

TEXAS INDIGENT DEFENSE COMMISSION

205 West 14th Street, Suite 700 Tom C. Clark Building (512)936-6994
P.O. Box 12066, Austin, Texas 78711-2066 Fax: (512)475-3450

CHAIR:
THE HONORABLE SHARON KELLER
Presiding Judge, Court of Criminal Appeals

DIRECTOR:
MR. JAMES D. BETHKE

VICE CHAIR:
THE HONORABLE OLEN UNDERWOOD

September 9, 2011

The Honorable Fred Garza
Hidalgo County Court at Law Judge
Via E-mail: fred.garza@co.hidalgo.tx.us

Dear Judge Garza:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Hidalgo County a FY2012 Multi-year Discretionary Grant in the amount of **\$243,033** in response to your application titled "*Hidalgo County Public Defender's Office - Juvenile Section.*" Your Statement of Grant Award for fiscal year 2012 is attached. Please sign and return via fax the first two pages of the Statement of Grant Award to fax number 512-475-3450 on or before **October 7, 2011**. You do not need to mail a copy.

Congratulations to Hidalgo County on taking the lead in Texas by developing this new indigent defense program. If you have any questions or need clarification on the information contained in this letter or attached Statement of Grant Award, please contact Bryan Wilson, the Commission Grants Administrator at (512) 936-6996.

Sincerely,

Sharon Keller
Chair, Texas Indigent Defense Commission
Presiding Judge, Court of Criminal Appeals

Copy: Program Director Jaime Gonzales; jimmy.gonzalez@co.hidalgo.tx.us
The Honorable Ramon Garcia; yolanda.chapa@co.hidalgo.tx.us
County Auditor Raymundo Eufrazio; ray.eufrazio@auditor.co.hidalgo.tx.us

TEXAS INDIGENT DEFENSE COMMISSION

205 West 14th Street, Suite 700 Tom C. Clark Building (512)936-6994
P.O. Box 12066, Austin, Texas 78711-2066 Fax: (512)475-3450

CHAIR:
THE HONORABLE SHARON KELLER
Presiding Judge, Court of Criminal Appeals

DIRECTOR:
MR. JAMES D. BETHKE

VICE CHAIR:
THE HONORABLE OLEN UNDERWOOD

September 9, 2011

The Honorable Fred Garza
Hidalgo County Court at Law Judge
Via E-mail: fred.garza@co.hidalgo.tx.us

Dear Judge Garza:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Hidalgo County a FY2012 Multi-year Discretionary Grant in the amount of **\$243,033** in response to your application titled "*Hidalgo County Public Defender's Office - Juvenile Section.*" Your Statement of Grant Award for fiscal year 2012 is attached. Please sign and return via fax the first two pages of the Statement of Grant Award to fax number 512-475-3450 on or before **October 7, 2011**. You do not need to mail a copy.

Congratulations to Hidalgo County on taking the lead in Texas by developing this new indigent defense program. If you have any questions or need clarification on the information contained in this letter or attached Statement of Grant Award, please contact Bryan Wilson, the Commission Grants Administrator at (512) 936-6996.

Sincerely,

Sharon Keller
Chair, Texas Indigent Defense Commission
Presiding Judge, Court of Criminal Appeals

Copy: Program Director Jaime Gonzales; jimmy.gonzalez@co.hidalgo.tx.us
The Honorable Ramon Garcia; yolanda.chapa@co.hidalgo.tx.us
County Auditor Raymundo Eufrazio; ray.eufrazio@auditor.co.hidalgo.tx.us

**Texas Indigent Defense Commission
Statement of Grant Award
FY2012 Discretionary Grant**

Grant Number: 212-12-D09
 Grantee Name: Hidalgo County
 Program Title: Hidalgo County Public Defender's Office - Juvenile Section
 Grant Period: 10/1/2011-9/30/2012
 Grant Award Amount: \$243,033

