

RESOLUTION NO. 23-101**Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept A Grant Award On Behalf Of The Police Department, From The FY2023 Byrne Justice Assistance Grant (JAG) In The Amount Of \$10,977.30 For Funds Related To Conducted Energy Devices**

WHEREAS, the Emeryville Police Department was awarded grant funding from the FY2023 Byrne Justice Assistance Grant (JAG) to purchase of up to six conducted energy devices (Tasers); and

WHEREAS the Tasers will be purchased to update the aging equipment currently being used by our patrol staff so that the officers can be properly equipped with the most effective equipment for deescalating and defusing potentially violent incidents and to help manage emergency response situations; and

WHEREAS, the authorization to accept this grant funding will significantly help the Police Department manage the fiscal constraints projected in the coming years; and

WHEREAS, the Police Department has effective subject matter expert trainers and a current and effective department policy governing the use of the conducted energy devices for all staff, be it

RESOLVED, that the City Council of the City of Emeryville approves the Police Department accepting the grant funding award by the FY2023 Byrne Justice Assistance Grant (JAG), for monies in the amount of \$10,977.30; and, that the funds be deposited into Grant Fund 254 and appropriated to spend in the same fund.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 18, 2023, by the following vote:

AYES:	<u>5</u>	Mayor Bauters, Vice Mayor Welch and Council Members Kaur, Mourra and Priforce
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

DocuSigned by:

John Bauters

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MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

April Richardson

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CITY CLERK

DocuSigned by:

John Kennedy

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CITY ATTORNEY

**ALAMEDA COUNTY SHERIFF'S OFFICE****YESENIA SANCHEZ**
SHERIFF-CORONER

(510) 272-6866

July 2, 2023

Jeff Jennings, Chief
Emeryville Police Department
2449 Powell Street
Emeryville, California 94608

Dear Chief, Jennings:

The Sheriff's Office intends to apply for the **FY2023 Byrne Justice Assistance Grant (JAG) Local** program on behalf of the eligible Alameda County cities and the county to recover this revenue for our respective agencies for the nineteenth (19th) consecutive year. The United States Department of Justice (USDOJ) consolidated the Byrne Memorial Grants and Local Law Enforcement Block Grants (LLEBG) in 2004 to create the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program.

The federal JAG program is divided into two allocations, a *state allocation* and a *local allocation*. The state may distribute its allocation as they see fit, but the local allocation is distributed to eligible units of local government in predetermined, suggested amounts. Our county qualifies for a total allocation of **\$746,889** in FY2023 Byrne JAG Local funds, which may only be used by agencies to fund any one or more of the following areas: local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice.

Favorable features of our JAG Local awards include: a four-year funding span for awards over \$25,000; no agency matching funds required; and a maximum 10% administrative fee using the reimbursement fiscal accounting method. However, the USDOJ timeline to apply for our FY2023 JAG Local grant is somewhat tight. **Our application must be submitted to the USDOJ's Bureau of Justice Assistance (BJA) by August 31, 2023, so I will need your information and signed documents by Monday August 21, 2023.** If we fail to submit our application by the deadline, funding will not be awarded.

BJA has developed joint application groups with regard to their application process that consolidate certain cities and counties. Alameda County's geographical boundary is the criteria for our particular Byrne JAG Local joint application group, pairing the eligible cities of Alameda, Berkeley, Emeryville, Fremont, Hayward, Livermore, Oakland, San Leandro, and Union City with the County of Alameda. BJA has determined the other five cities in our county (Albany, Dublin, Newark, Piedmont, and Pleasanton) are ineligible for the FY2023 JAG Local Grant because they did not fall within the federal government's predetermined population and crime rate criteria. BJA has mandated only one application can be submitted from our group and the application must represent all eligible members. For this reason, we must once again apply for this year's JAG Local Grant as a consortium.

My staff has developed a proposal to move forward with a grant application that allows all eligible members to receive their allocated share of the award. An attached, estimated equity sharing proposal has been outlined, whereby all listed members will receive their federally-predetermined allotment of available funds, less a 10% fee to fund the Sheriff's Office efforts associated with grant administration, application filing, and financial and auditing services. I am requesting your support for this proposal so that as many of our agencies as possible can continue to benefit from the Byrne JAG Local funding.

