County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

August 19, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

ACCEPT A GRANT AWARD FROM THE FEDERAL EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS THROUGH THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (ALL DISTRICTS) (3 VOTES)

SUBJECT

Request Board approval for the District Attorney to accept a grant award in the amount of $297,765 from the Federal Edward J. Byrne Memorial Justice Assistance Grant (JAG) funds through the Office of Emergency Services (OES). These funds are distributed by the Los Angeles County Anti-Drug Abuse (ADA) Steering Committee, which is chaired by the Los Angeles County Sheriff's Department (Department). Due to a significant decrease in funding in the past several years, the Department no longer receives funding. The four remaining programs receiving funds are true County-wide services that support ADA enforcement efforts benefitting every agency and community in the County.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Request the Chair of the Board to provide wet signatures to the Certification of Assurance of Compliance (Attachment I) and Certification of Compliance Methamphetamine Laboratory Operations (Attachment II) as part of the application submission to OES.

2. Execute Attachments I and II, whereby your Board:

   - Authorizes the District Attorney to accept a grant award from OES for Fiscal Year (FY) 2008-09, in the amount of $297,765.

- Delegates authority to the District Attorney, or his designee, as project director of the program, to sign and execute the grant award, including execution of amendments, extensions, renewals, and other applicable grant documents.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Under the requirements of OES, the applicant must complete a Certification of Assurance of Compliance and Certification of Compliance Methamphetamine Laboratory Operations, signed by the Governing Board Chair in place of a resolution.

Each year OES allocates Federal Edward J. Byrne Memorial JAG funding to California's 58 counties in support of the statewide ADA Enforcement Program. County-wide steering committees throughout the 58 counties in California continue to maintain local plans as the basis for their local ADA Enforcement Programs, select projects, determine their continuation, and apportion their allocations. The allocations are secured from the State of California (State) by a yearly application/grant award process subject to authorization by a resolution/certification from local governing bodies.

The County's steering committee is officially known as the Los Angeles County Anti-Drug Abuse Steering Committee (Committee). Formed in 1990, it has since been chaired by the Department and consists of representatives from Los Angeles Superior Court; Los Angeles County District Attorney's Office; Los Angeles County Sheriff's Department; Los Angeles County Probation Department; Los Angeles County Public Defender; City of Los Angeles Police Department; all other municipal Police Chiefs in the County, represented by the President and two Chiefs selected by the Executive Committee of the Los Angeles County Police Chiefs' Association; Los Angeles County Drug Administrator; Los Angeles County Department of Health Services; and the Chair of the Narcotics and Dangerous Drugs Commission. The Committee's program is officially known as the Los Angeles County Anti-Drug Abuse Enforcement Program.

On May 13, 2008, the Committee selected the continuance of four program components and subsequently apportioned allocations. The four remaining programs are true County-wide services that support anti-drug abuse enforcement efforts benefitting every agency and community in the County. The FY 2008-09 allocation is a 34 percent reduction from the previous year. Distribution of funds is based on the total allocation amount of $2,409,767 to Los Angeles County. Of the FY 2008-09 amount, the Committee allocated $297,765 for the District Attorney's Clearinghouse Electronic Surveillance System (CHESS) program. The remaining funds were distributed to the current municipally administered programs. All four selected programs are essential to officer safety and used by law enforcement officers throughout Los Angeles County.

The Department is the State's single point of contact for the Los Angeles County ADA Enforcement Program. As such, the Department must submit all applications to OES under one cover. Both the Department and the District Attorney recommend that your Board, as the County's governing body, approve the State's allocation of JAG program funds to the County; authorize implementation of the County administered project; and authorize the County applicant agency to enter, on your Board's behalf, into their grant award agreement with the State.

The applications were submitted to OES on May 23, 2008.

Implementation of Strategic Plan Goals

The Los Angeles County ADA Enforcement Program, a multi-jurisdictional effort directed at eliminating the prevalence of illicit drugs throughout Los Angeles County, meets the County's Strategic Plan, Goal 4, Fiscal Responsibility, by its utilization of grant revenue awarded by the State.

FISCAL IMPACT/FINANCING

The FY 2008-09 Edward J. Byrne Memorial JAG Program funding of $2,409,767, allocated by the State to the County of Los Angeles, was apportioned to the County and the municipal agencies to offset the cost of their enforcement program components. No match is required. The District Attorney's estimated cost to implement CHESS is 50.23 percent offset by the grant allocation of $297,765. The remaining 49.77 percent, $295,049, will be absorbed by the District Attorney's Office.

The JAG Program grant funding to the District Attorney ($297,765) will be included in the Department's FY 2008-09 budget. This amount is revenue offset by the State funds.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Los Angeles County ADA Enforcement Program is funded with Federal Edward J. Byrne Memorial JAG program funds, which the Governor's OES allocates annually to the County, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968, and the Anti-Drug Abuse Act of 1998, as amended.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The four ADA enforcement projects selected for funding are continuing projects. Despite years of drastic cuts in ADA funding, there will be no change or impact on current services for the County administered program.

