

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 13-102

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of January 22, 2013
(Adoption Date)

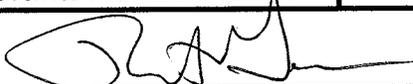
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES, ON BEHALF OF ITS FIRE DEPARTMENT, TO ACCEPT EMERGENCY PREPAREDNESS EQUIPMENT VALUED AT \$41,794.80, WITH A REQUIRED CASH MATCH OF \$13,931.60, PURSUANT TO A GRANT FUNDED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS THROUGH THE NEW MEXICO DEPARTMENT OF PUBLIC SAFETY, OFFICE OF EMERGENCY MANAGEMENT AND THE DOÑA ANA COUNTY / CITY OF LAS CRUCES OFFICE OF EMERGENCY MANAGEMENT FOR FY 2012.

PURPOSE(S) OF ACTION:

Accept a sub-grant award.

COUNCIL DISTRICT: All		
<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:

The United States Department of Homeland Security, Domestic Preparedness Equipment Program provides opportunities for state and tribal governments to apply for grant funding under nine separate initiatives. In order for the New Mexico Department of Homeland Security (NMDHS) to submit an application for the above mentioned program, NMDHS provides Homeland Security Guidance documents and grant application kits to local jurisdictions. NMDHS requires each county to collect and prioritize local jurisdiction NMDHS competitive sub-grant applications requesting funds.

Upon collection and prioritization of the competitive sub-grant applications, a Department of Homeland Security Planning Team reviews the qualified NMDHS prioritized application lists and submits a grant request to the United States Department of Homeland Security for program funding. Upon approval of NMDHS grant application, the United States Department of Homeland

(Continue on additional sheets as required)

Security awards grant funds to NMDHS, who then disburses grant funds to local jurisdictions to purchase emergency preparedness equipment as prioritized in collected and approved local jurisdiction sub-grant applications. Purchased equipment is then awarded to the local units of government according to the approved sub-grant application.

The New Mexico Department of Homeland Security and Emergency Management (NMDHS&EM), through the Doña Ana County Office of Emergency Management, has awarded the City of Las Cruces, on behalf of the Las Cruces Fire Department (LCFD), 18 (eighteen) 800 MHz portable radios valued at \$41,794.80 under the 2012 New Mexico State Homeland Security Grant Program. NMDHS&EM is responsible for 75%, \$27,863.20, of the cost of the radios. The grant award requires a 25%, \$13,931.60, cash match by the City, which is available in the Fire Department's operating budget.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", NMDHS&EM Sub-Grant Agreement.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input 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.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of _____ for FY_____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

Equipment has been purchased by the Doña Ana County Office of Emergency Management with grant funds provided by the United States Department of Homeland Security through the 2012 State Homeland Security Grant Program. The required cash match will be budgeted in Fund 1000: General Fund under Project Code 33016 in the amount of \$13,931.60.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
General Fund	10167020-730300-33016	\$13,932.00*	\$13,932.00*	N/A	N/A

*Figure rounded per Budget.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will allow the Fire Department to accept the equipment award.
2. Vote "No"; this will disallow acceptance of the equipment.
3. Vote to "Amend"; this is not an option as the awarded equipment is specific to the grantor agency.
4. Vote to "Table"; this could delay the ability to accept, and use the equipment.

REFERENCE INFORMATION:

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 13-102

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES, ON BEHALF OF ITS FIRE DEPARTMENT, TO ACCEPT EMERGENCY PREPAREDNESS EQUIPMENT VALUED AT \$41,794.80, WITH A REQUIRED CASH MATCH OF \$13,931.60, PURSUANT TO A GRANT FUNDED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS THROUGH THE NEW MEXICO DEPARTMENT OF PUBLIC SAFETY, OFFICE OF EMERGENCY MANAGEMENT AND THE DOÑA ANA COUNTY / CITY OF LAS CRUCES OFFICE OF EMERGENCY MANAGEMENT FOR FY 2012.

