

W. 4. C. I.

SUPPLEMENTAL

Memorandum Date: June 3, 2008

Order Date: June 18, 2008

TO: Board of County Commissioners

DEPARTMENT: Sheriff's Office

PRESENTED BY: Janice Gotchall, Management Analyst

AGENDA ITEM TITLE: ORDER/ In the Matter of Applying for a U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) Grant in the amount not to exceed \$397,503 for 36 months to enhance drug enforcement and prosecution activities; and Delegating Authority to the Lane County Administrator to sign grant documents (Department of Public Safety)

Legal Counsel raised two issues regarding the COPS grant proposal described in the June 3, 2008 cover memo. The first was whether the use of grant funds to pay for a Deputy District Attorney beginning July 1, 2009 would be considered "supplanting". The second issue related to the use of grant funds to supplement overtime funds for sworn officers. Counsel also asked the Sheriff's Office to request an exception, in writing, to the grant requirement that any personnel paid with grant funds be newly hired on or after the date the grant funds are awarded.

LCISO discussed this issue with two COPS staff members, including the designated liaison for Lane County, Tammy Richardson. At Ms Richardson's request, a complete written description of our proposal was sent to her via email on June 11, 2008. After reading the proposal, Ms. Richardson phoned and said that the COPS office had no problem with any parts of the proposal. She said that hiring a Meth Prosecutor on July 1, 2009 when local funds become unavailable and using grant funds for overtime pay for sworn officers, even when local funds had been budgeted, were both acceptable uses of COPS grant funds. She was asked to respond to the email in writing so we could provide documentation in a supplement to the June 3, Cover Memo. The email to Ms. Richardson included a request for a written exception to the hiring requirement of concern to Legal Counsel.

Here is the text of the written response received from Tammy Richardson:

It is understood that this position will be funded with local funds for FY 08 thru June 30, 2009, based on this timeline it is permissible to include this position in your budget with

a start date of July 1, 2009. Please note that costs associated with this position should not be incurred prior to July 1, 2009. Based on this unique situation (which is permissible) it is highly recommended that you keep accurate records of the duties and time served. Therefore, the following would not be applicable to your circumstance: (Also, we would like to request an exception to the requirement that "each individual employed under the Methamphetamine Initiative grant program is newly hired on or after the grant award date, unless an exception is authorized in writing by the COPS office". (Page 15, Grant Acceptance, Terms, and Conditions, Grant Owners Manual). The District Attorney feels that the person in the position that will be eliminated on 6/30/09 has the experience, training, and expertise for the position, but simply needs funds in order to continue doing this vital work). [Note: Sentences in quotation marks are quoted from the email request sent to Ms. Richardson.]

Overtime for sworn officers is permissible as long as it does not exceed 50% of the total award amount and is directly linked to the Meth program. (Please refer to Page 4 in the 2008 Meth Application Guide).

Thank you.

Tammy Richardson
Grant Program Specialist
Department of Justice/COPS
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Washington, D.C. 20530
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tammy.richardson2@usdoj.gov

An additional question was raised today regarding "maintenance of effort". This is not a requirement mentioned anywhere in the grant application guide, however, the following four documents: COPS Grant Monitoring Standards and Guidelines for Hiring and Employment, The Methamphetamine Initiative Grant Owner's Manual, the COPS Grant Application Guide, and the Grant Application Form were searched for the term "maintenance of effort". No references to that subject matter were found. Further, maintenance of effort does not appear in the glossary of any of the documents listed.

Lastly, a search of the general DOJ website was conducted for the phrase "maintenance of effort". Again, no documents were found that include that phrase. In past years, grants that allowed hiring sworn officers included a "maintenance of effort" requirement, but the current Methamphetamine Initiative grants do not.

We hope this information satisfactorily addresses the information requested by Legal Counsel. Assuming the grant is awarded, the Sheriff's Office understands that grant documents will not be signed until this issue is resolved to Counsel's satisfaction.