

**BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA**

**RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN THE AWARD AND SPECIAL CONDITIONS FOR  
THE VICTIMS OF CRIME ACT GRANT (VOCA)**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2012), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, a Crime Commission Grant for the Sarpy County Victim Witness Unit was available to Sarpy County; and,

WHEREAS, Sarpy County was awarded funding from the Nebraska Crime Commission for the Victim Witness Unit; and,

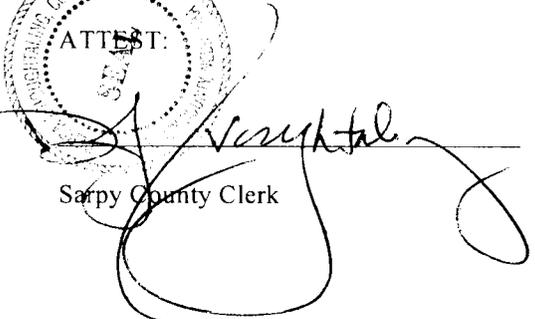
WHEREAS, Sarpy County is required by the Nebraska Crime Commission to sign the award and special conditions; and,

WHEREAS, Sarpy County is committed to and supports the grant award for the Sarpy County Victim Witness Unit; and,

NOW, THEREFORE, BE IT RESOLVED, By the Sarpy County Board of Commissioners that the Chairman is hereby authorized to sign the award and special conditions for the 2013 Victims of Crime Act grant (VOCA).

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 15<sup>th</sup> day of October, 2013.

  
Sarpy County Board Chairman

  
ATTEST:  
  
Sarpy County Clerk

# Sarpy County Board of Commissioners

1210 GOLDEN GATE DRIVE  
PAPILLION, NE 68046-2895  
593-4155

[www.sarpy.com](http://www.sarpy.com)

ADMINISTRATOR Mark Wayne

DEPUTY ADMINISTRATOR Scott Bovick

FISCAL ADMIN./PURCHASING AGT. Brian Hanson



## COMMISSIONERS

Don Kelly District 1  
Jim Thompson District 2  
Tom Richards District 3  
Brenda Carlisle District 4  
Jim Warren District 5

## MEMO

To: Sarpy County Board

From: Lisa A. Haire

Re: 2013 Victims of Crime Act (VOCA) Grant Award

On October 15, 2013 the County Board will be asked to authorize the Chairman to sign the award and special conditions for the 2013 VOCA grant. This is a continuation grant that will allow the Sarpy County Victim Witness Unit to continue providing services to victims of crime in Sarpy County.

The grant application was approved for \$107,527 for personnel salaries and benefits four (4) crime victim advocates which is less than what was originally requested and requires a budget revision prior to receiving the award.

The County is required to provide a match of \$26,882 which will be the remaining portion of two (2) of the advocates' salaries.

Do not hesitate to contact Jean Brazda if you have comments or questions.

October 11, 2013

\_\_\_\_\_  
Lisa A. Haire

593-1565

[lhaire@sarpy.com](mailto:lhaire@sarpy.com)

cc: Mark Wayne  
Brian Hanson  
Scott Bovick  
Jean Brazda  
Deb Houghtaling



# Subgrant Special Conditions – Program

**Distribution:**  
*Original to Commission  
One copy to  
Subgrantee*

<b>Subgrantee:</b> Sarpy County Victim Witness Unit	<b>Subgrant Number:</b> 13-VA-204
<b>CFDA 16.575 Nebraska's VOCA Victim Assistance Formula Grant Program 2013-VA-GX-0012 Dept. of Justice, Office for Victims of Crime</b>	<b>Subgrant Title:</b> Sarpy County Victim Assistance

This contract is subject to the standard conditions agreed to in the original application and the signed Certified Assurances. In addition, the subrecipient must comply with the Office of Justice Programs current edition of "Financial and Administrative Guide for Grants" (OJP M 7100.1C), Federal Program Guidelines and the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) Guidelines and the following special conditions:

1. **Audits:** All audits will comply with the Single Audit Act of 1984, as amended. Audits for private non-profit agencies shall comply with Circular A-133.

Agencies and organizations receiving federal funds from various sources totaling \$500,000 or more during their Fiscal Year are required to have an annual audit. Total cost of the audit must be prorated among funding sources. Agencies and organizations receiving federal funds from various sources totaling less than \$500,000 during their Fiscal Year are not required to have an annual audit. However, a complete agency audit complying with the Single Audit Act of 1984, as amended, is highly recommended once every three years for private non-profit agencies receiving funding from the Crime Commission.

