



Agenda Item Number: 2-7-13.10B

**SANDOVAL COUNTY  
BOARD OF COUNTY COMMISSIONERS**

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**Date of Commission**

**Meeting:** February 7, 2013

**Division / Elected**

**Office:** Community Services

**Staff Contact:** Peggy Folk Cote, Director

**Title of Item:** Resolution Authorizing the Submission of a Grant Application to the NM Department of Finance and Administration to Participate in Local DWI Grant and Distribution Program for FY 2013/2014

**Action Requested:** Motion to Adopt Resolution No. 2-7-13.10B Authorizing the Submission of a Grant Application to the NM Department of Finance and Administration to Participate in the Local DWI Grant in the Amount of \$295,000.00 and Distribution Program in the Amount of \$484,965.38 for FY 2013/2014

**Summary:** This application is for two components of the DWI Program. The Local DWI Grant is a competitive process and we are requesting \$295,000. The Distribution Grant is funded through the Liquor Excise Tax, so we request an estimated amount which is of \$484,965.38 for a total of \$779,965.38 This is the primary funding for the DWI and Prevention Program and has been for over 8 years.

**Attachments:**

1. Resolution No. 2-7-13.10B
2. Grant/Distribution Funding Application Cover Sheet

**FISCAL IMPACT**

This is included in our 2013-14 budget as part of the DWI and Prevention Budget.



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**STAFF ANALYSIS SUMMARY**

<b>County Manager:</b>	Recommend Board of County Commission approval. PPR 01/29/2013
<b>Initiating Elected Official / Division Director:</b>	Peggy Folk Cote Director of Community Services
<b>Legal:</b>	Approved as to form. PFT 1/15/2013
<b>Finance:</b>	Recommend Approval CCH 1/15/2013



**SANDOVAL COUNTY**  
**RESOLUTION NO. 2-7-13.10B**

**A RESOLUTION AUTHORIZING THE COUNTY TO SUBMIT AN APPLICATION TO  
THE DEPARTMENT OF FINANCE AND ADMINISTRATION,  
LOCAL GOVERNMENT DIVISION TO PARTICIPATE IN  
THE LOCAL DWI GRANT AND DISTRIBUTION PROGRAM.**

**WHEREAS**, the Legislature enacted Section 11-6A-1 through 11-6A-6 NMSA 1978 as amended to address the serious problems of Driving While Intoxicated in the State; and

**WHEREAS**, a program is established to make grant and distribution funding available to counties and municipalities for new, innovative or model programs, services or activities to prevent or reduce the incidence domestic abuse related to DWI, DWI, alcoholism and alcohol abuse; and

**WHEREAS**, the county DWI planning council and other governmental entities approval must be received in order to apply for grant and distribution funding; and

**WHEREAS**, the County along with participating agencies is making application to the Department of Finance and Administration, Local Government Division for program funding.

**NOW THEREFORE, BE IT RESOLVED** by the governing body of the County of Sandoval that the County Commission Chair on behalf of the County and all participating entities is authorized to submit an application for the Distribution and DWI Grant programs funding under the regulations established by the Local Government Division.

**APPROVED AND ADOPTED** by the governing body at its meeting of \_\_\_\_\_ day of \_\_\_\_\_ 2013.

**BOARD OF COUNTY COMMISSIONERS  
OF SANDOVAL COUNTY**

\_\_\_\_\_  
Darryl F. Madalena, Chair

**ATTEST:**

\_\_\_\_\_  
Peggy Cote, DWI Planning  
Council Representative

\_\_\_\_\_  
Eileen Garbagni, County Clerk  
(SEAL)

**Grant/Distribution Funding Application Cover Sheet  
Local DWI Grant Program  
Local Government Division - DFA**

County: Sandoval

Application No. \_\_\_\_\_ Date: 2/7/2013  
(Office Only) (of Application)

**Contact Person or Project Director:**  
Name: Diane Irwin  
Address: 711 S. Camino Del Pueblo  
City, Zip: Bernalillo, 87004  
Telephone: 505 867-8165  
E-Mail: Dirwin@sandovalcountynm.gov  
Fax: 505 867-8170

**Fiscal Agent:**  
Name: Sharon C. Torres  
Contact Person: \_\_\_\_\_  
Mailing Address: 711 S. Camino Del Pueblo  
City, Zip: Bernalillo, 87004  
Telephone: 505 867-7559  
E-Mail: Storres@sandovalcountynm.gov  
Fax: 505 867-8170

**Categories of Program Areas to be Addressed by Proposed Project**

[Indicate amounts budgeted for each program area.]

