



March 2010

Department Of Resources Recycling and Recovery (CalRecycle)

LOCAL ENFORCEMENT AGENCY GRANT PROGRAM
APPLICATION GUIDELINES & INSTRUCTIONS

FISCAL YEAR (FY) 2010/11
21st Cycle (EA21)

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GRANT PROGRAM OVERVIEW AND GUIDELINES

The Department of Resources Recycling and Recovery (CalRecycle) offers the Local Enforcement Agency (LEA) Grant Program, pursuant to Public Resources Code (PRC) Section 43230. These noncompetitive grant awards are to be used solely for the support of the solid waste facilities permit and inspection programs.

ELIGIBLE APPLICANTS

Applicants are limited to CalRecycle certified Local Enforcement Agencies pursuant to PRC 43200.

ELIGIBLE PROJECTS

Grant funds will supplement the LEA's existing budget for equipment, supplies, training, technical support, etc.

REGIONAL APPLICATION REQUIREMENTS (IF APPLICABLE)

The LEA (Regional LEA) with permitting and enforcement duties covering multiple counties shall be responsible for the submittal of a regional Grant Application to CalRecycle. A Regional LEA is an LEA that has been authorized by resolution of one or more LEAs to carry out LEA duties for the jurisdiction(s).

AVAILABLE FUNDS

- CalRecycle will disburse approximately \$1.5 million in grant funds from the Integrated Waste Management Account for this grant cycle, fiscal year (FY) 2010/11, subject to funding availability.
- \$96,000 of the \$1,500,000 appropriation will be set aside for LEA training and outreach. The remaining \$1,404,000 will be distributed among the grant applicants on a pro-rata basis.
- The amount for which each LEA is eligible will be determined when all applications are processed. This figure will be provided to each grant applicant when it becomes available.
- The grant amount is established from a base grant award of \$15,000 per jurisdiction plus additional grant funds based on population and the number of permitted, active solid waste facilities in each local enforcement agency jurisdiction.
- Each Regional LEA shall receive a base grant multiplied by the number of counties for which the LEA is responsible, plus an additional amount based on the population of the jurisdictions served by the Regional LEA and the number of active, permitted solid waste facilities located within those jurisdictions.

ELIGIBLE COSTS

Eligible costs may be incurred only during the Grant Term which begins July 1, 2010, and ends on June 30, 2011. The Procedures and Requirements and Terms and Conditions agreed to by the execution of the Grant Agreement shall remain in effect for the purposes of implementing the LEA Grants during any interim period between the end of the EA21 cycle on June 30, 2011 and the execution of a new Grant Agreement governing the EA22 LEA Grant Cycle for the Fiscal Year 2011/12.

All costs must be directly related to the implementation of the solid waste facilities permit and inspection programs as set forth in the approved projected budget report. Costs must be reasonable and cost-effective. Eligible costs include, but are not limited to:

- Consulting services;
- Education;
- Purchase of equipment or materials;
- Staffing;
- Training; and
- Travel within the State.

Travel and per diem reimbursement is limited to a maximum of the State rate as described in the *California State Administrative Manual*. Please consult the CalRecycle Grant Manager for guidance.

Personnel expenditures must be computed on the actual time spent on grant-related activities. For calculating total personnel expenses for each employee, the expenditures should be broken out by the classification(s) of the employee(s), the hourly wage, fringe benefits rate, and number of hours worked on grant-related activities. These records must be available for audit purposes.

INELIGIBLE COSTS

Any costs not directly related to the implementation of the facilities permit and inspection programs as set forth in the approved budget are ineligible. Ineligible costs include, but are not limited to:

- Any costs that are not consistent with local, state, and federal statutes, ordinances and/or regulations;
- Any food or beverages (supplied as part of meetings, workshops, training, or events);
- Any personnel costs incurred as a result of time an employee assigned to the solid waste program does not actually work on the solid waste program (e.g. use of accrued vacation, sick leave, etc.);
- Any pre-paid expenditures for future goods or services delivered after the end of the Grant Term. (Exemption: The CalRecycle Grant Manager may consider approving products purchased in full before the end of the Grant Term but delivered after the Grant Term if the delay is caused solely by the supplier and not the Grantee. The Grantee must request an exemption in writing and receive written approval from the CalRecycle Grant Manager.);
- Cleanup of illegal dumping;
- Costs currently covered or incurred under another loan, grant, grant cycle or contract;
- Costs incurred prior to or after the Grant Term;
- Landfill operations;
- Out-of-state travel, unless pre-approved in writing by the CalRecycle Grant Manager;
- Overhead and indirect costs;
- Overtime costs (except for local government staffing during specially scheduled evening or weekend events that have been pre-approved in writing by the CalRecycle Grant Manager when law or labor contracts REQUIRE overtime compensation or when such staffing and/or costs are pre-approved in writing by the CalRecycle Grant Manager);
- Purchasing or leasing of vehicles for non-governmental entities; and
- Any other costs not deemed reasonable or related to the purpose of the grant by the CalRecycle Grant Manager.

PAYMENT OPTIONS & PROCESS

Grantees may request on their application either an advance payment or reimbursement payment, as described below.

Advance Payment

As provided for in the Terms and Conditions, CalRecycle may, at the discretion of the CalRecycle Grant Manager, advance up to ninety percent (90%) of the grant funds to the Grantee. The remaining ten percent (10%) shall be reimbursed to the grantee upon satisfactory completion of the Grant Agreement.

To be considered for the ninety percent (90%) advance payment, the Grantee must return the signed Grant Agreement within ninety (90) days from the date mailed by CalRecycle a completed Grant Payment Request form (CalRecycle 87). This form may be found at: <http://www.calrecycle.ca.gov/Funding/Forms/> or may be obtained by contacting the CalRecycle Grant Manager.

The designated signature authority, or his/her designee, if authorized in the resolution, must sign the Grant Agreement Cover Sheet and Grant Payment Request form.

Payment will be made only to the Grantee. It is the responsibility of the Grantee to pay all contractors and subcontractors for purchased goods and services.

Upon receipt of advanced grant funds, the Grantee shall deposit and maintain until expended all grant funds in an interest-bearing account within a federally insured financial institution. Grantee shall maintain a separate accounting system for the grant funds including the earned interest. All earned interest must be tracked for reporting purposes. Spending of earned interest must be pre-approved by the CalRecycle Manager.

Grant funds must be used for eligible costs as described in the Eligible Costs section above and must be spent in the following order:

1. Advance payment
2. Reimbursement payment [ten percent (10%) withhold]
3. Interest earned on advance payment, if approved by the CalRecycle Grant Manager.

Any unspent grant funds or unspent earned interest must be returned to CalRecycle by the end of the Grant Term.

Reimbursement Payment

Grantees may request a reimbursement payment for the grant award as approved in the Grantee's LEA Final Grant Budget Report, (CalRecycle 166b). Reimbursement payment will be made to the grantee once all conditions stipulated in the Grant Agreement have been satisfied.

GRANT APPLICATION DEADLINE & SUBMITTAL

Mailed Applications must be **postmarked no later than Monday, May 17, 2010**. Hand delivered Applications must be received and date stamped by CalRecycle Staff by **3:00 p.m. on Monday, May 17, 2010**. Faxed or emailed applications will not be accepted. Late applications will be disqualified and will not be considered for grant funding.

U.S. Postal Service:

Department of Resources Recycling and Recovery
Grant and Loan Resources Branch, MS 9
LEA Grant Program, ATTN: Donnell Duclo
P.O. Box 4025
Sacramento, CA 95812-4025

Commercial Carrier or Hand-Delivered:

California Environmental Protection Agency Building
Department of Resources Recycling and Recovery
Grant and Loan Resources Branch, MS 9
LEA Grant Program, ATTN: Donnell Duclo
1001 I Street
Sacramento, CA 95814

Applications sent by U.S. Postal Service or a commercial delivery service should be sent in a manner that allows for tracking by the sender and that provides an addressed and dated receipt. Failure to do so is at the risk of the Applicant and if delivery is delayed or the Application is lost by the Post Office or delivery service, the burden is on the Applicant to demonstrate timely mailing or delivery of the Application.

GRANT APPLICATION REVIEW PROCESS

After the close of the application period, CalRecycle Staff will review the applications for completeness and eligibility. Only complete applications will be considered for award.