This Board letter was forwarded to the District Attorney's Office, the Public Defender's Office, and the Alternate Public Defender's Office for review. The Public Defender's Office indicated that this program will have no significant impact on their operations at this time. No impact statements were received from the other departments.

This letter has been reviewed by the District Attorney and approved as to form by County Counsel.

CONCLUSION

Upon your Board's approval, please instruct the Executive Office to return two copies of the adopted board letter, two Certifications of Assurance of Compliance, and two Certifications of Compliance Methamphetamine Laboratory Operations, to the Department's Grants Unit.

Sincerely,

LEROY D. BACA
SHERIFF

CERTIFICATION OF ASSURANCE OF COMPLIANCE

I, STEVE COOLEY hereby certify that
(official authorized to sign grant award; same person as Section 12 on Grant Award Face Sheet)

RECIPIENT: LOS ANGELES COUNTY

IMPLEMENTING AGENCY: DISTRICT ATTORNEY'S OFFICE

PROJECT TITLE: CLEARINGHOUSE ELECTRONIC SURVEILLANCE SYSTEM (CHESS)

is responsible for reviewing the *Grant Recipient Handbook* and adhering to all of the Grant Award Agreement requirements (state and/or federal) as directed by OES including, but not limited to, the following areas:

I. Equal Employment Opportunity – (Recipient Handbook Section 2151)

It is the public policy of the State of California to promote equal employment opportunity by prohibiting discrimination or harassment in employment because of race, religious creed, color, national origin, ancestry, disability (mental and physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, sex, sexual orientation, denial of family medical care leave, denial of pregnancy disability leave, or age (over 40). **OES-funded projects certify that they will comply with all state and federal requirements regarding equal employment opportunity, nondiscrimination and civil rights.**

Please provide the following information:

Equal Employment Opportunity Officer: JULIE DIXON SILVA

Title: CHIEF, EMPLOYEE RELATIONS DIVISION

Address: 201 N. FIGUEROA STREET, SUITE 1455, LOS ANGELES, CA 90012

Phone: (213) 202-7705

Email: jdsilva@da.lacounty.gov

II. Drug-Free Workplace Act of 1990 – *(Recipient Handbook, Section 2152)*

The State of California requires that every person or organization awarded a grant or contract shall certify it will provide a drug-free workplace.

III. California Environmental Quality Act (CEQA) –*(Recipient Handbook, Section 2153)*

The California Environmental Quality Act (CEQA) (*Public Resources Code, Section 21000 et seq.)* requires all OES funded projects to certify compliance with CEQA. Projects receiving funding must coordinate with their city or county planning agency to ensure that the project is compliance with CEAQ requirements.

IV. Lobbying – (*Recipient Handbook Section 2154)*

OES grant funds, grant property, or grant funded positions shall not be used for any lobbying activities, including, but not limited to, being paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.

V. Debarment and Suspension – *(Recipient Handbook Section 2155)*

(This applies to federally funded grants only.)

OES-funded projects must certify that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department of agency.

VI. Proof of Authority from City Council/Governing Board

The above-named organization (applicant) accepts responsibility for and will comply with the requirement to obtain written authorization from the city council/governing board in support of this program. The applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OES, and that any cash match will be appropriated as required. It is agreed that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OES disclaim responsibility of any such liability. Furthermore, it is also agreed that grant funds received from OES shall not be used to supplant expenditures controlled by the city council/governing board.

The applicant is required to obtain written authorization from the city council/governing board that the official executing this agreement is, in fact, authorized to do so. The applicant is also required to maintain said written authorization on file and readily available upon demand.

All appropriate documentation must be maintained on file by the project and available for OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Recipient may be ineligible for award of any future grants if the OES determines that any of the following has occurred: (1) the Recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [Section 12 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: S.L.C

Authorized Official's Typed Name: STEVE COOLEY

Authorized Official's Title: DISTRICT ATTORNEY

Date Executed: 6/13/08

Federal Employer ID Number: 95-6000927

Executed in the City/County of: LOS ANGELES

AUTHORIZED BY: *(not applicable to State agencies)*

- City/County Financial Officer or
- City/County Manager or
- Governing Board Chair

APPROVED AS TO FORM
RAYMOND G. FORTNER, JR, County Counsel
BY _____ Deputy

Signature: _____

Typed Name: YVONNE B. BURKE

Title: CHAIR, LOS ANGELES COUNTY BOARD OF SUPERVISORS

JAG-FUNDED PROJECTS
CERTIFICATION OF COMPLIANCE
METHAMPHETAMINE LABORATORY OPERATIONS

This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratories, including the seizure and/or removal of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"].

The United States Environmental Protection Agency (USEPA) has determined that, "law enforcement responsibilities terminate when the law enforcement official notifies the property owner of record, the state, and the local environmental or public health agencies in writing of a possible site contamination at a clandestine lab."

Law enforcement personnel may seize as evidence and remove any bottles, cans, jugs and other containers, as well as contaminated apparatus and chemical samples from a clandestine drug site, however, law enforcement agencies are not responsible for the cleanup/remediation of any rooms, buildings or surrounding environments, including septic systems, rivers, streams or contaminated soils.

