

City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 6 Ordinance/Resolution# 11-083 Council District:

For Meeting of October 4, 2010
(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES POLICE DEPARTMENT IN COLLABORATION WITH THE DOÑA ANA COUNTY SHERIFF'S DEPARTMENT (DASO) TO ACCEPT AWARDED FUNDING FROM THE FY 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM OFFERED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, TO RATIFY THE GRANT ACCEPTANCE BY THE CITY MANAGER TO MEET THE GRANT ACCEPTANCE DEADLINE, TO APPROVE THE MEMORAUNDUM OF UNDERSTANDING WITH DASO AND TO ADJUST THE CITY OF LAS CRUCES FY 2011 BUDGET FOR THE AMOUNT OF \$107,367 WITH NO MATCH REQUIRED.

PURPOSE(S) OF ACTION: To accept funding from the U.S. Dept. Justice, Edward Byrne Memorial Justice Assistance Grant in the amount of \$107,367.

Drafter and Staff Contact: Maria J. Nape		Department: GAO		Phone: 541-2104	
Department	Signature	Phone	Department	Signature	Phone
Police Dept.		528-4200	Budget		541-2107
GAO		541-2281	Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The Las Cruces Police Department (LCPD) received notification of funding award on behalf of its department and the Doña Ana County Sheriff's Office (DASO) in the amounts of \$64,074 and \$43,293, respectively, from the U.S. Dept. Justice, for uses to include equipment and supplies, and improvement or enhancement of law enforcement programs.

SUPPORT INFORMATION:

1. Resolution
2. Exhibit "A" – DOJ award letter and agreement.
3. Exhibit "B" – MOA with DASO
4. Exhibit "C" – Budget adjustment

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input type="checkbox"/>	See fund summary below
	No	<input checked="" type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input checked="" type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.	
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: 2470 Police Fund in the amount of \$107,367 for FY2011.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

The \$107,367 award from the U.S. Dept. Justice is allocated to the LCPD (\$64,074) to purchase pro thermal imaging camera, mobile video surveillance trailer, simmunition and armory tools and equipment; and to DASO (\$43,293) to purchase equipment for an online training room for peace officers.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A					

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will authorize the contract for funding from the U.S. Dept. Justice, FY2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.
2. Vote "No"; this will prevent the LCPD and DASO from receiving need equipment and supplies to enhance law enforcement programs.

(Continue on additional sheets as required)

3. Vote to "Amend"; this could affect the LCPD and DASO's ability to receive funding, as the contract has already been executed by the City Manager.
4. Vote to "Table"; not a recommended option, as this program is set to begin immediately.

REFERENCE INFORMATION

1. Resolution 10-307

RESOLUTION NO. 11-083

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES POLICE DEPARTMENT IN COLLABORATION WITH THE DOÑA ANA COUNTY SHERIFF'S DEPARTMENT (DASO) TO ACCEPT AWARDED FUNDING FROM THE FY 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM OFFERED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, TO RATIFY THE GRANT ACCEPTANCE BY THE CITY MANAGER TO MEET THE GRANT ACCEPTANCE DEADLINE, TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH DASO AND TO ADJUST THE CITY OF LAS CRUCES FY 2011 BUDGET FOR THE AMOUNT OF \$107,367 WITH NO MATCH REQUIRED.

The City Council is informed that:

WHEREAS, the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance announced the award of funding to the Las Cruces Police Department under the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS, the Las Cruces Police Department and the Doña Ana County Sheriff's Office received notice of joint eligibility and allocation of \$107,367 in funds formulated from the JAG program; and

WHEREAS, a Memorandum of Understanding (MOU) between the Doña Ana County Sheriff's Office and the Las Cruces Police Department was executed and both parties agreed to coordinate their efforts in the administration of this JAG grant program, and that the City of Las Cruces is the designated lead/applicant agency for this grant and the administrator of this project; and

WHEREAS, these awarded grant funds, will be utilized to improve or enhance local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and any law enforcement or justice initiatives.

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

(I)

THAT, the Las Cruces Police Department is authorized to accept the awarded grant funding on behalf of the Las Cruces Police Department and the Doña Ana County Sheriff's Office, for \$107,367 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

(II)

THAT, the awarded grant funds will be divided between the two law enforcement agencies: the Las Cruces Police Department to receive \$64,074 and the Doña Ana County Sheriff's Office to receive \$43,293; and

(III)

THAT, the awarded grant funds do not require an in-kind match or any other required funding on the part of the City of Las Cruces or the Doña Ana Sheriff's Office; and

(IV)

THAT, the City of Las Cruces FY 2011 Budget is hereby adjusted as designated in Exhibit C attached hereto and made a part of this resolution; and

(V)

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

DONE AND APPROVED this 4th day of October, 2010.

