



San Bernardino County

Legislation Text

File #: 900, Agenda Item #: 29

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

August 20, 2019

FROM

GARY McBRIDE, Chief Executive Officer, County Administrative Office

SUBJECT

Delegation of Authority to Sign the Equitable Sharing Agreement and Certification Form

RECOMMENDATION(S)

Delegate authority to the Chief Executive Officer to sign the Equitable Sharing Agreement and Certification Form on an on-going annual basis, on behalf of the County as the governing body, subject to review by County Counsel.

(Presenter: Gary McBride, Chief Executive Officer, 387-5417)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

The approval of this item will not result in the use of Discretionary General Funding (Net County Cost). There is no cost associated with the delegation of authority to the Chief Executive Officer (CEO) to sign the Equitable Sharing Agreement and Certification Form (ESAC). The County receives asset forfeiture funds through equitable sharing as a participant of the Department of Justice and Department of the Treasury Equitable Sharing Programs, which requires an annual submission of the ESAC.

BACKGROUND INFORMATION

The Department of Justice and Department of the Treasury Equitable Sharing Programs (Programs) are law enforcement programs which remove the tools of crime from criminal organizations and recover property that may be used to compensate victims and deter crime. State and local law enforcement agencies may choose to participate in the Programs for the benefit of potentially sharing federal forfeiture proceeds through equitable sharing. The Programs are designed to supplement and enhance, not supplant, agency resources.

As a participating agency of the Programs, the County must file an ESAC on an annual basis regardless of whether funds were received or maintained during the fiscal year, in order to maintain compliance. The ESAC must be reviewed and approved by the head of the law enforcement agency and the designated official of the governing body prior to submission. By approving the ESAC, the signatories agree to be bound by the statutes and guidelines that regulate the Programs and certify that the law enforcement agency will comply with these guidelines and statutes.

The Department of Justice and the Department of the Treasury are two separate federal agencies with two separate forfeiture funds. However, the Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (Guide) applies to both programs. The Guide details the allowable and unallowable uses of forfeiture proceeds and reporting requirements in order to ensure the integrity of the Programs.

The Equitable Sharing Agreement that is part of the Certification requires that the agreement must be signed by the head of the agency (such as a police chief or sheriff, among others) and by the head of the governing body (such as a city manager or county executive, among others). Approval of the recommendation will authorize the County Chief Executive Officer to execute the agreement on an on-going annual basis on behalf of the County as the governing body, subject to prior review by County Counsel.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Penny Alexander-Kelley, Chief Assistant County Counsel, 387-5455) on August 15, 2019; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on August 15, 2019; Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on August 15, 2019.