

City of Grand Island

Tuesday, September 14, 2010 Council Session

Item G16

#2010-250 - Approving Victims Of Crimes Act (VOCA) Grant

Staff Contact: Steve Lamken

Council Agenda Memo

From:	Captain Pete Kortum, Police Department
Meeting:	September 14, 2010
Subject:	2010 VOCA Grant Award
Item #'s:	G-16
Presenter(s):	Pete Kortum, Police Captain

Background

This grant award represents the eighth year that the Grand Island Police Department has operated a Victim's Unit.

The Grand Island Police Department has been awarded a 2010 Victims of Crime Act (VOCA) Grant in the amount of \$46,110.00 from the Nebraska Commission on Law Enforcement and Criminal Justice. The city and county share the match (cash and inkind) for this grant in the amount of \$15,477.00 which the city share of the cash amount was an expense approved in the 2010-2011 FY Budget. The program period for this grant is from 10-1-10 through 9-30-11.

Discussion

Council approved the grant application on April 27, 2010. A requirement for acceptance of the grant is that the grant award and special conditions document is signed by the Mayor. The Grand Island Police Department is requesting that the listed grant award be signed for acceptance of the award.

Alternatives

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

- 1. Approve the award and accept the VOCA grant funds.
- 2. Direct the police department to reject the grant award.

Recommendation

City Administration recommends that the Council approve the award and accept the 2010 VOCA grant funding in the amount of \$46,110.00.

Sample Motion

Move to approve the award and accept the 2010 Victims of Crime Act grant funding for fiscal year 2011.

Nebraska Commission

on Law Enforcement and Criminal Justice

Grant Award

Subgrantee City of Grand Island	Grant Number 10VA0229	Date of Award July 23, 2010	CFDA # 16.575
Project Title Grand Island/Hall Co Victim Asst. Program	Grant Amount Federal	\$46,110	
	Match	\$15,477	
	Total	\$61,587	

Approved Budget For Project

CATEGORY	FEDERAL SHARE	MATCH SHARE	TOTAL PROJECT COST
Personnel	\$46,110.00	\$8,334.00	\$54,444.00
Consultants/Contracts			
Travel			
Supplies/Operating/Expenses		7,143.00	7,143.00
Construction/Equipment Rental			
Equipment			
Other			
Total Amount	\$46,110.00	\$15,477.00	\$61,587.00
% Contribution	75%	25%	100%

This award is subject to the General and Fiscal Conditions established by the Nebraska Commission on Law Enforcement and Criminal Justice and to the and Criminal Justice and to the special conditions enclosed with this award is indicated below.

The grant period will be from October 1, 2010 to September 30, 2011 except as authorized by the Commission. To be a valid grant, this Grant Award must be signed and returned to the Commission within 30 days of receipt. Subgrantees will retain the Pink copy.

The subgrantee hereby attests and affirms that the required cash match will be designated, appropriated, and expanded for the project within the duration of the Grant period.

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Signature of Executive Director or Representative

Michael E. Behm, Executive Director

Typed Name and Title

Signature of Authorized Official (Mayor, County Board Chairman, Chair of non-profit Board etc.)

Margaret	Hornady,	Mayor	
Typed Name and	Title		Date

This award is subject to special conditions (enclosed).

Signature of Project Dir

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Peter	Kortum,	Police	Captain	9/9/10
Typed Name	e and Title			Date

Signature of Financial Officer (County Treasurer, City Clerk, etc.)

