



Agenda

CITY CLERK'S OFFICE

DATE 9/16/15 TIME 9:27am

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**PUBLIC SAFETY COMMITTEE
Tuesday, September 22, 2015, 4:00 PM
City Council Chambers
200 Lincoln Avenue, Santa Fe, NM 87501**

1. Roll Call
2. Approval of agenda
3. Approval of Tuesday, August 18, 2015 minutes
4. New business: Action Item
 - A. 2015 Emergency Management Performance Grant Acceptance (David Silver, Emergency Manager)
 - B. Presentation of Standards of Cover Guidelines (Erik Litzenberg, Fire Chief)
 - C. Emergency Apparatus & Vehicle Fleet Plan 2015-2025 (Jan Snyder, Assistant Fire Chief)
 - D. A Resolution Sponsoring the upcoming Beirut Concert, a free community event, scheduled for October 4, 2015 on the Santa Fe Plaza; authorizing the closure of San Francisco Street for the event to allow for food vehicle vendors in the Plaza Area. (Mayor Gonzales and Councilor Bushee) (Jesse Guillen)
 - E. A Resolution Directing staff to explore the feasibility of staging a New Year's Eve event on the Plaza on December 31, 2015; Directing Staff to report back to the Governing Body within 30 days. (Mayor Gonzales, Councilors Bushee, Ives and Lindell) (Jesse Guillen)
- New Business: Informational Item:
 - A. FY 15/16 Police Vehicle Purchase (Deputy Chief Schaerfl)
 - B. Zozobra/Fiestas after action report (CAPT Paulk/ LT Lamb)
 - C. 7 Major Crimes statistics/all other crimes (LT Lamb)
 - D. Drug Tip Hotline (LT Lamb/SGT Valdez)
5. Matters from Municipal Court Judge Ann Yalman
6. Matters from Interim Police Chief Patrick Gallagher
7. Matters from Fire Chief Erik Litzenberg
8. Matters from the Regional Emergency Communications Center Ken Martinez
9. Communications from the Floor
10. Matters from Committee Members
11. Adjournment

For information regarding the agenda, you can call Nancy Jimenez at 955-5008 or Athena Martinez at 955-5010. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

INDEX SUMMARY OF MINUTES
Public Safety Committee
August 18, 2015

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Cover Page		Page 1
Call to Order and Roll Call Meeting was held at the Public Safety Complex, 35 Camino Justicia, Santa Fe, NM, a tour of the RECC continued after adjournment of the regular scheduled PSC meeting.	Councilor Dimas, Chair for the Public Safety Committee called the meeting to order at 4:00 pm. A quorum was declared by roll call.	Page 2
Review and Approval of Agenda	<i>Dr. Mier moved to approve the agenda as presented, second by Mr. Johnson, motion carried by unanimous voice vote.</i>	Page 2
Approval of July 21, 2015 Minutes	<i>Mr. Mizrahi moved to approve the minutes of June 16, 2015 as presented, second by Mr. Johnson, motion carried by unanimous voice vote.</i>	Page 2
Old Business	<i>None – Remove from future agendas</i>	Page 3
New Business A. Informational, Zozobra Overview B. Proposed resolution directing staff to research options for City Departments to initiate collections of delinquent fees and payments for services rendered. C. Proposed resolution declaring the City of Santa Fe, NM a hybrid entity for purposes of HIPAA and HITECH compliance D. Proposed resolution amending Rule 16A of the City of Santa Fe Personnel Rules and Regulations regarding drug and alcohol testing policies for Transit Division employees who perform safety sensitive functions.	<i>Mr. Harris moved to recommend approval of the proposed resolution directing staff to research options for City Departments to initiate collections of delinquent fees and payments for services rendered, second by Mr. Trujillo, motion carried by unanimous voice vote.</i> <i>Dr. Mier moved to approve the proposed resolution declaring the City of Santa Fe, NM a Hybrid Entity for purposes of HIPAA and HITECH compliance, second by Mr. Harris, motion carried by unanimous voice vote.</i> <i>Mr. Trujillo moved to approve the proposed resolution amending Rule 16A of the City of Santa Fe Personnel Rules and Regulations regarding drug and alcohol testing policies for Transit Division employees who perform safety sensitive functions, second by Mr. Mizrahi, motion carried by unanimous voice vote.</i>	Page 3-5

