

**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**

**WHEREAS**, the Regents of the University of California Berkeley School of Public Health Traffic Safety Center & the California Office of Traffic Safety are administering the 2009-2010 Sobriety Checkpoint Mini-Grant program that offers mini-grant funds to reimburse law enforcement agencies for overtime expenditures specifically directed towards sobriety checkpoints. The goal of the statewide sobriety checkpoint program is to reduce the number of people killed in alcohol-related crashes; and

**WHEREAS**, the City of Milpitas has been approved for a mini-grant of \$15,130.86 for the Police Department to conduct up to two sobriety checkpoints in Milpitas between October 1, 2009 and September 8, 2010; and

**WHEREAS**, there has been submitted to the City Council of the City of Milpitas a proposed Agreement (Grant No. SC10260) to be entered into by and between the City of Milpitas and the Regents of the University of California Berkeley School of Public Health Traffic Safety Center & the California Office of Traffic Safety; and the Agreement is attached as Exhibit A and is made a part hereof.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council accepts the Agreement attached as Exhibit A and authorizes the Police Chief to execute the Agreement for and on behalf of the City of Milpitas.
3. The City Council approves a budget appropriation in the amount of \$15,130.86 for Police Department overtime budget from grant revenue.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 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**  
SC10260

**GRANT**

**1. Title of Program**

**SOBRIETY CHECKPOINT MINI-GRANT PROGRAM FOR 2009-2010**

**2. Name of Applicant Agency**

MILPITAS, CA, CITY OF

**4. Period of Contract**

Month - Day - Year

From: **10/01/09**  
 To: **09/08/10**

**3. University of California Berkeley, Traffic Safety Center**

**DAVID RAGLAND, PRINCIPAL INVESTIGATOR, UC BERKELEY TRAFFIC SAFETY CENTER**

**5. Description of Program**

The goal of the Sobriety Checkpoint Mini-Grant Program For 2009-2010 is to reduce the number of victims killed and injured in alcohol-impaired crashes in participating cities. The period of this grant contract ("Contract"), October 01, 2009 to September 08, 2010, encompasses two national mobilization periods: the Winter Holiday Mobilization period, December 16, 2009 - January 03, 2010 and the Labor Day Mobilization period, August 20, 2010 - September 06, 2010. 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 - Detailed Budget Estimate, Schedule B-1 - Budget Narrative, and Schedule C - Terms and Conditions.

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

**\$15,130.86**

**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:** Associate 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, CA, City of **Phone:** (408) 586-3145

**Office:** City of Milpitas 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:** Charlotte Pang **Title:** Commander

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

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

**Name:** Steve Pangelinan **Title:** Commander

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

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

**Schedule A - Description**  
**Sobriety Checkpoint Mini-Grant Program For 2009-2010**

**GOALS**

1. To reduce the number of victims killed in alcohol-impaired crashes.
2. To reduce the number of victims injured in alcohol-impaired 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 total of 2 sobriety checkpoints by September 6, 2010 (minimum one checkpoint per mobilization).

NOTE: For combination DUI/ Driver's License (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's 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, b) wishes to conduct additional checkpoints than those listed in Schedule B.

2. To complete TSC's pre-operational training for the project coordinator or designee (e.g. Sergeant). A representative(s) from the applicant agency's finance department should also complete the training.
3. To collect and report data on-line for checkpoints conducted during the Winter and Labor Day mobilization periods and submit the data by the deadlines established by the TSC.
4. To collect and report data on-line for checkpoints conducted outside the mobilization periods and to submit the data by the end of the applicable quarter(s).
5. Prepare claims in accordance with Schedule B-1- Budget Narrative. 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 2009-2010**

**MEDIA OBJECTIVES**

1. After the statewide kick-off press event, issue a press release announcing the kick-off of this grant, using the OTS kick-off press release template provided by TSC.
2. During the mobilization periods (December 16 - January 3 and August 20- September 6), if an AVOID media campaign is active in the county, notify the AVOID Coordinator of checkpoint locations, dates and times as early as possible in advance of all planned checkpoints. The AVOID Coordinator will issue press releases including checkpoints conducted during the mobilization periods to all major media outlets in the region.
3. For each checkpoint operation, issue a press release to local community papers using the OTS template provided by TSC. 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. When 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, submittal of the press release to the OTS Public Information Officer at pio@ots.ca.gov is required for his review at least 14 days in advance of the operation. The approved press releases must also be sent to the TSC.
4. 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.
5. 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, 2009 – November 30, 2009)

1. Review the Contract to ensure compliance with Contract provisions.
2. Submit a signed contract to the TSC.
3. Consult the TSC and OTS web sites and read 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. Complete TSC's pre-operational training.
6. Plan checkpoint staffing, i.e., supervisors, officers, clerical staff, or community service officers as needed to staff each sobriety checkpoint on an overtime basis.
7. To propose changes to the mini-grant funded work or deliverables, send a written request to the TSC to seek approval.

**Schedule A - Description (continued)**  
**Sobriety Checkpoint Mini-Grant Program For 2009-2010**

**Phase II: Mobilization** (12/16/09– 01/03/10 and 08/20/10 – 09/06/10)

8. After the statewide kick-off press event in December, issue a press release announcing the kick-off of this grant, using OTS kick-off press release template provided by TSC.
9. If an AVOID media campaign is active in your county, notify your AVOID Coordinator of checkpoint locations, dates and times as early as possible in advance of all planned checkpoints. The AVOID Coordinator will issue press releases including checkpoints conducted during the mobilization periods to all major media outlets in the region.
10. For each checkpoint operation, issue a press release to local community papers using the OTS template provided by TSC. 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. When 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, submittal of the press release to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) is required for his review at least 14 days in advance of the operation. The approved press releases must also be sent to the TSC.
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 06, 2010.

