



County of Santa Cruz⁰⁰⁵⁹

DISTRICT ATTORNEY'S OFFICE

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KATHRYN CANLIS
DISTRICT ATTORNEY

April 9, 2002

BOARD AGENDA: April 23, 2002

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

RE: FISCAL YEAR 2002-2003 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 2002-2003 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 \$253,516 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 \$2,389,721 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.

We plan to assign 1.30 FTE attorneys and a 1.00 FTE Inspector to this program. ADA staff will investigate and prosecute only cases involving sales and commercial transactions in controlled substances. ADA resources will not be used, and have never been used, in cases involving persons who use or possess for personal use controlled substances. Drug trafficking is a serious problem in this county as outlined in the problem statement in the grant application. Most of the dangerous substances sold go to juveniles

WATSONVILLE OFFICE

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19

Board of Supervisors
 April 9, 2002
 Page 2

and young adults. This is a critical situation which would need to be addressed by this department as part of its traditional function even in the absence of additional funding.

In addition to ADA cases, the .30 FTE attorney will also work non-ADA grant related drug cases. This 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. The County Administrative Officer has recently studied the cost of enforcement in cases of personal use and possession and submitted a report to your board. This report did not find that a reduction of funds expended in this area was possible or advisable. The non ADA funded portion of the second attorney will be incorporated into this program. Our strategy should increase the efficiency of our efforts to address the drug problem.

A copy of our grant application is on file for your review with the Clerk of the Board. We will continue to notify your Board of any changes in the fiscal year 2002-2003 Anti-Drug Abuse Enforcement grant application in accordance with applicable County procedures.

THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt a Resolution authorizing the District Attorney to reapply to the Office of Criminal Justice Planning for fiscal year 2002-2003 Anti-Drug Abuse Enforcement Program funding, and
2. Sign the attached Certification of Assurance of Compliance to be submitted to OCJP.

Sincerely,


 KATHRYN CANLIS
 DISTRICT ATTORNEY

COUNTY OF SANTA CRUZ

Approved:



 SUSAN A. MAURIELLO
 COUNTY ADMINISTRATIVE OFFICER

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.
On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted

RESOLUTION AUTHORIZING THE DISTRICT ATTORNEY TO APPLY FOR 2002-2003 FUNDING FOR THE ANTI-DRUG ABUSE ENFORCEMENT PROGRAM FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP)

WHEREAS, the Board of Supervisors of Santa Cruz County desires to undertake a certain project designated the Anti-Drug Abuse Program, to be funded in part from funds made available through the Anti-Drug Abuse Act of 1988 for the Federal Anti-Drug Abuse Enforcement Program administered by OCJP.

NOW, THEREFORE, THE BOARD OF SUPERVISORS RESOLVES AND ORDERS that the District Attorney of the County of Santa Cruz is authorized, on its behalf to submit an application for state funding for an Anti-Drug Abuse Enforcement Program to OCJP and is authorized to execute on behalf of the Board of Supervisors of Santa Cruz County a Grant Award Agreement, including any extensions or amendments thereof.

BE IT FURTHER RESOLVED AND ORDERED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body;

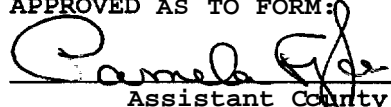
IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this ____ day of _____ 2002, by the following vote:

- VOTE :
- AYES:
- NOES :
- ABSENT :
- ABSTAIN:

Jan Beautz
CHAIRPERSON OF THE BOARD

ATTEST: _____
Clerk of Said Board

APPROVED AS TO FORM:


Assistant County Counsel

DISTRIBUTION: District Attorney
County Counsel
Auditor, CAO

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

PROJECT TITLE: ANTI-DRUG ABUSE ENFORMENT 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 A301), 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 11135-11139.5 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 0063 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 35.
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-to-day 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-to-day operations of the program.

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: Ajita Patel

Title: Equal Employment Opportunity Officer

Address: 701 ocean Street. Room 3 10, Santa Cmz, CA 95060

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 EEOP 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 that 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 timeframe for EEOP updates are 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

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 8355(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;
 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, and 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: 0066
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 finds 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 finds other than federal appropriated finds 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)**

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 67.510, 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.	
Authorized Official's Signature:	<u><i>Kathryn Canlis</i></u>
Authorized Official's Typed Name:	<u>Kathryn Canlis</u>
Authorized Official's Title:	<u>District Attorney</u>
Date Executed:	<u>April 11, 2002</u>
Federal ID Number:	<u>94-6000534</u>
Executed in the City/County of	<u>Santa Cruz</u>
City/County/CBO Financial Officer's or City Manager's Signature:	_____
City/County/CBO Financial Officer's or City Manager's Typed Name:	<u>Jan Beautz</u>
City/County/CBO Financial Officer's or City Manager's Title:	<u>Chairperson, Board of Supervisors</u>