



# County of Santa Cruz

## DISTRICT ATTORNEYS OFFICE

701 OCEAN STREET, ROOM 200, P.O. BOX 1159, SANTA CRUZ, CA 95060

(831) 454-2400

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**KATHRYN CANLIS**  
DISTRICT ATTORNEY

Michael S. McFarland  
Chief Deputy-Administration

May 31, 2001

BOARD AGENDA: June 19, 2001

Members of the Board of Supervisors  
Governmental Center  
701 Ocean Street, Room 500  
Santa Cruz, California 95060

RE: FISCAL YEAR 2001-2002 ANTI-DRUG ABUSE GRANT APPLICATION

Dear Members of the Board:

We are currently in the process of re-applying to the Office of Criminal Justice Planning (OCJP) for fiscal year 2001-2002 Federal Anti-Drug Abuse Enforcement Program funds. As part of the re-application process, we are requesting that your Board adopt a Resolution ratifying our grant application as submitted and sign the attached Certification of Assurance of Compliance, which OCJP now requires to be part of our application. The District Attorney's Office is eligible to receive \$253,438 from OCJP to administer an Anti-Drug Abuse Enforcement Program (ADA) in Santa Cruz County. Our office has been the recipient of ADA grant funds since 1991 and has received a total of \$2,136,205 to finance attorney, investigative and probation staffing in order to effectively reduce the adverse impact of illicit drug activities, including the economic incentive to traffic drugs in Santa Cruz County.

This year we will be restructuring and expanding the grant resources to better address caseload levels and the social breadth of the impact of the drug trade. We plan to assign one attorney to a 1 .00 FTE grant position and one to a .05 FTE grant position. The .05 FTE attorney will work non-grant related drug cases which will serve to more fully integrate the prosecution of drug cases, provide for the cross tracking of information and cross utilization of expertise and will further consolidate the prosecution efforts of drug related cases which should increase the quality of our drug prosecution efforts,



WATSONVILLE OFFICE  
P.O. BOX 228  
FREEDOM, CA 95019

430 FREEDOM BLVD.  
WATSONVILLE, CA 95076  
(631) 763-8120  
(831) 763-8029 FAX



PUBLIC ADMINISTRATOR  
P.O. BOX 1159  
420 MAY AVENUE  
SANTA CRUZ, CA 95061  
(631) 454-2442  
(831) 454-3752 FAX

**CERTIFICATION OF ASSURANCE OF COMPLIANCE**

***Note:*** *There are different requirements for state and federal funds. (Those affecting only federally funded projects are identified.)*

I, KATHRYN CANLIS, hereby certify that:  
(official authorized to sign grant award; same person as line 13 on Grant Award Face Sheet)

GRANTEE: COUNTY OF SANTA CRUZ

IMPLEMENTING AGENCY: SANTA CRUZ COUNTY DISTRICT ATTORNEY'S OFFICE

PROJECT TITLE: ANTI-DRUG ABUSE ENFORCEMENT PROGRAM

will adhere to all of the Grant Award Agreement requirements (state and/or federal) as directed by the Office of Criminal Justice Planning including, but not limited to, the following areas:

- I. Equal Employment Opportunity
- II. Drug-Free Workplace Act of 1990
- III. California Environmental Quality Act (CEQA)
- IV. Lobbying
- V. Debarment, Suspension, and Other Responsibility Matters
- VI. Proof of Authority from City Council/Governing Board

**I. EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

**A. General EEO Rules and Regulations (State and Federal)**

The applicant selected for **funding** acknowledges awareness of, and the responsibility to comply with, the following Equal Employment Opportunity requirements by signing the Grant Award Face Sheet (OCJP A30 I), including this Certification of Assurance of Compliance, and submitting the application to the Office of Criminal Justice Planning (OCJP).

