

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA # *B-12

Urgent

Routine

AGENDA DATE June 8, 2010

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Submit and Accept if Awarded the 2010 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 2010 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 \$235,816 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 2010, \$51.1 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 equipment. The LLEBG funds are now included in the JAG program. (continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-356

On motion of Supervisor DeMartini, Seconded by Supervisor Monteith

and approved by the following vote,

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

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 2010 Edward Byrne Memorial Justice Assistance Grant Application to Bureau of Justice Assistance to Enhance Criminal Justice Processes

STAFF RECOMMENDATIONS (continued):

4. Approve the recommendations for use of the 2010 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 \$235,816 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 \$22,488 for the County and \$5,030 for the City of Modesto from the 2009 JAG grant of \$263,334 awarded by BJA and approved by the Board of Supervisors on June 30, 2009. The City of Modesto received \$162,858 and \$100,476 was shared between the Probation and Sheriff's Departments. A County match is no longer required.

DISCUSSION:

Funding in the amount of \$235,816 is available in 2010 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 sixth year that the JAG program will be available. Funding received from the 2005, 2006, 2007, 2008, and 2009 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 second time in the six 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 total grant amount of \$235,816 to be split among three agencies as described in the memorandum of agreement. The DOJ allocation of funds provides the county with \$77,988 and the city \$157,828. 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.

Approval to Submit and Accept if Awarded the 2010 Edward Byrne Memorial Justice Assistance Grant Application to Bureau of Justice Assistance to Enhance Criminal Justice Processes

DISCUSSION (continued):

The application of the administrative fee will result in the county receiving \$82,723 and the city receiving \$153,093.

Recommended distribution of the 2010 JAG funds is as follows:

Probation	\$ 17,988
Sheriff	\$ 60,000
Sheriff (3% Administrative Fee)	\$ 4,735
Modesto Police Department	\$ <u>153,093</u>
	\$ 235,816

The Modesto Police Department will use its allocated share of \$153,093 to fund overtime costs for police officer positions. The JAG funds of \$60,000 for the Sheriff and \$17,988 for Probation will assist both departments with the continued funding of one-half of the Deputy Sheriff position assigned as a School Resource Officer for Tuolumne Elementary School and one-fifth 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 action. However, should this application not be approved for submission, loss of existing positions is inevitable.

Approval to Submit and Accept if Awarded the 2010 Edward Byrne Memorial Justice Assistance
Grant Application to Bureau of Justice Assistance to Enhance Criminal Justice Processes

CONTACT INFORMATION:

Dan Wirtz, Business Manager, (290) 525-7009.

**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 25th day of May, 2010, 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 Officer Overtime Offset is \$153,093 (\$157,828 less 3% Administrative Fee of \$4,735 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 \$153,093 of JAG funds.

Section 2.

CITY agrees to use \$153,093 to offset police overtime costs.

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.

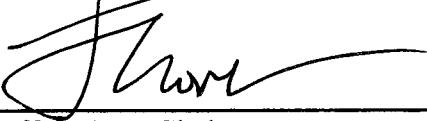
Section 8.

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.

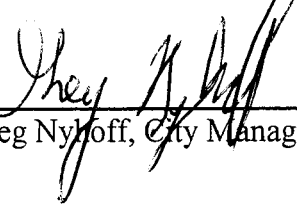
IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2010- 205, adopted by the Council of the City of Modesto on the 25 day of May, 2010, and the County of Stanislaus has caused this Agreement to be duly executed.

COUNTY OF STANISLAUS

By: 
Jeff Grover, Chairman
Board of Supervisors

"County"

CITY OF MODESTO

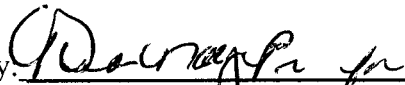
By: 
Greg Nyhoff, City Manager

"City"

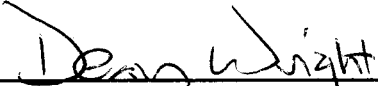
ATTEST::

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 Alcala Wood, City Attorney

County of Stanislaus: Auditor-Controller
Legal Budget Journal

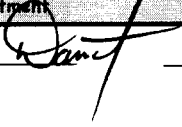
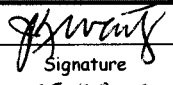

Database
Set of Books

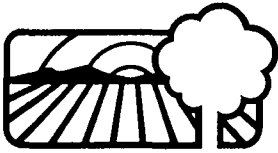
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County of Stanislaus

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 2010 JAG Local Non
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 (format > number > general)	decr appropriations incr est revenue	Upper case MMM-YY List - Text	Text		
4	7	5	7	6	6	5							
R	1799	0028612	29505	0000000	000000	000000	00000			235,816.00		Jul-10	Incr - Fed Other DOJ-JAG
R	1799	0028612	63280	0000000	000000	000000	00000	153,093.00				Jul-10	Incr - Contracts
R	1799	0028612	73681	0000000	000000	000000	00000	17,988.00				Jul-10	Incr - Prob services
R	1799	0028612	73682	0000000	000000	000000	00000	64,735.00				Jul-10	Incr - Sheriff services
Totals:								235,816.00	235,816.00				

Explanation: Establish revenue and expense appropriations for 2010 JAG grant. Funding will be used to reimburse Modesto PD for OT costs and reimburse the Sheriff and Probation a portion of salary & benefit cost for 1 year.

