



AGENDA REPORT

Meeting Date: September 2, 2008
Item Number: E-1
To: Honorable Mayor & City Council
From: David L. Snowden, Chief of Police
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
ACCEPTING A GRANT AWARDED BY THE UNITED STATES
DEPARTMENT OF JUSTICE AND APPROPRIATING FUNDS IN THE
AMOUNT OF \$849,631 FOR PURCHASES RELATED TO THE UNITE
PROGRAM
Attachments: 1. Resolution
2. Grant Award Letter

RECOMMENDATION

It is recommended that the City Council adopt the resolution accepting grant funding from the United States Department of Justice and appropriating funds in the amount of \$849,631 for purchases related to the UNITE program.

INTRODUCTION

In 2007, the City developed the Unified Network of Interoperable Technology Enhancements (UNITE) homeland security proposal. The purpose of this proposal was to forge economic partnerships with state and federal agencies to create a state-of-the-art interoperable system and obtain funding for the City's homeland security needs. The City has been awarded an \$849,631 congressionally mandated grant to further the implementation of the UNITE program.

DISCUSSION

Protecting the nation is a shared burden in which all public safety partners have a significant stake and role. To that end, the City of Beverly Hills has assigned the highest level of priority in advance of the need. The City proactively assessed the adequacy of existing security measures and developed solutions to bridge the gaps in interoperable

interagency communication and information transfer. The result of this assessment was the creation of the Unified Network of Interoperable Technology Enhancements (UNITE) program.

UNITE is a prevention-based program that focuses on the need to link intelligence, communication and information, so as to identify those activities that are pre-cursors or indicators of an emerging threat. The timely transferability of information aids and augments prevention efforts, strategic planning, risk analysis, protection, deterrence, response, and disaster recovery.

The proposal and funding plan for the UNITE program will serve as an easily replicated national model for local, state and federal agencies to develop a highly effective, anti-terrorism resource that crosses multiple disciplines, collaborates with allied agencies and enhances inter-agency coordination and communication.

While funding of \$849,631 has been awarded by the U.S. Department of Justice—in addition to the \$500,000 that was previously awarded by the Governor's Office of Homeland Security—the City will continue to pursue additional funding and partnership opportunities at the state and federal level.

FISCAL IMPACT

An appropriation of \$849,631 is requested to further the implementation of the UNITE program. The City will be reimbursed by the U.S. Department of Justice for authorized expenditures.



Scott G. Miller, Chief Financial Officer
Finance Approval



David L. Snowden, Chief of Police
Approved By

Attachment 1

Resolution

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ACCEPTING A GRANT AWARDED BY THE UNITED STATES DEPARTMENT OF JUSTICE AND APPROPRIATING FUNDS IN THE AMOUNT OF \$849,631 FOR PURCHASES RELATED TO THE UNITE PROGRAM

The Council of the City of Beverly Hills does hereby resolve as follows:

Section 1. The City submitted a new grant application to the United States Department of Justice (US DOJ) to fund components of the Unified Network of Interoperable Technology Enhancements (UNITE) program.

Section 2. The US DOJ awarded the City funding in the amount of \$849,631 for the period of July 1, 2008 to June 30, 2011 to purchase equipment and services for the UNITE program.

Section 3. Appropriation of funds in the amount of \$849,631 is authorized as follows:

| <u>FROM</u> | <u>TO</u> |
|---|---|
| \$849,631 01-30000 General Fund unrestricted fund balance | \$100,000 1902105F006-74160 Police – UNITE Federal Grant Computer Equipment |
| | \$330,427 1902105F006-74110 Police – UNITE Federal Grant Motor Vehicles |
| | \$106,204 1902105F006-74010 Police – UNITE Federal Grant Photo & Precision Equipment |
| | \$163,000 1902105F006-73120 Police – UNITE Federal Grant Professional & Consultant Services |
| | \$150,000 1902105F006-74161 Police – UNITE Federal Grant Computer Software |

Purpose: To fund UNITE program components

Section 4. The City hereby appoints the City Manager or his designee as agent of the City of Beverly Hills to accept US DOJ Grant (2008-DD-BX-0202), and to execute and submit all documents including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary for administration of the Grant.

