



**District Attorney
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: July 12, 2011

Public Hearing Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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 type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

CONTACT PERSON: Robert Dempsie PHONE: 636-5386

SUBJECT: Authorize and approve a grant application.

REQUEST(S):

That the Board of Supervisors:

1. Approve the submission of a grant application for an amount not to exceed \$296,000 from California Emergency Management Agency to provide continuing funding for the Violence Against Women Vertical Prosecution Program, from July 1, 2011 through June 30, 2012.
2. Approve the Chairman's signature on two copies of the application's Grant Award Face Sheet and two copies of the Certification of Assurance of Compliance.
3. Authorize the County Administrative Officer or his designee to sign said Certification of Assurance of Compliance.
4. Find that the Board had authority to submit the application on June 29, 2011 and that it was in the County's best interest to submit the application as of that date.

SUMMARY:

The California Emergency Management Agency (CalEMA) issued a Request for Application for the Violence Against Women, Vertical Prosecution program for the fiscal year 2011/2012. In accordance with the purposes of the Violence Against Women Act, these funds will be used to improve the criminal justice system's response to violent crimes against women

SUBJECT: Authorize and approve a grant application.
DATE: July 12, 2011

The Tulare County District Attorney's Office has received this grant for several years.

The purpose of the Violence Against Women, Vertical Prosecution Program is to devote specific prosecutors, investigators, and victim advocates to the prosecution of perpetrators of violence against women and to reduce the emotional trauma of those victims through a team approach.

This project will address all crimes that involve violence against women, including domestic violence, sexual assault, and stalking, throughout Tulare County. The Program staff will handle all serious violent crimes against women, specifically felony cases involving serious injury to the victim, use of a deadly weapon and defendants who have prior convictions for domestic violence or two or more strikes on their record. The vertical prosecution method allows the same prosecutor who initially reviewed the case to handle the case through all stages of prosecution.

The Violence Against Women, Vertical Prosecution grant funds one Deputy District Attorney, one DA Investigator, and one Victim Witness Worker in the District Attorney's Office.

The grant period is July 1, 2011 through June 30, 2012. As the application for continued funding was submitted on June 29, 2011, we are requesting that the Board ratify and approve the submission of the grant application, as well as the Chairman's signature on the Grant Award Face Sheet agreement and the Certification of Assurance of Compliance. The Grant Award Face Sheet is countersigned and becomes the grant agreement if the application is awarded and signed by CalEMA.

FISCAL IMPACT/FINANCING:

The total program budget is \$296,000, of which \$222,000 is grant funds and \$74,000 is matching funds. The funds will be included in the District Attorney's FY 11/12 budget. There will be 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. Continued grant funding from CalEMA helps to fulfill this initiative. The Violence Against Women Vertical Prosecution Program helps fulfill this initiative by funding positions dedicated to the prosecution of perpetrators of violence against women, and reducing the emotional trauma of the victims.

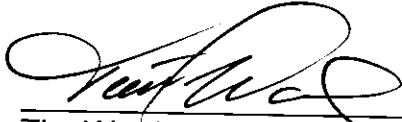
SUBJECT: Authorize and approve a grant application.
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ALTERNATIVES:

N/A

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

ADMINISTRATIVE SIGN-OFF:

A handwritten signature in black ink, appearing to read 'Tim Ward', is written over a horizontal line.

Tim Ward
Assistant District Attorney

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

Attachment(s)

Attachment 1: Grant Award Face Sheet/Agreement
Attachment 2: Certification of Assurance of Compliance

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

IN THE MATTER OF AUTHORIZE
AND APPROVE A GRANT
APPLICATION

)
)
)

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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Cal EMA # _____ FIPS# _____ CFDA# _____ Grant # _____

CALIFORNIA EMERGENCY MANAGEMENT AGENCY GRANT AWARD FACE SHEET (Cal EMA 2-101)

The California Emergency Management Agency, hereafter designated Cal EMA, hereby makes a Grant Award of funds to the following:

1. **Grant Recipient:** Tulare County
in the amount and for the purpose and duration set forth in this Grant Award.
2. **Implementing Agency:** District Attorney **2a. Congressional District:** 21
- 2b. State Senate District#:** 18 **2c. State Assembly District#:** 34
- 2d. Location of Project:** County of Tulare **2e. Congressional District(s):** 21
- 3. Disaster/Program Title** Violence Against Women Vertical Prosecution **4. Performance Period** 07/01/2011 to 06/30/2012

