



# COUNTY OF HUMBOLDT

For the meeting of: 1/8/2019

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File #: 19-30

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**To:** Board of Supervisors

**From:** Sheriff

**Agenda Section:** Consent

**SUBJECT:**

Humboldt County Drug Task Force (HCDTF) Memorandum of Understanding, Authorization to Execute Agreements, Appropriations Transfer and Supplemental Budget Requests (4/5 Vote Required)

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Retroactively approve the attached HCDTF Memorandum of Understanding;
2. Retroactively authorize the Sheriff or Chair of the HCDTF to execute any and all leases and other agreements for the sole benefit of HCDTF as directed by the HCDTF Executive Board entered into on or after October 1, 2018;
3. Approve an appropriations transfer request in FY 2018-19 Budget Unit 265 Sheriff's Drug Task Force for building improvements; and
4. Approve a supplemental budget request in FY 2018-19 Budget Unit 265 Sheriff's Drug Task Force to allow for asset forfeiture distributions to member agencies (4/5 vote required).

**SOURCE OF FUNDING:**

State and federal asset forfeiture funds

**DISCUSSION:**

The HCDTF was originally established in 1983 in conjunction with the California Department of Justice, Bureau of Narcotic Enforcement (BNE) and local law enforcement agencies. The BNE initially provided management of the task force under the direction of an executive board consisting of the Sheriff, chiefs of local law enforcement agencies, the District Attorney and California Highway Patrol Commander.

With legislative changes, it became necessary to change the structure of the task force. The executive board members agreed to provide resources to continue HCDTF and in May 2013 your Board approved the first Memorandum of Understanding (MOU) that officially designated HCDTF under the management of the Humboldt County Sheriff's Office (HCSO). Participating agencies are responsible for the expenses related to the salary, benefits, basic training and equipment of the deputies and staff assigned to the task force. Operating expenses for HCDTF are provided through state and federal asset

forfeiture revenues and occasionally grant revenue. These revenues are maintained by the county and administered by HCSO.

Participating agencies include:

- City of Arcata Police Department (APD)
- City of Eureka Police Department (EPD)
- City of Fortuna Police Department (FPD)
- California Highway Patrol (CHP)
- Humboldt County District Attorney's Office (DA)
- Humboldt County Sheriff's Office (HCSO)
- Bureau of Land Management (BLM)

Recommendation #1:

The MOU is brought to your Board annually for approval and outlines the roles and responsibilities of HCSO, as well as the participating agencies. Included in the MOU is the delegation of an Executive Board, resources by each agency, the responsibilities of HCSO, and a formula for equitable sharing of seized assets. The FY 2017-18 MOU expired on June 30, 2018, and the renewal for FY 2018-19 was circulated to each participating agency for approval and signatures. It was recently identified that the FY 2018-19 MOU was not brought before your Board for approval and therefore this request is for retroactive approval. It was identified that the delay was due to the July 2018 retirement of the Sheriff's Deputy Director and was overlooked during the transition to a new Deputy Director.

Recommendation #2:

The HCDTF requests delegation of authority for the Sheriff and/or Chair of the HCDTF to sign any leases or other agreements for the sole benefit of HCDTF as directed by the HCDTF Executive Board. This delegation of authority is requested retroactive to Oct. 1, 2018. Since the operations of HCDTF are solely funded by grant and asset forfeiture funds and do not receive direct contribution from the county general fund, the HCDTF Executive Board is seeking this delegation of authority in order to prevent any delays in conducting HCDTF business.

Recommendation #3:

The HCDTF Executive Board has approved security and telecommunication building improvements to the HCDTF office and funds are available in Budget Unit 265 for these improvements. The improvements meet the definition of a fixed asset and therefore a appropriations transfer request is necessary to establish the fixed asset.

Recommendation #4:

In accordance with the MOU, excess revenues from state and federal forfeitures are distributed to five of the participating agencies every January. To ensure the availability of continued resources for drug enforcement activities, HCDTF intends to maintain a 3-year operating budget amount in the combined Trusts 3644 SIB Operating Expense, 3645 SIB State Asset Forfeiture, and 3646 SIB Federal Asset Forfeiture. The distribution has historically been added every year as a supplemental budget request.

**FINANCIAL IMPACT:**

**Recommendations #1 and #2:**

Each participating agency bears the costs of deputies and staff assigned to HCDTF. The daily operational costs of the HCDTF are paid from asset forfeiture proceeds derived from task force activities and occasionally offset by grant revenue. The Sheriff's Office manages the HCDTF operational costs in the approved FY2018-19 Budget Unit 265. Salary expenses for county employees assigned to the task force are covered in the annual general fund allocation in Sheriff's Operations Budget Unit 221. No additional funding is requested to support these recommendations.

**Recommendation #3:**

Funds in the amount of \$24,514 for the requested building improvements are available in budget unit 265 - Sheriff's Drug Task Force in line item 2118 - Professional Services. A fixed asset line 8998 - Improvements has previously been established with \$10,000 already transferred. An appropriations transfer (see attached) is requested to move the additional \$14,514 to line item 8998 - Improvements. No additional funding is requested to support this recommendation.

**Recommendation #4:**

There is a balance of \$406,021.37 that may be distributed to HCDTF agencies in accordance with the MOU. Upon HCDTF Executive Board approval, HCSO's share of \$152,258.01 and the DA's share of \$101,505.34 will be transferred directly from trust 3644 SIB Operating Expense to the respective HCSO and DA trust funds. The remaining \$152,258.01 would be distributed in equal shares to APD, EPD, and FPD. In order to accomplish the agency distribution, a supplemental budget (see attached) transferring \$152,258.01 from trust 3644 SIB Operating Expense to Budget Unit 265 - Sheriff's Drug Task Force in line item 3307 - Contribution to other Government Agencies is requested.

The recommendations meet the Board of Supervisors Strategic Framework goal of providing community-appropriate levels of service by building inter-jurisdictional and regional cooperation and providing core services in ways that safeguard the public trust by managing resources to ensure sustainability of services.

**OTHER AGENCY INVOLVEMENT:**

City of Arcata Police Department  
City of Eureka Police Department  
City of Fortuna Police Department  
California Highway Patrol  
Humboldt County District Attorney's Office  
Bureau of Land Management

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board of Supervisors may choose not to approve the recommendations, however, this is not recommended since it would leave the HCDTF without a governing agreement, would delay the HCDTF in managing its operations timely, would prevent HCDTF from performing the building

improvements needed for communication and safety, and would prevent HCDTF from meeting the asset forfeiture distribution policy described in the MOU.

**ATTACHMENTS:**

1. Drug Task Force MOU
2. Appropriation Transfer Request for Budget Unit 265 - Building Improvements
3. Supplemental Budget Request for Budget Unit 265 - Asset Forfeiture Distributions

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: C-21 and C-29

Meeting of: September 5, 2017 and February 6, 2018