

COUNTY of HIDALGO



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

January 05, 2024

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 commissioner's court the receipt of all revenue from intergovernmental contracts 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 revenue from intergovernmental contracts for its intended purpose.

I, Letty Chavez, Hidalgo County Auditor, 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
\$15,000.00

PURPOSE
ICE FY24 Overtime Reimbursement
Hidalgo Co. Constable Precinct 4

CERTIFIED BY:



Letty Chavez
County Auditor

1/5/2024

Date

HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY JUDGE, 92ND D.C. FERNANDO MANCIAS JUDGE, 93RD D.C. J. R. "BOBBY" FLORES JUDGE, 139TH D.C. ROSE GUERRA REYNA JUDGE, 206TH D.C. MARLA CUELLAR 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. L. KENO VASQUEZ JUDGE, 398TH D.C. ISRAEL RAMON, JR. JUDGE, 430TH D.C. RENEE R. BETANCOURT JUDGE, 449TH D.C. JOSE "JOE" RAMIREZ JUDGE, 464TH D.C. YSMAEL FONSECA JUDGE, 476TH D.C.

AI-93801

Constable Pct. #4 19. B.

CC REGULAR AGENDA SPECIAL MTG

Meeting Date: 01/09/2024

Submitted For: Atanacio Gaitan, CONSTABLE
PCT. #4

Submitted By: Christopher Barrera

Department: CONSTABLE PCT. #4

CAPTION

1. Approval to accept overtime funding from the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) FY2024 (10/01/2023-9/30/2024) in the amount of \$15,000.00.
2. Authorization to pay overtime reimbursement under the grant terms and conditions.
3. Approval of certification of revenues, as certified by the County Auditor, for FY2024 ICE overtime agreement in the amount of \$15,000.00 and appropriation of the same.

BACKGROUND

MOU between ICE and Hidalgo County (Constable Precinct 4) approved by CC on 05/17/2023 (AI# 85731), overtime is being provided for expenses of officer providing resources in joint operational/task forces. Fringe benefits associated with overtime pay of officers is not reimbursed through grant and will be charged to the Constable Precinct 4 General Fund account. Reporting periods ends on 09/30/2024 (FY 2024).

Fiscal Impact

CALENDAR YEAR: 2023

ACCT. #: 3-1284-421-00-294-055-4-XXX

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

CONST PCT 4 JLEO ICE-OVERTIME PAY; Appropriatio of funds in the amountof \$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 #3-1284-331-11-294-055-4-000 *CONST PCT4 ICE-REVENUES*

Attachments

- ICE-HSI-MOU
- Overtime Policy
- Award Letter
- Appropriation

Form Review

Inbox

Budget & Management

Final Approval

Form Started By: Christopher Barrera

Reviewed By

Veronica Ortiz

Date

01/04/2024 04:07 PM

Started On: 01/04/2024 01:23 PM

**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: _____



Celeste Garza <celeste.garza@auditor.co.hidalgo.tx.us>

(no subject)

1 message

Christopher Barrera <christopher.rbarrera@co.hidalgo.tx.us>
To: Celeste Garza <celeste.garza@auditor.co.hidalgo.tx.us>

Thu, Jan 4, 2024 at 1:55 PM

Good Afternoon Celeste

I am respectfully requesting a certification of revenues for Constable Pct. 4 HSI MOU agenda item AI-93801. We are requesting approval to accept and execute the MOU by the commissioners Court. Please let me know if you have any questions.

Thank you

--

Christopher Robert Barrera
Sergeant Hidalgo County Constable Precinct 4
1212 S. 25th Street, Suit B, Edinburg Tx 78539
Office: (956) 383-8560 Fax: (956) 383-8565 Ext. 4310
Email: christopher.rbarrera@co.hidalgo.tx.us





Celeste Garza <celeste.garza@auditor.co.hidalgo.tx.us>

Fwd: Date

1 message

Christopher Barrera <christopher.rbarrera@co.hidalgo.tx.us>
To: Celeste Garza <celeste.garza@auditor.co.hidalgo.tx.us>

Fri, Jan 5, 2024 at 10:30 AM

Here is the info you requested

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

From: **Brian Ayala** <brian.ayala@co.hidalgo.tx.us>
Date: Fri, Jan 5, 2024 at 10:29 AM
Subject: Fwd: Date
To: Christopher Barrera <christopher.rbarrera@co.hidalgo.tx.us>

