

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No 20041231

1. REQUESTED MOTION:

ACTION REQUESTED: To hold a public hearing on Tuesday, October 12, 2004 at 10:00 a.m., or as soon thereafter as the matter may be heard during the regular Board Meeting to discuss the use of funds related to the Local Law Enforcement Block Grant and authorize the grant award.

WHY ACTION IS NECESSARY: A public hearing is required as part of the Local Law Enforcement Block Grant application process.

WHAT ACTION ACCOMPLISHES: Enables the County to meet application requirements.

2. DEPARTMENTAL CATEGORY:

01
COMMISSION DISTRICT
#Countywide

10:00

3. MEETING DATE:

10-12-2004

4. AGENDA:

_____ CONSENT
_____ ADMINISTRATIVE
_____ APPEALS

PUBLIC
_____ WALK ON
_____ TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

_____	STATUTE	_____
_____	ORDINANCE	_____
<input checked="" type="checkbox"/>	ADMIN. CODE	3.17
<input checked="" type="checkbox"/>	OTHER	_____
	Grant Application	_____

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____
B. DEPARTMENT COUNTY ADMIN
BUDGET SERVICES

BY: Antonio B. Majul Jr. Director

7. BACKGROUND: The Local Law Enforcement Block Grant (LLEBG) is part of the legislation enacted by the Federal Government. Lee County has the opportunity to receive \$91,691.10 with a required cash match of \$10,187.90. Matching funds will come from the Sheriff's FY 04/05 budget.

The Lee County Board of County Commissioners has appointed the Lee County Coalition for a Drug-Free Southwest Florida as an advisory board to review the application and make non-binding recommendations on the use of the funds. The Coalition Board met on September 21, 2004 and approved the use of LLEBG funds for FY 2004. \$45,000 will fund Drug Court Assessments and treatments performed by Southwest Florida Addiction Services and \$56,879 will be used to fund a Special Operations Vehicle for LCSO emergency operations, as well as community outreach initiatives.

At least one public hearing must be held regarding the proposed use of the funds prior to obligation.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>				<i>[Signature]</i>	OA	OM	Risk	GC	
				9/23/04	9/23/04	9/23/04	9/23/04	9/23/04	9/23/04

10. COMMISSION ACTION:

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

Rec. by CoAtty
Date: 9/23/04
Time: 11:08
Forwarded To: [Signature]
9/23/04

RECEIVED BY
COUNTY ADMIN:
09/23/04
3115 pm 2004
COUNTY ADMIN
FORWARDED TO: [Signature]
9/23/04
4/7pm.

Office of the Sheriff
Rodney Shoap



County of Lee
State of Florida

Memorandum

8/27/04

To: Chief Dave Bonsall, Operations Bureau Commander

Thru: Major Dan Johnson, Planning and Research
Captain Doug VanHouse, Planning and Research

From: Julie Rocco, Planning and Research JR

Date: 8/27/2004

Re: Local Law Enforcement Block Grant (LLEBG) 2004/05

Per discussions regarding the expenditure of LLEBG 2004/05 funds, I would like to forward the following information to Roger Good, my county counterpart, so he may begin the blue sheet process.

LLEBG funding:	\$ 91,691.10	
10% match	<u>10,187.90</u>	- match will come from LCSO 04/05 general fund budget request
Total funding:	\$101,879.00	

\$45,000 will fund Drug Court assessments and treatments performed by Southwest Florida Addiction Services. \$56,879 will be used to fund a Special Operations Vehicle for LCSO emergency operations, as well as community outreach initiatives.



14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (941) 477-1000



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of the Director

Washington, D.C. 20531

July 22, 2004

Mr. Albion
County Commissioner Chairman, Lee County
2115 Second Street
Fort Myers, FL 33901-3053

RE: Fiscal Year 2004 Local Law Enforcement Block Grants Program

Dear Mr. Albion:

I am pleased to inform you that I have approved the application for funding under the Bureau of Justice Assistance's (BJA) Fiscal Year 2004 Local Law Enforcement Block Grants (LLEBG) Program in the amount of \$91,691 for Lee County. The purpose of the LLEBG Program is to reduce crime and improve public safety. This Block Grant Award may be used for any of the purpose areas described in the statute.

Enclosed you will find the Grant Award and Special Conditions documents. If you have any programmatic questions regarding this award, please contact BJA's Programs Office at (202) 514-6638. In addition, all financial questions regarding this award should be directed to the Office of the Comptroller, Customer Service Division at (800) 458-0786.

