

SANTA FE COUNTY

Resolution No. 2016-20

A RESOLUTION AUTHORIZING THE COUNTY TO SUBMIT APPLICATION TO THE NM DEPARTMENT OF FINANCE AND ADMINISTRATION TO REQUEST DWI GRANT FUNDS AND DELEGATING TO THE COUNTY MANAGER THE AUTHORITY TO EXECUTE AND SUBMIT SUCH APPLICATIONS AND EXECUTE ALL REQUIRED DOCUMENTS AND AGREEMENTS

WHEREAS, the New Mexico Legislature enacted the Local DWI Grant Program Act (the "Act"), NMSA 1978, § 11-6A-1, et seq. to address the problems related to driving while intoxicated and alcohol use and abuse in the state; and

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

WHEREAS, the Santa Fe County DWI Planning Council supports submission of applications seeking grant and distribution funding; and

WHEREAS, Santa Fe County annually submits applications, along with participating agencies, to the Department of Finance and Administration ("DFA") for funding under the Local DWI Grant and Distribution Program; and

WHEREAS, for programs and services in FY 2017 the County DWI Program wishes to submit two applications for grant funding: (1) A request for \$300,000.00 for detoxification services provided with the assistance of a participating entity; and (2) a request for \$1,398,878.07 for the Santa Fe County DWI program to provide adolescent prevention services; increase law enforcement efforts to provide screening and compliance monitoring for DWI offenders; and to increase public awareness of DWI prevention in Santa Fe County; and

WHEREAS, the application process requires the Board of County Commissioners of Santa Fe County ("BCC") to adopt this resolution authorizing the County's submission of the applications for DWI grant funding; and

WHEREAS, completion of the County's application for DWI grant funding is facilitated by the BCC's delegation to the County Manager of the authority to execute and submit the applications and all documents and agreements required by DFA to complete the application and grant process; and

WHEREAS, the applications for DWI grant funding require the County to execute a Statement of Assurances; DOH Assurances and Cooperative Agreement; and a Memorandum of Understanding between the County and DFA governing the County's expenditure of grant funding in Fiscal Year 2017 for the DWI prevention and detoxification programs.

NOW THEREFORE, BE IT RESOLVED THAT:

1. Santa Fe County shall submit two applications for grant funding under § 11-6A-6 of the Local DWI Grant Program Act.
2. The County Manager is hereby delegated the authority to execute and submit two applications for funding: (1) A request for \$300,000.00 for detoxification services provided with the assistance of a participating entity; and (2) a request for \$1,398,878.07 for the Santa Fe County DWI program to provide adolescent prevention services; increase law enforcement efforts to provide screening and compliance monitoring for DWI offenders; and to increase public awareness of DWI prevention in Santa Fe County.
3. The County Manager is hereby delegated the authority to execute all required documentation and agreements including a Statement of Assurances, a DOH Assurances and Cooperative Agreement between the County and the NM Department of Health, and a Memorandum of Understanding between the County and DFA, Local Government Division governing expenditure of the DWI grant funds for FY 2017.

APPROVED AND ADOPTED THIS 23rd day of February, 2016.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

Miguel M. Chavez
Miguel M. Chavez, Chair



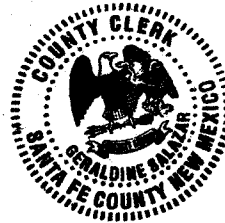
Geraldine Salazar 2-23-2016
Geraldine Salazar Date
Santa Fe County Clerk

Approved as to form:

Gregory S. Shaffer 3-9-16
Gregory S. Shaffer Date
County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC RESOLUTIONS
PAGES: 9

[Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of February, 2016 at 10:37:56 AM
And Was Duly Recorded as Instrument # 1787134
Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Laura Hernandez County Clerk, Santa Fe, NM

STATEMENT OF ASSURANCES
Local DWI Grant and Distribution Program
Project Year 17: July 1, 2016 – June 30, 2017

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

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

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

will submit any proposed modifications/amendments to this proposal to the Division for its written approval, prior to execution of changes to programs.

