



Texas Border Sheriff's Coalition
4141 Pinnacle, Suite 118
El Paso, TX 79902

**Congressionally Mandated Grant
Grant Number 2009-D1-BX-0141
Sub-grant Number 2009-D1-BX-0141 (Hidalgo)**

Categorical Exclusion for Texas Border Sheriff's Coalition

Awards under this program will be used to develop national demonstration, training, and technical assistance programs.

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- 1) New construction.
- 2) Renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain.
- 3) A renovation which will change the basic prior use of a facility or significantly change its size.
- 4) Research and technology whose anticipated and future application could be expected to have an effect on the environment.
- 5) Implementation of a program involving the use of chemicals.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion.



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CONGRESSIONALLY MANDATED GRANT

OPERATION LINEBACKER

GRANT NUMBER: 2009-D1-BX-0141
SUB GRANT 2008-DD-BX-0188 (Hidalgo)

OFFICE OF CIVIL RIGHTS

Congress has linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U. S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations.

Ensuring Equal Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with the Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at: <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation, 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held Civil Rights separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://ojp.usdoj.gov/ocr/etbo.htm>.

State Administering Agencies and faith-based organizations would also note that the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to the Department of Justice, Office of Justice Programs, Office of Civil Rights.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, your organization, which is the recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. 3789d©, or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO Plan), 28 C.F.R. 42.301-308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. 42.205(5) or 31.202 (5)).

(1) Meeting the EEO Plan Requirement

Civil Rights

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, CoPS Assurance No. 8.B, or certain Federal grant program requirements, your organization might need to comply with an EEOP reporting requirement. However, if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the preparation and maintenance of an EEOP. Your organizations's EEOP requirement then, is simply to complete Section A of the Certification Form attesting to your organizations's status. You must return the Certification form to TBSC. The Certification Form is enclosed in this package.

(2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.



NOTICE OF SUB GRANT AWARD

TEXAS BORDER SHERIFF'S COALITION

Program Title:	Operation Linebacker
Funding Instrument:	Congressionally Mandated Award
Administered by:	Texas Border Sheriff's Coalition
Sub Grant Number	2009-D1-BX-0141 (Hidalgo)
Recipient:	Hidalgo County
Amount of Grant:	\$ 267,628.00
Period of Grant:	July 1, 2009 to September 30, 2010

AGENCY APPROVAL	GRANT ACCEPTANCE
Donald L. Reay Executive Director	Printed Name: Rene Ramirez Title: County Judge
Date:	Date:

Return Signed Original to:

Texas Border Sheriff's Coalition
4141 Pinnacle, Ste 118
El Paso, Texas 79902

**Operation Linebacker-Congressionally Mandated Funds
DESIGNATION OF GRANT OFFICIALS**

GRANT:	2009-D1-BX-0141 (Hidalgo)
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GRANT PERIOD:	July 1, 2009 to September 30, 2010
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AGENCY NAME:	Hidalgo County Sheriff's Office
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Grant Performance Officer	
<i>Name</i>	Guadalupe "Lupe" Trevino
<i>Title</i>	Sheriff
<i>Official Mailing Address</i>	PO Box 1228 Edinburg, Texas 78540
<i>Daytime Phone Number</i>	956-383-8114 Ext:6003
<i>Fax Number</i>	956-393-6179
<i>E-mail Address</i>	SheriffTrevino@hidalgo.org

Grant Financial Officer	
<i>Name</i>	Ray Eufrazio
<i>Title</i>	County Auditor
<i>Official Mailing Address</i>	2808 S. Business 281 Edinburg, Texas 78539
<i>Daytime Phone Number</i>	956-318-2511
<i>Fax Number</i>	956-318-2577
<i>E-mail Address</i>	Ray.eufrazio@auditor.co.hidalgo.tx.us

Authorized Official*	
<i>Name</i>	Rene Ramirez
<i>Title</i>	County Judge
<i>Official Mailing Address</i>	PO Box 1356 Edinburg, Texas 78539
<i>Daytime Phone Number</i>	956-318-2600
<i>Fax Number</i>	956-318-2699
<i>E-mail Address</i>	Rene.ramirez@hidalgocountyjudge.com

* An individual authorized to execute contracts on behalf of a jurisdiction or local law enforcement agency.