INDEX SUMMARY OF MINUTES

Public Safety Committee

August 18, 2015

Matters from the Municipal Court	<i>Report included in meeting packet.</i>	Page 5
Matters from Police Chief Patrick Gallagher	<i>Informational</i>	Page 5
Matters from Fire Chief Litzenberg	<i>Informational</i>	Page 5
Matters from the Regional Emergency Communications Center	<i>Informational – tour of facility following meeting.</i>	Page 5-6
Matters from Committee Members	<i>Informational</i>	Page 6
Communications from the Floor	<i>None</i>	Page 6
Adjournment and Signature Page	Meeting was adjourned at 5:15 pm	Page 6

PUBLIC SAFETY COMMITTEE
Tuesday, July 21, 2015, 4:00 pm – 5:15 pm
Public Safety Complex
35 Camino Justicia, Santa Fe, NM 87508

MINUTES

Meeting was called to order at 4:00 pm by Councilor Bill Dimas, Chair for the Public Safety Committee. Roll call reflects quorum.

1. Roll Call

Present

Councilor Bill Dimas, Chair
Joe Arellano
Peter Mizrahi
Dr. Mike Mier
Eric Johnson
Herbert Harris
David Trujillo

Absent/Excused

Dr. Nancy Owen Lewis
Mike Bowen

Others Present:

Patrick Gallagher, Interim Police Chief
Police Captain Marvin Paulk
Police Lieutenant James Lamb
Police Sgt. Christopher McCord
Mario Salbidrez, Deputy Chief, SFPD
John Schaerfl, Deputy Chief, SFPD
Erik Litzenberg, Santa Fe Fire Chief
Fran Lucero, Stenographer

The Chair welcomed and introduced the Interim Police Chief, Mr. Patrick Gallagher.
The Public Safety Committee took a moment of silence in memory of Police Chief Felix Lujan who passed away on August 17, 2015.

2. Approval of Agenda

Dr. Mier moved to approve the agenda as presented, second by Mr. Johnson, motion carried by unanimous voice vote.

3. Approval of July 21, 2015 Minutes

No changes from staff or committee members.

Mr. Mizrahi moved to approve the minutes of July 21, 2015 as presented, second by Mr. Johnson, motion carried by unanimous voice vote.

4. Old Business

Remove from future agendas.

5. New Business

- A. Informational – Zozobra Overview (Police Captain Marvin Paulk, Police Lieutenant James Lamb, Sgt. Christopher McCord)

Last years plan worked very well, no reported incidents. This year there are some changes on the scheduling; there is a 5K and 10K run and the Mariachi Concert the next day after Zozobra at Ft. Marcy Park. Arts & Crafts will set up on Thursday and the plaza will be closed and we will work to assure there is enough security downtown after Zozobra. Cross of the Martyrs will also be closed, Kiwanis has permitted this area. Kiwanis is also working with those who will be boarding the train to return to Albuquerque. This year, new software will be used to assist us in locating police staff at all times. There will be a missing child's booth this year as last year this was a need, although all children were reconnected with their parents. There will be officers at the gates to assure all children are safe and accounted for. Fiesta related events and their coordinating times were detailed for the PSC members. Normally they refer to the burning of Zozobra at dusk; the starting time will be 9:30 pm. As noted above the Mariachi Concert is also at Ft. Marcy Field and expected attendance is about 2,000 - 3,000 people.

Sgt. McCord talked about the traffic plan in detail. The Public Safety Committee members complimented the Santa Fe Police staff on an exemplary plan for handling traffic.

Member Arellano asked how many officers will be on board and how many would be transferred to the Plaza area.

Lt. Lamb said they have 25 officers in the interior and 35 in the exterior. They have volunteers from the sheriff department's that day. This is not including the traffic team, State Police and Motor Transportation. Staging for the officers will be on the plaza and they will be on a shift until 3:00 am. Lt. Lamb said he will be in command. There will be food vendors at Zozobra and as in years past they as patrons to leave; this year they will not be pushing them out quickly. They are encouraging them to eat if they are going downtown to drink.

Lt. Lamb said there would be officers posted downtown to assure that the public are routed correctly and safely to the areas they are trying to reach. There is private security for the Arts and Crafts area. The public that is going to the bars can walk through under the portals to reach their destination.

Member Trujillo said he knows that they have exhaustion fans in the parking structure and hopes they use them. Sgt. McCord said that there were so many cars idling in the parking garage last year that the exhaust fans don't function as well. The rerouting of the traffic will get them out of the parking garage rapidly.

Lt. Lamb said they will also have officers patrolling the parking garages for safety.

The Chair asked who would be monitoring that the attendees don't overdrink at the Mariachi Concert and that they are of age to be drinking.

Sgt. McCord: It was understood that the Fiesta Council is managing this effort, they are wearing a band bracelet with two punches which is easier to detect, they are only allowed 2 drinks, either 2 beers or 2 wines. They have a good plan to manage the alcohol and also for identification.

