

**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

Grant Awards from the U.S. Department of Justice for the 2017, 2018, and 2019 Edward Byrne Memorial Justice Assistance Grant Program

RECOMMENDATION(S)

1. Accept a grant award (**County Contract No. 20-408**) (Award 2017-DJ-BX-0991) from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, under the 2017 Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$611,642, for the period of October 1, 2016 through September 30, 2020.
2. Accept a grant award (**County Contract No. 20-409**) (Award 2018-DJ-BX-0650) from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, under the 2018 Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$638,246, for the period of October 1, 2017 through September 30, 2021.
3. Accept a grant award (**County Contract No. 20-410**) (Award 2019-DJ-BX-0699) from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, under the 2019 Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$637,997, for the period of October 1, 2018 through September 30, 2022.
4. Authorize the Chair of the Law and Justice Group, or his or her designee, as required by the Edward Byrne Memorial Justice Assistance Grant Program, to electronically submit all documents and forms required for acceptance of the JAG 2017 grant.
5. Authorize the Chair of the Law and Justice Group, or his or her designee, as required by the Edward Byrne Memorial Justice Assistance Grant Program, to electronically submit all documents and forms required for acceptance of the JAG 2018 grant.
6. Authorize the Chair of the Law and Justice Group, or his or her designee, as required by the Edward Byrne Memorial Justice Assistance Grant Program, to electronically submit all documents and forms required for acceptance of the JAG 2019 grant.
7. Approve individual sub-award grant **Agreements**, as required by the Edward Byrne Memorial Justice Assistance Grant Program, with the sixteen cities participating in the 2017 Edward Byrne Memorial Justice Assistance Grant Program, for the period of October 1, 2016, through September 30, 2020.

City of Adelanto Contract No. 20-411	City of Montclair Contract No. 20-419
Town of Apple Valley Contract No. 20-412	City of Ontario Contract No. 20-420
City of Barstow Contract No. 20-413	City of Rancho Cucamonga Contract No. 20-421
City of Chino Contract No. 20-414	City of Redlands Contract No. 20-422
City of Colton Contract No. 20-415	City of Rialto Contract No. 20-423
City of Fontana Contract No. 20-416	City of San Bernardino Contract No. 20-424
City of Hesperia Contract No. 20-417	City of Upland Contract No. 20-425
City of Highland Contract No. 20-418	City of Victorville Contract No. 20-426

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8. Approve individual sub-award grant **Agreements**, as required by the Edward Byrne Memorial Justice Assistance Grant Program, with the sixteen cities participating in the 2018 Edward Byrne Memorial Justice Assistance Grant Program, for the period of October 1, 2017, through September 30, 2021.

City of Adelanto Contract No. 20-427	City of Montclair Contract No. 20-435
Town of Apple Valley Contract No. 20-428	City of Ontario Contract No. 20-436
City of Barstow Contract No. 20-429	City of Rancho Cucamonga Contract No. 20-437
City of Chino Contract No. 20-430	City of Redlands Contract No. 20-438
City of Colton Contract No. 20-431	City of Rialto Contract No. 20-439
City of Fontana Contract No. 20-432	City of San Bernardino Contract No. 20-440
City of Hesperia Contract No. 20-433	City of Upland Contract No. 20-441
City of Highland Contract No. 20-434	City of Victorville Contract No. 20-442

9. Approve individual sub-award grant **Agreements**, as required by the Edward Byrne Memorial Justice Assistance Grant Program, with the sixteen cities participating in the 2019 Edward Byrne Memorial Justice Assistance Grant Program, for the period of October 1, 2018, through September 30, 2022.

City of Adelanto Contract No. 20-443	City of Montclair Contract No. 20-451
Town of Apple Valley Contract No. 20-444	City of Ontario Contract No. 20-452
City of Barstow Contract No. 20-445	City of Rancho Cucamonga Contract No. 20-453
City of Chino Contract No. 20-446	City of Redlands Contract No. 20-454
City of Colton Contract No. 20-447	City of Rialto Contract No. 20-455
City of Fontana Contract No. 20-448	City of San Bernardino Contract No. 20-456
City of Hesperia Contract No. 20-449	City of Upland Contract No. 20-457
City of Highland Contract No. 20-450	City of Victorville Contract No. 20-458

10. Authorize the Chair of the Law and Justice Group to execute the individual sub-award grant agreements for the JAG 2017 grant.
11. Authorize the Chair of the Law and Justice Group to execute the individual sub-award grant agreements for the JAG 2018 grant.
12. Authorize the Chair of the Law and Justice Group to execute the individual sub-award grant agreements for the JAG 2019 grant.
13. Direct the Chair of the Law and Justice Group, or his or her designee, to transmit all documents and amendments in relation to the grant award agreements and the sub-award grant agreements 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); no matching funds are required. The County will receive a total of \$291,013 (\$196,616 for specific County projects and \$94,397 for grant administration) detailed below. Appropriation and revenue adjustments will be included in a future item presented to the Board of Supervisors (Board) for approval.