- 1. **California** Fair Employment and Housing Act (**FEHA**) and Implementing Regulations, California Administrative Code, Title 2, Division 4, Fair Employment and Housing Commission.
- 2. California Government Code Article 9.5, Sections 11135-1 1139.5 and Implementing Regulations, California Administrative Code, Title 22, Sections 98000-98413.
- 3. Title VI of the Civil Rights Act of 1964.

4. Title V, Section 504 of the Rehabilitation Act of 1973 (29 USCS Section 974) and Federal Department Regulations on its implementation; Government Code Section 4450, et. seq.
5. Subtitle A, Title II of the Americans with Disabilities Act(ADA), 42 USC Sections 12131-12134 and U.S. Department of Justice implementing regulations, 28 CFR, Part 3 5.
6. U.S. Department of Justice Regulations, 28 CFR, Part 42, Equal Employment Opportunity, Policies and Procedures **--applies to federally funded grants only.**

Federal and state agencies have the legal right to seek enforcement of the above items of this assurance of compliance.

All appropriate documentation must be maintained on file by the project and available for OCJP or public scrutiny upon request. Violation of these provisions may result in withholding of grant funds by OCJP.

B. The following apply to federally funded grants only:

**Note: Effective Fiscal Year 1992-93, the Federal criteria and requirements apply to the “implementing agency” responsible for the day-today operation of the project (e.g., Probation Department, District Attorney, Sheriff).**

1. Criteria for Federal EEO Program Requirements for Grants in the Amount of \$25,000-\$499,999. (Does not apply to community-based organizations).

Federal regulations require qualified recipient agencies of federal financial assistance to prepare an Equal Employment Opportunity Program (EEOP) upon meeting all of the following criteria:

- a. Grantee has 50 or more employees.
- b. Grantee has received a total of \$25,000 or more in grants or subgrants since 1968.
- c. Grantee has a service population of 3% minority representation (If less than 3% minority population, the EEOP must be prepared to focus on women).

The EEOP must be developed for the implementing agency responsible for the day-today operations of the program.

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2. Assurance of EEOP for Federal Grants of \$25,000-\$499,999

This implementing agency has formulated, or will formulate, implement and maintain an EEOP within 60 calendar days of the date the Grant Award Face Sheet (OCJP A301) is signed by the Executive Director of OCJP. I also certify that the EEOP is/will be on file in the following Affirmative Action (A.A.) Office:

A.A. Officer: Ana Ventura-Phares

Title: Affirmative Action Program Manager

Address: 70 1 Ocean Street, Room 3 10

Phone: 83 1.454.2600

The EEOP is available for review or audit by officials of OCJP or the Federal Government, as required by relevant laws and regulations.

Additionally, I agree to submit a copy of said EOP to OCJP (Attention: EEO Compliance Officer) within 60 calendar days of the Executive Director's signature on the OCJP A301.

3. Federal Grants of \$500,000 and Above

All applicants for federal grant funds of \$500,000 or more will submit a copy of their EEOP (developed for the implementing agency), or federal letter of compliance, to OCJP with the second stage application forms.

4. EEOP Updates for Continuing Federal Grants

Projects who have previously received a total of \$25,000 or more in federal grants, or a single award in the amount of \$500,000 or more, and have an approved EEOP on file with OCJP, are required to submit an annual update of their EEOP if funds are continued. The time frame for EEOP updates is the same as identified in Section B, 2 and 3 above.

C. The following apply to all OCJP grantees:

1. In addition to this Certification, all OCJP grantees must have a current EEO Policy Statement, established by their agency, posted in a prominent place accessible to employees and applicants; and
2. The poster entitled "**Harassment or Discrimination in Employment is Prohibited by Law**" also must be posted in a conspicuous location accessible to employees and applicants. This poster may be obtained from the local office of the Department of Fair Employment and Housing.

