

City of Fayetteville Item Review Form

2014-0113

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor

Submitted By

Police

Department

Action Required:

Acceptance of the 2014 State Drug Crime Enforcement and Prosecution Fund grant award and approval of a budget adjustment in the amount of \$56,250 for state funding of a 4th Judicial District Drug Task Force investigator.

Does this item have a cost? Yes

\$56,250.00

Cost of this request

\$56,250.00

Category or Project Budget

DCF Grant - 2014

Program or Project Name

1010.2920.5120.00

Account Number

Funds Used to Date

State Grant

Program or Project Category

31301-2014

Project Number

\$0.00

Remaining Balance

General

Fund Name

Budgeted Item? Yes

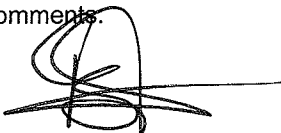
Budget Adjustment Attached? Yes

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

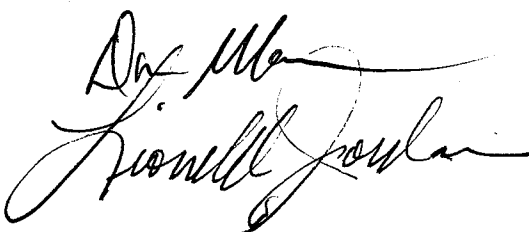
Comments:



Paul A. Baker

ENTERED
2/28/14


ENTERED
KG 2/28/14





www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan
From: Greg Tabor, Chief of Police 
Date: February 28, 2014
Subject: Grant Award from State Drug Crime Enforcement and Prosecution Fund

PROPOSAL:

The State Drug Crime Enforcement and Prosecution Fund is a funding source specifically established to supplement Drug Task Force entities in Arkansas. The total grant project budget will be \$70,312.50 with 80% funded by the state grant and 20% funded by local in-kind match. The 4th Judicial District Drug Task Force (DTF) will use the grant amount of \$56,250 to fund a DTF Investigator to be assigned to the 4th DTF by the Fayetteville Police Department. Furthermore, the twenty percent (20%) in-kind match requirement in the amount of \$14,062.50 will be met through the existing budgeted salary of the 4th DTF Secretary position.

RECOMMENDATION:

Staff recommends acceptance of the 2014 State Drug Crime Enforcement and Prosecution Fund grant award and approval of a budget adjustment in the amount of \$56,250 for state funding of a 4th Judicial District Drug Task Force investigator. If you should have any comments or questions regarding this grant award, please contact me at extension 3500 or Judy Cohea at extension 3581.

BUDGET/STAFF IMPACT:

The \$56,250 grant funding will reimburse 86% of the expenses of an officer assigned to the Drug Task Force. The \$9,043 grant shortfall for the DTF Officer expenses will be absorbed within the personnel category of the approved 2014 operating budget. This DTF Officer position has an active/filled status and will not impact our approved Full Time Equivalent (FTE) level.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A \$56,250.00 GRANT FROM THE STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND TO BE MATCHED BY \$14,062.50 FROM CITY FUNDS TO BE USED BY THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE, AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a \$56,250.00 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$14,062.50 from City Funds to be used by the 4th Judicial District Drug Task Force.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 18th day of March, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville, Arkansas - Budget Adjustment Form

Budget Year	Division: Police	Adjustment Number
2014	Dept.: Police	
	Requestor: Willie Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Acceptance of the 2014 State Drug Crime Enforcement and Prosecution Fund grant award and approval of a budget adjustment in the amount of \$56,250.