I look forward to a continuing partnership with Lee County in furtherance of this important criminal justice program.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D/S Herraiz".

Domingo S. Herraiz
Director

Attachments



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

July 22, 2004

Mr. Albion
County Commissioner Chairman, Lee County
2115 Second Street
Fort Myers, FL 33901-3053

Dear Grant Recipient:

Congratulations on your recent award. Because you have submitted Certified Assurances that your agency is in compliance with applicable civil rights laws, this office has determined that you have met this requirement in the Department of Justice regulations governing recipients of Federal financial assistance (see 28 C.F.R. sec. 42.204, Applicants' Obligations). As Director of the Office for Civil Rights (OCR), Office of Justice Programs, I would like to offer you my assistance in completing the conditions of these Assurances, specifically Nos. 13, 14, and 15, as the grant goes forward.

As you know, equal opportunity for the participation of women and minority individuals in employment and services provided under programs and activities receiving Federal financial assistance is required by law. Therefore, if there has been a federal or state court or administrative agency finding of discrimination against your agency, please forward a copy of such order or consent decree, as required by Assurance No. 14, to OCR at the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, 810 Seventh Street, N.W., Room 8136, Washington, D.C. 20531.

Additional Instructions For Grantees Receiving \$500,000 Or More:

1. In accordance with Assurance No. 15, each grantee that receives \$500,000 or more (or \$1,000,000 in an 18- month period), and has 50 or more employees, must **submit** an Equal Employment Opportunity Plan (EEOP) within 60 days from the date of this letter to OCR at the above address. ¹
2. Alternatively, the grantee may choose to complete an EEOP Short Form, in lieu of sending its own comprehensive EEOP, and return it to OCR within 60 days of the date of this letter. This easy-to-follow EEOP Short Form reduces paperwork and preparation time considerably and will ensure a quicker OCR review and approval. The enclosed Seven-Step Guide to the Design and Development of an EEOP (which includes an EEOP Short Form) will assist you in completing this requirement.
3. Please be reminded that the above requirements apply to primary grantees and to each of their subgrantees or contractors that meet the criteria outlined in this letter. Therefore, all primary grantees should apprise subgrantees of these responsibilities and those meeting the criteria should send their EEOPs or EEOP Short Forms directly to the Office for Civil Rights within 60 days of the date of the

NOTE: **If agency has under 50 employees**, regardless of amount of award, no EEOP is required; however, grantee must return **applicable** portion of Certification Form to OCR within 60 days.

PURSUANT TO THE SPECIAL CONDITION REGARDING EEOPs GOVERNING THIS AWARD, RECIPIENT ACKNOWLEDGES THAT FAILURE TO SUBMIT AN ACCEPTABLE EEOP IS A VIOLATION OF ITS CERTIFIED ASSURANCES AND MAY RESULT IN SUSPENSION OF DRAWDOWN OF FUNDS UNTIL EEOP HAS BEEN APPROVED BY THE OFFICE FOR CIVIL RIGHTS.

Additional Instructions For Grantees Receiving \$25,000 Or More, But Under \$500,000:

4. Pursuant to Department of Justice regulations, each grantee that receives \$25,000 or more and has 50 or more employees is required to maintain an Equal Employment Opportunity Plan (EEOP) on file for review by OCR upon request. (However, if the grantee is awarded \$1,000,000 in an eighteen (18) month period, it must submit an acceptable EEOP to OCR.) Please complete the applicable section of the attached Certification Form and return it to OCR within 60 days of the

NOTE: **If agency has under 50 employees**, regardless of amount of award, no EEOP is required; however, grantee must return **applicable** portion of Certification Form to OCR within 60 days.

¹ If you have already submitted an EEOP as part of another award from the Office of Justice Programs (OJP) or the Office of Community Oriented Policing Services (COPS) within this grant period, or if you have certified that no EEOP is required, it is not necessary for you to submit another at this time. Simply send a copy of the letter you received from OCR showing that your EEOP or certification is acceptable.

Additional Instructions For Grantees Receiving Under \$25,000:

5. A recipient of under \$25,000 is not required to maintain or submit an Equal Employment Opportunity Plan (EEO Plan) in accordance with Assurance No. 15. No Certification is required.

