



**District Attorney
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
CONNIE CONWAY
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: March 17, 2009

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: William Yoshimoto PHONE: (559) 733-6411

SUBJECT: Acceptance of grant funding from the State of California, Emergency Management Agency (CalEMA) for Homeland Security Grant Program.

REQUEST(S):
That the Board of Supervisors:

1. Authorize acceptance of grant funding from the State of California, Emergency Management Agency (CalEMA), Homeland Security, in the amount of \$225,500 for Fiscal Year 2008/2009.
2. Ratify and approve the Grant Award, and District Attorney Phil Cline's signature on behalf of the Chairman, retroactive to February 19, 2009 through December 31, 2009.
3. Find that the Board had authority to enter into the proposed agreement as of February 19, 2009 and that it was in the County's best interest to enter into the agreement on that date.
4. Find that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.
5. Approve the necessary budget adjustments per the attached AUD 308 (4/5th vote required).

SUMMARY:
The State of California, Emergency Management Agency (CalEMA) has selected the County of Tulare, District Attorney's Office for funding through the Homeland

SUBJECT: Acceptance of grant funding from the State of California, Emergency Management Agency (CalEMA) for the Homeland Security Grant Program.

DATE: March 17, 2009

Security Grant Program, from February 19, 2009 through December 31, 2009.

The project will support the State priority of addressing Interoperable Communications. The proposed homeland security project, which builds upon the existing ACTION Project, includes strong regional and state-wide coordination and planning, as well as components for equipment, information systems services, criminal intelligence analysis, and training.

A key part of the defense of California is the ACTION Project's integrated agricultural crime data base. It is the only database of its type in the nation, and has served as the national model for the prevention, apprehension, and prosecution of agricultural crime since 2002. The system includes information related to agricultural crime occurring within the thirteen counties of the California Central Valley and Central Coastal Rural Crime Task Force. This database system allows the thirteen partnership counties to share crime loss and recovery information in "real time" over the Internet, and continues to demonstrate the effectiveness and efficiency of a coordinated regional approach in the fight against crime. This project will improve the sharing of information across all levels of government and among jurisdictions.

The ACTION project has successfully addressed the challenges associated with prevention and preparedness, such as the immensity of agriculture and the physical attributes of farms and ranches. The proposed enhancements, which will include Homeland Security components, will make this database system even more valuable and unique. This will include components addressing chemicals, improvised explosive devices, and other potential terrorist threats. The Information Services component will include revising, updating, and expanding the database. Crime pattern analysis will be conducted and trends in activity will be identified, specifically those which may indicate potential terrorist threats.

In addition to regional and state-wide coordination and planning, the project will include information systems services, computer equipment, criminal intelligence analysis services, and training.

FISCAL IMPACT/FINANCING:

The total cost of the program is \$225,500 from February 19, 2009 through December 31, 2009. The AUD 308 is recognizing the \$225,500 grant allocation, with no net County cost.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year Strategic Business Plan and Management System include Safety and Security initiatives to provide for the safety and security of the public.

SUBJECT: Acceptance of grant funding from the State of California, Emergency Management Agency (CalEMA) for the Homeland Security Grant Program.

DATE: March 17, 2009

The authorization to accept grant funding from the State of California, Emergency Management Agency (CalEMA) for Homeland Security Grant Program helps to fulfill this initiative.

ALTERNATIVES:

The Board could choose not to adopt the Resolution. This alternative is not recommended because the Board has consistently supported developing countywide responses to all types of crime. In addition, without grant funding, the Department will not be able to implement the proposal.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Auditor's Office to process budget adjustments.

ADMINISTRATIVE SIGN-OFF:

Don H. Gallian

Assistant District Attorney

Cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s):

Attachment 1: Notice of Grant Award

Attachment 2: Grant Application, Budget, and Face Sheet

Attachment 3: AUD 308

Attachment 4: Grant Management Statement

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF ACCEPTANCE)
OF GRANT FUNDING FROM THE)
STATE OF CALIFORNIA, EMERGENCY)
MANAGEMENT AGENCY (CALEMA))
FOR THE HOMELAND SECURITY)
GRANT PROGRAM.)

