

APPLICATION FOR

1. TYPE OF SUBMISSION Application Non-Construction		2. DATE SUBMITTED 03/02/2006	APPLICATION IDENTIFIER	
		3. DATE RECEIVED BY STATE	STATE APPLICATION IDENTIFIER	
		4. DATE RECEIVED BY FEDERAL AGENCY	FEDERAL IDENTIFIER	
5. APPLICANT INFORMATION				
Legal Name City of Fresno		Organizational Unit City of Fresno		
Address (city, state, and zip code) 2600 Fresno Street Fresno, California 93721-3620		Name and telephone number of the person to be contacted on matters involving this application Judy Garcia (559) 621-2053		
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 94-6000338		7. TYPE OF APPLICANT Municipal		
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE Number: 16.738 CFDA Title: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Law Enforcement Augmentation Program through the acquisition of essential officer safety equipment, supplies and professional support services		
12. AREAS AFFECTED BY PROJECT Fresno County and Fresno City				
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICT(S) OF		
Start Date: 07/01/2006	Ending Date: 06/30/2010	a. Applicant CA21	b. Project CA21	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?		
a. Federal	\$313,389	Program has not been selected by state for review		
b. Applicant	\$0			
c. State	\$0			
d. Local	\$0			
e. Other	\$0			
f. Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?		
g. Total	\$313,389	N		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.				
a. Typed Name of Authorized Representative Andrew Souza		b. Title City Manager		c. Telephone number (559) 621-7780
d. Signature of Authorized Representative		e. Date Signed		

Previous Editions Not Usable

Standard Form 424 (Rev 4-88)
Prescribed by OMB Circular A-102

REVIEW NARRATIVE

Considering the time frame of the solicitation and requirements for governing board notification, and although the application is submitted herein on March 2, 2006, our 30 requirement will be met by April 21st to allow for all governing board review.

The City of Fresno, through the Chief of Police, will go before council on March 14, 2006. A staff report and spending plan will be heard at a public council meeting, providing an opportunity for public comment. The grant application and all related material will be made available for review. Additionally a tray memo to the Mayor, City Manager and council to inform them of the application, and the proposed purchase of equipment will be sent March 7, 2006.

Similarly the County of Fresno, through the Sheriff's Office, will submit to their County Board of Supervisors a JAG spending plan on March 21, 2006. The application with spending plan will be presented to the Board via a scheduled agenda item also providing an opportunity for public comment.

All such agenda items are made available to the public and listed on respective web sites, additionally these items are open to public comment.

COUNTY PROFILE

Fresno is the center of the growing San Joaquin Valley, and the major agricultural region in the nation. The City of Fresno is the 6th largest city in California, the county seat for Fresno County, and represents the center for all commerce, trade, and entertainment in the entire county. Fresno County has a total *population of 826,600 with a population of 441,900 in the City of Fresno alone. According to the 2002 Uniform Crime Report, Fresno has the second highest crime rate per capita in the State of California.

PROGRAM INFORMATION

Law enforcement Agencies have become increasingly dependent on the award of grant funds to augment some of the most fundamental law enforcement needs. As State and Federal funds shift and local discretionary funds continue to decline, basic law enforcement efforts are jeopardized, wherein citizen safety as well as officer safety becomes a greater concern. In addition to the fiscal crisis, crime continues in Fresno County placing a strain on law enforcement resources and infrastructure. Jointly Fresno City and Fresno County have identified various equipment and law enforcement needs inherent in their respective agencies to augment the mission of providing a professional and timely response to crime while insuring the safety of officers and citizens. The requested equipment will augment law enforcement programs in the areas of patrol, undercover detective operations, officer safety, security, emergency response, investigations, training, and intelligence.