Requesting Department		CEO	Data Entry		Auditors Office Only	
Dan Wirtz			Keyed by	Prepared By		Approved By
Signature		Signature			5/27/10	Date
5/10/2010		05.20.10				
Date		Date	Date	Date		



CITY OF MODESTO
COUNCIL AGENDA REPORT

DATE OF MEETING:
May 25, 2010

Date: May 4, 2010

TO: Mayor & City Council

THROUGH: Greg Nyhoff, City Manager

FROM: Michael G. Harden, Chief of Police

SUBJECT: Approving the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: FY 2010 Local Solicitation Award.

CONTACT: Michael G. Harden, Chief of Police, hardenm@modestopd.com, 572-9501

DESCRIPTION:

Consider (i) a Resolution approving the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application for funding through the Edward Byrne Justice Assistance Grant (JAG) Formula Program in the amount of \$235,816, and (ii) amending the Multi-Year 2010/11 Operating Budget, estimating revenue of \$157,828, upon acceptance of the grant. (Funding Source: Grant Revenue)

FISCAL IMPACT:

The City of Modesto Police Department is considered a "disparate" allocation under the terms of this grant because the City is eligible to receive one and one-half times more than the County (150% more than the County with concurrent jurisdiction). Jurisdictions certified as disparate must identify a fiscal agent that will submit a single, joint application for the total eligible allocation. Therefore, the City of Modesto Police Department and Stanislaus County are required to submit a joint application for the total eligible allocation of \$235,816

Under the grant, the City of Modesto Police Department is eligible to apply for \$157,828 and Stanislaus County is eligible to apply for \$77,988 to be shared between Stanislaus County Sheriff, Probation, and the District Attorney's Office.

Recommended distribution of the 2010 JAG funds is as follows:

Probation	\$ 17,988
Sheriff	\$ 60,000
Sheriff (Administrative Fee)	\$ 4,735
Modesto Police Department	\$153,093

There is no match required for this grant. 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. Stanislaus County will be the fiscal agent for this grant. The County will charge the City a three percent (3%) administrative

fee in the amount of \$4,735 to cover the reporting costs associated with the grant. The administrative fee reduces the City's total projected grant award to \$153,093 (\$157,828 less the 3% administrative fee of \$4,735). The budget adjustment is attached.

BACKGROUND:

On April 27, 2010, the U.S. Department of Justice announced that the U.S. Department of Justice, Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) was seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This is funding separate from the American Recovery and Reinvestment Act (ARRA) public safety grants.

The allocation of JAG grants is based on a formula of population and violent crime statistics, in combination with a minimum allocation to ensure that each state and territory receives an appropriate share of funding. 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. 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.

Beginning in 2009, the formula calculation for the local portion of the JAG statute changed significantly as a result of final implementation of the JAG statute. The statute, 42 USC 3755(d)(2)(B), specifies that for Fiscal Years 2005 through 2008, local government allocations would follow the Local Law Enforcement Block Grant (LLEBG) formula. Pursuant to the statute, however, calculations for FY 2009 (and subsequent JAG calculations) require that local governments must have submitted to the FBI at least three years of Uniform Crime Report (UCR) data during the most-recent ten-year period for which UCR data are available (here, 1999-2008) in order to be eligible.

The City of Modesto will use its allocation to offset police overtime costs. The Stanislaus County Sheriff's Department will disburse its allocated funding of \$77,988 between the Probation Department and Sheriff's Operations Division. The Stanislaus County Sheriff's Department funding will support a portion of a Deputy Sheriff position assigned as a School Resource Officer for the Tuolumne Elementary School. The Probation Department plans to use their \$17,988 to fund a portion of a Deputy Probation Officer for the Domestic Violence Program. Both positions would be funded for a one-year period.

The grant requires that a trust fund must be established for fund deposits. The trust fund may or may not be an interest-bearing account. Funds from any award cannot be comingled with funds from any other source.

The Agreement states that the City agrees to provide the County a quarterly financial and programmatic report not later than five calendar days after the end of the quarter.

The project start period is July 1, 2010, and there is a statutory four-year period within which to spend funds. The signed Memorandum of Agreement is required for the application which is due June 30, 2010.

COMMITTEE RECOMMENDATION:

This item was not presented to a Council Committee. This item is scheduled to go to the Board of Supervisors on May 25, 2010 for approval as the fiscal agent.

STRATEGIC PLAN ELEMENT:

Application for this grant enhances City Council Draft Police Strategic Plan:

Goal 1: Deploy resources that reduce crime and make Modesto a safe and vibrant community.

RECOMMENDED COUNCIL ACTION:

Resolution approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program FY 2010 Local Solicitation authorizing a joint application with the County of Stanislaus, and authorizing the City Manager, or his designee, to execute the grant application upon award.

Resolution amending the Multi-Year 2010/11 Operating Budget, estimating revenue of \$157,828 to the City of Modesto, and appropriating funds in organization **0420-190-2001**, upon acceptance of the grant.

Approved by:

Michael G. Harden, Chief of Police

Greg Nyhoff, City Manager

Attachments:

1. Budget Adjustment
2. Memorandum of Agreement
3. Resolutions