

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

**Blue Sheet No. 2006-0631**

**1. ACTION REQUESTED/PURPOSE:** Approve acceptance of FY 2006 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$84,725.00. Signature by Chairwoman Tammy Hall on the Grant Award and initial the bottom right corner of every Special Conditions page. The Grant Award Document and the Special Conditions are attached hereto.

**2. WHAT ACTION ACCOMPLISHES:** Approval will allow the Lee County Sheriff's Office to submit an acceptance of the grant funds.

**3. MANAGEMENT RECOMMENDATION:**

**4. Departmental Category:** E **CISA** **5. Meeting Date:** **05-30-2006**

<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b> Statute _____	<b>8. Request Initiated:</b> Commissioner _____ Department _____ Division _____ By: Sheriff <i>[Signature]</i>
	Ordinance _____	
	Admin. Code _____	
	Other _____	
	_____	

**9. Background:**

The Office of Justice Programs has approved grant funding for the Lee County Sheriff's Office (LCSO) in the amount of \$84,725.00 under the FY 2006 Edward Byrne Justice Assistance Grant Program.

The LCSO will use the \$84,725.00 of the grant funding to implement local drug control and system improvement projects designed to reduce the production, transfer and use of controlled substances, reduce the incident of drug-related violent crime, and make improvement to the criminal justice system. Past funding has gone to support the efforts of the CLEAN Task Force coordinated by Lee County Sheriff's Office.

There is no match requirement for this grant.

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
					<i>5/16/06</i>	<i>5/18/06</i>	<i>5/18/06</i>	<i>[Signature]</i>

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

Rec. by CoAtty
Date: <i>5/16/06</i>
Time: <i>11:25 AM</i>
Forwarded To: <i>Admin. Slide</i>
<i>11:30</i>

RECEIVED BY
COUNTY ADMIN: <i>[Signature]</i>
<i>5/16/06</i>
<i>11:50 PM</i>
COUNTY ADMIN
FORWARDED TO: <i>[Signature]</i>
<i>5/16/06</i>
<i>4:30 PM</i>

FORWARD WITH AGREEMENT AND BLUE SHEET

ALL INFORMATION IS REQUIRED - DO NOT LEAVE ANY BLANKS - USE N/A WHEN NOT APPLICABLE

GRANT AT A GLANCE

GRANT AWARD INFORMATION

1. County Grant ID (project #): 2006-0631

2. Title of Grant: FY 2006 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Combined Law Enforcement Against Narcotics Task Force)

3. Amount of Award: \$84,725.00

4. Amount of Match Required: \$0

5. Type of Match: N/A (cash, in-kind etc)

6. SOURCE OF GRANT FUNDS & CATALOG NUMBER:

Table with 2 columns: FEDERAL 16.738, STATE CSFA #

7. Agency Contract Number: 2006-DJ-BX-0522

Table with 3 columns: 8. Contract Period, Begin Date: 10/1/05, End Date: 9/30/09

9. Name of Subrecipient(s) Lee County Sheriff's Office

10. Business Unit(s):

11. Scope of Grant: (describe project). The LCSO will use the \$84,725.00 of the grant funding to implement local drug control and system improvement projects designed to reduce the production, transfer and use of controlled substances, reduce the incident of drug-related violent crime, and make improvement to the criminal justice system. Past funding has gone to support the efforts of the CLEAN Task Force coordinated by Lee County Sheriff's Office

12. Has this Grant been Funded Before? [X] YES [ ] NO If YES When?

13. Is Grant Funding Anticipated in Subsequent Years? [X] YES [ ] NO

14. If Grant Funding Ends Will This Program Be Continued at County Expense? [ ] YES [ ] NO [X] OTHER If YES What is the Lee County Budget Impact:

Table with 3 columns: 1st Year, 2nd Year, 3rd Year \$; 4th Year \$, 5th Year \$

LCSO WILL NOT KNOW THE FUTURE BUDGET IMPACT UNTIL A ONE YEAR EVALUATION OF THE PROGRAM HAS BEEN CONDUCTED AND RECOMMENDATIONS FOR CONTINUATION OF THE NEW DRUG UNIT ARE DETERMINED.