I, STEVE COOLEY hereby certify that
(official authorized to sign Grant Award; same person as Section 12 on Grant Award Face Sheet)

RECIPIENT: COUNTY OF LOS ANGELES

IMPLEMENTING AGENCY: LOS ANGELES COUNTY DISTRICT ATTORNEY

PROJECT TITLE: CLEARINGHOUSE ELECTRONIC SURVEILLANCE SYSTEM

(Check one of the following four boxes)

☐ Will **not** accept the JAG funds for the period of July 1, 2008 - June 30, 2009.

OR

☒ Will accept the JAG funds for the period of July 1, 2008 - June 30, 2009, but will not use them in the **seizure or removal** of clandestine methamphetamine laboratories.

OR

☐ Will accept the JAG funds for the period of July 1, 2007 - June 30, 2008, and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the **seizure** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Recipient will provide medical screening of personnel assigned or to be assigned by the recipient to the seizure of clandestine methamphetamine laboratories;

2. Recipient will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure of clandestine methamphetamine laboratories;

3. Recipient will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;

4. Recipient will notify the Department of Toxic Substances Control (DTSC), and send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized; and

5. Recipient will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:

   (i) Respond to the minor's health needs that relate to methamphetamine toxicity;
   (ii) Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
   (iii) Arrange for medical testing for methamphetamine toxicity; and
   (iv) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

OR

☐ Will accept the JAG funds for the period of July 1, 2008 - June 30, 2009, and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the **seizure and/or removal** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Recipient will provide medical screening of personnel assigned or to be assigned by the recipient to the seizure and/or removal of clandestine methamphetamine laboratories;

2. Recipient will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure and/or removal of clandestine methamphetamine laboratories;

3. Recipient will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;

4. Recipient will send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized;

5. Recipient will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:

   (v) Respond to the minor's health needs that relate to methamphetamine toxicity;
   (vi) Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
   (vii) Arrange for medical testing for methamphetamine toxicity; and
   (viii) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

6. Recipient will assign properly trained personnel to prepare a Hazard Assessment and Recognition Plan (HARP) for the clandestine methamphetamine laboratory site;

7. Recipient or DTSC will utilize qualified disposal personnel to remove the chemicals, associated glassware, equipment, and contaminated materials and wastes from the clandestine methamphetamine laboratory site;

8. Recipient or DTSC will dispose of the chemicals, associated glassware, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licenses recycling facilities; and

9. Recipient or DTSC will monitor the records involving the transport, disposal and recycling components of subparagraphs numbered 7 and 8 immediately above in order to ensure proper compliance.

All appropriate documentation must be maintained on file by the project and available for OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Recipient may be ineligible for award of any future grants if the OES determines that any of the following has occurred: (1) the Recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [Section 12 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: S. L. Cooley

Authorized Official's Typed Name: STEVE COOLEY

Authorized Official's Title: DISTRICT ATTORNEY

Date Executed: 5/19/08

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APPROVED AS TO FORM
RAYMOND G. FORTNER, JR, County Counsel

BY _____ Deputy

AUTHORIZED BY:

- City/County Financial Officer or
- City Manager or
- Governing Board Chair

Signature: _____

Typed Name: YVONNE B. BURKE

Title: CHAIR, LOS ANGELES COUNTY BOARD OF SUPERVISORS

Los Angeles County Chief Administrative Office
Grant Management Statement for Grants Exceeding $100,000

Department: Los Angeles County District Attorney's Office

Grant Project Title and Description: Clearinghouse Electronic Surveillance System (CHESS)

The Clearinghouse Electronic Surveillance System (CHESS) program will handle telephone wiretap applications processed through Los Angeles County Regional Criminal Information Clearinghouse. The prosecutors assigned to CHESS will specifically assist the State, federal, and local law enforcement agencies and multi-jurisdictional task forces that use the Clearinghouse wire room and facilities.

Funding Agency	Program (Fed. Grant # /State Bill or Code #)	Grant Acceptance Deadline
Governor's Office of Emergency Services		

Total Amount of Grant Funding: $297,765 **County Match:** $0
Grant Period: FY2008-09 **Begin Date:** July 1, 2008 **End Date:** June 30, 2009
Number of Personnel Hired Under This Grant: **Full Time:** 3 **Part Time:** 0

Obligations Imposed on the County When the Grant Expires

Will all personnel hired for this program be informed this is a grant-funded program? Yes X No__

Will all personnel hired for this program be placed on temporary ("N") items? Yes X No __

Is the County obligated to continue this program after the grant expires? Yes __ No X

If the County is not obligated to continue this program after the grant expires, the Department will:

a). Absorb the program cost without reducing other services Yes __ No X
b). Identify other revenue sources Yes __ No X
(Describe)_____

c). Eliminate or reduce, as appropriate, positions/program costs funded by the grant. Yes X No __

Impact of additional personnel on existing space: None

Other requirements not mentioned above:

Department Head Signature S.L.C. **Date** 6/13/08