



# City of Grand Island

Tuesday, May 13, 2014

Council Session

## Item G-3

**#2014-100 - Approving High Intensity Drug Trafficking Area  
(HIDTA) Grant Funding**

Staff Contact: Steven Lamken

# Council Agenda Memo

**From:** Steven Lamken, Police Chief

**Meeting:** May 13, 2014

**Subject:** Approval of High Intensity Drug Trafficking Area (HIDTA) Grant Funding

**Item #'s:** G-3

**Presenter(s):** Steven Lamken, Police Chief

## Background

The Police Department has been a member of the Central Nebraska Drug and Safe Streets Task Force for several years. The City acts as the fiscal agent for a portion of the funds used by the Task Force to include off site facility maintenance, vehicle leases and operational funds. The 2014 HIDTA award, 14HD06, is for \$55,442.00 and does not require matching funds. Acceptance of the award will provide funding needed for the operations of the Task Force.

## Discussion

The Grand Island Police Department has been a participating member of the regional HIDTA, Central Nebraska Drug and Safe Streets Task Force for several years. The Task Force serves a valuable role in the investigation and prosecution of drug offenders and violent criminals. The HIDTA designation provides Federal funding for the investigative operations of the Task Force.

The City serves as the fiscal agent for part of the task force funding that supports the operation and maintenance of the offsite facility, vehicle and cell phone use, and operational funds that are used to buy drugs/weapons and pay informants. The 2014 HIDTA award to the Task Force is \$55,442.00. Approval and acceptance of the funding will support the Task Force during the year. The funding does not require a local match.

## Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve acceptance of the 2014 HIDTA award 14HD06 for \$55,442.00 for the Central Nebraska Drug and Safe Streets Task Force.

### **Sample Motion**

Move to approve acceptance of the 2014 HIDTA award 14HD06 for \$55,442.00 for the Central Nebraska Drug and Safe Streets Task Force.



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

**NEBRASKA STATE PATROL**  
**Colonel David A. Sankey**  
Superintendent  
P.O. Box 94907  
Lincoln, Nebraska 68509-4907  
Phone: (402) 471-4545

April 14, 2014

Chief Steven Lamken  
Grand Island Police Department  
111 Public Safety Drive  
Grand Island, NE 68801

Dear Chief Lamken:

The Nebraska State Patrol will again be serving as the fiduciary for the HIDTA funding to the Grand Island Police Department for the Central Nebraska Drug and Safe Streets Task Force. Your Contract Award, Special Conditions and related documents are enclosed. The project dates are January 1, 2014 – December 31, 2015. By accepting this award, you assume the administrative and financial responsibilities and agree to submitting monthly financial reports.

Please review the documents and forward it to the appropriate individuals in your unit of local government for signature. You, as head of your agency, are the project director. The Authorized Official is the Mayor and the Fiscal Officer is your City Clerk. After the contract is fully executed, please return the originals to me. Keep a copy of the award for your records.

Should you have questions or comments, please contact Marisue Wagner at 402-479-4017 or by email at [marisue.wagner@nebraska.gov](mailto:marisue.wagner@nebraska.gov). We look forward to collaborating with you on this worthwhile project.

Sincerely,

A handwritten signature in blue ink, appearing to read "David A. Sankey".

David A. Sankey, Colonel  
Superintendent of Law Enforcement and Public Safety

Enclosures



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# CONTRACT AWARD

Nebraska State Patrol  
P.O. Box 94907  
Lincoln, NE 68509

**HIDTA Initiative**

<b>CONTRACTOR:</b> Grand Island Police Department	<b>AWARD #:</b> 14HD06	<b>AWARD DATE:</b> March 27, 2014
<b>CONTRACT TITLE:</b> Central Nebraska Drug and Safe Streets Task Force	<b>CONTRACT AMOUNT:</b> \$55,442.00	
<b>FEDERAL PROGRAM:</b> Executive Office of the President Office of National Drug Control Policy (ONDCP)	<b>CFDA:</b> 95.001	<b>FEDERAL AWARD #:</b> G14MW0007A

## CONTRACTOR'S BUDGET

COST CATEGORY	Federal Share	State/Local Share	Total Project
<b>Travel – Administrative</b>	\$4,720.00		\$4,720.00
<b>Facilities – Utilities</b>	\$12,000		\$12,000
<b>Facilities – Support</b>	\$4,800		\$4,800
<b>Supplies – Office</b>	\$2,600		\$2,600
<b>Services – Service Contract</b>	\$2,800		\$2,800
<b>Services – Vehicle Lease</b>	\$6,750		\$6,750
<b>Services – Cell Phones</b>	\$900		\$900
<b>Other – PE/PI</b>	\$20,872		\$20,872
<b>Total</b>	\$55,442		\$55,442
<b>Contribution Percentage</b>	100		

This Contract Award is subject to all current State and Federal Policies and Procedures established by the Executive Office of the President – Office of National Drug Control Policy, (ONDCP) and the Nebraska State Patrol (NSP). If applicable, this award may be subject to special conditions.

