



258  
**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item #   9   Ordinance/Resolution#   12-182  

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of May 7, 2012  
 (Adoption Date)

**TITLE:** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT AGREEMENT AMENDMENT #4 FOR PARTIAL FY2013 FUNDING THROUGH DECEMBER 31, 2012, ON BEHALF OF THE DONA ANA COUNTY JUVENILE JUSTICE CONTINUUM IN THE AMOUNT OF \$129,793.50 FROM THE STATE OF NEW MEXICO CHILDREN YOUTH AND FAMILIES DEPARTMENT (CYFD). THE RESOLUTION RATIFIES THE CITY MANAGER'S APPROVAL OF THE AGREEMENT TO MEET STATE-MANDATED DEADLINES AND NECESSARY SUB-AGREEMENTS WITH OUTSIDE PARTNER ENTITIES.

**PURPOSE(S) OF ACTION:**

To accept agreement amendment #4 for funding the local juvenile justice continuum's programs.

<b>COUNCIL DISTRICT:</b> N/A		
<b><u>Drafter/Staff Contact:</u></b> Amber Parker	<b><u>Department/Section:</u></b> Community Development / Neighborhood Services	<b><u>Phone:</u></b> 541-2349
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The City serves as the fiscal agent to a grant from the State of New Mexico Children, Youth, and Families Department (CYFD) from the State's Juvenile Justice Continuum Act. Activities funded under this grant include:

- 1) The City's Juvenile Citation Program (JCP), with the City providing a minimum of 40% of the JCP's funding in cash and in-kind match;
- 2) The Juvenile Assessment and Reporting Center (JARC), which is administered by Families & Youth, Inc. (which provides their own match); and
- 3) The Juvenile Justice Continuum Coordinator position.

Funding provided through amendment #4 will support the following programs with a total budget of \$181,710.90 of which the State will provide \$129,793.50 and the City will match with \$51,917.40 with in-kind, City general funds, donations, or grant funds from non-Federal sources.

A summary of each of the grants activities is as follows:

Juvenile Citation Program – A diversion program providing alternatives to detention. Focus on increasing personal responsibility and building skills of youth and parents to prevent recidivism through collaboration with the local Juvenile Justice System. This is a continuation grant that has been supported by the City Council since 2006.

Juvenile Assessment & Reporting Center (JARC) – A comprehensive assessment center operated by Families and Youth Inc., that provides a centralized point of entry into the Dona Ana County juvenile justice system. The goal of the center is to decrease juvenile crime in Dona Ana County by providing a comprehensive program of assessment, case management and referral services for juveniles arrested for violations that do not require secure detention.

Las Cruces Juvenile Justice Continuum Board (LCJJCB) Coordinator- Staff position responsible for coordinating and reporting to the State on the activities of the DAC JJCB. The Continuum Coordinator plans and conducts quarterly meetings, prepares regular reports, participates in the expansion of services offered to County youth, serves as the Board's liaison to the State Program Manager and pursues additional funding for other initiatives as identified in the DAC JJCB strategic plan.

The Resolution ratifies the City Manager's signature on the agreement due to the CYFD-mandated deadline of having all funding agreements in Santa Fe. There is no need to amend the City's FY2013 budget, as staff anticipated receiving the same amount from FY2011 and FY2012 and these amounts were incorporated into the preliminary budget proposed for consideration and adoption by the City Council. The resolution authorizes staff to develop and the City Manager to sign sub-agreements with the outside partners in order for them to continue to receive funding from the grant through December 31, 2012.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Agreement Amendment #4 between the City of Las Cruces and State of New Mexico CYFD # 11-690-12422-4.

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>	Yes	<input checked="" type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input 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.	
<b>Does this action create any revenue?</b>	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>2412</u> in the amount of <u>\$129,793.50</u> for <u>FY2013</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

The Resolution approves a grant agreement extension through December 31, 2012 and provides for \$129,793.50 of grant funds, \$51,917.40 of City match, for a total of \$181,710.90. This grant pays for the City's Juvenile Citation Program (JCP), FYI's Juvenile Assessment and Reporting Center (JARC), and the local Juvenile Justice Continuum Coordinator. The JARC provides their own match, which is not reflected in the City's budget. The anticipated funds from this grant agreement extension has been incorporated into the preliminary budget proposed for FY2013.

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
See budget narrative above					

**OPTIONS / ALTERNATIVES:**

- Vote "Yes"; this will approve the Resolution accepting the Agreement Amendment #4 between the State of New Mexico Children, Youth, and Families Department and the City of Las Cruces. This action will allow the City of Las Cruces to continue to serve as fiscal agent with regard to the Dona Ana County Juvenile Justice Continuum Grant.
- Vote "No"; this will deny the Resolution for the agreement amendment #4 between the State of New Mexico Children, Youth and Families Department and the City of Las Cruces. This action will terminate all services under the continuum grant agreement between the State of New Mexico, Children, Youth, and Families Department and the City of Las Cruces.
- Vote to "Amend"; this could be based on Council decision.