RESOLUTION NO. _____

AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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Tulare County Administrative Office Grant Management Statement

Department: District Attorney	
Grant Project Title and Description:	
The State of California, Emergency Management Agency (CalEMA) has selected the County of Tulare, District Attorney's Office for funding through the Homeland Security Grant Program. The project will support the State priority of addressing Interoperable Communications. The proposed homeland security project, which builds upon the existing ACTION Project, includes strong regional and state-wide coordination and planning, as well as components for equipment, information systems services, criminal intelligence analysis, and training.	
Funding Agency:	Program: (Fed. Grant #/State Bill or Code #) Grant Acceptance Deadline:
State of California Emergency Management Agency (CalEMA)	Homeland Security Grant Program.
Total Amount of Grant Funding: \$225,500	County Match: 0
Grant Period: February 18 to December 31, 2009	Begin Date: February 18, 2009 (est.) End Date: December 31, 2009 (est.)
Number of Personnel Hired Under This Grant: 0	Full Time: 0 Part Time: 0
Obligations Imposed on the County When the Grant Expires	
Will all personnel hired for this program be informed this is a grant-funded program?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Will all personnel hired for this program be placed on temporary ("N") items?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the County obligated to continue this program after the grant expires?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If the County is not obligated to continue this program after the grant expires, the Department will:	
a.) Absorb the program cost without reducing other services	Yes <input type="checkbox"/> No <input type="checkbox"/>
b.) Identify other revenue sources (describe below)	Yes <input type="checkbox"/> No <input type="checkbox"/>
c.) Eliminate or reduce, as appropriate, positions/program costs funded by the grant.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Impact of additional personnel on existing space:	
Other requirements not mentioned above:	
Department Head Signature:	<i>Don W. Sullivan</i> Date: 3/5/09

RECEIVED

FEB 23 2009

TULARE COUNTY
DISTRICT ATTORNEY



CALIFORNIA EMERGENCY MANAGEMENT AGENCY

February 11, 2009

Mr. Phillip Cline
District Attorney
Office of the Tulare County District Attorney
221 South Mooney Blvd.
Visalia, CA 93291

Dear Mr. Cline:

SUBJECT: NOTIFICATION OF SUBGRANTEE APPLICATION APPROVAL
U.S. Department of Homeland Security
FY 2007 Homeland Security Grant Program (HSGP)
Grant #2007-0008, OES ID# 107-95003
Subgrant Performance Period: February 18, 2009 to December 31, 2009

The California Emergency Management Agency (CalEMA) has approved your FY 07 Homeland Security Grant Program (HSGP) application in the amount of \$225,500. As of the date of this letter, Tulare County's District Attorney may request reimbursement or advance of eligible grant expenditures using the CalEMA financial management forms workbook available at WWW.OHS.CA.GOV.

During the grant application review process, a CalEMA representative has reviewed and approved your FY 07 HSGP application for State Agency funds. As a result of this review, your funded projects were not assigned performance milestones. Performance milestones will be used by CalEMA to both determine the appropriate date to disencumber funds awarded under this grant and re-direct them to other needs across the State and as indicators of performance and grant management capacity in future competitive grant applications.

Project:

A ACTION PROJECT & DATABASE LE \$225,500

Additionally, Aviation/Watercraft requests, Establish/Enhance Emergency Operations Center (EOC) upgrades and sole source procurement requests will require additional approvals from OHS. Please request and obtain approval for these activities **prior** to incurring any costs, to be reimbursed under this grant, related to these activities.