Sgt. McCord said that they will also use air support in order to have more information on traffic flow review and how to be better next year.

Member Johnson also extended his compliments to the Police and Fire Department, “the plan sounds great.”

The Chair extended his compliments to SFPD on the extensive, detailed work that has been done on the plan. “Great job, thank you.”

RECC will have 2 added operators on hand to handle all calls during this busy period.

- B. Proposed resolution directing staff to research options for City Departments to initiate collections of delinquent fees and payments for services rendered.

Jesse Guillen, Legislative Liaison for the City of Santa Fe provided information on the lost revenue and means to recover. This resolution will direct staff to come up with a system for collections.

Mr. Harris moved to recommend approval of the proposed resolution directing staff to research options for City Departments to initiate collections of delinquent fees and payments for services rendered, second by Mr. Trujillo, motion carried by unanimous voice vote.

- C. Proposed resolution declaring the City of Santa Fe, NM a Hybrid Entity for purposes of HIPAA and HITECH compliance.

Therese Gheen, Assistant City Attorney explained the request for approval of a resolution designating Santa Fe as a Hybrid entity for purposes of HIPAA and H-tech compliance, directing the city Manager to designate a security official and a privacy official; and appointing a HIPAA Compliance Committee. Two city functions make it a “covered entity” under HIPAA. It provides health care services through its Fire Department and has a self-insured health plan administered through the Human Resources Department with a third-party insurer. We recommend the City identify these parts as “health care components” and some other parts as “business associates” in that they might create, receive, maintain or transmit PHI on behalf of the identified health care components. Other parts of the City do not provide functions covered under HIPAA. Therefore, by designating itself as a Hybrid entity, the City will reduce compliance costs and exposure to potential liability

Dr. Mier moved to approve the proposed resolution declaring the City of Santa Fe, NM a Hybrid Entity for purposes of HIPAA and HITECH compliance, second by Mr. Harris, motion carried by unanimous voice vote.

- D. Proposed resolution amending Rule 16A of the City of Santa Fe Personnel Rules and Regulations regarding drug and alcohol testing policies for Transit Division employees who perform safety sensitive functions.

Debbie Rouse from the City Risk and Safety Department stated that it had been requested who would be the person to answer any questions on drug testing and who would testify on the policy and procedure. Rule 16A needs to be amended to be consistent with the requirements of the Omnibus Transportation Employee Testing Act of 1991 and Federal Transit Administration Regulations, 49 CFR Parts 655 which sets standards for the collection and testing of urine and

breath specimens; and Rule 16A is intended to achieve a drug and alcohol-free workplace and to reduce the probability of accidents or incidents related to the use and/or abuse of alcohol and other drugs by employees and to establish procedures for drug and alcohol testing and to encourage early intervention through supervisory involvement.

Mr. Trujillo moved to approve the proposed resolution amending Rule 16A of the City of Santa Fe Personnel Rules and Regulations regarding drug and alcohol testing policies for Transit Division employees who perform safety sensitive functions, second by Mr. Mizrahi, motion carried by unanimous voice vote.

6. Municipal Court

Report included in packet.

7. Matters from Interim Police Chief Patrick Gallagher

Thank you for the nice welcome. Chief Gallagher said he has taken time to assess the department and to date he is very impressed with the work that is being done on the police force. One of the main things he is doing right now is listening; communication is important and key to success of the Santa Fe Police Department. Chief Gallagher said that there are 17 vacancies right now. There are 17 candidates in background check and 5 in the Academy. Discussion will continue with the City Manager on how to increase recruitment. Chief Gallagher welcomes input from the Public Safety Committee members.

Chief Gallagher addressed the concerns from the last week escape of the inmate. All steps were taken to assure public safety of this community. The Chair said that he feels everything that was done by the Police Department was what had to be done to capture this individual.

Member Arellano said he is proud to say that the SFPD has a great team on board.

The Chair said starting next month he would like to discuss the property crime comparisons.

The Chief said he is working not only on burglary but the 7 crime areas that need to be monitored.

The Chair would like to see a correlation of what is happening with the drug tip line and other reports. He would like this to be placed on future agendas.

The Chair said we have two great Deputy Chiefs, Mario Salbidrez, Deputy Chief, SFPD John Schaerfl, Deputy Chief, SFPD.

8. Matters from Santa Fe Fire Department

Fire Chief Erik Litzenberg

The academy of 17 – is in their home stretch. 18 weeks class they are in the last 3 weeks. Graduation is September 10th at the Convention Center and invited the PSC members to attend.

Chief Litzenberg said that they have been sending firefighters to help with the California Fires. “We are doing what we can to assist in a time of need.”