The Texas Indigent Defense Commission (TIDC or Commission) has awarded the above-referenced grant to Hidalgo County for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by **October 1, 2011**. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

Direct Costs:	
1) Personnel (Total Number of FTEs: 4)	\$163,205
2) Fringe Benefits	\$43,477
3) Travel and Training	\$4,143
4) Equipment	\$14,910
5) Supplies	\$3,500
6) Contract Services	\$54,556
7) Indirect Costs	\$20,000
Total Proposed Costs	\$303,791
Less Cash from Other Sources	\$60,758
Total Amount Funded by Commission	\$243,033

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued on October 15, 2010, including the rules and documents adopted by reference in the Commission on Indigent Defense's Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently deobligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the "Required Conditions and Report" contained in Attachment A.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.

- The Judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts to include the program funded under this award and submit it to the Commission by December 31, 2011.

The authorized official for this grant program has read the preceding and indicates agreement by signing this Statement of Grant Award below:

Signature of Authorized Official

Name & Title (must print or type)

Date

Attachment A

Required Conditions and Reports

Method of Calculation

The budget on the Statement of Grant Award was developed under the assumptions that the grant be based on a twelve month period. The schedule is intended to provide the county twelve months of funds at each of the original agreed upon funding levels less start-up costs. If the county has a delayed start in the beginning year (FY2012), it may necessitate an adjustment in future years to allow the county to fully expend grant funds. The intention is to follow a declining schedule of 80% in the first year; then, 60% in the second year; then, 40% in the third year; and, finally, 20% in the year of TIDC support. The grants will remain on a fiscal year (October to September), but future awards will reflect any needed modifications to implement this policy.

Program Requirements

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program (Note: if the county contracts the public defender office to a non-profit corporation or governmental entity then they will ensure the following are performed):

- The County will operate a Public Defender's Office as defined in Article 26.044 of the Texas Code of Criminal Procedure as amended by the 82nd Legislature. If a non-profit corporation is selected by the County to operate the public defender's office, the Contract must require the non-profit corporation to maintain at least one person in the office locally to serve as Chief Public Defender who meets the qualifications set forth in Article 26.044 (f) to supervise and manage the operation of the office and provide direct representation.
- The county will submit reports to obtain reimbursement of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match.
- This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grants administrator will construct an on-line progress report that best reflects the actual work performed in this program and is consistent with the FY2012 application listed below as edited and agreed to. The county will be able to request modifications to the on-line report when the performance measures are determined to not accurately reflect the work performed.
- The county must continue the Oversight Board to supervise the operation of this program. The county will submit a written policy on how the members are to be selected.
- The county or its designee must maintain a written policy that includes caseload standards for each attorney and for the general operation of this program. In developing caseload standards, nationally recognized standards and standards used by other states shall be taken into consideration (such as National Advisory Commission on Criminal Justice Standards and Goals). The written policy for caseload standards should be provided to the Commission staff along with the first quarterly progress report. The caseload standard policy should require the Chief Public Defender to review actual caseloads at least quarterly. The Chief Public Defender may make overrides or under-rides based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, court needs, available technology to augment services, or other factors that affect the delivery of services. The Chief Public Defender must notify the program's Oversight Board in writing if an exception to the caseload standards is authorized.
- The county or its designee must provide to the Commission staff the minimum job requirements and a full job description of the FTE positions specified under this project before positions are publicly posted. The posting must meet the Hidalgo County Juvenile Board Indigent Defense Plan Minimum Attorney Qualifications for all levels of cases.
- The survey required in the Evaluation section of the FY2012 application listed below should be conducted during the 2nd and 4th years of operation of the program. The county must summarize the results received back from the participants of the survey and discuss any improvements made to the

program. The analysis of the survey results in the 4th year must compare the findings between the two survey events. The county must provide the Commission with a copy of the analyses (not the unanalyzed survey responses).

