

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
AUTHORIZING THE POLICE CHIEF TO EXECUTE THE AGREEMENT WITH THE
REGENTS OF THE UNIVERSITY OF CALIFORNIA BERKELEY SCHOOL OF
PUBLIC HEALTH TRAFFIC SAFETY CENTER & THE CALIFORNIA OFFICE OF
TRAFFIC SAFETY FOR THE NEXT GENERATION CLICK IT OR TICKET
PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES**

WHEREAS, there has been submitted to the City Council of the City of Milpitas a proposed agreement to be entered into by and between the Milpitas Police Department and the Regents of the University of California Berkeley School of Public Health Traffic Safety Center & the California Office of Traffic Safety; and

WHEREAS, said Agreement is attached as Exhibit A and is made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas that the agreement attached as Exhibit A is approved and that the Police Chief be authorized and directed to execute for and on behalf of said Milpitas Police Department said Agreement.

PASSED AND ADOPTED this _____ day of _____ 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney



EXHIBIT A

The Regents of the University of California
School of Public Health, Berkeley,
with Primary Funding from the
California Office of Traffic Safety

GRANT NUMBER

CT09260

GRANT

1. Title of Program

Next Generation - Click It or Ticket

2. Name of Applicant Agency

MILPITAS, CITY OF

4. Period of Grant

Month - Day - Year

From: **10/01/08**

To: **09/08/09**

3. University of California Berkeley, Traffic Safety Center

DAVID RAGLAND, DIRECTOR, UC BERKELEY TRAFFIC SAFETY CENTER

5. Description of Program

California will initiate "Next Generation - Click it or Ticket" by conducting two well publicized seat belt enforcement mobilizations in November 17-30, 2008, and May 18-31, 2009. To promote sustained enforcement, local law enforcement agencies making up at least 50 percent of California's population or serving geographic subdivisions that account for at least 50 percent of California's unbelted fatal vehicle occupants will carry out day and/or nighttime intensified seat belt enforcement each month. Grant funds will be used to increase the number of seat belt enforcement hours incurred by first line supervisors, officers, and clerical/administrative personnel in **Milpitas Police Department** to enforce seat belt use in **Milpitas**. Incorporated into this grant are attached: Schedule A - Description, Schedule B - Detailed Budget Estimate, Schedule B-1 - Budget Narrative, and Schedule C - Terms and Conditions.

6. Federal Funds Allocated Under This Grant Shall Not Exceed:

\$20,000.00

7. Approval Signatures (By signing this page, Agency agrees to the terms and conditions which follow and are attached)

A. The Regents of the University of California Authorized Signature

Name: Jyl Baldwin
Title: Assistant Director, SPO

Phone: 510 642-8110
Fax: 510 643-8236

Address: UC Berkeley Sponsored Projects Office
2150 Shattuck Avenue, Suite 313
Berkeley, CA 94704-5940

Email: jbalwin@berkeley.edu

(Signature)

(Date)

B. Authorizing Official For Applicant Agency

Name: Dennis Graham
Title: Chief of Police

Phone: (408) 586-2400
Fax:

Address: 1275 North Milpitas Blvd.
Milpitas, CA 95035

Email: dgraham@ci.milpitas.ca.gov

(Signature)

(Date)

C. Agency Office Authorized to Receive Payments

Agency: Milpitas, City of

Phone: (408) 586-3145

Office: Finance Department

Address: 455 East Calaveras Blvd.
Milpitas, CA 95035

Tax ID #: 946019192

Contact Person: Emma Karlen

Email: ekarlen@ci.milpitas.ca.gov

D. Optional: Individuals Authorized to Sign Claims (in addition to the Authorizing Official for Applicant Agency)

Name: Steve Pangelinan **Title:** Commander

(Signature)

(Date)

Name: Charlotte Pang **Title:** Commander

(Signature)

(Date)

Schedule A - Description

Next Generation - Click It or Ticket Grant No. CT09260

GOAL

To increase seat belt use, statewide, to 96% by September 8, 2009.

PROJECT OBJECTIVES

1. Conduct a seat belt enforcement campaign during each of the Next Generation mobilization periods November 17 – 30, 2008 and May 18 – 31, 2009.
2. Conduct pre- and post-operational seat belt compliance surveys for each of the Next Generation mobilization periods. Personnel time and any costs required to conduct the surveys will be considered as the agency's contribution to the mini-grant and will not be reimbursed.
3. Conduct a minimum of one and a maximum of four enforcements in each of the remaining months of the grant period, starting December 2008, i.e., December, January, February, March, April, June, July, August, and September (first week of September only). Some nighttime enforcement is encouraged.
4. Attend a pre-operational training conducted by the Traffic Safety Center (TSC) for supervisors, officers and support personnel who will be conducting occupant protection roll call training for the seat belt enforcement operations. A representative(s) from the applicant agency's finance department should attend.
5. Ensure that officers and administrative personnel who participate in the enforcement activities receive occupant protection roll call training (to ensure familiarity with the California Vehicle Code provisions).
6. Report statistics for all enforcements:
 - Description of the enforcement strategy (i.e., saturation patrol and/or enforcement zone)
 - Number of overtime hours by personnel classification
 - Number of seat belt citations for 16 years of age and older
 - Number of seat belt citations for 15 years of age and younger
 - Pre- and post-operational seat belt compliance survey results (for mobilizations only)
 - Number of "other" types of enforcement actions by personnel assigned to the overtime seat belt enforcement operation
 - Type of roll call training conducted
7. Submit a claim by May 15, 2009 for expenses incurred from November 17, 2008 through March 31, 2009. Submit a complete (with all required supporting documentation) final claim by October 15, 2009. Costs for preparing claims are not reimbursable.
8. Certify by signing the mobilization reports that an occupant protection roll call training session(s) was conducted.

