



## TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council      **Date:** December 13, 2016

**From:** Marc Puckett, Assistant Town Manager      **Item No:** 14

Lana Tomlin, Police Chief  
Police Department

**Subject:** RECEIPT OF JAG GRANT FUNDS FOR FISCAL YEAR 2014-15 INTO  
THE PUBLIC SAFETY GRANT FUND FOR POLICE ACTIVITIES  
LEAGUE RELATED EXPENDITURES

**T.M. Approval:** \_\_\_\_\_      **Budgeted Item:**  Yes  No  N/A

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### **RECOMMENDED ACTION:**

1. Approve receipt of Justice Assistance Grant funding in the amount of \$14,692.00, and
2. Authorize the Town Manager to execute the Interlocal Agreement concerning distribution of the 2014 Justice Assistance Grant Award.

### **BACKGROUND:**

The Town has received several Justice Assistance Grants for Public Safety purposes over the last several years. Based upon the 2014 JAG Program Grant Awards, the Town is scheduled to receive grant funding in the amount of \$14,692.00.

Per the attached memorandum from Captain Lana Tomlin, all monies received through this grant shall be dedicated to the Apple Valley Police Activities League (AV PAL). Details of the expenditure plan for the grant funding are outlined within her memo. Based upon the detailed spending plan, the JAG Grant Funds will be dedicated to program expenditures for the AV PAL boxing gym operations.

As part of the boxing gym program, professional boxing trainers, certified by USA Boxing, train children from ages 10-18 in the physical, psychological, ethical and emotional aspects of boxing. The program's success is found in uniting physical fitness with the integrity of the sport and creating an atmosphere of trust and respect with the participants.

**ANALYSIS:**

The Justice Assistance Grant funds for Public Safety purposes have been allocated for operational expenditures for continuation of the boxing gym activities.

There are no local matching funds required for the JAG Grant Program.

**FISCAL REVIEW:**

The Fiscal Year 2014-2015 Adopted Budget estimated a JAG Grant Award of \$15,000.00. The \$14,692.00 JAG Grant funding received for 2014 is \$308 less than was estimated in the Adopted Budget.

**CONCLUSION:**

Approval by Town Council of receipt of the 2014 JAG Grant funding and authorization of the Town Manager to execute the Interlocal Agreement, will allow staff to continue the program activities for the boxing gym as outlined in the AV PAL spending plan.

**ATTACHMENTS:**

1. Memorandum from Lana Tomlin re. AV PAL spending plan
2. Interlocal Agreement concerning distribution of 2014 JAG Grant Award

# INTEROFFICE MEMO



**DATE** May 2, 2014  
**FROM** Lana Tomlin, Captain  
Apple Valley Station  
**TO** Frank Robinson, Town Manager  
Town of Apple Valley

PHONE 760-240-7400

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**SUBJECT** 2014 Justice Assistance Grant Program Expenditures

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The Apple Valley Police Department is scheduled to receive \$14,692.00 through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Federal Fiscal Year 2014. In order to comply with the Federal guidelines set forth under the terms of this grant and to ensure that grant revenues are utilized in the most practicable and effective manner, all monies received through this grant shall be dedicated to the Apple Valley Police Activities League (AVPAL).

I am submitting this memorandum to outline the expenditure plan for the 2014 JAG funding.

**Budget Narrative:**

Boxing Gym Operational Costs

- A. Rent-The Boxing Gymnasium is located at 22390 Eyota Road in Apple Valley. The monthly rent on the building is \$1,000.00 with an annual cost of \$12,000.00.
- B. Insurance-Insurance is purchased through Mestmaker Insurance & Associates to cover general liability, damages to rented property, and personal injury at an annual cost of \$1,000.00.
- C. Utilities-The utilities, including gas, electricity and water, required to operate the boxing gym is estimated at \$2,310.00 per annum, of which the remaining funds of \$1,692.00 will be dedicated.
- D. Other Expenditures-If the above outlined costs are reduced, suspended, or become unnecessary, funds will be redirected for program equipment and/or supplies.



