

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

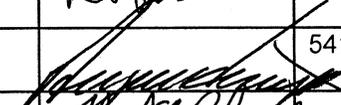
Item # 6 Ordinance/Resolution# 11-112 Council District: All

For Meeting of November 15, 2010

(Adoption Date)

**TITLE:** A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES, ON BEHALF OF THE LAS CRUCES POLICE DEPARTMENT (LCPD), TO ACCEPT A TWO-YEAR GRANT FUND IN THE AMOUNT OF \$98,503, WITH NO MATCH REQUIRED, FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (TRAFFIC SAFETY BUREAU), TO REIMBURSE THE CITY OF LAS CRUCES FOR OVERTIME WAGES PAID TO POLICE OFFICERS FOR OPERATION DWI, TO RATIFY THE CITY MANAGER'S SIGNATURE TO MEET GRANT DEADLINES AND TO ADJUST THE FY 2011 BUDGET.

**PURPOSE(S) OF ACTION:** To authorize LCPD to accept a DWI enforcement grant, for the October 1, 2010 – September 30, 2011 and October 1, 2011 – September 30, 2012 enforcement campaigns.

|  |   |                                   |                        |  |              |
|--|---|-----------------------------------|------------------------|--|--------------|
| <b>Drafter and Staff Contact:</b><br>Maria J. Nape |   | <b>Department:</b><br>Finance/GAO |                        | <b>Phone:</b><br>541-2104  |              |
| <b>Department</b>                                  | <b>Signature</b>  | <b>Phone</b>                      | <b>Department</b>      | <b>Signature</b>   | <b>Phone</b> |
| Police Department                                  |  | 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 has received yearly funding through the New Mexico Department of Transportation (Traffic Safety Bureau) to conduct DWI Check Points and Saturation Patrols throughout the City. The Traffic Safety Bureau has allocated \$98,503 to the LCPD (without application) to be used for personnel overtime services during October 1, 2010 – September 30, 2012. There is no match requirement for this grant.

### **SUPPORT INFORMATION:**

1. Resolution
2. Exhibit "A" – Grant Acceptance Package
3. Exhibit "B" – Grant Agreement
4. Exhibit "C" – Budget Adjustment

(Continue on additional sheets as required)

**SOURCE OF FUNDING:**

|   |                                   |  |   |
|---|-----------------------------------|--|---|
| <b>Is this action already budgeted?</b>     | 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 (# and Fund Name) Fund. |   |
| <b>Does this action create any revenue?</b> | Yes                               | <input checked="" type="checkbox"/>                                  | Funds will be deposited into this fund: <u>2424 TSB Grant Fund</u> in the amount of <u>\$98,503</u> for FY11. |
|   | No                                | <input type="checkbox"/>   | There is no new revenue generated by this action.   |

**BUDGET NARRATIVE**

Funds in the amount of \$98,503 will be budgeted in account 2400 Police Fund, and to be spent on law enforcement overtime for DWI checkpoints and Saturation Patrols, as well as a 10% allowance for administrative costs, under Operation DWI over the next two years.

**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 accept the \$98,503 in grant funds from the New Mexico Department of Transportation, Traffic Safety Bureau.
2. Vote "No"; this will deny \$98,503 in grant funds and halt implementation of DWI checkpoints and saturation patrols.
3. Vote to "Amend"; this could change the grant agreement and delay the process.
4. Vote to "Table"; this option is not available.

**REFERENCE INFORMATION:**

None.

(Continue on additional sheets as required)

RESOLUTION NO. 11-112

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES, ON BEHALF OF THE LAS CRUCES POLICE DEPARTMENT (LCPD), TO ACCEPT A TWO-YEAR GRANT FUND IN THE AMOUNT OF \$98,503, WITH NO MATCH REQUIRED, FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (TRAFFIC SAFETY BUREAU), TO REIMBURSE THE CITY OF LAS CRUCES FOR OVERTIME WAGES PAID TO POLICE OFFICERS FOR OPERATION DWI, TO RATIFY THE CITY MANAGER'S SIGNATURE TO MEET GRANT DEADLINES AND TO ADJUST THE FY 2011 BUDGET.

