

<b>REGULAR AGENDA</b>
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**AGENDA ITEM 19**

Consider accepting the Victims' Assistance grant application (VOCA) for the Sheriff's Office.

Moved: **Judge Doerfler**

Seconded: **Commissioner Hays**

Motion: To accept the Victims' Assistance grant application (VOCA) for the Sheriff's Office.

Vote: **4 - 0**

< Attachment >

STATE OF TEXAS  
COUNTY OF WILLIAMSON

BEFORE THE COMMISSIONER'S COURT  
OF WILLIAMSON COUNTY, TEXAS

## RESOLUTION

**WHEREAS**, the Williamson County Commissioner's Court finds it in the best interest of the citizens of Williamson County, that the Williamson County Victims Assistance Program be operated for the 2004 year; and

**WHEREAS**, the Williamson County Commissioner's Court has authorized the County Judge to apply for, accept, reject, alter, or terminate the grant.

**WHEREAS**, the Williamson County Commissioner's Court has agreed to provide the matching moneys for the said project in the amount of \$24, 340.00, as required by the Victim's Assistance Program to the Office of the Governor, Criminal Justice Division, grant application; and

**WHEREAS**, the Williamson County Commissioner's court has agreed, in the event of loss or misuse of the Criminal Justice Division funds, the court assures that the funds will be returned to the Criminal Justice Division in full.

**NOW THEREFORE, BE IT RESOLVED** that the Williamson County Commissioner's Court approves submission of the grant application for the Victim's Assistance Program to the Office of the Governor, Criminal Justice Division, VOCA Program in the amount of \$97,362.00.

Passed and approved this 19<sup>TH</sup> day of NOVEMBER, 2002.  
(Month) (Year)

John C. Doerfler 11-19-02  
John C. Doerfler, County Judge (Date)

ATTEST:

Nancy E. Rister  
Nancy Rister, County Clerk

# **COMPREHENSIVE CERTIFICATION AND ASSURANCES – FEDERAL FUNDS**

## **Need Help?**

This document is a material representation of fact upon which reliance was placed with the agency determined to award the grant. If it is later determined that the grantee knowingly rendered an erroneous certification, the agency, in addition to any other remedies available to the federal government, may take available action.

## **ASSURANCES**

*The applicant hereby assures and certifies compliance with any and all applicable federal and state statutes, regulations, policies, guidelines and requirements, including, but not limited to, OMB Circulars No. A-21, A-110, A-122, A-87, A-133; Office of Justice Programs (OJP) Financial Regulations; Education Department General Administrative Regulations (EDGAR); E.O. 12372 Uniform Administrative Requirements for Grants and Cooperative Agreements — 28 CFR, Part 66, Common Rule; the Uniform Grant Management Standards (UGMS); and Title 1, Part 1, Chapter 3 of the Texas Administrative Code, that govern the application, acceptance and use of Federal and State funds for this project. In instances where multiple requirements apply to a grantee, the more restrictive requirement applies.*

1. **LEGAL AUTHORITY** - It possesses legal authority to apply for the grant. A resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative, or their designee of the organization to act in connection with the application and to provide such additional information as may be required. State agencies are not required to adopt a resolution.
2. **DISPLACED PERSONS** - It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions (42 USC §§ 4601 - 4655) which provide for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
3. **POLITICAL ACTIVITY** - It will comply with provisions of Federal law which limit certain political activities of employees of State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC § 1501, et seq.)
4. **LABOR FAIR STANDARDS ACT** - It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 USC §§ 201 - 219) if applicable.
5. **CONFLICT OF INTEREST** - It will establish safeguards to prohibit employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. **EXAMINATION OF RECORDS** - It will give the sponsoring agency, the Office of the Governor, or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. **COMPLIANCE WITH REQUIREMENTS** - It will comply with all requirements imposed by the Federal sponsoring agency, the Office of the Governor, or the Comptroller General, concerning special requirements of law, program requirements, and other administrative requirements.
8. **EPA VIOLATING FACILITIES** - It will insure that the facilities under its ownership, lease or supervision, which shall be utilized in the accomplishment of the project, are not listed in the Environmental Protection Agency's (EPAs) list of Violating Facilities, and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. **FLOOD INSURANCE** - It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act (50 USC § 4001), which states that, on or after March 2, 1975, communities must purchase flood insurance, where such insurance is available in those communities. This requirement is a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that had been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. **HISTORIC PRESERVATION** - It will assist the federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC § 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1974, as amended, (16 USC § 469a-1, et seq.) by (a) consulting with the State Historic Preservation Officer (SHPO) on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. **COMPLIANCE WITH LAWS AND GUIDES** - It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
12. **COMPLIANCE WITH CODE OF FEDERAL REGULATIONS** - It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information

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Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/ Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.

