

**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 SOBRIETY CHECKPOINT MINI-GRANT 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

\_\_\_\_\_  
Robert Livengood, 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**

SC09260

**GRANT**

**1. Title of Program**

**SOBRIETY CHECKPOINT MINI-GRANT PROGRAM FOR 2008-2009**

**2. Name of Applicant Agency**

MILPITAS, CITY OF

**4. Period of Contract**

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**

The goal of the Sobriety Checkpoint Mini-Grant Program For 2008-2009 is to reduce the number of victims killed and injured in alcohol involved crashes in cities participating in this program. The period of this grant contract ("Contract"), October 01, 2008 to September 08, 2009, encompasses two national mobilization periods: the Winter Holiday Mobilization period, December 12, 2008 - January 03, 2009 and the Labor Day Mobilization period, August 21, 2009 - September 07, 2009. The **Milpitas Police Department** will conduct sobriety checkpoints in **Milpitas** in accordance with this Contract. The Contract includes the attached Schedule A - Descriptions, Schedule B - Budget Estimate, Schedule B-1 - Budget Narrative, and Schedule C - Terms and Conditions.

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

**\$17,782.40**

**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 **Phone:** 510-642-8110

**Title:** Assistant Director, SPO **Fax:** 510-643-8236

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

**Email:** jbaldwin@berkeley.edu

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**B. Authorizing Official For Applicant Agency**

**Name:** Dennis Graham **Phone:** (408) 586-2400

**Title:** Chief of Police **Fax:** (408) 586-2492

**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 #:** 94-6019192

**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**  
**Sobriety Checkpoint Mini-Grant Program For 2008-2009**

**GOALS**

1. To reduce the number of victims killed in alcohol-involved crashes.
2. To reduce the number of victims injured in alcohol-involved crashes.
3. To reduce nighttime (2100 hours to 0259 hours) single vehicle fatal crashes.
4. To reduce nighttime (2100 hours to 0259 hours) single vehicle injury crashes.
5. To reduce hit and run fatal crashes.
6. To reduce hit and run injury crashes.

**AGENCY OBJECTIVES**

1. To conduct a minimum of 2 and a maximum of 2 sobriety checkpoints by 09/08/09.

NOTE: For combination DUI/DL checkpoints, applicant agencies must issue press releases that indicate DLs will be checked at the DUI/DL checkpoint. According to the Attorney General's Office, all DUI/DL checkpoint operations must post signs reading "DUI/Driver License Checkpoint Ahead."

To maximize effectiveness, it may be necessary to conduct a checkpoint operation at more than one location on any evening. Each checkpoint should be highly publicized and visible. No occupant restraint citations will be issued at the checkpoints. **The Office of Traffic Safety (OTS) does not fund or support independent DL checkpoints or DUI/Driver License checkpoints operating before 1800 hours.**

Notify the Traffic Safety Center (TSC) in advance if the agency: a) cannot conduct a minimum of one checkpoint during each of the two mobilization periods (at least one must be conducted per mobilization period), b) wishes to conduct additional checkpoints than those listed in Schedule B).

2. To participate in TSC's pre-operational training classes for officers and support personnel selected to participate in checkpoints. Finance department representatives are urged to attend.
3. To collect and report data on-line for checkpoints conducted during the Winter and Labor Day mobilization periods using the OTS-137/138 data report, and submit the data by the deadlines established by the TSC. Applicant agencies will not receive reimbursement for claimed costs until they submit these reports.
4. To collect and report data on-line for checkpoints conducted outside the mobilization periods, using the OTS-137/138 data report, and to submit the data by the end of the applicable quarter(s). Applicant agencies will not receive reimbursement for claimed costs until they submit these reports.
5. To submit to the TSC all appropriately completed and requested documentation for claims made. These include completed claim forms and supporting documentation as listed in Schedule B-1 of this Contract. The Agency must claim only reimbursable costs per Schedule B-1, e.g., the cost of each checkpoint does not exceed the Maximum Allowed Cost per Checkpoint. No other costs are covered. Only authorized individuals (as listed in Boxes B and D in the contract cover sheet) may sign the claim forms.  
NOTE: All sobriety checkpoints identified for funding reimbursement in this Contract are over and above other checkpoints that may be included in another OTS grant for sobriety checkpoint funding.

