



**UPDATE**  
**Public Works and Safety Committee**  
**Standing Committee Meeting Agenda**  
**Monday, July 23, 2018**  
**5:00 PM**

**Location:**

Municipal Office Building  
701 N 7th Street  
Kansas City, Kansas 66101  
5th Floor Conference Room (Suite 515)

Name

Absent

Commissioner Melissa Bynum, Chair

☐

Commissioner Harold Johnson

☐

Commissioner Mike Kane

☐

Commissioner Angela Markley

☐

Commissioner Jane Philbrook

☐

Tom Groneman, BPU Board Member

☐

**I.        Call to Order/Roll Call**

**II.       Revisions to July 23, 2018 Agenda**

Blue Sheet – New Item

Item No. 6 – Resolution providing a School Resource Officer for USD #204

**III.      Approval of standing committee minutes from May 21, 2018.**

**IV.      Committee Agenda**

**Item No. 1 - GRANT: FY17 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

**Synopsis:** This funding will be used to send senior command staff within the Police Department to advanced leadership training through Senior Management Institute for Police (SMIP). Additionally, funding will be used to replace out of date software within the Internal Affairs Unit in order to adequately and efficiently monitor and manage data with respect to internal affairs complaints. The grant will begin October 1<sup>st</sup>, 2017 and end September 30<sup>th</sup>, 2020. There is no match required for this grant, submitted by Susan Alig, Assistant Counsel. Application for this grant was approved by the Commission on August 31, 2017. The grant amount is \$106,511.

*For information only.*

**Tracking #: 18316**

**Item No. 2 - GRANT: FY18 VOCA GRANT FOR VICTIM SERVICES UNIT**

**Synopsis:** Approval to apply and accept FY 2018 VOCA grant, including creation of an additional PFA Advocate, to be 100% grant funded. Match funds of \$75,274 will come from already existing sources. No additional dollars are being requested for FY 2019 application, submitted by Kristen A.K. Czugala, Program Supervisor, Police Department.

**Tracking #: 18324**

**Item No. 3 - RESOLUTION: 42ND & ARGENTINE BLVD. STORM DRAINAGE PROJECT (CMIP 5303)**

**Synopsis:** A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary for the construction, maintenance, operation, use and repair of the 42nd and Argentine Storm Drainage Project (CMIP 5303), submitted by Kenneth Moore, Chief Legal Counsel

**Tracking #: 18321**

**Item No. 4 - ORDINANCE: AMENDING CODE OF ORDINANCES RELATED TO PRELIMINARY BREATH TEST**

**Synopsis:** An ordinance amending Sec. 35-254 – Preliminary Breath Test to be consistent with Legislative amendments to State statute, submitted by Casey Meyer, Assistant Counsel, Legal Department.

**Tracking #: 18323**

**Item No. 5 - UPDATE: WASTE MANAGEMENT OPERATIONS**

**Synopsis:** Update of recent and on-going operational changes and performance indicators with Waste Management, submitted by Jeff Fisher, Public Works Director.

*For information only*

**Tracking #: 18320**

**V. Public Agenda**

**VI. Adjourn**

**AGENDA UPDATE  
PUBLIC WORKS AND SAFETY  
STANDING COMMITTEE MEETING  
MONDAY, JULY 23, 2018**

**IV. COMMITTEE AGENDA**

**NEW ITEM**

**ITEM NO. 6 – 18336...RESOLUTION: SCHOOL RESOURCE OFFICER FOR  
USD #204**

**Synopsis:** A resolution adopting a joint and cooperative agreement between the UG and the Board of Education Unified School District #204 to provide a School Resource Officer (SRO) to serve at the elementary schools for USD #204, Bonner Springs/Edwardsville, submitted by Jane Wilson, Assistant Counsel.



# Staff Request for Commission Action

Tracking No. 18336

**Full Commission Meeting Date:** 8/2/18

**Committee:** Public Works & Safety

**Date of Standing Committee Action:** 7/23/18

(If none, please explain):

**Publication Required:** No

| <u>Date:</u> | <u>Contact Name:</u> | <u>Contact Phone:</u> | <u>Contact Email:</u> | <u>Department/Division:</u> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 07/17/2018   | Jane Wilson          | x5069                 | jwilson@wycokck.org   | Legal                       |

**Item Description:**

A resolution and an Interlocal Agreement. This is the final draft of an agreement between the Unified School District No. 204 (Bonner Springs/Edwardsville) and the Unified Government for purposes of the Sheriff's Office providing a deputy to serve as a School Resource Officer in the three elementary schools within the district (the three schools are located in three different cities). The School Board will meet in a regular session on August 6, 2018, to formally vote to approve the agreement. The substantive terms of the agreement will not be modified.

The SRO will provide a positive law enforcement presence in the school communities.

The agreement includes the following material terms: 1. The agreement will initially be for a period of 12 months, unless earlier terminated by one of the parties; 2. The SRO will ultimately be responsible to the WYCO Sheriff's Office, but will collaborate with the school administrators on relevant issues; and 3. USD 204 agrees to reimburse the UG in the amount of \$65,568, broken out into monthly payments of \$5,464.

Exhibit A, referenced in the SRO agreement, will be provided at the meeting.

**Action Requested:**

Adopt resolution

**Budget Impact: (if applicable)**

Amount:

Source:

Included In Budget:

Other (explain):

**Attachments List:**

Resolution, Agreement

RESOLUTION NO. \_\_\_\_\_

**BE IT RESOLVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS**

That the Mayor of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government for the joint and cooperative agreement to provide a School Resource Officer to serve at the elementary schools for the Unified School District No. 204, Bonner Springs/Edwardsville, Wyandotte County, Public Schools between the Unified Government of Wyandotte County/Kansas City, Kansas and the Board of Education Unified School District No. 204, Kansas, Wyandotte County Public Schools, said Interlocal Agreement being dated \_\_\_\_\_.

THIS RESOLUTION IS ADOPTED by the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas, this \_\_\_\_ of \_\_\_\_\_ 2018.

UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS

By: \_\_\_\_\_

David Alvey  
Mayor/Chief Executive Officer

(SEAL)  
ATTEST

\_\_\_\_\_  
Unified Government Clerk

Approved as To Form:

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Jane Wilson, Assistant Counsel

**BONNER SPRINGS/EDWARDSVILLE USD 204 SCHOOL RESOURCE OFFICER  
INTERLOCAL COOPERATION AGREEMENT**

THIS BONNER SPRINGS/EDWARDSVILLE USD 204 SCHOOL RESOURCE OFFICER INTERLOCAL COOPERATION AGREEMENT (the "Agreement"), is made and entered into by and between the UNIFIED SCHOOL DISTRICT No. 204, WYANDOTTE COUNTY, STATE OF KANSAS ("School District"), a political subdivision of the State of Kansas, 2200 s 138<sup>th</sup> Street, Bonner Springs, Kansas, 66012, and the UNIFIED GOVERNMENT of KANSAS CITY, WYANDOTTE COUNTY, KANSAS CITY KANSAS and the WYANDOTTE COUNTY SHERIFF'S OFFICE (collectively referred to as "Unified Government" or "WYCOSO") a political subdivision of the State of Kansas, 701 North 7<sup>th</sup> Street, Kansas City, KS 66101.

**WITNESSETH**

WHEREAS, pursuant to the provisions of the Kansas Interlocal Cooperation Act, Kansas Code Annotated, Section 12-2902, et seq., as amended, certain public agencies, including political subdivisions of the State of Kansas as defined therein, are authorized to enter into mutually advantageous agreements for joint or cooperative action; and

WHEREAS, the School District and Unified Government, through their respective governing bodies, have voluntarily determined that the interests and welfare of the public within their respective jurisdictions will best be served by this Agreement to provide for joint and cooperative action in regards to having a School Resource Officer serve at the elementary schools within USD 204 in Wyandotte County, Kansas; and

WHEREAS, the governing bodies of the School District and the Unified Government have by resolution agreed to adopt this Agreement to provide for the joint and cooperative action contained herein.

NOW, THEREFORE, be it mutually covenanted and agreed as follows, each of the parties accepting as consideration for this Agreement the mutual promises and agreements of the other:

**SECTION ONE  
EFFECTIVE DATE AND DURATION**

This Interlocal Cooperation Agreement shall be effective on the date it is signed by the parties, and shall continue for a period of twelve (12) months encompassing the 2018-2019 school year as defined by the District's calendar, unless sooner terminated as provided herein.

**SECTION TWO  
ADMINISTRATIVE ENTITY**

The Unified Government and School District do not contemplate nor intend to establish a separate legal entity under the terms of this Agreement.

### **SECTION THREE** **PURPOSE**

This Agreement is established for the purpose of jointly providing for a School Resource Officer to serve at the elementary schools located within Bonner Springs/Edwardsville USD No. 204 Schools in Wyandotte County, Kansas.

### **SECTION FOUR** **MANNER OF FINANCING**

This Agreement and the matters contemplated herein shall not receive separate financing, nor shall a separate budget be required. Each party shall be responsible for its own obligations under this Agreement. Unified Government shall budget and be responsible for all payments related to the employment of the School Resource Officer. In exchange for the services provided by the Unified Government to the School District, the Unified Government shall send a statement to the School District on a monthly basis beginning in August of 2018 for payment of FIVE THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS AND NO CENTS (\$5,464.00). The statement shall be paid within thirty (30) days of receipt by School District.

### **SECTION FIVE** **ADMINISTRATOR**

Pursuant to K.S.A. 12-2904(e)(1) as amended, the parties agree that Unified Government shall act as administrator responsible for this Agreement. This Agreement does not anticipate nor provide for any organizational changes in the Unified Government or the School District.

### **SECTION SIX** **FILING OF AGREEMENT**

A copy of this Agreement shall be placed on file in the Office of the Clerk of the Unified Government and the County Administrator and with the Assistant Superintendent of the School District and shall remain on file for public inspection during the term of this Agreement.

### **SECTION SEVEN** **DESCRIPTION OF ARRANGEMENT**

Unified Government agrees to employ and provide a full-time deputy for Bonner Springs/Edwardsville USD 204 (hereinafter referred to as a "School Resource Officer"). The School Resource Officer shall be expected to attend and participate in applicable school meetings, and to communicate and coordinate with the elementary school principals and other appropriate school and School District officials concerning the needs of the schools and their students. School Resource Officer shall perform the duties set forth in Exhibit A, attached hereto and incorporated by reference. Unified Government shall be responsible for all other costs and matters associated with employing and maintaining the School Resource Officer (i.e., accounting, automobile, uniforms, etc.). If this Agreement is terminated in the middle of the

contract year, the Unified Government and the School District agree to divide the costs proportionally associated with the payment of the School Resource Officer for salary as of the time of termination.

**SECTION EIGHT**  
**NOTICE OF DEFAULT; CORRECTIVE ACTION**

The failure of either party to comply with each and every term and condition of this Agreement shall constitute a breach of this Agreement. Either party shall have thirty (30) days after receipt of written notice from the other of any breach to correct the conditions specified in the notice, or if the corrections cannot be made within the thirty (30) day period, within a reasonable time if corrective action is commenced within ten (10) days after receipt of the notice.

**SECTION NINE**  
**RIGHTS AND REMEDIES**

In the event of any breach hereunder and after the lapse of the cure period as per Section Eight above, the non-breaching party shall have all the rights and remedies available under the laws of the State of Kansas in effect. The rights and remedies of the parties hereto shall not be mutually exclusive, but shall be cumulative in all respects. The respective rights and obligations of the parties hereunder shall be enforceable in equity as well as at law or otherwise. In addition, in the event the School District breaches this Agreement and fails to make corrections as set forth in Section Eight above, the Unified Government may terminate this Agreement and cease providing a School Resource Officer to Bonner Springs/Edwardsville USD 204 schools.

**SECTION TEN**  
**GOVERNING LAW, JURISDICTION, AND VENUE**

All question with respect to the construction of this Agreement and all right and liability of the parties hereto shall be governed by the laws of the State of Kansas. Jurisdiction and venue for the enforcement of this Agreement shall be found in the courts of Wyandotte County, State of Kansas.

**SECTION ELEVEN**  
**COSTS OF ENFORCEMENT**

In the event of a breach of this Agreement, the non-breaching party shall be entitled to recover from the breaching party all of the non-breaching party's costs including, but not limited to, courts fees and expert witness costs associated with the enforcement of this Agreement.

**SECTION TWELVE**  
**NOTICE**

Any written notice which must or may be given relating to this Agreement shall be sufficient if mailed postage prepaid, certified mail, in the United States mail addressed to a party

at the address given above. In the case of the School District, notice shall be mailed to the attention of the Superintendent at the above address. In the case of the Unified Government, notice shall be mailed to the attention of the County Administrator at the above address. Either party may notify the other to designate a different address for mailing.

### **SECTION THIRTEEN** **TERMINATION**

Either party may terminate this Agreement at any time by giving the other party at least ninety (90) days prior written notice of the same.

### **SECTION FOURTEEN** **GENERAL PROVISIONS**

**A. Severability.** In the event that any condition, covenant, or other provision herein contained is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant, or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

**B. Entire Agreement.** This Agreement contains the entire agreement between the parties. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied upon by the parties. All prior understandings, negotiations, or agreements are merged herein and superseded hereby.

**C. Amendments.** This Agreement may be modified only by a writing signed by each of the parties hereto.

**D. Covenants and Conditions.** Each provision of this Agreement performable by the Unified Government and the School District shall be deemed to be both a covenant and a condition.

**E. Not Assignable.** This Agreement is specific to the parties hereto and is therefore not assignable.

**F. Binding Effect.** This Agreement shall bind the parties and their respective successors and assigns.

**G. Captions.** The captions to the various Sections of this Agreement are for convenience and ease of reference only and do not define, limit, augment, or describe the scope, content, or intent of this Agreement or any part or parts of this Agreement.

**H. Time.** Time is of the essence of each term, provision, and covenant of this Agreement.

**I. Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

**J. Gender and Number.** The singular number includes the plural whenever the context so indicates. As to all this Agreement and any policies or procedures executed in connection thereto, the neuter gender includes the feminine and masculine, the masculine includes the feminine and neuter, and the feminine includes the masculine and neuter, and each includes corporation, limited liability company, partnership, or other legal entity when the context so requires. The word "person" means person or persons or other entity or entities or any combination of persons and entities.

**K. Waiver or Forbearance.** No delay or omission in the exercise of any right or remedy by any party hereto shall impair such right or remedy or be construed as a waiver. Any waiver of any breach must be in writing and shall not be a waiver of any other breach concerning the same or any other provision of this Agreement.

**L. No Partnership, Joint Venture, or Third Party Rights.** Except as specifically set forth herein, nothing in this Agreement shall be construed as creating any partnership, joint venture, or business arrangement among the parties hereto, nor confer any rights or benefits to third parties.

**- SIGNATURES ON FOLLOWING PAGE -**

IN WITNESS WHEREOF, the parties have signed and executed this BONNER SPRINGS/EDWARDSVILLE USD #204 SCHOOL RESOURCE OFFICER INTERLOCAL COOPERATION AGREEMENT, after resolutions duly and lawfully passed, on the dates listed below.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018.

**UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

By: \_\_\_\_\_  
Doug Bach, County Administrator

ATTEST:

By: \_\_\_\_\_  
(Name) \_\_\_\_\_, \_\_\_\_\_ (title)

**APPROVED AS TO FORM AND COMPATIBILITY  
WITH THE LAWS OF THE STATE OF KANSAS:**

\_\_\_\_\_  
Jane Wilson, Assistant Counsel

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018.

**BOARD OF EDUCATION OF  
BONNER SPRINGS/EDWARDSVILLE USD 204.**

By: \_\_\_\_\_  
Olliea Jarrett, Board President

ATTEST:

By: \_\_\_\_\_

**APPROVED AS TO FORM AND COMPATIBILITY  
WITH THE LAWS OF THE STATE OF KANSAS:**

\_\_\_\_\_  
General Counsel  
Bonner Springs/Edwardsville USD 204

**APPROVAL BY THE ATTORNEY GENERAL**

The foregoing Interlocal Agreement is approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**THE ATTORNEY GENERAL OF THE STATE OF KANSAS**

By: \_\_\_\_\_

**PUBLIC WORKS AND SAFETY  
STANDING COMMITTEE MINUTES  
Monday, May 21, 2018**

The meeting of the Public Works and Safety Standing Committee was held on Monday, May 21, 2018, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Bynum, Chairman; Commissioners Philbrook, Markley, Johnson, McKiernan for Commissioner Kane, and Tom Groneman, BPU Board Member. Commissioner Kane was absent. The following officials were also in attendance: Gordon Criswell, Joe Connor and Melissa Sieben, Assistant County Administrators; Emerick Cross, Commission Liaison; Henry Couchman and Misty Brown, Senior Attorneys; Jeff Fisher, Executive Director of Public Works; and Brent Thompson, Director of Engineering/County Surveyor.