Texas Border Sheriff's Coalition
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Congressionally Mandated Grant
Grant Number 2009-D1-BX-0141
Sub-Grant Number 2009-D1-BX-0141 (Hidalgo)

Special Conditions

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audit of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.
6. To promote information exchange and coordinate technical assistance, the Bureau of Justice Assistance requires grant recipients to obtain written approval from the BJA State Policy Advisor prior to using Federal grant funds to travel to non-OJP conferences and trainings.
7. "Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of Limited English Proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, when necessary. The US Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the internet at www.lep.gov."
8. No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year.



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**Congressionally Mandated Grant
Grant Number 2009-D1-BX-0141
Sub-Grant 2009-D1-BX-0141 (Hidalgo)**

State of Texas Assurances and Certifications

Assurances

(1) RELATIVES. A sub-grantee must comply with the Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's contractor shall cote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

(2) PUBLIC INFORMATION. A sub-grantee must insure that all information collected, assembled, or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.

(3) OPEN MEETINGS. A sub-grantee must comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise prohibited by law or specifically permitted in the Texas Constitution.

(4) CHILD SUPPORT PAYMENTS. A sub-grantee must comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.

(5) HEALTH, HUMAN SERVICES, PUBLIC SAFETY OR LAW ENFORCEMENT AGENCY. If the sub-grantee is a health, human services, public safety, or law enforcement agency, it will not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.

(6) LAW ENFORCEMENT AGENCY. If the sub-grantee is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701, it must be in compliance with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 1701, Texas Occupations Code or must provide the grantor agency with a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the agency is in the process of achieving compliance with such rules.

ADMINISTRATION. When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local sub-recipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met. (See Section __.36 for additional guidance on contract provisions).

SUSPECTED CHILD ABUSE. A sub-grantee must comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Sub-grantees shall also ensure that all program personnel are properly trained and aware of this requirement.

(9) TAXES. Sub-grantees will comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.

(10) COMPLIANCE WITH REQUIREMENTS. Sub-grantees will comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program.

(11) INELIGIBLE APPLICANTS. The applicant certifies that is and its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.epls.gov>.

(12) HIV/AIDS. Sub-grantees must adopt and implement applicable provisions of the model of HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, et seq.

(13) LEGAL AUTHORITY The applicant has the legal authority to apply to State assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-state share of project costs) to ensure proper planning, management and completion of the project described in this application.

(14) RECORDS. The applicant will give the awarding agency, the State Comptroller, and if applicable, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(15) PERSONAL GAIN The applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.

(16) COMPLETION. The applicant will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

CERTIFICATIONS

1. **DRUG-FREE WORKPLACE.** The applicant certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for a violation of such prohibition.
 - B. Establish a drug-free awareness program to inform employees about:
 - i. the dangers of drug abuse in the workplace;
 - ii. the applicant's policy of maintaining a drug-free workplace;
 - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. the penalties that may be imposed upon employees for drug abuse violations.
 - C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a)
 - D. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. abide by the terms of the statement, and
 - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 - E. Notifying the agency within ten days after receiving notice under subparagraph (d) (ii) from an employee or otherwise receiving actual notice of such conviction.
 - F. Taking one of the following actions with respect to any employee who is so convicted:

- i. taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (a), (b), (c), (d), (e), and (f).

2. LOBBYING- The applicant certifies that:

- A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government.
- B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, it will notify the Governor's Division of Emergency Management to obtain the appropriate disclosure form.
- C. It will include the language of paragraphs A and B of this section in the award documents for all sub-awards at all tiers and will require all sub-recipients to certify accordingly.

This form includes Assurances and Certifications that must be read, signed, and submitted as part of the grant package.