AGENCY PROFILES

The *Fresno County Sheriff's Department* includes patrol, investigations, crime scene evaluation, emergency and disaster operation management, search and rescue operations, prevention and intervention programs, court services, detention and rehabilitation programs. In addition, the Sheriff is the mutual aid coordinator for the surrounding region and is responsible for incident command during a major event, including those involving terrorist activities. The agency serves a total population of approximately 195,000 residents, which includes contracted police services for the cities of Mendota, Orange Cove, and San Joaquin. The Sheriff's Department patrols more than 6,000 square miles of Central California with a diversity of terrain that varies from open farm lands of the western county to rugged mountain peaks of over 11,000 feet to the East in the Sierra Nevada mountain range. The Sheriff's Department operates four detention facilities that house and care for an average daily population of 3,147 inmates. The Sheriff's Department delivers field services to county residents from four rural substations, which utilize Community Oriented Policing methods to better serve the community. Equipment to be purchased by virtue of the Justice Assistance Grant enhances this law enforcement agency's ability to provide professional, efficient and timely services to the community, thereby helping to meet the ever increasing operational demands. The equipment recommended for purchase includes:

The purchase of equipment to upgrade operational capabilities of Sheriff's Emergency Operations Center (EOC) to include satellite receivers, digital video recorders and monitors, will allow for department wide viewing of any incident being monitored in

the Emergency Operations Center from remote sites coordinating event response procedures.

The purchase of a Camtasia DVD training software allows for interactive discretionary decision making training by department personnel. This software will allow deputies to receive DVD based training while attending briefings.

The vehicle dollies will be used to process automobiles for evidence as well as allow crime scene personnel to easily move vehicles around to facilitate evidence processing. Increased storage capacity is needed to alleviate overcrowded storage facilities. Storage hangers for evidence maintenance will allow the property custodians to store property off the floor.

The K-9 unit is in need of a new canine to replace a retired dog. This will include costs for handler, training and recertification. The replacement of the retired canine will allow the department to maintain its current level of dogs.

Upgrades and modifications to the department's Remotec Andros Robot, including shipping to and return from Remotec in Tennessee. This will include rewiring and new electronics to allow for use of Fox Ray x-ray equipment. This also includes additional and upgraded camera equipment to include color tilt/pan camera systems to facilitate use in hostage situations. The Bomb Truck and trailer are in need of minimal upgrades and modifications. These modifications include new cabinets, storage racks, ramp system, and external antenna system to facilitate wireless robot use. Includes trailer modification to provide for added capacity for storage and use with department robot.

The department helicopter is in need of repairs, parts and components as part of necessary ongoing airworthiness maintenance. These parts are required to maintain the current level of air support to our department and the other agencies within the operations area.

Patrol briefings play a critical role in the duties of an officer, for essential information and training. The purchase of an LCD projector which will connect to a computer and allow for power point presentations at patrol briefings will greatly aid in the increased flow of information to the deputies in the field.

The *City of Fresno Police Department (FPD)* consists of an authorized 1,212 personnel, including 804 sworn officers and 408 non-sworn employees. The Department is organized into five divisions: Chief's Office, Administrative Services, Patrol, Patrol Support, and Investigative Services. The Chief's office includes the Professional Standards Unit, the Public Information Office and the Police Chaplaincy; Investigative Services consists of four bureaus including Internal Affairs, Technical Services, Special Investigations, and Criminal Investigations. The FPD is a professional organization that prides itself in delivering the highest level of quality service possible as attested to by the recent CALEA accreditation. On July 30, 2005 FPD received CALEA accreditation. CALEA stands for the Commission on Accreditation for Law Enforcement Agencies. The International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, National Sheriffs' Association and Police Executive Research Forum established CALEA in 1979 as an independent accrediting authority. Accreditation by this organization is a highly prized recognition of law enforcement

professional excellence. The Fresno Police Department is the largest municipal law enforcement agency in California to achieve this award. To achieve accreditation status, the Fresno Police Department had to comply with 388 internationally accepted standards for the operation of police organizations. FPD employees care about the Fresno community and strive to serve with professionalism, compassion, honesty, and sincerity. Members of the Fresno Police Department will do all they can to reduce crime through prevention, intervention, enforcement, investigative, and problem solving efforts, and will work closely with the community and allied agencies to accomplish this objective. As a result of our efforts on policing, and relationships of trust with the community Fresno's crime index for 2004 was at a 33 year low. Although this decrease is a welcomed sight, we must remain vigilant in our fight against crime and never become complacent.