The contract period will be from 01-01-2014 through 12-31-2015. The contract will become effective on the above stated date, provided the NSP has received the signed Contract Award from the Contractor.

The Patrol may cancel the contract at any time for breach of contractual obligations by providing the Contractor with a written notice of cancellation. Should the Patrol exercise its right to cancel the contract for such reasons, the cancellation shall become effective on the date as specified in the notice of cancellation sent to the Contractor.

The Patrol reserves the right to make modifications, deletions, or additions to the Contract Award at any time. Modifications that change any part of the Contract Award must be made by mutual agreement of both parties.

Where modifications are mandated by law or other requirements, over which the Patrol has no discretion or control, the Contractor agrees to accept the necessary modifications whenever possible. If however, the Contractor cannot accept the changes; this Contract Award can be terminated. Failure to agree to such modifications is not a dispute within the meaning of the Disputes paragraph of the Contract Award Guidelines.

**FINANCIAL MANAGEMENT**

The Contractor must maintain a financial management system that meets generally accepted accounting principles (GAAP). This documentation must be kept for a period of at least three years (3) following completion of the project or final payment, whichever is later. All such documents will be subject to periodic on-site review or audit as deemed necessary by the Office of National Drug Control Policy (ONDCP), the Patrol, and/or Federal audit agencies.

The Contractor agrees that the Patrol, the ONDCP, and/or the Comptroller General of the United States, the Auditor of the State of Nebraska or any of their duly authorized representatives may have access, for purposes of audit and examination, to any book, document, papers, or records maintained by the Contractor pertaining to this contract. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three years, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three year period, whichever is later.

**STOP WORK**

The Patrol may issue and the Contractor will accept a written order to hold or Stop Work on activities funded under this Contract Award for a period of 30 days. Such orders will be issued only for sufficient cause, such as reason to believe work is being performed outside of the terms of the Contract Award, for financial improprieties found during a monitoring inspection or voucher and records review, or a change in relevant laws or regulations.

A Stop Work may be continued, cancelled, or reissued as an order of termination.

The Contractor is responsible for any costs incurred after the completion of the project and the issuance of final payment by the Patrol unless by mutual agreement.

**BREACH OF AGREEMENT**

In the event full services are not provided by the Contractor unless as a result of fire, riot, or other Act of God or other emergency acceptable to the Patrol, the Contractor will reimburse the Patrol for all funding provided by the Contract Award. These provisions will be exercised by the Patrol only after Contract Award violation(s) has been established and negotiations between the Patrol and recipient have not resulted in a mutually acceptable resolution. A written notice of Breach of Contract must be issued by the Patrol.

**ACCEPTANCE OF CONDITIONS**

It is understood and agreed by the undersigned that this contract and any subsequent Contract Awards are subject to the Nebraska State Patrol Multiple HIDTA Initiative Cooperative Agreement award G14MW0007A dated January 2014 and to all special conditions as identified by the NSP. The signatures certify that this document has been received and read in its entirety.



*Signature of NSP Superintendent*

\_\_\_\_\_  
*Signature of Project Director*

David A. Sankey, Colonel-Superintendent

4/14/14

*Typed Name of Official and Title*

*Date*

\_\_\_\_\_  
*Typed Name and Title*

*Date*

\_\_\_\_\_  
*Signature of Authorized Official*

*(Mayor, County Board Chairman, State Department Head, etc.)*

\_\_\_\_\_  
*Signature of Financial Officer*

*(Treasurer, City Clerk, City Finance Department, etc.)*

\_\_\_\_\_  
*Typed Name of Official and Title*

*Date*

\_\_\_\_\_  
*Typed Name and Title*

*Date*

## Confidential Funds Certification

This is to certify that I have read, understand, and agree to abide by all of the conditions for confidential funds as set forth in the effective edition of the ONDCP Financial and Administrative Guide.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Project Director: \_\_\_\_\_

Grant No: 14HD06

# SPECIAL CONDITIONS

## NEBRASKA STATE PATROL MIDWEST HIDTA MULTIPLE INITIATIVES

Contractor: Grand Island Police Department	
Contract Number: 14HD06	Contract Title: Central Nebraska Drug and Safe Streets Task Force

