



# City of Grand Island

Tuesday, September 25, 2012

Council Session

## Item G9

### **#2012-262 - Approving 2012-2013 Victim of Crime Act (VOCA) Grant**

*see memo*

Staff Contact: Chief Steve Lamken

# **Council Agenda Memo**

**From:** Captain Pete Kortum, Police Department  
**Meeting:** September 25, 2012  
**Subject:** Fiscal 2012-2013 VOCA Grant Award  
**Item #'s:** G-9  
**Presenter(s):** Steven Lamken, Police Chief

## **Background**

The Grand Island Police Department has been awarded a 2012 Victims of Crime Act (VOCA) Grant award in the amount of \$57,638.00 from the Nebraska Commission on Law Enforcement and Criminal Justice. The match for this grant is in the amount of \$11,528.00 (20%) with the balance, \$46,110.00 (80%) from Federal funds. The program period for this grant is from 10-1-12 through 9-30-13.

## **Discussion**

Council approved the grant application on April 10th, 2012 (Resolution 2012-85). 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 accepted by council and signed for acceptance.

## **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 2012 VOCA grant award.

## **Sample Motion**

Move to approve the award and accept the 2012 Victims of Crime Act grant funding for fiscal year 2013.

Grant Award

<b>Subgrantee</b> City of Grand Island	<b>Grant Number</b> 12-VA-0213	<b>Date of Award</b> 07/20/2012	<b>CFDA #</b> 16.575
<b>Project Title</b>  Grand Island/Hall County Victim Assistance Program		<b>Grant Amount</b> Federal \$46,110  Match \$11,528  Total \$57,638	

Approved Budget for Project

CATEGORY	FEDERAL SHARE	MATCH SHARE	TOTAL PROJECT COST
Personnel	\$46,110	\$4,385	\$50,495
Consultants/Contracts			
Travel			
Supplies/Operating/Expenses		\$7,143	\$7,143
Equipment			
Other			
Total Amount	\$46,110	\$11,528	\$57,638
% Contribution	80%	20%	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 special conditions enclosed with this award as indicated below.

The grant period will be from 10/01/12 to 09/30/13 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 expended for the project within the duration of the grant period.

☒ This award is subject to special conditions (enclosed).

  
Signature of Executive Director or Representative

Michael E. Behm, Executive Director  
Typed Name and Title  
9/6/12  
Date

Signature of Project Director

Peter Kortum, Captain  
Typed Name and Title  
Date

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

Jay Vavricek, Mayor  
Typed Name and Title  
Date

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

Jaye Monter, Finance Director  
Typed Name and Title  
Date

Nebraska  
Commission on  
Law Enforcement and  
Criminal Justice

# Sub-grant Special Conditions

Form GA-3  
Rev. 8/12

Distribution:

Original to Commission  
One copy to Sub-grantee

<b>Sub-grantee:</b> City Of Grand Island	<b>Sub-grant Number:</b> 12-VA-0213
CFDA 16.575 Nebraska's VOCA Victim Assistance Formula Grant Program 2012-VA-GX-0052 Dept. of Justice, Office for Victims of Crime	<b>Sub-grant Title:</b> Grand Island/Hall County Victim Assistance 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. 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. Further, the sub grantee authorizes representatives of the Office of Victims of Crime and/or the Office of the Chief Financial Officer access to and the right to examine all records, books, papers or documents related to this grant.
2. Audits - 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.

Agencies and organizations receiving federal funds from various sources totaling \$500,000 or more during the sub grantee's Fiscal Year are required to have an annual audit. Total costs 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.

ONE copy of the audit that includes a Letter of Findings is required to be submitted to the Crime Commission, if they are not part of the audit.

3. Accounting Procedures – 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.

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.

All sub grantee's receiving payments from the Crime Commission are required to receive payments via the Automated Clearing House (ACH) payment. New sub grantee's must complete paperwork to sign up for ACH payment and can find the form at <http://www.hhs.state.ne.us/forms/EFT.pdf>. 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 sub grantee'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 sub grantee'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.

2012-2013

5. Reporting Requirements

- a. **Grant Activity Summary Reports** including any statistical reports are required **quarterly**. Reports are due by the 15<sup>th</sup> 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 15<sup>th</sup> 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	July – Sept.
April – June	Oct. – Dec.

6. Use of Federal Grant Funds

- a. Federal grant funds will 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.
  - c. 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.
  - d. 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 prior to the change taking place.
  - e. Federal funds cannot be used for lobbying. If matching funds are used for lobbying, a disclosure report shall be submitted to the Crime Commission.
  - f. No other Federal funds shall be used to meet the match requirement.
  - g. Crime Commission funding cannot be placed in interest bearing accounts.
7. The Sub grantee 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.
  8. The sub grantee agrees that as determined by the grant administrator that the project director and/or fiscal officer or a designated representative will 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 may also be asked to attend Grant Management Training.
  9. 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.
  10. The sub grantee agrees that any publication (written, visual or audio, excluding 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 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.
  11. The sub grantee assures it and all its 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.