Crime may be on a decline, yet Fresno still has one of the highest rates of auto theft in the nation. In 2004, there were 253,041 stolen vehicles in California and a total of 5,245 vehicles in Fresno. Additionally, it is proven that stolen vehicles are used to commit other crimes such as robberies, thefts, violent crimes or acts of terrorism. Within the law enforcement industry, identification of license plates has long been an accepted method for locating wanted vehicles and suspects. The problem with traditional methods has been the inability to obtain vehicle plate information from moving vehicles, from vehicles in bad weather or poorly lighted settings. Obtaining responses to license plate data is often slow and the manual recording of license plate information often contains errors. To assist in the deterring auto theft, FPD has identified PIPS technology that incorporates the use of the Automatic License Plate Recognition (ALPR) technology into

fixed, mobile and portable systems for the law enforcement industry. The results have been impressive with officials now able to automatically capture, recognize and match vehicle plates against wanted lists or conduct surveillance in any environmental setting under any lighting condition. The results are virtually instantaneous, meaning an officer is alerted the moment the system focuses on the plate of a vehicle that has been reported stolen. With infrared capacity, the cameras can be used in the dark.

Like every law enforcement agency in the nation, the Fresno Police Department has become overwhelmed with crimes related to high technology. These crimes include the use of computers to commit a wide variety of fraud such as Identity Theft and other internet-related crimes including the distribution of child pornography and the hosting of international business scams. The expansion of the Fresno Police Department's computer forensic capability is crucial to keeping pace with the modern criminal.

In order to achieve the Police Department's goal of reducing property crimes by 3% from 2005, we will need to increase the clearance rate of workable cases through investigation, arrest and vigorous prosecution, especially in the specific area of Identity Theft. In addition to crime reduction, increasing clearance rates and efficiencies associated with better community responsiveness and reduced work load, the Police Department can achieve improved service to the community and improved financial management of resources through increased use of technology.

Throughout the nation one of the most effective means of addressing the growing menace of high tech crimes is formation of a High Tech Crimes Task Force which is comprised of State, local and Federal agencies. The task force model would considerably

expand the Fresno Police Department's ability to investigate high tech crimes and better serve our victimized community who are affected at every socioeconomic.

Additional equipment identified for this project are dual band radios which provide interoperability voice communications between all allied agencies. These radios will be programmable for use in mutual aid situations with other agency frequencies and will be used to equip undercover surveillance vehicles, critical for detective's ongoing investigations. Tactical sling for rifles will allow officer's to transition from left to right with ease, keeping the charging handle of the rifle clear for immediate action. Side saddle shotguns provide additional capabilities by adding 6 rounds making the shotgun more versatile. The traffic unit addresses traffic issues through a variety of educational venues. A traffic storage shed is greatly needed to house this equipment. Traffic enforcement efforts play a critical role in reducing fatal collisions. The SWAT Team is deployed an average of eight times, annually, to assist patrol officers and investigators in the arrest of barricaded and armed offenders who refuse to surrender. Noise/Flash Diversional Devices, commonly called "flash bangs," are an important piece of equipment that provide a bright flash of light followed by immediately by a loud noise. Flash bangs save lives and reduce the potential for shooting situations by providing a diversion for the movement of SWAT team members into hazardous areas. Annually, the FPD SWAT team uses an average of seven flash bangs when deployed at actual calls and a total of forty (40) flash bangs during training and demonstrations.

Officer Safety is a critical component of law enforcement services. Ongoing training in officer safety skills including emergency driving, verbal interaction, arrest and

control, and force applications all must be continually reinforced to ensure that officers can take appropriate and safe action in the field.