**ONE Copy** of the audit that includes a **Letter of Findings** are required to be submitted to the Crime Commission, if they are not part of the audit.

Authorized representatives of the Crime Commission and the federal agencies associated with the federal funding source shall have access to and the right to examine all records, books, papers or documents related to this grant for the purpose of audit and examinations. All records shall be retained for five (5) years from the date of the final fiscal report unless an audit is in progress or the findings of a completed audit have not been resolved satisfactorily.

2. Acceptance of Grant Award and Special Conditions

- a. **Grant Award** must be accepted; signed by the subrecipient's authorized official, the director of the project and the fiscal officer; and, returned to the Crime Commission within thirty (30) days from the date the Grant Award is mailed to the subgrantee.
- b. **Special Conditions** must be accepted, signed by the subrecipient's authorized official, director of the project, and the fiscal officer, and returned to the Crime Commission within thirty (30) days from the date the Special Conditions are mailed to the subrecipient.
- c. Subrecipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The subrecipient must maintain a Data Universal Numbering System (DUNS) number.
- d. Subrecipients receiving payments from the Crime Commission are required to receive payments via the Automated Clearing House (ACH) payment. New subrecipients must complete paperwork to sign up for ACH payment and can find the form at <http://www.hhs.state.ne.us/forms/EFT.pdf>. This must be completed before funds can be received.

### 3. Accounting Procedures:

- a. Subrecipient shall implement and maintain an accounting system which accurately reflects income received expenditures, and documentation of expenditures. Each source of income must be accounted for separately and a clear audit trail for each source of funding must be maintained.
- b. Any award with matching funds, both cash or in-kind, must document match in the agency's accounting system. Match need not be applied at the exact time or in the required proportion to the obligation of Federal funds. However, the full matching share must be obligated by the end of the project period.
- c. A private non-profit agency awarded funds shall have two (2) members of the Board of Directors review, on a quarterly basis, all expenditures for the agency. This review shall include, but is not limited to, checks written for the period, deposits, assurance of a balanced checkbook, review of the entries in the agency's ledgers and review of the income received from funding agencies and donations.
- d. If at any time an impropriety is found in the accounting or use of any funds received by the subrecipient, the Crime Commission must be notified immediately and informed about how the agency will address the problem.
- e. Subrecipients will maintain time records that comply with the Office of Management and Budget (OMB) A-87 Circular to clearly document the hourly activity of each grant funded or match funded position to show the actual percentage of time charged to the funding source. Records will be maintained by the subrecipient to document any differences between budgeted and actual federal and match personnel grant costs. Timesheets for grant funded positions should include the signature of the employee and their supervisor. Volunteer positions used as match are to be documented and, to the extent feasible, supported by the same methods used for employees. Please refer to the following website for further details on OMB circulars <http://www.whitehouse.gov/omb/circulars/>.
- f. Office of Justice Program Financial Guidelines and Federal and/or State guidelines must be followed for the purchase of equipment and or services and for the property management or disposal of equipment purchased with Federal funds. Property records for equipment purchased must be maintained which include a description, serial number, source, title holder, acquisition date, cost, percentage of federal dollars funded, location, and use and condition of the equipment. Subrecipients must adhere to written procurement procedures. If the agency does not have these they should defer to the State's procurement guidelines located at <http://www.das.nebraska.gov/accounting>.

### 4. Reporting Requirements:

- a. **Grant Activity Summary Reports** are required **quarterly**. Reports are due by the 15<sup>th</sup> of the month following the end of each quarter during the grant period.
- b. **Cash Report/Cash Requests** are required **quarterly**. Reports are due by the 15<sup>th</sup> of the month following the end of each quarter during the grant period as well as the final ACash Report® reflecting the total grant expenditures at the end of the grant period.
- c. **Regardless of the start date of the grant project**, quarterly reports are due for normal quarters as listed.  
    Jan. – March  
    April – June  
    July – Sept.  
    Oct. – Dec.
- d. When the 15<sup>th</sup> falls on a holiday, Saturday or Sunday all reports are due the prior working day.

### 5. Use of Federal Grant Funds

- a. Federal grant funds will not be used to supplant State, local or any other funds that would otherwise be available. The agency's budget cannot decrease as a result of grant dollars. If an existing employee is

assigned to this project and their salary is paid with grant funds, his or her position must be backfilled. The agency's personnel cannot decrease as a result of this grant project.

