

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

450



FROM: Director of Mental Health

SUBMITTAL DATE:
March 25, 2010

SUBJECT: Approve the Certificate of Assurance of Compliance (Cal EMA 2-104J) for the Department of Mental Health for the Justice Assistance Grant- Offender Treatment Program (JAG-OTP) Grant Application.

RECOMMENDED MOTION: Move that the Board of Supervisors approve and :

1. Authorize the Chairman of the Board to sign the Certificate of Assurance of Compliance (Cal EMA 2-104J) on behalf of the Department of Mental Health as a part of the grant application for JAG-OTP funds;
2. Authorize the Chairman of the Board to accept and sign the JAG-OTP Grant Award for FY 2009/2010 in the amount of \$2,233,200 from California Emergency Management Agency (Cal EMA);
3. Authorize the Director of Mental Health to sign future renewals and amendments for this grant in accordance with Riverside County Board of Supervisors' Policy A-30;
4. Authorize the Riverside County Purchasing Agent to sign agreements and ministerial amendments with new and existing providers for a not to exceed amount of \$100,000, without securing competitive bids and exempting them from the Sole Source requirement in accordance with Ordinance 459.4 through June 30, 2013.

BACKGROUND: In FY 2009/2010, the Department of Mental Health's (DOMH) Proposition 36 (Prop. 36) funding used for treating non-violent offenders was eliminated during the State's budget cut process.
(Continued on Page 2)

JW:CW

Jerry Wengerd, Director
Department of Mental Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 2,233,200	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 0	For Fiscal Year:	FY 09/10

SOURCE OF FUNDS: 100 % Federal	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

Debra Courmoyer

- Policy
- Consent
- Policy
- Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref. ATTACHMENTS FILED District: All WITH THE CLERK OF THE BOARD

Agenda Number:

3.54

I AM APPROVED COUNTY COUNSEL
 BY SA R-MCKENNA 5/23/10 DATE
 Departmental Concurrence
 Purchasing: Mark Seller, Assistant Director

SUBJECT: Approve the Certificate of Assurance of Compliance (Cal EMA 2-104J) for the Department of Mental Health for the Justice Assistance Grant- Offender Treatment Program (JAG-OTP) Grant Application.

BACKGROUND (Continued):

Therefore, in December 2009 the Riverside County DOMH, Substance Abuse Program, in accordance with the Board of Supervisors' Policy A-30, submitted a grant application to Cal EMA for JAG-OTP Grant funds. As a result of the DOMH's grant application, on February 1, 2010 the DOMH, Substance Abuse Program received a letter of intent to award JAG-OTP grant funds from Cal EMA in the amount of two million two hundred thirty three thousand two hundred dollars (\$2,233,200) in Federal Funds to provide JAG-OTP Services. Under the JAG-OTP grant, the DOMH, Substance Abuse Program will work on their previously established efforts under Prop. 36 funding as a collaborative agency with the Riverside County Probation Department, Riverside County Public Defender, Riverside County District Attorney, Riverside County Parole & Community Services Division, Riverside County Sheriff and the Superior Court of California, to provide maximum available treatment to criminal offenders convicted of non-violent drug offenses currently in the Offender Treatment Program (OTP) as authorized by State of California Penal Code (PC) 1210 regulation. The combined collaborative efforts and funding will allow Riverside County to successfully meet the core goals of the new JAG-OTP grant funding, which are: 1) to enhance treatment services; 2) to increase the proportion of offenders who enter, remain in, and complete treatment; 3) reduce delays in the availability of appropriate services; and 4) to employ a Drug Court Model to be utilized throughout the County of Riverside. With JAG-OTP grant funds, Riverside County will also be able to implement the necessary strategies of Probation Supervision of non-violent offenders by providing assessments for the establishment of the appropriate level of substance abuse treatment, and will intensify service delivery as indicated by drug test results and continued evaluations of the clients. Therefore, the Department of Mental Health is requesting that the Board of Supervisors sign the attached Certification of Assurance of Compliance in order for the DOMH to finalize the JAG-OTP grant application and award process.

FINANCIAL IMPACT:

Under the JAG-OTP grant award, the DOMH, Substance Abuse Program has received a letter of intent from Cal EMA to award JAG-OTP grant funds in the amount of \$2,233,200 in Federal Funds for FY 2009/2010-2010/2011. Upon award of the JAG-OTP grant funds, the DOMH plans to enter into an agreement with the Riverside County Probation Department for approx. \$744,623 of the \$2,233,200 to provide probation oversight services to non-violent offenders of the DOMH, Substance Abuse Program, who enter into and complete their substance abuse treatment program. The remainder of the funds will be used to provide substance abuse treatment to clients in the DOMH, Substance Abuse Program County clinics. All DOMH agreements for JAG-OTP funds may be terminated if or when funding becomes unavailable. No additional County funds are required.

