

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

DEPT: Sheriff's Department

BOARD AGENDA # \*B-2

Urgent

Routine

AGENDA DATE May 8, 2012

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Submit and Accept if Awarded the 2012 Edward Byrne Memorial Justice Assistance Grant Application to the 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, and to accept the grant if awarded, for the 2012 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 (continued on page 2)

FISCAL IMPACT:

For Federal Fiscal Year 2012, \$12.1 million has been appropriated to the State of California 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 (continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2012-217

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

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:

ATTEST:

Christine Ferraro  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Submit and Accept if Awarded the 2012 Edward Byrne Memorial Justice Assistance Grant Application to Bureau of Justice Assistance to Enhance Criminal Justice Processes

STAFF RECOMMENDATIONS (continued from page 1):

amount of \$145,713 per the attached budget journal after the grant is awarded and an acceptance letter is received by the Sheriff's Department.

4. Approve the recommendations for use of the 2012 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 from page 1):

equipment. The LLEBG funds are now included in the JAG program.

The grant funding will provide \$145,713 in Federal funding to Stanislaus County. The funding will be shared between the Stanislaus County Sheriff, Probation and the City of Modesto. This represents a decrease of \$17,791 for the County and \$22,695 for the City of Modesto from the 2011 JAG award of \$186,199 awarded by BJA and approved by the Board of Supervisors on July 19, 2011. The City of Modesto received \$131,513 and \$54,686 was shared between the Probation and Sheriff's Departments. A County match is not required.

DISCUSSION:

Funding in the amount of \$145,713 is available in 2012 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 eighth year that the JAG program will be available. Funding received from the 2005, 2006, 2007, 2008, 2009, 2010 and 2011 JAG have 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 fourth time in the seven years the county has been receiving Justice Assistance Grant (JAG) funds from the Department of Justice (DOJ), 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 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

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total grant amount of \$145,713 to be split among three agencies as described in the memorandum of agreement. The DOJ allocation of funds provides the county with \$36,895 and the city \$108,818. 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 \$40,160 and the city receiving \$105,553.

Recommended distribution of the 2012 JAG funds is as follows:

Probation	\$ 10,054
Sheriff	\$ 26,841
Sheriff (3% Administrative Fee)	\$ 3,265
Modesto Police Department	<u>\$ 105,553</u>
	\$ 145,713

The Modesto Police Department will use its allocated share of \$105,553 to purchase, install and train for a personnel scheduling and tracking software program with remaining funding to purchase approximately nine personal video recording devices for patrol officers. The JAG funds of \$26,841 for the Sheriff and \$10,054 for Probation will assist both departments with the funding of one-fourth of the Deputy Sheriff position assigned as a School Resource Officer for Tuolumne Elementary School and one-eighth of a Deputy Probation Officer for the Domestic Violence Program.

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 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

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action. However, should this application not be approved for submission, positions partially funded by the grant would need to be reevaluated and may result in the elimination of up to one Deputy Sheriff.

CONTACT INFORMATION:

Adam Christianson, Sheriff Coroner, Telephone (209) 525-7015

Database  
Balance Type  
Data Access Set

FMSDBPRD.CO.STANISLAUS.CA.US.PROD  
Budget  
County of Stanislaus

DO NOT CHANGE  
DO NOT CHANGE  
DO NOT CHANGE

Ledger  
Budget  
Category  
Source  
Currency  
Period  
Batch Name  
Journal Name  
Journal Description  
Journal Reference  
Organization  
Chart Of Accounts

\* List - Text County of Stanislaus  
List - Text LEGAL BUDGET  
\* List - Text Budget - Upload  
\* List - Text SO DRW  
\* List - Text USD  
List - Text MAY-12  
Text  
Text  
Text 2012 JAG Local Fund  
Text 2012 JAG Local Fund  
List - Text Stanislaus Budget Org  
Accounting Flexfield

DO NOT CHANGE  
DO NOT CHANGE  
DO NOT CHANGE  
  
DO NOT CHANGE  
ENTER AS MMM-YY (ALL CAPS FOR MMM) EX: NOV-11  
  
DO NOT CHANGE  
DO NOT CHANGE

Upl	Fund (4 char)	Org (7 char)	Account (5 char)	GL Project (7 char)	Location (6 char)	Misc. (6 char)	Other (5 char)	Debit		Credit		Line Description	
								Incr appropriations decr est revenue * Number	decr appropriations Incr est revenue * Number	Incr appropriations decr est revenue * Number	decr appropriations Incr est revenue * Number		
Fb	1799	0028612	29505	0000000	000000	000000	00000			145,713.00		Incr - Fed Other DOJ-JAG	
Fb	1799	0028612	63280	0000000	000000	000000	00000	105,553.00				Incr - Contracts (MPD)	
Fb	1799	0028612	73681	0000000	000000	000000	00000		10,054.00			Incr - Prob services	
Fb	1799	0028612	73682	0000000	000000	000000	00000	30,106.00				Incr - Sheriff services	
Fb	0100	0026110	38000	0000000	000000	000000	00000			10,054.00		Incr - Gov interfund revenue Probation	
Fb	0100	0028255	38316	0000000	000000	000000	00000			26,841.00		Incr - Gov Fund Sheriff Revenue (Juv Svc)	
Fb	0100	0028106	38316	0000000	000000	000000	00000			3,265.00		Incr - Gov Fund Sheriff Revenue (Finance)	
								Totals:		145,713.00	185,873.00		

Tip: This is not the end of the Template. Unprotect the sheet and Insert as many rows as needed.

Explanation: Establish revenue and expense appropriations for 2012 JAG grant. Funding will be used to reimburse Modesto PD for computer software and personal recording devices and reimburse the Sheriff and Probation a portion of salary & benefits cost for one year.

Requesting Department		CEO	Data Entry	Auditors Office Only	
Dan Wirtz					
Prepared by		Supervisor's Approval	Keyed by	Prepared By	Approved By
4/19/2012		05.01.12			5/11/12
Date		Date	Date	Date	Date

**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 of May, 2012, 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 find 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 Technology/Equipment Offset is \$105,553 (\$108,818 less 3% Administrative Fee of \$3,265 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 \$105,553 of JAG funds.

**Section 2.**

CITY agrees to use \$105,553 to purchase personnel scheduling and tracking software program, modules, and personal video recording devices.

**Section 3.**

The CITY agrees to provide the COUNTY a quarterly financial and programmatic report not later than fifteen (15) calendar days after the end of the quarter. This will allow the COUNTY to submit the final report on the grant in the required thirty (30) calendar days after the end of each quarter.

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

October-December	January 15
January-March	April 15
April-June	July 15
July-September	October 15

**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.



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. 2012- 160, adopted by the Council of the City of Modesto on the 1st day of May, 2012, and the County of Stanislaus has caused this Agreement to be duly executed.

<p><b>COUNTY OF STANISLAUS</b></p> <p>By: <u>William O'Brien</u>          William O'Brien, Chairman          Board of Supervisors</p> <p>"County"</p>	<p><b>CITY OF MODESTO</b></p> <p>By: <u>Greg Nyhoff</u>          Greg Nyhoff, City Manager</p> <p>"City"</p>
<p>ATTEST::</p> <p>By: <u>Christine Ferraro</u>          Clerk of the Board</p>	<p>ATTEST:</p> <p>By: <u>Stephanie Lopez</u>          Stephanie Lopez, City Clerk</p>
<p>APPROVED AS TO FORM:</p> <p>By: <u>John P. Doering</u>          John P. Doering, County Counsel</p>	<p>APPROVED AS TO FORM:</p> <p>By: <u>Susana Alcala Wood</u>          Susana Alcala Wood, City Attorney</p>