

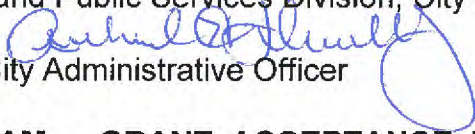
CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

0130-02077-0001

Date: September 18, 2018

To: The Mayor
The Council

Attn: Mandy Morales, Legislative Coordinator, Mayor's Office
Patrice Lattimore, Council and Public Services Division, City Clerk's Office

From: Richard H. Llewellyn, Jr., City Administrative Officer 

Subject: **GRANTS PILOT PROGRAM – GRANT ACCEPTANCE PACKET FOR THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S ALCOHOL AND DRUG IMPAIRED DRIVING VERTICAL PROSECUTION PROGRAM GRANT AWARD**

Attached is the Grant Acceptance Packet (Packet) for the Alcohol and Drug Impaired Driving Vertical Prosecution Program from the National Highway Traffic Safety Administration in the amount of \$715,961. Grant funding will be used by the City Attorney's Office to support the direct and indirect costs of two existing Deputy City Attorney II and one new Deputy City Attorney I positions to support the Alcohol and Drug Impaired Driving Vertical Prosecution Program. The grant performance period is effective for a one year period beginning October 1, 2018 and ending September 30, 2019. As a participant in the Grants Pilot Program, the City Attorney's Office submitted the packet for review and analysis by the CAO Grants Oversight Unit and the appropriate CAO Analyst.

In accordance with the approved procedures for this Pilot, this Office reviewed the Packet for completeness, conducted a concise analysis, and prepared a Fiscal Impact Statement. The Packet consists of the following:

- Review of Grant Award and Acceptance Determination
- Department Request for Acceptance of Grant Award
- Grant Agreement

If you have any questions regarding the Grant Acceptance Packet, please contact Sharon Lee at (213) 978-7629.

RHL:EFR:SCL:04190033a

Attachments

OFFICE OF THE CITY ADMINISTRATIVE OFFICER
Review of Grant Award and Acceptance Determination

Recipient City Department: Office of the City Attorney		Award Notification Date: July 2018	
Grant Award Title: Alcohol and Drug Impaired Driving Vertical Prosecution Program		Grant Amount: \$715,961 Prior Grant Award(s): \$331,583	
Awarding Agency: National Highway Traffic Safety Administration			
Grant Agreement Number/Reference: DI19005/C.F. 18-0838		Performance Start Date: October 1, 2018	Performance End Date: September 30, 2019
Purpose: The City Attorney's Office requests authority to accept grant funding in the amount of \$715,961 for the Alcohol and Drug Impaired Driving Vertical Prosecution Program for the grant performance period of October 1, 2018 to September 30, 2019.			

Checklist for Grant Acceptance:	Yes	No	N/A	Comments
1. Authority for Grant Acceptance				
• Department requests acceptance of the Grant	X			() Terms/Conditions outlined in Award Notice/Grantor Agreement
2. Match Requirement Review				
• Match Sources Identification completed			X	() Obtain match requirements from Award Notice/Grantor Agreement
• Additional Funds requested			X	() Submit to CAO for review
3. Charter Section 1022 Determination				
• Charter Section 1022 findings completed			X	() Submit to CAO for review and determination
4. Provisions for Grant-Funded Contracts				
• Standard and Grantor Provisions or equivalent language is included			X	() Incorporate Provisions or Language into proposed agreement
• Pro Forma Agreement RFP <input type="checkbox"/> MOU <input type="checkbox"/> PSA <input type="checkbox"/>			X	() Submit to City Attorney for review and approval; copy to CAO
5. Personnel Authorities				
• Department has submitted a request for position(s)	X			() Review documents and make determination
6. Grant Implementation Recommendations				
• Department has submitted grant implementation instructions	X			() Submit to CAO for review
7. Controller Instructions for Fund/Accounts Set-Up				
• Department has requested Funds/Accounts Set-up	X			
8. Governing Body Resolution/Certification				
• Department has submitted Resolution/Certification			X	() Submit to CAO and City Attorney for review
9. Fiscal Impact Analysis				
• Department has submitted Fiscal Impact Statement	X			() Submit to CAO for review and determination

