

# COUNTY of HIDALGO

HIDALGO COUNTY AUDITOR'S OFFICE  
Hidalgo County Administration Building  
2808 South Business Highway 281  
Edinburg, Texas 78539-6243  
PHONE: (956) 318-2511  
FAX: (956) 318-2577  
WEBSITE: [www.co.hidalgo.tx.us/auditor](http://www.co.hidalgo.tx.us/auditor)



EDINBURG, TEXAS 78539

March 27, 2015

The Honorable Ramon Garcia, Hidalgo County Judge  
The Honorable A.C. Cuellar, Jr., Commissioner, Precinct No. 1  
The Honorable Eduardo "Eddie" Cantu, Commissioner, Precinct No. 2  
The Honorable Jose M. Flores, Commissioner, Precinct No. 3  
The Honorable Joseph Palacios, Commissioner, Precinct No. 4

## RE: Certification of Revenue

Dear Judge and Commissioners:

Pursuant to Local Government Code § 111.0706 SPECIAL BUDGET FOR GRANT OR AID MONEY:

The county auditor shall certify to the commissioners court the receipt of all public or private grant or aid money that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose of spending the grant or aid money for its intended purpose.

I, Ray Eufrazio, County Auditor of Hidalgo County, certify to the Hidalgo County Commissioners Court the receipt of an award from the U.S Immigration and Customs Enforcement (ICE), Special Agent in Charge (SAIC), San Antonio, Texas. These funds may now be made available by creating a new special budget or amending a current budget for its intended purposes.

AMOUNT	PURPOSE
\$15,000.00	Overtime for 1 Constable Pct.4 Deputy

CERTIFIED BY:

  
Raymundo Eufrazio, CPA  
Hidalgo County Auditor

Date

3/30/15

## HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY  
JUDGE, 92<sup>ND</sup> D.C.

RODOLFO DELGADO  
JUDGE, 93<sup>RD</sup> D.C.

J. R. "BOBBY" FLORES  
JUDGE, 139<sup>TH</sup> D.C.

ROSE GUERRA REYNA  
JUDGE, 206<sup>TH</sup> D.C.

JUAN R. PARTIDA  
JUDGE, 275<sup>TH</sup> D.C.

MARIO E. RAMIREZ, JR.  
JUDGE, 332<sup>ND</sup> D.C.

NOE GONZALEZ  
JUDGE, 370<sup>TH</sup> D.C.  
OVERSEER

LETICIA LOPEZ  
JUDGE, 389<sup>TH</sup> D.C.

ADA SALINAS FLORES  
JUDGE, 398<sup>TH</sup> D.C.

ISRAEL RAMON, JR.  
JUDGE, 430<sup>TH</sup> D.C.

JESSE CONTRERAS  
JUDGE, 449<sup>TH</sup> D.C.

**AI -49021****Constables 8. C.****CC - REGULAR****Meeting Date:** 03/31/2015**Submitted For:** Horaldo Sanchez, CONSTABLE PCT. #4**Submitted By:** Monica Badillo, EXECUTIVE OFFICE**Department:** CONSTABLE PCT. #4**Information****CAPTION**

Constable Pct. 4 - MOU - ICE and Constable Pct 4:

1. Approval of Memorandum of Understanding (MOU) between Immigration and Customs Enforcement (ICE) and Hidalgo County Constable Precinct 4 Office.
2. Authorization to pay overtime reimbursable under the grant terms and conditions.
3. Approval to accept overtime funding from the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) in the amount of \$15,000.00.
4. Approval of Certification of Revenues, as certified by the County Auditor, for ICE overtime funding.
5. Approval of appropriation of funds in the amount of \$15,000.00.