9. Matters from the Regional Emergency Communications Center

Thank you for being here to tour the center today.

July Calls:

21 calls on drug tip hotline

Mr. Martinez has met with Lt. Lamb and they have come up with a process on how to track the calls. The Chair asked Deputy Chief Salbidrez on the status of the bumper stickers with the drug hot line number. Wit the calls down there is a concern that we aren't getting the word out. Deputy Chief Salbidrez said that the stickers are in most of the black and white units and he will find out the status of the bumper stickers and report at next meeting.

Mr. Martinez said that there was a tremendous amount of incoming calls during the escape of the inmate. The outbound calls from RECC go out to the residents in the area to let them know about the incident and their safety during a crisis time. Mr. Martinez said they have a unique call out system for specific incidents that provide information to the residents in areas of concern.

The Chair said we need to get the word out on Nixel. There should be a method to get this out to the public.

Mr. Harris asked what formalized training do the 911 Operators have.

Mr. Martinez said it is a very long process to train a 911 operator. The total process to train an operation is a full year, there is an RECC Academy they all go through and they are licensed by the state as an EMD. Turnover is high with the types of calls they handle and long hours.

Member Johnson said that these phone calls are very important to the elderly; they are not using high tech methods to get information. Thank you for making these calls.

10. Matters from Committee Members

None – Tour of the RECC continued after adjournment of meeting.

11. Communications from the Floor

None

12. Adjournment

There being no further business to come before the Public Safety Committee the Chair called for adjournment at 5:15 pm.

Signature Page:

Councilor Bill Dimas, Chair



Fran Lucero, Stenographer

City of Santa Fe, New Mexico

memo

Date: September 3, 2015

To: Public Safety Committee

Finance Committee

City Council

From: David Silver, Emergency Manager 

Subject: 2015 Emergency Management Performance Grant Acceptance

Item:

Attached is the 2015 Emergency Management Performance Grant (EMPG) Program Sub-grant agreement, awarded on September 3, 2015, covering the period between July 1, 2015 and September 30, 2016. The Budget Adjustment Request is also attached. This sub-grant covers 50% of the salary and benefits for the City of Santa Fe Emergency Manager position, with the City providing the other half. This sub-grant will be presented to the following Committees:

- Finance: September 15, 2015
- Public Safety: September 22, 2015
- City Council: September 30, 2015

The sub-grant expires on September 30, 2016. Below is an outline of the projects to be funded through this sub-grant:

Project	Amount	Bus. Unit/Line Item
Emergency Manager Salary and Benefits	\$62,660.48	21718.490610

Background:

The City of Santa Fe applied for this reimbursable Federal Preparedness Grant through the United States Department of Homeland Security and the Federal Emergency Management Agency, and administered by the New Mexico Department of Homeland Security and Emergency Management (NM DHSEM) to fund the City's Emergency Manager position. This funding has been in place since 2008, and the amount awarded remains unchanged from the 2012 grant (which paid salary/benefits through June 30, 2014), meeting the total amount required for funding 50% of the Emergency Manager position's salary and benefits. There are 2 signature pages for the sub-grant, with the City retaining one original signed copy and the NM DHSEM retaining the other.

The Emergency Manager is responsible for ensuring the conditions of this grant are met, including providing and receiving required training, conducting emergency response exercises, and developing and maintaining appropriate emergency management plans for the City.

If you have any questions, please do not hesitate to contact me at dmsilver@santafenm.gov, 505-955-6537 (w), 505-629-3958 (c).

City of Santa Fe, New Mexico

BUDGET ADJUSTMENT REQUEST (BAR)

FY 15/16

DEPARTMENT / DIVISION / SECTION / UNIT NAME				DATE
2015 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM EMW-2015-EP-00066-S01-CITY OF SANTA FE				09/03/2015
ITEM DESCRIPTION	B.U. / LINE ITEM	SUBLEDGER <small>(Finance Dpt. Use Only)</small>	INCREASE	DECREASE
REVENUE	21718.490610		(62,660.00)	
OPERATING TRANSFERS IN	21718.600100	6101	(20,886.00)	
OPERATING TRANSFERS IN	21718.600100	2252	(20,887.00)	
OPERATING TRANSFERS IN	21718.600100	2251	(20,887.00)	
OPERATING TRANSFERS OUT	62103.700100	2718	20,886.00	
OPERATING TRANSFERS OUT	22252.700100	2718	20,887.00	
OPERATING TRANSFERS OUT	22251.700100	2718	20,887.00	
TOTAL			(62,660.00)	0.00