Check Box if Additional Information on Program and Budget Impact is provided in Comment Section on page 2 [ ]

ADMINISTERING DEPARTMENT INFORMATION

1. Department: Lee County Sheriff's Office

2. **Contacts: Bill Bergquist, Budget Director**

Program Mgr. Lt. Chris Reeves	Phone #: 477-1672
Fiscal Mgr. Charlie Green	Phone #:335-2646

**GRANTOR AGENCY INFORMATION**

(The agency you signed this agreement with)

1. **Grantor Agency:** Department of Justice Office
2. **Program Title/Division:** FY 2006 Edward Byrne Memorial Justice Assistance Grant Program
3. **Agency Contact:** Naydine Fulton-Jones
4. **Phone Number:** (202) 514-6661
5. **Mailing Address:**

**SOURCE OF FUNDS**

1. **Original Funding**  
**Source:** U. S. Department of Justice  
(name of agency where funding originated from)
  2. **Pass Through Agency:** LEE COUNTY GOVERNMENT  
(middleman if any? Example: federal \$\$ from US DOT given to STATE of FL DOT-- -then from STATE DOT to Lee County DOT - - - STATE of FL DOT is the pass-through agency).  
Florida Department of Law Enforcement Office of Criminal Justice Grants
  3. **Additional Information for Other Agencies Involved:**  
LEE COUNTY GOVERNMENT
- 3a. **Is the County a Grantee or Subrecipient in #3 above:** County is the subrecipient; LCSO is the implementing agency

**REPORTING REQUIREMENTS**

1. **Does this grant require a separate subfund?** YES  NO   
(Example: you need to return interest earnings)

Please Explain: N/A

2. **Is funding received in advance?** YES  NO   
(If YES, please indicate conditions for returning residual proceeds, or interest and the address to return it to, if different from the Grantor Agency Information)

N/A



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

Grant

PAGE 1 OF 5

1. RECIPIENT NAME AND ADDRESS (including Zip Code) Lee County 2115 Second St. Fort Myers, FL 33901		4. AWARD NUMBER: 2006-DJ-BX-0522	
		5. PROJECT PERIOD: FROM 10/01/2005 TO 09/30/2009 BUDGET PERIOD: FROM 10/01/2005 TO 09/30/2009	
1A. GRANTEE IRS/VENDOR NO. 596000703		6. AWARD DATE 04/26/2006	7. ACTION Initial
		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT	\$ 0
3. PROJECT TITLE Combined Law Enforcements Against Narcotics Task Force (CLEAN)		10. AMOUNT OF THIS AWARD	\$ 84,725
		11. TOTAL AWARD	\$ 84,725
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, Pub. L. No. 109-108 (Nov. 22, 2005).			
15. METHOD OF PAYMENT PAPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Domingo S. Herraiz Director, Bureau of Justice Assistance		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Tammy Hall Chairwoman	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES		21. DJ06U00276	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.
			REG. SUB.
			POMS
			AMOUNT
X	B	DJ	80 00 00 84725

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
**Bureau of Justice  
Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

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PROJECT NUMBER 2006-DJ-BX-0522

AWARD DATE 04/26/2006

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The grantee 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 grantee or by a subgrantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds.

The grantee 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 grantee, a subgrantee, 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:

- a. New construction;
- b. 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;
- c. 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,
- d. 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 education environments.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, 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.



Department of Justice  
Office of Justice Programs  
Bureau of Justice  
Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

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PROJECT NUMBER 2006-DJ-BX-0522

AWARD DATE 04/26/2006

*SPECIAL CONDITIONS*

6. This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"]. No monies from this award may be obligated to support meth lab operations unless the grantee implements this special condition.