Grant Year	Fund Source	A. State	B. Federal	C. Total	D. Cash Match	E. In-Kind Match	F. Total Match	G. Total Project Cost
2011	5. VAWA		222,000		74,000		\$74,000	\$296,000
Select	6. Select						\$0	\$0
Select	7. Select						\$0	\$0
Select	8. Select						\$0	\$0
Select	9. Select						\$0	\$0
	10. TOTALS	\$0	\$222,000	\$222,000	\$74,000	\$0	\$74,000	100. Total Project Cost: \$296,000

11. This Grant Award consists of this title page, the application for the grant, which is attached and made a part hereof, and the Assurances/Certifications which are being submitted. I hereby certify I am vested with the authority to enter into this Grant Award Agreement, and have the approval of the City/County Financial Officer, City Manager, County Administrator, Governing Board Chair, or Approving Body. The Grant Recipient certifies that all funds received pursuant to this agreement will be spent exclusively on the purposes specified in the Grant Award. The Grant Recipient signifies acceptance of this Grant Award and agrees to administer the grant project in accordance with the Grant Award as well as all applicable state and federal laws, audit requirements, federal program guidelines, and Cal EMA policy and program guidance. The Grant Recipient further agrees that the allocation of funds may be contingent on the enactment of the State Budget.

12. Federal DUNS Number 07-186-1884 13. Federal Employer ID Number 94-6000-545
14. **Official Authorized to Sign for Applicant/Grant Recipient:**
Name: Mike Ennis Title: Chairman of the Board of Supervisors
Telephone: (559) 636-5000 FAX: (559) 733-6898 Email: grants@co.tulare.ca.us
(area code) (area code)
Payment Mailing Address: 221 S. Mooney Blvd. Rm 224 City: Visalia Zip + 4: 93291-4593
Signature _____ Date: _____

[FOR Cal EMA USE ONLY]

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

Cal EMA Fiscal Officer _____ Date _____ Cal EMA Secretary(or designee) _____ Date _____

CERTIFICATION OF ASSURANCE OF COMPLIANCE
With Statutory Requirements of the Violence Against Women Act (VAWA) As Amended,
Services*Training*Officers*Prosecutors (STOP) Formula Grant Program

The applicant must complete a Certification of Assurance of Compliance-VAWA (Cal EMA 2-104g), which includes details regarding Federal Grant Funds, Equal Employment Opportunity Program (EEO), Drug Free Workplace Compliance, California Environmental Quality Act, Lobbying, Debarment and Suspension requirements, Proof of Authority from City Council/Governing Board and the statutory requirements of the VAWA S*T*O*P Formula Grant Program. The applicant is required to submit the necessary assurances and documentation before finalization of the Grant Award Agreement. In signing the Grant Award Face Sheet, the applicant formally notifies Cal EMA that the applicant will comply with all pertinent requirements.

Resolutions are no longer required as submission documents. Cal EMA has incorporated the resolution into the Certification of Assurance of Compliance, Section VI, entitled, "Proof of Authority from City Council/Governing Board." The Applicant is required to obtain written authorization (original signature) from the City Council/Governing board that the official executing the agreement is, in fact, authorized to do so, and will maintain said written authorization on file and readily available upon demand. This requirement does not apply to state agencies.

CERTIFICATION OF ASSURANCE OF COMPLIANCE
With Statutory Requirements of the Violence Against Women Act (VAWA) As Amended,
Services*Training*Officers*Prosecutors (STOP) Formula Grant Program

I, Mike Ennis hereby certify that
(official authorized to sign grant award; same person as Section 14 on Grant Award Face Sheet)

RECIPIENT: County of Tulare
IMPLEMENTING AGENCY: District Attorney's Office
PROJECT TITLE: Violence Against Women - Vertical Prosecution

is responsible for reviewing the *Grant Recipient Handbook* and adhering to all of the Grant Award Agreement requirements (state and/or federal) as directed by Cal EMA including, but not limited to, the following areas:

I. Federal Grant Funds

Recipients expending \$500,000 or more in federal grant funds annually are required to secure an audit pursuant to OMB Circular A-133 and are allowed to utilize federal grant funds to budget for the audit costs. See Section 8000 of the Recipient Handbook for more detail.