JUSTIFICATION: *(use additional page if needed)*

2015 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM SET UP BUDGET W/100% CITY

MATCH FOR FY 14/15--1/3 FROM RISK, 1/3 FROM POLICE AND 1/3 FROM FIRE--SALARY & BENEFITS ONLY

Michelle Dominguez-Montoya		CITY COUNCIL APPROVAL			
<i>Michelle Dominguez-Montoya</i>	09/03/15	City Council Approval Required	<input type="checkbox"/>	<i>Carl Moore</i>	9/4/15
Prepared By	Date	City Council Approval Date	<input type="text"/>	Budget Officer	Date
Division Director	Date	Agenda Item #:	<input type="text"/>	Finance Director	Date
Department Director	Date			City Manager	Date



**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT
Sub-Grant Agreement**

2015 Emergency Management Performance Grant Program
2015 Federal Grant No. EMW-2015-EP-00066-S01 CFDA No. 97.042

1. Sub-Grant No. EMW-2015-EP-00066-S01-City of Santa Fe	2. Recipient City of Santa Fe	3. FIDUCIARY City of Santa Fe	4. DFA VENDOR NUMBER/DUNS NUMBER 54360/069420818
5. Recipient Address City of Santa Fe PO Box 909 Santa Fe, NM 87504		6. Issuing Office and Address NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND HOMELAND SECURITY AND EMERGENCY MANAGEMENT PO BOX 27111 SANTA FE, NM 87502	
7. Effective Date of This Action July 1, 2015	8. DHSEM Grant Specialist: Margaret Burger	Phone: 505-476-9615 Fax: 505-476-9695 Email: dhsem.grants@state.nm.us	
9. Termination Date September 30, 2016			

10. Funding: Total Federal Awarded Amount: \$62,660.48 Total Jurisdiction Matching Amount: \$62,660.48

11. Grant Requirements, Assurances and Agreements: *(see Grant Requirements, Assurances and Agreements)*
The acceptance of a grant from the United States creates a legal duty on the part of the grantee to use the funds or property made available in accordance with the conditions of the grant through the State.

12. Special Conditions: Grant funds cannot be expended until these conditions have been met.

1. Award Amount is a funding allocation, and is not to be construed as expenditure authorizations or approvals. Grant program guidelines and Federal, State, and local contracting and procurement compliance requirements apply
2. Quarterly financial and programmatic reports must be current in order for DHSEM to process requests for reimbursement. All expenses related to time, on both the quarterly financial report and the request for reimbursement must correlate to the specific performance period of the sub-grant agreement.
3. All EMPG-funded personnel shall complete the following requirements and provide proof of completion and/or progress on a quarterly basis. National Incident Management System (NIMS) Training: IS 100; IS 200; IS 700, 701, 702, 703, and 706; and IS 800; FEMA Professional Development Series: IS 120.a; IS 230.c; IS 235.b; IS 240.a; IS 241.a; IS 242.a; and IS 244.b, or the most current version from FEMA.
4. Three exercises are required for all EMPG funded personnel within the 12 month performance period of this award; progress will be measured on each quarterly report. Documents must be sent to the DHSEM Exercise Officer to include the After-Action Report/Improvement Plan (AAR/IP) by 60 days following the end of the exercise.
5. Each Emergency Management Performance Grant funded tribal and/or local jurisdiction staff must participate in 3 exercises per calendar year. Personnel must conduct or participate in any exercise of your choice; however, observing an exercise will not suffice to receive credit for an exercise. The exercise role must be as a controller, evaluator, facilitator, player, or planning team member. Exercises should be conducted to test equipment, plans, and procedures.
6. All EMPG sub-grantees must be NIMS compliant and must undergo a yearly NIMS site visit and complete their jurisdictions NIMS assessment on or before September 30, 2015.
7. All EMPG sub-grantees are required to develop a Multi-Year Training and Exercise Plan (TEP) and update it annually.
8. Local EOP's must be current within 2 - 3 years.
9. Local THIRA must be updated and submitted to DHSEM by May 30, 2016

13. Recipient is required to sign and return the original of this document, as well as the signed and accepted grant requirements, assurances and agreements to the Issuing Address in block 6, within 30 days from the date of issuance.	
14. Signature of Jurisdiction Grant Specialist/Program Manager	Date: _____ Phone: _____ Fax: _____ Email: _____
Printed Name: _____	
15. Signature of Jurisdiction Chief Financial Officer	Date: _____ Phone: _____ Fax: _____ Email: _____
Printed Name: _____	
16. Signature of Jurisdiction Signatory Official	Date: _____ Phone: _____ Fax: _____ Email: _____
Printed Name and Title: _____	
17. DHSEM Signatory Official (Name and Title)	Date: _____

Grant Terms and Conditions

City of Santa Fe has been awarded \$62,660.48 which shall be used to support activities essential to the ability of states, territories, and urban areas to prepare for, prevent, and respond to terrorist attacks and other all-hazards events.. The matching amount required for this grant is \$62,660.48.