County of San Bernardino  
 385 North Arrowhead Avenue  
 San Bernardino, CA 92401  
 Law and Justice Group

**SUB-AWARD  
 GRANT AGREEMENT**

Subrecipient Name and Address: Town of Apple Valley 14955 Dale Evans Parkway Apple Valley, CA 92307	Grant Award Number: <b>2014-DJBX-0716</b>
Subrecipient DUNS Number: 62-221-5218	Sub-award Grant Number: <b>2014-DJBX-0716-Apple Valley</b>
Title of Program: <b>FY2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT</b>	JAG Program Purpose Area: Purpose Area: 1 - Law Enforcement; 3 - Prevention, Education
Project Period: From: <b>10/1/2013</b> To: <b>09/30/2017</b>	CFDA Number: <b>16.738</b>
Summary Description of Project:	Amount of Sub-award: <b>\$14,692.00</b>

The Apple Valley Police Department will use JAG funds (\$14,692) toward the Apple Valley Police Activities League (AV PAL). Costs include monthly rent of \$1,000 for the boxing gymnasium for one year (\$12,000); insurance (\$1,000); utilities (\$1,692).

Special Conditions:  
 The above sub-award is approved subject to such conditions or limitations as set forth on the attached pages, which include the Sub-Award Continuation Sheets (pages 2-7) and the Subrecipient Monitoring Procedures for the County of San Bernardino Law and Justice Group (4 pages).

Approval	Subrecipient Acceptance
Typed Name and Title of Approving Official: Cyndi Fuzie, Chair San Bernardino County Law and Justice Group	Typed Name and Title of Authorized Subrecipient Official: Frank W. Robinson, Town Manager
<i>Cyndi Fuzie</i>	<i>Frank W. Robinson</i>
x Signature of Approving Official	x Signature of Approving Official
Date	Date <i>9/29/2014</i>



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**SPECIAL CONDITIONS**

1. The subrecipient 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 subrecipient 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 subrecipient 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, of 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.
4. Subrecipient 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 subrecipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, or 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  
Email: [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).
6. Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or sub-award to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The subrecipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the subrecipient is a high-risk grantee. CF.28 C.F.R. parts 66, 70.
8. The subrecipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The subrecipient also agrees to comply with applicable restrictions on sub-awards to first-tier subrecipients that do not acquire and provide a Data Universal numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System of Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



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*SPECIAL CONDITIONS*

9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and subrecipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The subrecipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available in the OJP Financial Guide Conference Cost Chapter.
11. The subrecipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The subrecipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The subrecipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The subrecipient understands and agrees that – (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The subrecipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The subrecipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any sub-awards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).
16. The subrecipient agrees to comply with applicable requirements to report first-tier sub-awards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Sub-award Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting sub-awards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



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*SPECIAL CONDITIONS*

17. The subrecipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R. Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
18. 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 jurisdictions, 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.
19. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.ojp.gov/gsp\\_grantcondition](http://www.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
20. The subrecipient 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 subrecipient also agrees to obligate the grant funds in the trust fund (including any interest earned) during the period of the grant and expend within 90 days thereafter. Any unobligated or unexpended funds, (including interest earned) must be returned to the Office of Justice programs at the time of closeout.
21. The subgrantee 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 subgrantee 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 subgrantees agrees to contact BJA. The subgrantee 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 subgrantee, 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.



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The subgrantee understands and agrees that complying with NEPA may require the preparing of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The subgrantee 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.

22. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
23. The subrecipient agrees to submit a signed certification that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for bulletproof vest purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
24. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
25. The subrecipient 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.
26. The subrecipient 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 subrecipient 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>.
27. The subgrantee 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 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).
28. The subrecipient acknowledges that all programs funded through sub-awards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.





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*SPECIAL CONDITIONS*

29. Sub-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.
30. Subgrantee 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. Subgrantee 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.
31. The recipient agrees to monitor sub-awards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any sub-award. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of sub-awards under this award.
32. The subrecipient 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.
33. Sub-Award recipients must submit quarterly a Federal Financial Report (SF 425) and annual performance reports through the JAG tracking and reporting system website at <http://www.sbcounty.gov/ljgroup/jagerant/>. This information will be submitted by the Recipient through the DOJ's GMS website at <https://grants.ojp.usdoj.gov>. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future high Risk designation.
34. Award subrecipients must verify Point of Contact (POC), Financial Point of Contract (FPOC), and Authorized Representative contact information in the County's JAG tracking and reporting system, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment must be submitted to document changes.
35. The subgrantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfi.org](http://www.ctfi.org)). This training addresses 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. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant subrecipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfi.org](http://www.ctfi.org)).



