REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE:
JULY 2, 2019

TITLE:
APPROVE APPROPRIATION ADJUSTMENT AND ADOPT
RESOLUTION ACCEPTING
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FUNDS
{STRATEGIC PLAN NO. 1, 3B}

RECOMMENDED ACTION

1. Adopt a resolution authorizing the City Manager and Chief of Police to enter into a one-year agreement with the Department of Alcoholic Beverage Control (ABC), and execute any assurances and/or documents required to fund the ABC Grant program, for the period of July 1, 2019 through June 30, 2020, for an amount not exceed $100,000.

2. Approve an appropriation adjustment recognize $100,000 in Department of Alcoholic Beverage Control Grant funds in revenue account (no. 12814002 52025), and appropriate same to expenditure accounts(nos. 12814415 - various) for FY 2019-2020.

DISCUSSION

The Santa Ana Police Department was successful in obtaining a Fiscal Year (FY) 2019-20 Department of Alcoholic Beverage Control (ABC) Grant Assistance Program (GAP) grant to mitigate alcohol related crime and provide a safer environment in the areas around licensed establishments. Santa Ana has 427 active retail licenses issued by the Department of Alcoholic Beverage Control (ABC). The funds provided by the grant will allow the Santa Ana Police Department to accomplish the following goals:

1. Reduce the number of alcohol related crimes within the City
2. Identify and successfully prosecute ABC licensed establishments that violate the law
3. Provide a safer environment in the areas around licensed establishments for residents and visitors
4. Reduce the demand on limited resources caused by alcohol related incidents throughout the City

55B-1
These goals will be attained by working in conjunction with our local ABC office and conducting programs that have proven successful in cities throughout California in deterring alcohol related offenses. These programs include working with ABC licensed establishments to educate them on how to reduce alcohol related crimes at their place of business.

The grant will also provide funds for Police Department problem oriented policing officers to hold meetings with different neighborhood communities in order to uncover possible problems related to ABC licensed establishments and discuss enforcement strategies. The services funded by this grant will be completed primarily by the Police Department Special Enforcement Team and will not affect normal patrol functions.

The one-year agreement will commence on July 1, 2019 and end June 30, 2020. The $100,000 will be used for officer overtime ($94,000), training ($2,500), and operating materials and supplies ($3,500).

STRATEGIC PLAN ALIGNMENT

Approval of these items assists the City in meeting Goal #1 Community Safety, Objective #3 (promote fiscal accountability to ensure financial responsibility at all levels of the organization), Strategy B (promote ongoing efforts to obtain grant funding for activities that will assist in preventing, enforcing and reducing criminal activity and traffic collisions).

FISCAL IMPACT

The appropriation adjustment approved in the resolution will recognize $100,000 in Department of Alcoholic Beverage Control Grant funds in revenue account (no. 12814002 52025), and appropriating the same amount to expenditure accounts(nos. 12814415-- various) for FY 2019-2020.

APPROVED AS TO FUNDS AND ACCOUNT:

David Valentin
Chief of Police
Santa Ana Police Department

Kathryn Downs, CPA
Executive Director
Finance and Management Services Agency

Exhibits
1. Agreement with the Department of Alcoholic Beverage Control
2. Resolution
1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

CONTRACTOR NAME
City of Santa Ana through the Santa Ana Police Department

2. The term of this Agreement is:

START DATE
July 1, 2019

THROUGH END DATE
June 30, 2020

3. The maximum amount of this Agreement is:

$100,000

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

<table>
<thead>
<tr>
<th>EXHIBITS</th>
<th>TITLE</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit A</td>
<td>Scope of Work</td>
<td>4</td>
</tr>
<tr>
<td>Exhibit B</td>
<td>Budget Detail and Payment Provisions</td>
<td>3</td>
</tr>
<tr>
<td>Exhibit C*</td>
<td>General Terms and Conditions GTC 04/2017</td>
<td>04/2017</td>
</tr>
<tr>
<td>Exhibit D</td>
<td>Special Terms and Conditions</td>
<td>1</td>
</tr>
</tbody>
</table>

Items shown with an asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

These documents can be viewed at https://www.das.ca.gov/OIS/Resources

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (other than an individual, state whether a corporation, partnership, etc.)
City of Santa Ana through the Santa Ana Police Department

CONTRACTOR BUSINESS ADDRESS
60 Civic Center Plaza

PRINTED NAME OF PERSON SIGNING
David Valentin

TITLE
Chief

AUTHORIZED SIGNATURE
See attached page

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME
Department of Alcoholic Beverage Control

CONTRACTING AGENCY ADDRESS
3927 Lennane Drive, Suite 100

PRINTED NAME OF PERSON SIGNING
Pattye Nelson

TITLE
Chief, Business Management Branch

AUTHORIZED SIGNATURE
DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (if Applicable)
IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date and year first above written.

