

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 SAFE TRANSPORTATION RESEARCH AND EDUCATION CENTER & THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE NEXT GENERATION CLICK IT OR TICKET MINI-GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES

WHEREAS, the Regents of the University of California Berkeley School of Public Health Safe Transportation Research and Education Center & the California Office of Traffic Safety are administering the 2010-2011 Next Generation - Click It or Ticket mini-grant program that offers mini-grant funds to reimburse law enforcement agencies for overtime expenditures specifically directed towards seat belt enforcement. The goal of the Next Generation - Click It or Ticket mini-grant program is to increase statewide seat belt use to 96% by 2011; and

WHEREAS, the City of Milpitas has been approved for a mini-grant of \$3,004.48 for the Police Department to conduct up to two seat belt enforcement campaigns in Milpitas between November 15, 2010 and June 6, 2011; and

WHEREAS, there has been submitted to the City Council of the City of Milpitas a proposed Agreement (Grant No. CT11260) to be entered into by and between the City of Milpitas and the Regents of the University of California Berkeley School of Public Health Safe Transportation Research and Education 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.

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



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

GRANT NUMBER

CT11260

GRANT

1. Title of Program

Next Generation - Click It or Ticket 2010 - 2011

2. Name of Applicant Agency

MILPITAS, CITY OF

4. Period of Grant

Month - Day - Year

From: **11/15/10**
 To: **06/06/11**

**3. University of California Berkeley, Safe Transportation Research and Education Center
 DAVID RAGLAND, PRINCIPAL INVESTIGATOR, SAFE TRANSPORTATION RESEARCH AND
 EDUCATION CENTER**

5. Description of Program

California will initiate "Next Generation – Click It or Ticket" for FY 2011 by conducting: 1) a seat belt enforcement campaign November 15 – 28, 2010 in support of the California Office of Traffic Safety (OTS) mobilization period, 2) a seat belt enforcement campaign May 23 – June 5, 2011 in support of the national, NHTSA mobilization period. Grant funds will be used to increase the number of hours incurred by first line supervisors, officers, and clerical/administrative personnel in **Milpitas Police Department** to conduct/support seat belt enforcements 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:

\$3,004.48

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: Associate Director, SPO

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

Address: UC Berkeley Sponsored Projects Office
 2150 Shattuck Avenue, Suite 313

Berkeley, CA 94720
Email: jbaldwin@berkeley.edu

 (Signature)

 (Date)

B. Authorizing Official For Applicant Agency

Name: Dennis Graham
Title: Police Chief

Phone: (408) 586-2400
Fax: (408) 586-2492

Address: 1275 N. 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 E. 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: Armando Corpuz **Title:** Commander

 (Signature)

 (Date)

Name: Charlotte Pang **Title:** Commander

 (Signature)

 (Date)

Schedule A - Description

Next Generation - Click It or Ticket

Grant No. CT11260

GOAL

To increase seat belt use, statewide, to 96% by 2011.

PROJECT OBJECTIVES

1. **Conduct a seat belt enforcement campaign during each of the Next Generation mobilization periods November 15 – 28, 2010 and May 23 – June 5, 2011.**
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. Have the individual who will be conducting occupant protection roll call training complete the pre-operational training.
4. Ensure that officers who participate in the enforcement activities receive occupant protection roll call training (to ensure familiarity with the *California Vehicle Code* provisions covering occupant restraint).
5. Report statistics for **each mobilization**:
 - Number of seat belt citations by mini-grant-funded officers
 - Number of "other" types of enforcement actions (citations and tows) by mini-grant-funded personnel

Additional reporting for the mobilization periods:

- Description of the enforcement strategy (i.e., saturation patrol and/or enforcement zone)
 - Number of overtime hours by personnel classification
 - Pre- and post-mobilization seat belt use survey results
 - Number of seat belt citations by the department in the same time period as the mini-grant-funded work
 - Number of "other" types of enforcement actions (citations and tows) by the department in the same time period as the mini-grant-funded work.
6. Prepare claims in accordance with *Schedule B-1 – Budget Narrative*. The grant covers only overtime personnel costs. Other direct costs are not reimbursable. Indirect costs are not reimbursable.
 7. Submit a final claim by July 15, 2011.
 8. Certify by signing the November 2010 and May - June 2011 mobilization reports that an occupant protection roll call training session(s) was conducted.

