

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA # *B-15

Urgent

Routine

AGENDA DATE June 30, 2009

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

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 Justice Assistance Grant (JAG) Program Award.
3. Direct the Auditor-Controller to establish a budget with estimated revenue and appropriations in the amount of \$263,334 per the attached budget journal after the grant is awarded and an acceptance letter is received by the Sheriff's Department. (continued on page 2)

FISCAL IMPACT:

For Federal Fiscal Year 2009, \$54.8 million has been appropriated 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. The County has previously received funding from the Local Law Enforcement Block Grant (LLEBG) program since 1996 which has been used to fund positions and purchase equipment. The LLEBG funds are now included in the JAG program. (continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2009-443

On motion of Supervisor O'Brien, Seconded by Supervisor Grover

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.

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STAFF RECOMMENDATIONS (continued):

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 and Probation Department.

FISCAL IMPACT (continued):

The grant funding will provide \$263,334 in Federal funding to Stanislaus County. The funding will be shared between the Stanislaus County Sheriff, Probation and the City of Modesto. This represents an increase of \$68,651 for the County and \$115,573 for the City of Modesto from the 2008 JAG award of \$79,110. The City of Modesto received \$47,285 and \$31,825 was shared between the Probation and Sheriff's Departments. A County match is no longer required.

This grant is in addition to the Recovery Act JAG grant application approved by the Board on April 14, 2009, for \$1,082,445 to be distributed among the County's District Attorney, Probation and Sheriff's departments and the City of Modesto Police Department.

DISCUSSION:

This grant request is different from the Recovery Act: Edward Byrne Justice Grant previously approved by the Board on April 14, 2009, in that this grant has been awarded to Stanislaus County for the past four years while the Recovery Act grant is anticipated to be one-time funding with the stated purpose to preserve and create jobs and promote economic recovery.

Funding in the amount of \$263,334 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. This is the fifth year that the JAG program will be available. Funding received from the 2005, 2006, 2007, and 2008 JAG has been utilized to fund positions that were previously funded through the Local Law Enforcement Block Grant.

Previously, funding received through the LLEBG was utilized to fund one full-time Deputy Probation Officer for the Domestic Violence Program and 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.

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 a city or municipality is scheduled to receive one and one-half times (150 percent) more than a county

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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 \$263,334 to be split among three agencies as described in the memorandum of agreement. The DOJ allocation of funds provides the county with \$100,476 and the city \$162,858. 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 \$105,362 and the city receiving \$157,972.

Recommended distribution of the 2009 JAG funds is as follows:

Probation	\$ 32,153
Sheriff	\$ 65,309
Sheriff (3% Administrative Fee)	\$ 7,900
Modesto Police Department	<u>\$ 157,972</u>
	\$ 263,334

The Modesto Police Department will use its allocated share of \$157,972 to fund overtime costs for police officer positions. The Board previously approved the use of the Recovery Act JAG funds on April 14, 2009. These funds were part of President Barack Obama's American Recovery and Reinvestment Act of 2009 and provided for the continued funding of half a Deputy Sheriff position assigned as a School Resource for Tuolumne Elementary School and one Deputy Probation Officer for the Domestic Violence Program. The additional JAG funds of \$65,309 for the Sheriff and \$32,153 for Probation requested in this current agenda item will allow both departments to fully fund these positions.

If the Board of Supervisors concurs, an application will be finalized with the Bureau of Justice Assistance for this funding. The Sheriff's Department recommends the County 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.

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 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

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POLICY ISSUES (continued):

community; consistent with the Board's stated priorities of ensuring A safe 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.

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

This Agreement is made and entered into this 1st day of June, 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 \$157,972 (\$162,858 less 3% Administrative Fee of \$4,886 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 \$157,972 of JAG funds.

Section 2.

CITY agrees to use \$157,972 for the overtime for police officers 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.


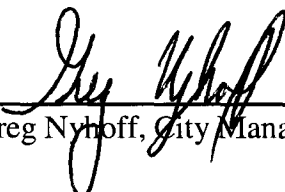
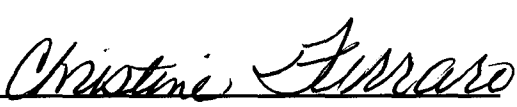
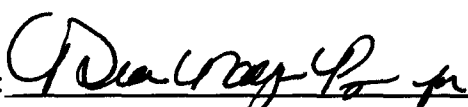
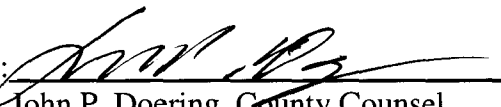

Section 7.

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.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2009- 261, adopted by the Council of the City of Modesto on the 23 day of June, 2009, and the County of Stanislaus has caused this Agreement to be duly executed.

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

County of Stanislaus: Auditor-Controller Legal Budget Journal

Database
Set of Books

FMSDBPRD.CO.STANISLAUS.CA.US.PROD
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 JAG Local Non Recovery Funding
Organization	List - Text Stanislaus Budget Org

Upl	Fund	Org	Acc't	GL Proj	Loc	Misc	Other	Debit		Credit		Period	Line Description
								incr appropriations	decr appropriations	decr est revenue	incr est revenue		
								(format > number > general)				List - Text	
	1799	0028612	29505	0000000	000000	000000	00000			263,334.00		Jul-09	Incr - Fed Other DOJ-JAG
	1799	0028612	63280	0000000	000000	000000	00000	157,972.00				Jul-09	Incr - Contracts
	1799	0028612	73681	0000000	000000	000000	00000	32,153.00				Jul-09	Incr - Prob services
	1799	0028612	73682	0000000	000000	000000	00000	73,209.00				Jul-09	Incr - Sheriff services

Totals: 263,334.00 263,334.00

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

Requesting Department	CEO	Data Entry	Auditors Office Only
Dan Wirtz			
Signature	Signature	Keyed by	Prepared By
6/4/2009	6-17-09		6/18/09
Date	Date	Date	Date