

**FIRST AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE CITY OF
FRESNO AND FRESNO ECONOMIC OPPORTUNITIES COMMISSION REGARDING
FUNDING FOR THE ADVANCE PEACE PROGRAM**

THIS FIRST AMENDMENT TO THE AGREEMENT (Amendment) made and entered into effect on 12/18/2024, between the CITY OF FRESNO, a California municipal corporation (City), and The Fresno Economic Opportunities Commission, a California nonprofit corporation (Grantee), to provide funding for the Advance Peace Program.

RECITALS

WHEREAS, the City and the Grantee entered into a Grant Agreement on June 26, 2024, (Agreement) to provide violence intervention and prevention services to at-risk youth (the Project); and

WHEREAS, the City desires to incorporate the Community Violence Intervention Policy as an exhibit that outlines the criteria and vetting process for contracted organizations who perform community violence intervention work or training; and

WHEREAS, the City desires for the Grantee to request a livescan background check for any of the Grantee's employee(s) and/or independent contractor(s) funded by the City in their performance of the scope of the Project; and

WHEREAS, the City desires for the Grantee to use the criteria within the Community Violence Intervention Policy to review livescan reports and determine the eligibility of the Grantee's employee(s) or independent contractor(s); and

WHEREAS, the City desires for the Grantee to provide a signed attestation form for each of the Grantee's employee(s) or independent contractor(s) indicating the vetting process was completed prior to beginning community violence intervention work or participating in training; and

WHEREAS, the City shall review the Grantee's signed attestation form(s) and issue a notice to proceed with the scope of services contained within the service agreement; and

WHEREAS, the City will reimburse the cost of the livescan background check for contracted organizations for their employees and/or independent contractor(s); and

WHEREAS, with entry into this Amendment, the Grantee agrees it has no claim, demand, or dispute against the City and affirms that it will abide by all obligations contained in the Agreement entered into on June 26, 2024 with no gaps in obligations thereunder.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual promises herein contained, and for other good and valuable consideration hereby acknowledged, the parties agree that the aforesaid Agreement be amended as follows:

1. The recitals to this Amendment are incorporated and made a part of this Agreement.
2. The Grantee shall comply with the requirements in the Community Violence Intervention Policy set forth in Exhibit A, incorporated herein and attached hereto by reference.
3. Except as otherwise provided herein, the Agreement entered into by City and Grantee, dated June 26, 2024, and all obligations contained herein remain in full force and effect. In the event of any conflict between the Agreement or any Exhibits and this Amendment, this Amendment shall control.

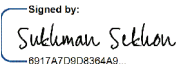
[Signatures follow on the next page.]

IN WITNESS WHEREOF, the Parties have executed this Amendment at Fresno, California, the day and year first above written.

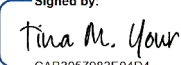
CITY OF FRESNO, a California
municipal corporation

By: 
4B59C028A274430...
Georgeanne A. White
City Manager

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By:  12/4/2024
8917A7D8D8364A9...
Sukhman S. Sekhon Date
Deputy City Attorney

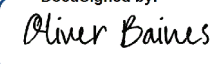
ATTEST:
TODD STERMER, CMC
City Clerk

By:  12/18/2024
CAB3057983E04D4...
Deputy Date

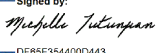
Addresses:

CITY:
City of Fresno
Parks, After School, Recreation and
Community Services Department
Attention: Aaron A. Aguirre, Director
1515 E. Divisadero
Fresno, CA 93721

FRESNO ECONOMIC OPPORTUNITIES
COMMISSION, a California nonprofit
corporation

By: 
F4513FFE4D53499...
Name: oliver Baines

Title: chairman
(If corporation or LLC, Board Chair,
Pres. Or Vice Pres.)

