEBG funding and has been partially funded in subsequent years with LLEBG funds and then JAG funds. The Probation Department plans to use their \$170,309 to continue to fund the Deputy Probation Officer for the Domestic Violence Program and to fund a Deputy Probation Officer position. Both of these positions are targeted for elimination without this funding. Due to fiscal constraints, the District Attorney's Office will use their \$170,309 to fund a Deputy District Attorney position over a two-year period, a position which had been previously identified for elimination.

If the Board of Supervisors concurs, an application will be finalized with the Bureau of Justice Assistance for this funding. The Sheriff's Department believes the County should take advantage of this funding opportunity and approve the Staff Recommendations to accept the funding from the U.S. Department of Justice, Bureau of Justice Assistance.

Approval to Submit and Accept if Awarded the 2009 Edward Byrne Memorial Justice Assistance Grant Application to Bureau of Justice Assistance to Enhance Criminal Justice Processes

DISCUSSION (continued):

The Sheriff recommends that the Board of Supervisors approve the attached Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Recovery Act: Justice Assistance Grant Program Award and authorize the Chairman of the Board of Supervisors to sign the Memorandum of Agreement approving the joint application by the Stanislaus County Sheriff's Department and the City of Modesto Police Department.

POLICY ISSUES:

Board approval to apply for this entitlement funding is necessary prior to the obligations of program funds. Utilization of this funding will enhance criminal justice processes in our community; consistent with the Board's stated priorities of ensuring a safe, healthy community and effective partnerships.

STAFFING IMPACT:

There are no recommendations to modify the Salary and Position Allocation Resolution by this action. However, should this application not be approved for submission, loss of existing positions is inevitable.

# County of Stanislaus: Auditor-Controller Legal Budget Journal

Database  
Set of Books

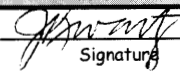
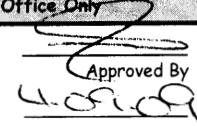
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County of Stanislaus

Balance Type	Budget
Category	* List - Text Budget - Upload
Source	* List - Text SO DRW
Currency	* List - Text USD
Budget Name	List - Text LEGAL BUDGET
Batch Name	Text
Journal Name	Text
Journal Description	Text
Journal Reference	Text DOJ
Organization	List - Text Stanislaus Budget Org

Upl	Fund	Org	Acc't	GL Proj	Loc	Misc	Other	Debit		Credit		Period	Line Description
								incr appropriations	decr est revenue	decr appropriations	incr est revenue		
4	7	5	7	6	6	5	(format > number > general)		Upper case	MMM-YY	List - Text	Text	
fb	1799	0028611	28505	0000000	000000	000000	00000			1,082,445.00		Jul-09	Incr - Fed Other DOJ-JAG
fb	1799	0028611	63000	0000000	000000	000000	00000	649,353.00				Jul-09	Incr - Prof Services
fb	1799	0028611	73680	0000000	000000	000000	00000	170,309.00				Jul-09	Incr - DA services
fb	1799	0028611	73681	0000000	000000	000000	00000	170,309.00				Jul-09	Incr - Prob services
fb	1799	0028611	73682	0000000	000000	000000	00000	92,474.00				Jul-09	Incr - Sheriff services

**Totals:** 1,082,445.00      1,082,445.00

**Explanation:** Establish revenue and expense appropriations for 2009 JAG grant. Funding will be used to reimburse Modesto PD & DA for S&B costs for 2 years  
The Grant will reimburse the Sheriff & Probation for S&B cost for 1 yr.

<b>Requesting Department</b>	<b>CEO</b>	<b>Data Entry</b>	<b>Auditors Office Only</b>
Dan Wirtz			
Signature	Signature	Keyed by	Prepared By
4/7/2009	4.9.09		
Date	Date	Date	Date
			Approved By

**MEMORANDUM OF AGREEMENT  
BETWEEN THE COUNTY OF STANISLAUS AND  
THE CITY OF MODESTO FOR THE  
RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE  
GRANT (JAG) FORMULA PROGRAM: LOCAL SOLICITATION AWARD**

This Agreement is made and entered into this 7th day of April, 2009, by and between The COUNTY of Stanislaus, hereinafter referred to as COUNTY, and the CITY of Modesto, hereinafter referred to as CITY , to distribute the above referenced grant funds:

**WHEREAS**, the COUNTY and the CITY, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

**WHEREAS**, the COUNTY and the CITY finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

**WHEREAS**, the CITY's share of the JAG award that was awarded to both the COUNTY and CITY for the Officer Staffing Program is \$649,353 (\$669,436 less 3% Administrative Fee of \$20,083 to be paid to the County): and

**WHEREAS**, the COUNTY and the CITY believe it to be in their best interests to reallocate the JAG funds as set forth above.

**NOW THEREFORE, the COUNTY and CITY agree as follows:**

**Section 1.**

COUNTY agrees CITY'S share of the award is a total of \$649,353 of JAG funds.

**Section 2.**

CITY agrees to use \$649,353 for the Officer Staffing Program until June 30, 2011.

**Section 3.**

The CITY agrees to provide the COUNTY a quarterly financial and programmatic report not later than 5 calendar days after the end of the Quarter. This will allow the COUNTY to submit the final report on the grant in the required 10 calendar days after the end of each quarter.

The Programmatic and Financial Reporting Periods and Due Dates are as follows:

October- December	January 5
January- March	April 5
April-June	July 5
July-September	October 5

**Section 4.**

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

**Section 5.**

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Tort Claims Act.

**Section 6.**

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.


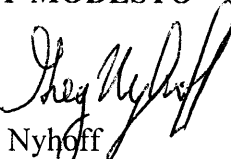
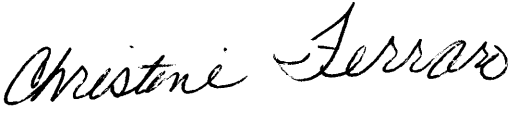

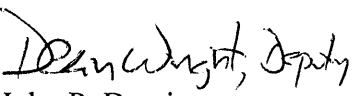
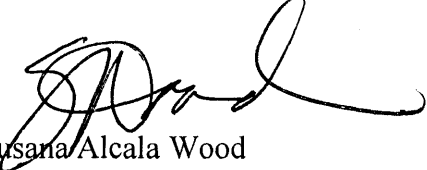
**Section 7.**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 8.**

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

The Signature of the parties below designate acceptance of the terms of this Agreement and shall be binding upon the parties upon the effective date of the Agreement.

<b>COUNTY OF STANISLAUS</b> By:  Jim DeMartini, Chair Board of Supervisors  "County"	<b>CITY OF MODESTO</b> By:  Greg Nyhoff City Manager  "City"
ATTEST::  By:  Cristine Ferraro Clerk of the Board	ATTEST:  By:  Stephanie Lopez City Clerk, Stephanie Lopez
APPROVED AS TO FORM:  By:  John P. Doering County Counsel	APPROVED AS TO FORM:  By:  Susana Alcala Wood City Attorney