

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 10-087 Council District:     

For Meeting of September 21, 2009  
(Adoption Date)

**TITLE:** A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES POLICE DEPARTMENT IN COLLABORATION WITH THE DOÑA ANA COUNTY SHERIFF'S OFFICE TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM - LOCAL SOLICITATION OFFERED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$106,409, AND TO ADJUST THE FY 2010 BUDGET.

**PURPOSE(S) OF ACTION:** To accept the grant funding from the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance in the amount of \$106,409 to be distributed to the Las Cruces Police Department in the amount \$66,895 and Doña Ana County Sheriff's Office \$39,514 as disparate agencies for this grant application. There is no local match required for this grant funding.

<b>Name of Drafter:</b> Robin L. Rice		<b>Department:</b> LCPD / GAO		<b>Phone:</b> (575) 541-2104	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Police Department		(575) 528-4200	Budget		(575) 541-2300
		(575) 541-2281	Assistant City Manager		(575) 541-2271
Legal		(575) 541-2128	City Manager		(575) 541-2076

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:** The Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program supports local jurisdictions in all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives.

JAG funds are used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and any law enforcement or justice initiatives.

Funds awarded is divided by authorization from the Department of Justice between the Las Cruces Police Department (\$66,895) and Doña Ana Sheriff's Office (\$39,514) utilized for the improvement or enhancement of administration and operations of the law enforcement function in local criminal justice systems. The City will act as Fiscal Agent for the grant award.

The Las Cruces Police Department will be utilizing its \$66,895 in grant funding to purchase equipment and fingerprint software upgrades, and will support the Juvenile Citation Program by providing funding for mileage, educational and office supplies, and brochures. Additionally, this grant funding also includes Administrative Costs that will be utilized by the Grants Administration Office to support the project requirements of the grant.

**SUPPORT INFORMATION:**

<b>Fund Name / Account Number</b>	<b>Amount of Expenditure</b>	<b>Budget Amount</b>
<u>Department of Justice Byrne Grant fund:</u>	\$103,809.00	\$103,809.00
24140280-551021-13224 Revenue		
24147440-various-13224 Expenses		
<u>Juvenile Citation Program:</u>		
24180030-551021-13224 Revenue	\$2,600.00	\$2,600.00
24184030-various- 13224 Expenses		

1. Resolution
2. Exhibit "A" - Grant Award Package
3. Exhibit "B" - Memorandum of Understanding between the City of Las Cruces and Doña Ana Sheriff's Office
4. Exhibit "C" - Budget Adjustment

**OPTIONS / ALTERNATIVES:**

1. Approve the Resolution and authorize the Las Cruces Police Department to accept grant funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program - Local Solicitation, to purchase items requested, and to pass on the allocated share of funding to the Doña Ana County Sheriff's Office.
2. Do not approve the Resolution and the Las Cruces Police Department will return the funding for deobligation to the U.S. Department of Justice and not purchase needed equipment and software.
3. Amend the request and return to the Grants Administration Office.

(Continue on additional sheets as required)

**RESOLUTION NO. 10-087.**

**A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES POLICE DEPARTMENT IN COLLABORATION WITH THE DOÑA ANA COUNTY SHERIFF'S OFFICE TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM - LOCAL SOLICITATION OFFERED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$106,409, AND TO ADJUST THE FY 2010 BUDGET.**

The City Council is informed that:

**WHEREAS**, the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance announced the award of formulaic grant funding under CFDA #16.738, Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation; and

**WHEREAS**, the Las Cruces Police Department, and the Doña Ana County Sheriff's Office received notice of grant award on August 26, 2009 for \$106,409 in funds formulated from the JAG program; and

**WHEREAS**, these grant funds, will be utilized to improve or enhance local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and any law enforcement or justice initiatives.

