

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
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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 Sheriff Deputy

CERTIFIED BY:


Raymundo Eufrazio, CPA
Hidalgo County Auditor

3/30/15
Date

HIDALGO COUNTY DISTRICT JUDGES

LUIS M SINGLETERRY
JUDGE, 92ND D.C.

RODOLFO DELGADO
JUDGE, 93RD D.C.

J. R. "BOBBY" FLORES
JUDGE, 139TH D.C.

ROSE GUERRA REYNA
JUDGE, 206TH D.C.

JUAN R. PARTIDA
JUDGE, 275TH D.C.

MARIO E. RAMIREZ, JR.
JUDGE, 332ND D.C.

NOE GONZALEZ
JUDGE, 370TH D.C.
OVERSEER

LETICIA LOPEZ
JUDGE, 389TH D.C.

AIDA SALINAS FLORES
JUDGE, 398TH D.C.

ISRAEL RAMON, JR.
JUDGE, 430TH D.C.

JESSE CONTRERAS
JUDGE, 443RD D.C.

AI -49060

Sheriff's Office 17. C.

CC - REGULAR

Meeting Date: 03/31/2015

Submitted By: Maria Del Rosario Gonzalez, SHERIFF
DEPT.

Department: SHERIFF DEPT.

Information

CAPTION

Sheriff's Office - ICE Overtime (1284):

1. Approval of Memorandum of Understanding (MOU) between Immigration and Customs Enforcement (ICE) and Hidalgo County (Sheriff's Office).
2. Authorization to pay overtime reimburseable 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 Sheriff's Office General Fund account.

Reporting period ends 9/30/15 (FY2015)

Fiscal Impact

FISCAL YEAR: 2015

ACCT. #: 5-1284-421-00-280-055-5-131

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

Appropriation of funds for overtime funding in relation to MOU between ICE and Hidalgo County (Sheriff's Office) in the amount of \$15,000.00. Revenue account #5-1284-331-11-280-055-5-000 ICE Revenues Fringe benefits associated with this grant are not reimburseable and will be paid from Sheriff's Office G/F account. FY2015 reporting period is from 10/1/14 to 9/30/15 (FY 2015).

Attachments

MOU

Legal

BA 3.27.15

Form Review

Inbox

Emilia Uriegas

Reviewed By

Emilia Uriegas

Date

03/26/2015 09:57 AM

Budget & Management

Veronica Ortiz

03/26/2015 10:02 AM

Manuel Chapa

Veronica Ortiz

03/26/2015 10:04 AM

Obdett Calzada

Auditor's Office

Purchasing Department

Form Started By: Maria Del Rosario Gonzalez

Started On: 03/26/2015 08:35 AM

Hector Sandoval

From: Rosie [rosieg@hidalgoso.org]
Sent: Friday, March 27, 2015 10:19 AM
To: 'Hector Sandoval'
Subject: Certification of Revenues ICE FY2015

Importance: High

Good morning Hector,

Would you please complete a Certification of Revenues for the ICE FY2015 Overtime Grant Account # 5-1284-421-00-280-055-5-131.

The agenda item is AI #49060.

Should you have any questions or need additional information, feel free to contact me.

Thanks,

Rosie Gonzalez

Accountant III
Hidalgo County Sheriff's Office
711 El Cibolo Rd.
Edinburg, TX 78542

Office: (956) 292-2950
Fax: (956) 393-6027
email: rosieg@hidalgoso.org

**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 Sherriff Office, (NCIC CODE # TX 1080000) 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 Sherriff Office 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 Sherriff Office, 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 Sherriff Office shall assign dedicated officers to any investigation or joint operation.

Included as part of this Agreement, the Hidalgo County Sherriff Office 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 Sherriff Office 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 Sherriff Office 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 Sherriff Office **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 Sherriff Office 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 Sherriff

Office 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 Sherriff Office 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 Sherriff Office 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 Sherriff Office 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 Sherriff Office, 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

J.E. "Eddie" Guerra
Hidalgo County Sherriff
Hidalgo County Sherriff Office

Date: _____

Date: _____

Rosie

From: Victor M. Garza [victor.garza@da.co.hidalgo.tx.us]
Sent: Wednesday, March 25, 2015 2:54 PM
To: 'Gabriel Castaneda'
Cc: rosieg@hidalgo.org; 'Josephine L. Ramirez'
Subject: ICE MOU renewal

Chief Castaneda,

Our office has reviewed the ICE MOU renewal and approve as to form.

Please let our office know if you need any further assistance.

Respectfully,

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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DATE: March 26, 2015
 DEPARTMENT HEAD: Sheriff J.E. "Eddie" Guerra
 DEPARTMENT NAME: ICE Overtime
 ACCOUNT NUMBER: 5-1284-421-00-280-055-5-131

SUBJECT: **Budget Amendments (Increases) in Accordance with Local Government Code, Chapter 111, Subchapter C**

Honorable Commissioners' Court of Hidalgo County:

I would like to request the following Amendments (increases) to my budget in accordance with Local Government Code, Chapter 111, Subchapter C

INCREASE OBJECT NUMBER'S)	ACCOUNT OBJECT NAME	AMOUNT
5-1284-421-00-280-055-5-131	Overtime Pay	15,000.00

	TOTAL APPROPRIATIONS	<u><u>15,000.00</u></u>
5-1284-331-11-280-055-5-000	Immigration and Customs Enforcement (ICE)	<u>15,000.00</u>
	TOTAL REVENUES	<u><u>15,000.00</u></u>

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

Funding period ends September 30, 2015.

Note: Expenses relating to fringe benefits for the overtime hours are to be charged to the Sheriff's Office Budget (Account #5-1100-421-00-280-001-0-XXX).

 DEPARTMENT HEAD SIGNATURE

 DATE

 APPROVED COMMISSIONERS' COURT

 ATTEST COUNTY CLERK