

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

June 9, 2020

FROM

GARY McBRIDE, Chief Executive Officer, County Administrative Office

SUBJECT

Application for the 2019 Edward Byrne Memorial Justice Assistance Grant Program

RECOMMENDATION(S)

1. Ratify action by the Chief Executive Officer to submit a grant application in the amount of \$637,997 to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for the 2019 Edward Byrne Memorial Justice Assistance Grant Program, from October 1, 2018 through September 30, 2022, by the Chair of the Law and Justice Group, or his or her designee, on August 23, 2019.
2. Approve the Memorandum of Understanding, **(County Contract No. 20-381)** as required by the grant, with the Town of Apple Valley, and the Cities of Adelanto, Barstow, Chino, Colton, Fontana, Hesperia, Highland, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Victorville.
3. Direct the Chair of the Law and Justice Group, or his or her designee, to transmit all documents and amendments in relation to this grant application to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: G. Christopher Gardner, Public Defender and Law and Justice Group Chair, 382-7650)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). Overall grant revenue expected to result from this application is \$637,997, of which \$60,214 will be used specifically for County projects. The Memorandum of Understanding (MOU) also provides for an additional administrative fee of \$31,900, which will be used to offset administrative costs within the Law and Justice Group (Group). If submission of the grant application is ratified, as recommended, the grant award in the amount of \$637,997 will be accepted and distributed as follows: \$545,883 will be passed through to the sixteen (16) local municipalities participating in the grant program and \$92,114 will be retained by the County (\$60,214 for County projects and \$31,900 allocation to the Group for the cost of administering the grant).

Appropriation and revenue adjustments will be presented to the Board of Supervisors (Board) for approval at a future date. No matching funds are required. The Group will request the Board accept the grant award though a separate item on today's agenda.

BACKGROUND INFORMATION

The U.S. Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance announces the availability of grant funds to state and local units of government through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program annually. The County of San Bernardino (County) has participated in the JAG program since 2005. This program provides funding to state and local governments for support of a broad range of activities intended to prevent and control crime and improve the criminal justice system. Distribution of funds by the federal government is calculated using a formula, which considers both population and crime statistics. Awards are subject to the availability of appropriated funds.

A disparate allocation occurs when the allocation to one city is more than 150% of the county's allocation, or when the total of cities combined exceeds 400% of the county's; jurisdictions certified as disparate must submit a joint application for the aggregate of funds allocated. The 2019 program funding certifies that the County, the Town of Apple Valley, and the Cities of Adelanto, Barstow, Chino, Colton, Fontana, Hesperia, Highland, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Victorville (the 16 entities are collectively referred to as "Town and Cities") qualify as disparate jurisdictions; therefore, a joint application for the aggregate funds is required. DOJ requires disparate jurisdictions to enter into an MOU that outlines who will serve as the applicant/fiscal agent for the joint funds.

The proposed MOU meets the JAG requirement and provides the County will serve as the fiscal agent to administer the grant funding. The MOU enables the County to reduce each recipient's allocation by 5% (a total of \$31,900), which represents an administrative fee charged by the County. The County will be responsible for tracking performance measures, preparation and submittal of financial reports, budget review, evaluation of expenditure plans, and the coordination of all pass-through amounts. The MOU provides for allocation to the Town and Cities in the aggregate amount of \$545,883 and to the County in the amount of \$60,214 for use by the County's law and justice departments (District Attorney, Probation, Public Defender, and Sheriff).

The JAG 2019 grant solicitation was released on July 25, 2019, and was due August 23, 2019. The term of this grant, as set by the federal government, has a retroactive start date of October 1, 2018; the County, Town and Cities may claim expenditures as of October 1, 2018. The solicitation requires the application be available for public comment prior to submission. This requirement is satisfied by bringing this ratification item before the Board. At the time of the application deadline, the County had not accepted the two previous years' JAG grant awards due to concerns regarding additional legal clauses added by the DOJ to the federal awards agreements, and additional certifications and assurances required of the applicant governments.

In order to not miss the opportunity for JAG 2019 funding, a nominal, draft application was prepared. The Chief Executive Officer approved submission of the grant application to the DOJ, and authorized the Chair of the Law and Justice Group, or his or her designee to electronically submit the application prior to the application deadline. The Department is requesting ratification of the Chief Executive Officer's action. This grant was subsequently awarded by DOJ, subject to approval by the Board.

Resolution of the County's legal concerns has been addressed through the strikeout of specific agreement clauses and the additional certifications and assurances. The Group will seek Board

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approval with a second item on today's agenda to accept the JAG 2017, 2018, and 2019 awards, in accordance with County Policy 05-13.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5437) on May 21, 2020; Law and Justice Group (G. Christopher Gardner, Public Defender and Law and Justice Group Chair, 382-7650) on May 21, 2020; Finance (Allegra Pajot, Administrative Analyst, 387-5005) on May 15, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on May 21, 2020.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 9, 2020



cc: L&J- Gardner w/agree for sign
Contractor- C/O L&J w/agree
File- w/agree w/attach
la 06/12/2020