

**AI-24304****13.A.****District Attorney's Office Border Prosecution Revised MOU  
CC REGULAR**

**Date:** 12/13/2010  
**Submitted By:** Roy Cazares, DISTRICT ATTORNEY  
**Submitted For:** Roy Cazares  
**Department:** DISTRICT ATTORNEY  
**Agenda Category:** District Attorney

**Information****CAPTION**

Border Prosecution Initiative (1281):

1. Approval of revised Memorandum of Understanding for the District Attorney's Office Border Prosecution Unit.
2. Approval of Certification of Revenues as certified by the County Auditor for the Border Prosecution Grant.
3. Approval of Border Prosecution (080-012) budget increase in the amount of \$5,000.00.
4. Approval to delete one (1) vacant full-time Clerk II position, slot no. 002, grade 03 and delete cost allocation, slot no. 061, of state awarded supplement in the amount of \$4,624.00.
5. Approval to create one (1) full-time Administrative Assistant I position, slot no. 003, grade 04.
6. Approval of revised salary schedule.

**BACKGROUND**

Amount of grant increased from \$200,000.00 (\$100,000 per year) to \$215,000.00 (\$105,000.00 in 2010-2011 & \$110,000.00 in 2011-2012).

**Fiscal Impact****FISCAL YEAR:** 2010**ACCT. #:** 0-1281-412-00-080-012-1-XXX**FUNDS AVAILABLE Y/N?:** Y**MATCHING FUNDS Y/N?:** N**BUDGETARY IMPACT:**

Appropriation of funds in the amount of \$5,000.00 for the Border Prosecution Initiative Grant. Position created is a regular full-time position of limited duration (temporary assignment), subject to grant funding. As per the District Attorney's Office, each employee (s) will be signing an Acknowledgement Form addressing such terms.

Funds for position and related fringe benefit expenditures are available from lapsed funding, and plus additional funds in the amount of \$5,000.00, pending appropriation.

Revenue Account #0-1281-334-10-080-012-1-000 Border Prosecution Incentive Grant Revenues.

Revenues in the amount of \$10,000.00 pending certification of revenues.....to be certified at a later date.

**Attachments**

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

**MEMORANDUM OF UNDERSTANDING**

This memorandum of understanding is entered into on the \_\_\_\_\_ day of November, 2010, by and between the Hidalgo County District Attorney, hereinafter called "Contractor", the Border Prosecutor Unit, hereinafter called "BPU" and the County of El Paso, Texas, hereinafter called "County".

**WITNESSETH:**

**Whereas**, the Office of the Governor of the State of Texas has awarded \$4,000,000 in grant number 2283701 to the El Paso County District Attorney's Office, whose fiscal agent is the County of El Paso, for disbursement under the Trusted programs within the Office of the Governor for prosecution resources for districts statewide; and

**Whereas**, the above named Contractor has been allocated \$215,000.00 of these grant funds for the two-year grant period, to be spent in accordance with CJD guidelines; and

**Whereas**, such a consolidated effort in targeting border security by federal, state, and local law enforcement agencies, it is in all parties' best interests and that of the public and that this agreement will increase the effective and efficient functioning of all parties.

**Now therefore**, in consideration of the premises, and of the terms, provisions, and mutual promises herein contained, it is mutually agreed as follows:

1.0     Duties of the Contractor

1.1     Contractor shall submit proper application for reimbursement on the BPU project to the County through the applicable Contractor County Auditor. This application must be signed by the Contractor and the County Auditor. The application must contain the following documentation:

- (a)     Invoice or cancelled check copy,
- (b)     Documentation from an agency's computerized system, (i.e. Payroll reports)
- (c)     Any other documents required by law or CJD guidelines.

1.2 Contractor shall provide the County with a detailed budget of all planned expenditures of BPU grant funds prior to any expenditure of BPU grant funds.

1.3 Contractor shall provide the County with a copy of the A133 single audit for the fiscal year(s) where these funds are expended.

1.4 Contractor shall follow all federal laws and CJD guidelines concerning the appropriate expenditure and use of BPU grant funds. All expenditures shall be made in accordance to and subject to local rules and procurement procedures.

1.5 Contractor's records, specific to these BPU expenditures, are subject to audit and review by the County at any time, and Contractor agrees to make such records available to the County for copy, review and/or audit.

## 2.0 Duties of the County

2.1 The County shall process reimbursement requests from Contractor.

2.2 The County shall reimburse approved expenses from the BPU grant number 2283701 incurred by Contractor for the purposes of the BPU project. Reimbursement may be allowed for expenses incurred in "salary and fringe benefits", "travel", "operating", "equipment", "supplies" and "other" categories. Reimbursement payments will be issued to Contractor only after the County receives reimbursement from CJD.

## 3.0 Term and Termination.

This memorandum of understanding shall be effective upon its execution by all parties and shall terminate when all BPU funds awarded under this grant have been exhausted or the authority to expend these funds expires or is revoked by the Office of the Governor or federal law. The County may terminate this memorandum of understanding, without cause, upon sixty (60) days written notice to all Contractors.

Notices shall be made to:

To BPU: Border Prosecutor Unit.  
ATTN: Jaime Esparza, Project Director  
500 E. San Antonio, Ste 201  
El Paso, TX 79901

To Contractor: Hidalgo County District Attorney  
ATTN: Rene A. Guerra  
100 N. Closer Blvd., 3<sup>rd</sup> Floor  
Edinburg, Texas 78539-3563

To County: County Auditor  
County of El Paso  
Administrative Services Bldg.  
800 E. Overland, Suite 406  
El Paso, TX 79901

Witness the following signatures:

**THE COUNTY OF EL PASO, TEXAS**

\_\_\_\_\_  
ANTHONY COBOS  
COUNTY JUDGE

DATE: \_\_\_\_\_

**BORDER PROSECUTOR UNIT**

*Jaime Esparza*  
\_\_\_\_\_  
JAIME ESPARZA, PROJECT DIRECTOR  
DISTRICT ATTORNEY FOR THE 34<sup>TH</sup> JUDICIAL DISTRICT

DATE: 11/16/2010

**COUNTY OF HIDALGO, TEXAS**

*Rene A. Guerra*  
\_\_\_\_\_  
RENE A. GUERRA  
DISTRICT ATTORNEY FOR HIDALGO COUNTY

DATE: 11/17/10

\_\_\_\_\_  
RAMON GARCIA  
HIDALGO COUNTY JUDGE

DATE: \_\_\_\_\_