**Schedule A - Description (continued)**  
**Sobriety Checkpoint Mini-Grant Program For 2008-2009**

**MEDIA OBJECTIVES**

1. After the statewide kick-off press event, issue a press release announcing the kick-off of this grant, using the TSC-provided template.
2. During the mobilization periods (December 12 - January 3 and August 21- September 7), if an AVOID media campaign is active in the county, notify the AVOID Regional Coordinator of checkpoint locations, dates and times as early as possible in advance of all planned checkpoints. The AVOID Regional Coordinator will issue press releases including checkpoints conducted during the mobilization periods to all major media outlets in the region.
3. Also during the mobilization periods, develop and distribute to local community papers a press release for each checkpoint operation, or, if multiple checkpoints are to be conducted within a seven-day period, develop and distribute a single press release covering all operations within the seven-day period. 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, that press release must be submitted for review and approval to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) at least 14 days in advance of the operation.
4. For checkpoints conducted outside the mobilization periods, develop and distribute to local media a press release for each checkpoint operation, or, if multiple checkpoints are to be conducted within a seven-day period develop and distribute a single press release covering all operations within the seven day period. 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, that press release must be submitted for review and approval to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) at least 14 days in advance of the operation.
5. Use NHTSA's DUI tagline, "Drunk Driving. Over the Limit. Under Arrest" and use OTS's tagline "Report Drunk Drivers. Call 911" on all news releases and checkpoint publication materials.
6. Submit to the TSC copies of all newspaper articles and short descriptions of broadcast news stories which relate to checkpoint operations or results.

**METHOD OF PROCEDURE****Phase I: Program Preparation (October 01, 2008 – November 30, 2008)**

1. Review the Contract to ensure compliance with Contract provisions.
2. Provide contract information to the TSC in a timely manner to expedite issuance of a University of California, Berkeley purchase order. The purchase order must be issued to the agency before reimbursable costs are incurred for operation of the checkpoint(s).
3. Consult the TSC and OTS web sites and read any TSC Fact Blasts for directions and information on the operation of the checkpoints.
4. Notify the TSC of any changes in contact information. The Contract and the purchase order (and Fact Blasts) are emailed to the contact person listed in the agency application.
5. Attend TSC's pre-operational training.
6. Plan checkpoint staffing, i.e., supervisors, officers, clerical staff, community service officers, or lab technicians, as needed to staff each sobriety checkpoint on an overtime basis.

**Schedule A - Description (continued)**  
**Sobriety Checkpoint Mini-Grant Program For 2008-2009**

**Phase II: Mobilization** (12/12/08– 01/03/09 and 08/21/09 – 09/07/09)

7. After the statewide kick-off press event, issue a press release announcing the kick-off of this grant, using the TSC-provided template.
8. During the mobilization periods (December 12 - January 3 and August 21- September 7), if an AVOID media campaign is active in your county, notify your AVOID Regional Coordinator of checkpoint locations, dates and times as early as possible in advance of all planned checkpoints. Your AVOID Regional Coordinator will issue press releases including checkpoints conducted during the mobilization periods to all major media outlets in the region.
9. Also during the mobilization periods, develop and distribute to local community papers a press release for each checkpoint operation, or, if multiple checkpoints are to be conducted within a seven-day period, develop and distribute a single press release covering all operations within the seven-day period. 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, that press release must be submitted for review and approval to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) at least 14 days in advance of the operation.
10. For checkpoints conducted outside the mobilization periods, develop and distribute to local media a press release for each checkpoint operation, or, if multiple checkpoints are to be conducted within a seven-day period develop and distribute a single press release covering all operations within the seven day period. 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, that press release must be submitted for review and approval to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) at least 14 days in advance of the operation
11. Use NHTSA's DUI tagline, "Drunk Driving. Over the Limit. Under Arrest" and use OTS's tagline "Report Drunk Drivers. Call 911" on all news releases and checkpoint publication materials.
12. Submit to the TSC copies of all newspaper articles and short descriptions of broadcast news stories which relate to checkpoint operations or results.
13. Plan roll call training for officers, staff, or volunteers. Roll call training costs are not reimbursable; they must be borne by the agency.
14. Deploy designated staff (and volunteers) to the checkpoint locations.
15. Begin the checkpoint no earlier than 1800 hours.
16. The last checkpoint must be conducted no later than September 07, 2009.