The Office of Justice Programs (OJP), in consultation with the Bureau of Justice Assistance, the Drug Enforcement Administration, and the Office for Community Oriented Policing Services, prepared a Program-level Environmental Assessment (Assessment) governing meth lab operations. The Assessment describes the adverse environmental, health, and safety impacts likely to be encountered by law enforcement agencies as they implement specific actions under their methamphetamine laboratory operations. Consistent with the Assessment, the following terms and conditions shall apply to the grantee for any OJP funded methlab operations:

A. The grantee shall ensure compliance by OJP funded sub-grantees with federal, state, and local environmental, health, and safety laws and regulations applicable to meth lab operations, to include the disposal of the chemicals, equipment, and wastes resulting from those operations.

B. The grantee shall have a Mitigation Plan in place that identifies and documents the processes and points of accountability within its state. This plan will be used to ensure that the adverse environmental, health, and safety impacts delineated in the Assessment are mitigated in a manner consistent with the requirements of this condition.

C. The grantee shall monitor OJP funded meth lab operations to ensure that they comply with the following nine mitigation measures identified in the Assessment and whose implementation is addressed in the grantee's Mitigation Plan. These mitigation measures must be included as special conditions in all subgrants: (See Part II of this special condition)

7. 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 all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories;
3. As determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment;
4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory;
5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory;
6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at 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 a written agreement with the responsible state environmental agency. This agreement must provide that the responsible state environmental agency agrees to (i) timely evaluate the environmental condition at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency and in accordance with existing state and federal requirements; and
9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate 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.



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Office of Justice Programs  
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**AWARD CONTINUATION  
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PROJECT NUMBER 2006-DJ-BX-0522

AWARD DATE 04/26/2006

*SPECIAL CONDITIONS*

8. The recipient agrees to submit to BJA for review and approval any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date.
9. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
10. To support public safety and justice information sharing, OJP requires the grantee to use the Global Justice Data Model specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at [www.it.ojp.gov/gjxdm](http://www.it.ojp.gov/gjxdm).
11. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund may not be used to pay debts incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).
12. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the BJA in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by BJA.
13. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per 28 C.F.R. 23.20(g). Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
14. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income must be accounted for and used for the purposes under the conditions applicable for the use of funds under this award, including 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 OMB Circular A-110. Further, the use of program income must be shown on the quarterly Financial Status Report, SF269.
15. 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>.
16. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice  
Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

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PROJECT NUMBER 2006-DJ-BX-0522

AWARD DATE 04/26/2006

*SPECIAL CONDITIONS*

17. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
18. Recipient agrees that funds provided under this award may not be used to operate a "pay-to-stay" program in any local jail. Recipient further agrees not to subaward funds to local jails which operate "pay-to-stay" programs.
19. "Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at [www.lep.gov](http://www.lep.gov)."





**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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*Washington, D.C. 20531*

**Memorandum To:** Official Grant File

**From:** Muriel Collins, Environmental Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for Lee County

All grants funded under the Edward Byrne Memorial Justice Assistance Grant Program (JAG) will carry the following NEPA special condition:

1) The grantee 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 grantee or by a subgrantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. The grantee 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 grantee, a subgrantee, 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:

- a. New construction;
- b. 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;
- c. 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,
- d. 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 education environments.

**Application of This Special Condition to Grantee's Existing Programs or Activities:** For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, 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.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

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

**Grant**

PROJECT NUMBER

2006-DJ-BX-0522

PAGE 1 OF 1

This project is supported under Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, Pub. L. No. 109-108 (Nov. 22, 2005).

**1. STAFF CONTACT (Name & telephone number)**

Naydine Fulton-Jones  
(202) 514-6661

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

Stanley Nelson  
Planner II  
Lee County Sheriff's Office  
14750 Six Mile Cypress Parkway  
Fort Myers, FL 33912-4406  
(239) 477-1066

**3a. TITLE OF THE PROGRAM**

FY 2006 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

**3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)**

**4. TITLE OF PROJECT**

Combined Law Enforcements Against Narcotics Task Force (CLEAN)