REQUEST DATE: 3/18/2014
 LEGISTAR FILE ID#: 2014-0113

BUDGET & INFORMATION MANAGEMENT USE

Ken Spivey 2/28/2014 9:50
 Budget Director Date

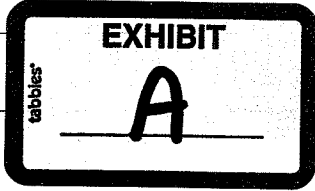
TYPE: A B C D E P

DESCRIPTION: _____
 GLDATE: _____
 POSTED: _____ / _____

RESOLUTION/ORDINANCE

v.20140219

Account Number	TOTAL		Project.Sub#		AT	Account Name
	Expense	Revenue	Project	Sub		
1010.2920.5120.00	56,250	-	31301	2014	EX	Personnel Services - Contra
1010.0001.4302.01	-	56,250	31301	2014	RE	State Grants - Operational
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**ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION**

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 400
P. O. Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>

<input type="checkbox"/>	JAG	<input type="checkbox"/>	RSAT
<input checked="" type="checkbox"/>	DCF	<input type="checkbox"/>	LLEBG

1. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

The Honorable Lioneld Jordan,
City of Fayetteville
100-A West Rock Street
Fayetteville, Arkansas 72701

4. SUBGRANT NUMBER: 14-014-DF

5. START DATE: March 1, 2014
END DATE: February 28, 2015

6. AWARD DATE: March 1, 2014

2. MODIFICATION EFFECTIVE DATE:

7. ACTION: Initial
 Modification

2A. MODIFICATION AMOUNT \$
FEDERAL \$
STATE MATCH \$
LOCAL MATCH \$

8. AWARD AMOUNT \$ 70,312.50
FEDERAL \$
STATE MATCH \$ 56,250.00
LOCAL MATCH \$ 14,062.50

3. COMMON NAME: 4th Judicial District Drug Task Force
Project Description: Identify arrest and prosecute individuals who are manufacturing, selling, or transporting drugs in or through the Programs jurisdictional area of operations.

9. SPECIAL CONDITIONS (check if applicable)

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS SET FORTH IN IT'S APPLICATION AND ALL CERTIFICATIONS, ASSURANCES AND SPECIAL CONDITIONS PREVIOUSLY AGREED TO.

This program is supported under the State Drug Crime Enforcement and Prosecution Fund.

AGENCY APPROVAL		SUBGRANTEE APPROVAL	
10. TYPED NAME AND TITLE OF APPROVING IGS OFFICIAL Doris Smith, Administrator Intergovernmental Services	12. TYPED NAME AND TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL The Honorable Lioneld Jordan, City of Fayetteville		
11. SIGNATURE OF APPROVING OFFICIAL	13. SIGNATURE OF AUTHORIZED OFFICIAL	14. DATE	



CERTIFIED ASSURANCES

1. The applicant assures that funds made available under the State Drug Crime Enforcement and Prosecution Fund will not be used to supplant any other funds currently used for DTFs in the state. They will be used to supplement the amount of funds that are currently available for the activities of this project.
2. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Department of Finance and Administration shall prescribe will be provided to assure fiscal control, proper management, and effective disbursement of funds received under this award;
3. The applicant assures that it will maintain an appropriate grant administration system to ensure that all terms, conditions and specifications of the grant, including these assurances, are met.
4. The applicant assures that it shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the as the Department of Finance and Administration may require;
5. The applicant agrees to use the grant and matching funds only for the purposes stated in this application. Additionally, the applicant agrees that any grant and matching funds approved for personnel for this project will be based on the percent of time the personnel actually devote to the project.
6. The applicant assures that at the end of each funding year that the project is in force, and at the end of the project period, it will submit a performance report to the Department of Finance and Administration in a manner to be prescribed;
7. The applicant certifies that the program contained in this application meets all the requirements, and that all the information is correct, and that the applicant will comply with all provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and all other applicable federal and state laws;
8. The applicant assures that before any budgetary or programmatic amendment is made to an approved program, it will submit such an amendment to the Department of Finance and Administration for review;
9. The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Arkansas Department of Finance and Administration, Office of Intergovernmental Services;
10. The applicant assures that if it is required to formulate an Equal Employment Opportunity Program (EEOP) in accordance with 28 CFR 42.301, et. seq., it will submit a certification to the state that it has a current EEOP on file which meets the requirements therein;
11. The applicant assures that it will comply with the provisions of the Department of Finance and Administration's "Drug Law Enforcement grant Procedures and Financial Management Guidelines";
12. The applicant assures that in addition to all other audit requirements, it will allow the Division of Legislative Audit or any other independent or internal auditors of the Department of Finance and Administration to have access to the applicant's records and financial statements;
 - (A) as may be necessary for the Department of Finance and Administration to comply with the 1996 Single Audit Act Amendments and Office of Management and Budget (OMB) Circular A-133, and other rules and/or regulations governing financial accounting and auditing guidelines, principles, and procedures; and
 - (B) as may be requested by the Department of Finance and Administration to comply with any State or local government rules and/or regulations;
13. The applicant assures that it will fully participate in the compilation of statistical information as required by state agencies.