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

From: **Garza, Norma A** <Norma.A.Garza@ice.dhs.gov>
Date: Fri, Jan 5, 2024 at 10:26 AM
Subject: RE: Date
To: Brian Ayala <brian.ayala@co.hidalgo.tx.us>

Hello Brian,

Yes the dates cover: **FY24- October 1, 2023-September 30, 2024.**

From: Brian Ayala <brian.ayala@co.hidalgo.tx.us>
Sent: Friday, January 5, 2024 10:24 AM
To: Garza, Norma A <Norma.A.Garza@ice.dhs.gov>
Subject: Date

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Good morning Norma A, I am reaching out to see if you can email me the dates for the FY2024 SLOT. Beginning date and end date please. My County auditor needs it for their records. I have already sent them the Award letter but they are requesting dates. Thank you.

--
Christopher Robert Barrera
Sergeant Hidalgo County Constable Precinct 4
1212 S. 25th Street, Suit B, Edinburg Tx 78539
Office: (956) 383-8560 Fax: (956) 383-8565 Ext. 4310
Email: christopher.rbarrera@co.hidalgo.tx.us





Isabel Rodriguez <isabel.rodriguez@auditor.co.hidalgo.tx.us>

Re: FY24 Welcome Letter

Benson, Kevin <Kevin.Benson@hsi.dhs.gov>

Tue, Dec 19, 2023 at 12:06 PM

To: "Garza, Norma A" <Norma.A.Garza@ice.dhs.gov>, "jose.rodriguez@hidalgoso.org" <jose.rodriguez@hidalgoso.org>

Cc: "myra.montoya@hidalgoso.org" <myra.montoya@hidalgoso.org>, "isabel.rodriguez@auditor.co.hidalgo.tx.us" <isabel.rodriguez@auditor.co.hidalgo.tx.us>

Greetings Mr. Rodriguez,

As per our conversation, I would like to share the HSI McAllen response to the four pending questions regarding the administration of HSI SLOT funds with our existing MOU with the Hidalgo County Sheriff's Department.

What is the term of your agency's fiscal year? The federal government fiscal year for 2024 is from October 1, 2023 through September 30, 2024.

- How many officers were approved to work on this Task Force? HSI approved four Sheriff's Deputies to be eligible to receive HSI State and Local Overtime (SLOT) reimbursement for working on HSI investigations and enforcement actions.

We submitted for a total of 4 officers. Were they all approved? Yes, as per the FY 2024 SLOT agreement, all four deputies were approved for HSI SLOT reimbursement consideration.

- What is the total allocated funds for our TFOs? According to the MOU we are allowed \$15,000 per officer if all 4 were approved we are allowed \$60,000 for FY24. Each Task force officer receiving HSI SLOT can receive up to \$15,000 in reimbursement consideration each fiscal year. HSI does not allocate a set \$15,000 per Task Force Officer but maintains an overtime reimbursement allocation budget based on the amount of SLOT funds we receive for our Special Agent in Charge (SAC) district from HSI headquarters overall national SLOT budget. It is possible that HSI SLOT funds are put on hold in July or August of the fiscal year, depending on the overall availability of the SAC district SLOT funds.

Respectfully, I hope these details will clarify the necessary information to secure the SLOT agreement with the Sheriff's department. If there is any additional information required, I can be reached at (956) 592-4905.

Thanks you,
Kevin

ASAC Kevin W Benson

Homeland Security Investigations

5901 S International Parkway

McAllen, Texas 78503

(956) 928-8728 office

(956) 592-4905 mobile

From: Garza, Norma A <Norma.A.Garza@ice.dhs.gov>
Sent: Wednesday, December 13, 2023 2:50 PM
To: Benson, Kevin <Kevin.Benson@ice.dhs.gov>
Subject: FW: FY24 Welcome Letter

Mr. Benson,

See below for the information HCSO is requesting, thank you.

From: Jose Rodriguez <jose.rodriguez@hidalgoso.org>
Sent: Wednesday, December 13, 2023 12:02 PM
To: Garza, Norma A <Norma.A.Garza@ice.dhs.gov>
Cc: Myra Montoya <myra.montoya@hidalgoso.org>; Isabel Rodriguez <isabel.rodriguez@auditor.co.hidalgo.tx.us>
Subject: Re: FY24 Welcome Letter

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click [here](#) and follow instructions.

Good morning Norma,

[Quoted text hidden]

[Quoted text hidden]