**Chairman Bynum** called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes from March 19, 2018. **On motion of Commissioner Markley, seconded by Commissioner Philbrook, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

**Item No. 1 – 18227...DISCUSSION: ROADSIDE MEMORIALS POLICY**

**Synopsis:** Discussion on creating a policy for roadside memorials, submitted by Emerick Cross, Commission Liaison.

**Emerick Cross, Commission Liaison,** said roadside memorials are an issue that every community and city throughout the country is dealing with. Some of our commissioners have been approached by citizens both for and against roadside memorials. I was working with Public Works. We had no official UG policy at the time regarding roadside memorials so they created a short presentation, done some research on the issue, and we would like to present that tonight for

discussion only and see where this takes us. I would like to turn it over to Brent Thompson of Public Works for the presentation.

## Road Side Memorials

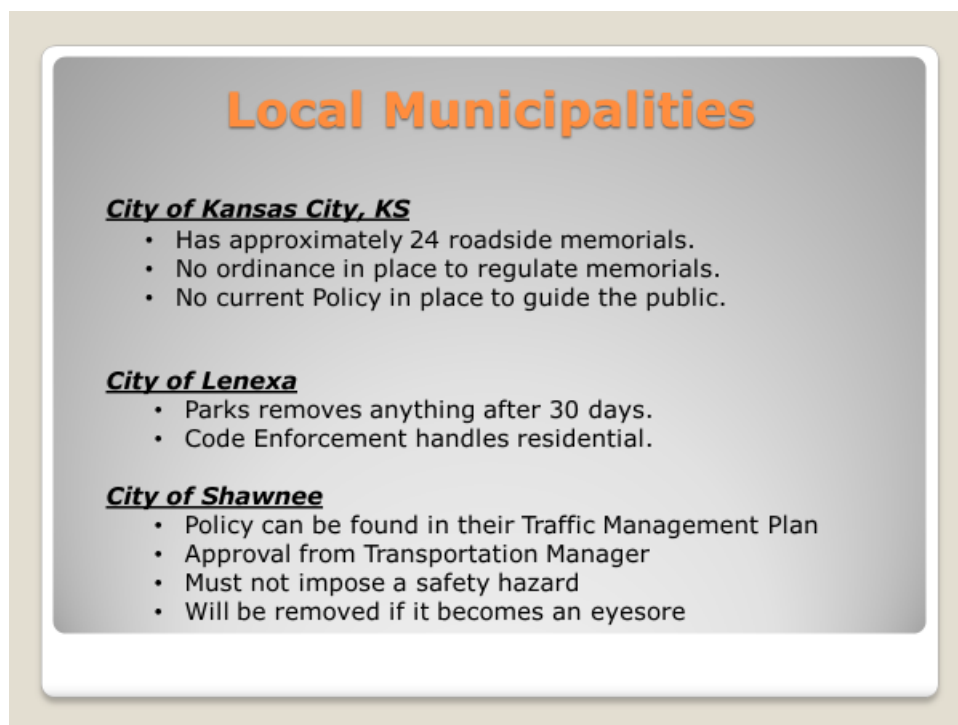
A place to grieve or a safety concern?



## Notables about Roadside Memorials

- They mark a spot where a loved one died
- Mean a great deal to those who erect them
- Reminders to drive safely
- They can be distracting
- Cause problems for Municipalities
- Cause problems for adjacent property owners
- Draw crowds putting both drivers and pedestrians in jeopardy.

**Brent Thompson, Director of Engineering/County Surveyor**, said as Emerick said, on the roadside memorials, some notables I'd like to just mention before getting into it; they do mark a spot where a loved one has died. They mean a great deal to those who erect them. They are reminders to all of us to drive safely. With that said, they can be distracting. They can cause problems for municipalities. Some of the municipalities have been taken and had lawsuits against them for these. They cause problems for adjacent property owners maintaining grass, cutting and so forth. They draw crowds putting both drivers and pedestrians in jeopardy.



In looking at this, as Emerick said, we went through and did some local municipalities. As Emerick mentioned, the UG, we have approximately 24 roadside memorials out there now. There's no ordinance in place to regulate them, and there's not a current policy in place to guide the public on how to go about putting them in place.

The City of Lenexa, the Parks Department does all the mowing so after 30 days, they remove any memorials that are out there. Code Enforcement handles anything inside the residential areas. The City of Shawnee, their policy can be found in their Traffic Management Plan. They get an approval from the transportation manager and it must not impose a safety hazard of any kind. It will be removed if it becomes an eyesore, and that's pretty much the going with all of the municipalities and DOTs that we've seen.

## Municipalities

### Kirkland Washington

- Application process
- Motor vehicle accident
- Time limit
  - Long term & Short term
- \$400 fee (design, material, installation)
- Pre-designed signs generic messages
  - "Slow Down"
  - "Buckle Up"
  - "Speeding Kills" (etc)



Another municipality in Kirkland, Washington. They do have an application process. It has to be a motor vehicle accident only. They have a time limit. They have a long-term and a short-term. A short-term is more of an informal memorial that has been erected and is allowed to stay in place for 14 days. After that, the city will remove it. For the long-term, there's a \$400 fee to design, the material, and installation of the sign. There's also pre-designed signs that are generic messages. A couple of examples there, and the one on the right as well, and what you can do in purchasing those.

## Municipalities

### Clearwater Florida

- Application process
- Motor vehicle, pedestrian or bicycle
- 1 year time period
- \$300 fee (design, material, installation)
- Pre-designed signs generic messages
  - "Slow Down"
  - "Buckle Up"
  - "Speeding Kills" (etc)



In Clearwater, Florida, you can see the example to the right. The same type of thing, an application. It must be a motor vehicle, pedestrian or bicycle accident. It's a one-year time period. They also have a \$300 fee. The exact same kind of pre-designed signs as well.

Kansas Department of Transportation

### **DUI ROADSIDE MEMORIAL MARKER PROGRAM**

### **The Kyle Thornburg and Kylie Jobe Believe Act**

- DUI related only
- \$450 one time fee
- 10 year timespan
- Reapply after 10 years
- Placed along R/W Line



- Cannot decorate
- Can request the sign to be taken down at anytime

Going to KDOT. KDOT has the DUI Roadside Memorial Marker Program. This fee is only DUI related only. It is a \$450 one-time fee. That fee covers the sign, the post, and the installation. Fifty percent of that money goes for maintenance over that 10-year timespan. After that, you can reapply for another 10 years. If the accident happens within the median, the sign is placed outside closest to the right-of-way line, in all instances actually. You cannot decorate them. You're not allowed to go out there and hang balloons on them, ribbons, tie teddy bears around them or anything else. The sign is what it is. The sign can be requested by the owner to be taken down and they can receive that sign.

**Commissioner Philbrook** said that's only for state highways. Is that correct? **Mr. Thompson** said that's in KDOT. That's right for state highways. **Commissioner Philbrook** said so it's state highways. **Mr. Thompson** said yes. If there are certain roads that aren't state, this does not apply. **Commissioner Philbrook** said so like the interstate, no. **Mr. Thompson** said yes, so I-70, interstates like that, yes. Any state road, yes; but if it's a county road, no. **Commissioner Philbrook** said alright, thanks.

## OTHER DOT'S

**Virginia DOT**

- Application required
- Traffic related fatality
- Family only can apply
- Placement R-O-W only
- 2 year limit, 1 yr ext.



**Arizona DOT**

- Application required
- Traffic related fatality
- Family only can apply
- Placement R-O-W only
- Marker no more than
  - 30" high
  - 18" wide
- Plaque allowed
- No photos allowed

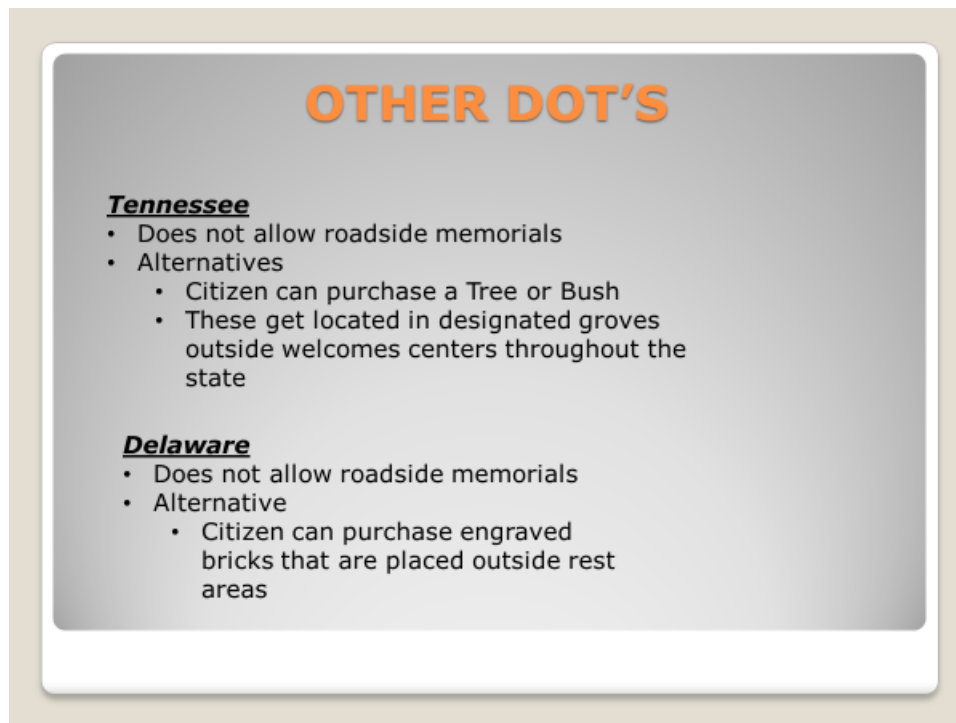
**Wisconsin DOT**

- No application required
- Investigate immediately
- Allowed to stay one year
- No standard marker

**Mr. Thompson** said some other DOTs, Virginia has an application process. It has to be a traffic related fatality as well. The family only can apply for it. It also is placed along the right-of-way. They place it as close as they can to the accident. It has a two-year limit with a one-year extension. The photograph off to the right is an example of theirs.

Again, as you can see, Arizona, the same way, application, traffic related fatality. Their marker is no more than 30" high and 18" wide. They are allowing you to be able to put like a cross or something in that fashion out there.

Wisconsin, there is no application required. If they find one, they investigate it immediately. They make sure that there's no traffic hazard, safety or anything else. It's allowed to stay there one year. Again, they don't have a standard marker.



Other DOT's, Tennessee and Delaware do not allow roadside memorials. They have an alternative. Tennessee, a citizen can purchase a tree or a bush that gets located in a designated grow area, along welcome centers, along the highways. Delaware itself, they have—you can purchase engraved bricks that are placed outside rest areas.

## In Conclusion

- State and Municipalities have compassion for grieving families.
- 
- The Agencies recognize there is a safety concern with these memorials.
- Try to provide alternatives for families that meet their needs and public safety.
- Informal Roadside Memorials are occurring more.
- More and More City and State's are working on policies and ordinances to guide the public.

In conclusion, it basically states, municipalities have compassion for grieving families. In everything we've researched we've seen this. The agencies recognize there's a safety concern with these memorials. We try to provide alternatives for families that meet their needs and public safety. Informal roadside memorials are occurring more as Emerick eluded to. More and more cities and states are working on policies and ordinances to guide the public. Some notable things, I think, that we think about for us and everything else is that we would like to see this captured in our Traffic Management Plan, our guide that we had been bringing to you. If this was something that we would do, we would like to maybe put that in that place, but there are other options.

Again, permitting would probably be done through our right-of-way manager. Maybe putting a time limit of six months or a year, however we would do it. After looking into and discussing this, I think a sign that meets the MUTCD requirements, that would be the simplest. We could take a stab at creating a policy. We can take a stab at creating an ordinance to bring in front of the Commission and to get input and be able to move forward that way.

**Chairman Bynum** said the MTU...**Mr. Thompson** said MUTCD. **Commissioner Philbrook** asked what's that? **Mr. Thompson** said Manual Uniformed Traffic Control Devices. **Chairman Bynum** asked is that part of your Traffic Management Plan or is that the traffic management? **Mr. Thompson** said that's governed by them. That's a part of it. It dictates sign sizes and so

forth like that. **Chairman Bynum** said so you're saying your recommendation would be that if we were to have a policy, it'd be in the Traffic Management Plan. **Jeff Fisher, Executive Director of Public Works**, said with some very simple parameters that you would help us develop. **Chairman Bynum** said okay, thanks.

**Commissioner Philbrook** said some folks have said to me that they noticed that the guys and gals that mow sometimes are having issues. They don't want to knock it down. They don't want to knock it over, but sometimes it causes some problems having to make sure that you treat somebody's—treat that with respect, but yet still get the mowing done in a good manner and not have to spend extra, multiple hours on doing that is an issue.

The other issue is sometimes they get ignored and dilapidated and when do you take them sort of thing. It's the same issue about not wanting to hurt somebody's—their culture too. It's a cultural thing, and you don't want to cause issues around a cultural thing, I know some of the first times I saw some of those were when I was traveling in some other countries. They've started happening more and more around here.

What kind of feedback or have you gotten any feedback from Public Works on their mowing and issues around them or have you? **Mr. Thompson** said I don't know if we've had as much feedback on the mowing issues. The Riverview/Turner Diagonal Bridge, when that came down and all that in there, there was a memorial that was there that we had to—we moved for the lady and so forth and was in communication with her. Once the project was done, we had to pick a different area because it just wasn't suitable for there. We've had to deal with the public in that, but I think just Public Works crews and everything else just kind work around it and go on. There are some that are still well maintained and there are some that have been left to—**Commissioner Philbrook** asked what's Missouri's laws. Do they have laws on those? **Mr. Thompson** said when we looked into that, we didn't look into Missouri. We just basically looked right in here in Kansas. When you search for roadside memorials, the most popular ones came up and had different options. Like I said, bushes, bricks, plaques and different things like that.

**Commissioner Markley** said I don't know that I'm in favor of this idea of charging for a sign or something like that. I mean I think there are some families that might be interested in that, but I think there are other families that would say really, you're going to charge us money to have a

memorial for our loved one. I have mixed feelings about that. What I would like to see is just a policy that gives us some guidelines if we have a neighborhood that is concerned about a memorial in their neighborhood, they have some sort of avenue. They need to know what department they can talk to and what might happen to that memorial.

I would say we need to have a guideline for after how long can we remove a memorial and under what circumstances, particularly if it's not being maintained. In my mind, I would treat it more like a codes violation and say if it's been up for six months and it's creating maybe additional mowing concerns and/or it's a code violation because it's not being well maintained, then we may remove it. We want to have some ability to, I think, exercise some judgment over individual memorials because depending on whether it's out in the country or its right in front of some person's house because that's where I've seen some weirdness where the car accident happened in the front yard of Bob, but Bob has no relationship to the victim, and Bob is saying I don't really want this in my front yard anymore.

I would like to see a policy. I'd like it to be flexible and just give some direction to our staff and give authority to our staff to handle memorials under certain circumstances. I don't necessarily want to say we're going to charge you for something or it has to go away after three months. I want it to be flexible enough that we can apply it under the circumstances. It needs to probably address who owns the land the memorial is on because I think that makes a difference in the—what's the adjacent property.

**Commissioner Philbrook** asked Angela, do you think they should ask permission before they put it up or just put it up and then we deal with it after. I'm just kind of curious. **Commissioner Markley** said I think even if you had a policy saying they had to ask permission, that's not going to happen because the day the accident happens, is when that memorial is going to sort of appear and we're not—no offense, but we're not quick enough the day of the accident to issue out some sort of formal application. I just don't think it could happen. I think it's got to happen on the back end. I think you have to give a certain minimal amount of time where no matter what, we're going to leave stuff up for a little while, but we need to create this parameter at what point can we or should we start exercising some judgement depending on certain factors. You guys might need to be the ones that kind of tell us what those factors or how those factors weigh out. **Commissioner Philbrook** said it kind of sounds like you're saying how long, where it is, where it can't be, the size of it and dilapidation there of sort of thing.

**Mr. Fisher** said I think the important part is that there's a process, that there's a permit, someone's reviewing it, making sure it's in the right location, and maybe there's property owner permission that needs to be obtained; there's a defined period of time that it's there. If you're going to go no fee, I say you go away from the sign. Let them put in some space, whatever it is they like there, and then go with it for whatever that period of time is. If you want a sign, I think you have to go with a fee.

**Commissioner Markley** said, and we may even, I mean we talked about this briefly during agenda review, but I think there's a difference in the ones that are more in a highway area versus in a neighborhood and that's because of the proximity of neighbors' houses. If you are living in the neighborhood and the memorial's right outside your house, that's different than driving by one on the highway where nobody lives around it. We may want to try to address the neighborhood aspect of the size of the road in terms of a highway memorial. Honestly, for most people, you're like it can stay up forever. I drive by it. I don't care. It's far from the road. It's not impacting your daily life. The one that is right in your front yard or in your neighbor's front yard might impact your life in a different way.

**Commissioner Johnson** said I just say that maybe we give them some options. In other words, I really prefer a more standardized process with the sign. I agree with what you're saying in terms of maybe we may not want to charge them. Maybe we can give them an option. If they want to have a sign or something that's standardized, we charge them a nominal fee of whatever that would be as opposed to just saying, we don't have it at all. Like I said, I'd prefer something much more standardized, but I do understand there's a cost involved with that.