INITIAL

14. The applicant assures that both Drug Crime Enforcement and Prosecution Grant funds and matching funds used for this project will be used exclusively to support defined DTF activities, and will not be used to support any general purpose law enforcement or other activity maintained by the applicant;
15. The applicant assures that the Task Force Board of Directors or 'Control Group' will hold regularly scheduled meetings at least monthly, and will provide the State Drug Director with copies of the agenda and minutes of each meeting;
16. The applicant assures that the Task Force Administrator and the Board of Directors will develop and/or maintain a detailed policy and procedures manual for the guidance of task force operations.
17. The applicant assures that all proposals for out of state travel for conference and training will be submitted to the Department of Finance and Administration for submission to the Arkansas Law Enforcement Committee of the Arkansas Alcohol and Drug Abuse Coordinating Council for approval prior to any expense being incurred.
18. The applicant agrees to comply with the with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable. The applicant also agrees to accept full responsibility for any compensatory time allowance or overtime pay obligations for persons employed within the project not funded by the grant.
19. The applicant agrees that no officer or employee of its agency shall be involved in a decision that affects the applicant during the time of employment with the knowledge that there is an opportunity to further their interests.

CERTIFICATION

I hereby certify that the applicant will comply with the above certifications and that all the information presented is correct and the application will comply with all applicable laws, regulations, and guidelines.

(Signature of Contracting Official)

Lioneld Jordan

(Typed Name)

(Signature of Fiscal Officer)

Judy Cohea

(Typed Name)

(Date)

Mayor

(Title)

(Date)

Fiscal Officer

(Title)

STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND GRANT

SPECIAL CONDITIONS

1. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
2. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.
3. Recipient understands and agrees that it cannot use these funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of Department of Finance and Administration, Office of Intergovernmental Services.
4. The grantee agrees to assist the Bureau of Justice Assistance (BJA) in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a grantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds.

The grantee understands that this special condition applies to the following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

a. New construction; b. Minor renovation or remodeling of a property either (i) listed on or eligible for listing on the National Register of Historic Places or (ii) located within a 100-year flood plain; c. A renovation, lease, or any proposed use of a building or facility that will either (i) result in a change in its basic prior use or (ii) significantly change its size; and, d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from DF&A, agrees to cooperate with them in any preparation of a program environmental assessment of that funded program or activity.

5. This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"]. No monies from this award may be obligated to support meth lab operations unless the grantee implements this special condition.

The Office of Justice Programs (OJP), in consultation with the Bureau of Justice Assistance, the Drug Enforcement Administration, and the Office for Community Oriented Policing Services, prepared Program-level Environmental Assessment governing meth lab operations. The Assessment describes the adverse environmental, health, and safety impacts likely to be encountered by law enforcement agencies as they implement specific actions under their methamphetamine laboratory operations. Consistent with the Assessment, the following terms and conditions shall apply to the grantee for any OJP funded meth lab operations:

A. The grantee shall ensure compliance with federal, state, and local environmental, health, and safety laws and regulations applicable to meth lab operations, to include the disposal of the chemicals, equipment, and wastes resulting from those operations.

B. The grantee shall have a Mitigation Plan in place that identifies and documents the processes and points of accountability within its state. This plan will be used to ensure that the adverse environmental, health, and safety impacts delineated in the Assessment are mitigated in a manner consistent with the requirements of this condition.