ATTEST:

NORMA MITRE  
Acting Clerk of the Council

CITY OF SANTA ANA

KRISTINE RIDGE  
City Manager

APPROVED AS TO FORM:
SONIA R. CARVALHO  
City Attorney

RECOMMENDED FOR APPROVAL:

By:  
Tamara Bogosian  
Assistant City Attorney

David Valentin  
Chief of Police
SCOPE OF WORK

The Santa Ana Police Department (SAPD) serves the City of Santa Ana, which has a population of approximately 334,136. The Department serves a very populated community with a median age of 31.5 years old according to Data USA. The larger group in Santa Ana is the 25-44 age group, making up over 31% of the population. We are budgeted for 370 sworn officers, but currently our agency consists of 319 sworn officers, led by the Chief of Police, David Valentin, and three Deputy Chiefs, 13 commanders, 44 sergeants, 50 corporals and 208 officers. We also operate our own 503-bed jail, staffed by 77 non-sworn full and eight part-time Correctional Officers. The Department has four bureaus (Administration, Investigations, Field Operations, and Jail) and the Office of the Chief of Police. We have a Directed Patrol Team comprised of 19 officers that focuses on quality of life issues which includes dealing with alcohol related crimes as well as narcotics, gang, and vice offenses.

The City of Santa Ana is 27.3 square miles located in an urban setting. According to the world population review, data USA and the Demographic statistical atlas of the United States 2019, our population of 334,236 is approximately 77.6% Hispanic, 9.2% White, 1.0% Black, 10.4% Asian and 1.2% other or mix. Approximately 27.5% of our population is under 18 years of age and approximately 64.4% of the population is between 18 and 65 years of age according to the US Census. Santa Ana is the County seat and second most populous city in Orange County. The core of the city is the downtown area, which contains retail stores, restaurants, bars and housing. This is also home to the Santa Ana Civic Center, which is a dense campus of administrative buildings for the city, county, state, and federal agencies.

There are a total of 427 active retail licenses issued in Santa Ana by the California Department of Alcoholic Beverage and Control (12 were surrendered and 1-suspended). There are 171 off-sale licenses and 256 on-sale licenses issued to establishments in our city by ABC. SAPD and local ABC Office has a relationship, which facilitates cooperation with both entities. Furthermore, The Santa Ana Police Department was assured by the Deputy District Attorney's Office, Deputy District Attorney Beth Castello misdemeanor filing attorney, that ABC related cases will be prosecuted to the fullest extent of the law as they have been in the past. Decoys are advised that they must be available for court testimony.

In order to accomplish our goals and objectives, we are requesting $100,000 in grant funding. The funds provided by the grant will allow the Santa Ana Police Department to accomplish the following goals:

1) Reduce the number of alcohol related crimes within our City.
2) Train officers and educate ABC licensee owners and employees regarding alcohol related problems.
3) Identify and successfully prosecute ABC licensed establishments who violate the law.
3) Protect the community around licensed establishments.
4) Reduce the drain on limited resources caused by alcohol related incidents throughout our city.
5) Educate licensees to reduce the number of violations on decoy operations by 5-10 %

These goals will be attained by completing the following objectives:

- Conduct at least 10 MINOR DECOY programs at ABC licensed establishments.
- Conduct at least six roll call trainings regarding ABC laws and how to enforce them.
- Coordinate and conduct 15 IMPACT/ROSTF operations to educate licensees on how to reduce alcohol related crimes in their establishments.
• Organize at least five community meetings; hold an ask/answer session regarding possible problems related to ABC licensed establishments.
• Coordinate and conduct six “Trap Door” operations. Will provide training on how to check ID cards.
• Conduct eight “Shoulder Tap” operations at ABC establishments identified as problematic.
• Schedule and coordinate two LEAD classes and continue to refer businesses to TIPS.
• Conduct 20 discretionary/undercover operations while working alongside ABC agents to enforce alcohol related violations and successfully prosecute those ABC licensed establishments who operate outside the legal parameters.
• Utilize media/press releases to educate the public.

