



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-13

For the meeting of: July 22, 2014

Date: July 9, 2014

To: Board of Supervisors

From: Paul V. Gallegos, District Attorney

Subject: California Governor's Office of Emergency Services (Cal OES) Grant Application - Fiscal Year (FY) 2014-2015 Victim Witness Assistance Program

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize the Chair to sign the attached Grant Award Face Sheet and the (2) Certifications of Assurance of Compliance;
2. Approve the attached supplemental budget in Fund 1100, Budget Unit 208, District Attorney's Victim Witness Program (4/5 vote); and
3. Direct the Clerk of the Board to process and return the Grant Award Face Sheet and the (2) Certifications of Assurance of Compliance to the District Attorney's (DA) Office, attention Kevin Furtado, for submission to the State.

SOURCE OF FUNDING:

State of California - Cal OES, Office of Violence Against Women

DISCUSSION:

The Office of the District Attorney of Humboldt County is applying for annual funding through the

Prepared by Kevin Furtado

CAO Approval

Amy Nissen

REVIEW: *TD* Auditor County Counsel Personnel Risk Manager Other

TYPE OF ITEM:
 Consent
 Departmental
 X Public Hearing
 Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Bess* Seconded by Supervisor *Sundberg*
Ayes *Sundberg, Lovebee, Bohn, Fennell, Bass*
Nays
Abstain
Absent

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Meeting of: _____

Dated:
By:

July 22, 2014
Nikki Turner, Deputy Clerk of the Board

California Governor's Office of Emergency Services for FY 2014-15, for the District Attorney Victim Witness Assistance Program. The funding is available through the Violence Against Women Act (VAWA) and the Victims of Crime Act (VOCA), a combination of Federal and State funds which are managed and dispersed annually to eligible counties by Cal OES.

The District Attorney (DA) Victim Witness Program Staff is available to provide support and help victims' of crime cope with the trauma they have already experienced as well as providing assistance and guidance throughout the sometimes difficult and frustrating criminal justice system. Victim Witness staff is available for court orientation, court support, case status regarding court dates, times and outcomes, and referrals to vital community resources provided by other government agencies and non-profit victim support agencies such as North Coast Rape Crisis Team and the Sexual Assault Response Team. In addition, the staff provides assistance in filing Victim of Crime Applications which are submitted to the State, so that victims can be reimbursed for their losses after being subject to various types of crimes.

In FY 2013-14, 999 new victims and 34 new witnesses received assistance through this program resulting in 3,286 follow-up victim contacts and 361 Victim of Violent Crime Applications filed, which reimburse crime victims for their out of pocket expenses. Over \$425,000 was reimbursed to local crime victims for expenses that include: medical and hospital expenses, loss of wages or support, funeral and burial expenses, professional counseling, job retention and rehabilitation. Since the needs of each client are unique to their particular situation, reimbursement assistance and services are not limited to those specifically listed. Approval of the requested application will allow the DA Victim Witness Program to continue to provide these essential services and assistance to crime victims in our community.

FINANCIAL IMPACT:

Approval of the one year application will allow the County to be reimbursed up to a maximum of \$180,878 for services performed in accordance with the scope of work described in the grant for the period of July 1, 2014 through June 30, 2015. Of the grant award, \$151,980 will be allocated to fund 1.0 Full Time Equivalent (FTE) Victim Witness Program Specialist position and 0.75 FTE Program Coordinator position. The remaining .20 salary and benefits is funded through Cal OES Unserved/Underserved Victim Advocacy and Outreach Program, and .05 through the Victim Compensation and Government Claims Board. This allocation will also fund an extra help Legal Office Assistant for approximately 400 hours. The remaining \$28,898 will fund program specific operating expenses to limit the use of the DA's General Fund Allocation to run the program. Grant funding for FY 2014-15 was included in the District Attorney's requested budget in the amount awarded last year, \$174,470. A supplemental budget request has been included to allocate the additional \$6,408 in revenue.

Approval of the requested grant application for \$180,878 supports the Boards Strategic Framework by seeking outside funding sources to benefit Humboldt County needs.

OTHER AGENCY INVOLVEMENT:

Cal OES

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to approve the grant application. This is not recommended as it would cause a loss of anticipated revenue for the District Attorney. Furthermore it would leave the community, as well as, the region without the local service to victims and witnesses of crime.

ATTACHMENTS:

1. Grant Award Face Sheet and (2) Certifications of Assurance of Compliance
2. Supplemental Budget for 1100-208

Cal OES# _____ FIPS# _____ VS _____ CFDA# _____ Grant# _____

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES
GRANT AWARD FACE SHEET (Cal OES 2-101)

The California Governor's Office of Emergency Services hereafter designated Cal OES, hereby makes a Grant Award of funds to the following:

1. Grant Recipient: County of Humboldt **1a. DUNS#** 034150203

In the amount and for the purpose and duration set forth in this Grant Award.

2. Implementing Agency: Office of the District Attorney **2a. DUNS#** 034150203

3. Implementing Agency Address: 825 5th Street, 4th Floor Eureka 95501-1107
Street City Zip+4

4. Location of Project: Eureka **+** Humboldt 95501-1107
City County Zip+4

5. Disaster/Program Title: Victim Witness Assistance Program **6. Performance Period:** 07/01/14 **to** 06/30/15

Grant Year	Fund Source	A. State	B. Federal	C. Total	D. Cash Match	E. In-Kind Match	F. Total Match	G. Total Project Cost
2014	7. VWA0	\$100,863					\$0	\$100,863
2014	8. VOCA		\$80,015				\$0	\$80,015
Select	9. Select						\$0	\$0
Select	10. Select						\$0	\$0
Select	11. Select						\$0	\$0
	12. TOTALS	\$100,863	\$80,015	\$180,878	\$0	\$0	\$0	12G. Total Project Cost: \$180,878

13. 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. 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 other 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 accepts 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 OES policy and program guidance. The Grant Recipient further agrees that the allocation of funds may be contingent on the enactment of the State Budget.