Instructions for All Grantees:

6. In addition, **all recipients, regardless of their type, the monetary amount awarded, or the number of employees in their workforce**, are subject to the prohibitions against discrimination in any funded program or activity. Therefore, OCR investigates complaints by individuals or groups alleging discrimination by a recipient of OJP funding; and may require all recipients, through selected compliance reviews, to submit data to ensure their services are delivered in an equitable manner to all segments of the service population and their employment practices are in compliance with equal employment opportunity requirements.²

If you have any questions, please call OCR at (202) 307-0690. Additional information and technical assistance on the civil rights obligations of grantees can be found at: <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Acting Director, Office for Civil Rights

cc: Grant Manager
Financial Analyst

² The employment practices of certain Indian Tribes are not covered by Title VII of the Civil Rights Act of 1964, 42 U.S.C. sec. 2000e.



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

AWARD

OJP BJA OJJDP
BJS NIJ OVC

GRANT
 COOPERATIVE AGREEMENT

CHECK APPROPRIATE BOX

1. GRANTEE NAME AND ADDRESS (Including Zip Code) Lee County 2115 Second Street Fort Myers, FL 33901-3053		4. AWARD NUMBER: 2004-LB-BX-0472	
		5. PROJECT PERIOD: FROM 10/01/2003 TO 09/30/2005 BUDGET PERIOD: FROM 10/01/2003 TO 09/30/2005	
1A. GRANTEE IRS/VENDOR NO. 596000703	6. AWARD DATE 07/22/2004	7. ACTION	
2. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)		8. SUPPLEMENT NUMBER	
		<input checked="" type="checkbox"/> Initial <input type="checkbox"/> Supplemental	
2A. SUBGRANTEE IRS/VENDOR NO.		9. PREVIOUS AWARD AMOUNT	\$0.00
3. PROJECT TITLE FY 2004 Local Law Enforcement Block Grants		10. AMOUNT OF THIS AWARD	\$91,691
		11. TOTAL AWARD	\$91,691

12. SPECIAL CONDITIONS (Check, if applicable)

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED 6 PAGES

13. STATUTORY AUTHORITY FOR GRANT

TITLE 1 OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, 42 U.S.C. 3701, ET. SEQ., AS AMENDED

TITLE 2 OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, 42 U.S.C. 5601, ET. SEQ., AS AMENDED

VICTIMS OF CRIME ACT OF 1984, 42 U.S.C. 10601, ET. SEQ., PUBLIC LAW 98-473, AS AMENDED

OTHER (Specify): Fiscal Year 2002, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (Pub. L. No. 107-77)

14. FUTURE FISCAL YEAR(S) SUPPORT:

SECOND YEAR'S BUDGET PERIOD:	N/A	TYPE OF FUNDS:	
AMOUNT OF FUNDS:	N/A		
THIRD YEAR'S BUDGET PERIOD:	N/A	TYPE OF FUNDS:	
AMOUNT OF FUNDS:	N/A		

15. METHOD OF PAYMENT

THE GRANTEE WILL RECEIVE CASH VIA A LETTER OF CREDIT YES NO

AGENCY APPROVAL [Redacted] GRANTEE ACCEPTANCE [Redacted]

16. TYPED NAME AND TITLE OF APPROVING OJP OFFICIAL
Domingo S. Herrera
Director

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL
John Albion
County Commissioner Chairman

17. SIGNATURE OF APPROVING OJP OFFICIAL [Signature]

19. SIGNATURE OF AUTHORIZED GRANTEE [Redacted] 19A. DATE [Redacted]

AGENCY USE ONLY [Redacted]

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	21. L18M14
X	B	LI	80	00	00		L102U00472



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

**AWARD CONTINUATION
SHEET**

OJP BJA OJDP GRANT
BJS NIJ OVC COOPERATIVE AGREEMENT

PAGE 2 OF 7

CHECK APPROPRIATE BOX

PROJECT NUMBER: 2004-LB-BX-0472

AWARD DATE 07/22/2004

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 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 OJP's Financial Guide, Chapter 19.
3. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 CFR 42.302), that is approved by the Office of 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.
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. The recipient agrees that federal funds under this award will be used to supplement but not supplant state or local funds, pursuant to section 101(g) of H.R. 728, 104th Cong. (1995).
6. The recipient shall submit one copy of all reports and proposed publications resulting from this agreement twenty (20) days prior to public release. Any publications (written, visual, or sound), whether published at the recipient's or government's expense, shall contain the following statement: (NOTE: This excludes press releases, newsletters, and issue analysis.)