Problem Statement:

Funding of this project will allow the Santa Ana Police Department to continue to address alcohol related concerns throughout our city. There are 427 active retail licenses issued in Santa Ana by the California Department of Alcoholic Beverage and Control (ABC). There are 171 off-sale licenses and 256 on-sale licenses issued to establishments in our city by ABC. With the ABC Grant received in 2017/2018, we identified 24 on-sale and 23 off-sale problem establishments. These establishments generated multiple calls for service for alcohol related violations, such as selling alcohol to minors, serving the intoxicated, allowing customers to drink in front of the business and serving after hours. We identified five establishments that serve alcohol after hours, three locations that serve to minors and one location that allows drinking of an alcoholic beverage without an ABC license. We also have several ABC license locations that generated over 100 calls for service or officer initiated contacts from January 1, 2018 to December 31, 2018. We have received over 1,000 calls for service throughout our city for drinking in public and related alcohol incidents. The larger calls for service were related to ABC license locations. The new grant will provide funds to continue to reduce the calls for service and provide a better quality of life for our community. There are several liquor stores throughout our city, which allows individuals to congregate outside their business, and commit alcohol related violations. Residents continue to complain about their quality of life suffering due to these ongoing problems. Even though we have conducted IMPACT inspections and enforcement operations to combat the problem, more work is necessary. We will also continue to work in cooperation with our local ABC agents to determine the problem locations and address the issue as a team. For the past several years, SAPD Directed Patrol Team has participated in the statewide “shoulder-tap” operation in collaboration with ABC agents in our city. The Santa Ana Police Department regularly receives complaints from concerned citizens, business owners, and others of alcohol related problems such as loitering, public intoxication, assaults, property crimes, driving under the influence and alcohol related traffic collisions. Our intent is to use the ABC funding to fight these types of alcohol related crimes that drain our resources and adversely affect our residents. The ABC Grant will also allow the SAPD to continue to provide training to our law enforcement officers and ABC licensed establishments to reduce alcohol related violations. The number of calls for service in which the consumption of alcohol is often a contributing factor is significant. Most ABC licensed establishments in our city are responsible and adhere to the laws; however, there are some, which strain our limited resources due to excessive calls for service.

There have been and continue to be numerous complaints of minors both buying and getting adults to buy them alcoholic beverages from many of our liquor stores. During the 2017/2018 ABC Grant we were able to address some of these issues and as a result of general enforcement, undercover, shoulder tap, decoy and trap door operations, approximately 206 persons were arrested for various alcohol and narcotic related violations. Utilizing the 2017/2018 grant, SAPD conducted 44 IMPACT inspections at locations identified as problem establishments and used the opportunity to inform retailers about pertinent regulations.

55B-6
With the new ABC Grant, we will continue to address these issues starting with two LEAD training sessions at the beginning of the project period to educate as many ABC licensees to reduce violations under their control. SAPD recognizes that some of our ABC licensed establishments have Spanish-speaking employees and because of this reason, we will provide a translator at both of the LEAD classes.

An emphasis will be placed on Minor Decoy programs to reduce the number of licensees who sell alcohol to minors and long-term undercover operations in ABC licensed establishments with a proven record of violations. The continuing enforcement of ABC and alcohol related laws at and near ABC, licensed establishments will ensure our efforts to keep Santa Ana residents and visitors safer will succeed.

Project Description:

If successful in obtaining the ABC grant, SAPD would implement the following plan:

1. **Conduct at least 10 MINOR DECOY programs at ABC licensed establishments.** Funding will also be utilized to conduct minor decoy operations at off-sale and on-sale establishments. These establishments will be identified by Directed Patrol Officers who routinely have contact with community members, and can gather intelligence regarding illegal sales of alcohol to minors. The Minor Decoy Operations will be conducted within SAPD policy and procedure as well as ABC guidelines pursuant to the California Code of Regulations, Title 4, Division 1, Section 141 (Minor Decoy Requirements). The need to continue monitoring our licensees was demonstrated by 2017/2018 decoy operations which resulted in an on sale unsuccessful rate of 66.7% and an off sale unsuccessful rate of 16.9%.

2. **Conduct six roll call training sessions to our patrol officers regarding ABC laws and how to enforce them.** Directed Patrol Officers will present information to SAPD patrol officers during various roll call sessions. The information will instruct officers regarding pertinent ABC laws, and effective report writing to establish and prosecute ABC violations. With the last ABC Grant we received, at least 93 patrol officers attended roll call training while assisting our detail with related operations.