MEDIA OBJECTIVES

1. Issue a press release prior to each of the mobilization periods and for each month during which an enforcement is held.
2. Embargo the mobilization press release until the day of the California Office of Traffic Safety (OTS) press release.
3. If using the OTS press release template provided by TSC, forward press releases, media advisories, alerts and other press materials to TSC concurrently with distribution to the media. If any other press release format or copy is used, submit the press release to the OTS Public Information Officer at pio@ots.ca.gov for review and approval at least 14 days in advance of the mobilization. The approved press releases must be also sent to the TSC.
4. To use the following standard language in all press, media, and printed materials: "Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration."

METHOD OF PROCEDURE

October 2008

1. The individual(s) responsible for the occupant protection roll call training for officers and staff participating in the enforcement operation attends the TSC pre-operational training (to be held at various locations in the state). The grant does not cover personnel and travel expenses incurred by attending training.

Schedule A - Description (continued)

**Next Generation - Click It or Ticket
Grant No. CT09260**

November 2008

2. Hold occupant protection roll call training for supervisors and officers prior to the November 17 – 30 mobilization period.
3. Complete a pre-operational seat belt compliance survey in the week before the mobilization period, i.e., November 10 -16, 2008.
4. Issue a press release using the OTS template to announce the mobilization. Embargo the press release until the day of the OTS press release.
5. Conduct the mobilization in November 17 – 30.
6. Complete a post-operational seat belt compliance survey in the week after the mobilization, i.e., December 1 – 7.

December 2008

7. Report the mobilization statistics to the TSC (using their on-line reporting system).

December 2008, January – April 2009, June - September 2009

8. Conduct the “outside mobilization months” seat belt enforcements (one to four in each month).
9. Issue a press release for each month using the OTS template. Where appropriate, coordinate with other grantees served by the same local community newspaper to issue a combined press release. Plan ahead to meet newspaper deadlines.
10. Report enforcement statistics to the TSC using their on-line reporting system.

May 2009

11. Prepare the claim in accordance with the requirements in Schedule B-1 Budget Narrative and submit a claim by May 15, 2009 for expenses incurred from November 17, 2008 through March 31, 2009.
12. Hold occupant protection roll call training for supervisors and officers prior to the May 18 – 31 mobilization period.
13. Complete a pre-operational seat belt compliance survey in the week before the mobilization period, i.e., May 11 – 17.
14. Issue a press release using the OTS template. Embargo the press release until the day of the OTS press release.
15. Conduct the mobilization campaign in the period, May 18 – 31.
16. Complete a post-operational seat belt compliance survey in the week following the mobilization, i.e., June 1 – 7.
17. Report enforcement statistics to the TSC using their on-line reporting system.

October 2009

18. Submit the final claim by October 15, 2009.

Throughout Grant Period

19. Send to the TSC the press releases for the mobilization period and the outside mobilization months enforcements.
20. Send to the TSC any news articles, press conference descriptions, radio ads, etc. describing the grant-funded enforcements including any other enforcement opportunities that resulted from the effort.

Schedule B - Detailed Budget Estimate

Next Generation - Click It or Ticket Grant No. CT09260

The total claim amounts must not exceed the grant total of **\$20,000.00**. The grant amount and costs are based upon the overtime rates submitted by the grantee in the application.

Schedule B-1 - Budget Narrative

The **Milpitas, City of** will be reimbursed up to the limit stated in *Schedule B – Detailed Budget Estimate*.

Overtime reimbursement will reflect actual costs (OT hourly rate and overtime benefit rate) of the personnel conducting the seatbelt enforcement operation. Other direct costs are not reimbursable. Indirect costs are not reimbursable.

Only benefits earned as a percentage of hourly pay are allowed. Benefit costs for overtime hourly rates are always lower than benefit costs for regular hourly rates.

Budgeted grant activities will be conducted by personnel on an overtime basis. Grant-funded operations may be conducted by personnel such as an officer, sergeant, corporal, deputy, community services officer, dispatcher, clerical/administrative, etc. depending on the titles used by the agency. Personnel will be deployed as needed to accomplish the grant goals and objectives. Costs for preparing claims are not reimbursable.

Clerical/administrative/CSO time incurred during and following enforcements are reimbursable for overtime work on administrative duties including, but not limited to, the collection/reporting of seat belt enforcement data.

