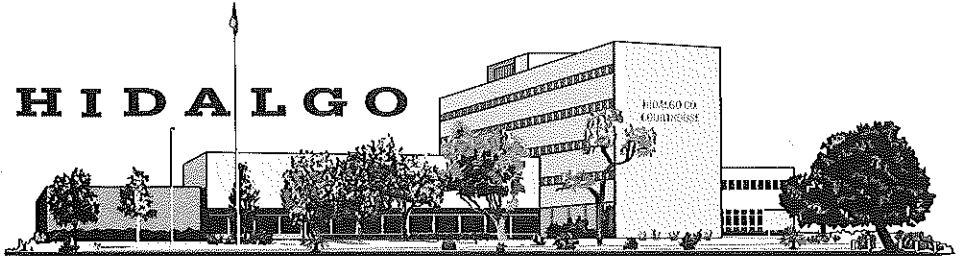


# COUNTY *of* HIDALGO



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](http://www.co.hidalgo.tx.us/auditor)

January 27, 2023

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:

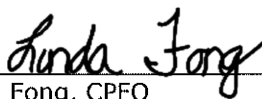
The county auditor shall certify to the commissioners' court the receipt of all public or private grant or aid money that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose 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  
\$15,000.00

PURPOSE  
ICE FY23 Overtime Reimbursement  
Hidalgo Co. Constable Precinct 1

CERTIFIED BY:

  
\_\_\_\_\_  
Linda Fong, CPFO

01/27/2023  
Date

**HIDALGO COUNTY DISTRICT JUDGES**

LUIS H. SINGLETERRY JUDGE, 92<sup>ND</sup> D.C.    FERNANDO MANCIAS JUDGE, 93<sup>RD</sup> D.C.    J. R. "BOBBY" FLORES JUDGE, 137<sup>TH</sup> D.C.    ROSE GUERRA REYNA JUDGE, 205<sup>TH</sup> D.C.    MARLA CUELLAR JUDGE, 275<sup>TH</sup> D.C.    MARIO E. RAMIREZ, JR. JUDGE, 372<sup>ND</sup> D.C.    NOE GONZALEZ JUDGE, 376<sup>TH</sup> D.C.    LETICIA LOPEZ JUDGE, 389<sup>TH</sup> D.C.    L. KENO VASQUEZ JUDGE, 388<sup>TH</sup> D.C.    ISRAEL RAMON, JR. JUDGE, 433<sup>RD</sup> D.C.    RENEE R. BETANCOURT JUDGE, 449<sup>TH</sup> D.C.    JOSE "JOE" RAMIREZ JUDGE, 464<sup>TH</sup> D.C.

AI-89360

Constable Pct. #1 12. B.

**CC REGULAR AGENDA SPECIAL MTG**

**Meeting Date:** 01/31/2023

**Submitted For:** Constable Celestino Avila, Jr., CONSTABLE PCT. #1

**Submitted By:** Joe Espinoza, CONSTABLE PCT. #1

**Department:** CONSTABLE PCT. #1

**CAPTION**

Constable Precinct 1 - 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 1 with authority for Constable Celestino Avila Jr, 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. 1 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:** 2023

**ACCT. #:** 3-1284-421-00-291-055-3-131

**FUNDS AVAILABLE Y/N?:** Y

**MATCHING FUNDS Y/N?:**

**BUDGETARY IMPACT:**

*CONST PCT 1 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. 1 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. 1 G/F budget.

Revenue Account# *3-1284-331-11-291-055-3-000 CONST PCT1 JLEO ICE-REVENUES*

**Attachments**

- MOU PCT 1
- Overtime Police LE
- Appropriation of Funds
- legal review
- COR Request Email

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## Form Review

**Inbox**

Budget &amp; Management

Final Approval

Form Started By: Joe Espinoza

Final Approval Date: 01/26/2023

**Reviewed By**

Veronica Ortiz

Veronica Ortiz

**Date**

01/24/2023 04:51 PM

01/26/2023 03:33 PM

Started On: 01/24/2023 11:58 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 1, NCIC CODE #TX1081800 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. 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 1, 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 1, shall assign dedicated officers to any investigation or joint operation.

Included as part of this Agreement, the Hidalgo County Constable Precinct 1, 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 1 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 1, 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 1 **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 1 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 1, 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 1 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 1 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 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 1 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 1, and is not intended to confer any right or benefit to any private person or party.

**Signatures:**

\_\_\_\_\_  
Special Agent in Charge,  
Craig S. Larrabee  
Homeland Security Investigations  
San Antonio, Texas

\_\_\_\_\_  
Chief Deputy  
Joe Espinoza  
Hidalgo County Constable Precinct 1

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

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

DATE: January 24, 2023

**2023**  
Appropriation

DEPARTMENT HEAD: Celestino Avila Jr



DEPARTMENT NAME: Hidalgo County Constable Pct.1

ACCOUNT NUMBER: 3-1284-421-00-291-055-3-XXX

Contact Person: Joe F. Espinosa Ph# 956-447-3775

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

| INCREASE ACCOUNT NUMBER(S)              | ACCOUNT (OBJECT) NAME |              | AMOUNT           |
|---|-----------------------|--------------|------------------|
| 3-1284-421-00-291-055-3-131             | CONST PCT 1 JLEO ICE- | Overtime Pay | \$15,000.00      |
|   |                       |              |                  |
|   |                       |              |                  |
|   |                       |              |                  |
|   |                       |              |                  |
|   |                       |              |                  |
|   |                       |              |                  |
|   |                       |              |                  |
|   |                       |              |                  |
| 3-1284-331-11-291-055-3-000             | CONST PCT 1 JLEO ICE- | REVENUES     | \$15,000.00      |
|   |                       |              |                  |
|   |                       |              |                  |
|   |                       |              |                  |
| <b>TOTAL BUDGET INCREASE (DECREASE)</b> |                       |              | <b>15,000.00</b> |

**REASON:** Appropriation of funds to fund overtime cost in relation to the MOU between Constable Pct.1 and ICE/HIS to conduct joint special operations for FY 2023. Agreement does not cover fringes. Fringes are to be paid from Constable Pct.1 General Funds Budget.

  
DEPARTMENT HEAD SIGNATURE

    /    /      
DATE

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

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

----- Forwarded message -----

From: Joe Espinosa <[joe.espinosa@co.hidalgo.tx.us](mailto:joe.espinosa@co.hidalgo.tx.us)>

Date: Tue, Jan 24, 2023 at 12:27 PM

Subject: ICE/HSI Certification of Revenues Request

To: Alejandro Torres <[alejandro.torres@auditor.co.hidalgo.tx.us](mailto:alejandro.torres@auditor.co.hidalgo.tx.us)>

I am requesting a certificate of revenues for The Hidalgo County Constable Pct.1 HSI MOUU Agenda Item 89360 has been created for approval by Commissioners Court.

Here you go.

What is this?

Can you help with this?