



**District Attorney
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: August 28, 2018 – **REVISED**

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
County Counsel Sign Off	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
CONTACT PERSON: Dan Underwood PHONE: 636-5494		

SUBJECT: Approve an agreement with the United States Department of Justice.

REQUEST(S):

That the Board of Supervisors:

1. Approve an agreement with the United States Department of Justice to participate in the Federal Equitable Sharing program and to allow continued access to Equitable Sharing funds in the amount of \$6,981, retroactive to July 1, 2018 through June 30, 2019. This agreement is retroactive due to the United States Department of Justice's procedures in collecting this information at the end of the preceding fiscal year.
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2018, and that it was in the County's best interest to enter into the agreement on that date.
3. Authorize the Chairman's and the District Attorney's electronic signature on the agreement.

SUMMARY:

The Comprehensive Crime Control Act of 1984 authorized the sharing of federal forfeiture proceeds with state and local law enforcement agencies which work with federal agencies to enforce federal criminal laws. To obtain such proceeds, the state or local agency must sign an Equitable Sharing Agreement and certify that the forfeited proceeds received are allocated as required by federal statutes and regulations established by the U.S. Department of the Treasury and the U.S.

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Department of Justice (DOJ).

The District Attorney's office does not receive funds directly from the DOJ, rather the DOJ sends the funds directly to the Tulare County Sheriff's Office, who in turn transfers the appropriate share to our office. Funds received are contingent upon involvement in Federal cases.

The agreement is entered into annually at the end of the preceding fiscal year, at which time the District Attorney reports funds received and spent for that year through the Annual Certification Report portion of the agreement. The department did not receive any equitable sharing funds in FY 2017/2018. The balance carried in from FY 2016/2017 was \$6,880.07, and the trust earned \$100.53 in interest, for a total ending balance of \$6,980.60. No funds were spent in FY 2017/2018.

A prior agreement, identical except for the time period and dollar value, was approved as to form by County Counsel on August 1, 2017. The substantive deviations from the standard County boilerplate identified in the prior agenda item were:

1. The document is submitted electronically on the Department of Justice's template without signatures.
2. Submission of the document constitutes acceptance of the agreement's terms.

The only changes from the prior agreement are to the time period of the agreement and the dollar amount of the agreement.

Although page 4 contains a signature line for the Board Chair, there is no need for the Chair to sign the agreement, as that signature line changes to "submitted electronically" once the box for that field is checked online. The Board Agenda Item and accompanying Resolution are kept on file showing proof of authorization for our department to submit electronically on behalf of the Board Chair.

FISCAL IMPACT/FINANCING:

During FY 2017/2018, the Federal Asset Forfeiture trust fund (fund 550) accumulated interest revenue of \$100.53 and it is anticipated that the interest revenue will continue to accumulate. With this, the beginning fund balance of \$6,880.07 has grown into \$6,980.60 as of June 30, 2018. This represents the fund balance that is being reported to the Department of Justice. The department does not have any plans for this fund during FY 2018/2019, therefore, this request does not have any Net County Cost impact.

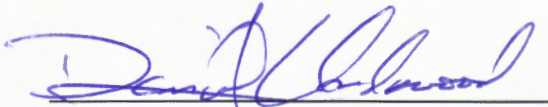
LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year Strategic Business Plan and Management System includes a Safety and Security Initiative to effectively and fairly investigate, arrest, prosecute and punish individuals who engage in criminal behaviors. The Federal Equitable Sharing Agreement will support the Initiative by depriving criminals of the profits and

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proceeds of their illegal activities.

ADMINISTRATIVE SIGN-OFF:



Dan Underwood
Chief Deputy District Attorney

Cc: County Administrative Office

Attachment(s) Equitable Sharing Agreement and Certification

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE)
AN AGREEMENT WITH THE UNITED) Resolution No. _____
STATES DEPARTMENT OF JUSTICE.) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

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