
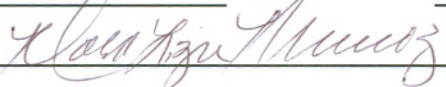


Hidalgo County Commissioners' Court

Agenda Request Form

"Exhibit A"

No. _____

Date: December 27, 2006 Meeting Date: January 09, 2007
Deadline for Action: _____ Contact Person: Dora L. Munoz, Commander 
Department HIDALGO COUNTY H.I.D.T.A. Phone: 956 381-0444 Fax: 956 381-8722
Dept. Head/Official Signature: 

CAPTION:

- A. Approval for Hidalgo County Judge to sign the Federal Equitable Sharing Agreement between Hidalgo County H.I.D.T.A. Task Force and the Federal Government, valid from October 1, 2005 thru September 30, 2008

BACKGROUND:

Federal Equitable Sharing Agreement

The current agreement was approved by Hidalgo County Commissioner's Court on the 26th of April 2005. However, due to a change in the governing body (County Judge), a new Sharing Agreement must be signed and submitted as per requirements set forth under the Agreement.

Please Initial for approval:

Legal Counsel _____ Budget _____ Human Resources _____

Dept./Fund No: _____ Amt Expended: \$ _____ Fnds/Staffing Budgeted: Yes _____ No _____

Account Code: _____ Impact on Future budget: Yes _____ No _____

Comments:

Action taken by Commissioners' Court:

Approved _____ Tabled _____ Denied _____ Motion made by _____ Seconded _____ Vote _____

5. Internal Controls. The parties agree to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The recipient agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The parties agree that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the Department of Justice's *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*. The accounting of shared funds must be reported on the Annual Certification Report.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice* or *Treasury Guides*, depending on the source of the funds or property.

6. Federal Annual Certification Report. The recipient agency shall submit an Annual Certification Report to the Department of Justice and the Department of the Treasury (at the addresses shown in item 1) and a copy to the U.S. Attorney in the district in which the recipient agency is located. The certification must be submitted in accordance with the instructions received from the respective departments or as outlined in the *Justice* or *Treasury Guides*. Receipt of the certification report is a prerequisite to receiving any equitably shared cash, property, or proceeds.

7. Audit Report. Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and the Department of the Treasury reserve the right to conduct periodic random audits.

8a. During the past 3 years, has your agency been found in violation of, or entered into a settlement agreement pursuant to, any nondiscrimination law in federal or state court, or before an administrative agency?

Yes No (If you answered yes, attach relevant information. See instructions.)

8b. Are there pending in a federal or state court, or before any federal or state administrative agency, proceedings against your agency alleging discrimination?

Yes No (If you answered yes, attach relevant information. See instructions.)

The undersigned certify that the recipient agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity.

Under penalty of perjury, the undersigned officials certify that the recipient state or local law enforcement agency is in compliance with the provisions of the *Justice* and/or *Treasury Guides* and the National Code of Professional Conduct for Asset Forfeiture.

Name (Print or Type) Rene A. Guerra Date 12/28/06
Law Enforcement Agency Head

Name (Print or Type) Juan de Dios Salinas III Date _____
Governing Body Head

Signature: 

Signature: _____

Title: Hidalgo County Criminal District Attorney

Title: Hidalgo County Judge