The City Council is informed that:

WHEREAS, the New Mexico Department of Homeland Security through the Doña Ana County Office of Emergency Management has awarded the City of Las Cruces, on behalf of its Fire Department, emergency preparedness equipment valued at \$41,794.80; as listed in Exhibit "A", attached hereto and made part of this resolution; and

WHEREAS, the emergency preparedness equipment has been purchased by the Doña Ana County Office of Emergency Management with grant funds provided by the United States Department of Homeland Security through the 2012 State Homeland Security Grant; and

WHEREAS, there is a required cash match of \$13,931.60.

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

(I)

THAT the City of Las Cruces, on behalf of its Fire Department, is approved to accept the emergency preparedness equipment from the Doña Ana County Office of Emergency Management; Exhibit "A", attached hereto and made part of this resolution.

(II)

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: _____

VOTE:

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

APPROVED AS TO FORM:



City Attorney

13-113 #/ -

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**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT**

Sub-Grant Agreement
2012 State Homeland Security Grant Program
Competitive Award

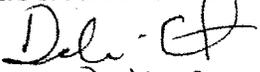
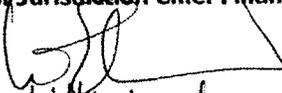
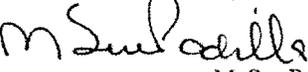
2012 Federal Grant No. EMW-2012-SS-00097-S01 CFDA No. 97.067

1. Sub-Grant No. EMW-2012-SS-00097-S01- DONA ANA COMP	2. Recipient DONA ANA COUNTY	3. FIDUCIARY DONA ANA COUNTY	4. DFA VENDOR NUMBER/DUNS NUMBER 46539 / 045612165
5. Recipient Address Dona Ana County 845 N. Motel Blvd. Las Cruces, NM 88007		6. Issuing Office and Address New Mexico Department of Homeland Security & Emergency Management P. O. Box 27111 Santa Fe, NM 87502	
7. Effective Date of This Action October 15, 2012		8. DHSEM Grant Specialist: Brian Chavez	Phone: 505-476- Fax: 505-476-9695 Email: BrianL.Chavez@state.nm.us
9. Termination Date October 14, 2013			

10. **Funding:**
Total Awarded Amount: \$ 41,794.80

11. **Grant Requirements, Assurances and Agreements:** *(see attached Grant Requirements, Assurances and Agreements)*
The acceptance of a grant from the United States creates a legal duty on the part of the grantee to use the funds or property made available in accordance with the conditions of the grant through the State.

12. **Special Conditions:** Grant funds cannot be expended until these conditions have been met.
- Project Budget Details are funding allocations, and are not to be construed as expenditure authorizations or approvals. Grant program guidelines and Federal, State, and local contracting and procurement compliance requirements apply. Items procured with SHSGP grant funds will be considered a state resource in times of need.
 - Quarterly financial and progress reports are due on 1/30, 4/30, 7/30, and 10/30.
 - DHSEM Programmatic and Grant pre-approvals are required for all equipment, training, planning, and exercise obligations regardless of any application review. And all equipment must be purchased and deployed in accordance with the jurisdictions 2012 SHSGP application.
 - Request for reimbursement will not be processed if quarterly financial and programmatic reports are delinquent.
 - Generators purchased must be mobile unless they are part of an approved tower project.
 - Communication Equipment: If a revision of scope of work is requested it must be approved by SICWG, DHSEM grant staff as well as program staff before the jurisdiction can proceed.
 - Procurement from Minority Owned and Women Owned Business is encouraged, and must be tracked and reported to DHSEM on the quarterly reports.
 - Emergency Operations Plans must satisfactorily address the plan requirements outlined in the DHSEM Local Emergency Operations Plan Review crosswalk before payment.
 - NEPA/EHP Compliance: The recipient must provide information to DHSEM to assist with the legally required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances during the performance period
 - All SHSGP sub-grantees must be NIMS compliant and must undergo a yearly NIMSCAST site visit and complete their jurisdictions NIMSCAST assessment on or before September 30.
 - Resource typing database must be updated quarterly in E-Team.
 - Budget or Program changes must be approved by Program and Grant Staff.
 - Annual external audit reports must be submitted to DHSEM within 30 days of receipt by sub-recipients
 - Contracts must be pre-approved by DHSEM prior to obtaining vendor and sub-recipient signatures.
 - The accounting system and financial capability questionnaire must be completed by the sub-recipient and DHSEM grant staff within 60 days of the sub-grant dissemination and prior to funds being released.
 - Each jurisdiction is required to conduct one operations-based exercise to test the field capabilities of equipment purchased with past or current federal preparedness grant within the performance period. The operations-based exercise must be a Homeland Security Exercise and Evaluation Program (HSEEP) compliant exercise. The exercise must be entered into the National Exercise Schedule (NEXS) in the Homeland Security Exercise and Evaluation Program (HSEEP) Toolkit. Additionally, documents must be entered into NEXS to include the After-Action Report/Improvement Plan (AAR/IP) within 60 days following the end of the exercise.
 - Every effort must be made to expend funds within the initial performance period. Extension requests will be considered and approved on a limited basis. Remaining balances will be reviewed and may be re-allocated to other jurisdictions.
 - A 25% match of 13,931.60 must be met and documented.