OFFICE OF THE CITY ADMINISTRATIVE OFFICER
Review of Grant Award and Acceptance Determination

10. Grant Award Summary

The Office of the City Attorney requests authority to accept \$715,961 in grant funding for the Alcohol and Drug Impaired Driving Vertical Prosecution Program. These funds originate from the National Highway Traffic Safety Administration and pass through the California Office of Traffic Safety. The Alcohol and Drug Impaired Driving Vertical Prosecution Program grant will continue to fund the salaries of two existing Deputy City Attorneys II resolution authority positions and add funding for one new Deputy City Attorney I resolution authority position which will work with the Los Angeles Police Department on driving under the influence cases, increasing apprehension of defendants in bench warrant status, securing stronger sentencing penalties, training local prosecutors and law enforcement personnel regarding impaired driving, and raising awareness regarding the link between impaired driving and increased traffic fatality and injury rates. This is the seventh year the City Attorney's Office is receiving this grant.

Grant funding in the amount of \$715,961 is provided by the National Highway Traffic Safety Administration to provide \$390,951 in salaries, \$321,010 in related costs, and \$4,000 in travel. There is no matching requirement for this grant and there is no General Fund impact accepting this award.

11. Recommendations

Pursuant to a review of departmental recommendations for this grant, please provide a complete list of necessary actions for implementation including acceptance of the award by the City, Controller instructions for fund and accounts set-up, coordination of project activities, etc.

That the Council, subject to the approval of the Mayor:


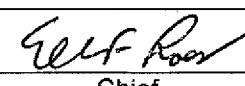

1. Authorize the City Attorney or designee to approve the accompanying grant award between the City of Los Angeles and the California Office of Traffic Safety, and authorize the City Attorney or designee to execute said grant award on behalf of the City, subject to the approval of the City Attorney as to form;
2. Authorize the City Attorney or designee to accept the grant award in the amount of \$715,961 for funding the Alcohol and Drug Impaired Driving Vertical Prosecution Program for the period of October 1, 2018 to September 30, 2019;
3. Authorize employment authority in the City Attorney's Office for the period of October 1, 2018 to June 30, 2019, for one Deputy City Attorney I (Class Code 0594) resolution authority position;
4. Authorize the Controller to:
 - a. Establish a receivable within Fund 368, Department 12 in the amount of \$715,961;
 - b. Establish Appropriation Account 12R231 - Impaired Driving Prosecution within Fund 368, Department 12 in the amount of \$715,961;
 - c. Transfer \$270,330 from Fund 368, Department 12, Account 12R231-Impaired Driving Prosecution to Fund 100, Department 12, Account 001010 Salaries General;
 - d. Upon receipt of grant funds, transfer \$321,010 from Fund 368, Department 12, Account 12R231 - Impaired Driving Prosecution to Fund 100, Department 12, Account 5631 Revenue Costs Reimbursement-Other;
5. Authorize the City Council to instruct the City Clerk to place on the agenda for the first regular Council meeting on July 1, 2019, or shortly thereafter, the following action relative to the Alcohol and Drug Impaired Driver Vertical Prosecution Program:
"That the City Council, subject to the approval of the Mayor, authorize the Controller to transfer \$120,621 from Fund 368, Department 12, Account 12R231-FY 18-19 Impaired Driving Prosecution to Fund 100, Department 12, Account 001010 Salaries General."; and,
6. Authorize the City Attorney to prepare Controller instructions for any necessary technical adjustments subject to the approval of the City Administrative Officer, and authorize the Controller to implement the instructions.