The scope of work is as follows: Funds shall only be applied to salary and benefit costs for the designated and approved staff in the EMPG application. All work completed must follow the approved EMPG work plan.

The performance period of this grant award is July 1, 2015 through September 30, 2016. City of Santa Fe cannot sub-grant any part of this award to any other entity or organization. All awards require confirmation within the first reporting quarter that expenditures in the budget category toward projects will be made, or DHSEM will execute de-obligation of the funds.

(A) Changes to Award: All change requests must be submitted in writing, or electronically to the DHSEM Grant Specialist, accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time the request. Changes in the programmatic activities, or purpose of the project, changes in key personnel specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions will result in an amendment to this award.

(B) NEPA/EHP Compliance; The recipient must provide information to DHSEM to assist with the legally-required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances. Recipients shall not undertake any activity from the project that would result in ground disturbance, facility modification, or relates to the use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings that are 50 years old or older. Recipient must comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review. Any change to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Initiation of these activities prior to completion of FEMA's EHP review will result in a non-compliance finding and may result in ineligibility of grant funding.

(C) Reporting Requirements: City of Santa Fe shall submit timely quarterly *Financial Progress Reports* to the Grant Specialist at DHSEM. For grant awards, the sub-recipient is required to submit a quarterly Performance Report to the Program Specialist within the Preparedness Bureau. Blank forms are located electronically at www.nmdhsem.org, and may be reproduced. Jurisdictions must check the web site quarterly for most current forms. Use of outdated forms will not be accepted. Quarterly reports are due: January 30, April 30, July 30, and October 30 for each calendar year the grant is open. The final report is due the following quarter after all funds have been reimbursed to the jurisdiction. *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. The *Final Narrative Report* is a summary report, evaluating project activities and measuring performance against project goals and objectives for the entire performance period, and is required *in addition* to the last quarterly report.

(D) Additional Reporting Requirements: The applicant must immediately report in writing to the DHSEM Grant Specialist any alleged acts or allegations of fraud or misappropriation of funds for work authorized under this Sub-Grant Agreement. This extends to reporting any legal action, lawsuit, bankruptcy, or other action that may jeopardize the successful completion of any authorized project.

(E) Reimbursements: Submission of a request for reimbursement must be accompanied by a financial report form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and grant guidelines, and submission of timely *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies. Reimbursement of expenditures may be requested at any time within the performance period. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.). Grant staff will not process reimbursement, until performance/fiscal quarterly reports are submitted.

- **Personnel Costs:** FOR EMPG GRANTS ONLY – All time reported must correlate with the specific term of the sub-grant agreement. Payroll reports signed and certified by the chief financial officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. The sub-recipient shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements.
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, and contracts over \$100,000 require DHSEM pre-approval prior to implementation. Requests for reimbursement for contractual services must be accompanied by the relevant contract.
- **Local Match:** Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.
- **Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB) at www.rkb.mnrl.org. Documentation required per instructions attached to DHSEM quarterly reports.
- **Travel:** All reimbursable travel must be pre-approved by DHSEM 30 days prior to travel date.
- **Per Diem:** Reimbursements for local jurisdictions cannot exceed the rates of the New Mexico Mileage and Per Diem Act.
- **Training:** Requires DHSEM pre-approval 30 days prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an After-Action Report/Improvement Plan within 30 days after conduct of the exercise.
- **Food and Beverages:** Per National Preparedness Directorate (NPD) allowances, food and/or beverage expenses provided by recipients are allowable costs if:
 - (1) The food and/or beverages are provided to participants at training sessions, meetings, or conferences that are allowable activities under the NPD program guidelines; and
 - (2) Expenses incurred for food and/or beverages, and provided at training sessions, meetings, or conferences, satisfy the following tests:
 - (a) The cost of the food and/or beverages provided is considered to be reasonable;
 - (b) The food and/or beverages provided are subject of a work-related event and work continues after meals are served;
 - (c) Participation by all participants is mandatory; and
 - (d) The food and/or beverages provided are not related directly to amusement and/or social event. (Any event where alcohol is being served is considered a social event; therefore, costs associated with the event are not allowed).