The City Council is informed that:

**WHEREAS**, the New Mexico Department of Transportation, Traffic Safety Bureau announces grant awards every two years for funding under Operation DWI; and

**WHEREAS**, the Las Cruces Police Department received notice of funding award in the amount of \$98,503 for a two-year program; and

**WHEREAS**, these funds will be used for law enforcement overtime and administrative expenses to conduct DWI Checkpoints and Saturation Patrols throughout the city.

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

(I)

**THAT**, the City of Las Cruces is authorized to accept the awarded grant funding on behalf of the Las Cruces Police Department for \$98,503 from the New Mexico Department of Transportation Traffic Safety Bureau.

**(II)**

**THAT**, the awarded grant funds will be used for officer overtime and administrative costs for Operation DWI.

**(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.

**(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.

**(V)**

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

**DONE AND APPROVED** this 15<sup>th</sup> day of November, 2010.

APPROVED:

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

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

## Grant Acceptance Package

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### Grant Acceptance Verification and Signature

Opportunity Title: Operation DWI

Offering Agency: New Mexico Department of Transportation  
Traffic Safety Bureau

Opportunity Number: N/A

Amount Awarded: \$98,503

Performance Period: Oct. 1, 2010 – Sept. 30, 2012

Requesting Agency/Department: Las Cruces Police Department

GAO – Grant Writer: Maria J. Nape

**SUPPORT INFORMATION:** The Las Cruces Police Department has received yearly funding through the New Mexico Department of Transportation (Traffic Safety Bureau) to conduct DWI Check Points and Saturation Patrols throughout the City. The Traffic Safety Bureau has allocated \$98,503 to be used for personnel overtime services during October 1, 2010 – September 30, 2012. There is no match requirement for this grant.

### OPTIONS

1. Package to be returned to GAO.
2. Disagree, funding agreement to be returned to funder. Unsigned package to be returned to GAO.

Approved:

  
\_\_\_\_\_  
City Manager

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

Date

10/23/10

CMP #2.2 Effective 07/06/09: The City Manager may authorize the application for any grant with these exceptions:  
 The grant award is anticipated to be in excess of \$50,000 and funding has not been appropriated as part of the current budget.  
 The ARRA grant award is anticipated to be in excess of \$500,000 and funding has not been appropriated as part of the current budget.  
 The acceptance of the grant will require City Council to adjust the current budget to appropriate matching funds.  
 The grant requirements stipulate that the City will continue to operate and fund the project/program after the grant period is complete.  
 The grant requirements stipulate that the City enter into a new Memorandum of Understanding or a Joint Powers Agreement with another entity.

## New Mexico Traffic Safety Project Information Sheet

**1. Project Title and Project Number:** 11-AL-64-049 / 12-AL-64-049

OPERATION DWI (2 Year Agreement) (October 1, 2010 – September 30, 2012)

**2. Grantee:** LAS CRUCES POLICE DEPARTMENT **Phone:** 575-528-4135  
**Address:** P. O. Box 20000 **Fax:** 575-528-4136  
**City, State, Zip:** Las Cruces, NM 88004

**Project Director and Title:** Sergeant Joe Triste

**3. Government Unit:** LAS CRUCES (CITY) **Phone:** 575-528-4135  
**Address:** P. O. Box 20000 **Fax:** 575-528-4136  
**City, State, Zip:** Las Cruces, NM 88004  
**Authorizing Official and Title:** Terrance Moore, City Manager

**4. Traffic Safety Bureau Program Manager:** Bobbey Perez  
**Phone:** 505-470-7887

**5. Budget:**

|                              | Fund  | Funding Source     |                    |
|------------------------------|-------|--------------------|--------------------|
| Funding Source               | 10010 | 164                |                    |
|                              |       | <u>FY 2011</u>     | <u>FY2012</u>      |
| <b>Personal Services</b>     |       | \$55,419.00        | \$55,419.00        |
| <b>Contractual Services</b>  |       | \$0.00             | \$0.00             |
| <b>Commodities</b>           |       | \$0.00             | \$0.00             |
| <b>Indirect Costs</b>        |       | \$0.00             | \$0.00             |
| <b>Other</b>                 |       | \$43,084.00        | \$43,084.00        |
| <b>FUNDING SOURCE TOTAL:</b> |       | <b>\$98,503.00</b> | <b>\$98,503.00</b> |
| <b>End Date:</b>             |       | 09/30/2011         | 09/30/2012         |