The use of this grant money will assist in development of specific perishable skills training and identify the need for skills training for law enforcement personnel in the Central Valley. A consultant will be hired to assess the effectiveness of present training, identify trends and effective techniques, and develop core training courses that minimize risk will maximizing effective police practices. These skills, once developed, also decrease the risk to public safety when officers must participate in emergency vehicle operations, employ weapons systems, and when firearms are utilized to protect persons form immanent harm.

Once these skills courses are identified, the Fresno Police Department will develop specific courses, certified through the Commission on Peace Officer Standards and Training, for presentation to officers throughout California. Additionally, this information will be used to identify critical training components for the development of a Regional Law Enforcement Training Facility.

Additionally, in our efforts to enhance officer safety, we propose a video surveillance system that will be fed into the duty office, which is staffed 24 hrs a day/ 7 days a week. Currently, our prisoner unloading area is at the basement level of police headquarters. When officers remove suspects from their vehicles they are out of view of fellow officers and the public. In the past, there have been occasions where suspects have attacked officers while in this area. Duty officers will monitor the system and immediately report suspicious activity or disturbances to beat officers in the area. This

same type of video system will also be provided for three district stations equipped with front lobby areas.

In 2004 a total of 419,516 calls for services were reported, of this 29,935 were part I violent crimes as reportable by the FBI crime index. Given these statistics and the ever increasing population in Fresno it is crucial to have an adequate ratio of sworn officers per household. The desired average officer per household is two; Fresno is well below this average. Recruiting new police officers into the law enforcement profession has become increasingly difficult for most law enforcement agencies. The Fresno Police Department is no different, competing with other departments to attract police recruits from a pool that is shrinking every year. Agencies have become very creative in their attempts to attract the highest quality candidates. This process has become extremely competitive, and there is a need to develop a formalized recruiting campaign to attract recruits to our agency. We need to look beyond the typical strategy of recruiting at police academies and job fairs and develop a plan to reach out to a broader segment of the community, "casting a wider net," so to speak. The development of an effective recruiting plan will require the services of a professional marketing firm. This will allow us to create a cohesive plan that gives the appearance of a professional, well organized, progressive police department.

SUMMARY

The Law enforcement Effort Augmentation Program will serve both agencies with resources needed in many areas of law enforcement to continue to combat crime in our communities. As funding sources decline law enforcement agencies are being

challenged in finding funds to support some of the most basic needs to sworn personnel. This project will assist the City and County of Fresno by providing necessary equipment for officers, criminal investigations, prisoner processing security, explosive device handling, auto theft recognition, tools for recruitment of qualified sworn officers, training capabilities, emergency response, forensic technology and radio communication equipment for detectives.

The City and County of Fresno have various critical law enforcement operational needs that have been left unbudgeted within their respective local budgets. In order to meet the goals and objectives of our mission to safeguard our community, this equipment is critical to overall operations.

BUDGET NARRATIVE

Personnel: n/a

Operating Expenses/Travel: n/a

Equipment:

▪ **City of Fresno – Police Department Equipment List**

1. Forensic software and equipment will be used in the detection and recovery of digital evidence for a wide variety of high tech crimes including Identity Theft, Child Pornography and Felony Fraud.

This software will expand the Department's investigative capability and increase resource capacity while demonstrating fiscal prudence. This includes expanded capacity and capability for digital video analysis and application to a wide variety of e-VIEW and video policing technologies.

Allocation **\$ 35,000**

2. It is proven that stolen vehicles are used to commit other crimes such as robberies, thefts, violent crimes, or acts of terrorism. Within the law enforcement industry, identification of license plates has long been an accepted method for locating wanted vehicles and suspects. The problem with traditional methods has been the inability to obtain vehicle plate information from moving vehicles, from vehicles in bad weather, or poorly lighted settings. Obtaining responses to license plate data is often slow, and the manual recording of license plate information often contains errors. To assist in the deterring auto theft, FPD has identified PIPS technology that incorporates the use of the Automatic License Plate Recognition (ALPR) technology into fixed, mobile and portable systems for the law enforcement industry. The results have been impressive with officials now able to automatically capture, recognize and match vehicle plates against wanted lists or conduct surveillance in any environmental setting under any lighting condition. The results are virtually instantaneous, meaning an officer is alerted the moment the system focuses on the plate of a vehicle that has been reported stolen. With infrared capacity, the cameras can be used in the dark.