GRANT AWARD PROCESS

For qualifying applications, CalRecycle Staff will develop funding recommendations for award. The award is tentatively scheduled for July 2010. Grant awards are subject to funding availability and passage of the Fiscal Year 2010/11 Budget Act. CalRecycle reserves the right to not award any grant funds under this cycle.

GRANT AWARDS CONDITIONS

CalRecycle awards this Grant subject to two conditions: 1) the recommended Grantee’s Signature Authority, or, where delegation is authorized, the Designee must sign and return the Grant Agreement to CalRecycle within 90 days from the date of mailing by CalRecycle; and 2) the recommended Grantee must a) pay all outstanding debts due CalRecycle, and/or b) bring current outstanding payments owed to CalRecycle within 90 days from the date CalRecycle conditionally awarded the Grant.

Failure to comply with either requirement will render the award null and void.

TENTATIVE TIMELINE FOR LOCAL ENFORCEMENT AGENCY GRANT PROGRAM EA21, FY 2010/11

Date	Activity
May 17, 2010	Application Deadline Mailed applications must be postmarked by this date
May 17, 2010, 3:00 P.M.	Hand delivered applications must be received and date stamped by CalRecycle by this date and time
June 15, 2010	If Resolution not submitted with the Application Approved Resolution must be <u>received</u> by CalRecycle by this date
July 1, 2010 (tentative)	Grants Awarded Assistant Director considers funding recommendations, and if approved, awards grants
July 1, 2010 – June 30, 2011	Grant Term
October 30, 2011	Final Report, Final Payment Request, Request for 10% Withhold Due

GRANT PROGRAM ADMINISTRATION

GRANT AGREEMENT PACKAGE

Following CalRecycle's conditional approval of the Grant awards, Grantees will be mailed a Grant Agreement Package. The Grant Agreement consists of the following items:

- Grant Agreement Cover Sheet (CalRecycle 110).
- Exhibit A–Terms and Conditions: contain CalRecycle's standard legal requirements for Grants.
Note: See the [Grant Administration Documents section online](#) to download the Terms & Conditions.
- Exhibit B–Procedures and Requirements: contain specific requirements for administering this Grant, including but not limited to project, reporting, and fiscal/audit requirements.
Note: See the [Grant Administration Documents section online](#) to download a draft of the Procedures and Requirements.

REPORTING PROCESS

Grantees are required to report on the progress of their Grant on an annual basis. The Final Report is due on October 30, 2011. Detailed reporting requirements are included in Exhibit B – Procedures & Requirements of the Grant Agreement Package.

GRANT AGREEMENT PROVISIONS

AUDIT REQUIREMENTS AND WAIVER OF PERSONAL JURISDICTION

As with all Grant Agreement provisions, the following provisions are non-negotiable. Submittal of an Application constitutes acceptance of the provisions.

1. Audit/Records Access: The Grantee agrees that CalRecycle, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The Grantee agrees to maintain such records for possible audit for a minimum of three years after final payment or the end of the Grant Term, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute or audit, whichever is later. The Grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Grantee agrees to include a similar right of the State to audit records and interview staff in any contract or subcontract related to performance of this Agreement.
2. Waiver of Personal Jurisdiction: Should CalRecycle seek reimbursement of costs paid to a Grantee as a result of an audit finding, the Grantee hereby waives any jurisdictional defenses and expressly waives tribal sovereign immunity as a defense to any action in any court of the State of California for the recovery of such funds.

**REQUIRED DOCUMENTS:
STATEMENT OF USE, RESOLUTION, & LETTER OF DESIGNATION INFORMATION
AND EXAMPLES**

STATEMENT OF USE (*for all applicants*)

A Statement of Use is a general description of how the Applicant intends to use grant funds to benefit its solid waste facilities permit and inspection program.

STATEMENT OF USE EXAMPLE

Arrowhead County
Statement of Use
LEA Grant
EA 21 Cycle

The goal of our solid waste program is to protect public health, safety and the environment with regard to solid waste facilities within our jurisdiction.

Arrowhead County's Environmental Health Division intends to use FY 2010-2011 LEA grant funds for new safety and computer equipment, medical monitoring (annual check-up and tests for enforcement staff who perform inspections at solid waste facilities) and for maintenance on vehicles assigned to the LEA Solid Waste Program. Any interest earned will be used for training and education.