**PROJECT TITLE: OPERATION DWI (2 Year Agreement)**  
**PROJECT NUMBER: 11-AL-64-049 / 12-AL-64-049**  
**GRANTEE NAME: LAS CRUCES (CITY)**

## **PROJECT AGREEMENT**

This AGREEMENT is entered into by and between the State of New Mexico, acting through its **NEW MEXICO DEPARTMENT OF TRANSPORTATION, PROGRAMS DIVISION, TRAFFIC SAFETY BUREAU**, hereinafter referred to as DEPARTMENT or TSB, and LAS CRUCES (CITY), hereinafter referred to as the GRANTEE.

In consideration of the covenants contained herein and pursuant to the DEPARTMENT's authority under the Traffic Safety Act, NMSA 1978, Sections 66-7-501 through 66-7-511, as amended, the parties agree as follows:

### **SECTION ONE – PROJECT PURPOSE AND CONDITIONS:**

The purpose of this AGREEMENT is to provide funding to New Mexico law enforcement agencies for Driving While Impaired (DWI) sobriety checkpoints and saturation patrols aimed at reducing alcohol-related crashes, injuries, and deaths. The GRANTEE shall comply with all provisions and conditions of this Agreement including the Traffic Safety Bureau Project Management and Accounting Procedures Manual, the State Procurement Code, NMSA 1978, Sections 13-1-28 to Sections 13-1-199 and the National Highway Traffic Safety Administration Grants Management Manual.

### **SECTION TWO – PROJECT FUNDING:**

1. This is a two (2) year agreement. The total estimated cost for the PROJECT for FY2011 is \$98,503.00. The total estimated cost for the PROJECT for FY2012 is \$98,503.00. The DEPARTMENT has determined the funding source will be Federal Section 164 (Alcohol countermeasures), which is subject to change by the DEPARTMENT. Funding sources and CFDA numbers may change. The GRANTEE will be notified in writing and a written amendment will not be necessary.  
(CFDA # 20.608)
2. The GRANTEE shall pay all PROJECT costs that exceed \$98,503.00 for each year.

The project budget is itemized for FY2011 and FY2012 as follows:

**FY 2011**

|                      |                    |
|----------------------|--------------------|
| Personal Services    | \$55,419.00        |
| Contractual Services | \$0.00             |
| Commodities          | \$0.00             |
| Indirect Costs       | \$0.00             |
| Other                | \$43,084.00        |
| <b>TOTAL</b>         | <b>\$98,503.00</b> |

\*Expires September 30, 2011

**FY 2012**

|                      |                    |
|----------------------|--------------------|
| Personal Services    | \$55,419.00        |
| Contractual Services | \$0.00             |
| Commodities          | \$0.00             |
| Indirect Costs       | \$0.00             |
| Other                | \$43,084.00        |
| <b>TOTAL</b>         | <b>\$98,503.00</b> |

\*Expires September 30, 2012

The Grantee may transfer funds between budget categories with prior written approval from the Director of the DEPARTMENT'S Traffic Safety Bureau when the transfer of funds improves program effectiveness.

**SECTION THREE – PROGRAM SCOPE OF WORK:**

**A. MISSION:**

To provide a seamless transportation system that safely and efficiently moves people and supports a growing economy.

The Traffic Safety Bureau is committed to preventing injuries and saving lives by eliminating crashes on New Mexico public roadways. *¡Sí Se Puede!*

**B. PROGRAM SERVICES:**

1. Conduct individual and joint police agency participation in statewide highly publicized sobriety checkpoints and saturation patrols that are conducted in accordance with state and federal court rulings, specifically *City of Las Cruces v. Betancourt* at 735 P2nd 1161, as well as the Sobriety Checkpoint Manual, the Traffic Safety Bureau's (TSB) Project Management and Procedures Manual, applicable Federal regulations, and the agencies internal policies and procedures.
2. Conduct a minimum of 8 checkpoint(s) and a minimum 0 saturation

