

**LIST OF ATTACHMENTS FOR PUBLIC HEARING  
ITEM NO. 1 – HOLD A PUBLIC HEARING AND ADOPT  
A RESOLUTION TO ACCEPT THE 2011 EDWARD  
BYRNE JUSTICE ASSISTANCE GRANT (JAG)**

- A. City Council Resolution**
- B. Budget Change Form**
- C. 2011 Edward Byrne Justice Assistance Grant  
Application**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO ACCEPT THE 2011 EDWARD BYRNE JUSTICE ASSISTANCE GRANT**

**WHEREAS**, the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, coordinates the annual Edward Byrne Justice Assistance Grant (JAG) authorized by 42 United States Code 3751(a); and

**WHEREAS**, on July 20, 2011, an application was submitted to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, in order to equip police officers with portable radios that meet current technological needs; and

**WHEREAS**, on August 19, 2011, the City’s application was approved and the grant was tentatively awarded (Award Number 2011-DJ-BX-3301) in the amount of \$13,913.00. The grant award is intended to enhance the front-line delivery of services through existing programs by obtaining necessary equipment, such portable radios for officers; and

**WHEREAS**, on October 18, 2011, the City Council held a public hearing regarding expenditure of the 2011 Edward Byrne Justice Assistance Grant for portable radios for officers.

**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 2011 Edward Byrne Justice Assistance Grant in the amount of \$13,913.00.

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

**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	267-3557	\$13,913	267-721-4873	\$13,913

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

**Background:** The Edward Byrne Memorial Justice Assistance Grant Program (JAG) supports law enforcement activities to prevent and control crime.

The United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Coordinates the annual Edward Byrne Justice Assistance Grant (JAG) authorized by 42 US Code 3751(a).

JAG funding is a formula based on population and crime statistics, in combination with a minimum allocation to ensure that each state and territory receives an appropriate share. The JAG program supports a broad range of activities to prevent and combat crime, which includes additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice. . The grant funds must supplement and not supplant existing law enforcement funding. 42 US Code 3752 requires a public hearing regarding the expenditure of the grant.

The 2011 allocation for the City of Milpitas is \$13,913, with no city matching funds required. Police staff request the designated allocation be used to fund a portable radio purchase.

**Fiscal Impact:** Approve appropriation in the amount of \$13,913 into the police department's operating budget.

Check if City Council Approval required.

Meeting Date: October 18, 2011

Itemization of funds, if needed:		Amount
Requested by:	Division Head:	Date:
	Department Head:	Date:
Reviewed by:	Finance Director: <i>m c plal</i>	Date: 10/6/11
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by:

**C**

<b>APPLICATION FOR FEDERAL ASSISTANCE</b>		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE		State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier
<b>5. APPLICANT INFORMATION</b>			
Legal Name		Organizational Unit	
City of Milpitas		Police Department	
Address 1275 N. Milpitas Blvd. Milpitas, California 95035-3153		Name and telephone number of the person to be contacted on matters involving this application  Holliday, Sandra (408) 586-2433	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 94-6019192		7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA EDWARD BYRNE MEMORIAL JUSTICE TITLE: ASSISTANCE GRANT PROGRAM		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Portable Radios for Officers	
12. AREAS AFFECTED BY PROJECT  This project will equip officers of the Milpitas Police Department with portable radios in order to effectively serve the community of Milpitas.			
13. PROPOSED PROJECT Start Date: October 01, 2011 End Date: September 30, 2013		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project CA15	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? Program is not covered by E.O. 12372	
Federal	\$13,913	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?  N	
Applicant	\$0		
State	\$0		
Local	\$0		
Other	\$0		
Program Income	\$0		
TOTAL	\$13,913		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.			



## *Milpitas Police Department*

*Dennis Graham  
Chief of Police*

### **BJA FY 11 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Application**

**City of Milpitas Police Department (EIN: 94-6019192, DUNS: 03-814-2642)**

#### **Portable Radios for Officers**

Portable radios provide officers with a direct means of communication when they are outside of their police vehicles. At the push of a button, officers are in contact with the 9-1-1 Communications Center, other Milpitas officers, officers from neighboring jurisdictions should the need arise, or all of the above simultaneously. The existing portables radios used by officers are 8 to 10 years old, many of which requiring costly repairs and have reached the end of their expected useful life. The requested amount of \$13,913.00 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program will enable the purchase of twelve (12) new portable radios to equip officers serving the community of Milpitas.

The estimated costs for each portable radio and required accoutrements are as follows:

Radio	\$795.00
Battery	\$ 68.00
Microphone	\$ 81.00
Trunking Operation	\$ 25.00
Trunking License	\$ 25.00
Programming	\$ 29.75
Warranty	\$100.00
Tax	\$101.20
<b>Total:</b>	<b>\$1,224.95</b>

	Original	moto direct	Telepath	Telepath final
Radio	795.00	716.10	720.00	716.10
Stubby Antenna	0.00	0.00	0.00	0.00
Extra Motorola Battery	68.00	90.72	68.00	68.00
Rapid Charger	0.00	0.00	0.00	0.00
Extended Mic PMMN4025A	81.00	72.90	81.00	72.90
Carry Case - Costs may be lower		41.31	45.90	41.31
Motorola Connect Plus Trunking operation	25.00	16.50	18.00	16.50
Connect Plus Trunking License	25.00	??????	????	
Motorola Taxable 5 yr warranty	100.00	74.28	100.00	74.28
sales tax	1094.00	1008.81	1032.90	969.59
total	101.20	93.31	95.54	89.69
labor-programming cost	1195.20	1102.12	1128.44	1059.28
<b>FINAL PER RADIO COST</b>	29.75	29.75	29.75	29.75
	1224.95	1131.87	1158.19	1089.03
				or \$50 less if
				patrol doesn't
				get Connect
				Plus Trunking
	1174.95			
CPS R6.0 Global Motorola software		212.00	299.00	
Programming cable		60.00	135.00	
		272.00	434.00	
				162.00

**ALSO BUY SOFTWARE TO PROGRAM RADIOS**

six unit chargers to purchase?

Fremont .0975 sales tax, Milpitas .0925 sales tax, take possession in Milpitas and save about \$585.00



OMB APPROVAL  
NUMBER 1121-0140

EXPIRES 12/31/2012

### STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity:
  - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
  - b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

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h1>U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE CHIEF FINANCIAL OFFICER

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be 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;

(b) If any funds other than Federal appropriated funds have been paid or will be paid 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a):

A. The applicant certifies that it and its principals:

(a) 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;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal,

State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.