

City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 10-226 Council District: N/A

For Meeting of March 15, 2010
(Adoption Date)

TITLE: A RESOLUTION APPROVING AMENDMENT NUMBER ONE (1) IN THE AMOUNT OF \$10,000 TO THE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE STATE OF NEW MEXICO CHILDREN, YOUTH, AND FAMILIES DEPARTMENT RELATED TO THE DONA ANA COUNTY JUVENILE JUSTICE CONTINUUM. THE RESOLUTION RATIFIES THE CITY MANAGER'S SIGNATURE, AMENDS THE CITY'S ADOPTED FY2010 BUDGET, AND AUTHORIZES THE DEVELOPMENT AND EXECUTION OF NECESSARY SUBCONTRACTS.

PURPOSE(S) OF ACTION: The approval of an amendment to an agreement between the City and CYFD for local juvenile justice services and necessary actions associated with the amendment (i.e. budget adjustment and outside agency agreement amendments).

Name of Drafter: David Dollahon <i>[Signature]</i>		Department: Community Development <i>[Signature]</i>		Phone: 528-3060	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>[Signature]</i>	528-3066	Budget	<i>[Signature]</i>	541-2300
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The City of Las Cruces serves as the fiscal agent for the Dona Ana County Juvenile Justice Continuum Board, as required by the State of New Mexico Juvenile Justice Continuum Act (i.e. the "Act"). The Act specifies how and to whom the State of New Mexico Children, Youth, and Families Department (CYFD) and the Juvenile Justice Advisory Committee (JJAC, a state-appointed board) may provide Act funding. The local Continuum Board consists of various representatives, including the District Court's Children Judge, the District Attorney's Office, the Public Defender's Office, local law enforcement, the public schools, the non-profit community, and the general public.

The City was awarded funds with an original agreement from CYFD for the activities under the local continuum's efforts totaling \$204,091 for FY2010. CYFD and the JJAC have identified an additional \$10,000 to be awarded to the Dona Ana County Continuum. Four (4) current activities are funded under the CYFD agreement, two (2) of which will share the additional funds. The activities, original funding amounts, and additional funds are as follows:

Program Name	Fiscal Agent	Original Budget	Additional Funds	Amended Budget
Juvenile Citation Program	City of Las Cruces	\$134,480	\$2,500	\$136,980
Juvenile Assessment and Reporting Center	Character Kids, Inc.	\$56,844	\$7,500	\$64,344
Continuum Coordinator	City of Las Cruces (through Contractors)	\$12,767	N/A	\$12,767
SUBTOTAL		\$204,091	\$10,000	\$214,091
Disproportionate Minority Contact (separate Contract)	City of Las Cruces (through Contractors)	\$35,500	N/A	\$35,500
GRAND TOTAL		\$239,591	\$10,000	\$249,591

The Juvenile Citation Program will use the additional funds for the purchase of assessment tools and mileage/travel funding to conduct client tracking, and the JARC will use the funds for additional staffing and/or expanded hours of operation.

CYFD had requested the amendment for the additional funds be expedited and therefore the City Manager signed the amendment on the City's behalf on February 18, 2010. No funds will be expended before this Resolution is considered by the City Council. The Resolution ratifies the City Manager's signature, amends the City's adopted FY2010 budget to reflect the additional funding, and authorizes the development and execution of necessary amendments to contracts/agreements with our outside partner, Character Kids, Inc., who serves as the fiscal agent for the JARC. There is a required 40% match to these funds; however, for the City's portion the match is being met through in-kind services (i.e. building location and utilities) and the JARC is to provide their required match through in-kind or cash contributions.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
Juvenile Citation Fund – 2412/		
24144010-xxxxxx-15001	\$136,980	\$136,980
24144010-722190-15002	\$64,344	\$64,344

1. Resolution
2. Exhibit "A" – Amendment Number One to the Agreement
3. Exhibit "B" – Budget Adjustment to the City's FY2010 Budget
4. Attachment "C" – 10-052 (original funding resolution)