**Commissioner Philbrook** said I just want to say that I really do like the fact that you're putting out there the option of because if somebody really does want to memorialize their loved one for like ten years or something like that, they would have that option to do that and it wouldn't be as much of a possible eyesore as another would be and then put a limit on the ones that are less regulated. We will need to talk more about what that time period would be but just to kind of take a look at that. **Chairman Bynum** said I appreciate all the comments.

**Ken McReynolds** said I reside in Turner. I do a lot of things in the community. There's a memorial at 55<sup>th</sup> & Miami. A young man got killed there probably six years ago and this is right on the corner and it's fairly well kept up. His friends have a gathering in his honor on the anniversary of his death every year. Now the first year, there was probably 200 people there which caused a little bit of a problem. I see some out on K-32 and I see some on the Turner Diagonal that have not been well kept and this kind of thing. I think that's a big deal with the amount of support that that particular memorial had. I don't know how you could determine that other than just public input. This thing is right on the corner. It's around a utility pole. There are bears, flowers, crosses, and all kinds of stuff. It's something that needs to be addressed and I think it's a good idea. I think like the Commissioner said, have some kind of fairly strict guidelines, but at the same time, be—I don't know how you'd do that. **Chairman Bynum** said right, have some flexibility. You want a little of both. **Commissioner Johnson** said leave it up to these persons here.

**Chairman Bynum** said I think Mr. McReynolds, though, you add an important point, at least that I'm picking up, and that is that maybe if we draft a policy that we also address future memorial gatherings that may take place around or near that. That might be an added issue that we would want to try to handle and not have a danger created by having a memorial gathering later. That's all good information.

I trust that you have some level of feedback that you can take back and use and maybe draft up a—**Mr. Fisher** said I believe so. Maybe we can come back in June with a Traffic Management Guide, rate this and give you—I think we all hear process, permit, flexibility and we'll try to capture all that, suggest that to you and then you can twist direction.

**Chairman Bynum** said I appreciate that. Thank you for bringing it to us and the work that you did to find out what the other states and municipalities are doing. I appreciate it.

**Action:**        **For discussion only.**

**Item No. 2 – 18254...RESOLUTION: INTERLOCAL AGREEMENT WITH BONNER SPRINGS**

**Synopsis:** Addendum to the Interlocal Cooperation Agreement between the UG and Bonner Springs, KS, for street maintenance and police services to the unincorporated area of Loring, submitted by Jeff Fisher, Executive Director of Public Works.

**Misty Brown, Senior Attorney**, said this is an addendum to our over 20-year old interlocal agreement. This involves street maintenance in the area and the emergency services in the unincorporated area of Loring. It expired earlier this year. As any agreement that's 20 plus years old, it needs a little bit of TLC and touching because things have changed over the years.

What we have done, is we've done a one-year addendum because some issues came up where law enforcement in Bonner Springs' have issues with jurisdiction and going to the unincorporated area and issuing citations and summons. This is a stop gap measure as staff continues to work with Bonner Springs' staff to come up with another longer-term agreement. We'll plan to be back in November with the new terms of that agreement.

**Chairman Bynum** said so what we're doing now is just getting legal and in compliance and getting the time we need to bring the new agreement forward. **Ms. Brown** said that's correct. By statute, we do need Commission action since it's agreement between two municipalities.

**Action:** **Commissioner Philbrook made a motion, seconded by Commissioner Markley, to approve.** Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, McKiernan, Johnson, Bynum.

**Item No. 3 – 18255...GRANT: STRATEGIES FOR POLICING INNOVATION PROJECT SAFE NEIGHBORHOODS**

**Synopsis:** The Police Department is seeking a Strategies for Policing Innovation Program/Project Safe Neighborhoods grant from the U.S. Department of Justice's Bureau of Justice Assistance in the amount of \$700,000, submitted by Terry Zeigler, Police Chief. The grant is focused on reducing violent crime. No match is required.

**Gordon Criswell, Assistant County Administrator**, said this is a grant opportunity that would allow the Police Department to go after a three-year grant totaling \$700,000. We were approached—**Chairman Bynum** asked how much? **Mr. Criswell** said \$700,000 over three years. We were approached by the Feds to make application for this granting opportunity. It's attractive to the Police Department because they're already doing some of the things that the grant calls for around data collection and innovative policing. We think we have a really good shot at getting this grant. The nice thing is there is no match and we've already got a pretty good dataset on how we are attacking crime using data driven techniques. **Chairman Bynum** said that's easy.

**Action:** **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, McKiernan, Johnson, Bynum.

Adjourn

**Chairman Bynum** adjourned the meeting at 5:25 p.m.

**tpl**



# Staff Request for Commission Action

Tracking No. 18316

**Full Commission Meeting Date:** 08/02/18

**Committee:** Public Works & Safety

Date of Standing Committee Action:  
(If none, please explain): 07/23/18

**Publication Required:** No

| <u>Date:</u> | <u>Contact Name:</u> | <u>Contact Phone:</u> | <u>Contact Email:</u> | <u>Department/Division:</u> |
|--------------|----------------------|-----------------------|-----------------------|-----------------------------|
| 06/29/2018   | Susan Alig           | x5085                 | salig@wycokck.org     | Legal                       |

Item Description:

This funding will be used to send senior command staff within the Police Department to advanced leadership training through Senior Management Institute for Police (SMIP). Additionally, funding will be used to replace out of date software within the Internal Affairs Unit in order to adequately and efficiently monitor and manage data with respect to internal affairs complaints. The grant will begin October 1<sup>st</sup>, 2017 and end September 30<sup>th</sup>, 2020. There is no match required for this grant, submitted by Susan Alig, Assistant Counsel. Application for this grant was approved by the Commission on August 31, 2017. The grant amount is \$106,511.

Action Requested:

For Information Only

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2017-DJ-BX-0908 Award Package



**U.S. Department of Justice**

Office of Justice Programs

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Office of the Assistant Attorney General

Washington, D.C. 20531

June 26, 2018

Mr. Doug Bach  
Unified Government of Wyandotte County/ Kansas City  
701 North 7th Street Room G-2  
Kansas City, KS 66101-3065

Dear Mr. Bach:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$106,511 for Unified Government of Wyandotte County/ Kansas City.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Carrie Booth, Program Manager at (202) 305-7426; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson".

Alan R. Hanson  
Principal Deputy Assistant Attorney General

Enclosures



## OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

U.S. Department of Justice

810 7th Street, NW  
Washington, DC 20531

Tel: (202) 307-0690

TTY: (202) 307-2027

E-mail: [askOCR@usdoj.gov](mailto:askOCR@usdoj.gov)

Website: [www.ojp.usdoj.gov/ocr](http://www.ojp.usdoj.gov/ocr)

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June 26, 2018

Mr. Doug Bach  
Unified Government of Wyandotte County/ Kansas City  
701 North 7th Street Room G-2  
Kansas City, KS 66101-3065

Dear Mr. Bach:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

### **Ensuring Access to Federally Assisted Programs**

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

### **Enforcing Civil Rights Laws**

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

## **Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

## **Ensuring Equal Treatment for Faith-Based Organizations**

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at [http://www.ojp.usdoj.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm).

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

## **Using Arrest and Conviction Records in Making Employment Decisions**

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at [http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction\\_Advisory.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf). Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

## **Complying with the Safe Streets Act**

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

### **Meeting the EEOP Requirement**

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at [EEOSubmission@usdoj.gov](mailto:EEOSubmission@usdoj.gov).

### **Meeting the Requirement to Submit Findings of Discrimination**

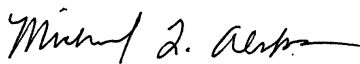
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

### **Ensuring the Compliance of Subrecipients**

SAAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



U.S. Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

PAGE 1 OF 21

1. RECIPIENT NAME AND ADDRESS (Including Zip Code)

Unified Government of Wyandotte County/ Kansas City  
701 North 7th Street Room G-2  
Kansas City, KS 66101-3065

4. AWARD NUMBER: 2017-DJ-BX-0908

5. PROJECT PERIOD: FROM 10/01/2016 TO 09/30/2020

BUDGET PERIOD: FROM 10/01/2016 TO 09/30/2020

6. AWARD DATE 06/26/2018

7. ACTION

Initial

2a. GRANTEE IRS/VENDOR NO.

481194075

8. SUPPLEMENT NUMBER

00

2b. GRANTEE DUNS NO.

030693592

9. PREVIOUS AWARD AMOUNT

\$ 0

3. PROJECT TITLE

KCKPD Internal Affairs Upgrade

10. AMOUNT OF THIS AWARD

\$ 106,511

11. TOTAL AWARD

\$ 106,511

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH  
ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under FY17(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 42 U.S.C. 3711 - 3797ff-5),  
including subpart 1 of part E (codified at 42 U.S.C. 3750 - 3758); see also 28 U.S.C. 530C(a).

14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)

16.738 - Edward Byrne Memorial Justice Assistance Grant Program

15. METHOD OF PAYMENT

GPRS

AGENCY APPROVAL

GRANTEE ACCEPTANCE

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL

Alan R. Hanson  
Principal Deputy Assistant Attorney General

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Doug Bach  
County Administrator

17. SIGNATURE OF APPROVING OFFICIAL

*Alan R. Hanson*

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

19A. DATE

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

| FISCAL YEAR | FUND CODE | BUD. ACT. | DIV. REG. | OFC. | SUB. | POMS | AMOUNT |
|-------------|-----------|-----------|-----------|------|------|------|--------|
| X           | B         | DJ        | 80        | 00   | 00   |      | 106511 |

21. SDJUGT0776



U.S. Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 21

PROJECT NUMBER 2017-DJ-BX-0908

AWARD DATE 06/26/2018

*SPECIAL CONDITIONS*

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 42 U.S.C. 3795a), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2017 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2017 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2017 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the DOJ Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance.



U.S. Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 21

PROJECT NUMBER 2017-DJ-BX-0908

AWARD DATE 06/26/2018

*SPECIAL CONDITIONS*

4. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

5. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

6. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.



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7. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

8. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

9. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.



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10. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

11. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

12. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

13. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

14. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

15. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.



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16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

17. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

19. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.



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20. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2017)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2017, are set out at <https://ojp.gov/funding/Explore/FY17AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

21. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov); and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://www.usdoj.gov/oig>.



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22. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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23. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

24. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

25. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

26. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



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27. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

28. Justice Information Sharing

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, the recipient (and any subrecipient at any tier) must comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular award. The recipient shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [https://it.ojp.gov/gsp\\_grantcondition](https://it.ojp.gov/gsp_grantcondition). The recipient shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

29. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

30. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). The recipient may not satisfy such a fine with federal funds.

31. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

32. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 42 U.S.C. 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.



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33. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

34. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).

35. Required attendance at BJA-sponsored events

The recipient (and its subrecipients at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

36. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.



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37. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

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

a. New construction;

b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

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; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

38. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.



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39. Prohibition on use of award funds for match under BVP program

JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

40. Certification of body armor "mandatory wear" policies

The recipient agrees to submit a signed certification that all law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

41. Body armor - compliance with NIJ standards

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

42. Required monitoring of subawards

The recipient must monitor subawards under this JAG award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

43. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

44. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.



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45. Prohibited Expenditures List

Award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure List may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>

46. Controlled expenditures - prior written approval required

Award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions are set out at <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>

47. Controlled expenditures - incident reporting

If an agency uses award funds to purchase or acquire any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, the agency must collect and retain (for at least 3 years) certain information about the use of-- (1) any federally-acquired Controlled Equipment in the agency's inventory, and (2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and the agency must make that information available to BJA upon request. Details about what information must be collected and retained are set out at <https://ojp.gov/docs/LE-Equipment-WG-Final-Report.pdf>.

48. Sale of items on Controlled Expenditure List

Notwithstanding the provision of the Part 200 Uniform Requirements set out at 2 C.F.R. 200.313, no equipment listed on the Controlled Expenditure List that is purchased with award funds may be transferred or sold to a third party, except as described below:

a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it were requesting approval to use award funds for the initial purchase of items on the Controlled Expenditure List.

b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.

c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.

The recipient must notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased with award funds, and must abide by any applicable laws (including regulations) in such disposal.

49. Prohibited or controlled expenditures - Effect of failure to comply

Failure to comply with an award condition related to prohibited or controlled expenditures may result in denial of any further approvals of controlled expenditures under this or other federal awards.



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50. Controlled expenditures - Standards

Consistent with recommendation 2.1 of Executive Order 13688, a law enforcement agency that acquires controlled equipment with award funds must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient must provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.

51. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2016

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2016), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds in violation of the recipient's certification (executed by the chief executive of the State or local government) that federal funds will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

52. "Certification of Compliance with 8 U.S.C. 1373" required for valid award acceptance by a unit of local government

In order validly to accept this award, the applicant local government must submit the required "Certification of Compliance with 8 U.S.C. 1373" (executed by the chief legal officer of the local government). Unless that executed certification either-- (1) is submitted to OJP together with the fully-executed award document, or (2) is uploaded in OJP's GMS no later than the day the signed award document is submitted to OJP, any submission by a unit of local government that purports to accept the award is invalid.

If an initial award-acceptance submission by the recipient is invalid, once the unit of local government does submit the necessary certification regarding 8 U.S.C. 1373, it may submit a fully-executed award document executed by the unit of local government on or after the date of that certification.

For purposes of this condition, "local government" does not include any Indian tribes.



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53. Ongoing compliance with 8 U.S.C. 1373 is required

1. With respect to the "program or activity" funded in whole or part under this award (including any such "program or activity" of any subrecipient at any tier), throughout the period of performance for the award, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in 8 U.S.C. 1373(b). For purposes of this award, any prohibition (or restriction) that violates this condition is an "information-communication restriction."

2. Certifications from subrecipients. The recipient may not make a subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Similarly, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the further subaward, using the appropriate OJP form.

3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State or local government or a "public" institution of higher education, incurs to implement this condition.

5. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.

(2) A "public" institution of higher education is one that is owned, controlled, or directly funded by a State or local government.

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means for purposes of 8 U.S.C. 1373 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and terms that are defined in 8 U.S.C. 1101 (Immigration and Nationality Act) mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. 901(a)(2)).

(5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any "public" institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.



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**IMPORTANT NOTE:** Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

54. Authority to obligate award funds contingent on compliance with 8 U.S.C. 1373; unallowable costs; obligation to notify

1. If the recipient is a State or local government--

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is either a State or unit of local government or a "public" institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the "program or activity" of the recipient (or of any subrecipient at any tier that is either a State or unit of local government or a "public" institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any "information-communication restriction."

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and all subrecipients (regardless of tier) are in compliance with 8 U.S.C. 1373.

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded "program or activity" of the recipient, or of any subrecipient at any tier that is either a State or a local government or a "public" institution of higher education, may be subject to any "information-communication restriction." In addition, any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient such credible evidence regarding an "information-communication restriction."

2. Any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required."

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required."

B. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.



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55. Required State-level rules or practices related to aliens; allowable costs

The following provisions apply to the recipient of this award, if the recipient is a State government, and also apply to any State-government subrecipient at any tier (whether or not the recipient is a State government).

1. Requirements

With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award--

A. A State statute, or a State rule, -regulation, -policy, or -practice, must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given to access any State (or State-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States.

B. A State statute, or a State rule, -regulation, -policy, or -practice, must be in place that is designed to ensure that, when a State (or State-contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see para. 4.B. of this condition) -- provide the requested notice to DHS.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs

Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, rules, regulations, policies, and practices to satisfy this condition, and (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3)).

(2) the term "correctional facility" means what it means under the Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 42 U.S.C. 3791(a)(7)).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual would have been released in the absence of this condition.

Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). In the event that (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to permit the advance notice that DHS has requested, it shall not be a violation of this condition to provide only as much advance notice as practicable.



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NOTE: Current DHS practice is to use one form (DHS Form I-247A (3/17)) for two distinct purposes -- to request advance notice of scheduled release, and to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition imposes NO requirements as to such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

56. Required local-government-level rules or practices related to aliens; allowable costs

The following provisions apply to the recipient of this award, if the recipient is a unit of local government, and also apply to any local-government subrecipient of this award at any tier (whether or not the recipient itself is a unit of local government).

1. Requirements

With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award--

A. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given access a local-government (or local-government-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States.

B. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that, when a local-government (or local-government-contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see "Rules of Construction" incorporated by para. 4.B. of this condition) -- provide the requested notice to DHS.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs

Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, ordinances, rules, regulations, policies, and practices to satisfy this condition, (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above.

4. Rules of construction

A. The "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

B. The "Rules of Construction" set out in the award condition entitled "Required State-level rules or practices related to aliens; allowable costs" are incorporated by reference as though set forth here in full.



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57. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

58. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.

59. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at [OJP.ComplianceReporting@ojp.usdoj.gov](mailto:OJP.ComplianceReporting@ojp.usdoj.gov). For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

60. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

61. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.



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62. Withholding of funds: Disclosure of pending applications

The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued to remove this condition.