FY 08 Homeland Security Grant Program Application Cover Sheet

Applicant Name: County of Tulare, District Attorney's Office
 FIPS Number: 107-95003
 Today's Date: February 6, 2009
 Grant ID #: 2007-0008

Program	Amount Requested
State Homeland Security Grant Program (SHSGP)	\$ 225,500

For State Use Only

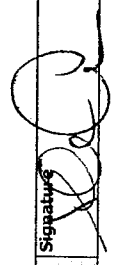
Application Approved By: _____
 Grant Performance Period: _____
 FIPS Number: _____
 Grant Number: _____
 Date: _____

Position	Signature	Printed Name	Title	Designee Y/N	Phone	Email
County Public Health Officer						
County Fire Chief						
Municipal Fire Chief						
County Sheriff						
Chief of Police						

Authorized Agent's Name	Title	Mailing Address	City	State	ZIP	Phone	Email
Phillip J. Cline	District Attorney	221 South Mooney Blvd.	Visalia	CA	93291	(559) 733-6411	PCline@co.tulare.ca.us
Barbara Greaver	Supervising Attorney	701 West Center Street	Visalia	CA	93291	(559) 624-1054	BGreaver@co.tulare.ca.us

State of Certification-Approval Authority Body - SHSGP only
 By signing below, I hereby certify that the Operational Area's application represents the Approval Authority's consensus on the Operational Area's FY 2008 Homeland Security Grant Program needs for the State Homeland Security Grant Program.

State of Certification - County Authorized Agent - By signing below, I hereby certify I am the duly appointed Authorized Agent and have the authority to apply for this Grant Program and the Operational Area's application represents the needs for this Grant Program.

Printed Name	Signature	Date	Title	Phone	Email
Phillip J. Cline		February 6, 2009	Tulare County, District Attorney	(559) 733-6411	PCline@co.tulare.ca.us

**Governor's Office of Homeland Security
Supporting Information for
Reimbursement/Advance of State and
Federal Funds**

FMFW V1.08

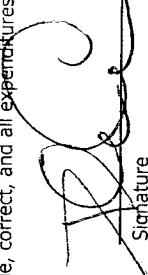
Applicant: County of Tulare, District Attorney's Office
FIPS Number: 107-95003
Date: February 6, 2009
Grant ID #: 2007-0008

This request is for an/a: Initial Application

This claim is for costs incurred within the grant expenditure period from _____ through _____ and does not cross fiscal years.

Under Penalty of Perjury I certify that:

I am the duly authorized officer of the claimant herein. This claim is true, correct, and all expenditures were made in accordance with applicable laws, rules, regulations and grant conditions and assurances.

Phillip J. Cline _____ February 6, 2009
Printed Name Date
 _____
Signature

Mail workbooks to:

Governor's Office of Homeland Security
Grants Management Division
State Capitol
Sacramento, CA 95814

Statement of Certification - Authorized Agent

By signing below, I hereby certify that I am the duly appointed Authorized Agent and have the authority to apply for the Homeland Security, Transit Security, Non-Profit Security Grant Program, PROP 1B, Urban Area Security Initiative, and the Operational Area's application represents the needs for the State Homeland Security Program.

 _____ February 6, 2009
Signature of Authorized Agent Date

County of Tulare, District Attorney
Title

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APPROVAL AUTHORITY BODY (MEMBER INFORMATION)

Name: Phillip J. Cline

Title: District Attorney, County of Tulare

Discipline Represented: _____

Mailing Address: 221 South Mooney Blvd.
Room 224
Visalia, CA 93291

Office Phone Number: (559) 733-6411

Cell Phone Number: _____

Fax Number: (559) 730-2658

E-Mail Address: PCline@co.tulare.ca.us

Signature Authority

(For State Organizations)

AS THE District Attorney
(Secretary/Director / President / Chancellor)

OF THE County of Tulare, California
(Name of State Organization)

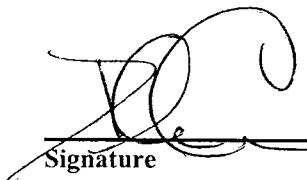
I hereby authorize the following individual(s) to execute for and on behalf of the named state organization, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the Governor's Office of Homeland Security.

