

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
WEBSITE: www.co.hidalgo.tx.us/auditor

February 02, 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 1

CERTIFIED BY:



Letty Chavez
County Auditor

2/5/2024

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-94032

Constable Pct. #1 17. A.

CC REGULAR AGENDA SPECIAL MTG

Meeting Date: 02/06/2024

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

Submitted By: Joe Espinoza

Department: CONSTABLE PCT. #1

CAPTION

Constable Pct. 1 JLEO ICE (1284):

1. Approval to accept overtime funding agreement from U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) FY2024 (10/01/2023 - 09/30/2024) in the amount of \$15,000.00.
2. Authorization to pay overtime reimbursable under the grant terms and conditions.
3. Approval of certification of revenues, as certified by the Co. Auditor, for FY 2024 ICE overtime agreement in the amount of \$15,000.00 and appropriation of the same.

BACKGROUND

MOU between ICE and Hidalgo County (Constable Precinct 1) approved by CC on 02/02/2023 (AI# 89360), 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 1 General Fund account. Reporting period ends on 9/30/2024 (FY 2024).

Fiscal Impact

CALENDAR YEAR: 2024

ACCT. #: 4-1284-421-00-291-055-4-131

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

CONST PCT1 JLEO ICE-OVERTIME PAY; appropriation of funds in the amount of \$15,000.00 to fund overtime costs in relation to MOU between Const Pct. 1 and ICE/HSI, pending COR by Co. Auditor. Fringes are not included in the agreement and are the county's responsibility to be paid from Const Pct. 1 G/F budget. Term for FY 2024, 10.1.2023 to 9.30.2024, pending year-end grant carryovers to be completed by the Auditor's Office.

Revenue acct #4-1284-331-11-291-055-4-000 *CONST PCT 1 JLEO ICE- REVENUES*

Attachments

- Award Letter 2024
- Over time Policy
- ICE MOU Agreement
- COR Request Email
- Appropriation



*Homeland Security Investigations
Office of the Special Agent in Charge*

U.S. Department of Homeland Security
1015 Jackson Keller Road, Suite 200
San Antonio, Texas 78213

September 25, 2023

Hidalgo County Constable Precinct 1
Attn: Constable Celestino Avila
1902 Joe Stephens Ave.
Weslaco, TX. 78599


Dear Constable Avila,

Please be advised that your agency has been approved for the Fiscal Year 2024 State and Local Overtime (SLOT) Program. Overtime salaries, travel, fuel, training, equipment, and other similar costs incurred by your agency in a joint law enforcement operation with U. S. Department of Homeland Security, Homeland Security Investigations (HSI) may be authorized for reimbursement, pending pre-approval from the HSI Special Agent in Charge San Antonio, and the availability of funds.

Thank you for your continued participation in the SLOT Program and your continued partnership with HSI. We continually monitor our SLOT budget to ensure our supporting partners are adequately funded for our joint investigations and operations.

We look forward to your cooperation and partnership in the future. If you or your staff has any questions concerning the SLOT Program please contact Mission Support Assistant, Norma Garza at 956-540-6660 office or 956-540-1209 cellphone or norma.a.garza@ice.dhs.gov.

Respectfully,


Craig S. Larrabee
Special Agent in Charge

MEMORANDUM OF UNDERSTANDING

between

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
HOMELAND SECURITY INVESTIGATIONS**

and

Hidalgo County Constable
Precinct 1

regarding

THE DESIGNATION OF

EMPLOYEES

Hidalgo County Constable
Precinct 1

AS CUSTOMS OFFICERS (EXCEPTED)

1. **PARTIES.** The Parties to this Memorandum of Understanding (MOU) are U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) and Hidalgo County Constable Precinct 1.
2. **AUTHORITY.** Title 19, United States Code (U.S.C.), Section 1401(l); 19 U.S.C. § 1589a. This MOU is also authorized under the provisions of Texas Law, as applicable.
3. **PURPOSE.** The Parties agree that effective enforcement of the laws relating to HSI jurisdiction requires close cooperation and coordination between the two Parties. The Parties have therefore entered into this MOU to govern the use of HSI designations by certain employees of Hidalgo County Constable Precinct 1.

Pursuant to section 401(l), Tariff Act of 1930, as amended (19 U.S.C. § 1401(l)), the Secretary of Homeland Security is authorized to designate persons as Customs Officers (Excepted) to perform the duties of a Customs Officer. Within ICE, this authority has been delegated to the HSI Special Agents in Charge. Pursuant to 19 U.S.C. § 1589a, customs officers are authorized to enforce the full range of federal offenses. However, in designating Customs Officers (Excepted), *HSI is not conveying the authority to enforce administrative violations of immigration law.*

There may be instances when HSI determines that it is desirable for certain sworn law enforcement employees of Hidalgo County Constable Precinct 1 to perform certain HSI duties. This MOU sets forth the agreement and relationship between the Parties with respect to this determination.