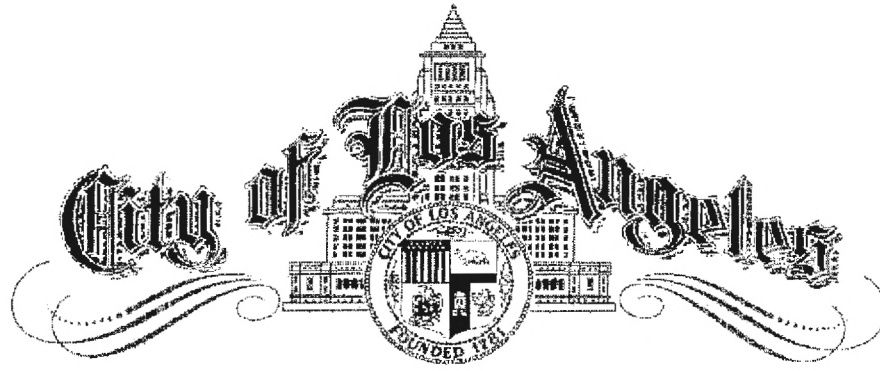
12. Fiscal Impact Statement

- Yes This Office finds that the Grant complies with City financial policies as follows (see below):
 No This Office finds that the Grant does not comply with City financial policies as follows (see below):

Approval of this request will allow for the disbursement of Alcohol and Drug Impaired Driving Vertical Prosecution Program funding from the National Highway Traffic Safety Administration. Grant funding will cover the direct and indirect costs of two existing Deputy City Attorney II and one new Deputy City Attorney I positions. There is no new General Fund impact. The recommendations in this report are in compliance with the City's Financial Policies in that budgeted appropriations will be balanced against receipts expected from this grant.

Doc. No 0419C033

 CAO Analyst	 Chief	 CAO/Assistant CAO	9/14/18 Date
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MICHAEL N. FEUER
CITY ATTORNEY

August 20, 2018

To: The Honorable Eric Garcetti
Mayor of Los Angeles
City Hall
Los Angeles, CA 90012
Attention: Cary Gross

Honorable City Council
City of Los Angeles
City Hall
Los Angeles, CA 90012
Attention: Holly Wolcott

From: Leela Kapur, Chief of Staff

Cc: Michiko Reyes, Budget Director
Janette Flintoft, Director of Grants

Date: August 21, 2018

Re: Acceptance of FY 2018-19 California Office of Traffic Safety Grant Award
Council File Number 11-1859

Transmitted herewith for Mayor and City Council consideration is grant funding totaling \$715,961 awarded by the Office of Traffic Safety, which is the pass through agency for the National Institute of Traffic and Highway Safety Agency. Now in its seventh year, this award will provide reimbursable funding for the salaries and fringe benefits for three Deputy City Attorney positions from October 1, 2018 through September 30, 2019. These attorneys will aggressively prosecute driving under the influence offenders (both alcohol and drugs) within the City of Los Angeles as part of the "Alcohol and Drug Impaired Driving Vertical Prosecution Program."

Impaired driving is a significant public safety issue. During FY 2017-18, the Los Angeles City Attorney's Office reviewed 8,572 driving while impaired referrals and filed 8,102 cases. Of these, 765 cases filed involved driving under the influence of drugs (DUID), which is an increase from 670 cases the prior year.

To meet the increase in DUID cases and broaden DUID vertical prosecution enforcement across the city, grant resources will support one new DCA I position. Because the grant provides full cost recovery there is no general fund impact.

The Honorable Eric Garcetti
Honorable City Council
August 21, 2018
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The vertical prosecutors' duties and responsibilities will include working in conjunction with the Los Angeles Police Department on DUID cases, increasing apprehension of defendants in bench warrant status, securing stronger sentencing penalties, training of local prosecutors and law enforcement personnel regarding emerging trends related to impaired driving, and raising critical awareness regarding the link between impaired driving and increased traffic fatality/injury rates. New data collection protocols will be implemented to help inform enforcement strategies and protocols. The grant award will also provide reimbursable funding for travel expenses for the three prosecutors to attend trainings and traffic safety conferences.

It is anticipated that grant funding will continue beyond FY 2018-19 as a result of grantee performance and the ongoing need for resources in this area.

Thank you for your consideration to this matter. Should you have any questions or require assistance please contact Michiko Reyes at (213) 978-7020 or Janette Flintoft at (310) 570-0686.