- 15. Compliance with conflict of interest prohibitions whereby no member, officer, or employee of the grant or the distribution program, or its designee or agents, no voting member of the local planning council or of the governing body of the locality in which the program is situated, and no other public official of such locality who exercises any functions or responsibilities with respect to the program during his/her tenure (or for one year thereafter) shall have any interest, direct or indirect, in any contract or subcontract for work to be performed in the program. The grant and/or the distribution program shall incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of these stated provisions.
- 16. Compliance with the maintenance of records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the grant or distribution agreement period, the purpose of undertaking for which such funds were used and the amount and nature of all contributions from other sources, and such other records as the Division shall prescribe. Such records shall be preserved for a period of not less than seven (7) years following completion of all the conditions of the grant agreement and the distribution program administrative guidelines.
- 17. The applicant will provide access to authorized State officials and representatives of all books, accounts, records, reports, files, and other papers, things, or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.
- 18. The applicant will provide DFA's auditor and evaluator timely access to all program records and information. Additionally, the applicant will assure that records of subcontractors working for the applicant are retained and made available to DFA's auditor and evaluator.

County Commission Chairperson

Miguel M. Chavez

Signature

Date

DOH ASSURANCES AND COOPERATIVE AGREEMENT

The _____ County/City DWI Program referred to as the "Program" and the New Mexico Department of Health (DOH), Epidemiology and Response Division hereby receives the following assurances and enters into the following cooperative agreement, to carry out the requirements of the evaluation MOU between DOH and DFA:

The DOH:

1. Acknowledges that it is in full compliance with the provisions concerning research activities in Section 2.52 of Federal confidentiality regulations, 42 CFR Part 2, including:
 - a. That a research protocol is maintained in accordance with the security requirements of § 2.16 of 42 CFR Part 2; and
 - b. That client identifying information will not be re-disclosed except back to the Program from which the information was obtained; and no individual client will be identified in any report resulting from any epidemiologic research; and
 - c. That the Epidemiology and Response Division has provided a satisfactory written statement that a group of three or more individuals who are independent of the research project has reviewed the protocol and determined that:
 - (i) The rights and welfare of clients will be adequately protected; and
 - (ii) The risks in disclosing client identifying information are outweighed by the potential benefits of the research.
2. Acknowledges that in receiving, storing, processing, or otherwise dealing with any information from the Program about the clients in the Program, the Epidemiology and Response Division is fully bound by the provisions of the Federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2; and
3. Undertakes to resist in judicial proceedings any effort to obtain access to information pertaining to patients otherwise than as expressly provided for in the Federal confidentiality regulations, 42 CFR Part 2.

The Program:

1. Agrees to allow the Epidemiology and Response Division access to client records from the web based client screening and tracking system for those clients provided services through the Local Government Division DWI Grant

Program, for the purpose of conducting outcome monitoring research activities.

This agreement will become effective on July 1, 2016.

This agreement will expire on June 30, 2017.

Michael Landen, MD, MPH,
State Epidemiologist and
Director Epidemiology and Response Division
New Mexico Department of Health
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, NM 87502

County Manager or other
authorized official

MEMORANDUM OF UNDERSTANDING

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

The Agency assures:

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

The Program agrees to:

1. Upon request, provide the Agency or other parties authorized with client records for those clients provided services through the Local Government

Division DWI Grant Program, for the purpose of conducting outcome monitoring research activities, and evaluation of LDWI Program interventions.

- 2. If applicable, comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act) and the Department of Health and Human Services Regulation entitled "Standards for Privacy of Individually Identifiable Health Information", 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).
- 3. Report or transmit data to the Agency that deletes and contains no "individually identifiable health information" or "protected health information" as defined by the HIPAA Regulations and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH Act).

Executed this _____ day of _____ 20_____.

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

County Commissioner

Date