	<u>Grant</u>	<u>Distribution</u>	<u>Component Total</u>
Prevention:	-	110,260.00	110,260.00
Enforcement	-	30,000.00	30,000.00
Screening	-	19,305.14	19,305.14
Domestic Abuse	48,076.22	-	48,076.22
Treatment	186,938.06	-	186,938.06
Compl. Mtr./track	-	213,634.88	213,634.88
Coord/Plan& Eval.	44,985.72	111,765.36	156,751.08
Alt. Sentencing	15,000.00	-	15,000.00
<b>Total</b>	<b>295,000.00</b>	<b>484,965.38</b>	<b>779,965.38</b>
	<b>Total Grant Request</b>	<b>Total Distribution Request</b>	<b>Total Program Request</b>

**Certification:**

The attached resolution adopted by the governing body of Sandoval County on "February 7, 2013  
(Applicant) (Date)  
authorizes the applicant to file this application for assistance from the State of New Mexico.

To the best of my knowledge, the information presented in this application is true and correct.

\_\_\_\_\_  
Darryl Madalena, County Commission Chairperson

**STATEMENT OF ASSURANCES**  
**Local DWI Grant and Distribution Program**  
**Project Year 14: July 1, 2013 – June 30, 2014**

The applicant hereby assures and certifies compliance with the following statutes, rules, regulations, and guidelines associated with the acceptance and use of funds under the New Mexico Local DWI Grant and Distribution Program:

1. Compliance with the provisions of the New Mexico Local DWI Grant Program Act, Sections 11-6A-1 through 11-6A-6 NMSA 1978 as amended, the regulations, and the approved LDWI Guidelines.
2. The applicant has the responsibility and legal authority to receive and expend funds as described in the grant and distribution project description, as well as to finance the grantee share (if any) of costs of the project, including all project overruns.
3. Compliance with the State Procurement Code, with the exception of Home Ruled Governments, and submission of all related procurement documents to the Local Government Division for administrative review and approval, prior to execution, including, but not limited to: requests for professional services (RFPs); advertisements; minutes of pertinent meetings; contract selection and award criteria. All project-related services, activities or programs done through a service provider must be implemented through a professional services contract. Any project-related contract, subcontract, or agreement and related amendments, providing services to the grant or distribution program, must be submitted for administrative review by the Division prior to execution.
4. Adherence to all financial, accounting, and reporting requirements of the Department of Finance and Administration. Distribution programs will include with each quarterly narrative progress report the Grant Fund Agreement Exhibit F, The Local DWI Distribution Program Financial Status Report. Grant programs will include with each quarterly narrative progress report the Local DWI Program Request for Payment/Financial Status Report, Exhibit D. The said reports shall contain narrative and/or bulleted highlights of accomplishments and/or problems and delays encountered to date, a detailed budget breakdown of expenditures to date, a summary of any fees collected and/or expended, the Managerial Data Set, Planning Council meeting agendas and minutes, and such other information following the objectives of the county's evaluation as may be of assistance to the Division in its evaluation.
5. Compliance with the requirement to not budget, nor expend, any of the grant amount awarded or the amount distributed for **indirect administrative costs** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall document all direct program administrative expenditures and in-kind/match administrative expenditures.