Sincerely,

Leela Kapur
Chief of Staff

cc: Richard Llewellyn, CAO
Sharon Lee, CAO

1. GRANT TITLE Alcohol and Drug Impaired Driver Vertical Prosecution Program	
2. NAME OF AGENCY Los Angeles	3. Grant Period
4. AGENCY UNIT TO ADMINISTER GRANT Los Angeles City Attorneys Office	From: 10/01/2018 To: 09/30/2019
5. GRANT DESCRIPTION The County District Attorney’s Office (or City Attorney’s Office) will assign a specialized team to prosecute alcohol and drug impaired driving cases. The DUI prosecution team will handle cases throughout each step of the criminal process. Prosecution team members will work to increase the capabilities of the team and the office by obtaining and delivering specialized training. Team members will share information with peers and law enforcement personnel throughout the county and across the state. The office will accomplish these objectives as a means to prevent impaired driving and reduce alcohol and drug-involved traffic fatalities and injuries.	
6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$715,963.00	
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> • Schedule A – Problem Statement, Goals and Objectives and Method of Procedure • Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) • Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable) • Exhibit A – Certifications and Assurances • Exhibit B* – OTS Grant Program Manual <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions. IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
8. Approval Signatures	
A. GRANT DIRECTOR NAME: Janette Flintoft PHONE: 310-570-0686 TITLE: Grant Director FAX: 213-978-8100 ADDRESS: 200 N. Main Street, 8th floor Los Angeles, CA 90012 EMAIL: janette.flintoft@lacity.org _____ <i>(Signature)</i> <i>(Date)</i> C. FISCAL OR ACCOUNTING OFFICAL NAME: Michiko Reyes PHONE: 213-978-7020 TITLE: Budget Director FAX: 213-978-8787 ADDRESS: 200 N. Main Street, 8th floor Los Angeles, CA 90012 EMAIL: michiko.reyes@lacity.org _____ <i>(Signature)</i> <i>(Date)</i>	B. AUTHORIZING OFFICIAL OF AGENCY NAME: Leela Kapur PHONE: 213-978-8100 TITLE: Chief of Staff FAX: 213-978-8787 ADDRESS: 200 N. Main Street, 8th floor Los Angeles, CA 90012 EMAIL: leela.kapur@lacity.org _____ <i>(Signature)</i> <i>(Date)</i> D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY NAME: Rhonda L. Craft PHONE: (916) 509-3030 TITLE: Director FAX: (916) 509-3055 ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 EMAIL: rhonda.craft@ots.ca.gov _____ <i>(Signature)</i> <i>(Date)</i>
E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	9. DUNS INFORMATION
	DUNS #: 156092066
	REGISTERED ADDRESS: 200 N. Spring Street
	CITY: Los Angeles ZIP+4: 90012-4110

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
405d AL-19	20.616	0521-0890-101	2018	2018	29/18	\$715,963.00
				AGREEMENT TOTAL		\$715,963.00
				AMOUNT ENCUMBERED BY THIS DOCUMENT		\$715,963.00
				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		\$ 0.00
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED	TOTAL AMOUNT ENCUMBERED TO DATE		
<i>[Signature]</i>				\$715,963.00		
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>						

1. PROBLEM STATEMENT

As the **largest city in the state of California** and the second largest city in the nation, local traffic safety is paramount in Los Angeles due to the magnitude of traffic related injury and fatality rates. Per OTS Collision Ranking data, in 2015 the City of Los Angeles had the second highest number (**39,708 individuals**) of victims killed or injured in vehicular collisions for cities with populations over 250,000 in the state of California. From 2015 to 2017, then number of fatal collisions increased from 181 to 246.

Further compounding the problem, as of January 1, 2018 Los Angeles will also become the largest city in the nation to allow for recreational cannabis use. The availability of cannabis will only increase the amount of traffic related injuries and fatalities as evidenced by neighboring states experiencing afflictions associated with legalized recreational cannabis use. More outreach and awareness is critically needed for consumers of cannabis to understand the negative impacts associated with impaired driving.

