

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 12-177

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of May 7, 2012
(Adoption Date)

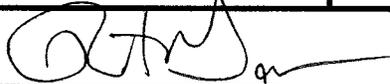
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES TO ACT AS FISCAL AGENT, ON BEHALF OF THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) PROGRAM - NEW MEXICO, AND TO ALLOW HIDTA TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$808,750.00 FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, TO RATIFY THE MAYOR'S SIGNATURE ON THE GRANT AGREEMENT.

PURPOSE(S) OF ACTION:

Accept grant funding.

COUNCIL DISTRICT: N/A		
<u>Drafter/Staff Contact:</u> S. Nicole Williams	<u>Department/Section:</u> Financial Services / Grants Administration	<u>Phone:</u> 541-2716
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On March 26, 2012; the City of Las Cruces was notified by the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program – New Mexico that the Executive Office of the President, Office of National Drug Control Policy has awarded \$808,750.00 in grant funding to the Southwest Border HIDTA Program – New Mexico under grant agreement number G12SN0006A. The City of Las Cruces acts as fiscal agent on behalf of the Southwest Border HIDTA Program – New Mexico for the grant award. Grant funds are expressly used to support the Regional Interagency Drug Task Force and the Warren Reese Southern New Mexico High Intensity Drug Trafficking Area Law Enforcement Center for various initiatives as approved by the Executive Board of the Southwest Border HIDTA Program – New Mexico and the Office of National Drug Policy. The period of performance is from January 1, 2012 through December 31, 2013. Per grant agreement, draw-down of funds will occur after July 1, 2012.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Letter dated March 26, 2012 from Southwest Border HIDTA – New Mexico.
3. Exhibit "B", Letter dated February 27, 2012 from the Executive Office of the President, Office of National Drug Control Policy and Grant Agreement for Award Number G12SN0006A.

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: <u>7422</u> in the amount of <u>\$808,750.00</u> for FY13.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

Grant funding will be accounted for in Fund 7422: Metro HIDTA under project number 13013, in the amount of \$808,750.00. Funds are drawn-down as needed by Metro HIDTA for expenses related to overtime, general supplies, lease payments, travel, various services, and classified expenditures. Per grant agreement draw-down of funds will occur after July 1, 2012; as a result, funds will be included in the FY 2013 proposed budget. * Budget Adjustment form is not required due to grant funds being included in the proposed FY 2013 budget.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Metro HIDTA	Various	\$808,750.00	\$808,750.00**	\$0	None

**Upon approval of the proposed FY 2013 budget.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will accept the grant funding and ratify the Mayor's signature on the grant agreement.

2. Vote "No"; this will reject the grant award and could negatively affect future grant awards from the Office of National Drug Policy for the Southwest Border HIDTA Program – New Mexico.
3. Vote to "Amend"; this is not an option as grant funding is specific to approved initiatives as stipulated under the grant agreement between the Executive Office of the President, Office of National Drug Control Policy and the Southwest Border HIDTA Program – New Mexico.
4. Vote to "Table"; this is not an option as the grant award is constrained by a specific period of performance.

REFERENCE INFORMATION:

N/A

RESOLUTION NO. 12-177

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES TO ACT AS FISCAL AGENT, ON BEHALF OF THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) PROGRAM - NEW MEXICO, AND TO ALLOW HIDTA TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$808,750.00 FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, TO RATIFY THE MAYOR'S SIGNATURE ON THE GRANT AGREEMENT.

The City Council is informed that:

WHEREAS, on March 26, 2012, the City of Las Cruces was informed that the Executive Office of the President, Office of National Drug Control Policy awarded the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program – New Mexico, grant funding in the amount of \$808,750.00; Exhibit "A", attached hereto and made part of this resolution; and

WHEREAS, the grant award is under grant agreement G12SN0006A; and

WHEREAS, grant funds are expressly used to support the Regional Interagency Drug Task Force and the Warren Reese Southern New Mexico High Intensity Drug Trafficking Area Law Enforcement Center; and

WHEREAS, the period of performance for the grant is from January 1, 2012 through December 31, 2013; and

WHEREAS, draw-down of funds will occur after July 1, 2012; and

WHEREAS, the City of Las Cruces acts as fiscal agent for the Southwest Border HIDTA Program-New Mexico which is the recipient of the grant award.

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

(I)

THAT the City of Las Cruces is approved to accept the grant award in the amount of \$808,750.00, on behalf of the Southwest Border HIDTA Program-New

Mexico, from the Executive Office of the President, Office of National Drug Control Policy under grant agreement number G12SN0006A; Exhibit "B", attached hereto and made part of this resolution.