RaNae Edwards, City Clerk Typed Name and Title

Date

Nebraska Commission on Law Enforcement and Criminal Justice

Subgrant Special Conditions

Form GA-3 Rev. 4/10

Distribution:

Original to Commission One copy to Subgrantee Subgrantee: City of Grand Island Subgrant Number: 10VA0229

Subgrant Title:

Grand Island/Hall Co Victim Asst. Program

This contract is subject to the standard conditions agreed to in the original application and the signed Certified Assurances. In addition, the subgrantee must comply with the Office of Justice Programs "Financial and Administrative Guide for Grants" (OJP M 7100.1C), Federal Program Guidelines, and the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) Guidelines and the following special conditions:

1. <u>Records Retention</u>

a) The Commission shall have access to all project related materials for the purposes of audit and examinations. All records shall be retained for five (5) years from the date of the final fiscal report, unless an audit is in progress or the findings of a completed audit have not been resolved satisfactorily;

2. Audits

- a) All audits will comply with the Single Audit Act of 1984, as amended. Audits for private non-profit agencies shall comply with Circular A-133;
- b) Agencies and organizations receiving federal funds from various sources totaling \$500,000 or more during the Subgrantees Fiscal Year are required to have an annual audit. Total cost of the audit must be prorated among funding sources. Agencies and organizations receiving federal funds from various sources totaling less than \$500,000 during their Fiscal Year are not required to have an annual audit. However, a complete agency audit complying with the Single Audit Act of 1984, as amended, is highly recommended once every three years for private non-profit agencies receiving funding from the Crime Commission;
- c) <u>One (1) copy</u> of the audit that includes a <u>Letter of Findings</u> are <u>required</u> to be submitted to the Crime Commission, if they are not part of the audit;

3. Accounting Procedures

- a) Awarded applicants shall implement and maintain an accounting system which accurately reflects income received, expenditures, and documentation of expenditures. Each source of income must be accounted for separately and a clear audit trail for each source of funding must be maintained. Matching funds need not be applied at the exact time or in the required proportion to the obligation of Federal funds. However, the full match share must be obligated by the end of the project period. Accounting records are to be available for monitors and audits;
- b) If at any time an impropriety is found in the accounting or use of any funds received by the subgrantee, the Crime Commission must be notified immediately and informed about how the agency will address the problem;
- c) All subgrantee's receiving payments from the Crime Commission are required to receive payments via the Automated Clearing House (ACH) payment. New subgrantee's must complete paperwork to sign up for ACH payment and can find the form at <u>http://www.hhs.state.ne.us/forms/EFT.pdf</u> This must be completed before funds can be received;

4. Acceptance of Grant Award and Special Conditions

a) Grant Award must be accepted; signed by the subgrantee's authorized official, the director of the project, and the fiscal officer; and, returned to the Crime Commission within thirty (30) days from the date of the letter;

- b) **Special Conditions** must be accepted; signed by the subgrantee's authorized official, director of the project, and the fiscal officer, and returned to the Crime Commission within thirty (30) days from the date of the letter;
- c) **Contingencies** must be met within thirty (30) days of the date of the letter as required for the award as stated on the Summary Comment Sheet. Grant funds will not be released until all contingencies are addressed;

5. Reporting Requirements

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- a) **Grant Activity Summary Reports** are required **quarterly**. Reports are due by the 15th of the month following the end of each quarter during the grant period;
- b) Cash Report/Cash Requests are required quarterly even if no grant funds received or expenses are incurred. Reports are due by the 15th of the month following the end of each quarter during the grant period as well as the final "Cash Report" reflecting the total grant expenditures at the end of the grant period. Final cash report must be submitted within forty-five (45) days from the end date of the grant;
- c) Regardless of the start date of the grant project, quarterly reports are due for normal quarters as listed below

Jan. – March – Due April 15th	July - Sept. – Due October 15th
April – June – Due July 15th	Oct Dec Due January 15 th

- d) Subgrant Adjustment: Subgrantees must submit a subgrant adjustment request to the Crime Commission when any of the following has or will occur: the focus of the funded project changes, there is a change in the start or end date of the funded project, a new project director or fiscal officer is named for the awarded project, or a transfer of dollars between categories is needed which affects awarded dollars and any matching dollars. No budget revisions (awarded or matching dollars) are to be made by the subgrantee receiving funds without prior approval from the administrator unless otherwise provided by law;
- e) Federal and matching funds are to be used for the purpose stated in the approved grant application. Any changes must be approved by the Crime Commission grant administrator prior to the change taking place through submission of a Subgrant Adjustment Request;