**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for Unified Government of Wyandotte County/ Kansas City

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- 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; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                    |                                             |
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|  <div>U.S. Department of Justice<br/>Office of Justice Programs<br/><br/>Bureau of Justice Assistance</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>GRANT MANAGER'S MEMORANDUM, PT. I:<br/>PROJECT SUMMARY</b>                                                                                                      |                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Grant</b>                                                                                                                                                       |                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | PROJECT NUMBER<br>2017-DJ-BX-0908                                                                                                                                  | PAGE 1 OF 1                                 |
| This project is supported under FY17(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 42 U.S.C. 3711 - 3797ff-5), including subpart 1 of part E (codified at 42 U.S.C. 3750 - 3758); see also 28 U.S.C. 530C(a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                    |                                             |
| 1. STAFF CONTACT (Name & telephone number)<br><br>Carrie Booth<br>(202) 305-7426                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2. PROJECT DIRECTOR (Name, address & telephone number)<br><br>Dennis Laughlin<br>Director<br>701 North 7th Street<br>Kansas City., KS 66101-3064<br>(913) 573-5851 |                                             |
| 3a. TITLE OF THE PROGRAM<br>BJA FY 17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                    | 3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE) |
| 4. TITLE OF PROJECT<br><br>KCKPD Internal Affairs Upgrade                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                    |                                             |
| 5. NAME & ADDRESS OF GRANTEE<br><br>Unified Government of Wyandotte County/ Kansas City<br>701 North 7th Street Room G-2<br>Kansas City, KS 66101-3065                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 6. NAME & ADRESS OF SUBGRANTEE                                                                                                                                     |                                             |
| 7. PROGRAM PERIOD<br><br>FROM: 10/01/2016 TO: 09/30/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 8. BUDGET PERIOD<br><br>FROM: 10/01/2016 TO: 09/30/2020                                                                                                            |                                             |
| 9. AMOUNT OF AWARD<br><br>\$ 106,511                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 10. DATE OF AWARD<br><br>06/26/2018                                                                                                                                |                                             |
| 11. SECOND YEAR'S BUDGET                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 12. SECOND YEAR'S BUDGET AMOUNT                                                                                                                                    |                                             |
| 13. THIRD YEAR'S BUDGET PERIOD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 14. THIRD YEAR'S BUDGET AMOUNT                                                                                                                                     |                                             |
| 15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)<br><br>The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of criminal justice related activities based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; 7) crime victim and witness programs (other than compensation); and 8) mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.<br><br>This Local JAG award will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Any equipment |                                                                                                                                                                    |                                             |

purchases or funded initiatives such as overtime, task forces, drug programs, information sharing, etc. will be aimed at reducing crime and/or enhancing public/officer safety. NCA/NCF



# Staff Request for Commission Action

Tracking No. 18324

**Full Commission Meeting Date:** 08/02/2018

**Committee:** Public Works & Safety

Date of Standing Committee Action: 07/23/2018

(If none, please explain):

**Publication Required:** No

| Date:      | Contact Name:   | Contact Phone: | Contact Email:     | Department/Division: |
|------------|-----------------|----------------|--------------------|----------------------|
| 07/11/2018 | Kristen Czugala | x5656          | kczugala@kckpd.org | Police Department    |

Item Description:

: The KCKPD Victim Services Unit has been sustained by the VOCA Grant since 1999. In FY 2018, VOCA provided \$261,205 in grant funds to the VSU. The proposed budget for FY 2019 requests \$301,096 in federal grant funds. In addition to our standard requests to VOCA for funding, we are proposing to create a 2<sup>nd</sup> PFA Advocate position within the VSU. In FY 2016, a PFA Advocate position was added to the VSU, and the position has been extremely successful. So much so that the caseload is far too large for one person to carry. The position and all of its expenses are 100% VOCA grant funded. This grant pays for salaries and benefits for 4 fulltime staff, training, office supplies, and emergency assistance for victims such as door locks, door and window repair or replacement, and emergency shelter. The VOCA grant requires a 20% Match, of which all match dollars are utilizing existing sources and no additional funds are requested from the UG above what is already committed annually. The application was posted on July 2, 2018 and is due August 15, 2018. The grant period runs October 1, 2018 – September 30, 2019, however, awards are not usually announced until mid-November.

Action Requested:

Permission to apply for and accept the VOCA FY 2018 Grant award to continue sustaining the Victim Services Unit, including the creation of an additional PFA Advocate position to be 100% grant funded. Approval of the Match items at \$75,274 for a total fund request of \$376,370. \$42,526 in cash match will come from existing personnel and fringe expenses, and other expense line items that have already been committed by the PD (office supplies, postage, software contract, etc.). \$32,748 of the match funds are in-kind from the fair market value of the square footage of the VSU space and the in-kind value of student interns/volunteer hours. All match funds are utilized from already existing sources, and no additional dollars are being requested from the UG for the FY 2019 application.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

VOCA FY 19 Budget Narrative, 2019 VOCA Solicitation

**FY 2018 PROGRAM BUDGET – INCOME**

| <b>SOURCE</b>                            | <b>AMOUNT</b>    | <b>STATUS</b> | <b>DATE</b> |
|------------------------------------------|------------------|---------------|-------------|
| Unified Government of WyCo/KCK – Cash    | \$45,587         | Committed     | 7-27-2017   |
| Unified Government of WyCo/KCK – In-kind | \$21,222         | Committed     | 7-27-2017   |
| VOCA-GOV                                 | \$261,205        | Awarded       | 11-20-2017  |
| <b>TOTAL</b>                             | <b>\$326,506</b> |               |             |

**FY 2019 PROGRAM BUDGET – INCOME**

| <b>SOURCE</b>                            | <b>AMOUNT</b>    | <b>STATUS</b> | <b>DATE</b> |
|------------------------------------------|------------------|---------------|-------------|
| Unified Government of WyCo/KCK – Cash    | \$42,526         | Committed     |             |
| Unified Government of WyCo/KCK – In-kind | \$32,748         | Committed     |             |
| VOCA-GOV                                 | \$301,096        | Requested     |             |
| <b>TOTAL</b>                             | <b>\$376,370</b> |               |             |

**PERCENT OF TIME DEDICATED BY PRIORITY AREA**

**Sexual Assault: 10%**

**Domestic Violence: 45%**

**Child Abuse: 10%**

**Underserved Violent: 30%**

**Underserved Non-Violent: 5%**

**Czugala (75% VOCA): SA = 20%, DV = 15%, CA = 10%, US = 55%**

**Medina (90% VOCA): SA = 10%, DV = 20%, CA = 10%, US = 60%**

**Moore (90% VOCA): SA = 10%, DV = 40%, CA = 10%, US = 40%**

**Gordillo (100% VOCA): SA = 10%, DV = 70%, CA = 10%, US = 10%**

**PFA Advocate 2 (100% VOCA): SA = 10%, DV = 70%, CA = 10%, US = 10%**

**Hatchett (VOCA Match Hours): SA = 10%, DV = 10%, CA = 10%, US = 70%**

**Volunteers: SA = 10%, DV = 70%, CA = 10%, USV = 10%, USNV = 0%**

**BUDGET NARRATIVE EXPENSES – VOCA FY 2017**

| <b>Line Item</b>                         | <b>Description</b>                                           | <b>Location</b> | <b>Computation</b>                                                                                                                                                                                                                                                                                     | <b>Request</b>   |
|------------------------------------------|--------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>FEDERAL PERSONNEL</b>                 |                                                              |                 |                                                                                                                                                                                                                                                                                                        |                  |
| Program Supervisor (E)                   | <b>Czugala</b> 75% VOCA Salary<br>10/1/18 to 9/30/19         |                 | \$5,036/mo x 3 mos x 75%<br>\$5,256/mo x 9 mos x 75%                                                                                                                                                                                                                                                   | \$46,809         |
| Advocate 1 (E)                           | <b>Medina</b> 75% VOCA Salary<br>10/1/18 to 9/30/19          |                 | \$3,431/mo x 3 mos x 75%<br>\$3,566/mo x 9 mos x 75%                                                                                                                                                                                                                                                   | \$31,791         |
|                                          | Overtime                                                     |                 | (\$29.69/hr x 3 hrs/wk x 13 wks) +<br>(\$30.86/hr x 3 hrs/wk x 39 wks) x<br>75%                                                                                                                                                                                                                        | \$3,577          |
|                                          | Health Insurance Waiver                                      |                 | \$150 x 12 mos x 75%                                                                                                                                                                                                                                                                                   | \$1,350          |
| Advocate 2 (E)                           | <b>Moore</b> 75% VOCA Salary<br>10/1/18 to 9/30/19           |                 | \$3,431/mo x 3 mos x 75%<br>\$3,566/mo x 9 mos x 75%                                                                                                                                                                                                                                                   | \$31,791         |
|                                          | Overtime                                                     |                 | (\$29.69/hr x 3 hrs/wk x 13 wks) +<br>(\$30.86/hr x 3 hrs/wk x 39 wks) x<br>75%                                                                                                                                                                                                                        | \$3,577          |
| PFA Advocate 1 (E)                       | <b>Gordillo</b> 100% VOCA Salary<br>10/1/18 to 9/30/19       |                 | \$3,354/mo x 3 mos<br>\$3,509/mo x 9 mos                                                                                                                                                                                                                                                               | \$41,643         |
| PFA Advocate 2 <b>NEW</b>                | <b>TBD</b> 100% VOCA Salary<br>Expected Hire Date 4/1/19     |                 | \$3,509/mo x 6 mos                                                                                                                                                                                                                                                                                     | \$21,054         |
|                                          |                                                              |                 | <b>TOTAL FEDERAL PERSONNEL</b>                                                                                                                                                                                                                                                                         | <b>\$181,592</b> |
| <b>Match Personnel</b>                   | <b>(Police Services Budget)</b>                              |                 |                                                                                                                                                                                                                                                                                                        |                  |
| Advocate 1 (E)                           | <b>Medina</b> 10/1/18 to 9/30/19<br>20% VOCA Match Salary    |                 | \$3,431/mo x 3 mos x 20%<br>\$3,566/mo x 9 mos x 20%                                                                                                                                                                                                                                                   | \$8,478          |
|                                          | Overtime                                                     |                 | (\$29.69/hr x 3 hrs/wk x 13 wks) +<br>(\$30.86/hr x 3 hrs/wk x 39 wks) x<br>20%                                                                                                                                                                                                                        | \$954            |
|                                          | Health Insurance Waiver                                      |                 | \$150 x 12 mos x 20%                                                                                                                                                                                                                                                                                   | \$360            |
| Advocate 2 (E)                           | <b>Moore</b> 10/1/18 to 9/30/19<br>20% VOCA Match Salary     |                 | \$3,431/mo x 3 mos x 20%<br>\$3,566/mo x 9 mos x 20%                                                                                                                                                                                                                                                   | \$8,478          |
|                                          |                                                              |                 | (\$29.69/hr x 3 hrs/wk x 13 wks) +<br>(\$30.86/hr x 3 hrs/wk x 39 wks) x<br>20%                                                                                                                                                                                                                        | \$954            |
| Program Aide (E)                         | <b>Hatchett</b> 10/1/18 to 9/30/19<br>100% VOCA Match Salary |                 | \$1,092/mo x 3 mos<br>\$1,135/mo x 9 mos                                                                                                                                                                                                                                                               | \$13,491         |
| KU Social Work MSW<br>Volunteers/Interns | <b>TBD</b> 10/1/18 to 4/19/19 &<br>8/19/19 to 9/30/19        |                 | (\$19.35/hr x 15 hrs/wk x 13 wks)<br>+ (\$20.24/hr x 15 hrs/wk x 20<br>wks) x 2 Students = \$19,690 +<br>Benefits: (\$19,690 x 7.65% =<br>\$1,507) + (\$19,690 x .10% = \$20)<br>+ (\$19,690 x 8.89% = \$1,751) +<br>health insurance waiver (\$1,200 x<br>2 x 37.5% (15 hrs/wk) = \$900) =<br>\$4,178 | \$23,868         |

|                                                                                |                                                      |  |                                                                           |                  |
|--------------------------------------------------------------------------------|------------------------------------------------------|--|---------------------------------------------------------------------------|------------------|
|                                                                                |                                                      |  | <b>Total Match Personnel</b>                                              | <b>\$56,583</b>  |
|                                                                                |                                                      |  | <b>TOTAL PERSONNEL</b>                                                    | <b>\$238,175</b> |
| <b>FEDERAL FRINGE BENEFITS</b>                                                 |                                                      |  |                                                                           |                  |
| FICA 1 & 2                                                                     | <b>Czugala</b>                                       |  | \$46,809 x 7.65%                                                          | \$3,581          |
|                                                                                | <b>Medina</b>                                        |  | \$36,718 x 7.65%                                                          | \$2,809          |
|                                                                                | <b>Moore</b>                                         |  | \$35,368 x 7.65%                                                          | \$2,706          |
|                                                                                | <b>Gordillo</b>                                      |  | \$41,643 x 7.65%                                                          | \$3,186          |
|                                                                                | <b>PFA Advocate 2</b>                                |  | \$21,054 x 7.65%                                                          | \$1,557+         |
| Unemployment                                                                   | <b>Czugala</b>                                       |  | \$46,809 x .10%                                                           | \$47             |
|                                                                                | <b>Medina</b>                                        |  | \$36,718 x .10%                                                           | \$37             |
|                                                                                | <b>Moore</b>                                         |  | \$35,368 x .10%                                                           | \$36-            |
|                                                                                | <b>Gordillo</b>                                      |  | \$41,643 x .10%                                                           | \$42             |
|                                                                                | <b>PFA Advocate 2</b>                                |  | \$21,054 x .10%                                                           | \$21+            |
|                                                                                | <b>Czugala</b>                                       |  | \$46,809 x 8.89%                                                          | \$4,162          |
|                                                                                | <b>Medina</b>                                        |  | \$36,718 x 8.89%                                                          | \$3,264+         |
|                                                                                | <b>Moore</b>                                         |  | \$35,368 x 8.89%                                                          | \$3,144+         |
|                                                                                | <b>Gordillo</b>                                      |  | \$41,643 x 8.89%                                                          | \$3,703          |
|                                                                                | <b>PFA Advocate 2</b>                                |  | \$21,054 x 8.89%                                                          | \$1,872-         |
| Health Insurance: Medical, Dental, Vision & \$3/mo for Standard Life Insurance | <b>Czugala: Family HSA</b>                           |  | (\$1,428/mo x 75% x 3 mos = \$3,213) + (\$1,627 x 75% x 9 mos = \$10,982) | \$14,195         |
|                                                                                | <b>Moore: Single HSA</b>                             |  | (\$610/mo x 75% x 3 mos = \$1,373) + (\$695/mo x 75% x 9 mos = \$4,691)   | \$6,064          |
|                                                                                | <b>Gordillo: Single HSA</b>                          |  | (\$610/mo x 3 mos = \$1,830) + (\$695/mo x 9 mos = \$6,255)               | \$8,085          |
|                                                                                | <b>PFA Advocate 2: Family HSA (4/1/19 – 9/30/19)</b> |  | (\$1,627 x 6 mos = \$9,762)                                               | \$9,762          |
|                                                                                |                                                      |  | <b>TOTAL FEDERAL FRINGE</b>                                               | <b>\$68,273</b>  |
| <b>Match Fringe Benefits</b>                                                   |                                                      |  |                                                                           |                  |
| FICA 1 & 2                                                                     | <b>Medina</b>                                        |  | \$9,792 x 7.65%                                                           | \$750            |
|                                                                                | <b>Moore</b>                                         |  | \$9,432 x 7.65%                                                           | \$722            |
|                                                                                | <b>Hatchett</b>                                      |  | \$13,491 x 7.65%                                                          | \$1,033          |
| Unemployment                                                                   | <b>Medina</b>                                        |  | \$9,792 x .10%                                                            | \$10             |
|                                                                                | <b>Moore</b>                                         |  | \$9,432 x .10%                                                            | \$10             |
|                                                                                | <b>Hatchett</b>                                      |  | \$13,491 x .10%                                                           | \$14-            |
| KPERS                                                                          | <b>Medina</b>                                        |  | \$9,792 x 8.89%                                                           | \$871            |
|                                                                                | <b>Moore</b>                                         |  | \$9,432 x 8.89%                                                           | \$839            |
| Health Insurance                                                               | <b>Moore</b>                                         |  | (\$610/mo x 20% x 3 mos = \$366) + (\$695/mo x 20% x 9 mos = \$1,251)     | \$1,617          |
|                                                                                |                                                      |  | <b>Total Match Fringe</b>                                                 | <b>\$5,866</b>   |
|                                                                                |                                                      |  | <b>TOTAL FRINGE</b>                                                       | <b>\$74,139</b>  |
| <b>FEDERAL TRAVEL &amp; TRAINING</b>                                           |                                                      |  |                                                                           |                  |