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 is 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.

Grantees whose projects, personnel, or sub grantees 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.

The subrecipient acknowledges that failure to submit an acceptable EEOP (if subrecipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the subrecipient is in compliance.

12. The sub grantee must comply with the Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. Sub grantees 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>.
13. 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.
14. All agencies who are participants in the awarded project shall establish and maintain a drug-free work place policy.
15. The sub recipient 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 sub grantee 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/>.
16. Private Non-profit Agency Board Responsibilities - 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. The sub recipient 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 [www.usdoj.gov/org](http://www.usdoj.gov/org);
18. The sub recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future OJP (including government-wide and Crime Commission) guidance and clarifications.
19. The sub recipient agrees that they have a DUNS number and are registered with the Central Contractor Registration (CCR) database and agrees to obtain active registration with the Central Contractor Registration (CCR) database, and to notify the program office in writing of its registration.
20. The sub recipient 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.
21. The sub recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or agreement to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of the Crime Commission.
22. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the sub grantee is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
23. Sub recipients funded for \$25,000 or more and, in certain circumstances, agree to comply with applicable requirements to report the names and total compensation of the five most highly compensated executives of the sub recipient. Such data will be submitted to the Federal Funding Accountability and Transparency Act of 2006 (FFATA), Sub award Reporting System (ESRS). The details of the Crime Commission obligations, which derive from the FFATA, are posted



on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award Condition: Reporting Sub awards and Executive Compensation), and are incorporated by reference here.

24. The sub recipient agrees to comply with the applicable requirements of 28 CFR Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participations in such activities by individuals receiving services from the grantee or a sub grantee must be voluntary.
25. The sub recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
26. The sub recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Sub grantees, available at <http://www.ojp.gov/funding/ojptrainingguidingprinciples.htm>.
27. All grant contingencies must be met within thirty (30) days of the date of the letter as required for the award as stated on t Summary Comment Sheet. Grant funds will not be released until all contingencies are addressed.
28. The sub recipient assures it will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 42 U.S.C. 10603(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required.

#### Use of VOCA Grant Funds

- VOCA 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 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	Legislative and administrative duties of staff
Community education	Lobbying and administrative advocacy
Crime prevention activities	Needs assessments, surveys, evaluations or studies
Development of protocols, interagency agreements and other working agreements	Perpetrator rehabilitation and counseling or any other activities involving or relating to perpetrators
Fund-raising activities	Professional services of doctors and lawyers
Indirect organizational costs	Purchasing or leasing vehicles
Individual membership dues	Reimbursement to crime victims for expenses incurred as a result of a crime, including property loss
Land acquisition	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.
- Sub grantee is required to participate in the victim 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.
- 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.



- Sub grantee 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.
- Sub grantee must provide services to victims of federal crimes on the same basis as victims of state/local crimes.
- Sub grantee 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.
- Sub grantee 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.

Victim Witness Programs - Use of Federal VOCA Funds

- 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 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.

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 Private Non-profit Agency)

NOTE: The Director of the Agency is NOT considered the Authorized Official for the signing of these Special Conditions.

Title Mayor Jay Vavricek \_\_\_\_\_

Signature of Agency Director \_\_\_\_\_ Date \_\_\_\_\_

Title Chief Steve Lamken \_\_\_\_\_

Signature of Project Director \_\_\_\_\_ Date \_\_\_\_\_

Title Captain Peter Kortum \_\_\_\_\_

Signature of Fiscal Officer \_\_\_\_\_ Date \_\_\_\_\_

Title Finance Director Jaye Monter \_\_\_\_\_

RESOLUTION 2012-262

WHEREAS, on April 10, 2011 council approved the City's application for a 2012 Victims of Crimes Act (VOCA) grant; and

WHEREAS, the Police Department of the City of Grand Island received notification that it will receive a 2012 Victims of Crime Act (VOCA) grant award in the amount of \$57,638.00 from the Nebraska Commission on Law Enforcement and Criminal Justice; and

WHEREAS, in acceptance of the grant, the City of Grand Island has a 20% match of \$11,528.00 with the balance from Federal funds in the amount of \$46,110.00; 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 2012 Victim of Crimes Assistance grant award for the City of Grand Island 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.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, September 25, 2012.

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

Attest:

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

Approved as to Form	☐ _____
September 21, 2012	☐ City Attorney