

CITY OF YUBA CITY  
STAFF REPORT

**Date:** December 18, 2018  
**To:** Honorable Mayor & Members of the City Council  
**From:** Police Department  
**Presentation By:** Brian Baker, Police Lieutenant

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**Summary**

**Subject:** Edward Byrne Memorial Justice Assistance Grants

**Recommendations:** Conduct a Public Hearing, and after consideration

- A. Adopt a Resolution authorizing the Chief of Police to accept the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$15,667 and approve expenditure recommendations
- B. Adopt a Resolution authorizing the Chief of Police to accept the 2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$17,719 and approve expenditure recommendations
- C. Authorize the Mayor to execute the associated memorandums of understanding with Sutter County on behalf of the City, following approval by the City Attorney
- D. Authorize the Mayor to execute the 2017 and 2018 Certifications and Assurances document
- E. Authorize the Chief Financial Officer to make budget adjustments as necessary

**Fiscal Impact:** Total of the two grant total \$33,386 to account 100-43123 (Federal Law Enforcement Grant) – (No City match required). 2017 funds will be drawn down through account 2197-62701 for technology improvements. 2018 funds will be drawn down through account 2192-62701 for technology improvements

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**Purpose:**

To secure additional funding to be used toward the prevention and reduction of crime and violence.

**Background:**

The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, offers funding to local, state, and tribal efforts to prevent or reduce crime and violence under the Edward Byrne Memorial Justice Assistance Grant Program. The department submitted the 2017 application in September 2017, due to circumstances out of our control the 2017 grant was not awarded until recently.

We have been notified by the U.S. Department of Justice that the Yuba City Police Department and Sutter County Sheriff's Department are eligible for receipt of both the 2017 and 2018 funding

through this grant. We are required to make a joint application and operate under the terms of a memorandum of understanding with Sutter County. A draft copy of the MOU is attached. The City of Yuba City will serve as the fiscal agent. As such, the City of Yuba City will receive the grant funds for both entities and provide Sutter County its share in the amounts of \$822 (2017 award) and \$2,269 (2018 award). No cash match is required in order to receive these funds.

**Analysis:**

Staff intends to use both grant awards towards our portion of the radio vault rental costs and equipment maintenance costs for the Sutter Buttes Gateway System public safety interoperable radio communications equipment. The Sutter County Sheriff's Department will pay the other half of these costs.

The Sutter Buttes Gateway System provides interoperable radio communications capability to public safety entities, (including federal, state, local, and private), within the surrounding four county area. The system was designed and constructed with the use of federal public safety interoperability grant funds and utilizes state and federally licensed public safety mutual aid radio frequencies.

**Fiscal Impact:**

For the 2017 award, the City will receive \$15,667 and for the 2018 award the City will receive \$17,719 from the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant through a required funding pass through agreement with Sutter County. The City will serve as the fiscal agent for both grants as described in the attached draft copy of the memorandum of understanding. For the 2017 award, the City will receive \$14,845 and Sutter County will receive \$822. For the 2018 award, the City will receive \$15,450, and Sutter County will receive \$2,269. No City match is required.

**Alternatives:**

Provide staff with alternative spending paths which will not supplant routine expenditures in the general fund.

**Recommendations:**

- A. Adopt a resolution authorizing the Chief of Police to accept the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$15,667 and approve expenditure recommendations
- B. Adopt a resolution authorizing the Chief of Police to accept the 2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$17,719 and approve expenditure recommendations
- C. Authorize the Mayor to execute the associated memorandums of understanding with Sutter County on behalf of the City, following approval by the City Attorney
- D. Authorize the Mayor to execute the 2017 and 2018 Certifications and Assurances document
- E. Authorize the Chief Financial Officer to make budget adjustments as necessary

**Attachments:**

- 1. Resolution for 2017 Edward Byrne Grant
- 2. Resolution for 2108 Edward Byrne Grant
- 3. 2017 & 2018 Agreements with Sutter County
- 4. 2017 & 2018 Certifications and Assurance

**Note: Public Hearing notification requirements have been met.**

Prepared By:

*/s/ Brian Baker*

Brian Baker  
Police Lieutenant

Submitted By:

*/s/ Steven C. Kroeger*

Steven C. Kroeger  
City Manager

Reviewed By:

Department Head

Finance

City Attorney

RL

RB

SLC via email

# ATTACHMENT 1

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
AUTHORIZING RECEIPT, ALLOCATION AND EXPENDITURE, OF THE 2017 EDWARD  
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY  
AS FOLLOWS:

That the City, through the Chief Financial Officer and the Chief of Police, accept, account for, track, allocate and expend funds as directed by the 2017 Edward Byrne Memorial Justice Assistance Grant. It is acknowledged the Edward Byrne Memorial Justice Assistance Grant funding would be in the amount of \$15,667. It is recognized there is no cash match requirement. It is acknowledged that the City will operate under the terms of a memorandum of understanding with Sutter County with respect to grant administration and funding pass through as the City will serve as the fiscal agent and that the Mayor is authorized to execute the final Memorandum of Understanding with Sutter County.

That said, expenditures be in accordance with grant guidelines, specifically in the area of frontline law enforcement uses and related technology improvements as might be deemed appropriate by the Chief of Police consistent with the practice and Council policy of this and previous years.

That purchases be in accordance with State of California and City of Yuba City purchasing guidelines.

That the Chief Financial Officer be given authority to adjust the budget as required for grant purposes.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 18<sup>th</sup> day of December 2018.

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
Shon Harris, Mayor

\_\_\_\_\_  
Patricia Buckland, City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY

\_\_\_\_\_  
Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLP

## ATTACHMENT 2

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
AUTHORIZING RECEIPT, ALLOCATION AND EXPENDITURE, OF THE 2018 EDWARD  
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

That the City, through the Chief Financial Officer and the Chief of Police, accept, account for, track, allocate and expend funds as directed by the 2018 Edward Byrne Memorial Justice Assistance Grant. It is acknowledged the Edward Byrne Memorial Justice Assistance Grant funding would be in the amount of \$17,719. It is recognized there is no cash match requirement. It is acknowledged that the City will operate under the terms of a memorandum of understanding with Sutter County with respect to grant administration and funding pass through as the City will serve as the fiscal agent and that the Mayor is authorized to execute the final Memorandum of Understanding with Sutter County.

That said, expenditures be in accordance with grant guidelines, specifically in the area of frontline law enforcement uses and related technology improvements as might be deemed appropriate by the Chief of Police consistent with the practice and Council policy of this and previous years.

That purchases be in accordance with State of California and City of Yuba City purchasing guidelines.

That the Chief Financial Officer be given authority to adjust the budget as required for grant purposes.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 18<sup>th</sup> day of December 2018.

AYES:

NOES:

ABSENT:

ATTEST:

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Shon Harris, Mayor

\_\_\_\_\_  
Patricia Buckland, City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY

\_\_\_\_\_  
Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLP

# ATTACHMENT 3



**GMS AWARD # 2017-DJ-BX-0877**

**THE STATE OF CALIFORNIA  
COUNTY OF SUTTER, CITY OF YUBA CITY**

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF YUBA CITY, CALIFORNIA AND  
THE COUNTY OF SUTTER, CALIFORNIA**

**2017 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the COUNTY of SUTTER, acting by and through its Board of Supervisors hereinafter referred to as COUNTY, and the CITY of Yuba City, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Sutter County, State of California.

**WHEREAS** the undersigned entities will receive federal grant funds for law enforcement purposes from the Edward Byrne Memorial Justice Assistance Program ( "JAG");

**WHEREAS**, each governing body, in performing governmental functions or in paying for the performance of governmental function hereunder, shall make that performance or those payments from current revenues legally 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 fairly compensates the performing party for the services or functions under this agreement: and

**WHEREAS** the City and County have received a disparate allocation and believe it to be in their mutual best interest to reallocate between them the JAG funds;

**WHEREAS**, the CITY agrees to provide the COUNTY **\$822** from the JAG award to accomplish such reallocation: and

**NOW THEREFORE, the CITY and COUNTY agree as follows:**

**Section 1.**

CITY agrees to pay COUNTY a total of **\$822** of JAG funds.

**Section 2.**

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 3.**

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 4.**

The parties to this Agreement 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.

CITY OF YUBA CITY

COUNTY OF SUTTER

By \_\_\_\_\_ Dated: \_\_\_\_\_  
Shon Harris, Mayor  
City of Yuba City

By \_\_\_\_\_ Dated: \_\_\_\_\_  
Dan Flores, Chairman  
County of Sutter, Board of Supervisors

ATTEST:

Patricia Buckland, City Clerk

By \_\_\_\_\_  
City Clerk City of Yuba City

APPROVED AS TO FORM  
Shannon L. Chaffin

By \_\_\_\_\_  
City Attorney

**GMS AWARD # 2018-DJ-BX-0551**

**STATE OF CALIFORNIA  
COUNTY OF SUTTER, CITY OF YUBA CITY**

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF YUBA CITY, CALIFORNIA AND  
THE COUNTY OF SUTTER, CALIFORNIA**

**2018 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the COUNTY of SUTTER, acting by and through its Board of Supervisors hereinafter referred to as COUNTY, and the CITY of Yuba City, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Sutter County, State of California.