**Phase III: Post Operational Data Collection** (at the end of each mobilization period and each applicable calendar quarter)

17. Prepare data collected at the checkpoints using forms downloaded from the TSC web site at: <http://www.tsc.berkeley.edu/checkpointminigrants/>.
18. Submit on-line to the TSC, OTS-137/138 data for checkpoints conducted during the Winter Holiday Mobilization. Similarly, submit the OTS-137/138 data on-line to the TSC for checkpoints conducted during the Labor Day Mobilization. Data must be submitted by TSC deadlines.
19. Submit on-line to the TSC, OTS-137/138 data for checkpoints conducted outside the mobilization periods. Submit the OTS-137/138 report by the end of the applicable quarter. If multiple checkpoints are conducted during the quarter, summarize (total) the checkpoint statistics and submit on-line to the TSC.

**Phase IV: Claim Submission** (at the end of the applicable calendar quarter)

20. Compile overtime costs for operating the grant funded checkpoints.
21. Obtain the claim forms from the TSC web site at: <http://www.tsc.berkeley.edu/checkpointminigrants/>.
22. Complete the claim forms titled, "Agency Information," "Claim," and "Claim Details."
23. Obtain the signature of any of the authorized individuals depicted in Boxes B and D of the contract cover sheet.
24. Attach to the claim forms: a) the personnel time sheets supporting the overtime personnel costs for each checkpoint and b) the ledger report(s) supporting the actual costs incurred for the checkpoints covered by the claim.
25. Mail the claim forms for the quarter, the personnel time sheets and the ledger report to the TSC following the end of the applicable calendar quarter.

**Schedule B - Budget Estimate  
Sobriety Checkpoint Mini-Grant Program For 2008-2009**

The **Milpitas, City of** will conduct up to **2** sobriety checkpoints in **Milpitas** as described in Table B below.

Table B

	Maximum No. Checkpoints	Maximum Allowed Cost / Checkpoint	Total Cost
Winter Holiday Mobilization, December 12, 2008 – January 03, 2009 (minimum one checkpoint)	1	\$8,891.20	\$8,891.20
Labor Holiday Mobilization, August 21, 2009 – September 07, 2009 (minimum one checkpoint)	1	\$8,891.20	\$8,891.20
Number of checkpoints outside the mobilization periods	0	\$8,891.20	\$0.00
<b>Maximum Number of Checkpoints</b>	<b>2</b>	<b>Maximum Reimbursable Amount (Grant Total)</b>	<b>\$17,782.40</b>

**Schedule B-1 - Budget Narrative  
Sobriety Checkpoint Mini-Grant Program For 2008-2009**

**Milpitas, City of** will be reimbursed for personnel costs to conduct the checkpoints. No other costs are covered.

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 Service Officer, Dispatcher, etc. depending on the titles used by the agency. Personnel will be deployed as needed to accomplish the grant goals and objectives. Personnel categories not listed in the application form may be assigned to the checkpoint on an overtime basis.

Overtime reimbursement will reflect actual costs (OT hourly rate and overtime benefit rate) of the personnel conducting the appropriate operation(s) up to the amount of the approved cost per check point and the grant total stated in Schedule B. **The maximum allowed cost per checkpoint is based upon the overtime rates submitted by the grantee.**

**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.**

Reimbursements are contingent upon the following:

- i. The applicable OTS-137 or OTS-138 data has been submitted.
- ii. A press release for each checkpoint has been submitted; or, if multiple checkpoints are conducted within a seven-day period, a press release for the seven-day period has been submitted.
- iii. Claim forms titled, "Agency Information," "Claim," and "Claim Details" are complete and correctly filled out.
- iv. Personnel overtime slips supporting the overtime personnel costs for each checkpoint are attached to the claim.
- v. A ledger report(s) supporting the actual costs incurred for each of the checkpoints listed in the claim is attached to the claim.
- vi. The claim is signed by the Authorizing Official of the Applicant Agency or by one of the Additional Individuals designated by the Authorizing Official to sign claims, as designated in the contract.
- vii. Changes in the Authorizing Official of the Applicant Agency or the designation of an additional individual(s) to sign claims are documented in accordance with TSC documentation requirements.
- viii. The final claim is submitted no later than October 15, 2009.