(F) Non-reimbursable Expenses:

- Transfer of funds between any programs (SHSP, LETPP, CCP, MMRS)
- Contracts, single vendor response to a competitive bid, and procurements > \$100,000 not pre-approved by DHSEM
- Sole source contracts and procurements not pre-approved by DHSEM
- Training and related travel costs not pre-approved by DHSEM
- Construction and renovation
- Indirect costs (p. 5, Financial Progress Report)
- Supplanting (using federal funds to purchase items previously budgeted for with state or local funds)
- Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of an exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons and ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel, personal phone calls
- Travel insurance, visa, and passport charges
- Lodging costs in excess of State per diem, as appropriate
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fund-raising, including salaries of persons while engaged in these activities
- Land acquisition
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(G) Property and Equipment Management: The sub-recipient shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A *Property Inventory Report* is available at www.nmdhsem.org and shall be submitted to DHSEM annually each January 30 with the *Financial Progress Report* during the performance period, and continued submission is required annually until final disposition of the equipment. The sub-recipient shall, when practical, prominently display the following on any equipment purchased with award funds: *Purchased with funds provided by the U.S. Department of Homeland Security*. No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHSEM, prior to the jurisdiction's encumbrance or expenditure for that equipment.

(H) Procurement: Procurement shall comply with local procurement policies and procedures, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of 28 CFR Parts 66 and 70, and 2 CFR Part 215 "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments." Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior approval of DHSEM.

(I) **Contracts:** Any contract entered into during this grant period shall comply with local, State and Federal government contracting regulations. Contracts for professional and consultant services must include local, State and Federal government required contract language, a project budget, and require pre-approval by DHSEM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices and time and effort reports are required for consultants.

(J) **Publications:** Publications created with funding under this grant shall prominently contain the following statement: *This Document was prepared under a sub-grant from the U.S. Department of Homeland Security, and the New Mexico Department of Homeland Security and Emergency Management. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security or the State of New Mexico.*

(K) **Audit Requirements:** As the Federal grant recipient, the State of New Mexico requires a sub-recipient expending \$750,000 or more in Federal funds in the organization's fiscal year to conduct an organization-wide audit in accordance with *OMB Circular A-133*. City of Santa Fe will permit the State of New Mexico Grant and Program officials and auditors to have access to the sub-recipient's and third-party contractors' records and financial statements as necessary for the State of New Mexico to comply with *OMB Circular A-133*. Copies of audit findings must be submitted to DHSEM within 30 days after City of Santa Fe receives its audit report, or within a 9-month period of the grant closeout date, whichever is earlier, in accordance with 2 AAC 45.010. Include the Federal agency name, program, grant number, and year; the CFDA title and number; and the name of the pass-through agency.

(L) **Recordkeeping Requirements:** Grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

(M) **Performance Measures:** Quarterly *Progress Reports* shall demonstrate performance and progress relative to: Acceptable performance on applicable critical tasks in Exercises using approved scenarios

1. Progress in achieving project timelines and milestones
2. Percent measurable progress toward completion of project
3. How funds have been expended during reporting period, and explains expenditures related to the project

(N) **Sub-recipient Monitoring Policy:** Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHSEM reserves the right to periodically monitor, review and conduct analysis of the financial, programmatic and administrative policies and procedures such as, accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting and procurement policies and records, payroll records and means of allocating staff costs, property/equipment management system(s), progress of project activities, etc. This may include desk and field audits. Technical assistance is available from DHSEM staff.

(O) **Penalty for Non-Compliance:** For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHSEM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHSEM shall notify the sub-recipient of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The sub-recipient must respond within 5 days of receipt of notification.

- a. Unwillingness or inability to attain project goals
- b. Unwillingness or inability to adhere to Special Conditions listed in Block 12
- c. Failure or inability to adhere to grant guidelines and federal compliance requirements
- d. Improper procedures regarding contracts and procurements
- e. Inability to submit reliable and/or timely reports
- f. Management systems which do not meet federal required management standards

(P) **Termination for Cause:** If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHSEM will provide 5 days notice to the sub-recipient stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHSEM will reimburse the sub-recipient only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHSEM until completion of a final DHSEM review. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(Q) **Termination for Convenience:** This Agreement may be terminated without cause by either of the parties upon written notice delivered to the other party at least 30 days prior to the intended date of termination. A termination pursuant to this provision does not nullify a party's obligations for performance or liabilities for failure to perform already incurred prior to the date of termination. Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The U.S. Department of Homeland Security (USDHS) and the DHSEM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(R) **Project Implementation:** Due to the competitiveness of the Homeland Security grant program, approved projects shall be ready-to-go. Project implementation shall begin within the first reporting quarter.