(Continued on Page 3)

OPTIONS / ALTERNATIVES:

1. Vote YES and approve the Resolution. Such action would approve the additional funding for the local juvenile justice continuum for activities associated with both the JCP and JARC, ratify the City Manager's signature on the agreement amendment, amend the City's adopted budget, and authorize the execution for amendments to the JARC.
2. Vote NO and deny the Resolution. Such action would not approve the additional funding for the local juvenile justice continuum for activities associated with both the JCP and JARC, not ratify the City Manager's signature on the agreement amendment, not amend the City's adopted budget, nor authorize the execution for amendments to the JARC.
3. Modify the Resolution and vote YES to approve the modified Resolution.
4. Table/Postpone the Resolution and direct staff accordingly.

(Continued on Page 3)

RESOLUTION NO. 10-226

A RESOLUTION APPROVING AMENDMENT NUMBER ONE (1) IN THE AMOUNT OF \$10,000 TO THE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE STATE OF NEW MEXICO CHILDREN, YOUTH, AND FAMILIES DEPARTMENT RELATED TO THE DONA ANA COUNTY JUVENILE JUSTICE CONTINUUM. THE RESOLUTION RATIFIES THE CITY MANAGER'S SIGNATURE, AMENDS THE CITY'S ADOPTED FY2010 BUDGET, AND AUTHORIZES THE DEVELOPMENT AND EXECUTION OF NECESSARY SUBCONTRACTS.

The City Council is informed that:

WHEREAS, the City of Las Cruces serves as the fiscal agent for funds received from the State of New Mexico Children, Youth, and Families Department (CYFD) for implementation of the Dona Ana County Juvenile Justice Continuum; and

WHEREAS, local juvenile justice continuums are required to receive funds under the New Mexico Juvenile Justice Continuum Act which is to provide a coordinated effort of addressing juvenile justice prevention and intervention strategies; and

WHEREAS, CYFD, through its State-appointed Juvenile Justice Advisory Committee, has awarded an additional \$10,000 to the local continuum for implementation of services with FY2010; and

WHEREAS, CYFD needed an expedited approval of the contract amendment and the City Manager was designated as the authorizing signator on the City's behalf under the original agreement and therefore executed the amendment on February 18, 2010; and

WHEREAS, the local continuum board voted on February 16 to commit the funding to two programs: 1) \$2,500 to the City's Juvenile Citation Program for the purchase of assessment tools and travel funds for face-to-face tracking of clients, and 2) \$7,500 to the Juvenile Assessment and Reporting Center (JARC) which is contracted

to the City through their fiscal agent, Character Kids, Inc. for use of additional staffing and expanded operational hours; and

WHEREAS, the City's FY2010 budget needs to be amended to reflect this additional funding and authorization is necessary for the execution of contract/agreement amendments between the City and Character Kids, Inc.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Amendment Number One (1), to the Agreement between the City of Las Cruces and the State of New Mexico Children, Youth, and Families Department, as shown in Exhibit "A," attached hereto and made part of this Resolution is hereby approved.

(II)

THAT the City Manager signed Amendment Number One (1), to the Agreement on the City's behalf, and his signature is ratified as of February 18, 2010 to comply with CYFD's request for expedited approval.

(III)

THAT the City's adopted FY2010 budget is hereby amended and approved, as shown in Exhibit "B," attached hereto and made part of this Resolution, to reflect the actions required of this Resolution.

(IV)

THAT City Staff is hereby authorized to develop and the City Manager is authorized to sign, on the City's behalf, any and all necessary amendments to

agreements between the City and Character Kids, Inc. to reflect the actions required of this Resolution.

(V)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 2010.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

**AMENDMENT NUMBER ONE (1)
AGREEMENT**

This is the first Amendment to Agreement No. 10-690-10483 between the State of New Mexico Children, Youth and Families Department, hereinafter referred to as the "Agency" and City Council for the City of Las Cruces, hereinafter referred to as the "Contractor."