"This project was supported by Grant No. 2004-LB-BX-0472 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

7. The recipient agrees to provide information required for any national evaluation conducted by the U.S. Department of Justice.
8. The recipient agrees, if the funds are used for the hiring and employing of new, additional law enforcement officers and/or support personnel, as described in the applicable purpose area of Subpart A section 101(a)(2) of H.R. 728, 104th Cong. (1995), that the recipient unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public safety service. If the funds are used for the hiring and employing of new, additional law enforcement officers and/or support personnel, the unit of local government will establish procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of Title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1923 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel.



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

**AWARD CONTINUATION
SHEET**

OJP BJA OJDP
 BJS NIJ OVC

GRANT
 COOPERATIVE AGREEMENT

PAGE 3 OF 7

CHECK APPROPRIATE BOX

PROJECT NUMBER: 2004-LB-BX-0472

AWARD DATE 07/22/2004

SPECIAL CONDITIONS CONTINUED

9. The recipient agrees this award document constitutes the obligation of federal funds for use by the recipient in execution of the program or project covered by the award. Such obligation may be terminated without further cause if the recipient fails to affirm its timely utilization of the award by accepting the award and special conditions within 45 calendar days from the date of award.
10. The recipient agrees to submit the Request for Drawdown via the Internet system within 90 calendar days from the date of award, or to have all federal funds deobligated for redistribution during the next funding cycle.
11. Local recipients agree to one 24 month obligation and expenditure period, as established at the approval of the Request for Drawdown. All funds must be expended by the end of this 24 month period with no exceptions.
12. The recipient agrees to provide and expend a 10 percent cash match (calculated as 1/9 of the federal award amount) before the end of the 24 month obligation and expenditure period. The recipient is reminded that the matching funds are subject to audit under Special Condition #2 and will be binding to the recipient. Program income/interest earned on Federal funds may not be considered as part of recipient's 10 percent cash match.
13. Local recipients are required to establish a trust fund account. This fund may not be used to pay debts incurred by other activities beyond the scope of the Local Law Enforcement Block Grants Program. The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the 24 month period. Grant funds (including any interest earned) not expended by the end of the 24 month period must be returned to the Bureau of Justice Assistance (BJA) by the end of the 27th month, along with the final submission of the Financial Status Report (SF-269A).
14. The recipient agrees to submit one final progress report via the Internet system at the end of the 24 month obligation and expenditure period.
15. The recipient agrees, if funds are used by the recipient or subrecipient for enhancing security and/or crime prevention programs, that the recipient or subrecipient - -
 - (a) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under subparagraph (B) of section 101(a)(2), on the incidence of crime in the geographic area where the enhancement is undertaken, and;
 - (b) will conduct such an assessment with respect to each such enhancement;
 - (c) will submit to the Bureau of Justice Assistance (BJA) an annual written assessment report; and
 - (d) will include a summary of the annual assessments conducted during the term of the grant in the Final Grant Report to be submitted.
16. The recipient agrees to comply with 28 CFR Part 23 if federal funds are used to support Criminal Intelligence Systems.



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

**AWARD CONTINUATION
SHEET**

OJP BJA OJDP
BJS NJJ OVC

GRANT
 COOPERATIVE AGREEMENT

PAGE 4 OF 7

CHECK APPROPRIATE BOX

PROJECT NUMBER: 2004-LB-BX-0472

AWARD DATE 07/22/2004

SPECIAL CONDITIONS CONTINUED

17. The recipient agrees to assist BJA in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the recipient or by a subrecipient. Accordingly, prior to obligating grant funds, the recipient agrees to first determine if any of the following activities will be related to the use of the grant funds. The recipient understands that this special condition applies to its following new activities, whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

1. New construction;
2. Minor 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, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and,
4. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.

Application of This Special Condition to Recipient's Existing Programs or Activities:

For any of the recipient's or its subrecipient's existing programs or activities that will be funded with these grant funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