Our proposal includes the development of a necessary addendum to our annually renewed Memorandum of Understanding (MOU) plus the federal Certification of Compliance form which must both be signed by your "Chief Executive Officer" before award monies will be allocated to your agency. All eligible members must have their City Manager/City Administrator agree to and sign both the MOU addendum and the Certification of Compliance declaring their acceptance of the joint application and the terms therein. To expedite the application process, the addendum to the MOU and the Certification are attached and will be formally presented for your review and acceptance at the next Alameda County Chiefs of Police and Sheriff's Association (ACCOPSA) meeting. Our common goal is to ascertain an agreement on the addendum to our MOU and the Certification promptly to have the documents expeditiously signed by your City Manager/City Administrator, as required by BJA. Your city's signed MOU and Certification must be received, if possible, by my Grant Development Specialist no later than **Monday August 21, 2023** (color-scanned, blue-ink signatures are preferred).

I am also asking your agency to email my Grant Development Specialist, Harry Bruno, (HBruno@acgov.org), with a paragraph-sized description of what you intend to do with your FY2023 JAG Local funds and your budget worksheet within the next six+ weeks. The final page attachment to this letter is a copy of your actual FY2022 JAG Local request and budget worksheet format. Please note BJA has discontinued the budget special condition/requirement begun in FY2018 that 3% of each agency's total grant allocation must be set aside and dedicated toward the agency achieving full compliance with the FBI's National Incident-Based Reporting System (NIBRS) data submissions requirements under the Uniform Crime Reporting Program. These requests and budget descriptions form the basis of our total request for funds. Your attention to this detail will allow my staff the time necessary to complete all the required application documentation and meet the impending deadline for submission.

Finally, this year's FY2023 JAG Local Solicitation is following last year's handling of the "sanctuary" question that had been present in the application process since the FY2017 JAG Local solicitation. The FY2022 and FY2023 Solicitations maintain the elimination of the requirement that each recipient must provide answers to a series of questions related to "sanctuary city/county/state" issues. If you have any other questions/concerns, please do not hesitate to contact my Grant Development Specialist.

Thank you!

Sincerely,

Yesenia L. Sanchez
Sheriff – Coroner

YLS:hb

Attachments: FY2023 Byrne JAG Local Allocation for Alameda County
 FY2023 Addendum to Memorandum of Understanding
 FY2022 Narrative Request and Budget Worksheet

FY2023 Byrne JAG Local Grant Allocation			
AGENCY	Grant Allocation	Less: 10% Admin Fee	Total Allocation
City of Alameda Alameda Police Department	\$14,839.00	\$1,483.90	\$13,355.10
City of Berkeley Berkeley Police Department	\$47,931.00	\$4,793.10	\$43,137.90
City of Emeryville Emeryville Police Department	\$12,197.00	\$1,219.70	\$10,977.30
City of Fremont Fremont Police Department	\$36,038.00	\$3,603.80	\$32,434.20
City of Hayward Hayward Police Department	\$48,152.00	\$4,815.20	\$43,336.80
City of Livermore Livermore Police Department	\$14,949.00	\$1,494.90	\$13,454.10
City of Oakland Oakland Police Department	\$458,474.00	\$45,847.40	\$412,626.60
City of San Leandro San Leandro Police Department	\$38,241.00	\$3,824.10	\$34,316.90
City of Union City Union City Police Department	\$20,923.00	\$2,092.30	\$18,830.70
Sub Total	\$691,744.00	\$69,174.40	\$622,569.60
County of Alameda Alameda County Sheriff's Office	\$55,145.00	.	
Total Grant	\$746,889.00		

**ALAMEDA COUNTY NARCOTICS TASK FORCE
ADDENDUM TO MEMORANDUM OF UNDERSTANDING
ALAMEDA COUNTY JUSTICE ASSISTANCE GRANT CONSORTIUM
2023 AMENDMENTS**

Pursuant to ARTICLE FOUR: “AMENDMENTS TO THE MOU”:

The representatives from the agencies identified in this 2023 Amendment may change any Article of this addendum to the MOU by following the Terms of Agreement/Addendum in the existing MOU.