- patrol(s) during the four (4) Superblitz periods, one (1) Mini Superblitz Period, and the National DWI Mobilization period set by the Traffic Safety Bureau and complete required follow-up billing for these efforts.
3. Conduct a minimum of 16 checkpoint(s) and a minimum of 39 saturation patrol(s) during the expanded enforcement period and complete required follow-up billing for efforts.
  4. Up to 10 percent of overtime funds may be used for administrative costs for administering this program. Administrative costs include overtime for dispatchers that work the project and/or overtime for officers and/or civilian employees who process paperwork for the project. Prior written approval from the Traffic Safety Bureau is required for expenditures not described herein. Administrative costs claimed may not exceed 10 percent of the monthly claim. Complete appropriate section on Reimbursement Claim form.
  5. The Department anticipates that it will cost \$1,695.15 per checkpoint with a minimum of 9 officers for a minimum of 5 hours, and will reimburse the agency at that rate. The negotiated Superblitz Incentive Rate will cost \$1,995.15 per checkpoint with a minimum of 9 officers for a minimum of 5 hours.
  6. As part of the Superblitz Incentive Program, agencies that have agreed to conduct a checkpoint during a scheduled Superblitz period will receive a higher checkpoint rate.
    - a. Agencies that wish to participate in the Superblitz Incentive Program must have prior approval from the Traffic Safety Bureau in collaboration with the New Mexico Law Enforcement Liaisons representing the Bureau.
    - b. Agencies will only be reimbursed upon demonstrating in their reimbursement claim that the checkpoint was held during a scheduled state-sponsored Superblitz period.
    - c. Agencies will be reimbursed at a regular rate if the checkpoint is held outside the state-sponsored Superblitz period.
- The Department agrees to reimburse the Agency \$1,695.15 for each regular checkpoint conducted and \$1,995.15 for a checkpoint held during a scheduled Superblitz period as per the Superblitz Incentive Program.
7. Funds may be used to pay actual overtime expenses (hourly rate X 1.5) for officers to attend court hearings which result from an arrest while working the Operation DWI project overtime.
  8. The Department will use the rate of \$37.67 per hour in order to estimate the budget for overtime salaries. The Grantee will be required to bill actual rates for each officer paid under this project agreement. Saturation Patrols will consist of a minimum of two officers working at the same time and in the same general area.
  9. Agency shall pay officer(s) at a rate not to exceed the officer(s) actual overtime rate.
  10. Agency is responsible for submitting all DWI citations to the Motor Vehicle Division of the New Mexico Taxation & Revenue Department

within 10 days of the issuance of the citation(s). If citations are not submitted within 10 days, future funding could be affected. Agency is responsible for timely crash reports to be submitted to the Department according to 66-7-207 as per the Criminal and Traffic Law Manual.

11. No equipment will be allowed under this project agreement unless specified in the scope of work and a request and prior approval must be received by the Department and an amendment will be necessary.
12. Reimbursement requests require the designee's original signature.
13. The final reimbursement request must be submitted by October 31, 2011 and October 31, 2012. Requests submitted after October 31, 2011 and October 31, 2012 may not be reimbursed.
14. Supporting documentation for reimbursement requests will be maintained at the agency for monitoring purposes and be available upon the Traffic Safety Bureau's requests for three (3) years after the expiration date of this Agreement.
15. The agency is responsible for notifying the enforcement coordinator, the law enforcement liaison assigned to the agency, and the TSB program manager of any changes in project coordinators.
16. Agencies receiving funding from the Traffic Safety Bureau are required to submit timely crash reports according to NMSA Section 66-7-207.

#### **C. PERFORMANCE GOALS (statewide):**

##### **At the state level:**

1. Reduce the number of fatalities involving driver/motorcycle operators with .08 or higher BAC from 112 in 2009 to 108 in 2011. (C-5; FARS Data)

#### **D. ACTIVITIES: The Grantee shall:**

1. The GRANTEE shall conduct activities in a manner consistent with TSB's Project Management and Accounting Procedures Manual, the State Procurement Code, NMSA 1978, Sections 13-1-28 to Sections 13-1-199 and the National Highway Traffic Safety Administration Grants Management Manual.
2. The sobriety checkpoints and saturation patrols will be accompanied by public information, media, and education activities. Each program shall designate a coordinator to oversee publicity, media coordination, and enforcement activities.
3. **Scheduled Superblitz periods are:** (1) *Holiday Superblitz*, November 19, 2010 – January 9, 2011, (2) *St. Patrick's Day*, March 11, 2011 – March 27, 2011, (3) *Cinco De Mayo*, April 29, 2011 – May 8, 2011, and (4) *Labor Day*, August 19, 2011 – September 5, 2011, and including one Mini Superblitz Period which is: *Fourth of July*, July 1, 2011 – July 5, 2011.
4. Expanded Enforcement periods are considered anytime outside the Superblitz and National DWI Mobilization periods.