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*SPECIAL CONDITIONS*

36. No JAG funds may be expended on the purchase of unmanned aircraft, unmanned aircraft systems, or unmanned aerial vehicles (UA/UAS/UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Any state or local jurisdiction receiving BJA approval to utilize JAG funds for this type of purchase must certify to DOJ that it received Federal Aviation Administration (FAA) approval to operate a UA/UAS/UAV and that it is legal to operate a UA/UAS/UAV in the proposed jurisdiction or geographic area. The subrecipient must submit a statement on the goals and objectives for the use of a UA/UAS/UAV, the anticipated specific uses, and policy regarding privacy considerations. BJA may require additional reporting requirements that will be stipulated post-award.
37. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.
38. Subrecipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the signed Memorandum of Understanding (MOU) between the disparate jurisdictions and has issued a Grant Adjustment Notice (GAN) releasing this special condition.
39. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

# INTEROFFICE MEMO

**DATE** November 5, 2012 **PHONE** (909) 387-0683  
**FROM** Phyllis K. Morris, Chair  
Law and Justice Group Administration  
**TO** All Law and Justice Group Administration Staff



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**SUBJECT SUB-RECIPIENT MONITORING PROCEDURES**

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The Office of Management and Budget (OMB) Circular A-133 requires recipients of Federal grant awards to monitor the subrecipient's use of Federal funds. In ensuring our compliance with the requirements of the OMB Circular, Law and Justice Group staff must adhere to the attached subrecipient monitoring policies and procedures when subawards have been granted. Failure to comply with the OMB requirements may result in findings in the County's annual Single Audit Report.

For questions regarding the monitoring procedures, please contact your immediate supervisor or manager.



  
\_\_\_\_\_  
**Phyllis K. Morris, Chair**  
**Law and Justice Group**

Attachment

**Sub-Recipient Monitoring Procedures  
County of San Bernardino  
Law and Justice Group**

1853



County of San Bernardino

**Grant Award/Sub-Award Process:** When the Law and Justice Group (Recipient) has been notified that it has been awarded a grant, a Board Agenda Item to accept the grant will be prepared and submitted to the Board of Supervisors (BOS) for approval. Where there is a sub-award to be granted, a Sub-Award Agreement will be approved by the BOS and the Sub-Recipient. The appropriate officials will sign the Sub-Award documents. The Sub-Award Agreement will identify the Federal award information and applicable compliance requirements, including applicable special conditions for each Federal sub-award. The Sub-Award Agreement will include the Grant Award Number, Award Date, Catalog of Federal Domestic Assistance (CFDA) number, Project Title, Project Period, Award Amount, and all applicable Special Conditions for the Sub-Award. The Law and Justice Group's Sub-Recipient Monitoring Procedures will be included in the Sub-Award Agreement.

**Grant Revenue:** When notified that a grant award has been made, the Grant Coordinator requests a budget code for the grant award from the Auditor-Controller/Treasurer/Tax Collector (ATC), and submits appropriate budget documents for the Board of Supervisors approval. Once the budget is established, the Grant Coordinator requests a drawdown of grant funds and deposits the funds into the applicable special revenue fund. Time frames for the drawdown requests will be accomplished in accordance with award requirements specified by the awarding agency. The Grant Coordinator maintains a record of revenues requested and received and reconciles the account.


**Disbursement of Funds to Sub-Recipients:** When disbursing Sub-Award funds to Sub-Recipients, the Grant Coordinator will prepare the appropriate FAS payment document. The Payment Document is given to the Chair of the Law and Justice Group for review and approval. The ATC processes payments and disbursement of funds.

To notify subrecipients of the Federal award number, CFDA (Catalog of Federal Domestic Assistance) number, and the amount of Federal funds at the time of the disbursement of funds, the following steps will be followed:

- 1) The "Comments" 96-character field in FAS payment documents will be used to list the Federal award number, CDFA number, and the amount of Federal funds. The Basic FAS 2004 manual (2/19/04), page 69, states "Comments (optional-this info appears on the remittance advice)." Information entered into this field will appear on the remittance advice of manual warrants and in the notification email of EFT payments, satisfying the requirement for notifying recipients at time of disbursement.
- 2) A memo detailing the required Federal information will be included when mailing out the warrant if departments need to pick up the warrants from ATC-Accounts Payable using Will Call.
- 3) An email will be sent to subrecipients at the time of disbursement identifying the payment and detailing the required Federal information.

**Sub-Recipient Monitoring Requirement**

Sub-Awards will be monitored in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any sub-award. The recipient is responsible for oversight of sub-recipient spending and monitoring of specific outcomes and benefits attributable to use of funds by sub-recipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of sub-awards.