The Aforementioned Representatives Agree to the Following Amendments:

- A. Article Five D. shall add the paragraph, “The ten (10) recipient jurisdictions of FY2023 Byrne Justice Assistance Grant (JAG) Local Grant funds shall upon award maintain all of the files, financial records, books, invoices, documents, payrolls and other data required to be maintained in a readily accessible location and condition for a period of not less than three (3) years after final payment under this agreement or until any final audit has been fully completed, whichever is later.
- B. Article Five D., Attachment A: The “Summary Statement of Expenditures” shall be amended to note that quarterly progress reports are due to the fiscal agent of Alameda County within twenty (20) days from the final date of the reporting quarter.
- C. Article Five B., the County of Alameda shall receive the Byrne JAG Local award allocations from the U.S. Department of Justice (USDOJ) and distribute said award funds to all the eligible member agencies based on the particular formula percentages, less a 10% administrative fee using the reimbursement fiscal accounting method. Reimbursement will occur upon the request by the member agency to the County of Alameda along with all supporting documentation related to the grant award expenditures. The County of Alameda may withhold any reimbursement until the member agency is in compliance with all grant requirements, including, but not limited to, providing all required grant documentation.
- D. Any recipient jurisdiction found to have breached the terms of this agreement shall return any and all previously claimed and disbursed grant funds in question.

**ALAMEDA COUNTY JUSTICE ASSISTANCE GRANT CONSORTIUM
PARTICIPATING AGENCY OPERATIONAL AGREEMENT
MEMORANDUM OF UNDERSTANDING
2023 AMENDMENTS**

This document stands as evidence that the following agencies agree to participate in the Alameda County Cities and Alameda County Justice Assistance Grant Local Program and agree to the terms and conditions specified in the attached Memorandum of Understanding, and any attached Amendments and Addendums to Memorandum of Understanding, and by their duly authorized highest-ranking authorities, have executed this agreement on the respective dates listed below.

Susan S. Muranishi, County Administrator, Alameda County	Date	Jennifer Ott, City Manager, City of Alameda	Date
Dee Williams-Ridley, City Manager, City of Berkeley	Date	Paul Buddenhagen, City Manager, City of Emeryville	Date
Karena Shackelford, City Manager, City of Fremont	Date	Kelly McAdoo, City Manager City of Hayward	Date
Marianna Marysheva, City Manager, City of Livermore	Date	Jestin D. Johnson, City Administrator, City of Oakland	Date
Fran Robustelli, City Manager, City of San Leandro	Date	Joan Malloy, City Manager, City of Union City	Date

C. Equipment

<u>Description and Use of Funds</u>	<u>Computation</u>	<u>Amount</u>
	SUB TOTAL:	\$0.00
	PROJECT TOTAL:	\$ 44,502.00

City of Emeryville:

Summary

The \$11,324.00 Byrne JAG Local Grant awarded to the Emeryville Police Department for FY2022 after subtracting the Sheriff's Office 10% administrative fee for grant administration (\$1,132.40) totals **\$10,191.60**. The Emeryville Police Department (EPD) will use the grant funds for unfunded materials, specifically conducted energy devices (Taser). This will assist in ensuring EPD our patrol officers are equipped with appropriate De-escalation tools and less than lethal options when managing incidents.

Description of Use of Funds

Policing today is a complex service that more than ever requires policing staff to have the skills and equipment necessary to manage incidents with uncooperative individuals. The conducted energy device provides patrol officers with a less than lethal option when encountering volatile situations.

This request for approximately six (6) conducted energy devices (Taser) is to be used by the Emeryville Police Department patrol officers and supervisors. Once approved, this equipment will be appropriately procured and put into service within a short timeframe. Having this equipment in service for the officers and supervisors use will greatly benefit our efforts to prioritize de-escalation techniques and reduce the likelihood of a lethal force encounter with our officers.

Program Budget Total:

<u>Description and Use of Funds</u>	<u>Computation</u>	<u>Amount</u>
Conducted Energy Devices (Taser)	6 Tasers x \$1,698.60 apiece	\$10,191.60
Administrative Fee of 10%	\$11,324 x .10 (10%)	\$1,132.40
	GRAND TOTAL:	\$ 11,324.00

City of Fremont:

The Fremont Police Department will utilize their entire allotment of its FY2022 Byrne JAG Local award (minus the 10% administrative fee) for PEN registers and real-time GPS phone location information. The use of these tools greatly helps our department with investigations and aids in locating suspects. The cost of the PEN registers and real-time GPS phone location information vary depending on the fees from the cellular provider.

Fremont Police Department: FY2022 JAG Local**A. Personnel Services – Salaries/Employee Benefits**

None Anticipated

<u>Description and Use of Funds</u>	<u>Computation</u>	<u>Amount</u>
Project Staff		
I. SALARIES		\$0
	PROJECT TOTAL:	\$0

B. Operating Expenses

The Fremont Police department will use JAG Local funding to cover ongoing expenses related to PEN Registers.

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

Edward Byrne Justice Assistance Grant Program FY 2022 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 2022 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.

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