#### **E. TRAINING:**

1. The Agency Coordinator will attend the Spring TSB Law Enforcement Coordinators Meeting. If the coordinator cannot attend the meeting, the agency must send a representative.
2. The Project Management and Accounting Procedures financial training is mandatory for the agency coordinator and payroll administrator.
3. Participating enforcement officers must have and maintain law enforcement certifications in all areas necessary to conduct checkpoint and saturation patrol activities. It is recommended that all officers working checkpoints be certified in Standardized Field Sobriety Testing (SFST). Individuals administering field sobriety testing shall be required to be certified in SFST training or have taken a SFST refresher course within the last 2 years or will take a refresher course in FY11. SFST training will be offered by the Traffic Safety Bureau upon request on a regional basis.

#### **F. EVALUATION:**

1. Submit reports to the designated enforcement contractor within three (3) days after the end of each month, Superblitz period, or special National Mobilization period, using TSB's Activity Report form. Reports must be submitted as required or funding may be withheld or discontinued.
2. Submit the final reimbursement claim within thirty (30) days of the expiration date of the Agreement.
3. Conduct the number of negotiated checkpoints and saturation patrols.

#### **SECTION FOUR - ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS:**

There shall be strict accountability for all receipts and disbursements relating hereto. The GRANTEE shall maintain all books, documents, papers, accounting records, data and other documentation pertaining to costs incurred and to make such materials available at their respective offices at all reasonable times during the AGREEMENT period for three (3) years from the date of final payment under the AGREEMENT. The GRANTEE shall furnish the DEPARTMENT or State Auditor, upon demand, any and all such records relevant to this AGREEMENT and allow them the right to audit all records, which support the terms of this AGREEMENT. If an audit finding determines that specific funding use was inappropriate or not related to the project, the GRANTEE shall reimburse that portion to the DEPARTMENT within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expenses supported by such insufficient documentation shall be reimbursed to the DEPARTMENT within 30 days.

#### **SECTION FIVE - PROJECT RESPONSIBILITY:**

Completing the terms of this Project is the GRANTEE's sole responsibility and nothing herein is intended to give the DEPARTMENT any responsibility for the Project other than as set forth in this AGREEMENT.

#### **SECTION SIX - AUTHORIZATION OF EXPENDITURES:**

The terms of this AGREEMENT are contingent upon sufficient appropriations and authorizations being made by the Congress of the United States if federal funds are involved, or the State Legislature if State funds involved, for performance of this AGREEMENT. If sufficient appropriations and authorizations are not made, this AGREEMENT shall terminate upon written notice being given by the DEPARTMENT to the GRANTEE. The DEPARTMENT is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure by the DEPARTMENT. The DEPARTMENT's decision as to whether its funds are sufficient for fulfillment of the AGREEMENT shall be final.

#### **SECTION SEVEN - TERMS OF THE AGREEMENT:**

This AGREEMENT constitutes the entire agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this AGREEMENT and not enforceable pursuant to this AGREEMENT. Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

#### **SECTION EIGHT – THIRD-PARTY BENEFICIARY CLAUSE:**

No provision of this AGREEMENT creates in the public, or any member thereof, a third-party beneficiary or to authorize anyone not a party to the AGREEMENT to maintain a suit for wrongful death, bodily and/or personal injury to person, damage to property, and/or any other claim(s) whatsoever pursuant to the provision of this AGREEMENT.

#### **SECTION NINE - NEW MEXICO TORT CLAIMS ACT:**

No provision of this AGREEMENT establishes any waiver of immunity from liability for alleged tortious conduct of any employee of the DEPARTMENT or the GRANTEE arising from the performance of this AGREEMENT apart from that set forth in the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, and et seq., as amended.

#### **SECTION TEN - SEVERABILITY:**

In the event that any portion of this AGREEMENT is determined to be void, unconstitutional or otherwise unenforceable; the remainder of this AGREEMENT shall remain in full force and effect.