Reimbursements are contingent upon the following:

- i. The enforcement statistics were reported using the TSC's on-line reporting system.
- ii. The mobilization press releases were issued for each mobilization and each outside mobilization month.
- iii. The pre- and post-operational seat belt compliance surveys were performed for each of the mobilizations.
- iv. The claims did not exceed the limit set forth in *Schedule B – Detailed Budget Estimate*.
- v. The claim form was correctly filled out, using the TSC Excel-based claim form.
- vi. Overtime slips or equivalent verifying the personnel overtime hours in the claim were attached to the claim.
- vii. The claim is signed by the Authorizing Official (Box B of the grant cover page) or Individuals Authorized to Sign Claims (Box D) as designated in the grant cover page.
- viii. Changes in the Authorizing Official of the Applicant Agency or the designation of any other additional individual(s) to sign claims are documented in accordance with TSC documentation requirements.
- ix. A ledger report(s) supporting the claim amount was attached to the claim. Only source documents are accepted to support the claim amount.
- x. The information in the overtime slips and the ledger report fully support the claim.
- xi. The final claim is submitted no later than October 15, 2009.

Schedule C - Terms and Conditions

Next Generation - Click It or Ticket Grant No. CT09260

A. INDEMNIFICATION

Applicant Agency agrees to indemnify, defend, and save harmless the State of California, its officers, agents, and employees, the Regents of the University of California its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm, or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this grant, and from any and all claims and losses accruing or resulting to any person, firm, or corporation who may be injured or damaged by Applicant Agency in the performance of this grant.

B. GOVERNING LAW

This Grant shall be governed by and construed in accordance with the laws of the State of California.

C. NON-ASSIGNABILITY

The obligations of the applicant agency under this Grant are not assignable to any third party

D. USE OF UNIVERSITY NAME/TRADEMARKS

Applicant Agency shall not use the name of the University of California or any abbreviation thereof, or any name of which "University of California " is a part, or any trademarks of the University, in any commercial context, such as may appear on products, in media (including web sites) and print advertisements in cases when such use may imply an endorsement or sponsorship of the Applicant Agency, its products or services. All uses of the University's name and trademarks, therefore, must first receive prior written consent of The Regents of the University of California through the Office of Marketing & Business Outreach. This policy is in compliance with the State of California Education Code Section 92000.

E. TERMINATION

Each party has the right to suspend, terminate or abandon the execution of any work by the Applicant Agency without cause at any time upon giving prior written notice. In the event that this grant is suspended, terminated or abandoned, the Regents of the University of California shall pay the Applicant Agency for services provided hereunder prior to the effective date of said suspension, termination, or abandonment. Said payment shall be computed in accordance with the *Schedule B - Detailed Budget Estimate and Schedule B-1 - Budget Narrative*, provided that the Grant Total shall not be exceeded for services provided hereunder prior to the effective date of suspension, termination, or abandonment.

F. STATE OF CALIFORNIA TERMS AND CONDITIONS

Applicant Agency agrees to abide by the General Terms, Conditions, and Certifications contained in OTS Grant Program Manual, Chapter 6, Exhibit 6-A www.ots.ca.gov.



TRAFFIC SAFETY CENTER

September 30, 2008

Grant No. CT09260

Henry Kwong
Milpitas Police Department
1275 North Milpitas Blvd.
Milpitas, CA 95035

Subject: FY 2009 Next Generation - Click It or Ticket Mini-Grant Program

Dear Lt. Kwong,

The University of California Berkeley, Traffic Safety Center (TSC) is very pleased to inform you that a mini-grant has been approved for Milpitas, City of to conduct Next Generation seat belt enforcements. The mini-grant funds are being provided by the California Office of Traffic Safety (OTS). The TSC is administering the mini-grant funds for the OTS.

The mini-grant period is October 01, 2008 to September 08, 2009. The Milpitas, City of has been approved for **\$20,000.00** to conduct seat belt enforcements in Milpitas during:

- The November 17-30, 2008 Mobilization Period
- The May 18-31, 2009 Mobilization Period
- **Each** of the remaining months of the grant period starting in December 2008

A mini-grant document will be emailed to the contact listed on the application to obtain the signature(s) of the Authorizing Official and any additional individuals authorized to sign claims. We will issue a purchase order when a signed mini-grant document is returned. For your reference, the Catalogue of Federal Domestic Assistance (CFDA) number is 20.600.

The TSC will be conducting pre-operational training in October/November to review the contract provisions and answer any questions of the applicant agency. We strongly recommend the attendance of a representative(s) from the finance department.

OTS requires mini-grantees to distribute Next Generation kick-off press releases prior to the November 17-30 Mobilization Period. The TSC will provide an OTS-approved kickoff press release template.

Please reference your Grant Number, CT09260, in your correspondence regarding this project. If you have any questions, please contact me at 510-643-5766 or by email at nextgenciot@berkeley.edu.

Congratulations!

Sincerely,

A handwritten signature in cursive script that reads 'Irene Kan'.

Irene Kan
Project Director

University of California, Berkeley Traffic Safety Center
2614 Dwight Way #7374
Berkeley, CA 94720-7374
510-642-0566
Fax 510-643-9922