**Schedule C - Terms and Conditions  
Sobriety Checkpoint Mini-Grant Program For 2008-2009**

**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 Contract, 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 Contract.

**B. GOVERNING LAW**

This Contract 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 Contract 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 Contract 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 Schedules B and B-1, provided that the maximum amount payable to the Applicant Agency for its services shall not exceed the Grant Total on Schedule B for services provided hereunder prior to the effective date of suspension, termination, or abandonment.

**F. STATE OF CALIFORNIA TERMS, CONDITIONS, AND CERTIFICATIONS**

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](http://www.ots.ca.gov).



## TRAFFIC SAFETY CENTER

November 05, 2008

Grant No. SC09260

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

Subject: 2009 Sobriety Checkpoint Mini-Grant Award

Dear Lt. Kwong,

The University of California Berkeley (UCB) Traffic Safety Center (TSC) is very pleased to inform you that a mini-grant of \$17,782.40 has been approved for the operation of up to 2 sobriety checkpoints in Milpitas. The Sobriety Checkpoint 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 maximum allowed cost per checkpoint is \$8,891.20.

Please provide us with the information listed below via an on-line form. Your login, password and a link to the website are listed below. We require this information below by November 14, 2008 to complete a grant document for your signature.

## Required Information:

1. The name of the Authorizing Official of the Applicant Agency where the Applicant Agency is "Anytown, City of". This individual's signature binds the Applicant Agency to the terms of the mini-grant. Only the Authorizing Official may sign claim forms unless additional individuals are named (see item # 5 below).
2. The title, address, phone number and fax number of the Authorizing Official of the Applicant Agency.
3. The name of the Office Authorized to Receive Payments, the office's address, phone number, a contact person name and email.
4. The Applicant Agency's Tax I.D. number.
5. The names and titles of any individuals who are authorized to sign claims (in addition to the Authorizing Official).

Please go to [www.tsc.berkeley.edu/checkpointminigrants](http://www.tsc.berkeley.edu/checkpointminigrants) for the link to the on-line form.

Login: [REDACTED]

Password: [REDACTED]

2614 Dwight Way #7374  
Berkeley, CA 94720-7374  
510-642-0566  
Fax 510-643-9922  
[www.tsc.berkeley.edu](http://www.tsc.berkeley.edu)

When all the above information has been received, the TSC will email (or send via mail if a UCB-signed contract is needed to seek city council approval) a contract to you for the signature(s) of the Authorizing Official and any additional individuals authorized to sign claims.

We will issue a purchase order when you return a signed grant document.

For your reference, the Catalogue of Federal Domestic Assistance (CFDA) number is 20.600.

The TSC will be conducting pre-operational training in November to review the contract provisions and answer any questions you may have. You are strongly encouraged to attend training (this is a grant objective).

OTS requires mini-grantees to issue kickoff press releases which are to be published after the state's kickoff press event (to be announced) and before December 12. Mini-grantees are also required to issue checkpoint-specific press releases prior to each checkpoint operation. TSC will provide mini-grantees with OTS templates for the kickoff and checkpoint press releases.

Please reference your Grant Number, SC09260 in your correspondence regarding this project. If you have any questions, please contact me at 510-643-1774 or by email at [checkpoint@berkeley.edu](mailto:checkpoint@berkeley.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Sharleen Rauch", written in a cursive style with large loops.

Sharleen Rauch  
Sobriety Checkpoint Program

2614 Dwight Way #7374  
Berkeley, CA 94720-7374  
510-642-0566  
Fax 510-643-9922  
[www.tsc.berkeley.edu](http://www.tsc.berkeley.edu)