- b. No State/Federal grant funds shall be used for costs existing prior to or after the grant period.
  - c. No indirect costs shall be allowed. Indirect cost is defined as payment for grant management services, accounting services, grant securing services, or any other costs of an organization that are not readily assignable to a particular project.
  - d. Federal and matching funds are to be used for the purpose stated in the approved grant application. Any changes must be approved by the Crime Commission prior to the change taking place.
  - e. Federal funds cannot be used for lobbying. If matching funds are used for lobbying, a disclosure report shall be submitted to the Crime Commission.
  - f. No other Federal funds shall be used to meet the match requirement.
  - g. No Federal funds will be used for land acquisition.
  - h. No Federal funds are to be used for entertainment, fines and penalties, Visa fees, Passport charges, bar charges/Alcoholic beverages, or membership fees.
  - i. Crime Commission funding cannot be placed in interest bearing accounts by private non-profit agencies.
  - j. Subrecipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of no food and/or beverages at such events, and costs of attendance. Information on pertinent laws, regulations, policies and guidance is available at <http://www.ovw.usdoj.gov/grantees.html>.
6. Nondiscrimination/Civil Rights
- a. Subrecipient agrees to obtain advance written approval from the Crime Commission before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyright work, or portion thereof, into a new work developed under this award.
  - b. Subrecipient assures it and all its contractors will comply with all applicable nondiscrimination requirements as set forth by federal and state laws. No person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or be denied employment in connection with any activities receiving funds under the Act on the basis of race, color, religion, age, sex, national origin or handicap.
  - c. Subrecipient agrees to notify employees and clients, customers, and program participants of prohibited discrimination and the procedures for filing a complaint of discrimination. The subrecipient agrees to have a procedure in place for responding to discrimination complaints that employees and clients, customers, and program participants file directly with the subrecipient.
  - d. Subrecipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or more beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parent or legal guardians of such students.
  - e. In the event a federal or state court or administrative agency makes a finding of discrimination after a due process hearing the recipient of funds will forward a copy of the finding to the Office of Civil Rights Compliance of the Office of Justice Programs in Washington, D.C. Additionally, a copy of the findings is to be sent to the Crime Commission. If required, the subgrantee will formulate an Equal Employment Opportunity Program (EEO) in accordance with 28 CFR 42.301 et. seq.

- f. Subrecipients, whose projects, personnel or subawards become involved in any litigation, whether civil or criminal, shall immediately notify the Crime Commission and forward a copy of any demand notices, lawsuits, or indictments to the Commission.
  - g. Subrecipient acknowledges that failure to submit an acceptable EEOP (if subrecipient 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 subrecipient is in compliance.
  - h. Subrecipient must comply with the Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. Subgrantees receiving Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). Information on the civil right responsibilities, see <http://www.lep.gov>.
7. Subrecipient agrees to attend Grant Management Training sponsored by the Crime Commission, as indicated by the grant program.
  8. Subrecipient agrees to comply with any additional requirements that may be imposed as a result of grant performance and that the misuse of award funds may result in a range of penalties, including suspension of current and future funds, recoupment of money provided under an award, and civil and/or criminal penalties.
  9. Subrecipient agrees that any publication (written, visual, or audio) funded in whole or in part with federal or state funds shall contain the following statement: "This project was supported by subgrant No. \_\_\_\_\_ awarded by the Nebraska Crime Commission and points of view or opinions contained in this document are those of the author and do not necessarily represent the official position or policies of the Commission or the . . . (identify source of federal funds)." When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal or state money, all subrecipients receiving funds shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal or State money, and (2) the dollar amount of Federal or State funds for the project or program.
  10. Subrecipient understand and agrees that – (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal or local law enforcement agency or any other entity carrying out criminal investigations, prosecution or adjudication activities.
  11. If at any time during the grant period the subrecipient is barred from doing business with the Federal Government, the Crime Commission shall be notified by the subgrantee in writing.
  12. All agencies who are participants in the awarded project shall establish and maintain a drug free work-place policy.
  13. Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or agreement to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of the Nebraska Crime Commission.
  14. Subrecipients funded for \$25,000 or more and, in certain circumstances, agree to comply with applicable requirements to report the names and total compensation of the five most highly compensated executives of the subrecipient. Such data will be submitted to the Federal Funding Accountability and Transparency Act of 2006 (FFATA), Subaward Reporting System (FSRS). The details of the Crime Commission obligations, which derive from the FFATA, are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award Condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.
  15. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the subrecipient is encouraged to adopt and enforce polices banning

employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety polices and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

16. Subrecipient agrees to comply with the applicable requirements of 28 CFR Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participations in such activities by individuals receiving services from the grantee or a subgrantee must be voluntary.
17. Subrecipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. Potential fraud, waste, abuse or misconduct should be reported. In addition, the subrecipient must notify the Crime Commission. For more information on how to submit a claim go to [www.usdoj.gov/org](http://www.usdoj.gov/org).
18. Subrecipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R. Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110).