**BACKGROUND**

Overtime is being provided for expenses of officer providing resources in joint operational/task forces. Fringe benefits associated with overtime pay of officer is not reimbursed through grant and will be charged to the Constable's General Fund account. Reporting period ends 9/30/15 (FY2015)

**Fiscal Impact****FISCAL YEAR:** 2015**ACCT. #:** 5-1284-421-00-294-008-5-131**FUNDS AVAILABLE Y/N?:****MATCHING FUNDS Y/N?:****BUDGETARY IMPACT:**

Appropriation of funds for Overtime

Revenue account: 5-1284-331-11-294-008-5-000

V.5

The maximum reimbursement entitlement for overtime worked on behalf of the joint investigation is set at \$15,000 per officer per year.

V.4

...Treasure Forfeiture Fund reimburses overtime salaries. Benefits are not reimbursable.

**Attachments**MOUlegal

Appropriation

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**Form Review**

**Inbox**

Budget & Management

Manuel Chapa

Auditor's Office

Manuel Chapa

Auditor's Office

Purchasing Department

Form Started By: Monica Badillo

**Reviewed By**

Veronica Ortiz

Manuel Chapa

Veronica Ortiz

**Date**

03/24/2015 03:06 PM

03/26/2015 04:57 PM

03/27/2015 02:46 PM

Started On: 03/24/2015 02:00 PM

## Hector Sandoval

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**From:** Nayla Munoz [nayla.munoz@co.hidalgo.tx.us]  
**Sent:** Friday, March 27, 2015 2:03 PM  
**To:** 'Hector Sandoval'  
**Cc:** Horaldo Sanchez  
**Subject:** Certification of Revenues

Good Afternoon Hector,

Can you please complete a Certification of Revenues for the ICE FY2015 Overtime Grant Account No. 5-1284-421-00-294-008-5-131 and Revenue Account No. 5-1284-331-11-294-008-5-000.

The Agenda Item No. 49021 is currently scheduled for March 31, 2015.

Should you have any questions or concerns, please contact Chief Deputy Sanchez at Ext. 4302.

Thank you,

*Nayla Munoz*

Administrative Assistant

**Hidalgo County Constable Precinct 4**

2814 S. Business Highway 281

Edinburg, Texas 78539

T. (956) 383-8560 Ext. 4313

F. (956) 383-8565

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN  
IMMIGRATION AND CUSTOMS ENFORCEMENT AND LOCAL,  
COUNTY, OR STATE LAW ENFORCEMENT AGENCY FOR THE  
REIMBURSEMENT OF JOINT OPERATIONS EXPENSES FROM  
THE TREASURY FORFEITURE FUND**

This Agreement is entered into by the Hidalgo County Constable Pct.4, (NCIC CODE #TX1081600) and Immigration and Customs Enforcement (ICE), Special Agent in Charge (SAIC), San Antonio, Texas for the purpose of the reimbursement of costs incurred by the Hidalgo County Constable Pct.4 in providing resources to joint operations/task forces.

Payments may be made to the extent they are included in the ICE Fiscal Year Plan, and the money is available within the Treasury Forfeiture Fund to satisfy the request(s) for the reimbursement of overtime expenses and other law enforcement expenses related to joint operations.

**I. LIFE OF THIS AGREEMENT**

This Agreement becomes effective on the date it is signed by both parties. It remains in force unless explicitly terminated, in writing, by either party.

**II. AUTHORITY**

This Agreement is established pursuant to the provisions of 31 USC 9703, the Treasury Forfeiture Fund Act of 1992, which provides for the reimbursement of certain expenses incurred by local, county, and state law enforcement agencies as participants of joint operations/task forces with a federal agency participating in the Treasury Forfeiture Fund.

**III. PURPOSE OF THIS AGREEMENT**

This Agreement establishes the responsibilities of both parties and the procedures for the reimbursement of certain overtime expenses and other law enforcement expenses pursuant to 31 USC 9703.

**IV. APPLICABILITY OF THIS AGREEMENT**

This agreement is valid for all joint investigations led by ICE SAC, San Antonio, Texas, with the participation of the Hidalgo County Constable Pct.4, and until terminated, in writing, by either party.