6. Use of Federal Grant Funds

- a) Federal grant funds shall not be used to supplant State, local or any other funds that would otherwise be available. The agency's budget cannot decrease as a result of grant dollars. If an existing employee is assigned to this project and their salary is paid with grant funds, his or her position must be backfilled. The agency's personnel cannot decrease as a result of this grant project;
- b) No State/Federal grant funds shall be used for costs existing prior to or after the grant period;
- No indirect costs shall be allowed. Indirect cost is defined as payment for grant management services, accounting services, grant securing services, or any other costs of an organization that are not readily assignable to a particular project;
- Federal funds cannot be used for lobbying. If matching funds are used for lobbying, a disclosure report shall be submitted to the Crime Commission;
- e) No other Federal funds shall be used to meet the match requirement;
- f) Crime Commission funding cannot be placed in interest bearing accounts;
- g) Sub-grantee understands and agrees that it cannot use any federal funds, either directly or indirectly in support of any contract or sub-award to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP;

7. Match

a) The Subgrantee must insure any required match is met and that match is documented before the end of the project period. Match, both cash or in-kind, must be documented in the agency's accounting system;

SUBGRANT SPECIAL CONDITIONS - Page 3

8. Time Records

a) The subgrantee will maintain time records that comply with the Office of Management and Budget (OMB) A-87 Circular to clearly document the hourly activity of each grant funded or match funded position to show the actual percentage of time charged to the funding source. Records will be maintained by the subgrantee to document any differences between budgeted and actual federal and match personnel grant costs. Timesheets for grant funded positions should include the signature of the employee and their supervisor. Volunteer positions used as match are to be documented and, to the extent feasible, supported by the same method used for employees. Refer to the following website for further details on OMB circulars, http://www.whitehouse.gov/omb/circulars/

9. Mandatory Training

a) The subgrantee project director and/or fiscal officer or a designated representative must attend the Grant Management Training sponsored by the Crime Commission. At least one Board member of a Private Non-profit agency receiving grant funds from the Crime Commission must also attend Grant Management Training;

10. Publicity

a) Any publicity of this project will include an acknowledgement of funding by the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission). A copy of such publicity shall be sent to the Crime Commission. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal or State money, all grantees receiving funds shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal or State money, and (2) the dollar amount of Federal or State funds for the project or program;

11. Publications

a) The subgrantee agrees that any publication (written, visual or audio, <u>excluding</u> press releases, newsletters and issue analysis) issued by the subgrantee describing programs or projects funded in whole or in part with Federal or State funds, shall contain the following statement: "This project was supported by Grant #}«Grant Number» awarded by the Nebraska Crime Commission. Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the Commission." Two copies of any such publication are to be submitted to the Crime Commission;

12. Non-Discrimination

- a) The Subgrantee assures it and all it's contractors will comply with all applicable nondiscrimination requirements as set forth by federal and state laws. No person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or be denied employment in connection with any activities receiving funds under the Act on the basis of race, color, religion, age, sex, national origin, or handicap;
- a) In the event a federal or state court or administrative agency makes a finding of discrimination after a due process hearing, the recipient of funds will forward a copy of the finding to the Office of Civil Rights Compliance of the Office of Justice Programs in Washington, D.C. Additionally, a copy of the findings are to also be sent to the Crime Commission. If required, the subgrantee will formulate an Equal Employment Opportunity Program (EEOP) in accordance with 28 CFR 42.301 et. seq.;
- b) Grantees whose projects, personnel, or subgrantees become involved in any litigation, whether civil or criminal, shall immediately notify the Crime Commission and forward a copy of any demand notices, lawsuits, or indictments to the Commission;

13. Limited English Proficiency Plan

a) The subgrantee must comply with the Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. Subgrantees receiving Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For information on the civil right responsibilities, see http://www.lep.gov;