PURPOSE OF AMENDMENT

1. **Revise Paragraph III- Limitation of cost** to add an additional \$10,000.00 to assist the contractor in meeting the provision of an adequate level of services for a new contract amount of \$214,091.00.
2. **Revise Attachment 2- Budget** to increase compensation.

CHANGES TO AGREEMENT

Effective upon approval by both parties, the Agreement is amended as follows:

III. Limitation of Cost

The total amount of the monies payable to the Contractor under this Agreement shall not exceed two hundred fourteen thousand, and ninety one dollars (**\$214,091.00**). The annual budget is attached hereto as "Revised Attachment 2 - Budget" and incorporated herein by reference.

All remaining sections and exhibits in Contract No. 10-690-10483 remain in effect and are not altered by this Amendment.

IN WITNESS WHEREOF, the Agency and the Contractor have caused this Agreement to be executed, said Agreement to become effective when signed by both parties.

Contractor



Authorized Signatory

Date: 2/18/10

Printed Title of Authorized Signatory

Approved as to form
Hay (Lita) Connolly

Legal Counsel, Contractor

Date: 02/18/10

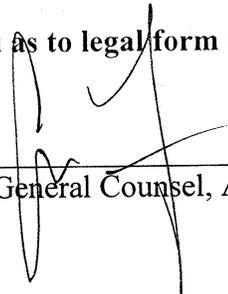
Agency



Secretary or Designee, Agency

Date: 02-24-10

Approved as to legal form and sufficiency.



Office of General Counsel, Agency

Date: 2010.02.23

Revised Attachment 2 – Budget
City Of Las Cruces

<u>Line Item Name</u>	<u>Amount</u>	<u>Amendment</u>
Juvenile Justice Continuum Coordinator Plus benefits	\$ 19,000.00	Amount
Citation Program: 2 FT Intake Specialist & 4 FT Community Educators plus benefits	\$ 135,000.00	
JARC: 1 Contracted Program Director & 1 Contracted Intake Case Manager, 1 Contracted Bookkeeper	\$ 32,991.00	\$10,000
Utilities	\$ 9,000.00	
Insurance	\$ 7,500.00	
Travel	\$ 400.00	
Supplies	\$ 200.00	
TOTAL	\$ 204,091.00	\$10,000

Total amount of this contract shall not exceed \$214,091.00, including gross receipts tax.

Funds may be moved between individual line items in the budget with written pre-approval by the Program Manager. Initiate this pre-approval by submitting Budget Adjustment Request to the LCCSB for approval and then submitting it to the Program Manager.

Funding Source:

General Funds

Amendment Funding Source;

General Funds

BUDGET ADJUSTMENT REQUEST

Division / Department Comm. Dev./Neigh. Services	<i>This field for use by OMB only</i> Budget Adjustment Number	Council/Board Action Required? (Yes or No)	Yes
		Council/Board Resolution No.	

Reason for Request

To reflect additional funding from the state CYFD for the City's JCP and JARC programs.

FY2010 NS #: 30

David P. Dollahon

528-3060

18-Feb-10

Prepared by

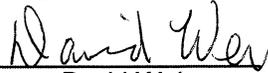
Phone No.

Date

Fund	Org	Object	Project	Object Name	Increase \$	Decrease \$
2412	24180010	552002	15001	State Revenue CYFD	2,500.00	
2412	24180010	552002	15002	State Revenue CYFD	7,500.00	
2412	24144010	722190	15001	Purchased Services	1,750.00	
2412	24144010	724190	15001	Travel General	750.00	
2412	24144010	722190	15002	Purchased Services	7,500.00	
Totals					20,000.00	0.00

By signing, I verify balances are available in MUNIS.