Use of VOCA Funds

1. Subrecipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Sub grantees, available at <http://www.ojp.gov/funding/ojptrainingguidingprinciples.htm>.
2. Subrecipient assures it will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 42 U.S.C. 10603(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required.
  - a. VOCA funds are to be used to provide direct services to individual crime victims, at no cost to the victim.
  - b. VOCA guidelines define a victim as a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. The primary purpose of VOCA grant funds is to support the provision of services to victims. Services are those efforts that respond to the emotional and physical needs of crime victims; assist primary and secondary victims of crime to stabilize their lives after victimization; assist victims to understand and participate in the criminal justice system; and, provide victims of crime with a measure of safety and security.
  - c. In addition to any previously stated restrictions VOCA funds **cannot be used** for any of the following:

Capital expenditures	Legislative and administrative duties of staff
Community education	Lobbying and administrative advocacy
Crime prevention activities	Needs assessments, surveys, evaluations or studies
Relocation expenses for the victim	Perpetrator rehabilitation and counseling or any other activities involving or relating to perpetrators
Development of protocols, interagency agreements and other working agreements	Professional services of doctors and lawyers
Fund-raising activities	Reimbursement to crime victims for expenses incurred as a result of a crime, including property loss
Individual membership dues	
Witness Management and Notification Systems	
Purchasing or leasing vehicles	Prosecution Activities

- d. Volunteers are to be utilized by the subgrantee throughout the duration of the project. Volunteer services must be documented, and to the extent feasible, by the same methods used by the subgrantee for its paid employees.
- e. At no time shall a victim's name, address, phone number or other identifying information be divulged to another individual or agency unless they are part of the criminal justice or health and human services system unless the victim has given prior voluntary written consent for such release of information.
- f. Subrecipient agrees to collect and report to the Crime Commission statistics and data on services and activities provided. Information on race, sex, nation origin, age, and disability of recipients of assistance will be collected and maintained, where such information is voluntarily furnished by those receiving assistance.
- g. Subrecipient shall cooperate, coordinate and have the active participation and support of law enforcement and criminal justice agencies within the jurisdiction of the assisting agency and will cooperate and coordinate with any coordinated response efforts.
- h. Subrecipient must provide services to victims of federal crimes on the same basis as victims of state/local crimes.
- i. Subrecipient is required to help victims apply for Crime Victims Reparations (CVR) benefits, i.e., identifying and notifying crime victims of the availability of compensation, assisting victim with application forms and procedures, obtaining necessary documentation, and/or checking on claim status. Victim is responsible for mailing CVR claims to the Crime Commission but subgrantee may provide the envelope and stamp.
- j. Subrecipient is required to provide information to victims about Victim Information and Notification Everyday (VINE), assist victims in registering with the VINE system and promote awareness about VINE.

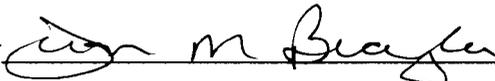
Victim Witness Programs - Use of Federal VOCA Funds

- a. The purpose of a victim witness program is to advocate for victims and provide timely assistance to individual victims of crime. Advocacy should begin within 72 hours or the next business day after the incident for all serious crimes (homicide, sexual assault, assaults) and most crimes against the elderly. Victim Witness Units located in County Attorney offices are to have a process in place to receive law enforcement incident reports for victims of serious crimes and crimes against the elderly so that advocacy can begin within 72 hours or sooner.
- b. VOCA funds are **not** for the purpose of providing services to businesses **unless** an individual or individuals within the business is a victim of a crime.
- c. Policies and procedures are required that include when and how victim contact will be made and when and how follow up contact will be made.
- d. VOCA funding will be in jeopardy if all victims of serious crimes and most crimes against the elderly are not provided advocacy services in a timely manner and if funds are used for any activities or expenses that are the responsibility of the prosecutor or law enforcement agency.

I have read the above Special Conditions and understand they are part of the binding Grant Award.

Signature of Authorized Official  Date 10-15-13

Note: The Authorized Official is the Mayor, Chair of County Board or City Council or the Board Chair of a Private Non-profit Agency. The Director of the Agency is NOT considered the authorized official for the signing of these Special Conditions.

Signature of Agency Director  Date 10-4-13

Signature of Project Director  Date 10-4-13

Signature of Fiscal Officer Brian Hanson Date 10-9-13