**II. CALIFORNIA DRUG-FREE WORKPLACE ACT OF 1990 AND FEDERAL DRUG-FREE  
WORKPLACE ACT OF 1988 REQUIREMENTS**

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The above-named organization(s) will comply with the California Drug-Free Workplace Act of 1990 of California Government Code Section 8355, et. seq., and the Federal Drug-Free Workplace Act of 1988, and implemented as 28 CFR, Part 67, Subpart F, for grantees, as defined in 28 CFR, Part 67, Sections 67.615 and 67.620 by:

- A. Publishing a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required in Government Code Section 8355(a).
- B. Establishing a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
  - 1. The dangers of drug abuse in the workplace;
  - 2. The organization's policy of maintaining a drug-free workplace;
  - 3. Any available counseling, rehabilitation and employee assistance programs;
  - 4. Penalties that may be imposed upon employees for drug abuse violations.
- C. Providing as required by Government Code Section 83 55(c) that every employee who works on the proposed grant:
  - 1. Will receive a copy of the company's drug-free policy statement;
  - 2. Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
- D. Notifying the employee in the statement required that, as a condition of employment under the grant, the employee will:
  - 1. Abide by the terms of the statement; and
  - 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- E. Notifying the agency, in writing, within ten (10) calendar days after receiving notice as required above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, DC 20531. Notice shall include the identification number(s) of each **affected** grant.

F. Taking one of the following actions, within 30 calendar days of receiving notice, with respect to any employee who is so convicted: 0048

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended;
2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

### III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The above-named organization(s)/individual(s) will comply with the California Environmental Quality Act (CEQA) requirements as stated in the Public Resources Code, Division 13, Section 21000 et. seq. and all other applicable rules and regulations.

All appropriate documentation will be maintained on **file** by the project and available for OCJP or public review upon request.

### IV. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented as 28 CFR, Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR, Part 69, the applicant certifies that:

- A. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to **influence** an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at **all** tiers [including subgrants, contracts under grants and cooperative agreements and subcontract(s)] and that all subrecipients shall certify and disclose accordingly.

V. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**  
(applies to federally funded grants only) <sup>0049</sup>

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR, Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR, Part 67, Section 67.5 10, the applicant certifies that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded **from** covered transactions by any federal department or agency.
- B. Have not, within a three-year period preceding this application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, **theft**, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- C. Are not presently indicted for, or otherwise criminally, or civilly, charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated above.
- D. Have not, within a three-year period preceding this application, had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the applicant is unable to **certify** to any of the statements in this certification, he or she shall attach an explanation to this application.

VI. **PROOF OF AUTHORITY FROM CITY COUNCIL/GOVERNING BOARD**

The above named organization accepts responsibility for and will comply with the requirement to obtain written authorization from the city council/governing board in support of this program. The Applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCJP, and that any cash match will be appropriated as required. It is agreed that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility of any such liability. Be it **further** resolved that grant **funds** received hereunder shall not be used to supplant expenditures controlled by this body.

The Applicant is required to obtain written authorization from the city council/governing board that the official executing this agreement is, in fact, authorized to do so. The Applicant is also required to maintain said written authorization on file and readily available upon demand.

**All appropriate documentation must be maintained on file by the project and available for OCJP or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the grantee may be ineligible for award of any future grants if the Office of Criminal Justice Planning (OCJP) determines that any of the following has occurred: (1) the grantee has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.**

**CERTIFICATION**

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [line 13 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Official's Signature: Kathryn Canlis

Official's Typed Name: KATHRYN CANLIS

Official's Title: DISTRICT ATTORNEY

Date Executed: June 3, 2001

Federal ID Number: 946000534

Executed in the County of: SANTA CRUZ

City/County/CBO Financial  
Officer's or City Manager's Signature: \_\_\_\_\_

City/County/CBO Financial  
Officer's or City Manager's Typed Name: \_\_\_\_\_

City/County/CBO Financial  
Officer's or City Manager's Title: Member, Santa Cruz County Board of Supervisors