PERFORMANCE PERIOD:

The period of performance for this grant is October 1, 2009 through March 31, 2011.

JUSTIFICATION FOR DELAY:

This Form 11 is now going to the Board of Supervisors because the DOMH received the Letter of Intent to award from Cal EMA in February 2010.

ATTACHMENT A

**RIVERSIDE COUNTY DEPARTMENT OF MENTAL HEALTH
SUBSTANCE ABUSE PROGRAM
JAG-OTP Provider and Agency listing**

PROVIDERS

ABC Recovery Centers, Inc.
Axiom Counseling Team
California Recovery Clinics
I Am New Life Ministries
La Vista Inc.
MFI Recovery Centers, Inc.
Perris Valley Recovery Program
Riverside Latino Commission
Riverside Recovery Resources
Sun Ray Addictions
The Awareness Program
The High Road Program
The Ranch Recovery Centers Inc.
V.A.R.P. Inc.
Village Counseling
W.C.H.S., Inc.
Whiteside Manor, Inc.
Y.W.C.A of Riverside

AGENCIES

Riverside County Probation Department
Riverside County Public Defender
Riverside County District Attorney
Riverside County Parole & Community Services Division
Riverside County Sheriff
Superior Court of California

**CERTIFICATION OF ASSURANCE OF COMPLIANCE
RECOVERY JAG
METHAMPHETAMINE LABORATORY OPERATIONS**

The applicant must complete a Certification of Assurance of Compliance-Recovery JAG (Cal EMA 2-104j), which includes details regarding Equal Employment Opportunity Program (EEO), Drug Free Workplace Compliance, California Environmental Quality Act, Lobbying, Debarment and Suspension requirements, Proof of Authority from City Council/Governing Board, and compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratories. The applicant is required to submit the necessary assurances and documentation before finalization of the Grant Award Agreement. In signing the Grant Award Face Sheet, the applicant formally notifies Cal EMA that the applicant will comply with all pertinent requirements.

Resolutions are no longer required as submission documents. Cal EMA has incorporated the resolution into the Certification of Assurance of Compliance, Section VI, entitled, "Proof of Authority from City Council/Governing Board." The Applicant is required to obtain written authorization (original signature) from the City Council/Governing board that the official executing the agreement is, in fact, authorized to do so, and will maintain said written authorization on file and readily available upon demand. This requirement does not apply to state agencies.

**CERTIFICATION OF ASSURANCE OF COMPLIANCE
RECOVERY JAG
METHAMPHETAMINE LABORATORY OPERATIONS**

I, Jerry Wengerd, Director hereby certify that
(official authorized to sign grant award; same person as Section 12 on Grant Award Face Sheet)

RECIPIENT: County Of Riverside

IMPLEMENTING AGENCY: Department of Mental Health- Substance Abuse Program

PROJECT TITLE: JAG-OTP

is responsible for reviewing the *Grant Recipient Handbook* and adhering to all of the Grant Award Agreement requirements (state and/or federal) as directed by Cal EMA including, but not limited to, the following areas:

I. Equal Employment Opportunity – (Recipient Handbook Section 2151)

It is the public policy of the State of California to promote equal employment opportunity by prohibiting discrimination or harassment in employment because of race, religious creed, color, national origin, ancestry, disability (mental and physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, sex, sexual orientation, denial of family medical care leave, denial of pregnancy disability leave, or age (over 40). **Cal EMA-funded projects certify that they will comply with all state and federal requirements regarding equal employment opportunity, nondiscrimination and civil rights.**

Please provide the following information:

Equal Employment Opportunity Officer: County of Riverside Human Resource Department

Title: _____

Address: PO Box 1569, Riverside, Ca 92502

Phone: (951) 955-3500

Email: hrdept@rc-hr.com

II. Drug-Free Workplace Act of 1990 – (Recipient Handbook, Section 2152)

The State of California requires that every person or organization awarded a grant or contract shall certify it will provide a drug-free workplace.

III. California Environmental Quality Act (CEQA) – (Recipient Handbook, Section 2153)

The California Environmental Quality Act (CEQA) (*Public Resources Code, Section 21000 et seq.*) requires all Cal EMA funded projects to certify compliance with CEQA. Projects receiving funding must coordinate with their city or county planning agency to ensure that the project is compliance with CEQA requirements.