13. Recipient is required to sign and return the original of this document, as well as the signed and accepted grant requirements, assurances and agreements to the Issuing Address in block 6, within 30 days from the date in block 17.	
14. Signature of Jurisdiction Grant Specialist/Program Manager  Printed Name: Delia Cervantes	Date: 11-27-12 Phone: 575-647-7402 Fax: 575-647-7442 Email: deliac@donaanacounty.org
15. Signature of Jurisdiction Chief Financial Officer  Printed Name: Bill Holland	Date: 12-6-12 Phone: 575-647-7214 Fax: 575-525-5832 Email: billh@donaanacounty.org
16. Signature of Jurisdiction Signatory Official  Printed Name and Title: M. Sue Padilla, Interim County Manager	Date: 12/6/12 Phone: 575-647-7201 Fax: 575-525-5952 Email: suep@donaanacounty.org
17. DHSEM Signatory Official (Name and Title)  CABINET SECRETARY	Date: 12.17.12

Grant Terms and Conditions (continued from Section 10 of Award)

The DONA ANA COUNTY has been awarded \$41,794.80 shall be used to support activities essential to the ability of states, territories, and urban areas to prepare for, prevent, and respond to terrorist attacks and other all-hazards events.

The scope of work is as follows:

Project 1: COMPETATIVE PROJECT: COMMUNICATIONS CAPABILITY (A 25% match of 13,931.60 must be met and documented for this project and a cost benefit analysis must be provided prior to the purchase of the radios.)

The performance period of this grant award is October 15, 2012 through October 14, 2013. DONA ANA COUNTY cannot sub-grant all or any part of this award to any other entity or organization. All awards require confirmation within the first reporting quarter that expenditures in the budget category toward projects will be made, or DHSEM will execute de-obligation of the funds.

(A) **Changes to Award:** All change requests must be submitted in writing, or electronically to the DHSEM grant specialist, accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time the request. Changes in the programmatic activities, or purpose of the project, changes in key persons specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions will result in an amendment to this award.

(B) **NEPA/EHP Compliance;** The recipient must provide information to NMDHSEM to assist with the legally-required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances.

Recipients shall not undertake any activity from the project that would result in ground disturbance, facility modification, or relates to the use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings that are 50 years old or older. Recipient must comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review. Any change to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Initiation of these activities prior to completion of FEMA's EHP review will result in a non-compliance finding and may not be eligible for grant funding.

(C) **Reporting Requirements:** DONA ANA COUNTY shall submit timely quarterly *Financial Progress Reports* to the Grant Specialist at DHSEM. For grant awards, the sub-recipient is required to submit a quarterly Performance Report to the Program Specialist within the Preparedness Bureau. Instructions and blank forms are attached and are located electronically at www.nmdhsem.org, and may be reproduced. Jurisdictions must check the web site quarterly for most current forms. **Use of outdated forms will not be accepted.** Quarterly reports are due: January 30, April 30, July 30, and October 30 for each calendar year the grant is open. The final report is due the following quarter after all funds have been reimbursed to the jurisdiction. *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. The *Final Narrative Report* is a summary report, evaluating project activities and measuring performance against project goals and objectives for the entire performance period, and is required *in addition* to the last quarterly report.