(II)

THAT the City Council ratifies the Mayor's signature on grant agreement number G12SN0006A; Exhibit "B", attached hereto and made part of this resolution.

(III)

THAT the grant funding will be budgeted upon approval of the proposed FY 2013 budget.

(IV)

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

DONE AND APPROVED this _____ day of _____, 20____.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

VOTE:

- Mayor Miyagishima: _____
- Councillor Silva: _____
- Councillor Smith: _____
- Councillor Pedroza: _____
- Councillor Small: _____
- Councillor Sorg: _____
- Councillor Thomas: _____



City Attorney



Southwest Border HIDTA - New Mexico

High Intensity Drug Trafficking Areas Program

2450 Lakeside Dr. Bldg. A, Las Cruces, NM 88007
PH (575) 541-7501 Fax (575) 541-7510

March 26, 2012

Mayor Ken Miyagishima
City of Las Cruces
200 N Church St.
Las Cruces, NM 88004

Dear Mayor Miyagishima:

The Office of National Drug Control Policy is awarding funds to the NM HIDTA Program to support various HIDTA Initiatives. Your fiduciary was awarded the funds as outlined in the attached grant award and supplement to support the Strategy of the HIDTA program. This award was issued beginning January 1, 2012 and ends December 31, 2013. The State and Local NM HIDTA Initiatives are expected to begin spending these FY 2012 funds July 1, 2012 and should have expended all or most of the awarded funds by June 30, 2013. The enclosed grant award, supplement and application should be completed and returned to the **NM HIDTA Director's Office as soon as possible as not to delay issuance of funds.**

Detailed information is provided in the cover letter from ONDCP and a request is made that you send the signed Award and Special Conditions to Miami. *However I am asking that you return this paperwork to our office; once received, our office will then forward this information.* This is being done in order to ensure that the NM Director's Office has the same documentation as the Miami Assistance Center.

If you have any questions, please contact Sandra Avalos Russell, Finance Director at (575) 541-7503.

Sincerely,

Ernesto "Ernie" Ortiz
Regional Director

Attachment

JAR:sar



45
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

February 27, 2012

Mayor Ken Miyagishima
City of Las Cruces
200 N Church ST
Las Cruces, NM 88004

Dear Mayor Miyagishima:

We are pleased to inform you that your request for funding from the High Intensity Drug Trafficking Areas (HIDTA) Program has been approved, and a grant (Grant Number G12SN0006A) has been awarded in the amount of \$808,750.00. This grant will support initiatives designed to implement the Strategy proposed by the Executive Board of the SWB - New Mexico HIDTA and approved by the Office of National Drug Control Policy (ONDCP).

The original Grant Agreement, including certain Special Conditions, is enclosed. By accepting this grant, you assume the administrative and financial responsibilities outlined in the enclosed Grant Conditions, including the timely submission of all financial and programmatic reports, the resolution of audit findings, and the maintenance of a minimum level of cash-on-hand. Should your organization not adhere to these terms and conditions, ONDCP may terminate the grant for cause or take other administrative action.

If you accept this award, please sign both the Grant Agreement and the Grant Conditions and return a copy to:

Finance Unit
National HIDTA Assistance Center
11200 NW 20th Street, Suite 100
Miami, FL 33172
(305) 715-7600
Or via email to your respective NHAC accountant.

Please keep the original copy of the Grant Agreement and Grant Conditions for your file. If you have any questions pertaining to this grant award, please contact Jaime Vega at (202) 395-6692.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ellen Scrivner".

Ellen Scrivner, Ph.D.

National HIDTA Director

Enclosures

Executive Office of the President Office of National Drug Control Policy		Grant Agreement	
1. Recipient Name and Address Mayor Ken Miyagishima City of Las Cruces 200 N Church ST Las Cruces, NM 88004		4. Award Number: G12SN0006A 5. Grant Period: From 01/01/2012 to 12/31/2013	
1A. Recipient IRS/Vendor No.: 1856000147A2 Subrecipient Name and Address		6. Date: 2/27/2012 8. Supplement Number	7. Action <input checked="" type="checkbox"/> Initial Supplemental
2A. Subrecipient IRS/Vendor No.:		9. Previous Award Amount:	
3. Project Title Multiple		10. Amount of This Award: \$808,750.00 11. Total Award: \$808,750.00	
12. This Grant is approved subject to such conditions or limitations as are set forth on the attached four (4) pages.			
13. Statutory Authority for Grant: Public Law 112-74			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Ellen Scrivner, Ph.D. National HIDTA Director		15. Typed Name and Title of Authorized Official Ken Miyagishima City of Las Cruces	
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date  4-6-2012	
AGENCY USE ONLY			
18. Accounting Classification Code DUNS: 077609279 EIN: 1856000147A2		19. HIDTA AWARD OND10B3SE1213 OND2000000 OC4101	