Bill Yoshimoto, Assistant District Attorney, OR
(Name or Title of Authorized Agent)

Patricia Woody, Financial Officer, OR
(Name or Title of Authorized Agent)

Barbara Greaver, Supervising Attorney / Project Director,
(Name or Title of Authorized Agent)

Signed and approved this 5th day of February, 2009



Signature

Phillip J. Cline
District Attorney, County of Tulare

HOMELAND SECURITY GRANT PROGRAM – FY 2008/09
The ACTION Project
Office of the Tulare County District Attorney

The County of Tulare, District Attorney's Office proposes a resource sharing partnership for the protection of California, and is seeking funding through the Homeland Security Grant Program to establish and expand this partnership.

The proposed project includes strong regional and state-wide coordination and planning, as well as components for equipment, information systems services, and criminal intelligence analysis. Based on projected needs, we are requesting a grant of \$225,500 for the first year of operation.

Alignment to Priorities

The proposed project will support the State priority of addressing Interoperable Communications. The project will also be aligned with the National Preparedness Guidelines and National Priorities, and will address the three established priorities:

1. Measuring progress in achieving the National Preparedness Guidelines:

Specific capability-based outcomes will be established. These will include both quantitative and qualitative measures necessary to demonstrate achievement with regard to IED deterrence, prevention, and protection, as well as preparedness planning. Outcomes will support capability development and strategic, operational, and tactical-level planning.

2. Strengthening improvised explosive device (IED) attack deterrence, prevention, and protection capabilities: This will include a more proactive approach to reducing the threat of a terrorist explosive attack. Multi-jurisdictional planning will ensure coordinated preventive and protective actions.

3. Strengthening preparedness planning and citizen preparedness capabilities:

A comprehensive regional planning process will seek to enhance emergency management capabilities through strengthened national, state, and regional relationships, as well as the allocation of resources toward preparedness planning. The plan will cover prevention, protection, and response activities for specific scenarios. Specific activities will be implemented with regard to:

- **Building regional planning processes and planning communities:** This will include establishing processes for planning, preparedness, data exchange, and operational resources and asset management among regional planning partners.
- **Linking operational needs identified in plans to resource allocation:** This will institutionalize a capabilities-based planning process that defines, documents, analyzes, adjusts, and approves capability requirements that drive resource allocation.

Database

Since 2002, the ACTION Project has become a repository of agricultural crime information and expertise for law enforcement agencies throughout California and the nation. The counties of Tulare, Fresno, Kern, Kings, Madera, Merced, Stanislaus, Monterey, San Luis Obispo, Santa Cruz, San Benito, San Joaquin, and Santa Barbara comprise the heartland of California agriculture. Defense of the agricultural infrastructure against criminals and terrorists is the essential mission of the Agricultural Crime Technology Information Operations Network (ACTION) Project. The Federal Department of Justice funded the initial phases of the ACTION Project.

A key part of the defense of California is the ACTION Project's integrated agricultural crime data base. The system includes information related to agricultural crime occurring within the thirteen counties of the California Central Valley and Central Coastal Rural Crime Task Force. This database system allows the thirteen partnership counties to share crime loss and recovery information in "real time" over the Internet.

Highlights of this integrated information system include the ability to:

- Perform crime analysis over an thirteen county region;
- Extract information from the database to identify cases with similar characteristics -- including specific modus operandi (MO) -- filter and sort cases that best match the criteria identified, and generate weighted lists.
- Search for information using word association, wild card, and eight other basic search features;
- Scan photos and create maps;
- Provide statistical baseline data for agricultural crime in each county, as well as the entire region; and
- Expand the database to become an informational hub for California, as other counties participate and the ACTION Project grows.

