



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** December 15, 2022

Staff Contact: Max Cortes

Agenda Title: For Possible Action: Discussion and possible action regarding ratification of (1) the acceptance of a Trial Court Subaward (“Subaward”) of the American Rescue Plan Act (“ARPA”) Fiscal Recovery Funds (“FRF”) administered by the Nevada Supreme Court in the amount of \$230,015 for the Court Record Digital Conversion project (“Project”) in the First Judicial District Court (“Court”) effective retroactively from June 1, 2022 through December 21, 2024; and (2) an Allocation Agreement effective retroactively from June 1, 2022 through December 21, 2024 for the allocation of the Subaward. (Max Cortes, mcortes@carson.org)

Staff Summary: The Court applied for a Subaward of ARPA FRF through the Nevada Supreme Court on August 10, 2022 to assist with converting old records on microfiche and film to electronic images in WebEx Imaging to improve efficiency and improve service to the public. There is no match requirement. The Allocation Agreement is required by the Nevada Supreme Court for disbursement of the Subaward.

Agenda Action: Formal Action / Motion **Time Requested:** Consent

Proposed Motion

I move to ratify the acceptance of the Subaward and the Allocation Agreement as presented.

Board's Strategic Goal

Efficient Government

Previous Action

None

Background/Issues & Analysis

The Court currently has over 21,000 court cases on microfiche. When a request is received for a Court record on microfiche staff must access the microfiche and search for the record, which can take 20 minutes or longer for one record. This Project is to convert Court microfiche records to electronic images that will be digitized into WebEx Imaging software. Once complete, staff will have the capability to access court records via their desktop computer through the WebEx Imaging software and print copies for the public with a few clicks. The Project will improve public service by timely satisfying record searches and copy requests and will reduce the need for overtime. The Project will also provide greater access to the public for online record searches when the Court installs a new web-based case management system. Staff time saved from not having to search Court records on microfiche will be reallocated to processing other Court work which will improve overall efficiency and public service.

Court staff was notified of this funding opportunity only five days before the deadline to submit an application. The Court applied for and was awarded the Subaward. A request for proposals for the contract to perform the

digital conversion will be released upon the Board of Supervisors' ratification of acceptance of the Subaward and the Allocation Agreement. After bids are received, the award of the contract will be agendized for the Board of Supervisors at a later date.

Applicable Statute, Code, Policy, Rule or Regulation

ARPA; 2 CFR Part 200; and Carson City Grant Administration Policy

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Grant Account 2754700 501225 - Grant Number to be determined G470023XXX

Is it currently budgeted? No

Explanation of Fiscal Impact: If accepted, revenues and expenses of \$230,015 will be added to the budget of the Grant Fund - Judicial Function during budget augmentations. This grant has no match.

Alternatives

Do not ratify Subaward or Allocation Agreement and/or provide alternative direction.

Attachments:

[1st JD - Allocation Agreement.pdf](#)

Board Action Taken:

| | | |
|---------------|----------|---------|
| Motion: _____ | 1) _____ | Aye/Nay |
| | 2) _____ | _____ |
| | | _____ |
| | | _____ |
| | | _____ |

(Vote Recorded By)

Fiscal Recovery Fund – Supreme Court of Nevada Allocation Agreement

| | |
|---|--|
| Principal Administrative Contact Carson City, City of First Judicial District Court | Principal Administrative Contact Supreme Court of Nevada |
| <p><u>Organization</u> Organization Name: Carson City, City of First Judicial District Court Treasury Project ID: 22AGLCG01 Vendor #: T81026920AH <i>(State of Nevada Vendor Number associated with the bank account you wish funds to transfer to)</i> DUNS #: [DTBPJMA2QFC8] EIN #: [A440312]</p> <p>Address: 885 E Musser St, Ste 2007 Carson City, NV 89701</p> <p><u>Administrative Contact</u> Name: [Maxine Cortes] Title: [Court Administrator] Department: [First Judicial District Court] Phone Number: [775-283-7249] Email: [mcortes@carson.org]</p> | <p>Name: AOC Accounting Unit Address: 201 S. Carson St., Ste. 250 Carson City, NV, 89701 Telephone: 775-684-1716 Email: grants@nvcourts.nv.gov</p> <p>Expenditure Plan Required? No Allocation for Research & Development? No</p> |