14. Federal Government De-bar

a) If at any time during the grant period the subgrantee is barred from doing business with the Federal Government, the Crime Commission shall be notified by the subgrantee in writing within 30 days;

SUBGRANT SPECIAL CONDITIONS - Page 4

15. Drug-Free Workplace

a) All agencies who are participants in the awarded project shall establish and maintain a drug-free work place policy; and,

16. Private Non-profit Agency Board Responsibilities

a) Two (2) board members of private non-profit agencies awarded funds shall review, on a quarterly basis, all expenditures for the agency. This review shall include, but is not limited to, checks written for the period, deposits, assurance of a balanced checkbook, review of the entries in the agency's ledgers, and review of the income received from funding agencies and donations.

17. Fraudulent Use of Funds

a) The subrecipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor or other person has either 1) submitted a false claim for grant funds under 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 involving grant funds. Potential fraud, waste, abuse or misconduct should be reported. In addition, the subgrantee must notify the Nebraska Crime Commission. For more information on how to submit a claim go to <u>www.usdoj.gov/org</u>;

18. Required Compliance

 a) The subrecipient agrees to comply with any modifications or additional requirements that may be imposed by law and future OJP (including government-wide and Nebraska Crime Commission) guidance and clarifications;

19. Mandatory Federal Registration

- a) The subrecipient agrees that they have a DUNS number and are registered with the Central Contractor Registration (CCR) database; and,
- b) The recipient agrees to obtain active registration with the Central Contractor Registration (CCR) database, and to notify the program office in writing of its registration.

Funding/Program Specific Conditions

VOCA Private Non Profit/VOCA Victim Witness

- The subrecipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, Contractor, subgrantee, subcontractor or other person has either 1)submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of intrest, bribery, gratuity, or similar misconduct involving grant funds. Potential fraud, waste, abuse or misconduct should be reported. In addition, the subgrantee must notify the Nebraska Crime Commission. For more information on how to submit a claim go to <u>www.usdoj.gov/oig</u>.
- 2. Subrecipients must comply with the applicable provisions of VOCA, the Program Guidelines, and the requirements of the OJP Financial Guide, effective edition, which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received.

VOCA Private Non Profit Specific

Statistical Reports are required quarterly. Reports are due the 15th of the month following the end of each quarter. Statistics are to be provided electronically unless the Crime Commission has approved another method to submit statistics.

Use of VOCA Grant Funds

 VOCA grant funds are to be used to provide direct services to individual crime victims and at no cost to the victim.

SUBGRANT SPECIAL CONDITIONS – Page 5

- VOCA guidelines define a victim as a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The primary purpose of VOCA grant funds is to support the provision of services to victims. Services are those efforts that respond to the emotional and physical needs of crime victims; assist primary and secondary victims of crime to stabilize their lives after a victimization; assist victims to understand and participate in the criminal justice system; and, provide victims of crime with a measure of safety and security.
- VOCA grant funds cannot be used for any of the following:
 - Capital expenditures; √
 - √ Community education:
 - ٧ Crime prevention activities;
 - ۰ Development of protocols, interagency agreements and other working agreements;
 - \checkmark \checkmark \checkmark \checkmark Fund-raising activities:
 - Indirect organizational costs:
 - Individual membership dues;
 - Land acquisition;
 - Legislative and administrative duties of staff;
 - √ Lobbying and administrative advocacy;
 - √ Needs assessments, surveys, evaluations or studies;
 - ۰ Perpetrator rehabilitation and counseling or any other activities involving or relating to perpetrators;
 - √ Professional services of doctors and lawyers;
 - √ Purchasing or leasing vehicles:
 - √. Reimbursement to crime victims for expenses incurred as a result of a crime, including property loss:
 - $\sqrt{}$ Relocation expenses for the victim.