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

**(I)**

**THAT**, the Las Cruces Police Department is authorized to accept the grant award on behalf of the Las Cruces Police Department, and Doña Ana County Sheriff's Office

for \$106,409 from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation; and

**(II)**

**THAT**, the grant will be divided per the pre-determined formula between the two law enforcement agencies: the Las Cruces Police Department will receive \$66,895, and the Doña Ana County Sheriff's Office will receive \$39,514; the memorandum of understanding is attached as Exhibit "B"; and

**(III)**

**THAT**, the grant application does not require an in-kind match or any other required funding on the part of the City of Las Cruces; and

**(IV)**

**THAT**, the City of Las Cruces FY 2010 Budget is hereby adjusted as designated in Exhibit "C" attached hereto and made a part of this resolution; and

**(V)**

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

**DONE AND APPROVED** this 21st day of September, 2009

APPROVED:

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Mayor

ATTEST:

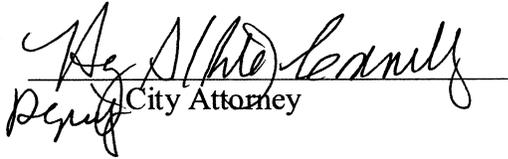
\_\_\_\_\_  
City Clerk

(SEAL)

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

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

Approved as to Form:

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

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____



Department of Justice  
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 26, 2009

Mr. Terrence Moore  
City of Las Cruces  
P.O. Box 20000  
Las Cruces, NM 88004

Dear Mr. Moore:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 09 Edward Byrne Memorial Justice Assistance Grant Program: Local Solicitation in the amount of \$106,409 for City of Las Cruces.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Loreta Behm, Program Manager at (202) 616-5878; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Burch II".

James H. Burch II  
Acting Director

Enclosures

**Department of Justice**  
**Office of Justice Programs**  
**Office for Civil Rights**



*Washington, D.C. 20531*

August 26, 2009

Mr. Terrence Moore  
 City of Las Cruces  
 P.O. Box 20000  
 Las Cruces, NM 88004

Dear Mr. Moore:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

## Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

### Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

#### 1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

#### 2) Submitting Findings of Discrimination

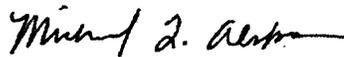
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

### Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Office of Justice Programs  
**Bureau of Justice Assistance**

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**Grant**

PAGE 1 OF 5

RECIPIENT NAME AND ADDRESS (Including Zip Code)

City of Las Cruces  
 P.O. Box 20000  
 Las Cruces, NM 88004

4. AWARD NUMBER: 2009-DJ-BX-0264

5. PROJECT PERIOD: FROM 10/01/2008 TO 09/30/2012  
 BUDGET PERIOD: FROM 10/01/2008 TO 09/30/2012

6. AWARD DATE 08/26/2009

7. ACTION

Initial

GRANTEE IRS/VENDOR NO.  
 000147

8. SUPPLEMENT NUMBER  
 00

9. PREVIOUS AWARD AMOUNT

\$ 0

PROJECT TITLE  
 2009 Justice Assistance Grant Program

10. AMOUNT OF THIS AWARD

\$ 106,409

11. TOTAL AWARD

\$ 106,409

SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

STATUTORY AUTHORITY FOR GRANT

This project is supported under 42 U.S.C. 3751(a) (BJA - JAG Formula)

METHOD OF PAYMENT

CARDS

AGENCY APPROVAL

GRANTEE ACCEPTANCE

TYPED NAME AND TITLE OF APPROVING OFFICIAL

James H. Burch II  
 Acting Director

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Terrence Moore  
 City Manager

SIGNATURE OF APPROVING OFFICIAL

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

19A. DATE

AGENCY USE ONLY

ACCOUNTING CLASSIFICATION CODES

AL	FUND	BUD.	DIV.				AMOUNT
CR	CODE	ACT.	OFC.	REG.	SUB.	POMS	
	B	DJ	80	00	00		106409

21. IDJUGT3964

APPROVED AS TO FORM:

*[Signature]*  
 City Attorney



PROJECT NUMBER 2009-DJ-BX-0264

AWARD DATE 08/26/2009

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).



PROJECT NUMBER 2009-DJ-BX-0264

AWARD DATE 08/26/2009

*SPECIAL CONDITIONS*

6. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

7. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
8. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.
9. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).



PROJECT NUMBER 2009-DJ-BX-0264

AWARD DATE 08/26/2009

*SPECIAL CONDITIONS*

10. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.
11. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
12. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
13. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
14. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
15. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
16. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
17. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.



PROJECT NUMBER 2009-DJ-BX-0264

AWARD DATE 08/26/2009

*SPECIAL CONDITIONS*

18. The grantee agrees that within 120 days of award, for any law enforcement task force funded with these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete required online (internet-based) task force training to be provided free of charge through BJA's Center for Task Force Integrity and Leadership. This training will address task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information will be provided by BJA regarding the required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).



Department of Justice 31  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Maria A. Berry, Environmental Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for City of Las Cruces

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a grantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

New construction;

Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in agriculture, household, recreational, or education environments; and

Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required.

For more information about Mitigation Plan requirements, please see

<http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Bureau of Justice Assistance

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PROJECT SUMMARY

Grant

PROJECT NUMBER

2009-DJ-BX-0264

PAGE 1 OF 1

This project is supported under 42 U.S.C. 3751(a) (BJA - JAG Formula)

1. STAFF CONTACT (Name & telephone number)

Loreta Behm  
(202) 616-5878

2. PROJECT DIRECTOR (Name, address & telephone number)

Augie Henry  
Grant Writer  
200 North Church  
P.O. Box 20000  
Las Cruces, NM 88004-9002  
(575) 541-2281

3a. TITLE OF THE PROGRAM

BJA FY 09 Edward Byrne Memorial Justice Assistance Grant Program: Local Solicitation

3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)

4. TITLE OF PROJECT

FY 2009 Justice Assistance Grant Program

5. NAME & ADDRESS OF GRANTEE

City of Las Cruces  
P.O. Box 20000  
Las Cruces, NM 88004

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2008 TO: 09/30/2012

8. BUDGET PERIOD

FROM: 10/01/2008 TO: 09/30/2012

9. AMOUNT OF AWARD

\$ 106,409

10. DATE OF AWARD

08/26/2009

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local governments, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The disparate jurisdictions consisting of the city of Las Cruces and Dona Ana County will use their Fiscal Year 2009 JAG award in the amount of \$106,409 to purchase equipment, an all-terrain vehicle and trailer, to support a juvenile citation program, and to hire an individual to manage grant activities. The city of Las

Cruces, serving as the fiscal agent, will use its share of the funding to purchase tasers, and taser cameras, software upgrades for its automated fingerprint identification system, and an ATV and trailer. They will also support their Juvenile Citation Program through a new hire and grant funding. The county of Dona Ana will use its portion of the funding to enhance its capability for responding to critical incidents.

NCA/NCF

**U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS'  
BUREAU OF JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL  
JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM: LOCAL  
SOLICITATION  
MEMORANDUM OF UNDERSTANDING**

**THIS AGREEMENT** is made and entered into by and between the City of Las Cruces Police Department, and the Doña Ana County Sheriff's Office.

**RECITALS**

**WHEREAS**, the Las Cruces Police Department, and the Doña Ana County Sheriff's Office received notice of joint eligibility and allocation of \$106,409 in funds formulated from the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

**WHEREAS**, the Las Cruces Police Department, the Doña Ana County Sheriff's Office, received certification from the U.S. Department of Justice as a disparate jurisdiction on June 18, 2004; and

**WHEREAS**, the Las Cruces Police Department, and the Doña Ana County Sheriff's Office are coordinating their efforts to improve public safety for all residents of Doña Ana County; and

**WHEREAS**, these grant funds, if awarded, will be distributed to the Las Cruces Police Department, and the Doña Ana County Sheriff's Office according to the JAG application allocation budget; and

**WHEREAS**, these grant funds, if awarded, will be utilized to improve or enhance the administration and operations of the law enforcement function in local adult criminal justice systems; and

**WHEREAS**, these grant funds, if awarded, will address law enforcement officer safety, improving crime scene investigation, tactical training, training to support volunteer programs within law enforcement, drug- and alcohol-impaired driving prevention efforts, local anti-gang programs, and gun violence intervention and enforcement; and