Name of Applicant County	Grant Program
Hidalgo County	2009-D1-BX-0141 (Hidalgo)
<u>Rene Ramirez</u>	County Judge
Typed Name of Authorized Official	Title
Signature of Authorized Official	Date



Texas Border Sheriff's Coalition
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CONGRESSIONALLY MANDATED AWARD

2009-D1-BX-0141 (Hidalgo)

APPLICANT: HIDALGO COUNTY SHERIFF'S OFFICE
SHERIFF: Guadalupe "Lupe" Trevino
COUNTY: Hidalgo
ADDRESS: 711 EL Cibolo Road, Edinburg, Texas 78540

PERIOD OF GRANT: July 1, 2009 through September 30, 2010

CHECKLIST OF CONTENTS:

- _____ Designation of Grant Officials. Authorizing Official (County Judge), Grant Performance Officer, Financial Officer
- _____ Budget for Operation (Provided)
- _____ Assurances and Certifications. County Judge must sign as Authorizing Official. (Includes state and federal requirements)
- _____ Civil Rights as provided by Office of Justice Programs
- _____ Special Conditions as set by Office of Justice Programs
- _____ Categorical Exclusion Statement from Office of Justice Programs
- _____ Objectives of Linebacker (Provided by TBSC)
- _____ TBSC's Statement of the Problem as part of TBSC application
- _____ Sub-Grant Award Notice with Grantee Acceptance (County Judge or Grant Performance Officer must sign)
- _____ County Resolution from Commissioner's Court
- _____ Guidance Letter on completing the package.



**GUIDANCE FOR THE COMPLETION OF APPLICATION
SUB GRANT 2009-D1-BX-0141 (Hidalgo)
Linebacker
Congressionally Mandated Funds**

The following guide is provided to assist each Sheriff in completing the package for the Congressionally Mandated Funds. Anything not covered in this guidance should be addressed with the staff of the Texas Border Sheriff's Coalition.

1. You sub grant number will be 2009-D1-BX-0141 followed by (your county's name) ie; 2009-D1-BX-0141 (Hidalgo) would be Hidalgo County's sub grant number.
2. The **SUB GRANT APPLICATION** page will list the pertinent items included in the package. You will note that many are provided by TBSC.
3. Designation of Grant Officials:
The **AUTHORIZING OFFICIAL must be the COUNTY JUDGE.**
The **GRANT PERFORMANCE OFFICER may be the Sheriff or his designee.**
The **GRANT FINANCIAL OFFICER** is generally Auditor or Treasurer but please follow your county policies.
4. **ASSURANCES AND CERTIFICATIONS must be signed by the AUTHORIZING OFFICIAL (County Judge).**
5. **CIVIL RIGHTS** as provided by OJP does not require a signature but is covered under the signatures of the application by the **AUTHORIZING OFFICIAL and the GRANT PERFORMANCE OFFICER.**
6. **SPECIAL CONDITIONS AND THE CATEGORICAL EXCLUSION STATEMENTS** from OJP are covered by the **APPLICATION** signatures and are a critical part of the application and procedure.
7. The **TBSC STATEMENT OF THE PROBLEM and OBJECTIVES OF LINEBACKER** are provided by TBSC and your signatures concur with this grant submission to OJP which has been approved.
8. **GRANT APPROVAL FORM with GRANTEE ACCEPTANCE (County Judge must sign).**

9. Once TBSC receives the Grant Acceptance and the County Resolution, then and only then can funds be obligated from this grant. You may begin with a faxed copy but the ORIGINAL must follow immediately to TBSC for inclusion in the master file.

10. Each county is highly encouraged to track their own funds for what they have obligated. Reports from TBSC will be on approved reimbursements (expenditures).

Donald L. Reay
Executive Director
Texas Border Sheriff's Coalition

Jose Lopez
Financial Director
Texas Border Sheriff's Coalition

If you have any questions, please feel free to call. (915) 351-0621.

December 3, 2009

Attention all applying counties:

PLEASE NOTE:

- Any place you see "(County)" on the forms means your county. Please refer to the CD we have included and find the file that corresponds with the page you're on. Please change the word "county" to your county's name. This also applies where (xxxx) occurs. Please replace it with your county's name.
- The first two pages of the package are the guidance, which is then followed by the TBSC Sub Grant Application Cover & Checklist. This is a checklist of what we have included in this application package and what we will need you to return to TBSC. It must be filled out and signed by both your county judge and your county's grant performance officer (where appropriate), and returned along with all the other requested documents.
- Please note that we must have the original signed documents for our files.
- I have included an electronic copy of all the submission forms you will need in order to submit a request for funds. Please note that the Request for Funds Form has been adjusted. Make sure to start using the new RFF when we start this grant.

**Should you have any questions, PLEASE FEEL FREE TO CALL US AT
(915) 351-0621**

We are here to help. It is our goal to make this as easy and painless as possible.