Volunteers are to be utilized by the subgrantee throughout the duration of the project. Volunteer services must be documented, and to the extent feasible, by the same methods used by the subgrantee for its paid employees;

At no time shall a victim's name, address, phone number or other identifying information be divulged to another individual or agency unless they are part of the criminal justice or health and human services system unless the victim has given prior voluntary written consent for such release of information.

Office of Justice Program Financial Guidelines and VOCA Guidelines must be followed for the purchase and property management of computers and/or equipment, including the disposal of computers and/or equipment purchased with VOCA funds. Computers purchased with federal VOCA grant funds must be compatible with the case management program and be able to electronically submit statistics to the Crime Commission. Minimum specifications, as determined by the Crime Commission, are required for any computer purchased with VOCA funds.

The subgrantee shall cooperate, coordinate and have the active participation and support of law enforcement and criminal justice agencies within the jurisdiction of the assisting agency and will cooperate and coordinate with any coordinated response efforts;

Subgrantee must provide services to victims of federal crimes on the same basis as victims of state/local crimes;

Subgrantee is required to help victims apply for Crime Victims' Reparations (CVR) benefits, i.e., identifying and notifying crime victims of the availability of compensation, assisting victim with application forms and procedures, obtaining necessary documentation, and/or checking on claim status. Victim is responsible for mailing CVR claims to the Crime Commission but subgrantee may provide the envelope and stamp;

Subgrantee is required to provide information to victims about Victim Information and Notification Everyday (VINE), assist victims in registering with the VINE system and promote public awareness about VINE.

SUBGRANT SPECIAL CONDITIONS – Page 6

Subgrantee is required to participate in the victims' assistance case management system when it is operational and provide electronic submission of statistics to the Crime Commission via the software or link determined by the Crime Commission;

VOCA Victim/Witness Specific

Statistical Reports are required quarterly. Reports are due by the 15th of the month following the end of each quarter. Statistics are to be provided electronically unless the Crime Commission has approved another method to submit statistics.

Victim Witness Programs - Use of Federal VOCA Funds

- VOCA grant funds are to be used to provide direct services to individual crime victims and at no cost to the victim.
- VOCA guidelines define a victim as a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The primary purpose of VOCA grant funds is to support the provision of services to victims. Services are those efforts that respond to the emotional and physical needs of crime victims; assist primary and secondary victims of crime to stabilize their lives after a victimization; assist victims to understand and participate in the criminal justice system; and, provide victims of crime with a measure of safety and security.
- The purpose of a victim witness program is to advocate for victims and provide timely assistance to individual victims of crime. Advocacy should begin within 72 hours or the next business day after the incident for all serious crimes (homicide, sexual assault, assaults) and most crimes against the elderly. Victim Witness Units located in County Attorney offices are to have a process in place to receive law enforcement incident reports for victims of serious crimes and crimes against the elderly so that advocacy can begin within 72 hours or sooner.
- VOCA funds are not for the purpose of providing services to businesses unless an individual or individuals within the business is a victim of a crime.
- Policies and procedures are required that include when and how victim contact will be made and when and how follow up contact will be made.
- VOCA funds cannot be used for any of the following:
 - ✓ Any activity or expense that is the responsibility of the prosecutor or the law enforcement agency and including any activities directed at prosecuting an offender and/or improving the criminal justice system=s effectiveness and efficiency; gathering evidence; witness management and notification (VOCA funds may only be used to notify witnesses who are also a victim of the crime); expert testimony at trials; victim witness protection costs and subsequent lodging and meal expenses;
 - ✓ Capital expenditures;
 - ✓ Community education;
 - ✓ Crime prevention activities;
 - ✓ Development of protocols, interagency agreements and other working agreements;
 - ✓ Fund-raising activities;
 - √ Indirect organizational costs;
 - √ Individual membership dues;
 - ✓ Land acquisition;
 - $\sqrt{}$ Legislative and administrative duties of staff;
 - ✓ Lobbying and administrative advocacy;
 - ✓ Needs assessments, surveys, evaluations or studies;
 - ✓ Perpetrator rehabilitation and counseling or any other activities involving or relating to perpetrators;
 - ✓ Professional services of doctors and lawyers;
 - ✓ Purchasing or leasing vehicles;
 - ✓ Reimbursement to crime victims for expenses incurred as a result of a crime, including property loss;
 - \checkmark Relocation expenses for the victim.
- VOCA funding will be in jeopardy if all victims of serious crimes and most crimes against the elderly are not
 provided advocacy services in a timely manner and if funds are used for any activities or expenses that are
 the responsibility of the prosecutor or law enforcement agency.