### **SECTION ELEVEN - AMENDMENT:**

This AGREEMENT shall not be altered, modified, or amended except by an instrument in writing and executed by the parties hereto.

### **SECTION TWELVE - REIMBURSEMENT:**

Funds expended by the GRANTEE for the purposes stated in Section Three – Program Scope of Work shall be reimbursed by the DEPARTMENT to the GRANTEE. The DEPARTMENT shall not reimburse the GRANTEE for any costs incurred prior to the full execution of the AGREEMENT, after the expiration of the AGREEMENT, or in excess of the maximum dollar amount of the AGREEMENT, unless the maximum dollar amount is duly amended prior to incurring cost for services or deliverables. Claims for reimbursement must be fully completed and submitted at least quarterly on the required forms provided by the DEPARTMENT. All reimbursement claims must be received by the DEPARTMENT no later than 30 days after the end date of this AGREEMENT. Documentation as outlined in the Traffic Safety Bureau's Project Management and Accounting Procedures Manual must be retained in the GRANTEE's files.

### **SECTION THIRTEEN - EFFECTIVE DATE and TERMINATION:**

- A. This AGREEMENT becomes effective on October 1, 2010 or upon signature of the Departments Cabinet Secretary, whichever is later.
- B. This AGREEMENT must be received by the DEPARTMENT within sixty (60) days of the Deputy Secretary's signature date in order to be valid. The Department may reject any agreement executed by the grantee 60 days or more after the Deputy Secretary's signature.
- C. This AGREEMENT shall terminate September 30, 2012. Neither party shall have any obligation to continue to deliver services or pay compensation for services rendered under this AGREEMENT after said date. If the GRANTEE fails to comply with any provisions of this AGREEMENT, the DEPARTMENT has the option to terminate this AGREEMENT. By such termination, neither party may nullify obligations already incurred for performance of failure to perform prior to termination of the AGREEMENT.

### **SECTION FOURTEEN - EQUAL OPPORTUNITY COMPLIANCE:**

The GRANTEE agrees to abide by all Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws

and rules and regulations, and executive orders of the Governor of the State of New Mexico, the GRANTEE agrees to assure that no person in the United States shall, on the grounds of race, religion, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this AGREEMENT. If the GRANTEE is found to be not in compliance with these requirements during the life of this AGREEMENT, the GRANTEE agrees to take appropriate steps to correct these deficiencies.

**SECTION FIFTEEN - CIVIL RIGHTS LAWS AND REGULATIONS COMPLIANCE:**

The DEPARTMENT and GRANTEE shall comply with all federal, state, and local laws and ordinances applicable to the work called for herein. The DEPARTMENT and GRANTEE further agree to operate under and be controlled by Title VI, and Title VII of the Civil Rights Act of 1964, the Age Discrimination Employment Act, the Americans with Disabilities Act of 1990, the Environmental Justice Act of 1994, the Civil Rights Restoration Act of 1987, the New Mexico Human Rights act, and Executive Order No. 11246 entitled "Equal Employment Opportunity", as amended by Executive Order No. 11375, and as supplemented by the Department of Labor Regulations (41 CFR Part 60). Accordingly, 49 CFR 21 is applicable to this AGREEMENT and is incorporated herein by reference.

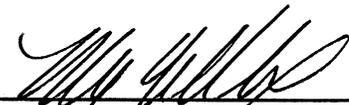
**SECTION SIXTEEN - CERTIFICATIONS AND ASSURANCES:**

Where this AGREEMENT involves federal funds the GRANTEE shall comply with all applicable Certifications and Assurances set forth in the current New Mexico Highway Safety Performance Plan.