(SEAL)

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

APPROVED:

Mayor

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Connor: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

APPROVED AS TO FORM:



City Attorney



Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 27, 2010

Mr. Terrence Moore
City of Las Cruces
PO Box 20000
Las Cruces, NM 88004

Dear Mr. Moore:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 10 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of \$107,367 for City of Las Cruces.

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, Melanie Davis, Program Manager at (202) 514-1499; 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.

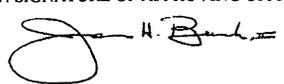
Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "James H. Burch II".

James H. Burch II
Acting Director

Enclosures

 <p>Department of Justice Office of Justice Programs Bureau of Justice Assistance</p>		<p>Grant</p>		<p>PAGE 1 OF 5</p>																	
<p>1. RECIPIENT NAME AND ADDRESS (Including Zip Code)</p> <p>City of Las Cruces PO Box 20000 Las Cruces, NM 88004</p>		<p>4. AWARD NUMBER: 2010-DJ-BX-1065</p>																			
		<p>5. PROJECT PERIOD: FROM 10/01/2009 TO 09/30/2013 BUDGET PERIOD: FROM 10/01/2009 TO 09/30/2013</p>																			
		<p>6. AWARD DATE 08/27/2010</p>		<p>7. ACTION</p>																	
<p>1A. GRANTEE IRS/VENDOR NO. 856000147</p>		<p>8. SUPPLEMENT NUMBER 00</p>		<p>Initial</p>																	
		<p>9. PREVIOUS AWARD AMOUNT \$ 0</p>																			
<p>3. PROJECT TITLE Equipment Expansion Project 2010</p>		<p>10. AMOUNT OF THIS AWARD \$ 107,367</p>																			
		<p>11. TOTAL AWARD \$ 107,367</p>																			
<p>12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).</p>																					
<p>13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY10 (BJA - JAG) 42 USC 3750, et seq.</p>																					
<p>15. METHOD OF PAYMENT GPRS</p>																					
<p>AGENCY APPROVAL</p>			<p>GRANTEE ACCEPTANCE</p>																		
<p>16. TYPED NAME AND TITLE OF APPROVING OFFICIAL</p> <p>James H. Burch II Acting Director</p>			<p>18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL</p> <p>Terrence Moore City Manager</p>																		
<p>17. SIGNATURE OF APPROVING OFFICIAL</p> 			<p>19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL</p> 		<p>19A. DATE</p> <p>8/31/10</p>																
<p>AGENCY USE ONLY</p>																					
<p>20. ACCOUNTING CLASSIFICATION CODES</p> <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>DJ</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>107367</td> </tr> </tbody> </table>				FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT	X	B	DJ	80	00	00		107367	<p>21. JDJUGT2432</p>	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT														
X	B	DJ	80	00	00		107367														

APPROVED AS TO FORM:
 City Attorney



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 5

PROJECT NUMBER 2010-DJ-BX-1065

AWARD DATE 08/27/2010

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient 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 recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The 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. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

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

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2010-DJ-BX-1065

AWARD DATE 08/27/2010

SPECIAL CONDITIONS

8. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.
9. 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 jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee 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.
10. The grantee agrees to comply with the applicable requirements of 28 C.F.R. 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 participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.
11. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
12. The recipient agrees that any information technology system funded or supported by OJP funds will 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). Recipient may not satisfy such a fine with federal funds.
13. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
14. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
15. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.

9/1/10



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 4 OF 5

PROJECT NUMBER 2010-DJ-BX-1065

AWARD DATE 08/27/2010

SPECIAL CONDITIONS

16. The grantee agrees to 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 grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee 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 grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special 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 grantee 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 grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, 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.

17. The recipient 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 and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
18. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but 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.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

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PROJECT NUMBER 2010-DJ-BX-1065

AWARD DATE 08/27/2010

SPECIAL CONDITIONS

19. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (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.
20. Award recipients must verify 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.
21. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This 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. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
22. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients 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.


9/1/10

**U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS' BUREAU OF
JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL DISCRETIONARY GRANTS
PROGRAM FY 2010
MEMORANDUM OF UNDERSTANDING**

THIS AGREEMENT is made and entered into by and between the City of Las Cruces on behalf of the Las Cruces Police Department (LCPD), and the Doña Ana County Sheriff's Office (DASO).