Schedule A - Description (continued)

**Next Generation - Click It or Ticket
Grant No. CT11260**

MEDIA OBJECTIVES

1. Issue a press release prior to each of the mobilization periods.
2. Embargo the mobilization period press release until the day of the California Office of Traffic Safety (OTS) press release (to be determined).
3. When using the OTS press release template provided by SafeTREC, forward press releases, media advisories, alerts, and other press materials to SafeTREC 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 and approval at least **14 days in advance** of the mobilization. The approved press releases must also be sent to the SafeTREC.
4. 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

November - December 2010

- 1) The individual(s) responsible for the occupant protection roll call training complete the SafeTREC pre-operational training. The program coordinator or designee must complete the test.
- 2) Hold occupant protection roll call training.
- 3) Complete a pre-operational seat belt compliance survey in the week before the mobilization period, i.e., November 8 -14. (Note: Pre- and Post- Operational Surveys are not covered by the grant)
- 4) Issue a press release using the OTS template to announce the mobilization.
- 5) Conduct the mobilization in November 15 – 28.
- 6) Complete a post-operational seat belt compliance survey in the week after the mobilization, i.e., November 29 – December 5.
- 7) Submit the November mobilization report to the SafeTREC (using their on-line reporting system) no later than December 31. Send the signed report to the SafeTREC.

Schedule A - Description (continued)

Next Generation - Click It or Ticket

Grant No. CT11260

May – June 2011

- 8) Hold occupant protection roll call training during the May 23 – June 5, 2011 mobilization.
- 9) Complete a pre-operational seat belt compliance survey in the week before the mobilization period, i.e., May 16-22.
- 10) Issue a press release using the OTS template to announce the mobilization. Embargo the press release until the day of the OTS press release (to be determined). If the OTS template is not used, submit the proposed press release to the OTS Public Information Officer at least 14 days in advance for his review and approval.
- 11) Conduct the mobilization in May 23 – June 5.
- 12) Complete a post-operational seat belt compliance survey in the week following the mobilization, i.e., June 6-12.
- 13) Submit the May - June mobilization report to the SafeTREC no later than June 30 using their on-line reporting system. Send the signed report to the SafeTREC.

July 2011

- 14) Submit the final claim by July 15, 2011.

Throughout Grant Period

- 15) Send to the SafeTREC the press releases for the mobilization periods.
- 16) Send to the SafeTREC 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. CT11260

The total claim amounts must not exceed the grant total of **\$3,004.48**.

Schedule B-1 - Budget Narrative

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

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

Only employee fringe benefits earned as a percentage of hourly pay and 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. The mini-grant covers only the costs of police department personnel. Mini-grants do not cover contractual services (with the exception of contract cities). 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 (note: exceptions must be approved by SafeTREC):

- i. The enforcement statistics are reported using the SafeTREC's on-line reporting system.
- ii. The mobilization press releases are issued for each mobilization.
- iii. The pre- and post-operational seat belt compliance surveys are performed for each of the mobilizations.
- iv. The claims do not exceed the award amount.
- v. The claim form is correctly filled out, using the SafeTREC Excel-based claim form.
- vi. The information in the overtime slips and the ledger report are consistent and fully support the claim.
- vii. 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 spread sheets may be submitted to provide additional information but cannot be accepted in lieu of a ledger report(s).
- viii. **Contract cities only: A contract city must also provide the sheriff's department's invoice to the contract city for the seatbelt enforcement 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.** The contract city must provide a ledger report showing payment of the invoice amount. If a sheriff's department or police department is administering the mini-grant for a contract city, then that administering agency must provide the ledger report only.
- ix. 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.
- x. 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 SafeTREC documentation requirements.

Schedule C - Terms and Conditions

Next Generation - Click It or Ticket Grant No. CT11260

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*, 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 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.

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
<input checked="" type="checkbox"/> Budget Appropriation	100-3567	\$3,004	100-722-4113	\$3,004
<input type="checkbox"/> Budget Transfer				

Explain the reason for the budget change:

Background:

The Regents of the University of California Berkeley School of Public Health Safe Transportation Research and Education Center & the California Office of Traffic Safety are administering the 2010-2011 Next Generation – Click It or Ticket mini-grant program that offers mini-grant funds to reimburse law enforcement agencies for overtime expenditures specifically directed towards seat belt enforcement campaigns. The goal of the Next Generation - Click It or Ticket mini-grant program is to increase statewide seat belt use to 96% by 2011. The City of Milpitas Police Department has been approved for a mini-grant of \$3,004.48 to conduct up to two seat belt enforcement campaigns in Milpitas from November 15, 2010 to June 6, 2011.

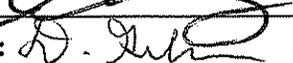
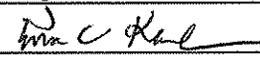
Fiscal Impact: None. The grant will cover the Police Department overtime incurred to conduct the seat belt enforcement campaigns.

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 Safe Transportation Research and Education Center & the California Office of Traffic Safety for the Next Generation – Click It or Ticket mini-grant program.
2. Approve a budget appropriation in the amount of \$3,004.48 for Police Department overtime budget from grant revenue.

Check if City Council Approval required.

Meeting Date: November 02, 2010

Itemization of funds, if needed:		Amount
Requested by:	Division Head: 	Date: 10/25/10
	Department Head: 	Date: 10-20-10
Reviewed by:	Finance Director: 	Date: 10/20/10
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by: