MEMORANDUM FOR EXECUTIVE APPROPRIATIONS COMMITTEE

FROM: Danny Schoenfeld, Fiscal Analyst

DATE: June 16, 2009

SUBJECT: Follow up information from Federal Funds from May 19, 2009 Executive Appropriations Meetings

During the May 19, 2009 Executive Appropriations Meeting several questions were raised relating to some of the Federal Funds, Non-Federal Grants, and American Recovery and Reinvestment Act reports. The following information addresses your questions and provides a more in-depth explanation of these programs.

Responses from the Departments of Environmental Quality, Natural Resources, Community and Culture, and Administrative Services are included in this memo. There is also a separate response from the Department of Health included in this packet.

You requested a report from the Fiscal Analyst's Office regarding ARRA grants administered by the Utah Commission on Criminal Juvenile Justice Services. This packet includes a report on the Byrne-JAG, Victims of Crime Act (VOCA), Stop Violence Against Women, and Statewide Automated Victim Information and Notification (SAVIN) grants.
Department of Environmental Quality

State App #UTGO50224-010 Fed Assist # 66-458; Funding from the Environmental Protection Agency; Capitalization Grants for State Revolving Fund - This award provides funds to assist the State of Utah to establish a revolving loan fund program that provided a long term source of funding for the costs of 1) publically-owned wastewater works infrastructure needed to achieve or maintain compliance with the Clean Water Act; and 2) non-point source activities to protect water quality. 96% of funding is passed through to local governmental entities. This grant was awarded from federal fiscal year 2005 funds and was fully spent as of 9/18/08.

State App #UTGO60131-010 Fed Assist # 66-458; Funding from the Environmental Protection Agency; Capitalization Grants for State Revolving Fund - This award provides funds to assist the State of Utah to establish a revolving loan fund program that provided a long term source of funding for the costs of 1) publically-owned wastewater works infrastructure needed to achieve or maintain compliance with the Clean Water Act; and 2) non-point source activities to protect water quality. 96% of funding is passed through to local governmental entities. This grant was awarded from federal fiscal year 2006 funds and was just recently fully spent.

State App #UTGO80523-010 Fed Assist # 66-468; Funding from the Environmental Protection Agency; Drinking Water State Revolving Fund - This award provides funds to assist the State of Utah to 1) establish a program that provided a long term source of financing for the costs of infrastructure needed to achieve or maintain compliance with the Safe Drinking Water Act; and 2) finance its drinking water program. This grant was awarded from federal fiscal year 2008 funds and spending the award has recently begun. Approximately 80% of funding is passed through to local governmental entities.

State App #UTGO80630-020 Fed Assist # 66-458; Funding from the Environmental Protection Agency. The Water Protection Grant is used to train water systems on water system security issues and on how to do vulnerability assessments and prepare emergency response plans. DDW contracts with the Rural Water Association to conduct the training. Part of the funding has also been used to purchase emergency response equipment, such as two-way radios, to better enable DDW to respond to water system emergencies. The grant has also been used to pay for a GIS web application that will allow water systems and local government secure access to drinking water source protection information.

State App #UTGO90421-020 Fed Assist # 66-458. Funding from the Environmental Protection Agency; Capitalization Grants for State Revolving Fund - This award provides funds to assist the State of Utah to establish a revolving loan fund program that provided a long term source of funding for the costs of 1) publically-owned wastewater works infrastructure needed to achieve or maintain compliance with the Clean Water Act; and 2) non-point source activities to protect water quality. 96% of funding is passed through to local governmental entities. This grant will be awarded from federal fiscal year 2009 funds. The grant has not been received yet.
Department of Natural Resources

The State Energy Program (SEP) is the eligible entity for receiving and administering the EECBG, as well as the funding for the State Energy Program Formula Grant.

The major difference in these to programs are that EECBG funds will go directly to local governments to create jobs, implement energy saving programs and technologies. The State Energy Program funding will complement the EECBG program by creating energy programs and funding projects at a state-wide level.

During the 2009 Legislative Session the estimated total ARRA funding available to SEP was $41 million, which amount was appropriated by the Legislature. Since then, with more specific information made available, the total funding from the two grants is estimated to be approximately $45 million. The Department of Energy requires all Utah SEP ARRA Formula Grant funds to be committed within 18 months of the effective date of the award (April 29, 2009), and all funds to be expended within 36 months of the effective date. The reporting categories for the utilization of the funds will include: jobs created, energy saved, renewable energy installed/generated, greenhouse gas emissions reduced, energy cost savings, and funds leveraged. For details and updates see SEP's website: http://geology.utah.gov/sep/stimulus/.
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Department of Community and Culture

Federal Domestic Assist # 15-904, amount $654,493 in FY year 08/09. 10% pass through Local Government (Agencies) means allocation of 10% of grant must go to Cities, Towns and Counties.

Federal Domestic Assist # 15-904 amount $296,675 partial year allocation however now the whole year has been awarded with an increase of $406,736 bring the total to $703,411 in FY year 09/10. 10% of grant must go to Cities, Towns and Counties.

The Division of State History as well as all other States and Territories receive ongoing Federal funds for the State Historic Preservation Office awarded each year since 1966 from the National Park Service. These funds are used for the following State/Federal functions.

- Pass-through grants are available to 94 Certified Local Governments (CLG’S) to assist them in identifying and developing their historic and archaeological resources as economic development, quality of life, public education, and tourism destinations. These local governments participate voluntarily in this effort. CLGs can only apply every other year and not all CLGs apply. We provide 10% of the grant as pass-through funds to these ninety-four local governments who have applied for and met the criteria to be Certified Local Governments.

- We assist state taxpayers in securing federal 20% investment tax credits for the rehabilitation of historic commercial buildings. Without state assistance few, if any, federal credits applicants would be successful. The federal government has shown no interest in helping our taxpayers secure these benefits. Last year, construction spending for both the state and federal tax credits was $58,000,000. In addition we approve the State Historic Preservation 20% Investment Tax Credit for residential properties. (UCA 59-7-609 and 108.5).

- We assist over 200 applications a month with the federal provision of cultural resource management, providing information and technical advice to these clients required to meet federal cultural resource management laws. Without our assistance, developers would be delayed or, in some cases, stopped from developing on federal lands/receiving federal funds or obtaining a federal permit. The State Historic Preservation Office is not a regulator in this process but provides key data and assistance to those required to move through this federal cultural resource management process.

- We place sites on the National Register of Historic Places with owner consent. National Register listing is required in securing state and/or federal tax credits and other benefits. Listing doesn’t restrain the owner in any way, but does provide important incentives for rehabilitation. (UCA 9-8-402)
• We maintain data bases of historic and archaeological resources used to expedite many projects and also used for research purposes. (UCA 9-8-304 and 36 CFR 61.4).

• We provide limited technical services to cities and towns and refer interested partners to private sector contractors to assist them with their projects. We provide technical assistance to state agencies undertaking preservation projects including Division of Parks and Recreation, Division of Facility and Construction Management, all universities and colleges, just to mention a few. Our technical assistance provides professional guidance in the form of advice that enhances our heritage resources. Specific examples include the Capitol restoration, Governor’s Residence, Antelope Island, to name a few. (UCA 9-8-404).
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Department of Administrative Services

The National Historical Publications and Records Commission (NHPRC) provides grants to state archives to support their State Historical Records Advisory Board and regional repository programs. You can learn more about Utah's State Historical Records Advisory Board at: http://archives.utah.gov/USHRAB/index.html. Basically these grants pay to extend our local government archival programs and pay for staff to provide board support.

The first grant, item #3 (since items #1 and 2 were unfunded), is a grant to support our Regional Repository Training and Development Program. In the 2007 General Session, the Archives received one-time funding of $200,000 for a three-year program to provide for a grant and training program to assist local repositories in the preservation and access of historical records. The NHPRC grant matched these grant and training funds to extend the reach of the program. The grant is already in operation. The program is presently in its second year; however, state matching funds from the initial one-time appropriation were cut in the 2009 General Session, so the third year of the program will finish out remaining NHPRC funds only. Seventeen grants were awarded the first year and twenty-three were awarded the second year. Projects included digitization and online presentation of historical records from municipalities and towns, preservation and processing of special service district records, acquisition of historical records in regional libraries, and more.

In addition to a grants program to local and regional repositories, the funds pay for regional training in the preservation and access of historical records to local repositories. Training on the basics of archives with emphasis on collecting, arranging and describing, preserving, housing, and providing access to historical records has reached eleven regional repositories and has included participation from cities and towns, museums and libraries, education institutions, and local chapters of the Daughters of the Utah Pioneers. Training on oral history acquisition and preservation follows beginning in September 2009 and Disaster Preparedness in the spring of 2010.

The second grant, item #4, is an application to the NHPRC made to, in part, readjust for the cut in state funds. While there are no granting funds, it would still provide for the training and development of regional and local repositories and for board support. Notification of grant awards will be made in June. Included in board support is staff for the appointed Utah State Historical Advisory Board, which meets quarterly. Additionally, staff maintains the Board's website, compiles and maintains a consortium list of regional and local repositories which hold custody of historical records, and conducts needs assessment surveys of regional and local repositories. The Board has created resource centers at each of the regional repositories, wherein books and other resource materials were purchased for each regional repository which can be loaned to local repositories within that region which need these resources but cannot afford them. Both these grants have previously been approved by the Legislature and presently are on the Legislature Tracking List.
June 3, 2009

The Honorable Michael Waddoups, President
Utah State Senate
2868 W Matterhorn Dr.
West Jordan UT 84084

Dear President Waddoups,

I am writing to provide follow-up information related to the UDOH "Gold Medal Schools" program. Attached you will find specific information related to our effort to address (and hopefully reduce) the prevalence of obesity among Utah children. I am sure you are aware of the "epidemic" of obesity throughout our nation, and it has not escaped us here in Utah. We have never received state funds for any program to directly address obesity and, therefore, I have very much appreciated and valued the Gold Medal Schools program which is funded by a combination of federal grant dollars and some private sources (Intermountain Healthcare and National Governors Association). I honestly consider the increase in weight (more than 60% of Utahns are considered either obese or overweight) to be among the top public health challenges. Obviously, the consequences of being overweight over time result in extraordinary health care costs, disease and disability.

I hope the attached information helps clarify the purpose of the program and how it has been funded in the past. I have not asked for funding from state general revenues, and while this might be a most welcome addition, I understand that current constraints do not make this feasible.

Please do not hesitate to contact me if I could provide additional information.

Respectfully yours,

David N. Sundwall, MD
Executive Director

Attachment
cc: Rep. Jennifer Seelig
Gold Medal Schools
Bureau of Health Promotion, Utah Department of Health

Program Description and Rationale
The Gold Medal Schools (GMS) program supports Utah schools in becoming places where students, teachers, faculty and staff enjoy the benefits of being physically active, eating healthfully, and remaining tobacco-free. The program extends beyond the school by involving families and the community. The GMS program provides financial support to schools as well as trained mentors who coordinate efforts with school administrators and PTA. These resources are dedicated to implementing policies and making changes to the school environment to support healthy behaviors.

GMS was developed by the Utah Department of Health in 2001 using the State Office of Education’s core curriculum and the Centers for Disease guidelines to address overweight and obesity in elementary school students. The program is available to all public, private, and charter schools. It is one of five sponsored programs of the Utah PTA. The program is based on the research that shows healthy, active, and well-nourished children are more likely to attend school and are more prepared and motivated to learn. A coordinated school health program, such as Gold Medal Schools, improves students health and ability to learn through the support of communities, families, and schools working together. Recent studies show that students who participated in regular vigorous exercise are more likely to do better in school. These students also increased cognitive function, causing a significant improvements in math performance.

GMS Program Objectives
- By 2010, 80% of public elementary schools will participate in GMS, 90% of Title 1 schools will participate, 100% of all school districts will participate, and develop a middle/junior high program
  - 66% of public elementary schools have participated
  - 67% of Title 1 schools have participated
  - 95% of schools districts have participated
  - A middle school/junior high school has been developed (Power-Up). Nine schools have participated.

GMS Program Outcomes
- Reached 181,000 students in 334 schools
- Implemented over 6,000 policies and environmental changes related to improving school nutrition, increasing student physical activity, and increasing tobacco-free environments
- A study was conducted in Tooele, Utah in 2005-2006 comparing GMS to non-GMS. The study showed that in GMS there was a non-significant rise in Body Mass Index (BMI) scores but in non-GMS, BMI scores increased significantly from June 2005 to May 2006. Study findings suggested that Gold Medal Schools positively impacted body mass index z scores and healthy behaviors among elementary-aged students.
  - Although Criterion-Referenced Test scores do not show a statistical significant difference GMS achieved higher test scores than non-GMS

Benefits of GMS
- Every GMS has an opportunity to train a teacher to teach physical activities in their school
- Less out of pocket spending by teachers by distributing non-food rewards to students. Many non-food rewards have little or no costs to teachers.
- GMS are clearly marked as a tobacco-free environment
- Offer a comprehensive school health program that requires minimal time from teachers
- Helps support local wellness policies required and enforced by the federal government
## Gold Medal Schools Program Funding

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>EXPENSES</th>
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<tbody>
<tr>
<td><strong>Public Support</strong></td>
<td><strong>Salaries and benefits (including school mentors)</strong></td>
</tr>
<tr>
<td>Fed - Prev Hlth and Hlth Svcs Block Grant</td>
<td>$336,000</td>
</tr>
<tr>
<td>State – General fund</td>
<td><strong>Direct payments (LHDs, USOE, UPTA)</strong></td>
</tr>
<tr>
<td>State - Tobacco MSA</td>
<td>$477,388</td>
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<tr>
<td>Total Public Support</td>
<td><strong>School Stipends</strong></td>
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<td></td>
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<tr>
<td><strong>Private Support</strong></td>
<td><strong>Training and workshops for staff and mentors</strong></td>
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<tr>
<td>Intermountain Healthcare</td>
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<tr>
<td>National Governor’s Association (NGA)</td>
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<tr>
<td>Total Private Support</td>
<td><strong>Other current expenses</strong></td>
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<td></td>
<td>$1,000,688</td>
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<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td><strong>TOTAL EXPENSES</strong></td>
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<td>$1,000,688</td>
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* Direct payments are used by the Local Health Departments to recruit and coordinate mentors, promote the program to local stakeholders, recruit schools, and provide technical assistance to schools and mentors. Through the NGA grant, one-time funding was provided to USOE to provide PE trainings to teachers in Davis County, and UPTA to create a booklet, "How to Reward and Motivate Kids Without Food" that went to all schools.

** School stipends (up to $100 per school) are used to purchase equipment to increase physical activity in schools.

For more information about Gold Medal Schools and PowerUp, go to [www.hearthighway.org](http://www.hearthighway.org).

Contact: Heather Borski, Director, Bureau of Health Promotion  hhorski@utah.gov  (801) 538-9998

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MEMORANDUM FOR EXECUTIVE APPROPRIATIONS COMMITTEE

FROM: Gary Ricks, Analyst

DATE: June 9, 2009

SUBJECT: Questions Regarding ARRA and Other Federal Funding Grants for Dissemination by the Commission on Criminal and Juvenile Justice

During the EAC Meeting of May 19, 2009, the Committee requested the Office of the Legislative Fiscal Analyst to provide additional detail concerning ARRA and other federal funds going to the Commission on Criminal and Juvenile Justice for grant awards to be distributed to state, local and private entities. The following pages provide the requested details. It should be noted that ARRA funding may not be used to supplant existing state or local efforts. In its grant review process, the commission is assessing each grant submission to avoid duplication of effort and ensure that grant awards will be legitimately used within the guidelines established by federal and state law.
I: Byrne—JAG - ARRA Funding: $9,964,861

General Session Appropriations

1. SB 3, “Appropriations Adjustments” Item 144 $8,182,800
2. HB 64, “Deterring Illegal Immigration” $1,782,000

Total Appropriations $9,964,800

Pursuant to ARRA, JAG funds must be used to preserve and create jobs and promote economic recovery. The JAG - ARRA program will provide one-time federal grant funding for all projects selected for award. There will be no obligation for the State of Utah to provide continuation resources for any JAG - ARRA project.

- Direct awards to 52 local law enforcement agencies $520,000
- Competitive funds to local projects $4,590,928
- Funds to 5 state projects $4,653,933
- CCJ administrative funding $200,000

Total JAG - ARRA funds $9,964,861

I. DIRECT AWARDS TO LOCAL JURISDICTIONS ($520,000)
The U.S. Department of Justice (USDOJ) requires that CCJJ provide a direct award to local law enforcement agencies that did not receive a direct award from the federal government. USDOJ has identified 52 Utah law enforcement agencies as eligible for a 2009 JAG - ARRA direct award. Each will receive a direct award of $10,000 through CCJJ for equipment, contract services, training, or over-time.

II. COMPETITIVE FUNDS TO LOCAL JURISDICTIONS ($4,590,928)
CCJJ has developed a competitive RFP process to help allocate JAG - ARRA funding to local and private providers of criminal justice services. The creation or retention of jobs will be a key requirement of the competitive program. Additionally, CCJJ has conducted a statewide survey of criminal justice providers to help in determining specific program focus areas for the RFP. The following purpose areas will be used to direct funding to the most critical criminal justice issues in the state as identified in the survey: 1) Prescription Drug Abuse - prevention education and enforcement projects. 2) Domestic Violence and Rape - prevention education and enforcement projects. 3) Criminal Justice Technology projects (Electronic Incident Reports, Electronic Citations, Electronic Booking, Electronic Screening reports, AFIS for Courts) 4) Gang prevention education and enforcement projects. 5) Problem Solving Courts (Mental Health courts, Drug/DUI courts, Domestic Violence courts). 6) Alternatives to incarceration programs.

III. STATE PROJECTS ($4,653,933)
A key requirement of the federal ARRA program is the creation and retention of jobs in order to help sustain the economy. Equally important is the federal requirement that state agencies identify “Shovel Ready” projects that can be implemented as soon as funds are made available. In an effort to address these basic ARRA requirements, CCJJ solicited state criminal justice providers to prepare project proposals for one-time federal grant funding that included jobs and could start on or before July 1, 2009. The following five state projects have been selected for funding by CCJJ:

1. Utah Attorney General’s Office - Immigration Task Force (H.B. 64) - $1,782,000. Project start/end date: May 1, 2009 - June 30, 2011.
3. Utah Department of Public Safety - Forensic Services project $400,861. Project start/end date: July 1, 2009 - June 30, 2010.
4. Juvenile Justice Services - Transition Services project - $928,630. Project start/end date: July 1, 2009 - September 30, 2010.
5. Utah Department of Corrections - Offender Employment Coordination project $957,442. Project start/end date: July 1, 2009 - June 30, 2011.

IV. CCJJ ADMINISTRATIVE FUNDING ($200,000)
CCJJ allows state administrative agencies for the JAG - ARRA Program to use up to 10% ($996,486) of the total award to help pay for the cost of administering the program. CCJJ will use approximately 2% of available administrative funding for JAG - ARRA to monitor and evaluate grant awards to sub-recipients.
CCJJ: VOCA (Victims of Crime Act) Victim Assistance Grant – ARRA Funding: $681,000

General Session Appropriation:
SB 3, “Appropriations Adjustments” Item 144 $681,000

Background
The Crime Victims Reparations Program within CCJJ will award grants to public and private nonprofit entities on a competitive basis for providing direct services to victims of crime. These services are defined as:

1. Responding to the emotional and physical needs of crime victims;
2. Assisting primary and secondary victims of crime to stabilize their lives after victimization;
3. Assisting victims to understand and participate in the criminal justice system; and
4. Providing victims of crime with a measure of safety and security such as boarding-up broken windows and replacing and repairing locks.

Award Estimates
The following award estimates will be used:

$194,100 to be equally divided among (1) sexual assault, (2) child abuse (physical and sexual), and (3) domestic abuse crime categories;

$64,700 for "underserved victims of crime" such as homicide survivors, elder abuse, remote geographic areas of the state, and Adults Molested as Children (AMACs);

$388,200 to support programs providing services to all crime categories and to address the needs of communities in geographic areas of the state where services are especially limited and populations have increased;

$34,000 to CCJJ to administer and report on the grant awards and their implementation.

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. Sub-grantees should anticipate that awards under the Recovery Act will be one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional funding.

Recovery Act Formula grant priorities are as follows: Number of jobs retained due to Recovery Act funding, number of jobs created due to Recovery Act funding, essential services maintained without disruption and number of collaborative partnerships established to avoid reductions in essential programs. Reporting on the Use of Funds, non-supplanting, Recovery Act: Use of Funds in Conjunction with Funds from Other Sources (tracking and reporting must be separate, accountability and transparency, etc.).

Prior to entering into a grant agreement, each applicant agency must agree to the Certified Assurances and Grant Conditions specified in the application.
General Session Appropriation:
SB 3, “Appropriations Adjustments” Item 144 $1,554,000

Background
Within CCJJ, the Office of Crime Victim Reparations will receive a $1,544,099.00 ARRA S.T.O.P. VAWA (Services, Training, Officers, and Prosecutors Violence Against Women Act) grant and will disperse these funds via a competitive award process. All grant awards will be one-time funds.

Details
Pursuant to the requirement of ARRA, the VAWA grant application will emphasize job retention and economic growth. ARRA VAWA grant applications will contain enhanced goals, objectives, and performance measures as required by federal law.

The S.T.O.P. VAWA Program encourages the development and/or enhancement of effective strategies to improve the criminal justice system’s response to violence against women. Law enforcement, prosecution offices, the Administrative Office of the Courts, and victim service agencies throughout the state are encouraged to apply.

The Office of Crime Victim Reparations will use 5% to 10% of the OVW Recovery Act award for administrative purposes.

ARRA VAWA funding will be awarded in the following categories:

Prosecution Category: Development and implementation of effective prosecution strategies within city, county, and/or district attorney’s offices to improve the response to violence against women (for example hiring victim advocates/prosecutors). $347,422.28 (25%) in VAWA funds is available statewide.

Law Enforcement Category: Development and implementation of effective law enforcement strategies within city and county law enforcement offices improving the response to violence against women and victim safety (for example hiring victim advocates/law enforcement officers). $347,422.28 (25%) in VAWA funds is available statewide.

Victim Services Category: Development and enhancement of victim services in domestic violence and rape crimes (for example hiring domestic violence shelter staff and hiring rape crisis service staff). $416,906.73 (30%) in VAWA funds is available statewide.

Discretionary Category: Development and enhancement of programs to combat violence against women through improving the criminal justice system’s response to violence against women and victim safety. $208,453.37 (15%) is available for programs throughout the state in this discretionary category. Funds may be used to hire staff in support of the preparation of protective orders for victims of domestic violence. Funds may also be used to develop anti-stalking programs. Anti-stalking programs can be funded within any of the four categories.

Court Category: $69,484.46 (5%) will be awarded to the Administrative Office of the Courts to develop and implement a strategy to improve the courts response to violence against women and victim safety.
CCIJ: SAVIN (Statewide Automated Victim Information and Notification) System: $495,000

Background and Details
Utah currently has the SAVIN system operating in the state. Victims can receive notifications when an offender is released from prison or from any jail in Utah. The SAVIN Federal Grant of $495,000 is intended to expand the system and framework necessary to provide notifications of service of protective orders. The funding will also be used to perform an analysis on what the data needs are for each agency and what data must be accessed by both the sending and receiving agency. Agencies that will be included in this analysis include law enforcement, courts, prosecutors, and the Department of Public Safety.

Utah currently contracts with Appriss to provide automated notifications to victims when offenders are released from prison or jail. While successful, CCJJ wants to deploy a different technology for notification of protective orders. The notifications will be directly generated from the Department of Public Safety. Victims will receive the notifications in the form of an email or text message as opposed to a telephone call.

Four anticipated benefits are:

- An accurate and complete protective order system that notifies petitioners of service;
- Improved effectiveness of justice programs aimed at domestic violence reduction;
- Privacy and confidentiality of information and the promotion of common, standards-based information sharing;
- Investment in a long-term solution that is flexible and expandable.