Allocation **\$ 29,700**

2. The additional capabilities of a sidesaddle, to all lethal shotguns, would add six (6) rounds making the shotguns more versatile. The Remington 870 shotgun, with a sidesaddle, will fit in the current lethal shotgun secure lock system in Department patrol cars. There are 240 Remington 870 shotguns, currently deployed in the field as lethal weapons that need to be outfitted with a sidesaddle.

Allocation **\$ 6,528**

4. Officer safety is a paramount concern, for the Fresno Police Department. The current sling, found on the Department's Colt AR-15A3 rifles, is not used in many cases due to its ineffectiveness. The MOUT sling, by Specter Gear (Visalia, CA) was field tested with excellent results. The MOUT sling is a one-point attachment with a quick release. The sling allows officers to transition from left to right with ease. The current sling does not allow transition, quick release, and blocks the charging handle. There are 158 Colt rifles, currently deployed in the field that need to be outfitted with an MOUT sling and sling attachment.
- Allocation **\$ 7,800**

5. From 2000 to 2006 SWAT responded to 45 incidents, 21 involved flash bangs. From 2005 to 2006 SWAT responded to 15 incidents, 10 involved flash bangs. For each call involving flash bangs, 3 to 6 were used.

Approximately six (6) to ten (10) flash bangs are used each quarter for training and demonstrations. It is estimated that, for FY 07, 60 to 80 flash bangs will be used.

Allocation: **\$ 5,100**

6. Dual bands radios allow for interoperability voice communications between all allied agencies. They are programmable for use in mutual aid situations with other agency frequencies. This will assist in equipping undercover surveillance vehicles for detectives.

Allocation: **\$ 35,000**

7. This storage shed will be used, by the Traffic Unit, for storage of educational materials and equipment used for DUI, Seatbelt Safety, and other types of traffic safety education/enforcement.

Allocation: **\$ 5,000**

8. Currently, our prisoner unloading area is at the basement level of police headquarters. When officers remove suspects from their vehicles they are out of view of fellow officers and the public. In the past, there have been occasions where suspects have attacked officers while in this area. To bolster officer safety, we propose a video surveillance system that will be fed into the duty office, which is staffed 24 hrs a day/ 7 days a week. Duty officers will monitor the system and immediately report suspicious activity or disturbances to beat officers in the area. This same type of video system will also be provided for three district stations equipped with front lobby areas.

Allocation **\$ 17,100**

Total City of Fresno allocation \$251,228

▪ **County of Fresno – Sheriff's Department Equipment list**

1. Purchase of equipment to upgrade operational capabilities of Sheriff's Emergency Operations Center (EOC) to include satellite receivers, digital video recorders and monitors. Equipment will allow for department wide viewing of any incident being monitored in the Emergency Operations Center from remote sites coordinating event response procedures.
Allocation **\$ 13,000**
2. Purchase of Camtasia DVD training software allows for interactive discretionary decision making training by department personnel.
Allocation **\$ 1,000**
3. Purchase of (2) sets of vehicle dollies to process automobiles for evidence.
Allocation **\$ 1,661**
4. Purchase of storage hangers for evidence maintenance.
Allocation **\$ 1,000**
5. Purchase of (1) canine to replace retired dog. Includes costs for handler training and re-certification.
Allocation **\$ 10,5000**
6. Cost of upgrades and modifications to department's Remotec Andros Robot. Includes shipping to and return from Remotec in Tennessee. Includes rewiring and new electronics to allow the use of Fox Ray x-ray equipment. Also includes additional and upgraded camera equipment to include color tilt/pan camera systems to facilitate use in hostage situations.
Allocation **\$ 15,000**
7. Bomb Truck and trailer upgrades and modifications. Includes new cabinets, storage racks, ramp system, and external antenna system to facilitate wireless robot use. Includes modification to provide for added capacity for storage and use with department robot.
Allocation **\$ 10,000**
8. Purchase of necessary helicopter parts & components as part of necessary ongoing airworthiness maintenance.
Allocation **\$ 8,500**
9. Purchase of LCD projector to connect to computer to allow for Power Point presentations at patrol briefings.
Allocation **\$ 1,500**
- Total County of Fresno Allocation \$ 62,161**