- A draft of the Policies and Procedures Manual required in the Methodology section of the FY2012 application listed below should be provided to the Commission staff along with the 2nd quarterly progress report. A final version of the Policies and Procedures Manual shall be completed and delivered to the Commission staff along with the Final Progress Report for FY2012.
- Equipment costs listed in the first year start-up budget will not be carried forward into subsequent years of funding. If the County selects a non-profit corporation the proposal and contract must include the method for funding equipment to operate the Public Defender Office.

**2012 Hidalgo County Resolution
Indigent Defense Discretionary Grant Program**

WHEREAS, under the provisions of the Texas Government Code Section 71.062 and Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Task Force on Indigent Defense to provide improvements in indigent defense services in the county; and

WHEREAS, this grant program will assist the county in the implementation and the improvement of the indigent criminal defense services in this county; and

WHEREAS, Hidalgo County Commissioners Court has agreed that in the event of loss or misuse of the funds, Hidalgo County Commissioners assures that the funds will be returned in full to the Task Force on Indigent Defense.

NOW THEREFORE, BE IT RESOLVED and ordered that Fred Garza is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Discretionary Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that Jaime E Gonzalez is designated as the Program Director and contact person for this grant and the County Auditor is designated as the Financial Officer for this grant.

Adopted this 22nd day of February, 2011.

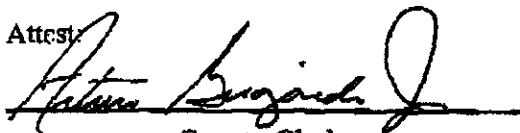


Ramon Garcia
County Judge

**APPROVED BY
COMMISSIONERS' COURT**

ON: 2/22/11

Attest:

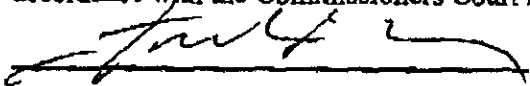


County Clerk

Note: This Required Resolution is to obtain grant funds. Please do not alter it other than to fill in the optional spaces. Please direct request to alter to the Task Force's Special Counsel.

Internet Submission Form

After submitting the discretionary grant application on-line, the following Internet submission confirmation number was received #D201210820110216. This grant application submission was in accordance with the Commissioners Court Resolution above.



Fred Garza
Authorized Official

**Texas Indigent Defense Commission
Statement of Grant Award
FY2012 Discretionary Grant**

Grant Number: 212-12-D09
 Grantee Name: Hidalgo County
 Program Title: Hidalgo County Public Defender's Office - Juvenile Section
 Grant Period: 10/1/2011-9/30/2012
 Grant Award Amount: \$243,033

The Texas Indigent Defense Commission (TIDC or Commission) has awarded the above-referenced grant to Hidalgo County for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by **October 1, 2011**. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

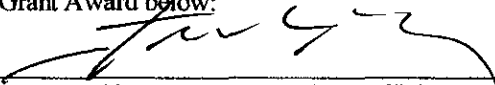
Direct Costs:	
1) Personnel (Total Number of FTEs: 4)	\$163,205
2) Fringe Benefits	\$43,477
3) Travel and Training	\$4,143
4) Equipment	\$14,910
5) Supplies	\$3,500
6) Contract Services	\$54,556
7) Indirect Costs	\$20,000
Total Proposed Costs	\$303,791
Less Cash from Other Sources	\$60,758
Total Amount Funded by Commission	\$243,033

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued on October 15, 2010, including the rules and documents adopted by reference in the Commission on Indigent Defense's Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently deobligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the "Required Conditions and Report" contained in Attachment A.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.

- The Judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts to include the program funded under this award and submit it to the Commission by December 31, 2011.

The authorized official for this grant program has read the preceding and indicates agreement by signing this Statement of Grant Award below:



Signature of Authorized Official
Judge Fred Garza

Name & Title (must print or type)
9-26-11

Date