**V. TERMS, CONDITIONS, AND PROCEDURES**

**A. Assignment of Officer(s)**

To the maximum extent possible, the Hidalgo County Constable Pct.4 shall assign dedicated officers to any investigation or joint operation.

Included as part of this Agreement, the Hidalgo County Constable Pct.4 shall provide ICE SAC San Antonio, Texas with the names, titles, four last digits of SSNs, badge or ID numbers, and hourly overtime wages of the officer(s) assigned to the joint operation. This information must be updated as necessary.

**B. Submission of Requests for Reimbursement (Invoices) and Supporting Documentation**

1. The Hidalgo County Constable Pct.4 may request the reimbursement of overtime salary expenses directly related to work on a joint operation with ICE SAC San Antonio, Texas, performed by its officer(s) assigned to this joint operation. In addition, the Hidalgo County Constable Pct.4 may request reimbursement of other investigative expenses, such as travel, fuel, training, equipment and other similar costs, incurred by officer(s) assigned as members of the designated joint operations with ICE SAC San Antonio, Texas.

The Hidalgo County Constable Pct.4 **may not** request the reimbursement of the same expenses from any other Federal law enforcement agencies that may also be participating in the investigation.

2. **Reimbursement payments will not be made by check.** To receive reimbursement payments, the Hidalgo County Constable Pct.4 must ensure that Customs and Border Protection, National Finance Center (CBP/NFC) has a current ACH Form on file with the agency's bank account information, for the purposes of Electronic Funds Transfer. The ACH Form must be sent to the following address:

CBP National Finance Center  
Attn: Forfeiture Fund  
6026 LAKESIDE BLVD.  
INDIANAPOLIS, IN 46278

If any changes occur in the law enforcement agency's bank account information, a new ACH Form must be filled out and sent to the CBP/NFC as soon as possible.

3. In order to receive the reimbursement of officers' overtime and other expenses related to joint operations, the Hidalgo County Constable

Pct.4 must submit to ICE SAC San Antonio, Texas the TEOAF Form "Local, County, and State Law Enforcement Agency Request for Reimbursement of Joint Operations Expenses (Invoice)", signed by an authorized representative of that agency and accompanied by supporting documents such as copies of time sheets and receipts.

4. The Hidalgo County Constable Pct.4 remains fully responsible, as the employer of the officer(s) assigned to the investigation, for the payment of overtime salaries and related benefits such as tax withholdings, insurance coverage, and all other requirements under the law, regulation, ordinance, or contract, regardless of the reimbursable overtime charges incurred. Treasury Forfeiture Fund reimburses overtime salaries. Benefits are not reimbursable.
5. The **maximum** reimbursement entitlement for overtime worked on behalf of the joint investigation is set at \$15,000 per officer per year.
6. The Hidalgo County Constable Pct.4 will submit all requests for the reimbursement of joint operations' expenses to ICE Acting Assistant Special Agent in Charge, Mario H. Campbell at the following address: 5901 S. International Parkway, McAllen, Texas 78503, Attn. Cristina Torres, Mission Support Specialist, Ph. (956) 984-6918.

## **VI. PROGRAM AUDIT**

This Agreement and its provisions are subject to audit by ICE, the Department of the Treasury Office of Inspector General, the General Accounting Office, and other government designated auditors. The Hidalgo County Constable Pct.4 agrees to permit such audits and agrees to maintain all records relating to these transactions for a period not less than three years; and in the event of an on-going audit, until the audit is completed.

These audits may include reviews of any and all records, documents, reports, accounts, invoices, receipts of expenditures related to this agreement, as well as interviews of any and all personnel involved in these transactions.

## **VII. REVISIONS**

The terms of this Agreement may be amended upon the written approval by both parties. The revision becomes effective on the date of approval.

**VIII. NO PRIVATE RIGHT CREATED**

This is an internal government agreement between ICE SAC San Antonio, Texas and the Hidalgo County Constable Pct.4, and is not intended to confer any right or benefit to any private person or party.