Local Prosecution Challenges

The Los Angeles City Attorney Office is solely responsible for all misdemeanor drug impaired driving cases within the City of Los Angeles. Covering more than 500 square miles, the City expands from the North Valley down south to the Harbor.

Six courthouses preside over the DUID cases in the City. Two Courthouses are located in downtown Los Angeles, two in the Van Nuys area, one in the Pacific region near LAX and one in San Pedro. To demonstrate the geographic span of the City Attorney's Office, San Pedro is located nearly 50 miles south from the most northerly courthouse in the San Fernando Valley.

For FY 2017, the City Attorney's Office reviewed 844 DUID cases. The map below breaks down the misdemeanor DUID cases reviewed at each courthouse.

Despite the volume of DUID cases, only two of the six courthouses have DUID vertical prosecutors. In 2017, these two prosecutors processed nearly more than half (598) of the City's total DUID caseload. Despite efforts to build capacity among the other courthouse locations to review, file and prosecute DUID cases, the lack of additional vertical prosecutors has created a vacuum whereby many DUID cases are ineffectively being addressed. This is due in part to the sheer size of the City, which prohibits the ability of the two vertical prosecutors to oversee the enormity of the City's DUID caseload.

Drug Impaired driving is a complex issue to prosecute. The vertical prosecution format truly is the most efficient and effective manner to handle these multifaceted cases. The City Attorney's Office's vertical prosecution model allows prosecutors to acquire specialized knowledge that is necessary to successfully prosecute these offenses. As seen in 2015 OTS Collision Ranking data, the City of Los Angeles ranks fifth for the highest number of alcohol involved collisions (**3,300 individuals**). In recent years, drug impaired driving arrest rates have soared throughout the City of Los Angeles, which corresponds with **the 13.8% increase seen in drug-involved crash fatalities during the past decade per the 2015 DUI-MIS Report**. Cannabis is the drug most often cited by the Los Angeles Police Department arresting officers and/or DREs, which corresponds with the legalization of recreational and medical marijuana dispensaries in the City of Los Angeles that now total more than 1,000 in operation. To compound the problem, DUID trial convictions are among the most challenging to secure even for the most experienced and dedicated attorneys due to evidentiary issues related to impairment and the public's perception regarding certain drugs being "non-offensive." Through the addition of two DUID vertical prosecutors, all cases can be vertically prosecuted while also teaching other branch attorneys how to effectively prosecute these challenging cases.

2. PERFORMANCE MEASURES

A. Goals:

1. Improve the prosecution knowledge and expertise of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases.
2. Increase the number of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases filed and prosecuted.

B. Objectives:	Target Number
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
2. Create or expand a "Vertical Prosecution Program" with the City Attorney or District Attorney's Office by November 30. The program will facilitate the prosecution of all DUI drug cases, all DUI alcohol and drug combination cases, and if applicable, all felony DUI alcohol cases with death or injury.	1
3. Designate prosecutor position(s) and investigator position(s) to the DUI caseload to prosecute DUI Alcohol and DUI Drug cases. The individual(s) will be dedicated solely to this assignment allowing them to gain expertise in the investigation and prosecution of DUI Alcohol and DUI Drug cases. While employed by the City Attorney's or District Attorney's Office, the individual(s) in the grant-funded DUI Vertical Prosecutor position(s) should remain the same throughout the term of the grant.	3
4. Develop and implement a system for gathering, tracking, and reporting all DUI case reviews, filings, and outcomes in the county/city by December 31, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination	1
5. Report on all DUI case reviews, filings and outcomes in the county or city throughout the grant, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination Alcohol and Drug cases.	4
6. Partner with the California Traffic Safety Resource Prosecutor Training Network to provide comprehensive training in the prosecution of DUI Alcohol and DUI Drug cases with an effort to reach prosecutors and investigators.	1
7. Send the funded prosecutor(s) to trainings/meetings sponsored by OTS and/or the California Traffic Safety Resource Prosecutor Training Network.	1
8. Coordinate and host four regional roundtable law enforcement meetings (one each quarter, with telephone conference capabilities) to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. OTS staff, local law enforcement, CHP and probation staff should be included in the roundtable. Agenda and minutes should be produced and distributed. All four meetings for the year should be scheduled in the first quarter of the grant.	4
9. Participate in at least one DUI saturation ride-along and attend/observe at least one DUI checkpoint. Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant. Saturation patrol ride-along and checkpoint observation may be combined into one evening.	1
<p>3. METHOD OF PROCEDURE</p> <p>A. Phase 1 – Program Preparation (1st Quarter of Grant Year)</p> <ul style="list-style-type: none"> • Recruit and hire all staff for the grant. • Procure all materials necessary to implement the grant. • Identify dates and schedule the four Roundtable Meetings (one each quarter with telephone conference capabilities). Notify the OTS coordinator of the dates. Meetings are meant to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. OTS staff, TSRP staff, local law enforcement, CHP and probation staff should be included in the roundtable. Agenda and minutes should be produced and distributed. All four meetings for the year should be scheduled in the first quarter of the grant. • Develop protocols to be used to measure the success of the DUI Prosecution Program. • Conduct training for all program staff outlining the goals and objectives of the project. • Refer cases for prosecution to the grant-funded Deputy District/City Attorney(s). • Transfer all pending DUI cases which qualify under this program so that vertical prosecution may begin. • Develop a training protocol for law enforcement agencies within the county, and start a process of coordinating all reporting, investigation, and referral of cases that qualify under the grant. <p>Media Requirements</p>	

