

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

October 10, 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), Homeland Security Investigations (HSI), 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 FY25 Overtime Reimbursement
Hidalgo Co. Constable Precinct 3

CERTIFIED BY:



Letty Chavez
County Auditor

10/15/2024

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-97007

Constable Pct. #3 14. A.

CC REGULAR AGENDA SPECIAL MTG

Meeting Date: 10/15/2024

Submitted For: Larry Gallardo, CONSTABLE
PCT. #3

Submitted By: Leidy Roque

Department: CONSTABLE PCT. #3

CAPTION

1. Approval to accept overtime funding agreement from U.S Department of Homeland Security, Immigration and Customs Enforcement (ICE) FY2025 (10/1/2024–09/30/2025) 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 2025 ICE overtime agreement in the amount of \$15,000.00 and appropriation of the same.

BACKGROUND

MOU between ICE and Hidalgo County (Constable Precinct 3) approved by CC on 07/12/2023 (AI#86423), 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 3 General Fund account. Reporting period ends on 9/30/2025 (FY 2025).

Fiscal Impact

CALENDAR YEAR: 2024

ACCT. #: 4-1284-421-00-293-055-5-XXX

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

CPCT3 JLEO-ICE-OVERTIME PAY; Appropriation of overtime funds from ICE in relation to joint law enforcement operations agreement for FY 2025 (10/01/2024-9/30/2025) in the amount of \$15,000.00 pending COR by Co. Auditor. No cash match required; the agreement excludes fringe benefits associated with overtime expenses; fringe benefits are to be re-classified and paid via Constable Pct. 3 G/F budget, pending year-end grant carry overs.

Attachments

- Award Letter
- HSI-ICE MOU
- Overtime Policy
- COR Request

Form Review

Inbox
Budget & Management

Reviewed By
Veronica Ortiz

Date
10/08/2024 04:21 PM

Final Approval
Form Started By: Leidy Roque

Started On: 10/08/2024 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 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. 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 3, 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 3, shall assign dedicated officers to any investigation or joint operation.

Included as part of this Agreement, 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 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 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 agreement, as well as interviews of any and all personnel involved in these transactions.

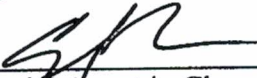
VII. REVISIONS

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

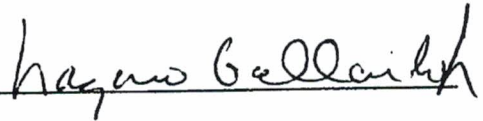
This is an internal government agreement between ICE/HSI, SAC San Antonio, Texas and the Hidalgo County Constable Precinct 3, and is not intended to confer any right or benefit to any private person or party.

Signatures:



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

Date: 8/23/22



Constable, Larry Gallardo
Hidalgo County Constable Precinct 3

Constable, Larry Gallardo
Hidalgo County Constable Precinct 3

Date: 8/17/22



*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 24, 2024

Hidalgo County Constable Precinct 3
Attn: Constable Larry Gallardo
730 Breyfogle Suite B
Mission, TX. 78572

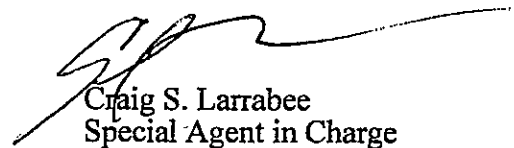
Dear Constable Gallardo,

Please be advised that your agency has been approved for the Fiscal Year 2025 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@hsi.dhs.gov.

Respectfully,



Craig S. Larrabee
Special Agent in Charge



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

Certification of Revenues Request - HSI-ICE MOU

1 message

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

Tue, Oct 8, 2024 at 2:29 PM

To: Jesse Gonzales <jesse.gonzales@auditor.co.hidalgo.tx.us>

Good Afternoon,

I am respectfully requesting a Certification of Revenues for AI: 97007 10/15/2024 in the amount of \$15,000.00 between HSI-ICE and Constable Precinct 3, 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