- ☒ The above named recipient receives \$500,000 or more in federal grant funds annually.
☐ The above named recipient does not receive \$500,000 or more in federal grant funds annually.

II. Equal Employment Opportunity – (Recipient Handbook Section 2151)

It is the public policy of the State of California to promote equal employment opportunity by prohibiting discrimination or harassment in employment because of race, religious creed, color, national origin, ancestry, disability (mental and physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, sex, sexual orientation, denial of family medical care leave, denial of pregnancy disability leave, or age (over 40). **Cal EMA-funded projects certify that they will comply with all state and federal requirements regarding equal employment opportunity, nondiscrimination and civil rights.**

Please provide the following information:

Equal Employment Opportunity Officer: Wyleen Luoma
Title: Affirmative Action Officer
Address: 2900 West Burrel Ave., Visalia, CA 93291
Phone: (559) 733-6266
Email: wluoma@co.tulare.ca.us

III. Drug-Free Workplace Act of 1990 – (Recipient Handbook, Section 2152)

The State of California requires that every person or organization awarded a grant or contract shall certify it will provide a drug-free workplace.

IV. California Environmental Quality Act (CEQA) – (Recipient Handbook, Section 2153)

The California Environmental Quality Act (CEQA) (*Public Resources Code, Section 21000 et seq.*) requires all Cal EMA funded projects to certify compliance with CEQA. Projects receiving funding must coordinate with their city or county planning agency to ensure that the project is compliance with CEQA requirements.

V. Lobbying – (Recipient Handbook Section 2154)

Cal EMA grant funds, grant property, or grant funded positions shall not be used for any lobbying activities, including, but not limited to, being 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.

VI. Debarment and Suspension – (Recipient Handbook Section 2155)

(This applies to federally funded grants only.)

Cal EMA-funded projects must certify that it and its principals 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 of agency.

VII. Proof of Authority from City Council/Governing Board

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

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

VIII. Filing Costs for Criminal Charges and Protection

Its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection

order, petition for a protection order, or witness subpoena, whether issued inside or outside the state, tribal, or local jurisdiction.

IX. Forensic Medical Examination Payment Requirement for Victims of Sexual Assault

The state or territory, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams for victims of sexual assault.
The state or territory, Indian tribal government, unit of local government, or another governmental entity does not require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, or to be reimbursed for charges incurred on account of such an exam.

X. Judicial Notification

The state's judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws.

XI. Polygraph Testing Prohibition

The state or local unit of government's laws, policies, or practices ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, state, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

- Under 42 U.S.C. 3796gg-8(b), the refusal of a victim to submit to a polygraph or other truth telling examination shall not prevent the investigation, charging, or prosecution of an alleged sex offense by a state, Indian tribal government, territorial government, or unit of local government.

XII. Nondisclosure of confidential or private information regarding services for victims

Recipients and subrecipients may not disclose personally identifying information about victims served with Violence Against Women funds without a written release, unless the disclosure of the information is required by a statute or court order. "Personally identifying information" means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking. Releases must be written, informed and reasonably time-limited and signed by the victim unless the victim is an un-emancipated minor or a person with disabilities.

XIII. Consultation and Documentation with local victim services programs
(Applies only to law enforcement, prosecution and the courts)

Tribal, territorial, State, or local prosecution, law enforcement, and courts must consult with tribal, territorial, State or local victim service programs during the course of developing their grant applications. This will ensure that proposed activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking and dating violence.

All appropriate documentation must be maintained on file by the project and available for Cal EMA or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Recipient may be ineligible for award of any future grants if the Cal EMA determines that any of the following has occurred:

(1) the Recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [Section 14 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: _____

Authorized Official's Typed Name: Mike Ennis

Authorized Official's Title: Chairman, Tulare County Board of Supervisors

Date Executed: _____

Federal Employer ID #: 94-6000596 Federal DUNS # 07-186-1884

Current Central Contractor Registration Expiration Date: 9/30/2011

Executed in the City/County of: City of Visalia/County of Tulare

AUTHORIZED BY: *(not applicable to State agencies)*

- ☐ City Financial Officer
- ☐ City Manager
- ☐ Governing Board Chair

- ☐ County Financial Officer
- ☒ County Manager

Signature: _____

Typed Name: Jean M. Rousseau

Title: County Administrative Officer