Section 5. The City Clerk shall certify to the adoption of the Resolution and shall cause the Resolution and his certification to be entered in the Book of Resolutions of the Council of the City.

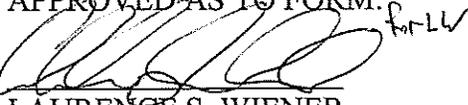
Adopted:

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

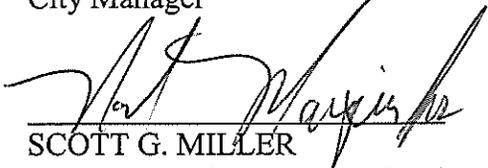
(SEAL)
BYRON POPE
City Clerk

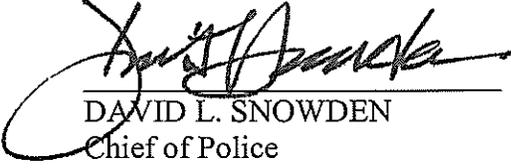
APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager


SCOTT G. MILLER
Director of Administrative Services/
Chief Financial Officer


DAVID L. SNOWDEN
Chief of Police

Attachment 2

Grant Award Letter



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

August 21, 2008

Mr. Roderick Wood
City of Beverly Hills
455 North Rexford Drive
Room 250
Beverly Hills, CA 90210-4857

Dear Mr. Wood:

On behalf of Attorney General Michael B. Mukasey, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 08 Congressionally Mandated in the amount of \$849,631 for City of Beverly Hills.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Stefanie Harris, Program Manager at (202) 305-8069; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeffrey L. Sedgwick".

Jeffrey L. Sedgwick
Acting Assistant Attorney General

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

August 21, 2008

Mr. Roderick Wood
City of Beverly Hills
455 North Rexford Drive
Room 250
Beverly Hills, CA 90210-4857

Dear Mr. Wood:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/ecop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/ecop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/ecop.htm>.

2) Submitting Findings of Discrimination

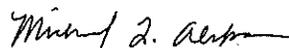
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Office of the Chief Financial Officer

Washington, D.C. 20531

August 21, 2008

Mr. Roderick Wood
City of Beverly Hills
455 North Rexford Drive
Room 250
Beverly Hills, CA 90210 - 4857

Reference Grant Number: 2008-DD-BX-0202

Dear Mr. Wood:

I am pleased to inform you that my office has approved the following budget categories for the aforementioned grant award in the cost categories identified below:

| Category | Budget |
|-------------------------|-----------|
| Personnel | \$0 |
| Fringe Benefits | \$0 |
| Travel | \$0 |
| Equipment | \$536,631 |
| Supplies | \$0 |
| Construction | \$0 |
| Contractual | \$163,000 |
| Other | \$150,000 |
| Total Direct Cost | \$849,631 |
| Indirect Cost | \$0 |
| Total Project Cost | \$849,631 |
| Federal Funds Approved: | \$849,631 |
| Non-Federal Share: | \$0 |
| Program Income: | \$0 |

A match is not required for this program.

If you have questions regarding this award, please contact:

- Program Questions, Stefanie Harris, Program Manager at (202) 305-8069
- Financial Questions, the Office of Chief Financial Officer, Customer Service Center(CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 2

| | | |
|---|--|------------|
| 1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Beverly Hills 455 North Rexford Drive Room 250 Beverly Hills, CA 90210-4857 | 4. AWARD NUMBER: 2008-DD-BX-0202 | |
| | 5. PROJECT PERIOD: FROM 07/01/2008 TO 06/30/2011 BUDGET PERIOD: FROM 07/01/2008 TO 06/30/2011 | |
| 1A. GRANTEE IRS/VENDOR NO. 956000688 | 6. AWARD DATE 08/21/2008 | 7. ACTION |
| | 8. SUPPLEMENT NUMBER 00 | Initial |
| 3. PROJECT TITLE Unified Network of Interoperable Technology Enhancements (UNITE) | 9. PREVIOUS AWARD AMOUNT | \$ 0 |
| | 10. AMOUNT OF THIS AWARD | \$ 849,631 |
| | 11. TOTAL AWARD | \$ 849,631 |