- Issue a press release announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, 14 days prior to the issuance date of the release.

B. Phase 2 – Program Operations (Throughout Grant Year)

- Prosecution will be on-going. The Deputy District/City Attorney(s) will review DUI cases from all law enforcement agencies in the county/city.
- Training for law enforcement personnel, District Attorney Investigators and other Deputy District/City Attorneys will begin and continue throughout the program.
- Prosecutor(s) will:
 - a) Work to secure convictions (as justice requires) and appropriate sentences that reflect the public safety risk posed by the offender.
 - b) Mentor trial attorneys on how to successfully try high-risk DUI offenders.
 - c) Host Quarterly Roundtable meetings with law enforcement personnel, TSRP and OTS Coordinator.
 - d) Work with the TSRP to obtain and deliver high quality DUI prosecution training programs to non-grant-funded prosecutors.
 - e) Work with the TSRP to obtain and deliver high quality DUI investigation, report writing and courtroom testimony training programs to law enforcement personnel (police officers, deputies, District Attorney Investigators and crime lab scientists).
 - f) Attend training programs that cover evaluation and preparation of DUI drug cases, marijuana, prescription drugs, drug trends, people’s experts, defense challenges, cross-examination of experts, SFST evidence, jury considerations and toxicology evidence, and incorporate this information into DUI trainings for attorneys and law enforcement personnel.

Media Requirements

- Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement.
 - If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press.
 - If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date.
 - Press releases reporting the immediate and time-valued results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
 - Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
- 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.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos.
- Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for consultation when deviation from any of the above requirements might be contemplated

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Invoice Claims (due January 30, April 30, July 30, and October 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

GRANT AGREEMENT

Schedule B

DI19005

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL-19	20.616	Impaired Driving Countermeasures	\$715,963.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
A. PERSONNEL COSTS		
Positions and Salaries		
Full-Time		
Deputy City Attorney II - A	20.616	\$143,639.00
Benefits- Deputy City Attorney II - A @ 46.12%	20.616	\$66,246.00
Deputy City Attorney II - B	20.616	\$126,340.00
Benefits- Deputy City Attorney II - B @ 46.12%	20.616	\$58,268.00
Deputy City Attorney I	20.616	\$120,974.00
Benefits- Deputy City Attorney I @ 46.12%	20.616	\$55,793.00
Overtime		\$0.00
Part-Time		\$0.00
Category Sub-Total		\$571,260.00
B. TRAVEL EXPENSES		
In State Travel	20.616	\$4,000.00
		\$0.00
Category Sub-Total		\$4,000.00
C. CONTRACTUAL SERVICES		
		\$0.00
Category Sub-Total		\$0.00
D. EQUIPMENT		
		\$0.00
Category Sub-Total		\$0.00
E. OTHER DIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00
F. INDIRECT COSTS		
35.99% of Total Salaries	20.616	\$140,703.00
Category Sub-Total		\$140,703.00
GRANT TOTAL		\$715,963.00

