

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

DEPT: SHERIFF



BOARD AGENDA # \*B-6

Urgent

Routine

AGENDA DATE May 20, 2014

CEO Concurs with Recommendation YES  NO

(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Submit and Accept if Awarded the 2014 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 2014 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.

(continued on page 2)

FISCAL IMPACT:

For Federal Fiscal Year 2014, \$11.8 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 equipment. The LLEBG funds are now included in the JAG program. (continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2014-250

On motion of Supervisor Monteith, Seconded by Supervisor Withrow

and approved by the following vote,

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

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:   
ELIZABETH A. KING, Assistant Clerk

File No.

Approval to Submit and Accept if Awarded the 2014 Edward Byrne Memorial Justice Assistance Grant Application to the Bureau of Justice Assistance to Enhance Criminal Justice Processes

STAFF RECOMMENDATIONS: (continued from page 1)

3. Direct the Auditor-Controller to establish a budget with estimated revenue and appropriations in the amount of \$151,805 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 2014 Edward Byrne Memorial Justice Assistance Grant to share funding with the City of Modesto Police Department, continue funding for existing staff in the Probation Department and fund gang suppression operations overtime in the Sheriff's Department.

FISCAL IMPACT: (continued from page 1)

The grant funding will provide \$151,805 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 \$9 for the County and an increase of \$12,909 for the City of Modesto from the 2013 JAG award of \$138,905 awarded by BJA and approved by the Board of Supervisors on July 2, 2013. Last fiscal year the City of Modesto received \$107,338 of which \$3,220 was paid to the Sheriff's Department as an Administrative Fee and \$31,567 was shared between the Probation and Sheriff's Departments. A County match is not required.

DISCUSSION:

Funding in the amount of \$151,805 is available in 2014 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 tenth year that the JAG program will be available. Funding received from the 2005, through 2013 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 sixth time in the nine 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

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DISCUSSION: (continued from page 2)

fiscal agent and will submit a joint application with the City of Modesto Police Department for the total grant amount of \$151,805 to be split among three agencies as described in the memorandum of agreement. The DOJ allocation of funds provides the County with \$31,558 and the city \$120,247. 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 \$35,165 and the city receiving \$116,640.

Recommended distribution of the 2014 JAG funds is as follows:

Probation	\$ 7,890
Sheriff	\$ 23,668
Sheriff (3% Administrative Fee)	\$ 3,607
Modesto Police Department	<u>\$ 116,640</u>
	\$ 151,805

The Modesto Police Department will use its allocated share of \$116,640 to purchase 800 Mhz and UHF radios. The Probation Department will use its allocated share of \$7,890 to fund a portion of a Deputy Probation Officer for the Domestic Violence Program. The Sheriff's Department will use its allocated share of \$23,668 to fund gang suppression operations overtime.

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 action.

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CONTACT INFORMATION:

Adam Christianson, Sheriff Coroner, Telephone (209) 525-7105

Database FMSDBPRD.CO.STANISLAUS.CA.US. DO NOT CHANGE  
 Balance Type Budget DO NOT CHANGE  
 Data Access Set County of Stanislaus DO NOT CHANGE

Ledger \* List - Text County of Stanislaus DO NOT CHANGE  
 Budget List - Text LEGAL BUDGET DO NOT CHANGE  
 Category \* List - Text Budget - Upload DO NOT CHANGE  
 Source \* List - Text SO CLK  
 Currency \* List - Text USD DO NOT CHANGE  
 Period List - Text MAY-14 ENTER AS MMM-YY (ALL CAPS FOR MMM) EX: NOV-11  
 Batch Name Text  
 Journal Name Text SO JV1314-18  
 Journal Descript Text 2014 JAG Local Fund  
 Journal Referen Text 2014 JAG Local Fund  
 Organization List - Text Stanislaus Budget Org DO NOT CHANGE  
 Chart Of Account Accounting Flexfield 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 incr appropriations decr est revenue * Number	Credit decr appropriations incr est revenue * Number	Line Description Text
	1799	0028612	29505	0000000	000000	000000	00000		151,805.00	Incr - Fed Other DOJ-JAG
	1799	0028612	63280	0000000	000000	000000	00000	116,640.00		Incr - Contracts (MPD)
	1799	0028612	73681	0000000	000000	000000	00000	7,890.00		Incr - Prob services
	1799	0028612	73682	0000000	000000	000000	00000	27,275.00		Incr - Sheriff services
	0100	0026110	38000	0000000	000000	000000	00000		7,890.00	Incr - Gov interfund revenue Probation
	0100	0028210	38316	0000000	000000	000000	00000		23,668.00	Incr - Gov Fund Sheriff Revenue (Patrol)
	0100	0028106	38316	0000000	000000	000000	00000		3,607.00	Incr - Gov Fund Sheriff Revenue (Finance)
								151,805.00	186,970.00	

Totals: 151,805.00 186,970.00  
 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 2014 JAG grant. Funding will be used to reimburse Modesto PD for 800 Mhz and UHF radios and reimburse Probation a portion of salary & benefit cost for 1 year and Sheriff overtime.

Requesting Department	CEO	Data Entry	Auditors Office Only
Seth Rogers	<i>[Signature]</i>	Keyed by	<i>[Signature]</i>
Prepared by	Supervisor's Approval	Prepared By	Approved By
5/9/2014	5-12-2014		5/12/14
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 27th of May, 2014, 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 Equipment Offset is \$116,640 (\$120,247 less 3% Administrative Fee of \$3,607 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 \$116,640 of JAG funds.

**Section 2.**

CITY agrees to use \$116,640 to purchase 800 Mhz and UHF radios.

**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.**

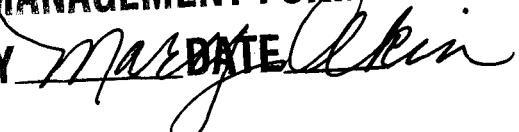
By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

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. 2014- 204 , adopted by the Council of the City of Modesto on the 27th day of May, 2014, and the County of Stanislaus has caused this Agreement to be duly executed.

<p><b>COUNTY OF STANISLAUS</b></p> <p>By: <u></u>          Jim De Martini, Chairman          Board of Supervisors</p> <p>"County"</p>	<p><b>CITY OF MODESTO</b></p> <p>By: <u></u>          City Manager</p> <p>"City"</p>
<p>ATTEST::</p> <p>By: <u></u>, for          Clerk of the Board</p>	<p>ATTEST:</p> <p>By: <u></u>          Stephanie Lopez, City Clerk</p>
<p>APPROVED AS TO FORM:</p> <p>By: <u></u>          Robert J. Taro, County Counsel</p>	<p>APPROVED AS TO FORM:</p> <p>By: <u></u> for:          Adam Lindgren, Interim City Attorney</p>

**APPROVED AS TO RISK  
 MANAGEMENT FORM**

BY  DATE \_\_\_\_\_