6. Compliance with the requirement to not budget, nor expend, greater than **ten percent** of the grant amount awarded or the amount distributed for **capital outlay** incurred during the grant or distribution fiscal period. Requests for payment or financial status reports shall specify all capital outlay expenditures. **The ten percent cap for capital outlay does not exist with detoxification funding grants.**
  7. Compliance with all required reports, including but not limited to: the first quarter narrative and fiscal reports due on the last working day of October; the second quarter narrative and fiscal reports due on the last working day of January; and the third quarter narrative and fiscal reports due on the last working day of April; the fourth and the final quarter narrative and fiscal reports for the fiscal year due the 15<sup>th</sup> of July; required screening, treatment, and compliance monitoring protocols; required evaluation plans; required fiscal reports; required screening and tracking managerial data reports; and required annual reports.
  8. Compliance with the current Local DWI Grant Program Screening Guidelines. To avoid any conflict of interest, or appearance of conflict of interest, screeners should not be affiliated with any contracted treatment agency. Clients will be given options for treatment and will not be *mandated* to treatment with the same agency that does the screening.
  9. If applicable to the applicant, compliance with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Department of Health and Human Services regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
  10. Any distribution program under run amount for the fiscal year must be returned to the Local DWI Grant Fund by September 30 of the following fiscal year. Failure to remit an under run to the Local DWI Grant Fund will cause suspension of grant reimbursements and/or future distributions until the remittance is made.
  11. Grant program under runs revert to the Local DWI Grant Fund.
  12. Compliance with all applicable conditions and requirements prescribed by the Division in relation to receipt/accountability of state General Funds.
  13. The grant applicant will follow the scope of work for the grant program, as negotiated with the Local Government Division, and in accordance with the local planning council's approved plan. The applicant will submit any proposed modifications/amendments to the scope of work to the Division for its approval, prior to execution.
  14. The distribution program applicant will follow the local planning council's application as approved by DWI Grant Council in the application review process. The applicant
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will submit any proposed modifications/amendments to this proposal to the Division for its written approval, prior to execution of changes to programs.

15. Compliance with conflict of interest prohibitions whereby no member, officer, or employee of the grant or the distribution program, or its designee or agents, no voting member of the local planning council or of the governing body of the locality in which the program is situated, and no other public official of such locality who exercises any functions or responsibilities with respect to the program during his/her tenure (or for one year thereafter) shall have any interest, direct or indirect, in any contract or subcontract for work to be performed in the program. The grant and/or the distribution program shall incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of these stated provisions.
16. Compliance with the maintenance of records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the grant or distribution agreement period, the purpose of undertaking for which such funds were used and the amount and nature of all contributions from other sources, and such other records as the Division shall prescribe. Such records shall be preserved for a period of not less than six (6) years following completion of all the conditions of the grant agreement and the distribution program administrative guidelines.
17. The applicant will provide access to authorized State officials and representatives of all books, accounts, records, reports, files, and other papers, things, or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.
18. The applicant will provide DFA's auditor and evaluator timely access to all program records and information. Additionally, the applicant will assure that records of subcontractors working for the applicant are retained and made available to DFA's auditor and evaluator.

Darryl Madalena

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County Commission Chairperson

(Please Type)

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Signature

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Date

## MEMORANDUM OF UNDERSTANDING

The County of Sandoval DWI Program (hereinafter referred to as the "Program") and the New Mexico Department of Finance and Administration/Local Government Division/Driving While Intoxicated Program (hereinafter referred to as "Agency") hereby exchange the following assurances and enter into the following Memorandum of Understanding (MOU):

The Agency assures:

1. That Agency is in full compliance with the provisions concerning research activities in Section 2.52 of the Federal Confidentiality of Alcohol & Drug Abuse Patient Records regulations, 42 CFR Part 2, including Section 2.16.
2. That client identifying information will not be re-disclosed except back to the Program from which the information was obtained, or according to the terms of this MOU.
3. That in receiving, storing, processing, or otherwise dealing with any information from the Program about the clients in the Program, the Agency acknowledges it is bound by the provisions of the Federal Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2.
4. That the Agency shall undertake to resist any effort to obtain access to information pertaining to patients otherwise than as expressly provided for in the Federal Confidentiality of Alcohol & Drug Abuse Patient Records regulations, 42 CFR Part 2.
5. That the Agency is not a "covered entity" as defined by the Department of Health and Human Services Regulations entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA); (the HIPAA Regulations).
6. That the Agency shall never possess treatment or maintain any "individually identifiable health information" or transmit "protected health information" as defined by the HIPAA Regulations and in the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

The Program agrees to:

1. Upon request, provide the Agency or other parties authorized with client records for those clients provided services through the Local Government Division DWI Grant Program, for the purpose of conducting outcome monitoring research activities, and evaluation of LDWI Program interventions.
2. If applicable, comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act) and the Department of Health and Human Services Regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
3. Report or transmit data to the Agency that deletes and contains no "individually identifiable health information" or "protected health information" as defined by the HIPAA Regulations and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

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Ryan Gleason, Director  
Department of Finance & Administration  
Local Government Division  
DWI Program  
Bataan Memorial Building, Suite 203  
Santa Fe, New Mexico 87501

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Darryl Madalena, Chairperson  
County Commissioner

\_\_\_\_\_  
Date