|                                             |                                                               |                        |                                                                                                                                                                                                                                        |                 |
|---------------------------------------------|---------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Local Conferences/Workshops                 | 2019 Kansas Crime Victims' Rights Conference x 3 staff        | Wichita, KS            | Registration with preconference \$175 + hotel \$330 (\$110/night x 3 nights) + meals \$162 (\$59 x 4 days, first and last at 75% -\$45 for lunch x 3 days) = \$667 x 3 staff = \$2,001 + tolls for 1 vehicle \$20 (\$10 x 2) = \$2,021 | \$2,021         |
|                                             | KAVA – PFA Advocate 2                                         | Wichita, KS            | Registration \$225 + hotel \$550 (\$110/night x 5 nights) + meals \$325 (\$59 x 6 days, first and last at 75%) + tolls \$20 (\$10 x 2) + mileage \$214 (400 miles roundtrip x \$.535/mile)                                             | \$1,334         |
| Advanced Conferences – 1 per staff member   | Conference on Crimes Against Women                            | Dallas, TX May 2019    | Registration \$500 + airfare & transportation \$400 + hotel \$700 (\$175/night x 4) + meals \$288 (\$64 x 5 days, first and last 75%)                                                                                                  | \$1,888         |
|                                             | Crimes Against Children Conference                            | Dallas, TX August 2019 | Registration \$500 + airfare & transportation \$400 + hotel \$640 (\$160/night x 4) + meals \$288 (\$64 x 5 days, first and last 75%)                                                                                                  | \$1,828         |
|                                             | NOVA – National Organization for Victim Assistance Conference | TBD                    | Registration \$470 + airfare & transportation \$450 + hotel \$1,000 (\$200/night x 5) + meals \$407 (\$74 x 6 days, first and last 75%)                                                                                                | \$2,327         |
|                                             | National Sexual Assault Conference                            | TBD                    | Registration \$400 + airfare & transportation \$450 + hotel (\$800 (\$200/night x 5) + meals \$333 (\$74 x 5 days, first and last 75%)                                                                                                 | \$1,983         |
|                                             | Domestic Violence Spanish Interpretation Class – PFA Advocate | KCMO                   | Registration \$450                                                                                                                                                                                                                     | \$450           |
|                                             |                                                               |                        | <b>TOTAL FEDERAL TRAVEL &amp; TRAINING</b>                                                                                                                                                                                             | <b>\$11,831</b> |
| <b>FEDERAL SUPPLIES &amp; COMMUNICATION</b> |                                                               |                        |                                                                                                                                                                                                                                        |                 |
| Printing                                    | English and Spanish Resource Cards & Brochures                |                        | (1,000 cards at \$210 x 15) + (1,000 brochures at \$205 x 15)                                                                                                                                                                          | \$6,225         |
| Office Supplies - HQ                        | Paper, pens, pencils, ink, etc.                               |                        | \$250/mo x 75% x 12 mos                                                                                                                                                                                                                | \$2,250         |
| Office Supplies – PFA Office                | Paper, pens, pencils, ink, etc.                               |                        | \$200/mo x 12 mos                                                                                                                                                                                                                      | \$2,400         |
| R/Client Software                           | Tech Support                                                  |                        | \$900/yr x 75%                                                                                                                                                                                                                         | \$675           |
|                                             |                                                               |                        | <b>TOTAL FEDERAL SUPPLIES &amp; COMMUNICATION</b>                                                                                                                                                                                      | <b>\$11,550</b> |
| <b>Match Supplies &amp;</b>                 |                                                               |                        |                                                                                                                                                                                                                                        |                 |

|                                     |                                                                                       |  |                                                                                                                                 |                 |
|-------------------------------------|---------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Communication</b>                |                                                                                       |  |                                                                                                                                 |                 |
| R/Client Software                   | Tech Support                                                                          |  | \$900/year x 25%                                                                                                                | \$225           |
| Office Supplies – HQ                | Paper, pens, pencils, ink, etc.                                                       |  | \$250/mo x 25% 12 mos                                                                                                           | \$750           |
| Postage                             | Letters to Victims                                                                    |  | \$550/mo x 12 mos x \$.45/letter                                                                                                | \$2,970         |
|                                     |                                                                                       |  | <b>Total Match Supplies</b>                                                                                                     | <b>\$3,945</b>  |
|                                     |                                                                                       |  | <b>TOTAL SUPPLIES &amp; COMMUNICATION</b>                                                                                       | <b>\$15,495</b> |
| <b>Match Facilities Cost</b>        | Rent – Fair Market Value<br><i>*Entire square footage not used for match purposes</i> |  | HQ: 250sf x \$15/sf/yr x 90% = \$3,375<br>PFA: 367sf x \$15/sf/yr = \$5,505                                                     | \$8,880         |
|                                     |                                                                                       |  | <b>Total Match Facilities</b>                                                                                                   | <b>\$8,880</b>  |
| <b>FEDERAL EQUIPMENT</b>            |                                                                                       |  |                                                                                                                                 |                 |
| Computer for PFA Advocate 2         | Desktop computer with 2 screens                                                       |  | \$1,000 computer + \$200 for additional screen                                                                                  | \$1,200         |
| All-in-one printer for PFA Office   | Printer/Copier/Scanner/Fax                                                            |  | 1 machine                                                                                                                       | \$7,000         |
| Office furniture for PFA Advocate 2 | Desk, office chair + labor                                                            |  | \$2,500 estimate                                                                                                                | \$2,500         |
|                                     |                                                                                       |  | <b>TOTAL FEDERAL EQUIPMENT</b>                                                                                                  | <b>\$10,700</b> |
| <b>FEDERAL OTHER COSTS</b>          |                                                                                       |  |                                                                                                                                 |                 |
| <b>Direct Assistance to Victims</b> | Emergency Transportation – single ride bus passes & taxi vouchers to Sunflower House  |  | \$1.50/pass x 2,000 = \$3,000<br>\$50/taxi ride x 4/month x 12 mos = \$2,400                                                    | \$5,400         |
|                                     | Crisis Intervention Supplies                                                          |  | \$100/mo x 12 mos (\$20 kleenex, \$15 water, \$15 blankets, \$20 clothing, \$20 single meals, \$10 feminine hygiene or diapers) | \$1,200         |
|                                     | Advocacy Books for Homicide Survivors                                                 |  | \$100 books at \$9.50/book                                                                                                      | \$950           |
| Emergency Safety and Shelter        | Broken Door & Window Repair                                                           |  | \$600/emergency x 12                                                                                                            | \$7,200         |
|                                     | Lock Replacement                                                                      |  | \$150/emergency x 16                                                                                                            | \$2,400         |
|                                     |                                                                                       |  | <b>TOTAL FEDERAL OTHER COSTS</b>                                                                                                | <b>\$17,150</b> |
|                                     |                                                                                       |  | <b>TOTAL FEDERAL</b>                                                                                                            | <b>301,096</b>  |
|                                     | Need 100,205                                                                          |  | <b>Total Match</b>                                                                                                              | <b>75,274</b>   |
|                                     |                                                                                       |  | <b>TOTAL VOCA REQUEST</b>                                                                                                       | <b>376,370</b>  |



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## Governor's Grants Program

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# FEDERAL VICTIMS OF CRIME ACT GRANT

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**Fiscal Year 2019  
Grant Solicitation**

**APPLICATION DEADLINE:**

**SUBMITTED BY 11:59 p.m., AUGUST 15, 2018  
ON THE GRANT PORTAL**

**For questions regarding application requirements, please contact the  
Kansas Governor's Grants Program (KGGP) at 785-291-3205.**

# Federal Victims of Crime Act Victim Assistance Grant Guidelines

## Grant Program Criteria and Grant Fund Use

The following information defines eligibility and accountability criteria and sets forth requirements for application and administration of grants awarded under the Federal Victims of Crime Act (VOCA) of 1984, Victim Assistance grant program, as established by 34 U.S.C. § 20103 *et seq.* The VOCA grant program is funded from the Crime Victims Fund, generated by Federal criminal fines, penalties, and assessments.

- The Kansas Governor's Grants Program (KGGP) establishes policies and procedures for the VOCA Victim Assistance grant program, consistent with the requirements of the Federal VOCA Program Guidelines. The KGGP has the discretion to be more restrictive.
- In August 2015, the KGGP, with the assistance of a VOCA Planning Committee, developed a Strategic Plan (hereinafter "Strategy") to provide guidance for priorities in the administration of this federal VOCA program. Applicants should review the [Kansas Victims of Crime Act Strategic Plan](#) in its entirety and consider how the proposed VOCA project fits into the described goals and objectives. **Applications that clearly support the priorities, goals, and objectives of the Strategy will take precedence to the extent feasible when subgrant awards are determined.**
- VOCA funds are to be used by eligible public agencies, nonprofit, community, and faith-based organizations to provide direct services to crime victims. The KGGP has sole discretion for determining which organizations will receive funds and in what amounts, as long as the applicants meet the requirements of the Federal VOCA Program Guidelines and those set by the KGGP.
- For the purpose of this grant program, direct services are defined as those that (1) respond to the emotional, psychological, or physical needs of crime victims; (2) assist victims to stabilize their lives after victimization; (3) assist victims to understand and participate in the criminal justice system; or (4) restore a measure of safety for the victim. A "crime victim" is a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime.
- A victim of a federal crime is a victim of an offense in violation of a federal criminal statute or regulation, including, but not limited to, offenses that occur in an area where the federal government has jurisdiction, whether in the United States or abroad, such as Indian reservations, national parks, federal buildings, and military installations.
- Direct services (1) must be provided to victims of federal crime on the same basis as to victims of crimes under State or local law; (2) must be provided regardless of a victim's participation in the criminal justice process; and (3) shall not be dependent on the victim's immigration status.

- Current VOCA subgrantees that are in good standing with grant compliance requirements will be given priority in receiving grant awards. In addition, priority will be given to applicants that provide on-going direct services to victims of crime.
- Priority shall be given to victims of adult sexual assault, domestic violence, and child physical and sexual abuse. Thus, a minimum of 10 percent of each federal fiscal year's grant (30 percent total) will be allocated to each of these categories.
- An additional 10 percent of each federal fiscal year's grant will be allocated to victims of violent crime (other than the "priority" category victims stated in the previous bullet) who were "previously underserved." These underserved crime victims of either adult or juvenile offenders may include, but are not limited to, victims of federal crimes; survivors of homicide victims; or victims of assault, robbery, gang violence, hate and bias crimes, intoxicated drivers, bank robbery, economic exploitation, fraud, or elder abuse.
- Domestic violence includes intimate partner violence.
- Victim of child abuse is a victim of crime, whereas such crime involved an act or omission considered to be child abuse under Kansas law. Victims of child abuse may include, but are not limited to, child victims of physical, sexual, or emotional abuse; child pornography-related offenses; neglect; commercial sexual exploitation; bullying; and/or exposure to violence.
- Elder abuse is the mistreatment of older persons through physical, sexual, or psychological violence, neglect, or economic exploitation and fraud.
- Applicants are also encouraged to identify gaps in available services by victims' demographic characteristics. For example, in a given community, "underserved" crime victim populations may be best defined according to their status as senior citizens, non-English speaking residents, persons with disabilities, members of racial or ethnic minorities, or by virtue of the fact that they are residents of rural or remote areas, or inner cities.
- The KGGP may award VOCA funds to organizations that are physically located in an adjacent State, when there is an efficient and cost-effective mechanism available for providing services to victims who reside in Kansas. When grant awards are made to organizations in an adjacent State, the amount of the grant award must be proportional to the number of Kansans to be served by that organization. It would be the responsibility of the applicant to track, both programmatically and fiscally, the Kansas-specific victims served and services provided.

### **Kansas Available Funding**

Applicants should be aware that Kansas received a substantial increase to the VOCA grant program three years ago, that continues to make additional funds available for service expansion.

To maximize the use of these funds and ensure access to services for all crime victims across the state, organizations are strongly encouraged to engage community partners in identifying gaps, developing collaborative partnerships, and creating innovative ways to reach underserved populations of crime victims. Where multiple applications are received from the same community, it will be critical that the applicants can demonstrate communication and planning to ensure proposed projects would complement one another and do not duplicate services. In addition, consider the benefits of regional projects to enhance collaboration, share personnel, and optimize match resources.

## **Eligibility Criteria**

VOCA establishes eligibility criteria that must be met by all organizations that receive VOCA funds. Each applicant shall meet the following requirements:

- 1. Public Agency, Nonprofit, Community, or Faith-Based Organizations.** Applicants must be operated by public agencies, nonprofit, community, or faith-based organizations, or a combination of such organizations and must provide services to crime victims.
- 2. Record of Effective Services.** Applicants must demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner and financial support from other sources.
- 3. New Organizations.** Applicants that have not yet demonstrated a record of providing services may be eligible to receive VOCA funding, if they can demonstrate that 50 percent or more of their financial support comes from non-federal sources. It is important that organizations have a variety of funding sources besides federal funding in order to ensure their financial stability.
- 4. Applicant Match Requirements.** The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Non-federal matching contributions of 20 percent (cash or in-kind) of the total cost of each VOCA grant project (VOCA funds plus match) are required for each VOCA-funded grant project and must be derived from non-federal sources except as provided in the U.S. Department of Justice [DOJ Grants Financial Guide](#) effective edition. **All funds designated as match are restricted to the same uses as the VOCA funds and must be expended within the grant project period.** The match must be provided on a project-by-project basis. Any deviation from this policy must be approved by the Federal Office for Victims of Crime and the KGGP.

|          |                          |            |
|----------|--------------------------|------------|
| Example: | Total Grant Project Cost | = \$50,000 |
|          | 80% Federal Share        | = \$40,000 |
|          | 20% Non-Federal Match    | = \$10,000 |

For purposes of this grant program, in-kind match may include donations of expendable equipment and office supplies, work space, or the monetary value of time contributed by professionals and technical personnel and other skilled and unskilled labor, if the services they

provide are an integral and necessary part of a funded grant project and if they would otherwise meet the criteria for federal funding approval under this program. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the applicant's organization. If the required skills are not found in the applicant's organization, the rate of compensation must be consistent with the local labor market. In either case, fringe benefits may be included in the valuation. Volunteer hours utilized as match must be hours spent providing eligible direct victim services or other activities specifically allowable under the VOCA grant program. In instances where a volunteer is considered to be on-call specifically for the purpose of ensuring 24-hour service coverage, those hours and associated values must be tracked and accounted for consistent with the procedures used by the applicant for paid staff. The value placed on loaned or donated equipment may not exceed its fair market value. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in privately-owned buildings in the same locality. **The KGGP has the authority to require a subgrantee to provide a non-federal cash match instead of an in-kind match.**

**a. Record Keeping for Match Requirements.** Records must be maintained that clearly show the source, the amount and the period during which the match was allocated. The basis for determining the value of personal services, materials, equipment and space must be documented. Volunteer services used as match must be documented, and to the extent feasible, supported by the same methods used by the organization for its own paid employees.

**b. Exceptions to the 20 Percent Match.**

**i. Native American Tribes/Organizations Located on Reservations.** American Indian tribes/organizations located on reservations are exempt from any match requirement. For the purpose of this grant, a Native American tribe/organization is defined as any tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans. A reservation is defined as a tract of land set aside for use of, and occupancy by, Native Americans. All organizations applying for these grant funds must meet the other eligibility requirements for subgrantee organizations.

**ii.** The match requirement may be waived if extraordinary need is documented and submitted to the KGGP by the applicant and approved by the Federal Office for Victims of Crime and the KGGP.

**5. Volunteers.** The use of volunteers in the applicant organization is an eligibility requirement. Volunteers **must** be utilized unless the KGGP determines there is a compelling reason to waive this requirement. Agency staff and board members **cannot** be used as volunteer time for this purpose. A "compelling reason" may be a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive effort. The applicant is responsible for providing in the grant application the

documentation and reasons why volunteers cannot be used. This documentation should include, when applicable, a statutory cite that prohibits use of volunteers.

- 6. Promote Community Efforts to Aid Crime Victims.** Applicants must promote within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts also include developing written agreements that contribute to better and more comprehensive services to crime victims.
- 7. Help Victims Apply for Compensation Benefits.** Such assistance may include identifying and notifying crime victims of the availability of compensation, assisting them with application forms and procedures, obtaining necessary documentation, checking on claim status, and/or providing a referral to a resource that will effectively provide these services.
- 8. Comply with Federal Rules Regulating Grants.** Applicants must be in compliance with the applicable provisions of VOCA, the program guidelines, and the requirements of the U.S. Department of Justice [DOJ Grants Financial Guide](#) effective edition, which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds. This includes: financial documentation for disbursements; daily time and activity records specifying time and type of service devoted to allowable VOCA victim services; client files; the portion of the grant project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit.
- 9. Maintain Civil Rights Information.** Maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and disability, within the timetable established by the KGGP; and permit reasonable access to its books, documents, papers, and records to determine whether the organization is complying with applicable civil rights laws. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.
- 10. Comply with State Criteria.** Abide by any additional eligibility or service criteria as established by the KGGP including, but not limited to, submitting financial, statistical, and programmatic information on the use and impact of VOCA funds.
- 11. Services to Victims of Federal Crimes.** Applicants must provide services to victims of federal crimes on the same basis as victims of state and local crimes.
- 12. No Charge to Victims for VOCA-Funded Services.** Applicants must provide services to crime victims, at no charge, through the VOCA-funded grant project. Any deviation from the provision requires prior approval by the KGGP.