APPROVED AS TO FORM:

 Attorney

GRANT CONDITIONS

A. General Provisions

1. This grant is subject to:

- OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Government; or, if applicable, OMB Circular A-21, Cost Principles for Educational Institutions;
- OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments; or, if applicable, OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations;
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Institutions;
- Government-wide Debarment and Suspension (Non procurement), codified at 21 CFR § 1401 et. seq.;
- Government-wide Requirements for Drug-Free Workplace (Grants), codified at 21 CFR § 1401 et. seq.;
- New Restrictions on Lobbying, codified at 18 USC § 1903 and 31 USC § 1352;
- Nondiscrimination in Federally Assisted Programs and Equal Opportunity Plans requirements are codified at USC, Title VI (42 USC § 2000d et seq.); and
- Immigration and Naturalization Service Employment Eligibility Verification Form (I-9).

2. Audits conducted pursuant to OMB Circular A-133, "Audits of State and Local Governments", must be submitted no later than 9 months after the close of the grantee's audited fiscal year. A copy of the audit report and management letter must be sent to:

EOP/ONDCP

Attention: Michael Reles

GSD/RDF (202) 395-6608

Anacostia Naval Annex

Bldg 410/Door 123

250 Murray Lane, SW

Washington, DC 20509

or:

mreles@ondcp.eop.gov

3. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Division of Payment Management (HHS/DPM). Other reporting requirements are specified in the HIDTA Program Policy and Budget Guidance.
4. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
5. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the HIDTA, its fiscal agent(s), HIDTA employees, HIDTA contractors, as well as state, local, and federal HIDTA participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.

B. Special Conditions HIDTA Grants

The following special conditions are incorporated into each award document.

1. This grant is awarded for the initiative(s) named above. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with the reprogramming requirements as set forth in ONDCP's HIDTA Program Policy and Budget Guidance.
2. This award is subject to the requirements in ONDCP's HIDTA Program Policy and Budget Guidance.
3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.
4. The requirements of 28 CFR Part 23, which pertain to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.
5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e. the purchase of information, evidence, and services for undercover operations. Those procedures are described in Section 6-12 of the HIDTA Program Policy and Budget Guidance.
6. The grant recipient agrees to account for and use program income in accordance with the "Common Rule" and the HIDTA Program Policy and Budget Guidance. Asset forfeiture proceeds generated by the HIDTA-funded initiatives shall not be considered as program income earned by HIDTA grantees.

7. Property acquired with these HIDTA grant funds is to be used for activities of the SWB - New Mexico HIDTA. If your agency acquires property with these funds and then ceases to participate in the HIDTA, this equipment must be made available to the HIDTA's Executive Board for use by other HIDTA participants.
8. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

C. Payment Basis

1. A request for Advance or Reimbursement shall be made using the HHS/DPM system (www.dpm.psc.gov). Copies of invoices or payroll registers must accompany the payment confirmation number to provide documentation for the reimbursement request. Requests for advances must be accompanied by details specifying the need for the advance. Documentation of how the advance was spent must be submitted within 21 days and before another advance or reimbursement will be approved.
2. The HIDTAs, or their respective grantees, must utilize the HIDTA program Financial Management System's (FMS) Disbursement module each time they submit a disbursement request to the NHAC. Requests for payment in the DPM system will not be approved unless the required disbursements have been entered into the FMS. Payments will be made via Electronic Fund Transfer to the award recipient's bank account. The bank must be FDIC insured. The account must be interest bearing.
3. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at least quarterly, remit interest earned on advances to HHS/DPM at the address provided below. When submitting your checks, please provide a detailed explanation which should include: reason for check (remittance of interest earned on HIDTA advance payments), check number, grantee name, grant number, interest period covered, and contact name and number.

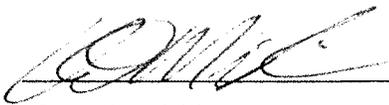
Ms. Janet Fowler
Division of Payment Management
Department of Health and Human Services

Via U.S. Postal Mail:
P.O. Box 6021
Rockville, MD 20852

Via FedEx:
7700 Wisconsin Avenue
10th Floor
Bethesda, MD 20814

- 4. The grantee or subgrantee may keep interest amounts up to \$100 per year for administrative purposes.

RECIPIENT ACCEPTANCE OF GRANT CONDITIONS

Signature:  _____

Date: 4-6-2012

Name: Ken Miyagishima

Organization: City of Las Cruces

APPROVED AS TO FORM:

CITY Attorney