4. RESPONSIBILITIES.

The Parties agree as follows:

HSI agrees to:

- a. Designate certain employees of Hidalgo County Constable Precinct 1 as Customs Officers (Excepted), without additional compensation, to perform the duties as noted on the "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001). This form is attached and is hereby made part of this MOU;
- b. Issue a "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001) to each qualified and designated employee;
- c. Provide appropriate training in laws, policies, and procedures to each designated employee;

- d. Advise the designated Customs Officers (Excepted) about court proceedings concerning seizures or arrests made by them in accordance with the authorities granted by HSI contemplated under this MOU; and
- e. Process, under appropriate regulations, any injury claim submitted as a result of injuries occurring to the designated Customs Officers (Excepted) while such individuals are acting pursuant to this MOU, for compensation under the Federal Employee Workers Compensation Act (5 U.S.C. § 8101, *et seq.*).

Hidalgo County Constable Precinct 1 agrees:

- a. That only sworn law enforcement officers of Hidalgo County Constable Precinct 1 who successfully complete the appropriate HSI Task Force Officer cross-designation Training Course and receive an approved "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001) will be designated as Customs Officers (Excepted);
- b. That each law enforcement officer will be bound by the Authorities Granted and the Endorsements and Restrictions as noted on the "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001);
- c. To advise HSI of each court proceeding in which the validity of a Customs Officer (Excepted)'s enforcement authority becomes an issue, and allow HSI to provide legal memoranda or other assistance as deemed necessary by HSI;
- d. That agency employees designated as Customs Officers (Excepted) will follow HSI directives and instructions when utilizing enforcement authority conveyed by HSI;
- e. To provide to HSI, before designation of each officer and on an ongoing basis, any derogatory information, or information that may call into question the officer's truthfulness or ability to testify in court; and
- f. To return all HSI-issued equipment and identification when a cross-designated officer terminates employment or when his or her cross-designation expires.

Both Parties agree:

- a. That any abuse of HSI cross-designation authority may lead to the revocation of such cross-designations by HSI; and
 - b. To schedule periodic meetings to review this MOU, as required.
5. **REPORTING AND DOCUMENTATION.** HSI SAC offices will maintain the original signed "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001). Copies of this form will be held by the Contraband Smuggling Unit at HSI Headquarters, the designated Customs Officer (Excepted), and Hidalgo County Constable Precinct 1.

If applicable, the HSI office will maintain documentation of designated Customs Officers (Excepted) approved to use HSI vehicles and certification that the designated Customs Officers (Excepted) have completed the ICE Fleet Card Training in Virtual University and any other fleet related training.

6. POINTS OF CONTACT.

HSI Office: HSI McAllen
Name: Kevin W. Benson
Title: Assistant Special Agent in Charge
Address: 5901 S. International Parkway
McAllen, Texas 78503
Telephone Number: (956) 928-8728
Fax Number: (956) 984-6917
E-mail Address: Kevin.Benson@hsi.dhs.gov

Hidalgo County Constable Precinct 1 :
Name: Celestino Avila
Title: Constable
Address: 1902 Joe Stephens Ave, Suite 303
Weslaco, Texas 78557
Telephone Number: (956) 447-3775
Fax Number: (956) 447-8614
E-mail Address: Celestino.Avila@co.hidalgo.tx.us

- 7. OTHER PROVISIONS.** This MOU is an internal agreement between the Parties and does not confer any rights, privileges, or benefits to any other party or the public.

Nothing in this MOU is intended to conflict with current laws, regulations, or policies of either Party. If a term of this MOU is inconsistent with such authority, that term shall be invalid but the remaining terms and conditions of this MOU shall remain in full force and effect.


Nothing in this MOU is intended or shall be construed to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury in violation of the Anti-Deficiency Act, 31 U.S.C. §§ 1341-1519.

The forms and authorities referenced herein may be renamed or replaced by HSI without prejudice to this MOU.

- 8. EFFECTIVE DATE.** The terms of this MOU will become effective on the date the last Party signs the MOU. The Designation Form of each Customs Officer (Excepted) is effective per the date on that document.
- 9. MODIFICATION.** This MOU may be amended by the written concurrence of both Parties.
- 10. TERMINATION.** This MOU may be terminated by either Party upon a 30-day written notification to the other Party.

APPROVED BY:

Craig S. Larrabee
Special Agent in Charge
Homeland Security Investigations
U.S. Immigration and Customs Enforcement



Celestino Avila
Constable
Hidalgo County - Precinct 1

Date: _____

Date: 05-24-23

**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.



Joe Espinosa <joe.espinosa@co.hidalgo.tx.us>

Request for Certification of Revenues/ A.I. 94032

1 message

Joe Espinosa <joe.espinosa@co.hidalgo.tx.us>
To: Celeste Garza <celeste.garza@auditor.co.hidalgo.tx.us>

Mon, Jan 22, 2024 at 2:56 PM

Good afternoon Celeste can you please certify the certification of revenues for A.I. 94032 in the amount \$15,000.00 between HSI-ICE and Constable Pct.1, authorization to pay overtime for one assigned Deputy Constable.

Thank you so much in advance.

Chief Deputy Joe F. Espinosa

Constable Avila's Office

1900 Joe Stephens

Weslaco, Texas 78599

956-447-3775 Office

956-447--8614 Fax



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]