

COUNTY of HIDALGO



EDINBURG, TEXAS 78539

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

July 6, 2022

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 3

CERTIFIED BY:

Linda Fong
Linda Fong, CPFO

07/07/2022
Date



HIDALGO COUNTY DISTRICT JUDGES

- LUIS M. BENOITERRY JUDGE, 42ND D.C.
- BERNARDO MANCAS JUDGE, 9TH D.C.
- J. R. "BOBBY" FLORES JUDGE, 13TH D.C.
- ROSE GUERRA REYNA JUDGE, 20TH D.C.
- MARLA CUELLAR JUDGE, 27TH D.C.
- MARIO E. RAMIREZ, JR. JUDGE, 32ND D.C.
- NCE GONZALEZ JUDGE, 37TH D.C. OVERSEER
- LETICIA LOPEZ JUDGE, 38TH D.C.
- L. KENO VASQUEZ JUDGE, 38TH D.C.
- ISRAEL RAMON, JR. JUDGE, 43RD D.C.
- RENEE R. BETANCOURT JUDGE, 48TH D.C.
- JOSE "JOE" RAMIREZ JUDGE, 48TH D.C.



Leidy Roque <leidy.roque@co.hidalgo.tx.us>

Certification of Revenues Request- Memorandum between HSI-ICE and CPCT3

1 message

Leidy Roque <leidy.roque@co.hidalgo.tx.us>
To: Jose Pena <jose.pena@auditor.co.hidalgo.tx.us>

Thu, Jun 30, 2022 at 8:24 AM

Good Afternoon,

I am respectfully requesting a Certification of Revenues for AI:86423 (7/14/22) in the amount of \$15,000.00 between HSI-ICE and Constable Precinct 3, approval and authorization to pay overtime for one assigned Deputy Constable.

Thank you in advance,

--
Leidy Nallely Roque
Executive Assistant
Hidalgo County Constable Pct. 3
Phone: 956-205-7031 EXT. 3305
FAX: 956-519-4245
leidy.roque@co.hidalgo.tx.us

AI-86423

Constable Pct. #3 18. A.

CC REGULAR AGENDA SPECIAL MTG

Meeting Date: 07/12/2022

Submitted For: Larry Gallardo, CONSTABLE PCT. #3

Submitted By: Leidy Roque, CONSTABLE PCT. #3

Department: CONSTABLE PCT. #3

CAPTION

Constable Precinct 3 - JLEO ICE (1284):

1. Approval of Memorandum of Understanding (MOU) between Immigration and Customs Enforcement (ICE) - Homeland Security Investigations (HSI) and Hidalgo County Constable Precinct 3 with authority for Constable Gallardo, 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 in the amount of \$15,000.00 and appropriation of the same.

BACKGROUND

The purpose of the MOU between ICE-HSI and Constable Pct. 3 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. #: 2-1284-421-00-293-055-2-131

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

CONST PCT 3 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. 3 to conduct joint special operations, pending COR by Co. Auditor.
Fringes are not included in agreement and are county responsibility. Fringes are paid from the Const. Pct. 3 G/F budget. No county cash match required.

Revenue acct #2-1284-331-11-293-055-2-000 *CONST PCT3 JLEO ICE-REVENUES*

Attachments

- ICE-HSI MOU
- Legal Approval
- COR Request
- LEA Overtime Policy
- Const Pct. 3 ICE Approp.

Form Review

Inbox

Budget & Management

Ivan Cantu

Final Approval

Form Started By: Leidy Roque

Reviewed By

Veronica Ortiz

Ivan Cantu

Date

07/01/2022 02:51 PM

07/06/2022 08:43 AM

Started On: 06/29/2022 11:02 AM

STATE OF TEXAS §

§

COUNTY OF HIDALGO §

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 MOU is entered into by the Hidalgo County Constable Precinct 3 (NCIC CODE #TX1082000) 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 3 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 timely request(s) for the reimbursement of overtime expenses and other law enforcement expenses related to joint operations.

I. TERM

This MOU 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 MOU 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 MOU

This MOU 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 MOU

This MOU 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 3, and until terminated, in writing, by either party.

V. CONDITIONS AND PROCEDURES

A. Assignment of Officer(s)

To the maximum extent possible, the Hidalgo County Constable Precinct 3, shall assign dedicated officers to any investigation or joint operation.

Included as part of this MOU, the Hidalgo County Constable Precinct 3, 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 3 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 3, 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 3 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 3 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 3, 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 3 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 3 will submit all timely requests for the reimbursement of joint operations' expenses to ICE/HSI Agent in Charge, James Justet at the following address: 5901 International Parkway, McAllen, TX 78503, Attn. MSA Norma Garza Phone, 956-984-6974.

VI. PROGRAM AUDIT

This MOU 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 3 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 MOU, as well as interviews of any and all personnel involved in these transactions.

VII. REVISIONS

The terms of this MOU 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 3, and is not intended to confer any right or benefit to any private person or party.

[Signature Page to Follow]

EXECUTED and effective on the date signed by both parties below.

Special Agent in Charge
Homeland Security Investigations
San Antonio, Texas

Constable, Larry Gallardo
Hidalgo County Constable Precinct 3

Date: _____

Date: _____