**WHEREAS**, the total request for funds under this grant application is \$106,490 which is the total amount allocated by the U.S. Department of Justice; and

**WHEREAS**, according to the request, if the grant is awarded, the Las Cruces Police Department will receive \$66,895, and the Doña Ana Sheriff's Office will receive \$39,514; and

**WHEREAS**, the City Manager of the City of Las Cruces is the signing authority for this Memorandum of Understanding and all terms and conditions herewith on behalf of the Las Cruces Police Department; and

**WHEREAS**, the Doña Ana County Manager has designated the Doña Ana County Sheriff as the signing authority for this Memorandum of Understanding and all terms and conditions herewith in on behalf of the Doña Ana County Sheriff's Office; and

**NOW, THEREFORE,** the parties agree as follows:

**SECTION ONE – CITY OF LAS CRUCES AGREES:**

Upon receipt of a grant award:

1. To act as the lead/applicant agency for this grant and act as the administrator for this project.
2. To set-up a city account that is dedicated to this grant to promote accurate tracing of revenues and receivables.
3. To expend funds between the Las Cruces Police Department and the Doña Ana County Sheriff's Office according to the JAG application budget, and provide financial reports to the granting agency in accordance with the grant contract.

**SECTION TWO – DOÑA ANA COUNTY AGREES:**

Upon receipt of a grant award:

1. Upon receipt of the grant award, the Doña Ana County Sheriff's Office will accept its share of the funds and provide the Las Cruces Police Department with necessary and adequate documentation required for financial and project reporting in accordance with the grant contract.
2. There is no match requirement for Doña Ana County Sheriff's Office to receive these funds.

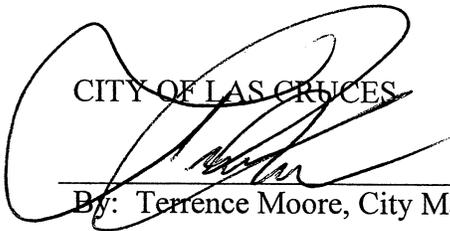
**SECTION THREE – ALL PARTIES AGREE:**

1. Items and services procured to fulfill this grant will be obtained in accordance with applicable federal, state, and City of Las Cruces procurement regulations.

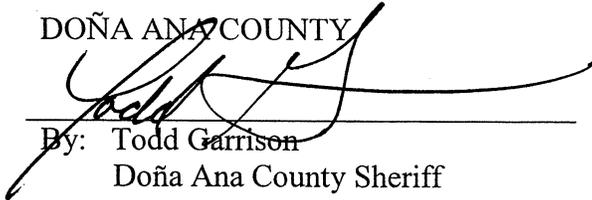
**SECTION FOUR – AMENDMENT:**

This Agreement shall not be altered, changed, or amended except by an instrument, in writing, executed and approved by all parties.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the dates below specified.