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

17. Submit post-operational data on-line for checkpoints conducted during the Winter Holiday and Labor Day mobilizations. Submit data by the TSC deadlines.
18. Submit post-operational data on-line for checkpoints conducted outside the mobilization periods. Submit the data by the end of the applicable quarter. If multiple checkpoints are conducted during the quarter, summarize (total) the checkpoint statistics.

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

19. Compile actual overtime costs incurred for operating the grant-funded checkpoints.
20. Download the claim form from the TSC web site at: <http://www.tsc.berkeley.edu/checkpointminigrants/>.
21. Complete the claim form for the applicable quarter in accordance with Schedule B – Detailed Budget Estimate and Schedule B-1 – Budget Narrative.
22. Mail the claim forms for the quarter, the personnel overtime slips and the ledger report to the TSC following the end of the applicable calendar quarter.

**Schedule B - Detailed Budget Estimate  
Sobriety Checkpoint Mini-Grant Program For 2009-2010**

The **Milpitas, CA, City of** will conduct a total of **2** sobriety checkpoints in **Milpitas** as described in Table B below.

Table B

	Number of Checkpoints	Maximum Allowed Cost / Checkpoint	Total Cost
Winter Holiday Mobilization, December 16, 2009 – January 03, 2010 (minimum one checkpoint)	1	\$7,565.43	\$7,565.43
Labor Holiday Mobilization, August 20, 2010 – September 06, 2010 (minimum one checkpoint)	1	\$7,565.43	\$7,565.43
Number of checkpoints outside the mobilization periods	0	\$7,565.43	\$0.00
<b>Total Number of Checkpoints</b>	<b>2</b>	<b>Maximum Reimbursable Amount (Grant Total)</b>	<b>\$15,130.86</b>

**Schedule B-1 - Budget Narrative**  
**Sobriety Checkpoint Mini-Grant Program For 2009-2010**

**Milpitas, CA, City of** will be reimbursed for overtime personnel costs to conduct the checkpoints.

Overtime reimbursement will reflect actual costs (overtime hourly rate and overtime benefit rates) 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- Detailed Budget Estimate. 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 Service 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.

Reimbursements are contingent upon the following (note: exceptions must be approved by the TSC):

- i. The applicable post-operational data have been submitted using the TSC's on-line reporting system.
- ii. A press release for each checkpoint has been submitted (if multiple checkpoints are conducted within a seven-day period, a press release for the seven-day period has been submitted).
- iii. The claim form is correctly filled out, using the TSC Excel-based form.
- iv. The claim amounts do not exceed the limits set forth in *Schedule B –Detailed Budget Estimate*.
- v. The information in the overtime slips and the ledger report are consistent and fully support the claim.
- vi. A ledger report(s) supporting the claim amount is attached to the claim. Only source documents are accepted to support the claim amount. Explanatory documentation such as spreadsheets may be submitted to provide additional information but cannot be accepted in lieu of a ledger report(s).
- vii. *Contract cities only:* A contract city must also provide the Sheriff's Department's invoice to the contract city for the checkpoint overtime costs described in the contract city's claim. The invoice (or an attachment to the invoice) must contain the contract rates that are the basis for the Sheriff's Department's invoiced amount. With the exception of contract cities in San Diego County, the contract city must provide a ledger report showing payment of the invoice amount (San Diego County must provide a ledger report reflecting actual rates).
- viii. 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.
- ix. 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.
- x. The claim is submitted no later than October 15, 2010.

**Schedule C - Terms and Conditions  
Sobriety Checkpoint Mini-Grant Program For 2009-2010**

**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).

**City of Milpitas, California**

**BUDGET CHANGE FORM**

Type of Change	From		To	
	Account	Amount	Account	Amount
<b>Check one:</b> <input checked="" type="checkbox"/> Budget Appropriation <input type="checkbox"/> Budget Transfer	100-3587	\$15,131	100-722-4113	\$15,131

**Explain the reason for the budget change:**

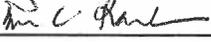
**Background:**  
 The Regents of the University of California Berkeley School of Public Health Traffic Safety Center & the California Office of Traffic Safety are administering the 2009-2010 Sobriety Checkpoint Mini-Grant program that offers mini-grant funds to reimburse law enforcement agencies for overtime expenditures specifically directed towards sobriety checkpoints. The goal of the statewide sobriety checkpoint program is to reduce the number of people killed in alcohol-related crashes. The City of Milpitas Police Department has been approved for a mini-grant of \$15,130.86 to conduct up to two sobriety checkpoints in Milpitas between October 1, 2009 and September 8, 2010.

**Fiscal Impact:** A budget appropriation in the amount of \$15,130.86 for Police Department overtime budget from grant revenue.

**Recommendation:**

1. Adopt a resolution 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.
2. Approve a budget appropriation in the amount of \$15,130.86 for Police Department overtime budget from grant revenue.

**Check if City Council Approval required.**                      **Meeting Date:** November 17, 2009

Itemization of funds, if needed:			Amount
Requested by:	Division Head: 	Date:	11-9-09
	Department Head: 	Date:	11-9-09
Reviewed by:	Finance Director: 	Date:	11/9/09
Approved by:	City Manager:	Date:	
Date approved by City Council, if required:		Confirmed by:	