**Signatures:**

Janice Ayala  
Special Agent in Charge  
Immigration and Customs Enforcement  
San Antonio, Texas

Heraldo Sanchez  
Hidalgo County Chief Deputy Pct.4  
Hidalgo County Constable Pct.4

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Zimbra

monica.badillo@co.hidalgo.tx.us

**RE: MOU - FOR REVIEW**

**From :** Victor M. Garza <victor.garza@da.co.hidalgo.tx.us>

Fri, Mar 20, 2015 10:32 AM

**Subject :** RE: MOU - FOR REVIEW

**To :** 'Monica Badillo' <monica.badillo@co.hidalgo.tx.us>

**Cc :** horaldo sanchez <horaldo.sanchez@co.hidalgo.tx.us>, atanacio gaitan <atanacio.gaitan@co.hidalgo.tx.us>

**Reply To :** victor garza <victor.garza@da.co.hidalgo.tx.us>

Ms. Badillo,

Our office has reviewed the MOU between ICE and Constable Pct. 4, and at this time approve as to the form of the agreement.

Please let me know if you need anything else.

Victor M. Garza  
Assistant District Attorney  
Civil Division  
Office of the Criminal District Attorney  
Hidalgo County, Texas  
100 N. Closner RM 303  
Edinburg, Texas 78539  
(956) 318-2313 EXT. 3827  
(956) 318-2079 FAX  
victor.garza@da.co.hidalgo.tx.us

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-----Original Message-----

From: Monica Badillo [mailto:monica.badillo@co.hidalgo.tx.us]  
Sent: Wednesday, March 18, 2015 10:34 AM  
To: victor garza  
Cc: Horaldo Sanchez  
Subject: MOU - FOR REVIEW

Hi Victor,  
Can you review this for Constable Pct 4 Office?  
We are trying to place it on the agenda on 3/31/15.  
Thanks,

Monica Salinas Badillo, Court Administrator Hidalgo County Executive Office  
2818 S. Bus. Hwy. 281  
Edinburg, Texas 78539  
(956) 292-7655 ext. 5602

(956) 292-7034 (fax)

----- Forwarded Message -----

From: mail@co.hidalgo.tx.us  
To: "Monica Badillo" <monica.badillo@co.hidalgo.tx.us>  
Sent: Wednesday, March 18, 2015 4:54:50 AM  
Subject: Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location:  
Device Name: XRX9C934E1E3178

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

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DATE: March 27, 2015

**2015**  
Appropriation

DEPARTMENT HEAD: Constable Pct 4 - Atanacio Gaitan



DEPARTMENT NAME: DBM for Constable Precinct No. 4

ACCOUNT NUMBER: 5-1284-421-00-294-008-5-131

Contact Person: Manuel Chapa Ph# 956-292-7025

**SUBJECT: Budget Amendments** (increase (decrease)) in accordance with Local Government Code, Chapter 111, § 111.070, Item C (2).

Honorable Commissioners' Court of Hidalgo County:

I would like to request the following Budget Amendments (increase (decrease)) in accordance with Local Government Code, Chapter 111, § 111.070, Item C (2).

INCREASE ACCOUNT NUMBER(S)	ACCOUNT (OBJECT) NAME		AMOUNT
5-1284-421-00-294-008-5-131	CONST.PCT NO. 4- ICE	OVERTIME	15,000.00
5-1284-331-11-294-008-5-000	CONST.PCT NO. 4- ICE	REVENUES	15,000.00
<b>TOTAL BUDGET INCREASE (DECREASE)</b>			<b>15,000.00</b>

**REASON:** To appropriate budget for the overtime hours for officer assigned to ICE investigations.

\_\_\_\_\_  
DEPARTMENT HEAD SIGNATURE

\_\_\_\_\_  
APPROVED COMMISSIONERS' COURT

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
DATE

\_\_\_\_\_  
ATTEST COUNTY CLERK