3. **Coordinate and conduct 15 IMPACT/ROSTF (Informed Merchants Preventing Alcohol Related Crime Tendencies and Retail Operating Standards Task Force) operations to educate licensees on how to reduce alcohol related crimes in their establishments and to verify compliance.** After receiving pertinent training, contact and inform ABC licensed establishments of their responsibilities regarding the sale of alcohol. During these inspections, Code Enforcement, Employment Development Department and Department of Industrial Relations will be invited to gain the maximum effect and compliance.

4. **Organize at least five community meetings; hold an ask/answer session regarding possible problems related to ABC licensed establishments.** This will be done in conjunction with our regular neighborhood meetings attended by our Police Service Officers. Directed Patrol Officers commonly attend neighborhood meetings pertaining to neighborhood watch, gang issues, and school functions. Officers will take the opportunity to speak with residents regarding problematic ABC licensed establishments, accessibility of alcohol to minors, drinking in public and other alcohol related issues.

5. **Coordinate and conduct six “Trap Door” operations.** There are 256 active on-sale retail licensed establishments in our city. A few of these establishments attract minors who enter the club or bar illegally with false ID’s and consume alcohol. Directed Patrol Officers will work directly with employees of these establishments and cite the person trying to use the false ID and if possible the person who provided it.
6. **Conduct 8 “Shoulder Tap” operations at ABC establishments identified as problematic.** In conjunction with local ABC agents, SAPD Directed Patrol Officers will coordinate undercover operations in an attempt to have a minor solicit adults to buy alcohol beverages for them at ABC licensed establishments. The undercover operation will be within the policies and procedures of SAPD as well as ABC guidelines.

7. **Schedule and coordinate 2 LEAD programs throughout the city.** Directed Patrol Officers will organize and with the assistance of local ABC agents, provide a preventive and educational program pertaining to alcohol responsibility and the law. Our state of the art police facility building has a community room which could hold the attendees of the LEAD program we host. A Spanish translator will be available for both of the classes to ensure the many Spanish-speaking employees of our ABC licensed establishments have the opportunity to receive the proper training.

8. **Conduct 20 discretionary/undercover operations and work alongside ABC agents to enforce alcohol related violations and successfully prosecute those ABC licensed establishments who operate outside the legal parameters.** The undercover operations we undertook in 2017/2018 year yielded numerous arrests for CPC 647(1), BP 25658(a), BP 25602(a), BP 25661, BP 25662(a) and various alcohol related municipal codes and narcotic violations. These arrests occurred inside and in the vicinity of on-sale and off-sale establishments. During the project period, SAPD will evaluate our progress on a continuous basis and ask for local ABC input so that we attain the desired results. Directed Patrol Officers will maintain all reports and data related to the ABC grant and will share the information with ABC on a continuous basis.

**Project Personnel:**

The services funded by this grant will be completed primarily by the SAPD Directed Patrol Officers. Directed Patrol is a unit staffed by sworn officers who concentrate their efforts on solving community quality of life issues. Officers from this detail regularly attend community meetings and address the public’s concerns. Officers on the detail have been chosen to be a member of the Directed Patrol based on their expertise, work ethic, and demonstrated high level of professionalism. The Directed Patrol Officers will also work closely with our Vice Unit to assist us in meeting our objectives set for this plan.

The Santa Ana Police Department has long enjoyed an excellent working relationship with ABC agents. Through our established partnership, we will accomplish our goals as set forth in this grant. For each operation under this grant, we will utilize 3-8 officers from Directed Patrol or Vice and we will be working in uniform as well as in an undercover capacity in 4-8 hour increments. Utilizing undercover personnel will give us the advantage and we will be able to gather evidence on possible ABC or narcotic violations. The Santa Ana Police Department will work collaboratively with ABC agents to assist in our operations.

The following members of the SAPD Directed Patrol will be involved with this project:

- Sergeant Jay Miller #1637
- Police Officer Trevor Stanaland #3438
- Corporal Alex Lopez #2344
- Police Officer Joe Castellanos #3080
- Police Officer Gary Ayala #3294
- Police Officer Blake Duarte #3492
- Police Officer Isaac Ibarra #3178
- Police Officer Leonardo Gonzalez #3450
- Police Officer Michael Smith #3456
- Police Officer Axle Calles #3388
- Police Officer Jonathan Kien #3440
- Police Officer Matthew Matherly #3390