The purpose of the VOCA Victim Assistance grant program is to provide services to all crime victims regardless of their ability to pay for services rendered or availability of insurance or

other third-party payment resources. It was never the intent of VOCA to exacerbate the impact of the crime by asking the victim to pay for services.

- 13. Program Income.** Applicants must have the capability to track grant project program income in accordance with federal financial accounting requirements. All VOCA-funded grant project program and match income, no matter how large or small, is restricted to the same uses as the VOCA grant project. Applicants must have specific approval from the KGGP prior to earning program income.

Grant project program income can be problematic because of the required tracking systems needed to monitor VOCA-funded income and ensure that it is used only to make additional services available to crime victims. For example, VOCA often funds only a portion of a counselor's time. Accounting for VOCA grant project program income generated by this counselor is complicated, involving careful record keeping by the counselor, the organization, and the KGGP.

- 14. Confidentiality and Non-Disclosure of Confidential or Private Information.** Applicants must reasonably protect the confidentiality and privacy of persons receiving VOCA services. VOCA recipients shall not disclose, reveal, or release any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected, without the informed, written, reasonably time-limited consent of the person about whom information is sought. Consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

If release of information described above is compelled by statutory or court mandate, the VOCA recipient shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of information.

Applicants shall not require a crime victim to provide a consent to release personally identifying information as a condition for the receipt of VOCA-funded services. Further, nothing in this section prohibits compliance with legally mandated reporting of abuse or neglect.

- 15. Confidentiality of Statistical and Research Information.** Except as otherwise provided by federal law, no organization receiving monies under VOCA shall use or reveal any research or statistical information furnished under this program by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with VOCA. Research and statistical information identifiable to any specific private person and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as

evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding (28 C.F.R. Part 22).

These provisions are intended, among other things, to ensure the confidentiality of information provided by crime victims to counselors working for victims' services programs receiving VOCA funds. Whatever the scope of application given this provision, it is clear that there is nothing in VOCA or its legislative history to indicate that Congress intended to override or repeal a state's existing law governing the disclosure of information that is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a state's existing law pertaining to the mandatory reporting of suspected child abuse. See Pennhurst School and Hospital v. Haldermann, et al., 451 U.S. 1 (1981). Furthermore, this confidentiality provision should not be interpreted to thwart the legitimate informational needs of public agencies. For example, this provision does not prohibit a domestic violence shelter from acknowledging, in response to an inquiry by a law enforcement agency conducting a missing person investigation, that the person is safe in the shelter. Similarly, this provision does not prohibit access to a victim service grant project by a federal or state agency seeking to determine whether federal and state funds are being utilized in accordance with funding agreements.

## **Eligible Organizations**

VOCA specifies that an organization must provide services to crime victims and be operated by a public agency, nonprofit, community, or faith-based organization, or a combination of such agencies or organizations, to be eligible to receive VOCA funding. Eligible organizations include, but are not limited to, victim services organizations whose sole mission is to provide services to crime victims. These organizations include, but are not limited to, sexual assault and rape treatment centers, domestic violence programs and shelters, child abuse programs, centers for missing children, mental health services, community and faith-based organizations, and other community-based victim coalitions and support organizations, including those who serve survivors of homicide victims.

In addition to victim services organizations, other public agencies, nonprofit, community, and faith-based organizations have components that offer services to crime victims. These organizations are eligible to receive VOCA funds, if the funds are used to expand or enhance the delivery of crime victim services. These organizations include, but are not limited to, the following:

- 1. Criminal Justice Agencies.** Agencies such as law enforcement organizations, prosecutors' offices, courts, corrections departments and probation and paroling authorities are eligible to receive VOCA funds to help pay for victim services. For example, prosecutor-based victim services may include victim-witness programs, victim notification and victim impact statements, including statements of pecuniary damages for restitution. Corrections-based victim services may include victim notification, restitution advocacy, victim-offender mediation programs and victim impact panels. Police-based victim services may include victim crisis units or victim advocates, victim registration and notification, and cellular phone

and alarm services for domestic abuse victims. In general, VOCA funds may be used to provide crime victim services that exceed a law enforcement official's normal duties. Regular law enforcement duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime and follow-up activities may not be paid for with VOCA funds.

2. **Faith-Based Organizations.** Such organizations receiving VOCA funds must ensure that services are offered to all crime victims without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.
3. **Hospitals and Emergency Medical Facilities.** Such organizations must offer crisis counseling, support groups, and/or other types of victim services. In addition, the KGGP may only award VOCA funds to a medical facility for the purpose of performing forensic examinations on sexual assault victims if (1) the examination meets the standards established by the state, local prosecutor's office, or statewide sexual assault coalition; and (2) appropriate crisis counseling and/or other types of victim services are offered to the victim in conjunction with the examination. **State law requires counties where the alleged offense occurs to be responsible for the cost of conducting a sexual assault examination for the purpose of gathering evidence (K.S.A. 65-448 and amendments thereto).**
4. **Others.** State and local public agencies such as mental health service organizations, state/local public child and adult protective services, state grantees, legal services agencies and public housing authorities that have components specifically trained to serve crime victims.

### **Ineligible Organizations**

Some public agencies, nonprofit, community, and faith-based organizations that offer services to crime victims are not eligible to receive VOCA Victim Assistance funding. These organizations include, but are not limited to, the following:

1. **Federal Agencies.** This includes U.S. Attorneys Offices and FBI Field Offices. Receipt of VOCA funds would constitute an augmentation of the federal budget with money intended for state agencies. However, private nonprofit organizations that operate on federal land may be eligible subgrantees of VOCA Victim Assistance funds.
2. **In-Patient Treatment Facilities.** This includes facilities that provide treatment to individuals with drug, alcohol and/or mental health-related conditions.

### **Allowable Direct Services, Activities, and Costs**

The following is a list of services, activities, and costs that are eligible for support with VOCA funds:

- a. **Immediate Health and Safety.** Those services that respond to the immediate emotional and physical needs (excluding medical care) of crime victims such as crisis intervention;

accompaniment to hospitals for medical examinations; hotline counseling; safety planning; emergency food, clothing, transportation, and shelter; and other emergency services that are intended to restore the victim's sense of security. This includes services that offer an immediate measure of safety to crime victims such as replacing broken windows and replacing or repairing locks.

Emergency shelter may also include short-term in-home care and supervision services for children and adults who remain in their own homes when the offender/caregiver is removed, as well as short-term nursing-home, adult foster care, or group-home placement for adults for who no other safe, short-term residence is available.

The term *immediate* for purposes of VOCA funding is intended to include those services that meet emergency victim needs for which other alternative sources of payment will not be available quickly enough to meet the victims' needs, typically within 48 hours. Agencies must ensure that victim compensation or the victim's health insurance, Medicaid, or other health care funding source cannot be made available to meet the emergency needs.

- b. Personal Advocacy and Emotional Support.** Those services that provide personal advocacy and emotional support, including working with a victim to assess the impact of the crime; identification of the victim's needs; case management; management of practical problems created by the victimization; identification of resources available to the victim; provision of information, referrals, advocacy, and follow-up contact for continued services as needed; and traditional, cultural, and/or alternative therapy/healing, such as art therapy and trauma-sensitive yoga.
- c. Mental Health Assistance.** Those mental health counseling and care services and activities that assist crime victims and/or victims' family members in understanding the dynamics of victimization and in stabilizing their lives after a crime. This includes out-patient therapy and counseling provided by a person who meets professional standards to provide these services in the jurisdiction in which the care is administered. Substance-abuse treatment is also allowable when the victim service provider can justify that the treatment is directly related to the victimization.
- d. Peer-Support.** Those activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support.
- e. Assistance with Participation in Criminal Justice and Other Public Proceedings.** In addition to the cost of emergency legal services noted above in section a. "Immediate Health and Safety," other costs associated with helping victims participate in the criminal justice system and other public proceedings arising from the crime also are allowable. These services may include advocacy on behalf of crime victims; accompaniment to offices and court; transportation, meals, and lodging to allow a victim who is not a witness to participate in a proceeding; interpretation services for a non-witness victim; child care or respite care to enable a victim to attend activities related to the proceeding; notification to victims regarding trial dates and other key proceeding dates, case disposition information, and parole consideration procedures; assistance with victim impact statements; assistance

with recovery of property retained for evidence; and assistance with restitution advocacy on behalf of the crime victim.

- f. Legal Assistance.** Those services which are reasonable and necessary as a direct result of the victimization. Allowable legal assistance services include those that help the crime victim assert their rights as a victim in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as a victim in such a proceeding; motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person's being a crime victim; and those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization. Specifically, legal assistance might include, but is not necessarily limited to, proceedings for restraining or protective orders; family, custody, contract, housing and dependence matters as they directly relate to the crime; immigration assistance for victims of human trafficking, sexual assault, and domestic violence; intervention with creditors, law enforcement, and other entities on behalf of victims of identity theft and financial fraud; intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of the victimization. Agencies whose primary purpose is to provide emergency legal assistance may apply for this type of service. The KGGP may not consider a grant award for contracting to provide emergency legal services unless good cause is shown why no other emergency legal assistance is available.
- g. Forensic Medical Evidence Collection Examinations.** For victims of a sexually violent crime, forensic medical evidence collection exams are allowable costs only to the extent that other funding sources (such as state compensation, private insurance, or public benefits) are unavailable or insufficient and such exams conform to state evidentiary collection requirements (also refer to number three under Eligible Organizations on page nine of this solicitation). **State law requires counties where the alleged offense occurs to be responsible for the cost of conducting a sexual assault examination for the purpose of gathering evidence (K.S.A. 65-448 and amendments thereto).** Any forensic medical evidence collection examinations provided under this VOCA program must be conducted by a specially trained Sexual Assault Nurse Examiner and the service provider must provide appropriate referrals to local crisis center services, counseling services, and other types of victim services.
- h. Forensic Interviews.** Victim-centered forensic interviews are an allowable activity to the extent that the results of the interview will be used not only for law enforcement and prosecution purposes, but also for identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services; interviews are conducted in the context of a multi-disciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center; and the interviewer is properly trained to conduct forensic interviews appropriate to the developmental age and disabilities of children, or the developmental, cognitive, and physical or communication disabilities presented by adults.

- i. **Transportation.** Transportation of victims specifically to receive services and to participate in criminal justice proceedings is allowable.
- j. **Public Awareness and Presentations.** VOCA funds may be used to support awareness and education presentations that are made in schools, community centers, or other public forums and that are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported with VOCA funds.
- k. **Shelter and Transitional Housing.** Those costs associated with shelter and other transitional housing for crime victims who cannot safely return to their previous housing due to the circumstances of the victimization, and when other financial resources are not available to support such costs. Shelter and transitional housing related costs may include travel, first month's rental assistance (excluding security deposits), first month's utilities, and other costs incidental to the relocation to such housing, as well as voluntary support services such as childcare and counseling. VOCA recipients must demonstrate that affordable alternative and rental housing is not available on a case-by-case basis.
- l. **Relocation Expenses.** Those reasonable costs associated with relocating a crime victim outside of the organization's service area when necessary for the crime victim's safety and well-being, including moving expenses, first month's rent, and first month's utilities.
- m. **Special Services.** This includes services to assist crime victims with managing practical problems created by the victimization, such as acting on behalf of the victim with other service providers, creditors, or employers; assisting the victim to recover property that is retained as evidence; assistance in filing for compensation benefits; and helping to apply for public assistance.
- n. **Personnel Costs.** Costs that are directly related to providing VOCA-allowable direct services and supporting activities, such as staff salaries and fringe benefits, including a pro-rated share of liability insurance; the cost of advertising to recruit VOCA-funded personnel; and the cost of training paid and volunteer staff.
- o. **Supervision of Direct Service Providers.** The KGGP may provide VOCA funds for supervision of direct service providers when it determines that such supervision is necessary and essential to effectively providing direct services to crime victims. For example, the KGGP may determine that using VOCA funds to support a coordinator of volunteers or interns is a cost-effective way of serving more crime victims. The applicant is responsible for demonstrating how funds for supervision will be cost-effective in providing services.
- p. **Multi-Disciplinary Response Activities and Coordination.** Activities that support a coordinated and comprehensive response to crime victim needs by direct service providers, including payment of salaries and expenses of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams, coordination with federal agencies to provide services to victims of federal crimes and/or participation on Statewide

or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements. Coordination activities that facilitate the provision of direct services, such as crisis response teams, multi-disciplinary teams, coalitions to support and assist victims, and salaries and expenses of such coordinators are also allowable.

- q. **Contracts for Professional Services.** At times, it may be necessary for VOCA-funded organizations to use a portion of the VOCA grant to contract for specialized services that are not available within the organization. Examples of these services include assistance in filing restraining orders or establishing emergency custody/visitation rights (the provider must have a demonstrated history of legal advocacy on behalf of crime victims); psychological or psychiatric services; or sign and/or interpretation for the hearing impaired or for crime victims whose primary language is not English.

Applicants are prohibited from requesting a majority of VOCA funds for contracted services. The applicant must demonstrate that any costs for contracted professional services are at a rate that does not exceed a reasonable market rate. The KGGP will only approve very limited and necessary contractual budget items.

- r. **Automated Systems and Technology.** Those automated systems and technology that support delivery of direct services to victims, including personnel and hardware. It will be the responsibility of the applicant to clearly demonstrate in the application how such a project will enhance direct services; how the project or system will integrate with existing projects and systems; and how the costs of installation, training, ongoing operations, and any other related costs will be supported. Applicants should consult the U.S. Department of Justice [DOJ Grants Financial Guide](#) effective edition when developing the proposed project.
- s. **Skills Training for Direct Service Providers.** VOCA funds designated for training are to be used exclusively for developing the skills of the applicant entity's direct service providers, including paid staff and volunteers, so that they are better able to offer quality direct services to crime victims. VOCA funds can be used for training both VOCA-funded and non-VOCA-funded service providers who work within the VOCA funded organization. **However, VOCA funds cannot be used for management and administrative training for executive directors, board members and other individuals who do not provide direct services. Additionally, VOCA funds cannot be used to provide training to professionals and other individuals outside of the applicant's organization. For example, a VOCA-funded Victim Advocate may not provide skills training for the local law enforcement or medical personnel.**

\*Training of direct services personnel is essential to providing a trauma-informed, victim-centered response to crime victims. VOCA-funded staff will be expected to pursue foundational training, advanced training, and continuing education. VOCA recipients will be required to ensure that new staff members submit an application to the [Kansas Academy for Victim Assistance](#) (KAVA) and that a minimum of one staff member attend the annual Crime Victims' Rights Conference. Applicants are also encouraged to research discipline-

specific victim services training opportunities. To the extent reasonable, training costs may be included in the VOCA application.

- t. Training Related Travel.** VOCA funds can support costs such as travel, meals, lodging, and registration fees for paid direct services staff to attend training within the state. This limitation encourages applicants to attend available training within their immediate geographical area. Out-of-state training events may also be considered, however they will require prior approval from the KGGP.
- u. Operating Costs.** Certain organizational expenses and operating costs that are necessary and essential to providing direct services are allowable. Examples of allowable expenses include prorated costs of rent and utilities; local travel expenses for direct service providers; required minor building adaptations necessary to meet the Department of Justice standards implementing the Americans with Disabilities Act and/or modifications that would improve the organization's ability to provide services to crime victims; supplies; equipment use fees, when supported by usage logs; prorated costs of property insurance; printing, photocopying, and postage; brochures that describe available services; books and other victim-related materials; prorated costs for computer backup files/tapes and storage; security systems; and essential communication services, such as web hosts and mobile device services.
- v. VOCA Administrative Time.** VOCA funds may support costs of administrative time spent performing certain VOCA-required activities, that includes completing time and activity records; completing programmatic documentation, reports, and statistics; collecting and maintaining crime victims' records; conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the project; and funding a prorated share of audit costs when the organization meets the Single Audit threshold.
- w. Renting or Leasing Vehicles.** VOCA funds may be used to rent or lease vehicles if it is demonstrated to the KGGP that such expenditure is essential to delivering services to crime victims. It is the responsibility of the applicant to explain why it is requesting to rent or lease a vehicle, and how those options are more effective and reasonable than to reimburse staff for personal vehicle mileage. A cost-benefit comparison of all three options must be explored and it must be shown how often vehicles will be used, cost, mileage, etc. VOCA funds may not be used to purchase vehicles.
- x. Maintenance, Repair, or Replacement of Essential Items.** VOCA funds may be used for the maintenance, repair, and replacement of items that contribute to maintaining a healthy and/or safe environment for crime victims, such as a furnace in a shelter. The KGGP will scrutinize each request for expending VOCA funds for such purposes to ensure the following: (1) the building is owned by the applicant organization and not rented or leased, (2) all other sources of funding have been exhausted, (3) there is no available option for providing the service in another location, (4) the cost of the repair or replacement is reasonable considering the value of the building, and (5) the cost of the repair or replacement is prorated among all sources of income. Any maintenance, repair, and/or

replacement of essential items must be in compliance with the National Historic Preservation Act.