The database contains information on all types of agricultural related crime. Of particular interest is the theft of chemicals, fuel, and farm equipment that can be used in the development of weapons of mass destruction or as a means of manufacturing explosive devices. As demonstrated in the Oklahoma City bombing incident, the combination of common agricultural fertilizer and diesel fuel, the theft of which are tracked by the ACTION Project, can easily be used to manufacture a IEDs. Equipment that can easily disperse chemicals is also tracked. These aspects of the database are valuable in reducing the threat of a terrorist explosive attack.

A first generation specialized agricultural chemical database, which is a subset of the main database, has been developed. Initial planning has been conducted with regard to the next generation of the database, which will include expansion and improvements. These will include components and capabilities to address homeland security issues. The additional funding would allow for the design and implementation phases of this project.

The importance of cataloging trespass incidents and agricultural theft has dramatically increased, as pre-attack surveillance and planning are hallmarks of terrorists. This data can be extracted and combined with Geographic Information System (GIS) technology to aid in information analysis and project a variety of scenarios. The economic impact of an agricultural-based terrorist attack would be devastating, not just to the State of California, but also to other areas where our agricultural products are consumed.

Our password protected database system is Web-based, which ensures that it is easily accessible for participating counties. The system could be expanded to include connectivity for the Office of Homeland Security/Emergency Services (OHS/OES) and is readily available, as the database is currently accessible to OES staff in the Rural Crime program.

We propose a resource sharing partnership for the protection of California, which will include OHS contracting with ACTION for the operation of this comprehensive database. Additionally, ACTION will provide full access, support, and analysis to OHS.

Proposed Project

The proposed project will include the implementation of strategies to address identified planning, organization, training, and equipment needs for acts of terrorism and other catastrophic events. This will include the identification, prevention, monitoring, and reporting of terrorist and criminal activities, with emphasis on law enforcement terrorism prevention-oriented activities. We will consider the potential risk of terrorism to people, critical infrastructure, and economic security to estimate the relative risk of terrorism faced. The project will include strong regional and state-wide coordination and planning, as well as components for equipment, information systems services, and criminal intelligence analysis. Funds will be used for planning, organization, equipment, training, and contracted services.

Thirteen counties in the State of California are currently involved in the ACTION Project. Participants from each county include, at a minimum, the District Attorney's Office, Sheriff's Department, and Agricultural Commissioner.

The ACTION Project is currently headquartered in Tulare County. As this location in central California is already established with regard to agricultural crimes, it would be relatively easy to expand operations to include the Homeland Security components described in this proposal. The location would then be able to serve as a hub of information related to agricultural crimes/agro-terrorism, weapons of mass destruction, and other types of terrorism. This center for multi-source data would serve the State, as well as participating counties. Additionally, information could be transmitted to fusion centers. This would improve the sharing of information across all levels of government and among jurisdictions.

The current ACTION database, which focuses on agricultural crime, is the only one of its type in the nation. Since 2002, it has served as the national model for the prevention, apprehension, and prosecution of agricultural crime. In 2005, the State of Florida, Office of Agricultural Law Enforcement, entered into an agreement with the ACTION Project to develop a similar project on the east coast. ACTION Project staff have also worked with the U.S. Attorney and Governor's Office of Homeland Security in New Mexico to potentially start a similar program in that state. Initial discussions have also taken place between ACTION staff and officials from the State of Arizona.

The proposed enhancements will make this database management system even more valuable and unique. Implementation of the expanded system throughout the State of California would also allow the proposed homeland security project to serve as a model that could be replicated in other states.

Information Technology Services and Equipment:

The Information Services component will include a contract for technology services. The scope of services provided through this contract will include routine network administration, security, and operations; oversight of the agricultural crime database system; revising, updating, and expanding the database; creation of queries and reports; and operating and updating the Web site, <http://www.agcrime.net>.