Exhibit A
<table>
<thead>
<tr>
<th>BUDGET CATEGORY AND LINE-ITEM DETAIL</th>
<th>COST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Personnel Services (Straight Time Salaries, Overtime, and Benefits)</strong></td>
<td></td>
</tr>
<tr>
<td>A.1 Straight Time N/A</td>
<td></td>
</tr>
<tr>
<td>A.2 Overtime Corporal: Overtime Rate $94 x 425 hours</td>
<td>$40,000</td>
</tr>
<tr>
<td>Officer: Overtime Rate $79 x 683 hours</td>
<td>$54,000</td>
</tr>
<tr>
<td>A.3 Benefits all personnel combined N/A</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL PERSONNEL SERVICES</strong></td>
<td>$94,000</td>
</tr>
<tr>
<td><strong>B. Operating Expenses (maximum $2,500)</strong></td>
<td></td>
</tr>
<tr>
<td>Decoy Operation, Shoulder Tap Operation, and money for undercover purchases of alcohol and narcotics.</td>
<td>$1,000</td>
</tr>
<tr>
<td><strong>TOTAL OPERATING EXPENSES</strong></td>
<td>$1,000</td>
</tr>
<tr>
<td><strong>C. Equipment (maximum $2,500)</strong></td>
<td></td>
</tr>
<tr>
<td>(Attach receipts for all equipment purchases to monthly billing invoice)</td>
<td></td>
</tr>
<tr>
<td>Flash lights with UV, jewelers loupes (counterfeit identification detector), 2 digital cameras with cases, USB thumb drives and binoculars.</td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>TOTAL EQUIPMENT</strong></td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>D. Travel Expense/Registration Fees (maximum $2,500)</strong></td>
<td></td>
</tr>
<tr>
<td>(Registration fee for July 2019 APP Conference attendee is $325 each)</td>
<td>$650</td>
</tr>
<tr>
<td>Travel, per diem, and lodging for the July 2019 ABC conference</td>
<td>$1,850</td>
</tr>
<tr>
<td><strong>TOTAL TRAVEL EXPENSE</strong></td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>TOTAL BUDGET DETAIL COST, ALL CATEGORIES</strong></td>
<td><strong>$100,000</strong></td>
</tr>
</tbody>
</table>
PAYMENT PROVISION

1. INVOICING AND PAYMENT: Payments of approved reimbursable costs (per Budget Detail attached) shall be in arrears and made via the State Controller's Office. Invoices shall be submitted in duplicate on a monthly basis in a format specified by the State. Failure to submit invoices and reports in the required format shall relieve the State from obligation of payment. Payments will be in arrears, within 30 days of Department acceptance of Contractor performance, pursuant to this agreement or receipt of an undisputed invoice, whichever occurs last. Nothing contained herein shall prohibit advance payments as authorized by Item 2100-101-3036, Budget Act, Statutes of 2019.

2. Revisions to the “Scope of Work” and the “Budget Detail” may be requested by a change request letter submitted by the Contractor. If approved by the State, the revised Grant Assistance Scope of Work and/or Budget Detail supersede and replace the previous documents bearing those names. No revision can exceed allotted amount as shown on Budget Detail. The total amount of the contract must remain unchanged.

3. Contractor agrees to refund to the State any amounts claimed for reimbursement and paid to Contractor which are later disallowed by the State after audit or inspection of records maintained by the Contractor.

4. Only the costs displayed in the “Budget Detail” are authorized for reimbursement by the State to Contractor under this agreement. Any other costs incurred by Contractor in the performance of this agreement are the sole responsibility of Contractor.

5. Title shall be reserved to the State for any State-furnished or State-financed property authorized by the State which is not fully consumed in the performance of this agreement. Contractor is responsible for the care, maintenance, repair, and protection of any such property. Inventory records shall be maintained by Contractor and submitted to the State upon request. All such property shall be returned to the State upon the expiration of this contract unless the State otherwise directs.

6. If travel is a reimbursable item, the reimbursement for necessary traveling expenses and per diem shall be at rates set in accordance with Department of Personnel Administration rates set for comparable classes of State employees. No travel outside of the State of California shall be authorized. No travel shall be authorized outside of the legal jurisdiction of Contractor without prior authorization by the State.
7. Prior authorization by the State in writing is required before Contractor will be reimbursed for any purchase order or subcontract exceeding $2,500 for any articles, supplies, equipment, or services to be purchased by Contractor and claimed for reimbursement. Contractor must justify the necessity for the purchase and the reasonableness of the price or cost by submitting three competitive quotations or justifying the absence of bidding.

8. Prior approval by the State in writing is required for the location, costs, dates, agenda, instructors, instructional materials, and attendees at any reimbursable training seminar, workshop or conference, and over any reimbursable publicity or educational materials to be made available for distribution. Contractor is required to acknowledge the support of the State whenever publicizing the work under the contract in any media.