IV. Lobbying – (Recipient Handbook Section 2154)

Cal EMA grant funds, grant property, or grant funded positions shall not be used for any lobbying activities, including, but not limited to, being paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.

V. Debarment and Suspension – (Recipient Handbook Section 2155)
(This applies to federally funded grants only.)

Cal EMA-funded projects must certify that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department of agency.

VI. Proof of Authority from City Council/Governing Board

The above-named organization (applicant) accepts responsibility for and will comply with the requirement to obtain written authorization from the city council/governing board in support of this program. The applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of Cal EMA, and that any cash match will be appropriated as required. It is agreed that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and Cal EMA disclaim responsibility of any such liability. Furthermore, it is also agreed that grant funds received from Cal EMA shall not be used to supplant expenditures controlled by the city council/governing board.

The applicant is required to obtain written authorization from the city council/governing board that the official executing this agreement is, in fact, authorized to do so. The applicant is also required to maintain said written authorization on file and readily available upon demand.

**SPECIAL CONDITIONS OF RECOVERY JAG PROJECTS
METHAMPHETAMINE LABORATORY OPERATIONS**

This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratories, including the seizure and/or removal of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"].

The United States Environmental Protection Agency (USEPA) has determined that, "law enforcement responsibilities terminate when the law enforcement official notifies the property owner of record, the state, and the local environmental or public health agencies in writing of a possible site contamination at a clandestine lab."

Law enforcement personnel may seize as evidence and remove any bottles, cans, jugs and other containers, as well as contaminated apparatus and chemical samples from a clandestine drug site, however, law enforcement agencies are not responsible for the cleanup/remediation of any rooms, buildings or surrounding environments, including septic systems, rivers, streams or contaminated soils.

(Check one of the following four boxes)

Will not accept the Recovery JAG funds for the period of

OR

Will accept the Recovery JAG funds for the period of 10/1/2009-3/31/2011 but will not use them in the **seizure or removal** of clandestine methamphetamine laboratories.

OR

Will accept the Recovery JAG funds for the period of , and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the **seizure** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Recipient will provide medical screening of personnel assigned or to be assigned by the recipient to the seizure of clandestine methamphetamine laboratories;
2. Recipient will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure of clandestine methamphetamine laboratories;
3. Recipient will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;
4. Recipient will notify the Department of Toxic Substances Control (DTSC), and send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized; and
5. Recipient will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:
 - (i) Respond to the minor's health needs that relate to methamphetamine toxicity;
 - (ii) Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - (iii) Arrange for medical testing for methamphetamine toxicity; and
 - (iv) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

OR

Will accept the Recovery JAG funds for the period of , and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the **seizure and/or removal** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Recipient will provide medical screening of personnel assigned or to be assigned by the recipient to the seizure and/or removal of clandestine methamphetamine laboratories;
2. Recipient will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure and/or removal of clandestine methamphetamine laboratories;
3. Recipient will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;
4. Recipient will send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized;
5. Recipient will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:
 - (v) Respond to the minor's health needs that relate to methamphetamine toxicity;
 - (vi) Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - (vii) Arrange for medical testing for methamphetamine toxicity; and
 - (viii) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.
6. Recipient will assign properly trained personnel to prepare a Hazard Assessment and Recognition Plan (HARP) for the clandestine methamphetamine laboratory site;
7. Recipient or DTSC will utilize qualified disposal personnel to remove the chemicals, associated glassware, equipment, and contaminated materials and wastes from the clandestine methamphetamine laboratory site;
8. Recipient or DTSC will dispose of the chemicals, associated glassware, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licenses recycling facilities; and
9. Recipient or DTSC will monitor the records involving the transport, disposal and recycling components of subparagraphs numbered 7 and 8 immediately above in order to ensure proper compliance.

All appropriate documentation must be maintained on file by the project and available for Cal EMA or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Recipient may be ineligible for award of any future grants if the Cal EMA determines that any of the following has occurred:

(1) the Recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [Section 12 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: _____

Authorized Official's Typed Name: Jerry Wengerd

Authorized Official's Title: Director

Date Executed: _____

Federal Employer ID #: 95-6000930 Federal DUNS # 556215168

Current Central Contractor Registration Yes No

Executed in the City/County of: Riverside

AUTHORIZED BY: *(not applicable to State agencies)*

- | | |
|---|---|
| <input type="checkbox"/> City Financial Officer | <input type="checkbox"/> County Financial Officer |
| <input type="checkbox"/> City Manager | <input type="checkbox"/> County Manager |
| <input checked="" type="checkbox"/> Governing Board Chair | |

Signature: _____

Typed Name: Supervisor Marion Ashley

Title: Chairman, Board of Supervisors