Services will also include installing equipment, such as servers and associated software, and providing technology recommendations necessary to enhance the ACTION Project. Minimal updates have been incorporated into the existing system over the past five years. Due to advances in technology, major revisions to the system, as well as enhancements, are required to keep the Agricultural Crime Database viable and to expand it to meet the needs of the Homeland Security Program. The application will be

rewritten in version 3.5 of Microsoft's ASP.net (2008 version). A re-write would enable a good portion of the original data structure and information to be saved and included in new programming.

Criminal Intelligence Analysis and Reporting:

The Analysis and Reporting component will include a contract for intelligence/crime analysis services. The scope of services provided through this contract will include collecting, compiling, analyzing, and summarizing various data components, as well as generating and disseminating reports. Additionally, this will include receiving and responding to information requests. Crime pattern analysis will be conducted and trends in activity will be identified, specifically those which may indicate potential terrorist threats.

Services will also include making recommendations regarding the effective allocation and deployment of law enforcement resources, including personnel and equipment, as related to agricultural crimes and terrorism. This will include assisting in the deployment of surveillance equipment.

Training:

Personnel associated with this project will attend a variety of approved training courses to gain the additional knowledge and skills necessary to ensure project success. Knowledge gained from this training will be passed on to other personnel, as well as the other counties that participate in the ACTION Project. Training topics will include the following:

- Foundations of Intelligence Training
- Intelligence Awareness for Law Enforcement Executives
- Anti-Terrorism Intelligence Awareness
- Law Enforcement Response to Terrorism
- Preparing Communities for Agroterrorism
- Explosive Recognition First Responder
- Terrorism Liaison Officer

Regional Planning and Coordination:

Regional and state-wide meetings and collaborative working groups will bring together agriculture industry officials, food processors, law enforcement, public safety, researchers, policy makers, government agencies, and farmers/ranchers.

Existing ACTION Project staff will work with contractors/consultants and subject matter experts to gain additional knowledge to better develop various components of the project and produce deliverables that meet project needs. For example, the Tulare County District Attorney's Office will dedicate an Investigator to work with subject matter experts on areas such as agroterrorism and IEDs. This information will be shared at regional meetings and working groups, and feedback will be sought for use in planning and implementation.

Working group topics of discussion will include preparedness planning and coordination; agro-terrorism issues for responders, local police departments, and policy makers in the agricultural infrastructure; and IED deterrence, prevention, and protection components. Emphasis will be placed on identifying IEDs constructed from agricultural materials.

The Information Technology Consultant will work with existing ACTION staff to develop user manuals, presentations, and other materials for working groups, which will include representatives from the other counties participating in the ACTION project. These materials and presentations will focus on the ACTION database, in terms of components, usage, and technical capabilities. Information will include topics such as operation, monitoring, and reporting.

The Intelligence/Crime Analyst will work with existing ACTION staff to develop and conduct presentations to schools, service clubs, and farm bureaus, as well as public information sessions through television community access programs. Articles will be published that profile the ACTION Project in various periodicals directed at the agricultural industry and law enforcement, as well as general circulation. Educational materials will be created for farmers, ranchers, farm equipment dealers, and law enforcement agencies regarding prevention and detection tools. The materials developed will also include analysis and reporting working aids for the other counties participating in the ACTION Project.

Conclusion

The ACTION Project currently serves as the national model for projects of its type. The project has successfully addressed the challenges associated with prevention and preparedness, such as the immensity of agriculture and the physical attributes of farms and ranches. It has become the primary national resource for agricultural crime information, and it continues to demonstrate the effectiveness and efficiency of a coordinated regional approach in the fight against crime.

The proposed homeland security project, which builds upon the existing ACTION Project, includes strong regional and state-wide coordination and could be replicated in other states. The project will focus on various types of terrorism, including the use of IEDs. At least three of the established federal grant priorities will be addressed.