18. 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/ec/states.htm>



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

**AWARD CONTINUATION
SHEET**

OJP BJA OJJDP GRANT
BJS NIJ OVC COOPERATIVE AGREEMENT

PAGE 5 OF 7

CHECK APPROPRIATE BOX

PROJECT NUMBER: 2004-LB-BX-0472

AWARD DATE 07/22/2004

SPECIAL CONDITIONS CONTINUED

19. The recipient agrees that prior to the obligation or expenditure of any LLEBG funds, at least one (1) public hearing will be held regarding the proposed use(s) of the grant funds. The recipient must also provide verification to BJA, via the Internet system, of the public hearing. At the hearing, persons shall be given an opportunity to provide written and oral views to the recipient on the proposed use(s) of the grant funds. The recipient will hold the public hearing at a time and place that allows and encourages public attendance and participation. The recipient may not request a drawdown of funds until these requirements are met and the formal budget allocations are adopted by the recipient.
20. The recipient agrees that prior to the obligation or expenditure of any LLEBG funds, a previously designated or newly established advisory board will meet to discuss the proposed use(s) of the grant funds. The recipient will designate the advisory board to make nonbinding recommendations on the use(s) of funds under the LLEBG Program. Membership on the advisory board must include a representative from the following, though it may be broader:
- a) the local police department or sheriff's department;
 - b) the local prosecutor's office;
 - c) the local court system;
 - d) the local school system; and,
 - e) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment.
- The recipient may not request a drawdown of funds until these requirements are met and the formal budget allocations are adopted by the recipient.
21. The recipient has certified it is not in compliance with the Public Safety Officers' Health Benefits Provision of the Fiscal Year 2004, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (Pub. L. No. 107-273). Therefore, the recipient will receive not more than 90 percent of the eligible award amount (or, if less than the eligible amount was requested, of that amount). This provision makes no allowances for a unit of local government to come into compliance during the life of the grant; consequently BJA will not consider requests to adjust the reduced award amount.
22. The recipient agrees that funds provided under this award may not be used to operate a "pay-to-stay" program in any local jail. The recipient further agrees not to subaward funds to local jails which operate "pay-to-stay" programs.



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

**AWARD CONTINUATION
SHEET**

OJP BJA OJJDP GRANT
BJS NIJ OVC COOPERATIVE AGREEMENT

PAGE 6 OF 7

CHECK APPROPRIATE BOX

PROJECT NUMBER: 2004-LB-BX-0472

AWARD DATE 07/22/2004

SPECIAL CONDITIONS CONTINUED

23 . Mitigation of Health, Safety, and Environmental Risks

a. General Requirement: The grantee agrees to comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and the disposal of the chemicals, equipment, and wastes used in or resulting from the operations of these laboratories.

b. Specific Requirements: The grantee understands and agrees that any program or initiative involving either the identification, seizure, or closure of clandestine methamphetamine laboratories, hereafter referred to as the "Program", can result in adverse health, safety, and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants, users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment; and (4) the immediate and surrounding environment of the site(s) where any remaining chemicals, equipment, and wastes from a seized laboratory's operations are placed or come to rest.

Therefore, the grantee further agrees that in order to avoid or mitigate the possible adverse health, safety, and environmental impacts of its Program, it will (1) include the nine, below listed protective measures or components within its Program; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this grant agreement; and (3) implement these protective measures throughout the life of this grant agreement. In so doing, the grantee understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractors, or other qualified third parties.

1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories;
2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the grantee to either the seizure or the closure of clandestine methamphetamine laboratories;
3. As determined by their specific duties, equip personnel assigned to the Program with OSHA required protective wear and other required safety equipment;
4. Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

**AWARD CONTINUATION
SHEET**

OJP BJA OJDP GRANT
 BJS NIJ OVC COOPERATIVE AGREEMENT

PAGE 7 OF 7

CHECK APPROPRIATE BOX

PROJECT NUMBER: 2004-LB-BX-0472

AWARD DATE 07/22/2004

SPECIAL CONDITIONS CONTINUED

5. Employ qualified disposal contractors to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;
 6. Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;
 7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5. and 6. immediately above in order to ensure proper compliance;
 8. Have in place and implement an inter-agency agreement or other form of commitment with a responsible state environmental agency that provides for that agency's (i) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing state and federal requirements; and
 9. Include among the personnel involved in seizing clandestine methamphetamine laboratories, or have immediate access to, qualified personnel who can respond to the potential health needs of any of the offender(s)' children or other children present or living at the seized laboratory site. Response actions should include, at a minimum and as necessary, taking children into protective custody, immediately testing them for methamphetamine toxicity, and arranging for any necessary follow-up medical tests, examinations, or health care.
- c. Additional Requirements: As part of the Request for Drawdown process, the Grantee shall submit a brief description of its project sufficient for the Office of Justice Programs (OJP) to determine whether any additional compliance with federal environmental statutes and regulations needs to occur prior to the issuance of LLEBG funds. Furthermore, once LLEBG funds are issued, the Grantee shall notify OJP if the project changes significantly from the description in the Request for Drawdown, or if significant new information is revealed during the course of the expenditure of LLEBG funds so that OJP can determine whether any additional environmental analyses need to be completed.