



**Probation Department  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** September 17, 2019

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"/>
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 checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Steven Horton    PHONE: (559) 735-1554

**SUBJECT:** Approve a grant award agreement with the California Office of Traffic Safety

**REQUEST(S):**

That the Board of Supervisors:

1. Approve a grant award agreement with the California Office of Traffic Safety for Intensive Probation Supervision for High Risk Felony and Repeat Driving Under the Influence Offenders to accept grant funding in the amount of \$96,708 for the period of October 1, 2019 through September 30, 2020; and
2. Authorize the Chairman to sign four (4) copies of the agreement

**SUMMARY:**

On an annual basis since 2009, the Probation Department has successfully applied for and received funding from the competitive California Office of Traffic Safety (OTS) Driving Under the Influence (DUI) Grant Program. This grant program has been made possible with a yearly federal appropriation. The goal of the program is to reduce the number of DUI-related traffic injuries, fatalities and recidivism. This agreement provides the funds for one (1) Deputy Probation Officer for Fiscal Year 2019-20.

DUI-related collisions, injuries and fatalities are an unfortunate prevailing fact in Tulare County. In 2016, Tulare County ranked 29th out of 58 counties in the OTS rankings for alcohol-related collisions in which there were victims killed or injured. When broken down by age group, Tulare County ranked 20th out of 58 for collisions involving a driver who was under the age of 21 who had been drinking and 15th out of 58 counties for collisions involving a driver aged 21 – 34 who had been drinking.

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This one-year grant for the period of October 1, 2019 through September 30, 2020, will continue to fund one (1) existing Deputy Probation Officer position dedicated to carrying a specialized supervision caseload of convicted high-risk, felony, and repeat DUI offenders. These offenders will be held accountable through intensive supervision to ensure compliance with court-ordered conditions of probation and to prevent re-arrest on new DUI charges. Intensive probation supervision of these offenders should help reduce the number of DUI collisions.

The agreement has been approved as to form by County Counsel. The following terms deviate substantively from the standard County boilerplate: 1.) The Agreement is contingent on the availability of funds to the State; 2.) If invoices are not properly and timely submitted to the State, the State may not only suspend this grant, but deny future grant funding to the County; 3.) OTS, not the County, owns the intellectual property stemming from the Agreement; 4.) The Agreement includes two sections about termination without cause. However, the State confirmed that the section applicable to the County allows the County to terminate the Agreement at any time upon providing written notice to the State. On the other hand, the State must provide 30 days written notice to the County if it wants to terminate the Agreement for this reason; 5.) The State can terminate the Agreement for cause, but the County cannot terminate the Agreement for this reason; 6.) The County is required to indemnify and defend the State, but the State is not required to indemnify or defend the County; 7.) The County can only assign the Agreement if OTS consents in the form of a written amendment to the Agreement. However, there is no such limitation if the State assigns the Agreement; 8.) The County signs the Agreement first.

**FISCAL IMPACT/FINANCING:**

The agreement with the California Office of Traffic Safety for Intensive Probation Supervision of High Risk Felony and Repeat Driving Under the influence Offenders to accept grant funding in the amount of \$96,708 for the period of October 1, 2019 through September 30, 2020. The grant funding is included in the Probation Department's Fiscal Year 2019-2020 operational budget. There is no net County cost to the General Fund.

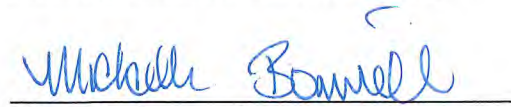
**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic business plan includes provision for the safety and security of the public specifically the promotion of crime prevention by addressing contributors to crime. The Tulare County Probation Department provides targeted intervention services to divert offenders from further incursion into the justice system, thus promoting safer communities.

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**ADMINISTRATIVE SIGN-OFF:**



Michelle Bonwell  
Chief Probation Officer

Cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

Attachment(s) Agreement

1. Approved a grant award agreement with the California Office of Traffic Safety for Intensive Probation Supervision for High Risk Felony and Repeat Driving Under the Influence Offenders to accept grant funding in the amount of \$96,708 for the period of October 1, 2019 through September 30, 2020; and
2. Authorized the Chairman to sign four (4) copies of the agreement