Office of Homeland Security

Grant Assurances

(All Applicants)

Name of Applicant: County of Tulare, District Attorney's Office

Address: 221 South Mooney Blvd., Room 224

City: Visalia State: CA Zip Code: 93291

Telephone Number: (559) 733-6411

Fax Number: (559) 730-2658

E-Mail Address: PCLine@co.tulare.ca.us

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for federal assistance, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the federal Department of Homeland Security and sub-granted through the State of California.
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs
3. Will give the federal government, the General Accounting Office, the Comptroller General of the United States, the State of California, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives.
4. Will provide progress reports and such other information as may be required by the awarding agency.
5. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.

7. Will comply, if applicable, with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps;
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - g. §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
 - j. Title 28, CFR, Part 35;
 - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
 - l. The requirements on any other nondiscrimination statute(s) which may apply to the application.
8. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601 et seq. (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of federal participation in purchases.
9. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

10. Will comply with environmental standards which may be prescribed pursuant to the following:
 - a. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - b. notification of violating facilities pursuant to EO 11738;
 - c. protection of wetlands pursuant to EO 11990;
 - d. evaluation of flood hazards in floodplains in accordance with EO 11988;
 - e. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - f. conformity of federal actions to State (Clean Air) Implementation Plans under Section FY06 Homeland Security Grant Program Page 45 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
 - g. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - h. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
 - i. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Section 15000-15007.

11. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

12. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).

13. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.

14. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the applicant's application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by the federal or state government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

- c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per federal fiscal year.
15. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
16. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
17. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
18. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance. FY06 Homeland Security Grant Program Page 46
19. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
20. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub-agreements.
21. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."
22. Agrees that:
 - a. No federal 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 other funds 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 an employee of Congress, or an employee of a Member of Congress in connection with the 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 sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall certify and disclose accordingly.
 - d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
23. Agrees that equipment acquired or obtained with grant funds:
- a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant.
 - b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy.
 - c. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
24. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.
25. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-87, A102, A-110, A-122, and A-133, E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements contained in Title 28, Code of Federal Regulations, Part 66 or 70, that govern the application, acceptance and use of Federal funds for this federally-assisted project.
26. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, orders, circulars, or regulations.
27. Will comply with provisions of 28 CFR applicable to grants and cooperative agreements, Including:
- a. Part 18, Administrative Review Procedures;
 - b. Part 20, Criminal Justice Information Systems;

- c. Part 22, Confidentiality of Identifiable Research and Statistical Information;
 - d. Part 23, Criminal Intelligence Systems Operating Policies;
 - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
 - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
 - g. Part 38, Equal Treatment of Faith-based Organizations;
 - h. Part 63, Floodplain Management and Wetland Protection Procedures;
 - i. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures;
 - j. Part 61, Procedures for Implementing the National Environmental Policy Act;
 - k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
 - l. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
 - m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement)
 - n. Part 69, New Restrictions on Lobbying
 - o. Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations.
 - p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants)
28. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
29. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
30. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds or race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
31. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
32. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
33. Will comply, if applicable, with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

34. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
35. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.
36. 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
 - A. 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 in paragraph (1)(b) of this certification; and (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; and
 - B. 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.
37. As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620
 - A. The applicant certifies that it will or will continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

- (b) Establishing an on-going drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) 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 calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

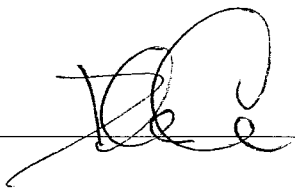
Department of Justice, Office of Justice Programs,
ATTN: Control Desk,
633 Indiana Avenue, N.W., Washington, D.C. 20531.

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 under subparagraph (d)(2), with respect to any employee who is so convicted
 - (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; or
 - (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 paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent:  _____

Printed Name of Authorized Agent: Phillip J. Cline

Title: District Attorney,
County of Tulare Date: 02/05/09