**IN WITNESS WHEREOF, the parties have executed this AGREEMENT.**

**NEW MEXICO DEPARTMENT OF TRANSPORTATION**

**GRANTEE NAME:  
LAS CRUCES (CITY)**

BY:   
MAX E. VALERIO, P.E.  
DEPUTY SECRETARY OF   
PROGRAMS AND INFRASTRUCTURE

BY:   
TERRANCE MOORE  
AUTHORIZED OFFICIAL  
TITLE: CITY MANAGER

DATE: 10/14/10

DATE: 10/27/10

**APPROVED AS TO FORM:**  
  
City Attorney

**CITY OF LAS CRUCES  
ADOPTED BUDGET FY 2010/2011**

| FUND   | DIVISION                 |                       | FUND TYPE       |                        |
|--|--------------------------|-----------------------|-----------------|------------------------|
| Traffic Safety Bureau Enforcement Grant<br>Fund 2424 | Police                   |                       | Special Revenue |                        |
|  | FY 2009/10<br>Projected* | FY 2010/11<br>Adopted | Adjustment      | FY 2010/11<br>Adjusted |
| <b>RESOURCES</b>                                     |                          |                       |                 |                        |
| Beginning Balance                                    | \$ 88,714                | 9,813                 |                 | 9,813                  |
| <b>REVENUES</b>                                      |                          |                       |                 |                        |
| 24140220-552018 TSB Underage Alcohol                 | \$ 0                     | 0                     |                 | 0                      |
| 24140220-552018-30702 TSB Underage Drinking 2007     | 0                        | 0                     |                 | 0                      |
| 24140230-552018 TSB Operation DWI                    | 0                        | 0                     |                 | 0                      |
| 24140230-552018-37002 TSB Operation DWI              | 0                        | 0                     |                 | 0                      |
| 24140230-552018-37006 TSB DWI '08                    | 12,462                   | 0                     |                 | 0                      |
| 24140240-552018 TSB Oper Buckledown '06              | 0                        | 0                     |                 | 0                      |
| 24140240-552018-37003 Oper Buckledown '07            | 0                        | 0                     |                 | 0                      |
| 24140240-552018-37200 TSB Click it or Ticket         | 0                        | 0                     |                 | 0                      |
| 24140240-552018-37005 Operation Buckledown '08       | 2,292                    | 0                     |                 | 0                      |
| 24140230-552018-37010 Operation DWI 2009             | 0                        | 24,422                |                 | 24,422                 |
| 24140360-551023-37202 Teen Seatbelt Grant            | 1,959                    | 0                     |                 | 0                      |
| 24140240-552018-37011 Operation Buckledown 2010      | 5,898                    | 1,987                 |                 | 1,987                  |
| 24140230-552018-37016 Operation DWI 2011             | 0                        | 0                     | 98,503          | 98,503                 |
| <b>Total Revenues</b>                                | \$ 22,611                | 26,409                | 98,503          | 124,912                |
| <b>Total Resources</b>                               | \$ 111,325               | 36,222                | 98,503          | 134,725                |
| <b>EXPENDITURES</b>                                  |                          |                       |                 |                        |
| 24147260-Various Underage Alcohol                    | \$ 0                     | 0                     |                 | 0                      |
| 24147260-Various-30702 Underage Alcohol              | 0                        | 0                     |                 | 0                      |
| 24147270-Various Operation DWI                       | 17,921                   | 0                     |                 | 0                      |
| 24147270-Various-37002 Operation DWI (TSB)           | 0                        | 0                     |                 | 0                      |
| 24147270-Various-37006 Operation DWI (TSB)           | 72,063                   | 0                     |                 | 0                      |
| 24147280-Various Operation Buckledown '06            | 1,379                    | 0                     |                 | 0                      |
| 24147280-610210-37003 Operation Buckledown '07       | 0                        | 0                     |                 | 0                      |
| 24147280-610210-37005 Operation Buckledown '08       | 2,292                    | 0                     |                 | 0                      |
| 24140240-37200 Click It or Ticket                    | 0                        | 0                     |                 | 0                      |
| 24147280-Various-37010 Operation DWI 2009            | 0                        | 24,422                |                 | 24,422                 |
| 24147450-610210-37202 Teen Seatbelt Grant            | 1,959                    | 0                     |                 | 0                      |
| 24147280-610210-37011 Operation Buckledown 2010      | 5,898                    | 1,987                 |                 | 1,987                  |
| 24147270-610210-37016 Operation DWI 2011             | 0                        | 0                     | 98,503          | 98,503                 |
| <b>Total Expenditures</b>                            | \$ 101,512               | 26,409                | 98,503          | 124,912                |
| <b>ENDING BALANCE</b>                                | \$ 9,813                 | 9,813                 | 0               | 9,813                  |

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