| Fiscal Recovery Fund Sub-Award | |
|---|---|
| Project Title: Court Record Digital Conversion | Project Period Start/End: Jun 1, 2022 – Dec 31, 2024 |
| <p>Purpose of FRF Eligibility (Project Description): <i>The grant request is to electronically convert court records from microfiche to electronic images in WebEx Imaging. This capability will result in record searches and copy requests to be completed within the 5-day statutory timeframe. WebEx will also provide greater access to the public for online record searches.</i></p> | <p>Amount of FRF Obligated for Project: \$230,015</p> <p>Amount of FRF Committed for Project (Front-Funded): \$0</p> |
| <p>Treasury Guidance/FAQ for Allowance: Local court sub-grants to modernize state court technology and reduce case backlogs. (https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf, Pg. 189-190)</p> | <p>Total Amount of FRF Obligated to Carson City, City of First Judicial District Court YTD (Including this Obligation): \$230,015</p> |
| <p>FRF Allocation Approval Date: June 4, 2022</p> | <p>Payment Information: BA 1483 Cat 62 GL 8500 Job Number: 2101920C</p> |

Fiscal Recovery Fund – Nevada Supreme Court Allocation Agreement

| Risk Assessment | |
|--|--------|
| <i>Please respond and provide details</i> | |
| 1. Are you or your principles presently debarred, suspended, proposed for department, declared ineligible, or voluntarily excluded from transactions by any federal department or agency? | [No] |
| 2. Are you and your principles in an Active status with the State of Nevada as a vendor? | [Yes] |
| 3. Have you submitted accurate required project documents (budgets, draws, reports, etc.) for previous similar awards? | [Yes] |
| 4. Have you been responsive to program/fiscal informational requests for previous similar awards? | [Yes] |
| 5. Have you met the schedule of project milestones for previous similar awards? | [Yes] |
| 6. Have you met the approved budget for previous similar awards? | [Yes] |
| 7. Do the following internal controls/policy and procedures exist within your organization? a. Conflicts of Interest b. Civil Rights c. Internal Controls d. Financial Management | [Yes] |
| 8. Does your organization have any significant audit findings in the past three fiscal years? | [No] |
| 9. Considering the amount of any Federal grants you have been awarded and/or received during the state fiscal year (July 1 – June 30), what is your total level of federal funding? If the amount is over \$750,000, when was your last Single Audit completed? | [None] |
| 10. Will there be a partial match for this project? | [No] |

Fiscal Recovery Fund – Nevada Supreme Court Allocation Agreement

The Nevada Supreme Court, Administrative Office of the Courts (AOC) has approved a Fiscal Recovery Fund (FRF) allocation to CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT based on its submission of a “Request for ARPA Fiscal Recovery Funds (FRF): Trial Court Subaward” (*Request*), and pursuant to the “ARPA Notice of Allocation” (*Allocation Notice*).



1. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT is requesting payment from the Supreme Court of Nevada’s *Allocation Notice* and understands all payments are contingent upon the submission of:
 - a. signed and completed Allocation Agreement (*Agreement*);
 - b. Trial Court Subaward Request; and
 - c. 3 quotes for goods or services (if applicable).
2. The State of Nevada will rely on this *Agreement* as a material representation in making payment to CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT.
3. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT is receiving payment of Fiscal Recovery Funds based on the prior approval of the Governor’s Finance Office, which is to be used only in a manner consistent with the *Allocation Notice, Agreement, and as proposed in the Request*.
4. Although funds have been obligated for the aforementioned amount, actual payments/transfers will be issued as reimbursements for eligible, pre-approved expenditures starting in June 2022. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT understands and agrees reimbursements will only be for eligible costs incurred (goods and services delivered) during the timeframe of June 1, 2022 through December 31, 2024 (Term) and that invoices for actual costs will be required for payment. Invoices must be received at AOC no later than the 15th of the month following the close of the billing month. AOC will initiate payments for submitted invoices no later than the 25th of the month following the close of the billing month.
5. Funds provided under this *Agreement* must adhere to official federal guidance. Any funds expended by CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT or its grantee(s) that fail to comply in any manner with federal guidance shall be booked as a debt owed to the State of Nevada and subsequently collected and returned to the Federal Government. Amounts recovered shall be returned to the State of Nevada through deposit into the State’s General Fund. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT further agrees that any determination by the Federal Government that it or its grantee(s) failed to comply with federal guidance shall be a final determination binding on itself and its grantee(s).
6. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT and its grantee(s) receiving funds pursuant to this certification shall retain documentation of all uses of the funds, including but not limited to invoices, receipts, and documentation of how payments meet federal criteria for necessary expenditures incurred due to the public health emergency with respect to COVID-19. All records and expenditures are subject to audit by the United States Department of Treasury’s Inspector General, the Nevada Supreme Court, AOC and the State of Nevada, or designee. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT agrees that it will cooperate with any formal requests necessary to evaluate compliance and will require any and all grantee(s) to also provide and cooperate with any such requests.
7. The CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT will report as needed on incurred expenses in a form prescribed by AOC and will retain documentation to demonstrate that the proposed uses meet federal guidelines. Additionally, documentation will be produced to AOC before the end of Term showing a reconciliation of received funds.
8. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT understands that the FRF funding is considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. (2 C.F.R. Part 200) § 200.303 regarding internal controls, §§ 200.330 through

200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. FRF funding to subrecipients counts toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F regarding audit requirements. Subrecipients are subject to a single audit or program specific audit pursuant to 2 C.F.R. § 200.501(a) when subrecipients spend \$750,000 or more in federal awards during their fiscal year.

9. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT understands that any funds provided pursuant to this certification cannot be used as a revenue replacement for lower-than-expected revenue collections and will notify each grant applicant of this obligation. Funds must be spent in accordance with approved budgets as documented in the *Request*. Failure to do so will result in CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT reimbursing the State of Nevada for any and all misspent dollars in addition to other remedies as provided by law.
10. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT understands that funds received pursuant to this certification cannot be used for expenditures for which a local government entity, political subdivision or its grantee(s) has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense and will notify each grant applicant of this obligation.
11. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT acknowledges that it has an affirmative obligation to report any duplication of benefits and understands that AOC must de-obligate or offset any duplicated benefits. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT agrees not to perform any deceptive practices about the spending of FRF and understands that misuse of funds may result in a range of penalties, including suspension of current and future funds, recoupment of monies provided under this award, and civil and/or criminal penalties.
12. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT agrees to comply with any additional requirements resulting from the risk assessment and understands payments are contingent upon maintaining current Nevada vendor registration, a Unique Entity Identifier free of suspension or debarment, and good-standing status with the State of Nevada.
13. AOC may suspend or terminate this *Agreement*, in whole or in part, if the organization materially fails to comply with any term of the *Agreement* or federal guidance; and the State of Nevada may declare the organization ineligible for any further FRF allocations. In the event AOC terminates this *Agreement*, CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT agrees to promptly refund to the State any unspent funds.
14. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT shall hold harmless, defend and indemnify AOC and the State of Nevada from any and all claims, actions, suits, charges, and judgments whatsoever that arise out of the organization's performance or nonperformance of the services or subject matter indicated in the *Agreement*.
15. CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT understands that individuals listed in the "Administrative Contact" section of the *Allocation Notice* are authorized to act in their respective areas for matters related to the transfer and administration of this fund payment.

Certification

In accordance with any applicable state and federal laws, statutes, rules, regulations, court orders, policies, and standards, the undersigned organizations will abide by this *Agreement*.

| Nevada Supreme Court, AOC | CARSON CITY, CITY OF FIRST JUDICIAL DISTRICT COURT |
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| Signature >  | Signature >  |
| Katherine Stocks by John McCormick | James T. Russell |
| Director of the Administrative Office of the Courts | District Court Judge |
| Fiscal Recovery Fund | First Judicial District Court |
| [Date] 10/05/22 | 9-30-22 |