By: 
DF85F354400D443...
Name: Michelle Tutunjan

Title: Acting CEO
(If corporation or LLC., CFO, Treasurer,
Secretary or Assistant Secretary)

GRANTEE:
Fresno Economic Opportunities
Commission Attention: Sherry Neil
Title: Program Officer
Address: 1920 Mariposa St., Suite 300
Fresno, CA 93721
Phone: 559-263-1006
Email: sherry.neil@fresnoeoc.org

Attachments:

1. Exhibit A – Community Violence Intervention Vetting Policy

Exhibit A

Community Violence Intervention Vetting Policy

Effective Date: _____

Background

Community violence intervention is defined by the United States Department of Justice as a set of community-centered responses to community violence which include efforts such as violence interruption (“street outreach”) and hospital-based violence intervention.¹ Training in evidence-based intervention methods is important to the effectiveness of intervention efforts.

The City of Fresno provides funding to community-based organizations (“contracted organizations”) for community violence intervention work or training. Contracted organizations shall ensure that all employees and/or independent contractors shall be vetted according to the criteria and process set forth in this policy.

This requirement is in place because community violence intervention work includes serving populations that are vulnerable to victimization or re-victimization. The work may also include providing services to minors and/or engagement with minors in the community during outreach efforts.

Policy

A Livescan (fingerprint background check) is required for the contracted organization’s employee(s) and/or independent contractor(s) who are receiving funding from the City of Fresno to conduct community violence intervention work.

A Livescan (fingerprint background check) is required for the contracted organization’s employee(s) and/or independent contractor(s) who provide or receive training in community violence intervention that is funded by the City of Fresno.

Due to the nature of the work, certain offenses appearing on the background check are considered exemptible while others are not. The criteria listed in this policy shall be used to qualify individuals for participation in street violence intervention training and/or qualify individuals to provide contracted street violence intervention services funded by the City of Fresno. Contracted organizations will not be able to engage in training or seek reimbursement for employee(s) and/or independent contractors who have not been vetted.

This policy shall be incorporated as an exhibit into all City contracts and/or grants for community violence intervention work or training, regardless of funding source.

Criteria

The following crimes are non-exemptible and will be considered grounds for disqualification from conducting community violence intervention work and/or training. The City reserves the right to offer special consideration for all criteria contained herein on a case-by-case basis through the appeals process.

¹ Community based Violence Intervention and Prevention Initiative, <https://www.lisc.org/cvipi/>

1. Sex Offenses²

A Contracted organization's employee(s) and/or independent contractor(s) with any of the violations or attempted violations of Section 220, 261, or 261.5 of the California Penal Code, or any sex offense listed in Section 290 of the Penal Code, are disqualified for participation in training or providing contracted services. A summary of the violations is listed below. Please refer to the California Penal Code for a complete list of the violations.

- a. Assault with intent to commit mayhem, rape, sodomy, oral copulation (Section 220)
- b. Rape, abduction, carnal abuse of children and seduction (Section 261 and Section 261.5)
- c. Persons convicted of sexual offenses required to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department (Section 290)
- d. Sexual battery (Section 243.4)
- e. Human Trafficking (Section 236.1)

2. Felony Convictions³

- a. A contracted organization's employee(s) and/or independent contractor(s) with one or more felony convictions within the last 2 years are disqualified.
- b. A contracted organization's employee(s) and/or independent contractor(s) with one or more felony convictions within the last 2.01 to 6.99 years require review by the Review Board outlined in the appeals process.
- c. A contracted organization's employee(s) and/or independent contractor(s) performing services at a playground or recreational center and in a position having supervisory or disciplinary authority over a minor, shall be disqualified if they have a felony or misdemeanor conviction within the last 10 years in accordance with Article 3, 5164(2)(C) of the CA Public Resources Code.

3. Crimes Involving children and/or felony domestic violence⁴

- a. A contracted organization's employee(s) and/or independent contractor(s) with any of the violations or attempted violations of Section 273a and 273d of the Penal Code (summarized below) are disqualified.
- b. Violation of any statute that involves producing great bodily harm or death, willfully cause or permit any child to suffer, or inflict thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully cause or permit the person or health of that child to be injured, or willfully cause or permit that child to be placed in a situation where his or her person or health is endangered (Section 273a) willfully inflict upon a child any cruel or inhuman corporal punishment or an injury resulting in a traumatic condition (Section 273d).
- c. Any felony statute related to domestic violence.
- d. Violation of any statute related to human trafficking, pimping or pandering (Section 236.1, Section 266h and 266i)

²CA Public Resources Code, Article 3 (5164)

³ CA Public Resources Code, Article 3 (5164) and Los Angeles Gang Reduction And Youth Development Agreement

⁴ CA Public Resources Code, Article 3 (5164)

4. Probation or parole

- a. Probation or parole requirements must be completed prior to the date of training participation or contracted services.
- b. The City reserves the right to offer special consideration on a case-by-case basis through the appeals process.