SUBGRANT SPECIAL CONDITIONS - Page 7

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Volunteers are to be utilized by the subgrantee throughout the duration of the project. Volunteer services must be documented, and to the extent feasible, by the same methods used by the subgrantee for its paid employees;

At no time shall a victim's name, address, phone number or other identifying information be divulged to another individual or agency unless they are part of the criminal justice or health and human services system unless the victim has given prior voluntary written consent for such release of information.

Office of Justice Program Financial Guidelines and VOCA Guidelines must be followed for the purchase and property management of computers and/or equipment, including the disposal of computers and/or equipment purchased with VOCA funds. Computers purchased with federal VOCA grant funds must be compatible with the case management program and be able to electronically submit statistics to the Crime Commission. Minimum specifications, as determined by the Crime Commission, are required for any computer purchased with VOCA funds.

The subgrantee shall cooperate, coordinate and have the active participation and support of law enforcement and criminal justice agencies within the jurisdiction of the assisting agency and will cooperate and coordinate with any coordinated response efforts;

Subgrantee must provide services to victims of federal crimes on the same basis as victims of state/local crimes;

Subgrantee is required to help victims apply for Crime Victims' Reparations (CVR) benefits, i.e., identifying and notifying crime victims of the availability of compensation, assisting victim with application forms and procedures, obtaining necessary documentation, and/or checking on claim status. Victim is responsible for mailing CVR claims to the Crime Commission but subgrantee may provide the envelope and stamp;

Subgrantee is required to provide information to victims about Victim Information and Notification Everyday (VINE), assist victims in registering with the VINE system and promote public awareness about VINE.

Subgrantee is required to participate in the victims' assistance case management system when it is operational and provide electronic submission of statistics to the Crime Commission via the software or link determined by the Crime Commission.

I have read the above Special Conditions and understand they are part of the binding Grant Award. I acknowledge failure to satisfactorily meet all conditions of the grant and/or submit required documents may result in suspension or termination of the grant award.

Signature of Authorized Official	Date
(Mayor, Chair of County Board or City Council, Board Chair of Priv. NOTE: The Director of the Agency is <u>NOT</u> considered the Authoriz	
Conditions.	or official for the signing of these opecial
Title	
Signature of Agency Director	Date9/%///
Title Pilice Chief	
Signature of Project Director	Date_ <u>9/9/10</u>
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Signature of Fiscal Officer	Date
Title	

RESOLUTION 2010-250

WHEREAS, on April 27, 2010 council approved the City's application for a 2010 Victims of Crimes Act (VOCA) grant; and

WHEREAS, the Police Department of the City of Grand Island received notification that it will receive a 2010 Victims of Crime Act (VOCA) grant in the amount of \$46,110.00 from the Nebraska Commission on Law Enforcement and Criminal Justice; and

WHEREAS, in acceptance of the grant, the City of Grand Island and Hall County share the match for this grant in the amount of \$15,477.00; and

WHEREAS, the amount awarded is to be used by the Grand Island Police Department in accordance with criteria established by the grant program; and

WHEREAS, the Mayor of the City of Grand Island is required to sign the grant in acceptance of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the grant funds awarded to the Police Department of the City of Grand Island in the amount of \$46,110.00 through the Nebraska Commission on Law Enforcement and Criminal Justice is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such grant on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 14, 2010.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	¤	
September 10, 2010	¤	City Attorney