12. SPECIAL CONDITIONS
THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT
This project is supported under FY08(BJA - Byrne Discretionary Grants) P.L. 110-161

15. METHOD OF PAYMENT
PAPRS

| | | | |
|--|--|--|-----------|
| AGENCY APPROVAL | | GRANTEE ACCEPTANCE | |
| 16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Jeffrey L. Sedgwick Acting Assistant Attorney General | | 18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Roderick Wood City Manager | |
| 17. SIGNATURE OF APPROVING OFFICIAL | | 19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL | 19A. DATE |

| | |
|---|----------------|
| AGENCY USE ONLY | |
| 20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B D1 80 00 00 849631 | 21. HDIUGT0015 |



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 2

PROJECT NUMBER 2008-DD-BX-0202

AWARD DATE 08/21/2008

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. All contracts under this award should be competitively awarded unless circumstances preclude competition. When a contract amount exceeds \$100,000 and there has been no competition for the award, the recipient must comply with rules governing sole source procurement found in the current edition of the OJP Financial Guide.
6. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per 28 C.F.R. 23.20(g). Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
7. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.ojp.usdoj.gov/funding/funding.htm>.
8. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
9. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.
10. No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the grantee whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Maria A. Berry, Environmental Coordinator

Subject: Categorical Exclusion for City of Beverly Hills

Awards under this program will be used to develop national demonstration, training, and technical assistance programs.

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- 1) New construction.
- 2) Renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain.
- (3) A renovation which will change the basic prior use of a facility or significantly change its size.
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- (5) Implementation of a program involving the use of chemicals.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2008-DD-BX-0202

PAGE 1 OF 1

This project is supported under FY08(BJA - Byrne Discretionary Grants) P.L. 110-161

1. STAFF CONTACT (Name & telephone number)

Stefanie Harris
(202) 305-8069

2. PROJECT DIRECTOR (Name, address & telephone number)

Erick Lee
MANAGEMENT ANALYST
464 NORTH REXFORD DR
BEVERLY HILLS, CA 90210-4857
(310) 285-2110

3a. TITLE OF THE PROGRAM

Congressionally Mandated Award

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

Unified Network of Interoperable Technology Enhancements (UNITE)

5. NAME & ADDRESS OF GRANTEE

City of Beverly Hills
455 North Rexford Drive Room 250
Beverly Hills, CA 90210-4857

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 07/01/2008 TO: 06/30/2011

8. BUDGET PERIOD

FROM: 07/01/2008 TO: 06/30/2011

9. AMOUNT OF AWARD

\$ 849,631

10. DATE OF AWARD

08/21/2008

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Discretionary Grants Program (Byrne Discretionary Program) helps local communities improve the capacity of local justice systems and provides for national support efforts. This project is authorized and funded through a line item in the FY 08 Congressional Budget. Funds should be used for purposes recommended by Congress.

The City of Beverly Hills will implement the Unified Network of Interoperable Technology Enhancements (UNITE) program, a state-of-the-art information sharing and interoperable system that will enable law enforcement agencies to reduce criminal activity and help emergency responders deal with disasters. UNITE is a prevention-based program that focuses on the need to link intelligence, communication and information to identify those activities that are pre-cursors or indicators of an emerging threat. The primary objective is to provide an open utilization and management platform that readily interfaces with external partners and enables the joint sharing of vast amounts of criminal justice and emergency management real-time information. The City of Beverly Hills will purchase licenses for geo-browsing software and develop a Data Integration and Data Sharing web-based portal to integrate disparate data sources, design and purchase a Mobile Advanced Technology Control Center, and implement fixed site Automated License Plate Recognition system.

NCA/NCF