4. Vote to "Table"; this could be based on Council decision and direct staff accordingly.

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

RESOLUTION NO. 12-182

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT AGREEMENT AMENDMENT #4 FOR CONTINUED FY2013 FUNDING THROUGH DECEMBER 31, 2012, ON BEHALF OF THE DONA ANA COUNTY JUVENILE JUSTICE CONTINUUM IN THE AMOUNT OF \$129,793.50 FROM THE STATE OF NEW MEXICO CHILDREN YOUTH AND FAMILIES DEPARTMENT (CYFD). THE RESOLUTION RATIFIES THE CITY MANAGER'S APPROVAL OF THE AGREEMENT TO MEET STATE-MANDATED DEADLINES AND NECESSARY SUB-AGREEMENTS WITH OUTSIDE PARTNER ENTITIES.**

The City Council is informed that:

**WHEREAS,** the City Council approved Resolution 11-065 on September 20, 2010, accepting Grant Agreement #11-690-12422 with 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 amendment #4 for continued funding of the identified Juvenile Justice Continuum activities for FY2013 through December 31, 2012 as Agreement Number 11-690-12422-4; and

**WHEREAS,** the Agreement Number 11-690-12422-4 is necessary in order for operations of the City's Juvenile Citation Program (JCP); the Families & Youth, Inc.'s Juvenile Assessment and Reporting Center (JARC); and the Juvenile Justice Continuum Coordinator positions to proceed without interruption; and

**WHEREAS,** an additional \$129,793.50 was awarded to the Dona Ana County Juvenile Justice Continuum for the purpose of the activities outlined in the scope of work within the original Agreement 11-690-12422.

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

**(I)**

**THAT** the agreement amendment #3 between the City of Las Cruces and the State of New Mexico Children, Youth, and Families Department under Agreement Number 11-690-12422-4 for FY2013, 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 and amendments with the State of New Mexico Children, Youth, and Families Department for the Dona Ana County Juvenile Justice Continuum for FY2013.

**(III)**

**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, and the Juvenile Justice 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 FY2013, and the City Manager is authorized to execute said sub-agreements on the City's behalf.

**(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 \_\_\_\_\_ 2012.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

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

VOTE:

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

**AMENDMENT NUMBER FOUR (4)  
AGREEMENT**

This is the fourth Amendment to Agreement No. 11-690-12422 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. **Extend the term** of contract through December 31, 2012.
2. **Increase compensation** by \$129,793.50 for FY13, for a new contract total of \$664,667.50
3. **Revise Third Revised Attachment 2-Budget** to reflect the increase in budget for FY13.

**CHANGES TO AGREEMENT**

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

**I. Period of Agreement**

This Agreement shall terminate on **December 31, 2012**, unless terminated pursuant to Article IV, infra.

**III. Limitation of Cost**

The total amount of the monies payable to the Contractor under this Agreement shall not exceed six hundred sixty four thousand, six hundred sixty seven dollars and fifty cents (**\$664,667.50**). The annual budget is attached hereto as "**Fourth Revised Attachment 2 - Budget**" and incorporated herein by reference.

**Fourth Revised Attachment 2 – Budget** is attached and incorporated into the Contract Amendment.

All remaining sections and exhibits in Contract No. 11-690-12422 shall 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.

\_\_\_\_\_  
Authorized Signatory

Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Title of Authorized Signatory

\_\_\_\_\_  
Legal Counsel, Contractor

Date: \_\_\_\_\_

**Agency**

\_\_\_\_\_  
Secretary or Designee, Agency

Date: \_\_\_\_\_

**Approved as to legal form and sufficiency.**

\_\_\_\_\_  
Office of General Counsel, Agency

Date: \_\_\_\_\_

**Fourth Revised Attachment 2 – Budget**  
**City Of Las Cruces**

<b><u>Line Item Name</u></b>	<b><u>Amount</u></b>
Juvenile Justice Continuum Coordinator	\$ 12,767.00
Plus benefits	
Travel/ mileage/per diem	\$ 0.00
Supplies/ Misc.	\$ 0.00
Citation Program: 2 FT & 1 PT Intake Specialist & 4 FT & 2PT	\$ 176,500.00
Community Educators plus benefits; Amount of amended funds	\$ 15,392.00
Travel/mileage/per Diem	\$ 308.00
JARC: 8 PT Intake Case Managers	\$ 70,320.00
JARC: Program Director	\$ 0.00
Utilities	\$ 0.00
Insurance	\$ 0.00
Travel/mileage/per Diem	\$ 0.00
Supplies/Misc.	\$ 0.00
Rent	\$ 0.00
Increased amended amount (July 1, 2011 to Sept. 30, 2011)	\$ 64,897.00
Increased amended amount (Oct. 1, 2011 to June 30, 2012)	\$194,690.00
<u>Increased amended amount FY 13 (July 1, 2012 to Dec. 31, 2012)</u>	<u>\$129,793.50</u>
<b>TOTAL</b>	<b>\$664,667.50</b>

Total amount of this contract shall not exceed **\$664,667.50**, including gross receipts tax.

\*Per Diem and mileage, and other miscellaneous expenses, will be paid in accordance with the Department of Finance and Administration (DFA) Rule 2.42.2 NMAC.

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:**

Grant Name: Formula Federal Grant  
Grant Number: 2010-JF-FX-0037  
Grant CFDA Number: 16.501  
Grant Award Year: FFY 2010