5. Active Warrant

- a. A contracted organization's employee(s) and/or independent contractor(s) with an active warrant are disqualified.

6. Active Gang Activity

- a. A contracted organization's employee(s) and/or independent contractor(s) with a gang injunction or court order naming the individual as an active gang member or active associate of the gang are disqualified.
- b. An active gang member is defined as a person who actively participates in a criminal street gang with knowledge that its members engage in, or have engaged in, a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in felonious criminal conduct by members of that gang (California Code, Penal Code - PEN § 186.22).

Process

Step 1: The contracted organization shall request a livescan background check for any employee(s) and/or independent contractor(s) funded by the City of Fresno for community violence intervention work, or any employee(s) or independent contractor(s) participating in community violence intervention training funded by the City of Fresno.

Step 2: The contracted organization's employee(s) and/or independent contractor(s) complete a live scan through third-party livescan company.

Step 3: The contracted organization shall use the criteria within this policy to review livescan reports and determine whether potential community violence intervention employee(s) and/or independent contractor(s) engaged in conducting training are eligible to participate in City-funded community violence intervention efforts.

Step 4: The contracted organization's employee(s) or independent contractor(s) are approved and can proceed to participate in city funded community violence intervention efforts OR employee(s) or independent contractor(s) are denied and ineligible. Any employee or independent contractor that is denied shall be ineligible to participate in training and shall not be permitted to provide street violence intervention services funded by the City of Fresno. Appeals may be considered by the Review Board, see appeals section of this policy.

Step 5: The contracted organization provides a signed attestation that this process has been completed for all employee(s) and/or independent contractor(s) prior to beginning community violence intervention work, participating in training or conducting training.

Step 6: The City shall review signed attestation(s) and issue a written notice to proceed with training or community violence intervention work. Any work completed prior to a notice to proceed shall be ineligible for reimbursement.

Review Board and Appeal Process

A Review Board consisting of the following representatives will be convened to review and respond to any appeals.

- Chief of Police or designee
- City Manager or designee
- Parks, After School, Recreation and Community Services (PARCS) Director or designee
- Personnel Director or designee
- City Attorney or designee
- A community member

If the contracted organization desires to appeal for reconsideration of an employee or independent contractor, the contracted organization may contact the PARCS Director in writing to request an appeal. The PARCS Director or designee will convene the Review Board for the purposes of hearing and responding to the request for appeal.

Obligation to Report

Citation or Arrest

Any non-traffic citation or arrest of employee(s) and/or independent contractor(s) funded by the City of Fresno must be reported by community violence intervention workers to the contracted organization within 24 hours of non-traffic citation or arrest. The Contracted organization shall notify the City of Fresno in writing within 24 hours of receiving notice from their employees or volunteers.

Gang Injunction

A contracted organization's employee(s) and/or independent contractor(s) with a gang injunction or court order naming the individual as an active gang member or active associate of the gang are disqualified.

Any individual or organization failing to provide prompt (24-hour) written notice of non-traffic citations, arrests or gang injunctions pursuant to this procedure shall be subject to disciplinary actions including, but not limited to, removal from participation, revocation of any certifications or contract termination.

Exhibit A

Attestation Form

Attestation of Satisfactory Background Investigation Report

On behalf of _____, I acknowledge and attest to The City of Fresno
Organization Name

that we have a livescan background report for _____
Personnel Name (first & last)

and such background investigation report is satisfactory in that it does not contain any off the violations outlined in the City of Fresno Community Violence Intervention Policy.

Signature of Executive Officer or Authorized Representative

Printed Name

Title

Name of Organization

Date