9. It is understood between the parties that this contract may have been written before ascertaining the availability of appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the contracts were executed after that determination was made.

10. BUDGET CONTINGENCY CLAUSE - It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

Updated 1/17/19
Special Terms and Conditions

1. **Disputes:** Any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Director, Department of Alcoholic Beverage Control, or designee, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Department shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the State a written appeal addressed to the Director, Department of Alcoholic Beverage Control. The decision of the Director of Alcoholic Beverage Control or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the State.

2. **Termination Without Cause:** Either party may terminate this agreement at any time for any reason upon ten (10) days written notice. No penalty shall accrue to either party because of contract termination.

3. **Contract Validity:** This contract is valid and enforceable only if adequate funds are appropriated in Item 2100-101-3036, Budget Act of 2019, for the purposes of this program.

4. **Contractor Certifications:** By signing this agreement, Contractor certifies compliance with the provisions of CCC 04/2017, Standard Contractor Certification Clauses. This document may be viewed at [https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language](https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language).

5. If the State determines that the grant project is not achieving its goals and objectives on schedule, funding may be reduced by the State to reflect this lower level of project activity.

Updated 2/20/19
RESOLUTION NO. 2019-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE CITY MANAGER, AND THE CHIEF OF POLICE OR HIS DESIGNEE TO OBTAIN CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT FUNDS IN THE AMOUNT OF $100,000 AND TO EXECUTE AN AGREEMENT WITH THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR USE OF THOSE FUNDS AND EXECUTE ANY DOCUMENTS OR ASSURANCES NECESSARY FOR OBTAINING GRANT FUNDS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. The State of California Department of Alcoholic Beverage Control ("ABC") has a Grant Assistant Program ("GAP") for 2019-2020. As part of the GAP, local law enforcement agencies can submit enforcement plans and request funding allocations under the GAP to assist with the enforcement in priority considerations, including but not limited to, service areas where there is a high crime rate and/or an identifiable alcohol-related problems associated with ABC licensed establishments and for agencies interested in obtaining training on ABC education, prevention and enforcement measures which can be carried out after the grant cycle has been completed.

B. The Santa Ana Police Department submitted a grant application for funding to reduce the number of alcohol related crimes within the City of Santa Ana, identify and successfully prosecute ABC licensed establishments that violate the law, provide a safer environment in the areas around licensed establishments for residents and visitors, and reduce the strain on limited resources caused by alcohol related incidents throughout the City.

C. The City of Santa Ana has been allocated $100,000 in funds under the ABC Grant Assistance Program for 2019-20.

Section 2. The City Council of the City of Santa Ana hereby authorizes and directs the City Manager and Chief of Police or his designee, on terms acceptable to the City Attorney, to execute an Agreement with ABC for use of the 2019/2020 GAP funds in an amount not to exceed $100,000 and execute any other documents or assurances that are necessary for obtaining the grant funds.
Section 3. The City Council of the City of Santa Ana hereby authorizes and directs the City Manager and/or the Chief of Police or his designee, to prepare invoices to ABC to recoup costs pursuant to the guidelines set forth in the Agreement, grant conditions and terms.

Section 4. The City Council of the City of Santa Ana hereby approves an Appropriation Adjustment recognizing the 2019/2020 Alcoholic Beverage Control Department Grant Assistance Program funds in the amount of $100,000 and appropriates the same in the Alcoholic Beverage Control Department Grant Assistance Program expenditure accounts.

Section 5. The City Council of the City of Santa Ana hereby agrees that any liability arising out of the performance of the Agreement for ABC 2019/2020 GAP funds shall be the responsibility of the grant recipient and the authorizing agency. The City Council recognizes that the State of California and ABC disclaim responsibility for such liability.

Section 6. The City Council of the City of Santa Ana hereby agrees that the grant funds under this Agreement shall not be used to supplant expenditures controlled by this body.

Section 7. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ___ day of July, 2019.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: [Signature]
Tamara Bogosian
Assistant City Attorney

Resolution 2019-xxx
Page 2 of 3

55B-14
AYES: Councilmembers ..............................................

NOES: Councilmembers ..............................................

ABSTAIN: Councilmembers ..............................................

NOT PRESENT: Councilmembers ..............................................

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NORMA MITRE-RAMIREZ, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on ________________.

Date: ____________________________  Acting Clerk of the Council

City of Santa Ana