For use by Office of Mgmt & Budget

Administrator/Manager:  2/19/2010
Printed Name: David Dollahon
Director:  2-19-10
Printed Name: David Weir

Budget Manager: _____ Richard Gebhart
City Manager: _____ Terrence R. Moore

Comments:	Permanent or Temporary	Posted By	Date
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RESOLUTION NO. 10-052

A RESOLUTION APPROVING AND ACCEPTING A GRANT AGREEMENT BETWEEN THE CITY AND THE STATE OF NEW MEXICO CHILDREN, YOUTH, AND FAMILIES DEPARTMENT FOR THE DONA ANA COUNTY JUVENILE JUSTICE CONTINUUM. THE RESOLUTION AUTHORIZES THE CITY MANAGER TO SIGN THE AGREEMENT ON THE CITY'S BEHALF AND FURTHER AUTHORIZES THE NECESSARY SUB-AGREEMENTS WITH OUTSIDE PARTNERING ENTITIES OF THE CONTINUUM FOR ELIGIBLE GRANT ACTIVITIES FOR FY2010. THE RESOLUTION AMENDS THE CITY'S ADOPTED FY2010 BUDGET TO REFLECT ADDITIONAL FUNDING TO THE CITY'S JUVENILE CITATION PROGRAM, TO ACCOUNT FOR STATE BUDGET CUTS.

The City Council is informed that:

WHEREAS, the City Council approved Resolution 09-269 on May 18, 2009 authorizing the City to submit a grant application to the State of New Mexico Children, Youth, and Families Department (CYFD) for continued funding for various Juvenile Justice Programs in Dona Ana County; and

WHEREAS, the City serves as the fiscal agent for the Dona Ana County Juvenile Justice Continuum in accordance with the State's Juvenile Justice Continuum Act; and

WHEREAS, the CYFD has submitted an agreement for continued funding of the identified Juvenile Justice Continuum activities for FY2010; and

WHEREAS, the Agreement Number 10-690-10483, attached to the Resolution is necessary so that operations of the City's Juvenile Citation Program (JCP); the Character Kids, Inc.'s Juvenile Assessment and Reporting Center (JARC), the Disproportionate Minority Contact (DMC), and the Continuum Coordinator positions can proceed without interruption; and

WHEREAS, the City Staff is working with the Staff from CYFD to make further revisions to this Agreement to reflect the JCP, JARC, DMC, and the Continuum Coordinator functions and funding that were approved by the Dona Ana County Juvenile Justice Continuum in late June 2009, due to the State mandating further budget cuts related to the initial grant requests; and

WHEREAS, the City Staff have developed a budget adjustment to increase the City's match for the JCP by an additional \$12,000 due to the State budget cuts.

NOW THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Agreement between the City of Las Cruces and the State of New Mexico Children, Youth, and Families Department, as shown in Exhibit "A," attached hereto and made part of this Resolution, is hereby approved and adopted.

(II)

THAT the City Manager is hereby authorized to accept and approve those future amendments, as may be necessary, excluding those that require amendment to the City's adopted budget, as it relates to this Agreement with the State of New Mexico Children, Youth, and Families Department for the Dona Ana County Juvenile Justice Continuum for FY2010.

(III)

THAT the City's adopted FY2009/2010 budget, as shown in Exhibit "B," attached hereto and made part of this Resolution, is hereby amended and approved.

(IV)

THAT the City Manager is hereby authorized to direct staff to develop sub-agreements with outside partners related to the Juvenile Assessment and Reporting Center, the Disproportionate Minority Contact, and Continuum Coordinator requirements of the grant as it relates to this Agreement with the State of New Mexico Children, Youth, and Families Department related to the Dona Ana County Juvenile Justice Continuum for FY2010, and the City Manager is authorized to execute said sub-agreements on the City's behalf.

(V)

THAT City staff is hereby authorized to do all deeds necessary to the accomplishment of the herein above.

DONE and APPROVED this 3rd day of August, 2009.

(SEAL)

APPROVED:

[Signature]
Mayor Pro Tem

ATTEST:

[Signature]
City Clerk

VOTE:

Mayor Miyagishima:	<u>Absent</u>
Councillor Silva:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Archuleta:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Jones:	<u>Aye</u>
Councillor Thomas:	<u>Aye</u>

Moved by: Connor

Seconded by: Thomas

Approved as to Form:

[Signature]
Deputy City Attorney