(D) **Additional Reporting Requirements:** The applicant must immediately report in writing to the DHSEM Grant Specialist any alleged acts or allegations of fraud or misappropriation of funds for work authorized under this Sub-Grant Agreement. This extends to reporting any legal action, lawsuit, bankruptcy, or other action that may jeopardize the successful completion of any authorized project.

(E) Reimbursements: Submission of a request for reimbursement must be accompanied by a financial report form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and grant guidelines, and submission of timely *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies. Reimbursement of expenditures may be requested at any time within the performance period. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.). Grant staff will not process reimbursement, until performance/fiscal quarterly reports are submitted.

- **Personnel Costs:** FOR EMPG GRANTS ONLY - Payroll reports signed and certified by the chief financial officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. DONA ANA COUNTY shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements.
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, and contracts over \$100,000 require DHSEM pre-approval prior to implementation. Requests for reimbursement for contractual services must be accompanied by the relevant contract.
- **Local Match:** Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.
- **Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB) at www.rkb.mipt.org. Documentation required per instructions attached to DHSEM quarterly reports.
- **Travel:** All reimbursable travel must be pre-approved by DHSEM 30 days prior to travel date.
- **Per Diem:** Reimbursements for local jurisdictions cannot exceed the rates of the New Mexico Mileage and Per Diem Act.
- **Training:** Requires DHSEM pre-approval 30 days prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an After-Action Report/Improvement Plan within 30 days after conduct of the exercise.
- **Food and Beverages:** Per National Preparedness Directorate (NPD) allowances, food and/or beverage expenses provided by recipients are allowable costs if:
 - (1) The food and/or beverages are provided to participants at training sessions, meetings, or conferences that are allowable activities under the NPD program guidelines; and
 - (2) Expenses incurred for food and/or beverages, and provided at training sessions, meetings, or conferences, satisfy the following tests:
 - (a) The cost of the food and/or beverages provided is considered to be reasonable;
 - (b) The food and/or beverages provided are subject of a work-related event and work continues after meals are served;
 - (c) Participation by all participants is mandatory; and
 - (d) The food and/or beverages provided are not related directly to amusement and/or social event. **(Any event where alcohol is being served is considered a social event; therefore, costs associated with the event are not allowed).**

(F) Non-reimbursable Expenses:

- Transfer of funds between any programs (SHSP, LETPP, CCP, MMRS)
- Contracts, single vendor response to a competitive bid, and procurements > \$100,000 not pre-approved by DHSEM
- Sole source contracts and procurements not pre-approved by DHSEM
- Training and related travel costs not pre-approved by DHSEM
- Construction and renovation
- Indirect costs (p. 5, Financial Progress Report)
- Supplanting (using federal funds to purchase items previously budgeted for with state or local funds)
- Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of an exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons and ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel, personal phone calls
- Travel insurance, visa, and passport charges
- Lodging costs in excess of Federal or State per diem, as appropriate
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fund-raising, including salaries of persons while engaged in these activities
- Land acquisition
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(G) Property and Equipment Management: The sub-recipient shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A *Property Inventory Report* is available at www.nmdhsem.org and shall be submitted to DHSEM annually each **January 30** with the *Financial Progress Report* during the performance period, and continued submission is required annually until final disposition of the equipment. The sub-recipient shall, when practical, prominently display the following on any equipment purchased with award funds: **Purchased with funds provided by the U.S. Department of Homeland Security**. No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHSEM, prior to the jurisdiction's encumbrance or expenditure for that equipment.

(H) Procurement: Procurement shall comply with local procurement policies and procedures, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of *28 CFR Parts 66 and 70, and 2 CFR Part 215 "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments."* Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. **Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior approval of DHSEM.** DHSEM has provided a summary of documentation required for levels of procurement and attached it to the instructions on the quarterly *Financial Progress Reports*.