Name
Title

RESOLUTION (for applicants subject to a governing body, e.g., City Council, Board of Supervisors)

The Grant Application requires an approved Resolution, dated and attested to/certified, which contains the following:

1. Authorizes the submittal of the Application(s):
 - for all CalRecycle grants for which Applicant is eligible; or
 - for this Grant and other specifically identified CalRecycle Grants; or
 - for only this Grant.
2. identifies the job title of the person authorized to execute applications, agreements, amendments, requests for payment and all grant documents necessary to secure grant funds and implement the approved Grant Project (Signature Authority).
3. Authorizes the Signature Authority to delegate this authority (*not required but encouraged*).
4. Authorizes application submittal and Signature Authority for a period up to five (5) years from the date of adoption.

A copy of the authorizing Resolution is a required Application document. If the Applicant needs additional time, the Resolution may be submitted later but must be received by CalRecycle by **June 15, 2010**, or the application will be disqualified.

The following Resolution is for example purposes only. Please consult with your attorney to determine the Resolution language most appropriate for the Application. [Other examples are available online.](#)

RESOLUTION EXAMPLE

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, Grant Application procedures require an Applicant's governing body to authorize by resolution its approval for submittal of the Grant Application(s) identified below, and the designation by job title of the individual authorized to execute all Grant documents on behalf of **(Name of Applicant)**; and

WHEREAS, if awarded, **(Name of Applicant)** will enter into a Grant Agreement with CalRecycle for implementation of said Grant(s).

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of application(s) to CalRecycle for all grants for which **(Name of Applicant)** is eligible.

BE IT FURTHER RESOLVED that this authorization is effective for **(Insert Time Period: from Month, Day, Year through Month, Day, Year)**; time period not to exceed five (5) years from date of adoption;

BE IT FURTHER RESOLVED that the **(Job Title)**, or his/her designee is hereby authorized and empowered to execute in the name of the **(Name of Applicant)** all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project.

LETTER OF DESIGNATION FOR DELEGATION OF AUTHORITY (for Applicants who authorize their Signature Authority to delegate his/her authority)

A Letter of Designation is a letter submitted by an Applicant's Signature Authority that delegates his/her authority to another individual or position as authorized in the Resolution. The person to whom signature authority is delegated is the Authorized Designee. This letter to CalRecycle is not an Application requirement. However, a Letter of Designation is required prior to the Designee's exercise of his/her authority.

The letter must be on the Applicant's letterhead, dated within 12 months prior to the application deadline (or, if not submitted with the application, within 12 months of the exercise of the Designee's authority) , and signed by the Signature Authority. The letter must:

- identify the job title of the Designee;
- identify the scope of the Designee's authority; and
- contain an original signature by the Signature Authority.

The following letter is for example purposes only. Please consult with your attorney to determine the language most appropriate for the Application.

LETTER OF DESIGNATION EXAMPLE

I am the designated Signature Authority for **(name of Applicant/Grantee)**. I am authorized to execute on behalf of **(name of Applicant/Grantee)** all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved Grant Project. I am authorized to delegate this authority. Accordingly, I hereby delegate this authority to the **(Job Title of Designee)**, who is specifically identified below.

Signature:

Name & Job Title:

Mailing Address:

City, State, Zip Code:

Telephone Number

LETTER OF AUTHORIZATION

A Letter of Authorization is a letter submitted by a jurisdiction (Regional Participant) to authorize another jurisdiction (Regional Lead) to apply for and to act on its behalf in the implementation and administration of the CalRecycle Grant/Program.

The letter must be on the participating jurisdiction's official letterhead and dated within 12 months prior to the application deadline. The letter must authorize the submittal of the regional grant/program application, designate the applicant as the lead agency, and signed by the Chief Administrative Officer.

LETTER OF AUTHORIZATION EXAMPLE

As the Chief Administrative Officer of Name of County/Jurisdiction, I authorize Name of Regional Local Enforcement Agency (LEA) to submit a Regional LEA Grant application and to act as lead agency on the behalf of Name of County/Jurisdiction.

Signature
Name & Job Title
Mailing Address
City, State, Zip