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The JAG 2017 grant award in the amount of \$611,642 will be accepted and distributed as follows: \$511,326 will be passed through to the sixteen (16) local municipalities participating in the grant program and \$100,316 will be retained by the County (\$69,734 for County projects and \$30,582 will be allocated to the Law and Justice Group (Group) for the cost of administering the grant).

The JAG 2018 grant award in the amount of \$638,246 will be accepted and distributed as follows: \$539,663 will be passed through to the sixteen (16) local municipalities participating in the grant program and \$98,583 will be retained by the County (\$66,668 for County projects and \$31,915 will be allocated to the Group for the cost of administering the grant).

The JAG 2019 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 will be allocated to the Group for the cost of administering the grant).

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.

On August 22, 2017 (Item No. 35), the Board approved submission of a grant application in the amount of \$611,642 to DOJ for the JAG program. On August 21, 2018 (Item No. 33), the Board approved the submission of a grant application to DOJ in the amount of \$638,246 for the 2018 JAG program. On August 23, 2019, the Chief Executive Officer (CEO) approved submission of a grant application to DOJ in the amount of \$637,997 for the 2019 JAG program; a separate item on this agenda recommends ratification of the CEO's action.

Pursuant to the grant requirements, the County entered into Memorandums of Understanding 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 (Town and Cities), to share each of the respective JAG grants. The County will release pass-through funds to the Town and Cities (\$511,326 for JAG 2017, \$539,663 for JAG 2018, and \$545,883 for JAG 2019). The agreements also designate the County to serve as the applicant/fiscal agent for the administration of the joint funds. A five percent (5%) administrative fee (\$30,582 for JAG 2017, \$31,915 for JAG 2018, and \$31,900 for JAG 2019) will be retained by the County for use by the Group to fund administrative costs over each four-year grant term.

The JAG program further requires participating jurisdictions receiving grant funds to execute sub-award grant agreements in order to acknowledge receipt of the federal award information and applicable compliance requirements, including special conditions for each sub-award. By entering into the sub-award grant agreements, the participating entities agree to undertake and

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carry out activities delineated by each grant award, and to the conditions or limitations set forth in each grant award.

The JAG 2019 grant solicitation was released on July 25, 2019 and was due August 23, 2019. At the time of the application deadline, the County had not accepted the JAG 2017 and JAG 2018 grant awards due to legal concerns regarding clauses added by the DOJ to the federal awards agreements and additional certifications and assurances required of the applicant governments. On December 17, 2018, the County formally requested a time extension from DOJ to accept the JAG awards for 2017 and 2018, due to the State of California's pending litigation related to immigration-enforcement requirements; ambiguities related to the full extent of the County's oversight responsibilities, as primary recipient, for grant subrecipients; and ambiguities related to how DOJ might use or enforce any or all of the award conditions. The requests for extension were subsequently approved by DOJ. In order to not miss the opportunity for JAG 2019 funding, a nominal, draft application was submitted electronically prior to the application deadline, as authorized by the CEO.

On November 2, 2018, DOJ sent notice that the 2017 grant application was approved for funding in the amount of \$626,025. The period of performance of this grant is October 1, 2016 to September 30, 2020. The term allows the participating jurisdictions to claim expenditures during the entire grant period, if necessary. The Group also plans to request a one-year extension on the grant end-date. On November 16, 2018, DOJ sent notice that the 2018 grant application was approved for funding in the amount of \$626,025. The period of performance of this grant is October 1, 2017 to September 30, 2021. On September 18, 2019, DOJ sent notice that the 2019 grant application was approved for funding in the amount of \$626,025. The period of performance of this grant is October 1, 2018 to September 30, 2022.

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 is requesting retroactive Board approval of the JAG 2017, JAG 2018, and JAG 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
la 06/18/2020