<p><b>Sub-Recipient Monitoring Procedures</b>  <b>County of San Bernardino</b>  <b>Law and Justice Group</b></p>	<p>1853</p>  <p>County of San Bernardino</p>
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**Sub-Recipient Monitoring Process**

On-site monitoring of grant funded projects may be conducted by the U.S. Department of Justice or County of San Bernardino. At that time, the identified sub-recipient agency will be required to provide documentation supporting expenditures, and/or a physical review of items funded through the grant may be requested.

To ensure full compliance with this legislative mandate, all grant related documentation to include timesheets, invoices, purchase orders, canceled checks, and contracts must be maintained in a location accessible to the person responsible for managing the sub-award, and the agency's chief executive.

If it is determined funds are not being used for approved purposes, or if proper documentation is not maintained, the amount in question must be returned to the U.S. Department of Justice. The sub-recipient agency may also be deemed ineligible for future federal funding.

**On-Site Monitoring**

The County of San Bernardino Law and Justice Group may conduct on-site monitoring. The monitoring will be based upon performance and reported expenditure of funds. The monitoring will be based upon performance, tracked through reports and regular correspondence. This method will ensure the sub-recipient in greatest need for assistance in managing their award is provided the necessary tools to be in full compliance with U.S. Department of Justice requirements.

If selected for monitoring, the sub-recipient will be notified at least 20 days prior to the monitoring. The staff person responsible for managing the sub-award, the staff person assigned to managing fiscal operations, the chief executive of the sub-recipient organization, and any other applicable persons directly involved in the oversight of grant funds will be asked to attend. Appropriate documentation will also be requested for review. During the monitoring, the following items will be reviewed and/or discussed: invoices, timesheets, canceled checks, equipment purchased, policies and procedures, financial status reports, performance reports and grant files.

If the sub-recipient is non-compliant with award requirements, the following actions will be taken: The County of San Bernardino will assist the sub-recipient with the resolution of identified issues, a recommendation to the U.S. Department of Justice for a federal monitoring of the sub-award will be made, future payments will be withheld until all issues are resolved, and closer oversight of the sub-recipient by San Bernardino County will be implemented."

**Project Accounting and Record Keeping:** Adequate control of funds received to ensure compliance with Federal and State regulations and sub grant conditions will be accomplished. Separate records are maintained for each project to avoid commingling of project funds with other funds.

**Obligation and Expenditure of Funds:** All Grant funds must be obligated by the termination date of the project. Grant funds legally obligated by the termination date must be expended within the time frame specified within the Grant Contract, Agreement or Sub-Award Agreement. Justice Assistance Grant (JAG) funds must be expended by the end of the project period.

**Reporting Requirements:** Submission of financial reports will be accomplished in accordance with the guidelines specified in the Grant Contract, Agreement or Sub-Award Agreement.

**Sub-Recipient Audits - OMB Circular A-133 Compliance**

Sub-Recipients are required to meet the audit requirements as provided in OMB Circular A-133. A single or program specific audit is required in any year that a government expends \$500,000 or more a year in federal awards. OMB A-133 requires audits to be completed and submitted to the clearinghouse no later than nine (9) months after the close of each fiscal year during the term of each grant award. As a condition of the sub-award agreement, the LNJ will require the sub-recipient submit a copy of the audit, including any corrective action plan within 30 days from the date submitted to the Federal Clearinghouse. The Grant Coordinator will review and ensure that the subrecipient audit reports are received and that all audit findings have been resolved. Failure of the subrecipient to have audits performed as required may result in the withholding of new discretionary awards and/or withholding of funds.

**Project Closeout:** The Grant Coordinator will schedule, monitor and ensure timely completion of all required closeout activities and final financial reports in conformance with the guidelines required by the awarding agency.



**Inventory Control:** Sub-Recipients will maintain an inventory of equipment purchased with grant funds and submit inventory records to the Grants Coordinator if requested. Records shall be retained for a period of three years from the date of the disposition or replacement or transfer at the discretion of the awarding agency. As equipment or other non-expendable property is purchased and received, it will be permanently marked, a property inventory record completed, and the property inventory record will be made part of the permanent sub-grant file. Disposition of equipment will be done in accordance with the awarding agency's guidelines.

**Retention Period:** Project records must be maintained for the required period after the awarding agency determines that the grantee has met all the project requirements and the project has been accepted for closeout. Records will be maintained for a minimum of three years. The three-year retention period starts from the date of the submission of the closure of the single audit report which covers the grant period and lasts until completion of any disputes arising prior to the expiration of the three year period, whichever is later.

APPROVED BY:

  
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 Phyllis K. Morris, Chair  
 Law and Justice Group