- y. **Equipment and Furniture.** VOCA funds may be used to purchase furniture and equipment that provides or enhances direct services to crime victims, as demonstrated by the applicant. VOCA funds cannot support the entire cost of an item that is not used exclusively for victim-related activities. However, VOCA funds can support a prorated share of such an item. In addition, VOCA funds cannot be used to purchase equipment for another organization or individual to perform a victim-related service. Examples of allowable costs may include beepers; multi-capability copy machines; computers; videotape cameras and players for interviewing children; two-way mirrors; and equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas.

### **Non-Allowable Services, Activities, and Costs**

The following services, activities, and costs, although not exhaustive, cannot be supported with VOCA funds.

- a. **Lobbying and Administrative Advocacy.** VOCA funds cannot support lobbying or advocacy activities with respect to legislation or administrative changes to regulations or administrative policy, whether conducted directly or indirectly.
- b. **Research and Studies.** VOCA funds cannot be used to pay for efforts conducted by individuals, organizations, task forces, or special commissions to study and/or research particular crime victim issues.
- c. **Active Investigation and Prosecution Activities.** VOCA funds cannot be used to pay for activities that are directed toward active investigations and prosecution of criminal activity. These activities include witness notification, management activities, and expert testimony at a trial. In addition, victim/witness protection costs and subsequent lodging and meal expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds.
- d. **Fundraising Activities.**
- e. **Capital Expenditures.** The costs of liability insurance on buildings, capital improvements, security guards and body guards, property losses, advertising expenses, real estate purchases, mortgage payments, audits, and construction cannot be supported with VOCA funds.
- f. **Compensation for Victims of Crime.** Reimbursing crime victims for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills is not allowed.

- g. **Most Medical Costs.** VOCA funds cannot pay for nursing home care (except emergency short-term nursing home shelter as described under: Allowable Direct Services, Activities, and Costs), home health-care costs, in-patient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment. VOCA funds cannot support medical costs resulting from victimization.
- h. **Administrative Staff Expenses.** VOCA funds cannot support salaries, benefits, fees, furniture, equipment, and other expenses of board members, executive directors, consultants, coordinators, and other administrators unless specifically allowed elsewhere in these guidelines.
- i. **Costs of Sending Individual Crime Victims to Conferences.**
- j. **Activities Exclusively Related to Crime Prevention.**
- k. **Items pertaining to the area of magazine subscriptions or membership dues are not allowed.**
- l. **Fringe benefit expenses that exceed the proportion of personnel funded by VOCA are not allowed.**

## **Supplanting**

VOCA funds shall be used to supplement, **not** supplant, other federal, state, or local funds that would otherwise be available to assist victims of crime. The following guidelines should be used in determining the supplanting of funds. Although the examples provided below relate specifically to staffing scenarios, supplanting is not limited to personnel. Supplanting can occur in any budget line item if sufficient documentation cannot support that a VOCA grant award has not replaced funds otherwise available for the same program or purpose.

## **Guidance Regarding Supplanting**

**Defined:** To reduce federal, state, or local funds for an activity specifically because VOCA funds are available (or expected to be available) to fund that same activity. VOCA funds must be used to **supplement** existing federal, state, or local funds for program activities and may **not replace** federal, state, or local funds that have been appropriated or allocated for the same purpose. Additionally, VOCA funding may not replace federal, state, or local funding that is required by law. In instances where a question of supplanting arises, the applicant or subgrantee may be required to substantiate that the reduction in funding from other sources occurred for reasons other than the receipt or expected receipt of VOCA funds.

Example 1 Organization A appropriated or otherwise secured funds in FY19 for salary and benefits for two victim advocates. In FY19, Organization A is awarded VOCA funds designated for the hiring of two additional victim advocates. Organization A expended the VOCA funds as intended, and now has four victim advocates.

In this scenario, Organization A has used VOCA funds to supplement existing funds for program activities. Thus, supplanting has **not** occurred. If any of the victim advocates had left the organization during FY19 and Organization A did not follow established recruitment procedures to replace these advocates, or utilized VOCA funding for those positions for other purposes, supplanting **would** have occurred.

Example 2 Organization B appropriated or otherwise secured funds in FY18 for salary and benefits for two victim advocates. Due to budget projections for FY19, Organization B expects to lay off one victim advocate (facts that Organization B is able to substantiate). In FY19, Organization B is awarded VOCA funds designated for the hiring of one additional victim advocate. At the beginning of FY19, Organization B lays off one victim advocate and uses VOCA funds to continue the salary and benefits for the other victim advocate.

In this scenario, Organization B will use VOCA funds to pay the salary and benefits for the one victim advocate who would have been laid off but for the availability of VOCA funds. Therefore, supplanting has **not** occurred.

Example 3 Organization C appropriates or otherwise secures funds in FY19 for salary and benefits for two victim advocates. Organization C plans to use VOCA funds to pay the salaries of two additional victim advocates. Subsequently, however, Organization C opts to use two current experienced employees for this effort, and uses VOCA funds to pay their salaries and benefits. In doing so, Organization C determined that the remaining employees could handle the services and did not attempt to backfill the positions.

In this scenario, by replacing existing funds with VOCA funds, supplanting **has** occurred. Although Organization C may use experienced staff to fill the new VOCA-funded victim advocate positions, use of the VOCA funds has not **supplemented** funds for program activities, but has **replaced** those funds through Organization C's decision not to hire replacements for staff designated for VOCA-funded activities.

## **Grant Application Deadline**

Grant applications must be submitted via the Grant Portal **by 11:59 p.m. August 15, 2018**. [Grant Portal instructions](#) for submitting applications via the Grant Portal are provided at the [KGGP Resource page](#).

## **Grant Project Period**

Grant projects funded by this grant program shall be for a period of 12 months from October 1, 2018 to September 30, 2019. Any funds not obligated by September 30, 2019, must be returned to the KGGP.

## **Grant Recipient Compliance and Reporting Requirements**

If VOCA funds are awarded to the applicant, subgrantees will be expected to comply with the VOCA grant program requirements set out in the grant assurances, reporting requirements, and any requirements arising as a result of a compliance review. The KGGP will conduct a compliance review of each VOCA award. Failure to comply with these requirements may result in suspension or termination of grant funding.

In addition, subgrantees must comply with the provisions of the Federal Office of Management and Budget (OMB) Uniform Guidance for Federal Awards, [2 C.F.R. Part 200](#) and the U.S. Department of Justice [DOJ Grants Financial Guide](#) effective edition, which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds. This includes, but is not limited to:

- Financial documentation for disbursements;
- Daily time and activity records specifying time and type of service devoted to allowable VOCA activities;
- Grant project files;
- The portion of the grant project supplied by other sources of revenue;
- Job descriptions;
- Contracts for services;
- Statistical documentation; and
- Other records that facilitate an effective audit and grant analysis for compliance.

Agencies receiving a VOCA award are required to submit the following reports:

- **EEOP** Certification must be current with the U.S. Department of Justice, Office of Justice Programs, Office of Civil Rights.
- The **Five Most Highly Compensated Officers** Certification must be submitted to open the award.
- A **Subgrant Award Report** will be due on or near October 1<sup>st</sup>.
- Monthly **Financial Status Report** provides fiscal information on expenditures made during the month. Monthly reimbursements are made based on these expenditure reports. These reports are due 10 calendar days after the end of each month or the first business day.

- Quarterly **Performance Measurement Tool (PMT) Report** provides grant project statistical data and accountability metrics. PMT Reports must be submitted via the Federal Office for Victims of Crime PMT website within 10 calendar days after the end of each quarter or the first business day. Completion of this PMT Report will require that all subgrantees utilize a survey to collect outcome data from crime victims served with these VOCA funds.
- Semi-annual **Grant Project Narrative Report** provides a narrative description of the activities provided with the grant funds and are due 10 calendar days after the end of each 6-month period or the first business day.
- The **Projection of Final Expenditures Report** is due July 10<sup>th</sup> or the first business day.
- Any other reporting procedures that may be required by the federal government or the KGGP.

Subgrantees submitting late, incorrect, or incomplete reports will not receive payment until the next scheduled payments for grant programs. Repeatedly late reports, failure to submit reports or supporting documentation required by the grant assurances, or failure to respond to compliance review findings in the timeframe provided will result in the suspension of grant funds. The subgrantee must come into compliance with grant requirements before grant funds will be paid.

Copies of all financial and statistical supporting documentation must be maintained by the agency for a period of five years following the closeout of the grant award.

## **Review of Applications**

A grant review committee may assist the KGGP in determining grant awards for the Federal VOCA Victim Assistance Grant Program. Applicants will be notified via the Grant Portal of the grant award decision. Please do not call regarding the status of an application.

Each grant application will be evaluated using the following criteria:

- Applicant support of the goals and objectives of the [Kansas Victims of Crime Act Strategic Plan](#)
- Record of successful implementation of services in the victim services field
- Quality of any needs assessment in terms of proposed services
- Demonstration of clear, measurable and appropriate grant project objectives and activities that are consistent with the purpose areas outlined in the grant application instructions
- The efficacy of evaluative components, both programmatic and fiscal
- Relevant budget information
- Submission of all required documents and a complete application
- Applicant agency's ability to fulfill all of the requirements of the VOCA program

Applications submitted incomplete, with *any* missing components or information, will receive consideration only after all other successfully completed applications have been considered.

## **Resource and Contact Information**

Visit the [KGGP Resource page](#) for more guidance on specific steps of submitting an application via the Grant Portal and for detailed [Grant Portal instructions](#). For technical assistance regarding the VOCA grant program guidelines or application submission, contact the Kansas Governor's Grants Program at 785-291-3205.

## **What an Application Must Include**

Please read all grant requirements and instructions before completing the grant application. Submit application documents in 12 pt. Times New Roman, number the pages of the Project Narrative, and title each document filename as indicated below. Do not submit any section of the application in landscape format. Do not submit any items not specified in the instructions.

The application must include the following items:

- \_\_\_\_\_ General Information
- \_\_\_\_\_ Project Narrative
- \_\_\_\_\_ Grant Project Budget
- \_\_\_\_\_ Agency Budgets
- \_\_\_\_\_ Proof of 501(c)(3) status, if applicable
- \_\_\_\_\_ Certificate of Good Standing, if applicable
- \_\_\_\_\_ Board of Directors Information, if applicable
- \_\_\_\_\_ Federal Certifications

## **General Information**

Applicants must complete the General Information page online. Please note that the language provided in the "Brief Description of Proposed Grant Project" field may be utilized on public websites and documents to describe the purpose of the project and accomplishments of the grant program.

## **Project Narrative**

The following items must be included in the Project Narrative. Include each item in the order listed below and clearly label each section. The Project Narrative shall not exceed 30 pages.

### **Prior Accomplishments**

If the applicant received a 2018 VOCA grant award, describe specific agency accomplishments from the previous period that were funded, in whole or in part, by VOCA grant project funds.

Clearly state the 2018 approved Goals and Objectives and report the actual outcomes to date. Applicants must utilize the following format:

*2018 Goal I –*

*2018 Objective 1 –*

**2018 Actual Outcome -**

Provide documented evidence and anecdotal examples that show how VOCA-funded goals and objectives were met or how progress was made toward achieving the stated goals and objectives. Provide statistics that document the project's performance and the timeframe represented by those statistics. Include the number of crime victims served by the project. Describe any evaluations that were conducted, explain the results, and describe how that information will be used to support and enhance the grant project.

### **Problem Statement and Needs Assessment**

The submission of an application presumes there is a definable problem that will be addressed by the requested grant funds. Provide a detailed explanation of the problem that will be addressed, either in whole or in part, with the requested grant funds. Provide data that supports the problem to be addressed in the grant application and site the source of the data provided. Describe how the grant funds will address the problem. Describe any needs assessment that was used to develop the problem statement, such as an evaluation of agency service activity or other assessment. If the applicant is comparing local data to state or national data, include information that either establishes the need locally or describes why the local community is limited in resources to address the problem.

### **Justification of Need for Grant Funds/Increase Request**

All applicants must provide a justification of need for the grant funds requested. This justification must tie the financial need to the described problem statement and needs assessment. If the applicant received a 2018 VOCA award, explain why grant funds are needed to support the continuation of the project and why other funds are not available to support the project. In addition, if the applicant is requesting a new budget line item or funding increase to line items from the previous grant award, explain the need for additional funds and what additional activities and/or services will be provided. Describe how the increase to or addition of the new line item(s) is not supplanting other funds, per the definition provided on page 16 of this document. If the expenses are existing agency costs or activities, the non-supplanting explanation must include a description of how they were previously supported and why that support cannot continue to be utilized. The applicant must ensure that any request for additional funds outlined in the Project Narrative corresponds to the grant project budget submitted. The applicant should state whether other funds have been sought to support the program and describe the outcome of those efforts.

### **Grant Project Goal(s) and Objectives**

State the goal(s) of the proposed grant project. This should not be the goals of the entire agency, but should be specific to the proposed VOCA-supported project. However, the goals for the grant project should be consistent with the mission and overall goals of the agency, as well as the results of any needs assessment.

List the objectives to be accomplished to achieve each goal listed. Objectives should be specific, measurable, realistic, and consistent with the goals of the grant project and cover a single event or outcome. Include the activities for each objective and explain how each objective will be measured. Specifically identify any evidence-based programs and/or practices being incorporated into the proposed objectives and activities. Visit the [KGGP Resource page](#) for more guidance on developing goals and measurable objectives.

**Example (follow the format below):**

**Goal I:** Victims served will have increased knowledge of crime victim information and services.

| Objective                                                                                                     | Activities / Time Frame                                                                                                                                               | Person Responsible                                  |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 1. At the completion of advocacy and support services, 75% of crime victims will have a safety plan in place. | 1a. Case manager will meet regularly with crime victims.<br>Oct 2018 - Sept 2019<br><br>1b. Crime victims will complete an exit survey at the completion of services. | 1. Case Manager                                     |
| 2. Staff will begin support groups that will meet twice a week for crime victims and their family members.    | 2a. A support group facilitator will be hired.<br>By November 1, 2018<br><br>2b. Groups will meet twice a week.<br>Nov 2018 - Sept 2019                               | 2a. Executive Director<br><br>2b. Group Facilitator |

### Grant Project Performance Measures and Results

Grant recipients will be required to demonstrate how the grant project was implemented and if the project achieved the results expected based on the data collected and evaluated. Please provide the following information:

- Describe the process to be used for monitoring the implementation, progress, and outcomes of the grant project.
- Describe what data will be collected.
- Describe how the data collected will be used to ensure the success of the grant project.
- Describe the criteria that will be used to evaluate the activities and/or services provided through the proposed grant project.
- Explain how the proposed objectives will be measured and how it will be determined whether the proposed grant project is effectively and efficiently reaching the proposed goals and objectives.
- Describe what the grant project will achieve.

### Grant Project Staff

Provide a list of each staff member to be funded with the grant along with staff who will be responsible for monitoring and evaluating the grant project. Include the name, title, and a brief

job description for each staff listed. In addition, describe how this staffing pattern will help meet the goals of the grant project.

### **Grant Project Collaboration**

Grant funds are maximized when community agencies work together at all levels. Funding priority shall be given to agencies that demonstrate and maintain true collaboration. Applicants must provide the following information:

- Describe how and with what entities the applicant collaborates with or proposes to collaborate with to carry out the grant project and coordinate resources for victims of crime.
- List the point of contact for each agency the applicant will collaborate with in providing services or making referrals during the grant period.
- Explain how the applicant will coordinate with law enforcement, prosecuting attorneys' offices, courts, and other governmental or nonprofit agencies.
- Describe any new collaborative efforts that the applicant will undertake during the grant period and the impact the collaboration will have on the grant project.
- Describe how collaboration with units of government and/or with organizations will maximize grant funds.
- Describe how VOCA grant project funds will fulfill a gap in service and avoid duplication of services or resources in the applicant agency, related agency, or community.

### **Underserved Populations**

Define the underserved population identified in the applicant's service area, including those that may be underserved because of ethnic, racial or cultural background, language diversity, persons with disabilities, or geographic isolation. Use local data to support the populations identified as underserved. Provide the applicant's plan, including a description of the specific steps that will be taken by the applicant, to provide outreach and services to the underserved populations.

### **Sustainability**

Provide a detailed description that explains what efforts are being made, or will be made, to ensure the long-term fiscal and programmatic sustainability of the project and program. The applicant must detail how the project will be funded in future years if VOCA funding declines or is not available.

### **Dissemination of Crime Victims' Rights Information**

Describe the applicant's written procedures for assisting victims of crime in seeking available crime victims' compensation benefits and informing crime victims of their rights as provided by law. The procedures must detail how victims will be informed of their statutory rights as provided in K.S.A. 74-7333 and amendments thereto.

### **Civil Rights Contact Information**

Applicants must include the name, address, and telephone number of the civil rights contact person who is responsible for ensuring that all applicable civil rights requirements are met and who will act as liaison in civil rights matters.