Initial

C. The grantee shall comply with the following nine mitigation measures identified in the Assessment and whose implementation is addressed in the grantee's Mitigation Plan. These mitigation measures must be included as special conditions in all subgrants: (See Part II of this special condition)

6.
 1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories;
 2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories;
 3. As determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment;
 4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory;
 5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory;
 6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities;
 7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5. and 6. immediately above in order to ensure proper compliance;
 8. Have in place and implement a written agreement with the responsible state environmental agency. This agreement must provide that the responsible state environmental agency agrees to (i) timely evaluate the environmental condition at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency and in accordance with existing state and federal requirements; and
 9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate 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.
7. The recipient agrees to submit to DFA for review and approval any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date.
8. To avoid duplicating existing networks or IT systems in any initiatives funded for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of DF&A that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

Initial

9. Recipient agrees that funds provided under this award may not be used to operate a "pay-to-stay" program in any local jail. Recipient further agrees not to subaward funds to local jails which operate "pay-to-stay" programs.
10. "Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice guidance document can be accessed on the Internet at www.lep.gov.
11. Grantee agrees that the following special conditions related to the expenditure of grant funds which have been approved by the DF&A Office of Intergovernmental Services, will be followed:
 - a. Grant funds will be used only in accordance with the approved budget. Expenditures incurred or made outside the approved budget will be disallowed.

- b. Grantee may request modification of the approved budget to reallocate funds between existing categories. Requests for the addition of new budget categories or line items will not be approved.
- c. Preapproval is required for out of state travel. Prior to travel, sub grantee must submit an out-of-state travel request form to IGS for approval. IGS will provide the standard form to use. Expense incurred for out of state travel that is not pre-approved by IGS will be disallowed.
- d. Uniform allowance is limited to the purchase of standard officer uniform, hazardous material uniform and necessary hazmat accessories. Undercover officers may not use the uniform allowance to purchase plain clothes.
- e. Lease cost for vehicles may not exceed \$600 per month per vehicle.
- f. Health Insurance premiums and retirement benefits are limited to the maximums paid by the State of Arkansas for its employees.
- g. Requests for reimbursement must be submitted using standard forms provided by IGS and submitted by the 15th of the month following the month of expenditures.
- h. The purchase of ammunition or weapons is unallowable.
- i. The purchase of drug interdiction canine is unallowable.
- j. The grantee will assure that the Office of Intergovernmental Services at DF&A has complete and correct contact information both for the Contract Official for the grant and for the DTF Director and Fiscal Officer. This contact information will include physical address, phone, fax and e-mail information.

12. ACCEPTANCE OF SPECIAL CONDITIONS

Signature

Date

OMB APPROVAL
NUMBER 1121-0140

EXPIRES 12/31/2012

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).

5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

7. If a governmental entity:

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Sub Project Maintenance Form

Sub Project Request: New SubProject

Project Number : 31301

Sub Project Number : 2014

Sub Project Title (40 char) : 2014-2015 Drug Crime Fund Grant 9 Char Left

Sub Project Abbv (15 char) : 14-15 DCF Grant

Sub Project Status : Active

Sub Project Division : D200 Police

Scheduled Start Date : 3/1/2014 <= Double Click Date Cells

Scheduled Ending Date : 2/28/2015 <= Double Click Date Cells 20150228

Actual Start Date : 3/1/2014 <= Double Click Date Cells 20140301

Actual Ending Date : 2/28/2015 <= Double Click Date Cells 20150228

GLACCOUNT#	Account Description	Need Setup	Add/Delete	Add to PCARD
1010.0001.4302.01	State Grants-Operational		Add	N/A
1010.2920.5120.00	Personnel Svcs - Contra		Add	N/A

Description/Justification of Request

Establish subproject for 2014-2015 State Drug Crime Enforcement and Prosecution Fund grant award.

W Newman
Requested By

Entered By