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City of Las Cruces[®]
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Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 13-121

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of March 4, 2013
 (Adoption Date)

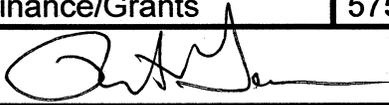
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING SENIOR PROGRAMS TO ACCEPT AN INCREASE OF \$20,572.00 (UP FROM \$159,446.00 TO \$180,018.00) FOR CASH-IN-LIEU OF COMMODITIES UNDER THE NUTRITION INCENTIVE PROGRAM (NSIP) AGREEMENT FROM THE NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING FOR FY 2013. THE RESOLUTION FURTHER AUTHORIZES THE RATIFICATION OF THE CITY MANAGER'S SIGNATURE ON THE AGREEMENT AND AMENDS THE CITY'S ADOPTED FY 2013 BUDGET TO REFLECT THE INCREASED FUNDING.

PURPOSE(S) OF ACTION:

To accept additional grant allocation, ratify City Manager's signature, and adjust the adopted City budget.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Elizabeth Vega	<u>Department/Section:</u> Finance/Grants	<u>Phone:</u> 575-541-2717
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces Senior Nutrition Program receives funds for the purchase of food through the United States Department of Agriculture's (USDA) Nutrition Service Incentive Program (NSIP). In lieu of receiving USDA surplus food products, the City receives cash reimbursement. The actual appropriation the City receives is calculated at the average rate of \$0.5405 per meal for each of the meals served and delivered to eligible participants and their spouses during the period July 1, 2012 through June 30, 2013.

The City of Las Cruces has received an additional \$20,572.00 since staff anticipates exceeding the number of meals to be served during this fiscal year. The additional funds will be added to the City's original award amount of \$159,446.00 bringing the total award to \$180,018.00 for FY 2013. This allocation will be applied directly to the purchase of food for the Senior Nutrition Program. Of the total amount, sixty percent (60%) is budgeted for home-delivered meals and forty percent (40%) for congregate meals.

(Continue on additional sheets as required)

The City Manager has already signed the agreement amendment increasing the award amount to meet submission deadlines. In order for the agreement amendment to be legally binding, City Council must ratify his signature.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", NSIP Agreement, Amendment No. 1.
3. Exhibit "B", Budget Adjustment.

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input type="checkbox"/>	See fund summary below
	No	<input checked="" type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input checked="" type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>2172 Cash-in-Lieu of Commodities</u> in the amount of <u>\$20,572.00</u> for FY 2013.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

Additional grant funds will be deposited into Fund #2172 (Cash Commodities) under project #30600 to be used by Senior Programs to pay for congregate and home-delivered meals foodstuffs; forty percent (40%) used for congregate meals and sixty percent (60%) for home-delivered meals. The award functions on a reimbursement basis.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Cash-in-Lieu of Commodities Fund	21205100-730620-30600	\$12,343.00	\$12,343.00*	\$0.00	N/A
Cash-in-Lieu of Commodities Fund	21205090-730620-30600	\$8,229.00	\$8,229.00*	\$0.00	N/A

* pending adjustment

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will accept additional grant funds from the Non-Metro Area Agency on Aging in the amount of \$20,572.00 to bring the total award to \$180,018.00.
2. Vote "No"; this is not an option since the funds are necessary for the Senior Nutrition Program to offer congregate and home-delivered meals.
3. Vote to "Amend"; this is not an option as the grant agreement has been accepted and signed by the City Manager.
4. Vote to "Table"; this not an option, as grant funds need to be accepted in order to be spent.

REFERENCE INFORMATION:

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

1. Resolution No. 13-016.

(Continue on additional sheets as required)

RESOLUTION NO. 13-121

A RESOLUTION AUTHORIZING SENIOR PROGRAMS TO ACCEPT AN INCREASE OF \$20,572.00 (UP FROM \$159,446.00 TO \$180,018.00) FOR CASH-IN-LIEU OF COMMODITIES UNDER THE NUTRITION INCENTIVE PROGRAM (NSIP) AGREEMENT FROM THE NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING FOR FY 2013. THE RESOLUTION FURTHER AUTHORIZES THE RATIFICATION OF THE CITY MANAGER'S SIGNATURE ON THE AGREEMENT AND AMENDS THE CITY'S ADOPTED FY 2013 BUDGET TO REFLECT THE INCREASED FUNDING.

The City Council is informed that:

WHEREAS, the City of Las Cruces Senior Nutrition Program receives funds for the purchase of food through the United States Department of Agriculture's (USDA) Nutrition Service Incentive Program (NSIP); and

WHEREAS, the City of Las Cruces has received an additional allocation in the amount of \$20,572.00 bringing the total award amount to \$180,018.00 for FY 2013 as reflected in Exhibit "A"; and

WHEREAS, this additional allocation will be applied directly to the purchase of food for the Senior Nutrition Program; and

WHEREAS, of the total amount, sixty percent (60%) is budgeted for home-delivered meals and forty percent (40%) for congregate meals.

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

(I)

THAT the City of Las Cruces Senior Programs section is authorized to accept an additional grant award in the amount of \$20,572.00 for a total FY 2013 award amount of \$180,018.00, as shown in Exhibit "A" attached hereto and made part of this resolution.

(II)

THAT the Council does ratify the signature of the City Manager accepting the grant agreement to meet the submission deadline.

(III)

THAT the FY 2013 Adopted Budget is hereby adjusted as reflected in Exhibit "B" attached hereto and made a part of this resolution.

(IV)

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

DONE AND APPROVED this _____ day of _____, 2013.

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:



Deputy City Attorney
City Attorney

Contract No. 2012-13 64014

**NORTH CENTRAL NEW MEXICO
ECONOMIC DEVELOPMENT DISTRICT
NON-METRO AREA AGENCY ON AGING
NUTRITION SERVICE INCENTIVE PROGRAM (NSIP) AGREEMENT**

AMENDMENT NO. 1

This Amendment is made and entered into this 25th day of January, 2013, by and between the North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging hereinafter referred to as the "Agency" and City of Las Cruces, hereinafter referred to as the "Contractor".

1. Purpose of Amendment. The purpose of the Amendment is to revise the contract amount from \$159,446 to \$180,018 thereby increasing the total dollar amount by \$20,572.
2. Changes to Contract. The following changes are amendments to the contract:
Paragraph II. A. Compensation is amended to read: The total amount payable to the Contractor under this Agreement shall not exceed \$180,018 for eligible meals served during the period July 1, 2012 through June 30, 2013, regardless of funding sources, to eligible participants and their spouse.
3. All other clauses in the original Agreement will remain unchanged and together with this Agreement constitute the entire Agreement between the Contractor and Agency.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates listed below.

City of Las Cruces
Legal Name of Vendor/Contractor


Signature

ROBERT L. GARZA, P.E., City Manager
Printed/Typed Name of Signatory

2-11-13
Date

NCNMEDD Non-Metro AAA
Name of Area Agency on Aging


Signature

Tim Armer, Executive Director
Printed/Typed Name of Signatory

January 25, 2013
Date

APPROVED AS TO FORM:

City Attorney

NORTHCENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT
 NON-METRO AREA AGENCY ON AGING
 NOTIFICATION OF GRANT AWARD (NGA)
 SPECIAL PROJECTS - NUTRITION SERVICE INCENTIVE PROGRAM (NSIP)

GRANTEE: Las Cruces, City of ADDRESS:		APPROVED BUDGET FOR THE PERIOD		Type of Grant or Action		NGA DATE
PHONE:		FROM: 07/01/2012 TO: 06/30/2013		New/Cont: Revision: X Other:		1.25.13
Indirect Cost % of \$	Fund: Title of Project:	210 NSIP		CFDA # 93.053		
DESCRIPTION	FEDERAL	STATE	LOCAL CASH	LOCAL IN-KIND	PROJECT INCOME	TOTAL
Personnel Services	\$0.00	\$0.00				\$0.00
Fringe Benefits	0.00	0.00				0.00
Travel	0.00	0.00				0.00
Maintenance & Repair	0.00	0.00				0.00
Supplies (Raw Food)	\$180,018.00	0.00				\$180,018.00
Contractual Services	0.00	0.00				0.00
Other Operating Costs	0.00	0.00				0.00
Capital Outlay	0.00	0.00				0.00
Subtotal	\$180,018.00	\$0.00				\$180,018.00
PERCENT OF TOTAL COST	100%	0%	0%	0%	0%	100%
COMPUTATION OF GRANT			8. Federal/State Shares will be Comprised of:			
1. Estimated Total Cost		\$180,018.00	a. Federal/State grant			0.00
2. LESS Anticipated Project Income		\$0.00	unearned in previous		FY Federal:	0.00
3. Estimated Net Cost		\$180,018.00	project year(s)		FY State:	0.00
4. Non-federal and Non-state Share of Net Cost		\$0.00	b. Carry Over			0.00
5. Project Income (Used as Match)		\$0.00				0.00
6. Federal Share of Net Cost		\$180,018.00	c. New Obligational			
7. State Share of Net Cost		\$0.00	Authority Herein		FY Federal:	\$20,572.00
			Awarded			
<p>X Unless revised, the amount of lines 6 and 7 (Computation of Grant) will constitute a ceiling for federal and/or state participation in the approved cost.</p> <p>X The federal and/or state share of the project cost is earned only when the cost is accrued and the non-federal and/or non-state share of the cost has been contributed. Receipt of federal and/or state funds (either through advance or reimbursement) does not constitute earning of these funds.</p> <p>X If the actual net cost is less than the amount on line 3 (Computation of Grant) the non-federal and/or non-state share, the federal share, and the state share will meet the percentages indicated on Page 1 of the NGA.</p> <p>X As shown in the Computation of Grant (assuming satisfactory progress, adequate justification and the availability of funds), the federal and state shares shall meet the amounts shown on lines 6 and 7 of the estimated net project cost shown on line 3.</p> <p>X Funds herein awarded will remain available during the length of the project period, however, state and/or federal funds are dependent upon availability.</p> <p>X In accepting the grant awarded for support of the expanded portion of an existing program, the grantee agrees to maintain expenditures for the existing program in the amount of Line 6 during the approved project period.</p>						
<p>All accounting records are to be kept in accordance with federal and state policy and readily available for examination by Area Agency personnel or other federal and/or state officials authorized to examine any or all financial and programmatic records. Such records shall be retained in accordance with the following:</p> <ol style="list-style-type: none"> 1. Keep adequate and complete financial records, and to report promptly and fully to the Area Agency. 2. If a federal and/or state audit has not been made within three (3) years after project termination, project records may then be destroyed, on approval of the Agency. 3. In all cases, an over-riding requirement exists to retain records until resolution of any audit questions relating to individual grants. 4. Non-federal resources must be contributed equally to the percentage of the non-federal share of actual net costs for a project year. If a Grantee reports federal and/or state cash received but unearned on the final project report for a project year, the Grantee then owes the Area Agency this amount. This amount may constitute a cash advance on any funds awarded to the Grantee by the Area Agency for the following project year. 5. The disposition of unearned portions of federal and/or state funds at the end of the project year shall be made in accordance with current state policies. 6. Unearned federal and/or state cash at the time the project is terminated shall be returned in full to the Area Agency. 7. All obligations will be liquidated within 30 days after the end of the project year and before final program and financial reports are submitted. 8. Inventory of project equipment will be maintained and submitted as requested. 9. Project records will be preserved and kept available to federal and state auditors at the primary offices of the Grantee. 						
Signature of Area Agency on Aging Authorizing Official:			We, the undersigned officers of the Grantee organization, certify that we are in agreement with the terms and conditions of this award			
					Date 2-11-13	
Signature			Date		Date	

*Approved as to form
 H. J. (Bob) Linnell
 City Attorney*

**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2012/2013**

FUND	DIVISION		FUND TYPE	
Cash in Lieu of Commodities/NSIP Fund 2172	Community & Cultural Services		Special Revenue	
	FY 2011/12 Actual	FY 2012/13 Adopted	FY 2012/13 Adjustment	FY 2012/13 Adjusted
RESOURCES				
Beginning Balance	\$ 0	0	0	0
REVENUES				
552017 SW NM Area Agency on Aging	\$ 172,435	159,446	20,572	180,018
Total Revenues	\$ 172,435	159,446	20,572	180,018
Total Resources	\$ 172,435	159,446	20,572	180,018
EXPENDITURES				
Congregate Meals IIIC1 21205090				
Operating	\$ 68,974	63,778	12,343	76,121
Total Org 21205090	68,974	63,778	12,343	76,121
Delivered Meals IIIC2 21205100				
Operating	\$ 103,461	95,668	8,229	103,897
Total Org 21205100	103,461	95,668	8,229	103,897
Total Expenditures	\$ 172,435	159,446	20,572	180,018
ENDING BALANCE	\$ 0	0	0	0