### **DUNS Number and SAM Registration**

Applicants must provide the agency's DUNS number and SAM expiration date. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1-866-705-5711 or by [applying online](#). In addition, applicants shall ensure that the agency has an "active" status in the [U.S. System for Award Management \(SAM\)](#) prior to submitting a VOCA application.

### **Grant Management Capacity**

In accordance with requirements described in the Federal Office of Management and Budget (OMB) Uniform Guidance for Federal Awards, 2 C.F.R. Part 200, the KGGP must assess the applicant's ability and capacity to implement the proposed VOCA project in full compliance with Federal statutes, regulations, and terms and conditions of a subgrant award. Applicants must provide the following information:

- Describe the applicant's written accounting policies and procedures and how often they are updated.
- Describe the applicant's procedures for ensuring that each grant award and associated match is accounted for separately and distinctly from other sources of revenue.
- Describe the applicant's accounting system, when the current system was implemented, its level of automation, and type(s) of technology utilized; describe any manual accounting processes used to complement the system.
- Describe the applicant's procedures for monitoring the approved grant project budget and tracking expenditures at a line item level.
- Describe the applicant's internal controls for ensuring that grant project expenditures are solely for allowable and approved purposes.
- Describe the applicant's reserve and/or capacity to manage a VOCA subgrant award on a reimbursement basis.
- Describe the knowledge, qualifications, experience, and training of programmatic and fiscal staff responsible for assuring grant compliance.
- Describe experience managing other grant funds awarded to the applicant agency by entities other than the KGGP, including the name of the grant program, the purpose of the program, the funder(s), the year(s) awarded, whether any monitoring was conducted by the funder(s), and what findings were cited by the funder(s).

### **Current Audit Report**

All applicants **must** provide information in this section of the Project Narrative on when the organization's most recent financial audit was completed, who performed the audit, what period it covered, whether the applicant met the threshold for a Single Audit, and where the audit is filed.

Nonprofit, community, or faith-based organizations **must** also provide a copy of the most recent audit report, including the Single Audit report if applicable, and IRS Form 990 to the KGGP. If the KGGP has **not** previously received a copy of the nonprofit, community, or faith-based organization's most recent audit report and IRS Form 990, both items must be forwarded by U.S. Mail to: Kansas Governor's Grants Program, Landon State Office Building, 900 SW Jackson,

Room 304 North, Topeka, KS 66612-1220. Include with the audit the Auditor's Letter to Management if applicable. If there are any findings and/or recommendations in the audit report or in the Letter to Management, explain how the findings and/or recommendations were, or will be, addressed by the applicant.

If the agency is a city or county government, a current audit does not need to be submitted. However, governmental agencies **must** still provide information in this section of the Project Narrative on when the most recent audit was completed, who performed the audit, what period it covered, and where the audit is filed.

## **Grant Project Budget**

The applicant must submit a grant project budget that is reasonable and cost effective. All grant project-specific budget information is completed online within the provided data fields of the Grant Portal. No *grant project* budgetary documents are uploaded as part of the application.

Requested line items must be clearly linked to the proposed activities to be conducted in achieving the goals and objectives of the project. The budget must adhere to allowable costs and activities as outlined in this VOCA solicitation; the Federal Office of Management and Budget (OMB) Uniform Guidance for Federal Awards, [2 C.F.R. Part 200](#); and the U.S. Department of Justice [DOJ Grants Financial Guide](#) effective edition.

As stated on page three of this solicitation, the KGGP must give priority for victims of adult sexual assault, domestic violence, child physical and sexual abuse, and other violent underserved crimes by ensuring that a minimum of 10 percent of VOCA funds subgranted are for services in each of these areas (40 percent total). To assist the KGGP in documenting these allocations, applicants must indicate in the grant project budget the purpose for each line item by utilizing the appropriate field or fields: Child Abuse, Domestic Violence, Sexual Assault (adult), Underserved Crimes, and/or Match. The allocation of requested grant project funds must correlate with the applicant's goals and objectives.

A detailed calculation and brief narrative explanation must be provided in the Description field of each line item. Calculations shall clearly demonstrate how the requested amounts were derived and must account for both the federal funds requested and the non-federal match provided, including the match source(s). Personnel must be listed by the agency-assigned title for the position. Positions shall be classified as "New" *only if* the requested position would be a new position for the agency. Personnel and associated fringe benefit costs must be demonstrated in terms of full compensation and the percentage of time to be devoted to the VOCA grant project for each position requested. Fringe benefit costs shall not be allocated to a position at a rate exceeding the portion of personnel costs requested in the VOCA Personnel category. Training events and other travel costs must be specifically identified to the extent possible. Following are examples of descriptions that might be used for line item requests. Please visit the [KGGP Resource page](#) for more guidance.

| <u>Line Item</u>             | <u>Federal<br/>Dom Viol</u> | <u>Federal<br/>Sxl Asslt</u> | <u>Match</u> | <u>Description</u>                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------|-----------------------------|------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Volunteer Coordinator        | \$16,808                    | \$ 1,868                     | \$ 4,669     | Full-time, salaried, 50% of time on project, approved for 2% raise on Jan 1 <sup>st</sup> : (\$46,000 x .25 year) + (\$46,920 x .75 year) = \$46,690 x 50% = \$23,345; 40% federal/10% match is SGF grant                                                                                                                                                                              |
| SA Support Group Facilitator | \$ 0                        | \$ 7,917                     | \$ 0         | Full-time, hourly, 40 hrs/wk, 25% of time on project; approved for 2% raise on Jan 1 <sup>st</sup> : (\$15.00/hr x 520 hrs) + (\$15.30/hr x 1,560 hrs) = \$31,668 x 25%                                                                                                                                                                                                                |
| Volunteers (In-Kind)         | \$ 0                        | \$ 0                         | \$ 2,130     | Volunteers for evening and weekend hotline coverage: \$10/hr based on comparable compensation x 213 hours                                                                                                                                                                                                                                                                              |
| FICA                         | \$ 1,286                    | \$ 748                       | \$ 357       | 7.65% x \$31,262 requested salaries = \$2,391; match is SGF grant                                                                                                                                                                                                                                                                                                                      |
| Conferences/ Workshops       | \$ 671                      | \$ 821                       | \$ 373       | ·Crime Victims' Rights Conference, April '19, Wichita: (\$100 registr. x 2 staff) + (200 mi. x \$.50/mi. x 1 vehicle) + (\$90/nt. x 2 nights x 2 staff) + (\$30/day meals x 3 days x 2 staff) = \$840;<br>·KAVA, summer 2019, Wichita: \$225 registration + (270 mi. x \$.50/mi) + (\$100/nt. x 5 nights) + (\$30/day meals x 5.5 days) = \$1,025; 80% federal/20% match is city funds |
| Laptop Computers             | \$ 306                      | \$ 204                       | \$ 128       | Two laptop computers at \$850 each: (\$850 x 50% Volunteer Coordinator) + (\$850 x 25% Support Grp Facilitator) = \$638; 80% federal/20% match is SGF grant                                                                                                                                                                                                                            |

\*This example assumes the applicant is a victim services crisis center for domestic violence and sexual assault (adult) crime victims.

## **Current and Next Fiscal Year Agency Budgets**

Upload the applicant's current and next fiscal year budgets, including balanced **income and expenses**. Include the fiscal period utilized by the agency. List all staff positions separately with their respective salaries/wages. If the applicant is under the umbrella of a larger entity, submit the budget developed for the applying program. Agency income must list **all** sources of financial support (i.e. foundations, government agencies, fund-raising events, individual contributions). For each income source, state the amount and its status (received, requested, committed, or projected). If the income is requested or projected, state the date the program expects to be notified of the funding decision or the date the program anticipates collecting the income. Include the appropriate pro-rated portion of this grant application request as budgeted income with a "requested" status. Also, be sure that all line items requested in this application can be found in the organization's budget for expenses.

Example of budget income only:

Agency's Current Fiscal Year January 1-December 31, 2018

| SOURCE:                   | AMOUNT:       | STATUS:   | DATE: |
|---------------------------|---------------|-----------|-------|
| City of 'xx'              | \$ 50,000     | Projected | 10/18 |
| United Way                | 5,000         | Received  | 1/18  |
| Walk-A-Thon               | 500           | Collected | 4/18  |
| VOCA '18-GOV              | 22,645        | Received  | 10/17 |
| VOCA '19-GOV              | 7,561         | Requested | 8/18  |
| SGF '18-GOV               | 24,000        | Received  | 7/17  |
| SGF '19-GOV               | <u>25,000</u> | Received  | 7/18  |
| Total Organization Income | \$134,706     |           |       |

**\*Note:** -Budget expenses are also required.  
-Repeat for Next Fiscal Year.

### **Proof of 501(c)(3)**

If the applicant is a nonprofit, community, or faith-based organization, upload as an attachment proof of the applicant's exempt status as determined by the Internal Revenue Service.

### **Certificate of Good Standing**

If the applicant is a nonprofit, community, or faith-based organization, upload as an attachment a current (less than one year old) copy of the applicant's Certificate of Good Standing from the Kansas Secretary of State's Office, available by calling (785) 296-4564 or visiting the [Kansas Secretary of State website](#).

### **Board of Directors**

If the applicant is a nonprofit, community, or faith-based organization, the applicant must upload as an attachment a current list of the organization's Board of Directors. The attachment must include each board member's name, profession, address, phone number, email address (if available), and the member's term of service.

### **Federal Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements**

The applicant must read, sign, and upload the three-page required certification form regarding lobbying; debarment, suspension, and other responsibility matters; and drug-free workplace requirements. The certification form is appended to the end of this document.

U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE CHIEF FINANCIAL OFFICER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER  
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance on Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

Pursuant to Executive Order 12549, Debarment and Suspension, implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a), and other requirements:

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Have not within a two-year period preceding this application been convicted of a felony criminal violation under any Federal law, unless such felony criminal conviction has been disclosed in writing to the Office of Justice Programs (OJP) at [Ojpcompliance@usdoj.gov](mailto:Ojpcompliance@usdoj.gov), and, after such disclosure, the applicant has

received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

(d) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(e) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. FEDERAL TAXES

A. If the applicant is a corporation, the applicant certifies that either (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov), and, after such disclosure, the applicant has received a specific written determination from OJP that neither suspension nor debarment of the applicant is necessary to protect the interests of the Government in this case.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN:

Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date



# Staff Request for Commission Action

Tracking No. 18321

**Full Commission Meeting Date:** 08/02/18

**Committee:** Public Works & Safety

Date of Standing Committee Action: 07/23/18

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   |                                |                                              |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------|----------------------------------------------|--------------------------------------|
| <u>Date:</u><br>07/10/2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Contact Name:</u><br>Ken Moore | <u>Contact Phone:</u><br>x5070 | <u>Contact Email:</u><br>kjmoore@wycokck.org | <u>Department/Division:</u><br>Legal |
| <u>Item Description:</u><br><br><b>Project Name: 42nd and Argentine Storm Drainage project – CMIP #5303</b><br><br>This Resolution declares that this project is a necessary and valid improvement project. This project is from 42nd and Argentine Storm Drainage Project. The project is needed for the area of 42nd and Argentine Blvd. with the following boundaries from 34th St to 44th St. along Argentine Blvd. and north to BNSF Railway. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels. |                                   |                                |                                              |                                      |
| <u>Action Requested:</u><br>To adopt the resolution.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                   |                                |                                              |                                      |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                   |                                |                                              |                                      |
| <u>Attachments List:</u><br>1 Resolution.42 and Argentine Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                   |                                |                                              |                                      |

(Published \_\_\_\_\_)

**RESOLUTION NO.**\_\_\_\_\_

**A RESOLUTION** declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the **42<sup>nd</sup> and Argentine Storm Drainage Project (CMIP 5303)**, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

**SECTION 1.** It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the **42<sup>nd</sup> and Argentine Storm Drainage Project (CMIP 5303)**. The project is in the area of 42<sup>nd</sup> & Argentine Blvd with the following boundaries: From 34<sup>th</sup> St. to 44<sup>th</sup> along Argentine Blvd. and north to BNSF Railway. This project is all in Wyandotte County, Kansas.

**SECTION 2.** The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

**SECTION 3.** This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT  
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ken Moore  
Chief Counsel



# Staff Request for Commission Action

Tracking No. 18323

**Full Commission Meeting Date:** 08/02/2018

**Committee:** Public Works & Safety

Date of Standing Committee Action: 07/23/2018

(If none, please explain):

**Publication Required:** Yes

|                                                                                                                                                                                                                                                                                                                                            |                                     |                                |                                             |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------|---------------------------------------------|--------------------------------------|
| <u>Date:</u><br>07/11/2018                                                                                                                                                                                                                                                                                                                 | <u>Contact Name:</u><br>Casey Meyer | <u>Contact Phone:</u><br>x2851 | <u>Contact Email:</u><br>cmeyer@wycokck.org | <u>Department/Division:</u><br>Legal |
| <u>Item Description:</u><br><br>An amendment to Sec. 35-254 – Preliminary Breath Test; repealing the infraction for refusal of a breath test, and amending notice requirements when requesting a breath test to be consistent with Legislative amendments to State statute, submitted by Casey Meyer, Assistant Counsel, Legal Department. |                                     |                                |                                             |                                      |
| <u>Action Requested:</u><br>Recommended approval                                                                                                                                                                                                                                                                                           |                                     |                                |                                             |                                      |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                                                                                                                     |                                     |                                |                                             |                                      |
| <u>Attachments List:</u><br>35-254 Preliminary Breath Test redlined, 35-254 Preliminary Breath Test final                                                                                                                                                                                                                                  |                                     |                                |                                             |                                      |

Published \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**An ordinance** relating to Chapter 35 - Traffic, amending Section 35-254 and repealing Section 35-254 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That Chapter 35 Traffic, Section 35-254, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

**Sec. 35-254 – Preliminary Breath Test**

~~(a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath or saliva, or both, subject to the provisions set out in subsection (b) of this section.~~

~~(b)~~ -A law enforcement officer may request a person who is operating or attempting to operate a motor vehicle within this state to submit to a preliminary screening test of the person's breath or saliva, or both, if the officer has ~~reasonable suspicion~~ reasonable suspicion to believe that the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.

~~(e)~~ (b) —At the time the test is requested, the person shall be given oral notice that:

(1) There is no right to consult with an attorney regarding whether to submit to testing;

~~(2) Refusal to submit to testing is a traffic infraction; and~~

~~(3)~~ (2) Further testing may be required after the preliminary screening test.

~~Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.~~

~~(c) (d) Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.~~

~~(d) Refusal to take and complete the test as requested is a traffic infraction and violates this section.~~ If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001 and amendments thereto.

~~(e) A~~ A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court

or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.

(e) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's saliva shall be conducted with a device approved pursuant to Section 2 of 2011 Senate Bill 6, and amendments thereto.

**Section 3.** That said original Section 35-254 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas is hereby repealed.

**Section 4.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

---

David Alvey/Mayor CEO

Attest:

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Unified Government Clerk

Approved As To Form:

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Unified Government Counsel

Published \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**An ordinance** relating to Chapter 35 - Traffic, amending Section 35-254 and repealing Section 35-254 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

**Section 1.** That Chapter 35 Traffic, Section 35-254, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

**Sec. 35-254 – Preliminary Breath Test**

- (a) A law enforcement officer may request a person who is operating or attempting to operate a motor vehicle within this state to submit to a preliminary screening test of the person's breath or saliva, or both, if the officer has reasonable suspicion to believe that the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.
- (b) At the time the test is requested, the person shall be given oral notice that:
  - (1) There is no right to consult with an attorney regarding whether to submit to testing;
  - (2) Further testing may be required after the preliminary screening test.
- (c) Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.
- (d) If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.
- (e) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's saliva shall be conducted with a device approved pursuant to Section 2 of 2011 Senate Bill 6, and amendments thereto.

**Section 3.** That said original Section 35-254 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas is hereby repealed.

**Section 4.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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David Alvey/Mayor CEO

Attest:

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Unified Government Clerk

Approved As To Form:

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Unified Government Counsel



# Staff Request for Commission Action

Tracking No. 18320

**Full Commission Meeting Date:** 08/02/18

**Committee:** Public Works & Safety

Date of Standing Committee Action: 7/23/2018

(If none, please explain):

**Publication Required:** No 07/23/2018

|                                                                                                                                                                       |                                     |                                |                                              |                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------|----------------------------------------------|---------------------------------------------|
| <u>Date:</u><br>07/06/2018                                                                                                                                            | <u>Contact Name:</u><br>Jeff Fisher | <u>Contact Phone:</u><br>x5415 | <u>Contact Email:</u><br>jfisher@wycokck.org | <u>Department/Division:</u><br>Public Works |
| <u>Item Description:</u><br>Staff will be presenting an update on Waste Management including some recent and on-going operational changes and performance indicators. |                                     |                                |                                              |                                             |
| <u>Action Requested:</u><br>Information only                                                                                                                          |                                     |                                |                                              |                                             |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                |                                     |                                |                                              |                                             |
| <u>Attachments List:</u>                                                                                                                                              |                                     |                                |                                              |                                             |