13. **NONDISCRIMINATION** –

- A. It will comply with all State and Federal statutes relating to nondiscrimination.
- B. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (42 USC § 3789(d)), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans With Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
- C. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Justice Programs, Office for Civil Rights.
- D. It will provide an Equal Employment Opportunity Program (EEO) if required to maintain one, where the application is for \$500,000 or more.

- 14. **COASTAL BARRIERS** - It will comply with the provisions of the Coastal Barrier Resources Act (16 USC § 3501, et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
- 15. **SUPPLANTING PROHIBITION** - It will use funds to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. The applicant understands that potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this Program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.
- 16. **TAXES** - It will comply with all State and Federal laws and are solely responsible for filing all required State and Federal tax forms.
- 17. **GRANT ADMINISTRATION** - It will maintain an appropriate grant administration system to ensure that all terms, conditions and specifications of the grant, including these standard assurances, are met.
- 18. **PUBLIC INFORMATION** - It will ensure that all information collected, assembled or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.
- 19. **CHILD SUPPORT PAYMENTS** - It will comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.
- 20. **SUSPECTED CHILD ABUSE** - It will comply with Section 261.101 of the Texas Family Code, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Grantees shall also ensure that all program personnel are properly trained and aware of this requirement.
- 21. **RELATIVES** - It will comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body, or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
- 22. **OPEN MEETINGS** - If the applicant is a governmental entity, it will comply with Texas Government Code, Chapter 551, which requires all regular, special or called meeting of governmental bodies to be open to the public, except as otherwise provided by law or specifically excluded in the Texas Constitution.
- 23. **HEALTH, HUMAN SERVICES, PUBLIC SAFETY OR LAW ENFORCEMENT AGENCY** - If the applicant is a health and human services agency or public safety or law enforcement agency, it will not contract with or issue a license, certificate or permit to the owner, operator or administrator of a facility if the license, permit or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.
- 24. **LAW ENFORCEMENT AGENCY** - If the applicant is a law enforcement agency regulated by Texas Government Code, Chapter 415, it will comply with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Texas Government Code, Chapter 415, or it must provide the Criminal Justice Division with a certification from the Texas Commission on Law Enforcement Officer Standards and Education stating that the agency is in the process of achieving compliance with such rules.

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**CERTIFICATIONS**

1. The applicant certifies that it will 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. Establish a drug-free awareness program to inform employees about:
    - i. the dangers of drug abuse in the workplace;
    - ii. the applicant's policy of maintaining a drug-free workplace;
    - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
    - iv. the penalties that may be imposed upon employees for drug abuse violations.
  - 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:
    - i. abide by the terms of the statement, and
    - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
  - e. Notifying the agency within ten days after receiving notice under subparagraph (d)(ii) from an employee or otherwise receiving actual notice of such conviction.
  - f. Taking one of the following actions with respect to any employee who is so convicted:
    - i. Taking appropriate personnel action against such an employee, up to and including termination; or
    - ii. 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 the implementation of paragraphs (a), (b), (c), (d), (e), and (f).

If application is in excess of \$100,000, I certify to the best of my knowledge and belief to the following:

1. No 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 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.
 

☐ Check here if any non-federal 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. You must also notify the Criminal Justice Division (CJD) or your local council of governments for the "Disclosure Form to Report Lobbying".
2. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers and that all sub-recipients shall certify accordingly.

**AUDIT CERTIFICATION (SELECT THE APPROPRIATE CHOICE)**

I certify:

- ☒ The applicant agency currently expends combined federal funding of \$300,000 or more and, therefore, is required to submit an annual single audit by an independent auditor made in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133.
- ☐ The applicant agency currently expends combined federal funding of less than \$300,000 and, therefore, is exempt from the Single Audit Act and cannot charge audit costs to a CJD grant. I understand, however, that CJD may require a limited scope audit as defined in OMB Circular A-133.

**EQUAL EMPLOYMENT OPPORTUNITY PLAN (EEOP) CERTIFICATION (SELECT THE APPROPRIATE CHOICE)****Definitions:****Type I Entity**

Educational/medical/non-profit institution/Native American Tribe – certification required (select appropriate choice below); EEOP NOT required.

**Type II Entity**

All other recipients receiving more than \$25,000, but not more than \$500,000 – certification required (select the appropriate choice below); organizations must maintain EEOP on file for possible audit if the organization has more than 50 employees.

**Type III Entity**

For profit entities and state and local governments receiving \$500,000 or more – certification required (select the appropriate choice below); the organization must submit an EEOP to the Office for Civil Rights (OCR) for approval.