Supplies: N/A

Consultant/Contracts:

▪ **City of Fresno – Consultant/Contracts**

1. Recruiting new police officers into the law enforcement profession has become increasingly difficult for most law enforcement agencies. The Fresno Police Department is no different, competing with other departments to attract police recruits from a pool that is shrinking every year. Agencies have become very creative in their attempts to attract the highest quality candidates. This process has become extremely competitive, and there is a need to develop a formalized recruiting campaign to attract recruits to our agency. We need to look beyond the typical strategy of recruiting at police academies and job fairs and develop a plan to reach out to a broader segment of the community, “casting a wider net,” so to speak.

The development of an effective recruiting plan will require the services of a professional marketing firm. This will allow us to create a cohesive plan that gives the appearance of a professional, well-organized, progressive police department. Included in this plan would be a recruiting web-site (separate from the city of Fresno’s web site), recruiting brochures, development of a DVD-based recruiting video, television and radio public service announcements, advertisements to be shown in movie theaters, business cards, and various signs, etc.

Allocation: **\$75,000**

2. Officer Safety is a critical component of law enforcement services. Ongoing training in officer safety skills including emergency driving, verbal interaction, arrest and control, and force applications all must be continually reinforced to ensure that officers can take appropriate and safe action in the field.

The use of this grant money will assist in development of specific perishable skills training and identify the need for skills training for law enforcement personnel in the Central Valley. A consultant will be hired to assess the effectiveness of present training, identify trends and effective techniques, and develop core training courses that minimize risk will maximizing effective police practices. These skills, once developed, also decrease the risk to public safety when officers must participate in emergency vehicle operations, employ weapons systems, and when firearms are utilized to protect persons form imminent harm.

Once these skills courses are identified, the Fresno Police Department will develop specific courses, certified through the Commission on Peace Officer Standards and Training, for presentation to officers throughout California. Additionally, this information will be used to identify critical training components for the development of a Regional Law Enforcement Training Facility.

Allocation **\$35,000**

BUDGET CATEGORY AND LINE-ITEM DETAIL

A. Personal Services - Salaries/Employee Benefits	Fiscal Year 2006-2007	Fiscal Year 2007-2008	Fiscal Year 2008-2009	Fiscal Year 2009-2010	Total
TOTAL					0
B. Operating Expenses/Travel					
TOTAL					0
C. Equipment					
<u>City of Fresno Police Department</u>					
1. Forensic Software and Equipment	35,000				
2. PIP license plate recognition system	29,700				
3. Shotgun side saddles	6,528				
4. Tactical sling for rifles	7,800				
5. Flash bangs/SWAT	5,100				
6. Dual band radios	35,000				
7. Storage shed for Traffic	5,000				
8. Prisoner unloading surveillance system	17,100				
TOTAL	141,228				141,228
<u>County of Fresno Sheriff's Office</u>					
1. Equipment to upgrade operational capabilities of Emergency Operations Center (EOC) (Satellite receivers, digital video recorders, and monitors)	13,000				
2. Camtasia DVD training software	1,000				
3. 2 sets vehicle dollies to process automobiles for evidence	1,661				
4. Storage hangers	1,000				
5. K-9 replacement & handler training/certification	10,500				
6. Andros Robot upgrades/modifications	15,000				
7. EOD truck & trailer upgrades – cabinets, storage, ramps	10,000				
8. Helicopter parts & equipment	8,500				
9. LCD projector	1,500				
TOTAL	62,161				62,161
D. Operating Expenses/Travel					
<u>City of Fresno Police Department</u>					
1. Recruitment for officers (brochures, media output, etc.)	37,500	37,500			75,000
2. Training Village Feasibility Study	17,500	17,500			35,000
TOTAL					110,000
PROJECT TOTAL					\$313,389