**5. NAME & ADDRESS OF GRANTEE**

Lee County  
2115 Second St.  
Fort Myers, FL 33901

**6. NAME & ADDRESS OF SUBGRANTEE**

**7. PROGRAM PERIOD**

FROM: 10/01/2005 TO: 09/30/2009

**8. BUDGET PERIOD**

FROM: 10/01/2005 TO: 09/30/2009

**9. AMOUNT OF AWARD**

\$ 84,725

**10. DATE OF AWARD**

04/26/2006

**11. SECOND YEAR'S BUDGET**

**12. SECOND YEAR'S BUDGET AMOUNT**

**13. THIRD YEAR'S BUDGET PERIOD**

**14. THIRD YEAR'S BUDGET AMOUNT**

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

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment programs; and 6) planning, evaluation, and technology improvement programs.

The Lee County Sheriff's Office will utilize its FY2006 JAG Funds for the salaries and benefits of the CLEAN Task Force Personnel.

NCA/NCF



**Department of Justice**  
Office of Justice Programs

**Bureau of Justice Assistance**

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Office of Justice Programs

Washington, D.C. 20531

April 26, 2006

Mrs. Tammy Hall  
Lee County  
2115 Second St.  
Fort Myers, FL 33901

Dear Mrs. Hall:

On behalf of Attorney General Alberto Gonzales, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 2006 Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$84,725 for Lee County.

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

If you have questions regarding this award, please contact:

- Program Questions, Naydine Fulton-Jones, Program Manager at (202) 514-6661; and
- Financial Questions, the Office of the Comptroller, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.oc@usdoj.gov](mailto:ask.oc@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

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

Domingo S. Herraiz  
Director, Bureau of Justice Assistance

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

*Washington, D.C. 20531*

April 26, 2006

Mrs. Tammy Hall  
Lee County  
2115 Second St.  
Fort Myers, FL 33901

Dear Mrs. Hall:

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

**Ensuring Access to Federally Assisted Programs**

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

**Providing Services to Limited English Proficiency (LEP) Individuals**

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

**Ensuring Equal Treatment for Faith-Based Organizations**

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

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

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. These employment provisions have been specifically incorporated into 28 C.F.R. Part 38.1(f) and 38.2(f). Consequently, in many circumstances, it would be impermissible for faith-based organizations seeking or receiving funding authorized by these statutes to have policies or practices that condition hiring and other employment-related decisions on the religion of applicants or employees. Programs subject to these nondiscrimination provisions may be found on OCR's website at <http://www.ojp.usdoj.gov/ocr/>. Questions about the regulation or the statutes that prohibit discrimination in employment may be directed to this Office.

### **Enforcing Civil Rights Laws**

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

### **Complying with the Safe Streets Act or Program Requirements**

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

#### **1) Meeting the EEOP Requirement**

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

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

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

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

#### **2) Submitting Findings of Discrimination**

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

**Ensuring the Compliance of Subrecipients**

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

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

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



FY 2006 Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2006 DJE-B-0520



Award

Performance Reports

Correspondence

**Award Handbook**

**Award Instructions**

Award Instructions

Post Award Instructions

Congratulations. You have been awarded a grant by the Office of Justice Programs of the Department of Justice. Please click on the Award Document link below to see your award documents.

ACH Information

If you choose to accept the award and ALL the special conditions, please

Help/Frequently Asked Questions

1. Print the Award Document and Special Conditions.
2. Sign the Award Document (The Award Document is the page that requires your signature; it has a blank spot for "Authorized Grantee Signature")
3. Initial the bottom right corner of every Special conditions page(s) and
4. Fax BOTH the Award Document and the Special Conditions page(s) to (202) 616-5962 or (202) 353-8475.

GMS Award Home

Log Off

If you choose to not accept the award and ALL the special conditions, please contact your OJP program manager Naydine Fulton-Jones, at (202) 514-6661.

For programmatic questions contact Naydine Fulton-Jones, at (202) 514-6661, for financial questions contact OC Customer Service at 1-800-458-0786. For questions about printing and faxing these documents, please contact the GMS Help Desk at 1-888-549-9901 option#3.

Supplement Number	Award Package
00	Award Document