RECITALS

WHEREAS, the LCPD and DASO received notice of eligibility and allocation of \$107,367 in funds, \$64,074 for LCPD and \$43,293 for DASO, formulated from the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS, the LCPD and DASO received certification from the U.S. Department of Justice as separate entities. A modification to the LCPD application is needed to include the DASO allocation thus allowing DASO to receive their funding allocation using JAG's formula based on population, violent crime statistics, and minimum state funding allocations; and

WHEREAS, the LCPD and DASO are coordinating their efforts to improve public safety for all residents of Doña Ana County; and

WHEREAS, these grant funds, if awarded, will be allocated between the LCPD and DASO according to the JAG application budget; and

WHEREAS, these grant funds, if awarded, will be utilized to improve or enhance the administration and operations of the law enforcement function in local adult criminal justice systems; and

WHEREAS, these grant funds, if awarded, will address law enforcement officer safety, improving crime scene investigation, tactical training, training to support volunteer programs within law enforcement, drug- and alcohol-impaired driving prevention efforts, local anti-gang programs, and gun violence intervention and enforcement; and

WHEREAS, the total allocation of funds under this grant application is \$107,367 which is the total amount allocated by the U.S. Department of Justice; and

WHEREAS, according to the request, if the grant is awarded, the LCPD will receive \$64,074 and DASO will receive \$43,293; and

WHEREAS, the City Manager of the City of Las Cruces is the signing authority for this Memorandum of Understanding and all terms and conditions herewith on behalf of the LCPD; and

WHEREAS, the Doña Ana County Manager has designated the Doña Ana County Sheriff as the signing authority for this Memorandum of Understanding and all terms and conditions herewith in on behalf of the DASO.

NOW, THEREFORE, the parties agree as follows:

SECTION ONE – CITY OF LAS CRUCES AGREES:

Upon receipt of a grant award:

1. To act as the lead/applicant agency for this grant and act as the administrator for this project.
2. To set up a city account that is dedicated to this grant to promote accurate tracking of revenues and receivables.
3. To expend funds between the LCPD and DASO according to the JAG application budget, and provide financial reports to the granting agency in accordance with the grant contract.

SECTION TWO – DOÑA ANA COUNTY AGREES:

Upon receipt of a grant award:

1. To accept its share of the funds and provide the LCPD with necessary and adequate documentation required for financial and project reporting in accordance with the grant contract.
2. There is no match requirement for DASO to receive these funds.

SECTION THREE – ALL PARTIES AGREE:

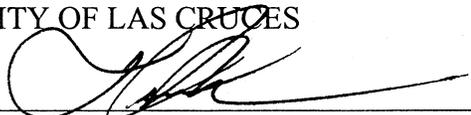
1. Items and services procured to fulfill this grant will be obtained in accordance with applicable federal, state, and City of Las Cruces procurement regulations.

SECTION FOUR – AMENDMENT:

This Agreement shall not be altered, changed, or amended except by an instrument, in writing, executed and approved by all parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates below specified.

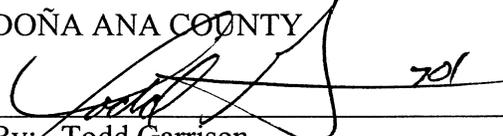
CITY OF LAS CRUCES



By: Terrence Moore
City Manager

Date: 7/12/10

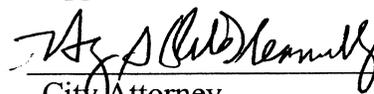
DOÑA ANA COUNTY



By: Todd Garrison
Doña Ana County Sheriff

Date: 7/9/10

Approved as to Form:



City Attorney

CITY OF LAS CRUCES
ADOPTED BUDGET FY 2010/2011

FUND	DIVISION		FUND TYPE	
Dept of Justice Programs Fund 2470	Police		Special Revenue	
	FY 2009/10 Projected*	FY 2010/11 Adopted	Adjustment	FY 2010/11 Adjusted
RESOURCES				
Beginning Balance	\$ 206,017	59,167		59,167
REVENUES				
COPS Tech Grant				
13210 COPS 2005 Tech Grant 2005-CKWX-0257	\$ 0	14,288		14,288
37004 COPS 2007 Tech Grant 2007-CKWX-0047	0	569,063		569,063
552014 NMSU 2007 Tech Grant	0	10,500		10,500
553002 Dona Ana County 2007 Tech Grant	0	71,400		71,400
554010 Town of Mesilla 2007 Tech Grant	0	4,725		4,725
554011 Sunland Park 2007 Tech Grant	0	0		0
554012 Village of Hatch 2007 Tech Grant	0	1,575		1,575
554999 Other Governments 2007 Tech Grant	0	7,350		7,350
COPS Interoperability Tech Grant				
COPS Interoperability 2005-INWX-0014	0	123,884		123,884
552014 NMSU 2005 Interoperability	0	0		0
553002 Dona Ana County 2005 Interoperability	0	0		0
554010 Town of Mesilla 2005 Interoperability	0	0		0
554011 Sunland Park 2005 Interoperability	0	0		0
554012 Village of Hatch 2005 Interoperability	0	0		0
554999 Other Governments 2005 Interoperability	0	0		0
Bulletproof Vests				
13300 DOJ Bulletproof Vest 2005-BUBX-05027165	0	0		0
13301 DOJ Bulletproof Vest 2007-BUBX-05027165	2,430	0		0
13302 DOJ Bulletproof Vest 2010	14,600	7,436		7,436
Edward Byrnes Memorial				
Ed Byrnes Memorial 2005-DJBX-0777	0	0		0
Ed Byrnes Memorial 2006-DJBX-1020	0	0		0
Ed Byrnes Memorial 2007-DJBX-1021	2,062	0		0
13220 Ed Byrnes Memorial 2008-CJBX-0424	28,927	0		0
Ed Byrnes Grant	73,809	62,907		62,907
13226 Ed Byrnes Memorial 2010 LCPD	0	0	64,074	64,074
13227 Ed Byrnes Memorial 2010 DASO	0	0	43,293	43,293
G.R.E.A.T.				
G.R.E.A.T. Program 2007-JVFX-0304	0	0		0
Department of Justice Grant				
37013 DOJ Award 2009	0	37,500		37,500
Total Revenues	\$ 121,828	910,628	107,367	1,017,995
Total Resources	\$ 327,845	969,795	107,367	1,077,162

*Projected based on 8 months actual through February 28, 2010 and 4 months projected.

EXHIBIT "C" CONTINUED

CITY OF LAS CRUCES
ADOPTED BUDGET FY 2010/2011

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FUND	DIVISION		FUND TYPE	
Dept of Justice Programs Fund 2470	Police		Special Revenue	
	FY 2009/10 Projected*	FY 2010/11 Adopted	Adjustment	FY 2010/11 Adjusted
EXPENDITURES				
COPS Grants				
13210 COPS 2005 Tech Grant 2005-CKWX-0257	\$ 0	14,288		14,288
37004 COPS 2007 Tech Grant 2007-CKWX-0047	0	569,063		569,063
COPS Interoperability 2005-INWX-0014	45,000	89,516		89,516
COPS 2007 Tech Grant	0	109,838		109,838
Total COPS Grants	\$ 45,000	782,705	0	782,705
Bullet Proof Vests Grant				
13300 DOJ Bulletproof Vest 2005-BUBX-05027165	\$ 0	0		0
13301 DOJ Bulletproof Vest 2007-BUBX-05027165	2,430	0		0
13302 DOJ Bulletproof Vest 2010	14,600	7,436		7,436
Total Bullet Proof Vests Grant	\$ 17,030	7,436	0	7,436
Edward Byrne Memorial Grants				
Ed Byrnes Memorial 2005-DJBX-0777	\$ 0	0		0
Ed Byrnes Memorial 2006-DJBX-1020	0	0		0
Ed Byrnes Memorial 2007-DJBX-1021	2,062	0		0
Ed Byrnes Memorial 2008-CJBX-0424 13220	28,927	0		0
Byrne Grant CLC 13224 and 13225	73,809	64,337		64,337
Byrne Grant Juvenile Citation	0	2,540		2,540
13226 Ed Byrnes Memorial 2010 LCPD	0	0	64,074	64,074
13227 Ed Byrnes Memorial 2010 DASO	0	0	43,293	43,293
Total Ed Byrne Memorial Grants	\$ 104,798	66,877	107,367	174,244
Org 24147320 G.R.E.A.T. 2007				
Salaries	\$ 0	0		0
Operating	0	0		0
Total Org 24147240	\$ 0	0	0	0
Org 24147440 DOJ Award 2009				
Operating	0	37,500		37,500
Total Org 24147440	\$ 0	37,500	0	37,500
Total Expenditures	\$ 166,828	894,518	107,367	1,001,885
OTHER FINANCING SOURCES (USES)				
Transfer to Fund 1000 - General Fund	\$ (101,850)	0		0
Total Other Financing Sources (Uses)	\$ (101,850)	0	0	0
ENDING BALANCE	\$ 59,167	75,277	0	75,277

*Projected based on 8 months actual through February 28, 2010 and 4 months projected.