



May 17, 2021

The Honorable Richard F. Cortez, Hidalgo County Judge
 The Honorable David L. Fuentes, Commissioner, Precinct No. 1
 The Honorable Eduardo "Eddie" Cantu, Commissioner, Precinct No. 2
 The Honorable Everardo "Ever" Villarreal, Commissioner, Precinct No. 3
 The Honorable Ellie Torres, Commissioner, Precinct No. 4

RE: Certification of Revenue

Dear Judge and Commissioners:

Pursuant to Local Government Code § 111.0707 SPECIAL BUDGET FOR REVENUE FROM INTERGOVERNMENTAL CONTRACTS:

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, Linda Fong, Interim County Auditor of Hidalgo County, certify to the Hidalgo County Commissioners Court the receipt of an award from Immigration Customs Enforcement (ICE), Homeland Security Investigations (HSI), Special Agent in Charge (SAC), 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	ICE FY22 Overtime Reimbursement Hidalgo Co. Constable Precinct 4

CERTIFIED BY:

Linda Fong
 Linda Fong, CPFO

05/11/2022
 Date

HIDALGO COUNTY DISTRICT JUDGES

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|---|---|---|--|--|---|---|--|--|--|--|---|
| LUIS R. SINGLETERRY
JUDGE, 92 ND D.C. | FERNANDO NUNANIAS
JUDGE, 97 TH D.C. | J. R. "BOBBY" FLORES
JUDGE, 139 TH D.C. | ROSE GUERRA REYNA
JUDGE, 286 TH D.C. | MARLA CUELLAR
JUDGE, 275 TH D.C. | MARIO E. RUIZ, JR.
JUDGE, 332 ND D.C. | ROE GONZALEZ
JUDGE, 370 TH D.C.
OVERSEER | LETICIA LOPEZ
JUDGE, 389 TH D.C. | L. KERO VASQUEZ
JUDGE, 388 TH D.C. | ISRAEL RAMON, JR.
JUDGE, 430 TH D.C. | RENEE R. BETANCOURT
JUDGE, 446 TH D.C. | JOSE "JOE" RAMIREZ
JUDGE, 454 TH D.C. |
|---|---|---|--|--|---|---|--|--|--|--|---|



Alejandro Torres <alejandro.torres@auditor.co.hidalgo.tx.us>

HSI Certification of revenues

2 messages

Christopher Barrera <christopher.rbarrera@co.hidalgo.tx.us>

Tue, May 10, 2022 at 2:56 PM

To: Alejandro Torres <alejandro.torres@auditor.co.hidalgo.tx.us>

Cc: Romeo Peña <romeo.pena@co.hidalgo.tx.us>, Horaldo Sanchez <horaldo.sanchez@co.hidalgo.tx.us>

Good Morning Alejandro,

I am respectfully requesting a certificate of revenues for Hidalgo County Constable Pct. 4 HSI MOU agenda Item AI 85731. We are requesting approval to accept and Execute the MOU by the Commissioners Court.

Please let me know if you have questions or concerns.

Thank you in advance for your time and consideration.

--

Christopher Robert Barrera

Deputy Hidalgo County Constable Precinct 4

2814 S Business Hwy 281 Edinburg, Texas, 78539

Office: (956) 383-8560 Fax: (956) 383-8565

Email: christopher.rbarrera@co.hidalgo.tx.us



Alejandro Torres <alejandro.torres@auditor.co.hidalgo.tx.us>

Tue, May 10, 2022 at 3:03 PM

To: Ivan Cantu <ivan.cantu@co.hidalgo.tx.us>

[Quoted text hidden]

AI-85731

Constable Pct. #4 19. B.

CC REGULAR AGENDA SPECIAL MTG

Meeting Date: 05/17/2022

Submitted For: Atanacio Gaitan, CONSTABLE PCT. #4

Submitted By: Nayla Munoz, CONSTABLE PCT. #4

Department: CONSTABLE PCT. #4

CAPTION

Constable Precinct. 4:

1. Approval of Memorandum of Understanding (MOU) between Immigration and Customs Enforcement (ICE) - Homeland Security Investigations (HSI) and Hidalgo County Constable Precinct 4 with authority for Constable Gaitan, as authorized official to execute agreement and all related documents for the purpose of the reimbursement of overtime costs incurred for joint operations.
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) - Homeland Security Investigations (HSI) in the amount of \$15,000.00.
4. Approval of certification of revenues, as certified by the County Auditor, for ICE/HSI overtime funding and appropriation of same.