THE STATE OF CALIFORNIA

KNOW ALL BY THESE PRESENT

COUNTY OF FRESNO_

INTERLOCAL AGREEMENT

BETWEEN THE CITY OF FRESNO, AND COUNTY OF FRESNO, CA

2006 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement, which incorporates GMS Application Number 2006-F1900-CA-DJ including Certifications and Assurances, is made and entered into this 2nd day of March, 2006, by and between The COUNTY of Fresno , acting by and through its governing body, the County Board of Supervisors , hereinafter referred to as COUNTY, and the CITY of Fresno, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Fresno County, State of California, witnesseth:

WHEREAS, this Agreement is made under the authority of Section 930-930.6 Government Code: and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments only from current Program revenues annually appropriated and available to that party: and

WHEREAS, each governing body finds 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/allocation of funds fairly divides Program funding and compensates the performing party for the services or functions under this Agreement: and

WHEREAS, the CITY agrees to provide the COUNTY \$62,161 from the FY 2006 JAG award of \$313,389 for the Law Enforcement Program: and **WHEREAS**, the CITY and COUNTY believe it to be in their best interests to allocate the JAG funds as above.

NOW THEREFORE, in consideration of the above recitals which are contractual in nature, and of the mutual promises contained herein, the COUNTY and CITY agree as follows:

Section 1.

CITY agrees to pay COUNTY a total of \$62,161 of JAG funds.

Section 2.

COUNTY agrees to use \$62,161 for the Law Enforcement Program until expiration of the FY 2006 Byrne Justice Assistance Grant Program term, whereupon any unused funds shall be remitted to the US DOJ-BJA, consistent with Program requirements.

Section 3.

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 California Tort Claims Act.

Section 4.

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 California Tort Claims Act.

Section 5.

The parties are acting in an independent capacity. Each of the parties agrees that it, including any and all of its officers, agents, and/or employees, shall have absolutely no right to employment rights and benefits available to the other party's employees. Each party shall be solely liable and responsible for providing to, or on behalf of, its own officers, agents, and/or employees all legally and contractually required employee benefits. In addition, each party shall be solely responsible and save the other party harmless from all matters relating to payment of each party's employees, including, but not limited to, compliance with applicable social security withholding and all other regulations governing such matters. Further and without limitation, 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 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

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.

Section 8.

Any and all notices between the parties provided for or permitted under this Agreement or by law shall be in writing and shall be deemed duly served when personally delivered to each party, or in lieu of such personal service, when deposited in the United States Mail, postage prepaid, addressed to each party at the address provided on the signature page of this Agreement.

Section 9.

Each party shall at any time during business hours, and as often as each party may reasonably deem necessary, make available to each other for examination all of its records and data with respect to the matters covered by this Agreement for a period of three (3) years following Program expiration.

Section 10.

This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all previous agreements, negotiations, proposals, commitments, writing, advertisements, publications, and understandings of any nature whatsoever unless expressly included in this Agreement.

CITY OF FRESNO

By:

[Name/Title]

[Address]

COUNTY OF FRESNO

By:

[Name/Title]

[Address]

ATTEST: BERNICE E. SEIDEL,

Clerk Board of Supervisors

By_____

REVIEWED & RECOMMENDED FOR APPROVAL

By:

APPROVED AS TO LEGAL FORM

HILDA CANTU-MONTOY

City Attorney

By:

Deputy

APPROVED AS TO LEGAL FORM

DENNIS MARSHALL

County Counsel

By:

Deputy

ATTEST:

REBECCA E. KLISCH

CITY CLERK

By:

Deputy

Attachments:

Exhibit "A" - Grant Application including Certifications and Assurances.