BUDGET NARRATIVE	
PERSONNEL COSTS	QUANTITY
Deputy City Attorney II - A - 1 x 26 pay periods @ \$5,524.56 @ 100% The Lead DUID Prosecutor/Coordinator will oversee all programmatic aspects of the vertical prosecution program, in addition to full-time DUID enforcement, law enforcement and deputy city attorney training, participation in stakeholder meetings, roundtable coordination, DUID Blueprint development, data tracking, and community outreach.	26
Benefits- Deputy City Attorney II - A @ 46.12% - Total Benefits - 46.12% Dental and Health Insurance - 9.88% Life Insurance - 0.09% Medicare - 1.34% Retirement - 27.28% Unemployment Insurance - 0.03% Workers Compensation - 1.34% Carry Forward - 4.68% Unused sick/vacation - 1.44% Union sponsored benefits - 0.04%	1
Deputy City Attorney II - B - 1 x 26 pay periods @ \$4,859.22 @ 100% The DUID Vertical Prosecutor (DCA II) will carry out impaired driving vertical prosecution enforcement of drug and drug/alcohol cases. The DCA II has experience prosecuting impaired driving cases, has undergone ARIDE and DRE training, and is active in intra-agency collaborations and trainings to address impaired driving. Will also continue to participate in developing the impaired driving blueprint for California, train law enforcement, attend roundtables, and meet the grant performance obligations.	26
Benefits- Deputy City Attorney II - B @ 46.12% - Total Benefits - 46.12% Dental and Health Insurance - 9.88% Life Insurance - 0.09% Medicare - 1.34% Retirement - 27.28% Unemployment Insurance - 0.03% Workers Compensation - 1.34% Carry Forward - 4.68% Unused sick/vacation - 1.44% Union sponsored benefits - 0.04%	1
Deputy City Attorney I - 1 x 26 pay periods @ \$4,652.84 @ 100% The DUID Vertical Prosecutor (DCA I) will carry out impaired driving vertical prosecution enforcement of drug and drug/alcohol cases. The DCA I will undergo ARIDE and DRE training, and will be active in intra-agency collaborations and trainings to address impaired driving. Will participate in training law enforcement, attend roundtables, and meet the grant performance obligations.	26
Benefits- Deputy City Attorney I @ 46.12% - Total Benefits - 46.12% Dental and Health Insurance - 9.88% Life Insurance - 0.09% Medicare - 1.34% Retirement - 27.28% Unemployment Insurance - 0.03% Workers Compensation - 1.34% Carry Forward - 4.68% Unused sick/vacation - 1.44%	1

Union sponsored benefits - 0.04%	
TRAVEL EXPENSES In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include the Governor's Highway Safety Association conference. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	1
CONTRACTUAL SERVICES -	
EQUIPMENT -	
OTHER DIRECT COSTS -	
INDIRECT COSTS 35.99% of Total Salaries - Federally approved Indirect Cost Rate is 35.99% of total salaries.	1
STATEMENTS/DISCLAIMERS There will be no program income generated from this grant. Salaries may include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements. Any non-grant funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.	

CERTIFICATIONS AND ASSURANCES
HIGHWAY SAFETY GRANTS
(23 U.S.C. CHAPTER 4 AND SEC. 1906, PUB. L. 109-59, AS AMENDED)

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high-risk grantee status in accordance with 49 CFR §18.12.

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
- 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1300—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding

recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

- To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. 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 awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. 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 contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

- (b) Have not within a three-year period preceding this proposal 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/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

LAW ENFORCEMENT AGENCIES

All subrecipient law enforcement agencies shall comply with California law regarding profiling. Penal Code section 13519.4, subdivision (e), defines "racial profiling" as the "practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." Then, subdivision (f) of that section goes on to provide, "A law enforcement officer shall not engage in racial profiling."