CITY OF LAS CRUCES  
  
By: Terrence Moore, City Manager

Date: 5/30/09  
APPROVED AS TO FORM  
  
City Attorney

DOÑA ANA COUNTY  
  
By: Todd Garrison  
Doña Ana County Sheriff

Date: 6-4-09

CITY OF LAS CRUCES  
ADOPTED BUDGET FY 2009/2010

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FUND	DIVISION		FUND TYPE	
Dept of Justice Programs Fund 2470	Police		Special Revenue	
	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
<b>RESOURCES</b>				
Beginning Balance	\$ 325,537	362,029		362,029
<b>REVENUES</b>				
<b>COPS Tech Grant</b>				
13210 COPS 2005 Tech Grant 2005-CKWX-0257	\$ 155,204	14,288		14,288
37004 COPS 2007 Tech Grant 2007-CKWX-0047	1,240	569,063		569,063
552014 NMSU 2007 Tech Grant	0	9,484		9,484
553002 Dona Ana County 2007 Tech Grant	0	68,287		68,287
554010 Town of Mesilla 2007 Tech Grant	0	5,690		5,690
554011 Sunland Park 2007 Tech Grant	0	13,278		13,278
554012 Village of Hatch 2007 Tech Grant	0	1,897		1,897
554999 Village of Chaparral 2007 Tech Grant	0	1,897		1,897
<b>COPS Interoperability Tech Grant</b>				
COPS Interoperability 2005-INWX-0014	100,167	105,077		105,077
552014 NMSU 2005 Interoperability	2,768	1,751		1,751
553002 Dona Ana County 2005 Interoperability	2,214	12,609		12,609
554010 Town of Mesilla 2005 Interoperability	1,246	1,051		1,051
554011 Sunland Park 2005 Interoperability	3,221	2,452		2,452
554012 Village of Hatch 2005 Interoperability	415	350		350
554999 Village of Chaparral 2005 Interoperability	1,937	350		350
<b>Bulletproof Vests</b>				
13300 DOJ Bulletproof Vest 2005-BUBX-05027165	0	0		0
13301 DOJ Bulletproof Vest 2007-BUBX-05027165	938	8,379		8,379
<b>Edward Byrnes Memorial</b>				
Ed Byrnes Memorial 2005-DJBX-0777	8,994	0		0
Ed Byrnes Memorial 2006-DJBX-1020	0	0		0
Ed Byrnes Memorial 2007-DJBX-1021	45,026	0		0
Ed Byrnes Memorial 2008-CJBX-0424	0	28,927		28,927
Byrne Grant	0	0	106,409	106,409
<b>G.R.E.A.T.</b>				
G.R.E.A.T. Program 2007-JVFX-0304	19,376	0		0
<b>Total Revenues</b>	\$ 342,746	844,830	106,409	951,239
<b>Total Resources</b>	\$ 668,283	1,206,859	106,409	1,313,268
<b>EXPENDITURES</b>				
<b>COPS Grants</b>				
13210 COPS 2005 Tech Grant 2005-CKWX-0257	\$ 155,204	14,288		14,288
37004 COPS 2007 Tech Grant 2007-CKWX-0047	1,653	758,751		758,751
COPS Interoperability 2005-INWX-0014	133,556	208,357		208,357
<b>Total COPS Grants</b>	\$ 290,413	981,396	0	981,396
<b>Bullet Proof Vests Grant</b>				
13300 DOJ Bulletproof Vest 2005-BUBX-05027165	\$ 0	0		0
13301 DOJ Bulletproof Vest 2007-BUBX-05027165	938	8,379		8,379
<b>Total Bullet Proof Vests Grant</b>	\$ 938	8,379	0	8,379

\*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

## EXHIBIT "C" CONTINUED

CITY OF LAS CRUCES  
ADOPTED BUDGET FY 2009/2010

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FUND	DIVISION		FUND TYPE	
Dept of Justice Programs Fund 2470	Police		Special Revenue	
	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
<b>Edward Byrne Memorial Grants</b>				
Ed Byrnes Memorial 2005-DJBX-0777	\$ 8,994	0		0
Ed Byrnes Memorial 2006-DJBX-1020	0	0		0
Ed Byrnes Memorial 2007-DJBX-1021	45,026	0		0
Ed Byrnes Memorial 2008-CJBX-0424	0	28,927		28,927
Byrne Grant CLC	0	0	103,809	103,809
Byrne Grant Juvenile Citation	0	0	2,600	2,600
<b>Total Ed Byrne Memorial Grants</b>	<b>\$ 54,020</b>	<b>28,927</b>	<b>106,409</b>	<b>135,336</b>
<b>Org 24147320 G.R.E.A.T. 2007</b>				
Salaries	\$ 5,180	0		0
Operating	14,196	0		0
<b>Total Org 24147240</b>	<b>\$ 19,376</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Expenditures</b>	<b>\$ 364,747</b>	<b>1,018,702</b>	<b>106,409</b>	<b>1,125,111</b>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfer from Fund 1000 - General Fund (Match)	\$ 58,493	0		0
<b>Total Other Financing Sources (Uses)</b>	<b>\$ 58,493</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ENDING BALANCE</b>	<b>\$ 362,029</b>	<b>188,157</b>	<b>0</b>	<b>188,157</b>

\*Projected based on 8 months actual through February 28, 2009 and 4 months projected.