This subgrant is subject to the standard conditions agreed to in the contract award, certified assurances, the Executive Office of the President, Office of National Drug Control Policy, HIDTA Multiple Initiatives and the following special conditions:

### A. General Provisions

1. This grant is subject to Title 2 of the Code of Federal Regulations, as well as the following:

- By reference, the provisions of the Office of Management and Budget (OMB) circulars and government-wide common rules applicable to grants and cooperative agreements. These circulars and common rules include the following:
- OMB Circular A-21 "Cost Principles for Educational Institutions (Codified at 2 CFR Part 220)
- OMB Circular A-87 "Cost Principles for State, Local, and Indian Tribal Governments." (Codified at 2 CFR Part 225)
- OMB Circular A-102 "Grants and Cooperative Agreements with State and Local Governments." (Codified at 21 CFR 1403)
- OMB Circular A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." (Codified at 2 CFR Part 215)
- OMB Circular A-122 "Cost Principles for Nonprofit Organizations." (Codified at 2 CFR Part 230)
- "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Units of Governments," (Codified at 21 CFR Part 1403)
- Grants Management Common Rule for State and Local Units of Government," (Codified at 21 CFR Part 1404)
- "Government-wide Debarment and Suspension (Non-procurement)," (Codified at 21 CFR Part 1404)
- "Government-wide Requirements for Drug-Free Workplace (Financial Assistance)" (Codified at 21 CFR Part 1405)
- "New Restrictions of Lobbying" (Codified at 28 CFR Part 1403)

2. Audits conducted pursuant to OMB Circular A-133, "Audits of State and Local Governments", must be submitted no later than nine (9) months after the close of the grantee's audited fiscal year. A copy of the audit report and management letter must be sent to:

Grants Division  
Nebraska State Patrol  
P.O. Box 94907  
Lincoln, NE 68509-4907

3. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the grant.

4. Contractors are advised of the new OMB grants "supercircular," Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards", some provisions of which may begin to supersede the provisions of pre-existing OMB grants circulars over the term of this contract. ONDCP will also be adopting conforming regulations in 2014. ONDCP will provide updates moving forward. For more information about the supercircular, please visit [www.cfo.gov/COFAR](http://www.cfo.gov/COFAR), which includes links to related online training and FAQs.



B. Special Conditions HIDTA Grants

The following special conditions are incorporated into each award document.

1. This grant is awarded for the initiative(s) named above. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with reprogramming requirements as set forth in ONDCP's HIDTA Program Policy and Budget Guidance.
2. This award is subject to the requirements in ONDCP'S "HIDTA Program Policy and Budget Guidance" and the "ONDCP Financial and Administrative Guide"
3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.
4. The requirements of 28 CFR Part 23, which pertains to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.
5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e. the purchase of information, evidence, and services for undercover operations. Those procedures are described in Section 6-12 of the HIDTA Program Policy and Budget Guidance.
6. The grant recipient agrees to account for and use program income in accordance with the "Common Rule" and the HIDTA Program Policy and Budget Guidance. Asset forfeiture proceeds generated by the HIDTA-funded initiatives shall not be considered as program income earned by HIDTA grantees.
7. Property acquired with these HIDTA grant funds is to be used for activities of the Midwest HIDTA. If your agency acquires property with these funds and then ceases to participate in the HIDTA, the Contractor must make this equipment available to the HIDTA's Executive Board for use by other HIDTA participants.
8. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

C. Payment Basis

1. A request for reimbursement shall be made by using the Nebraska State Patrol Cash Report/Cash Request form NSP161 on a monthly basis. Copies of invoices, payroll registers, and canceled checks must accompany the NSP161 to provide documentation for the reimbursement request.
2. Payments will be made by check or via Electronic Fund Transfer to the award recipient's bank account. The bank must be FDIC insured.

**RECIPIENT ACCEPTANCE OF SPECIAL CONDITIONS:**

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature/Project Director

\_\_\_\_\_  
Date

*Original to Patrol; Subgrantee keep copy for records.*

RESOLUTION 2014-100

WHEREAS, the Grand Island Police Department is a member of the Central Nebraska Drug and Safe Streets Task Force; and

WHEREAS, the Task Force has been approved for \$55,442.00 of HIDTA funding for the operations of the Task Force; and

WHEREAS, the Task Force serves an effective role in the investigation and apprehension of drug dealers and violent criminals, and

WHEREAS, the City serves as the fiscal agent for the Task Force operational funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, to approve award 14HD06 of \$55,442.00 of Federal HIDTA funding for the operation of the Central Nebraska Drug and Safe Streets Task Force.

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Adopted by the City Council of the City of Grand Island, Nebraska, May 13, 2014.

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☒ _____
May 9, 2014	☒ City Attorney