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**If your organization is a Type I, II or III Entity, select one of the following:**

- ☐ I certify this organization is a Type I Entity. This entity will comply with the prohibitions against discrimination in any program or activity (28 CFR § 42.203), is not required to maintain an Equal Employment Opportunity Plan, but will comply with equal employment opportunity program guidelines of the Department of Health and Human Services (28 CFR § 42.302).
- ☐ I certify this organization is a Type II Entity that employs less than 50 people. This entity will comply with the prohibitions against discrimination in any program or activity (28 CFR § 42.302), but is not required to maintain an Equal Employment Opportunity Plan (28 CFR § 42.301 *et seq.*).
- ☒ I certify this organization is a Type II Entity that employs 50 or more people. This entity will comply with prohibitions against discrimination in any program or activity (28 CFR § 42.302), and has formulated an Equal Employment Opportunity Plan (28 CFR § 42.30 *et seq.*), that is on file in the office of
- ☐ I certify this organization is a Type III Entity. This entity will comply with the prohibitions against discrimination in any program or activity (28 CFR § 42.302), and has formulated an Equal Employment Opportunity Plan (28 CFR § 42.301 *et seq.*), that will be submitted to the Office for Civil Rights, Office of Justice Programs, Department of Justice, for approval upon award of a grant.

**Debarment Certification (SELECT THE APPROPRIATE CHOICE)**

**If this application is in excess of \$25,000, I certify that:**

- ☒ By submission of this proposal, that neither the applicant agency nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency; or,
- ☐ I am unable to certify the above statement and have attached an explanation to the application.

Applicants must complete, sign and submit this form it to CJD before they will receive state and/or federal funds. Recipients of state and/or federal funds must fully understand and comply with the requirements listed for Federal and State Assurances on pages 1 and 2 of this document. Failure to comply may result in the withholding of funds, termination of the award, or other sanctions.

Williamson County

Applicant's Organization

Victims Assistance

Project Title

John C. Doerfler-County Judge

Printed Name and Title of Authorized Official

John C. Doerfler

Signature of the Authorized Official

11/28/02

Date

**AGENDA ITEM 20**

Consider approving contractual agreement between Williamson County Sheriff's Office and Marlene S. McMichael for assisting in obtaining grant funds for the Sheriff's Office Training Center from the State of Texas.

Moved: Commissioner Hays

Seconded: Commissioner Limmer

Motion: To approve a contractual agreement between the Williamson County Sheriff's Office and Marlene S. McMichael for assisting in obtaining grant funds for the Sheriff's Office Training Center for the State of Texas.

Vote: 4 - 0

< Attachment >



**JOHN A. MASPERO**  
**WILLIAMSON COUNTY SHERIFF**

508 South Rock Street  
 Georgetown, Texas 78626  
 Phone (512) 943-1300 • Fax (512) 943-1444

RICHARD ELLIOTT  
 Chief Deputy

ROBERT L. CHAPMAN  
 Asst Chief Deputy - Law Enforcement

JACK HALL  
 Asst Chief Deputy - Corrections

**CONTRACTUAL AGREEMENT BETWEEN**  
**WILLIAMSON COUNTY SHERIFF'S OFFICE**  
**AND**  
**MARLENE S. MCMICHAEL**

This letter is to formalize an agreement between Marlene S. McMichael on behalf of Snead Research Lab (SRL) and the Williamson County Sheriff's Office to assist in obtaining grant funds for the Williamson County Sheriff's Office Training Center from the State of Texas.

I anticipate that the project will take a minimum of 20 to 30 hours per month. Those services are normally billed at \$80 per hour. Rather than billing on an hourly basis, I propose a contract to begin November 1, 2002 and run through February 28, 2003 for \$4,000 plus expenses. Expenses would include personal car mileage, travel, meals, and out-of-pocket expenses directly related to the performance of those services. These expenses would be those as allowed by the Williamson County Budget Order. Administrative expenses will be covered by SRL.

By the middle of February 2003, we should be able to evaluate whether or not federal funding is likely and, therefore, whether or not there is a need for a continued effort at the state level. The first few months of this project will be the most time intensive, so re-evaluation after four months would be appropriate and most cost-effective. In the meantime, a flat fee as a retainer will be more economical for the County.

I will provide you details of meetings and communication with elected state officials and their staffs in the form of weekly reports. Those reports will also include an accounting of time spent on the project.

MS McMichael 11-26-02  
 Marlene S. McMichael Date  
 For Snead Research Lab

John A. Maspero 11/14/02  
 John A. Maspero, Sheriff Date  
 Williamson County

Nancy E. Rister 11-21-02  
 Nancy Rister Date  
 County Clerk

John C. Doerfler 11-19-02  
 John Doerfler Date  
 County Judge