BACKGROUND

The purpose of the MOU between ICE-HSI and Constable Pct. 4 is to provide for the reimbursement of overtime costs incurred in relation to conducting joint special operations. One Deputy Constable will be assigned to this agreement.

Fiscal Impact

CALENDAR YEAR: 2022

ACCT. #: 2-1284-421-00-294-055-2-131

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

CONST PCT 4 JLEO ICE-OVERTIME PAY; Appropriation of funds in the amount of \$15,000.00 to fund overtime costs in relation to MOU between ICE/HSI and Constable Pct. 4 to conduct joint special operations. Fringes are not included in agreement and are county responsibility. Fringes are paid from the Const. Pct. 4 G/F budget. No county cash match required.

Revenue acct #2-1284-331-11-294-055-2-000 *CONST PCT4 ICE-REVENUES*

Attachments

ICE-HSI MOU

Legal Approval

Email Correspondence from ICE Special Agent

LEA Overtime Policy

Const Pct. 4 ICE Approp.

Form Review

Inbox

Budget & Management

Ivan Cantu

Final Approval

Form Started By: Nayla Munoz

Reviewed By

Veronica Ortiz

Ivan Cantu

Date

05/05/2022 11:02 AM

05/11/2022 10:46 AM

Started On: 05/05/2022 09:36 AM

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
IMMIGRATION AND CUSTOMS ENFORCEMENT - HOMELAND
SECURITY INVESTIGATIONS, 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 Precinct 4 (NCIC CODE #TX1081600) and Immigration Customs Enforcement (ICE), Homeland Security Investigations (HSI), Special Agent in Charge (SAC), San Antonio, Texas for the purpose of the reimbursement of costs incurred by the Hidalgo County Constable Precinct 4 in providing resources to joint operations/task forces.

Payments may be made to the extent they are included in the ICE/HSI 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 9705, 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 9705.

IV. APPLICABILITY OF THIS AGREEMENT

This agreement is valid for all joint investigations led by Immigration Customs Enforcement (ICE), Homeland Security Investigations (HSI) SAC, San Antonio, Texas, with the participation of the Hidalgo County Constable Precinct 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 Precinct 4 shall assign dedicated officers to any investigation or joint operation.

Included as part of this Agreement, the Hidalgo County Constable Precinct 4 shall provide ICE/HSI 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 Precinct 4 may request the reimbursement of overtime salary expenses directly related to work on a joint operation with ICE/HSI SAC San Antonio, Texas, performed by its officer(s) assigned to this joint operation. In addition, the Hidalgo County Constable Precinct 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/HSI SAC San Antonio, Texas.

The Hidalgo County Constable Precinct 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 Precinct 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 Precinct 4 must submit to ICE/HSI 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 pay stubs and receipts.
4. The Hidalgo County Constable Precinct 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 Precinct 4 will submit all requests for the reimbursement of joint operations' expenses to ICE/HSI Agent in Charge, James Justet at the following address: 5901 S. International Parkway, McAllen, TX 78503, Attn. Norma Garza, Mission Support Assistant, Phone: 956-984-6974.

VI. PROGRAM AUDIT

This Agreement and its provisions are subject to audit by ICE/HSI, the Department of the Treasury Office of Inspector General, the General Accounting Office, and other government designated auditors. The Hidalgo County Constable Precinct 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/HSI, SAC San Antonio, Texas and the Hidalgo County Constable Precinct 4, and is not intended to confer any right or benefit to any private person or party.

Signatures:

Special Agent in Charge
Homeland Security Investigations
San Antonio, Texas

Constable Atancio "JR" Gaitan
Hidalgo County Constable Precinct 4

Date: _____

Date: _____