14. Official Authorized to Sign for Applicant/Grant Recipient: Rex Bohn **15. Federal Employer ID Number:** 946000513

Name: Rex Bohn Title: Chair, County Board of Supervisors

Telephone: (707) 476-2391 (area code) FAX: (707) 445-7299 (area code) Email: rbohn@co.humboldt.ca.us

Payment Mailing Address: 825 5th Street, 4th Floor City: Eureka Zip+4: 95501-1107

Signature: Rex Bohn Date: 7-22-2014

[FOR Cal OES 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 OES Fiscal Officer _____ Date _____ Cal OES Director (or designee) _____ Date _____

SIGNATURE AUTHORIZATION

Grant Award #: VW14320120

Grant Recipient: County of Humboldt

Implementing Agency: Office of the District Attorney

*The Project Director and Financial Officer are **REQUIRED** to sign this form.

*Project Director: Paul V. Gallegos

*Financial Officer: Joseph Mellett

Signature: _____

Signature: _____

Date: _____

Date: _____

The following persons are authorized to sign for the

Project Director

Kelly Neel
Signature

Kelly Neel, Assistant District Attorney

Name

Signature

Name

Signature

Name

Signature

Name

Signature

Name

The following persons are authorized to sign for the

Financial Officer

Steve Edmiston
Signature

Steve Edmiston, Assistant Auditor-Controller

Name

Signature

Name

Signature

Name

Signature

Name

Signature

Name

CERTIFICATION OF ASSURANCE OF COMPLIANCE
Victims of Crime Act (VOCA) Fund

I, Rex Bohn

hereby certify that

(official authorized to sign grant award; same person as Section 14 on Grant Award Face Sheet)

RECIPIENT: County of Humboldt

IMPLEMENTING AGENCY: Office of the District Attorney

PROJECT TITLE: Victim Witness Assistance Program

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 OES 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 OES-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: Dan Fulks

Title: Personnel Director

Address: 825 5th Street, Eureka, CA 95501

Phone: (707) 476-2349

Email: dfulks@co.humboldt.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 OES 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 compliant with CEQA requirements.

V. Lobbying – (*Recipient Handbook Section 2154*)

Cal OES 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 OES-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 or 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 OES, 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 OES disclaim responsibility of any such liability. Furthermore, it is also agreed that grant funds received from Cal OES 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. Special Condition for Grant Awards with Victims of Crime Act (VOCA) Fund

- The grant recipient agrees to administer the grant in accordance with the VOCA, the VOCA Program Guidelines, and the Office of Justice Programs Financial Guide.

All appropriate documentation must be maintained on file by the project and available for Cal OES 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 OES 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: Rex Bohn

Authorized Official's Title: Chair, County Board of Supervisors

Date Executed: 7-22-2014

Federal Employer ID #: 94-6000513 Federal DUNS # 034150203

Current Central Contractor Registration Expiration Date: 2/27/2015

Executed in the City/County of: Eureka, County of Humboldt

AUTHORIZED BY: (not applicable to State agencies)

City Financial Officer
 City Manager
 Governing Board Chair

County Financial Officer
 County Manager

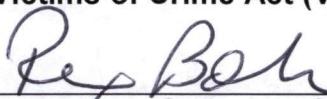
Signature: 

Typed Name: Joseph Mellett

Title: County Auditor-Controller

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
and
Victims of Crime Act (VOCA) Fund

I, Rex Bohn



hereby certify that

(official authorized to sign grant award; same person as Section 14 on Grant Award Face Sheet)

RECIPIENT: County of Humboldt

IMPLEMENTING AGENCY: Office of the District Attorney

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(This applies to federally funded grants only.)

Cal OES-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 or agency.

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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. Special Condition for Violence Against Women Act (VAWA)

- 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.

- **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 Cal OES 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.

- **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.

- **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.

- **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.

- **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.

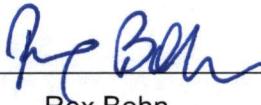
IX. Special Condition for Grant Awards with Victims of Crime Act (VOCA) Fund

- The grant recipient agrees to administer the grant in accordance with the VOCA, the VOCA Program Guidelines and the Office of Justice Programs Financial Guide.

All appropriate documentation must be maintained on file by the project and available for Cal OES 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 OES 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

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Authorized Official's Signature: 

Authorized Official's Typed Name: Rex Bohn

Authorized Official's Title: Chair, County Board of Supervisors

Date Executed: 7-22-2014

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Current Central Contractor Registration Expiration Date: 2/27/2015

Executed in the City/County of: Eureka, County of Humboldt

AUTHORIZED BY: (not applicable to State agencies)

City Financial Officer
 City Manager
 Governing Board Chair

County Financial Officer
 County Manager

Signature: 

Typed Name: Joseph Mellett

Title: County Auditor-Controller

Attachment 1

**District Attorney
Victim Witness Program
Supplemental budget FY 2014-15**

REVENUE:

1100 208 515032	D.A. Victim Witness Assistance Program	\$6,408
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EXPENDITURES:

1100 208 1400	Extra Help	\$5,666
1100 208 1450	Unemployment Insurance	\$60
1100 208 1600	FICA/MC	\$398
1100 208 2106	Communications	\$100
1100 208 2117	Office Supplies	\$184
1100 208 2125	Transportation & Travel	-\$900
1100 208 2225	Transportation – Out of County	-\$1,000
1100 208 2614	Staff Development/Training	\$1,900

TOTAL EXPENDITURES:	\$6,408
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