**WHEREAS** the undersigned entities will receive federal grant funds for law enforcement purposes from the Edward Byrne Memorial Justice Assistance Program ( "JAG");

**WHEREAS**, each governing body, in performing governmental functions or in paying for the performance of governmental function hereunder, shall make that performance or those payments from current revenues legally 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 fairly compensates the performing party for the services or functions under this agreement: and

**WHEREAS** the City and County have received a disparate allocation and believe it to be in their mutual best interest to reallocate between them the JAG funds;

**WHEREAS**, the CITY agrees to provide the COUNTY **\$2,269** from the JAG award to accomplish such reallocation: and

**NOW THEREFORE, the CITY and COUNTY agree as follows:**

**Section 1.**

CITY agrees to pay COUNTY a total of **\$2,269** of JAG funds.

**Section 2.**

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 3.**

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 4.**

The parties to this Agreement 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.

CITY OF YUBA CITY

COUNTY OF SUTTER

By \_\_\_\_\_ Dated: \_\_\_\_\_  
Shon Harris, Mayor  
City of Yuba City

By \_\_\_\_\_ Dated: \_\_\_\_\_  
Dan Flores, Chairman  
County of Sutter, Board of Supervisors

ATTEST:

Patricia Buckland, City Clerk

By \_\_\_\_\_  
City Clerk City of Yuba City

APPROVED AS TO FORM  
Shannon L. Chaffin

By \_\_\_\_\_  
City Attorney

## ATTACHMENT 4

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Justice Assistance Grant Program  
FY 2017 Local Solicitation**

**Certifications and Assurances  
by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2017 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 42 U.S.C. § 3752(a), I certify under penalty of perjury to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I certify that— (a) the programs to be funded by the award (if any) that OJP makes based on the application described above meet all the requirements of the JAG Program statute (42 U.S.C. §§ 3750-3758); (b) all the information contained in that application is correct; (c) in connection with that application, there has been appropriate coordination with affected agencies; and (d) in connection with that award (if any), the applicant unit of local government will comply with all provisions of the JAG Program statute and all other applicable federal laws.
7. I have examined certification entitled "State or Local Government: FY 2017 Certification of Compliance with 8 U.S.C. § 1373" executed by the chief legal officer of the applicant government with respect to the FY 2017 JAG program and submitted in support of the application described above, and I hereby adopt that certification as my own on behalf of that government.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it "supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 42 U.S.C. § 3795a), and also may subject me and the applicant unit of local government to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). I also acknowledge that OJP awards, including certifications provided in connection with such awards, are subject to review by USDOJ, including by OJP and by the USDOJ Office of the Inspector General.

\_\_\_\_\_  
Signature of Chief Executive of the Applicant Unit of  
Local Government

\_\_\_\_\_  
Date of Certification

\_\_\_\_\_  
Printed Name of Chief Executive

\_\_\_\_\_  
Title of Chief Executive

\_\_\_\_\_  
Name of Applicant Unit of Local Government



**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Justice Assistance Grant Program FY 2018 Local Solicitation**

**Certifications and Assurances by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2018 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.
7. I have examined the certification entitled "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. §§ 1373 & 1644" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I certify that I have no reason to believe that certification to be false or otherwise incorrect. (This provision is not applicable to Indian tribal government applicants.)
8. I have examined the certification entitled "State or Local Government: FY 2018 Certification Relating to 8 U.S.C. §§ 1226(a) & (c), 1231(a), 1324(a), 1357(a), & 1366(1) & (3)" executed by the chief legal officer of the applicant government with respect to the FY 2018 JAG program and submitted in support of the application described above, and I certify that I have no reason to believe that certification to be false or otherwise incorrect. (This provision is not applicable to Indian tribal government applicants.)

\_\_\_\_\_  
Signature of Chief Executive of the Applicant Unit of  
Local Government

\_\_\_\_\_  
Date of Certification

\_\_\_\_\_  
Printed Name of Chief Executive

\_\_\_\_\_  
Title of Chief Executive

\_\_\_\_\_  
Name of Applicant Unit of Local Government