- a. If a project cannot be operational within the first reporting quarter of the approved award date, the sub-grantee must submit a written statement signed by the signatory officials to DHSEM, justifying the implementation delay, expected starting date, and a formal request to extend the project start date past the first reporting quarter. At the discretion of DHSEM, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects.

Grant Requirements, Assurances and Agreements (continued from Section 11 of the Award)

- (A) The performance period for this grant award is July 1, 2015 through September 30, 2016. Monies may not be obligated outside of this time period. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the *Final Progress Reports* are due.
- (B) The sub-recipient shall comply with the requirements and restrictions of the 2014 State Emergency Management Performance Grant Guidance and State Guidelines. By signing this obligating award document, the sub-recipient certifies it has read, understood and accepted these documents as binding.
- (C) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The sub-recipient shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of U.S. Department of Homeland Security.
- (D) The signature of the signatory officials on this award attests to City of Santa Fe understanding, acceptance, and compliance with Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose. Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.
- (E) City of Santa Fe shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.
- (F) City of Santa Fe shall comply with Federal Civil Rights Laws and Regulations: *Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1991.* City of Santa Fe will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.
- (G) City of Santa Fe certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (for USDHS/DOJ grants). An EEOP is not required for recipients of less than \$25,000.00 or fewer than 50 employees.
- (H) City of Santa Fe certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.
- (I) It is the responsibility of City of Santa Fe as the recipient of these federal funds to fully understand and comply with the requirements of:
- Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (also known as the "A-102 Common Rule"). These A-102 requirements are also located within DHS regulations at Title 44, Code of Federal Regulations (CFR) Part 13.
 - OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, relocated to 2 CFR Part 215.
- The cost principles that apply to DHS award recipients through a grant cooperative agreement originate from one of the following sources:
- OMB Circular A-21, Cost Principles for Educational Institutions, relocated to 2 CFR Part 220.
 - OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal
 - Governments, relocated to 2 CFR Part 225.
 - OMB Circular A-122, Cost Principles for Non-Profit Organizations, relocated to 2 CFR Part 230.
- The audit requirements for State, Local and Tribal recipients of DHS awards originate from:
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.
- The above requirements are found at: www.whitehouse.gov/omb/circulars/index.html
- OGO *Financial Guide* www.dhs.gov/dhspublic/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
 - New Mexico State Procurement Code <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>
 - New Mexico Administrative Code Title 2 - Public Finance <http://www.nmcor.state.nm.us/NMAC/Title02/Title02.htm>

We certify we have read, understood, and accept the Grant Terms and Conditions, the Grant Requirements, and Assurances and Agreements, in accordance with this Award.

Grant Specialist's/Program Manager's Signature

Chief Financial Officer's Signature

Signatory Official's Signature

CITY OF SANTA FE:

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

APPROVED:

OSCAR S. RODRIGUEZ, FINANCE DIRECTOR

Business Unit/Line Item:



**City of Santa Fe
Summary of Contracts, Agreements, & Amendments**

Section to be completed by department for each contract or contract amendment

1 FOR: ORIGINAL CONTRACT or CONTRACT AMENDMENT

2 Name of Contractor N/A

3 Complete information requested Plus GRT
 Inclusive of GRT

Original Contract Amount: \$62,660.48

Termination Date: _____

Approved by Council Date: _____

or by City Manager Date: _____

Contract is for: 2015 Emergency Management Performance Grant sub-grant agreement

Amendment # _____ to the Original Contract# _____

Increase/(Decrease) Amount \$ _____

Extend Termination Date to: _____

Approved by Council Date: _____

or by City Manager Date: _____

Amendment is for: _____

4 History of Contract & Amendments: (option: attach spreadsheet if multiple amendments) Plus GRT
 Inclusive of GRT

Amount \$ 62,660.48 of original Contract# _____ Termination Date: _____
Reason: New Subgrant Agreement

Amount \$ _____ amendment # _____ Termination Date: _____
Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____
Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____
Reason: _____

Total of Original Contract plus all amendments: \$ 62,660.48



**City of Santa Fe
Summary of Contracts, Agreements, & Amendments**

5 Procurement Method of Original Contract: (complete one of the lines)

RFP# _____ Date: _____

RFQ _____ Date: _____

Sole Source _____ Date: _____

Other Grant Application _____

6 Procurement History: First year of sub-grant agreement
example: (First year of 4 year contract)

7 Funding Source: N/A BU/Line Item: 21718.490610

8 Any out-of-the ordinary or unusual issues or concerns:
None
(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: David M. Silver
Phone # 505-955-6537

10 Certificate of Insurance attached. (if original Contract)

Submit to City Attorney for review/signature
Forward to Finance Director for review/signature
Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments: _____