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The Honorable Sharon Keller
Presiding Judge
Court of Criminal Appeals

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Honorable Nicole Collier
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EXECUTIVE DIRECTOR:
Geoffrey Burkhart

December 8, 2022

The Honorable Richard F. Cortez
Hidalgo County Judge
Via E-mail: richard.cortez@co.hidalgo.tx.us

RE: Requested budget Modification for Mental Health Defender Improvement Grant
#MH-22-108

Dear Judge Cortez:

I am pleased to inform you that the Texas Indigent Defense Commission has approved your requested modification to the budget for the **Public Defender Mental Health Defense Unit, grant #MH-22-108**. Your revised Statement of Grant Award is attached.

Please sign, scan, and return via e-mail the Statement of Grant Award to me at ecolfax@tidc.texas.gov. You do not need to mail a copy.

If you have any questions or need clarification of the information contained in this letter or the attached Statement of Grant Award, please contact me at (512) 463-2508.

Sincerely,

Edwin Colfax
Director of Grant Funding

Copy: Larry Esparza, larry.esparza@co.hidalgo.tx.us
Linda Fong, linda.fong@auditor.co.hidalgo.tx.us

Texas Indigent Defense Commission
209 West 14th Street, Room 202, Austin, Texas 78701
512.936.6994
www.tidc.texas.gov



**FY2022 Improvement Grant
Statement of Grant Award – Revised 12/1/22**

Grant Number: MH-22-108
 Grantee Name: Hidalgo County
 Program Title: **Public Defender Mental Health Unit**
 Grant Period: 7/1/2022 – ~~6/30/2024~~ 9/30/2024
 Grant Award: ~~\$369,050~~ **\$386,453**

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Hidalgo County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

Direct Costs – 24 months	Original Budget	<u>Revised Budget</u> <u>12/1/22</u>
1) Personnel Salaries (Total Number of FTEs: 2)	\$264,076	<u>\$278,427</u>
2) Fringe Benefits	\$91,874	<u>\$94,926</u>
3) Travel and Training	\$3,500	\$3,500
4) Equipment	\$3,600	\$3,600
5) Supplies	\$3,000	\$3,000
6) Contract Services	\$3,000	\$3,000
7) Indirect Costs	0	0
Total Approved Budget	\$369,050	<u>\$386,453</u>
County Contribution	0	0
Total Amount Funded by Commission	<u>\$369,050</u>	<u>\$386,453</u>

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Supplemental Request for Applications issued in January 2022, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently de-obligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the “Terms and Conditions” contained in Attachment A which includes the final grant application as amended.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.
- The judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts as needed to include the program funded under this award and submit it to the Commission by November 1, 2022.

The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.

Signature of Authorized Official

Name & Title (please print)

Date

Attachment A

Terms and Conditions

In addition to the program requirements stated in the Request for Applications (RFA), these specific program requirements apply to this funded program.

1. This grant provides 24 months of funding. If the start of the program occurs after the beginning of the grant term on this award, the County may request an extension of the grant term.
2. The County must provide to TIDC the minimum job requirements and a full job description of the staff positions specified under this project for feedback and approval before positions are publicly posted.
3. Grant funds are distributed quarterly on a reimbursement basis. The county must submit quarterly grant program expenditure reports to obtain reimbursement of the scheduled percentage of expended funds based on actual expenditures. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
4. This grant requires quarterly progress reports. TIDC will create an on-line progress report to document the work performed in this program and other information necessary to evaluate the impact of the program. The county will be able to request modifications to the on-line report when the progress report items do not accurately reflect the work performed. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
5. In addition to quarterly progress reports, the County must submit quarterly program staffing reports that document hire dates, separation dates, transfers, and actual salaries and fringe benefits costs for each funded position.
6. The County must develop or maintain a written policy that includes caseload standards for the public defender office as required in Texas Code of Criminal Procedure Articles 26.044 and that is consistent with research-based weighted caseload guidelines published by TIDC. The caseload policy must require the Chief Public Defender to review caseloads at least quarterly. The Chief Public Defender must notify TIDC and the program's Oversight Board in writing within 30 days if caseloads exceed the adopted standards. TIDC will review caseloads exceeding TIDC published guidelines and may withhold program funding based on excessive caseloads.
7. The program must record attorney and support staff work time in a manner that allows for accurate completion of the Indigent Defense Expenditure Report and Public Defender Addendum. Records must contain sufficient detail to allocate time and salary across categories of offenses (capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals) and to document the number of cases disposed by attorney for each court.
8. The County must develop a Mental Health Defender Representation Policies and Procedures document and provide it to the Commission with the second quarterly progress report. The County should consider relevant professional standards of representation such as the Texas State Bar Performance Guidelines for Non-Capital Criminal Defense Representation when developing the manual. The manual must address referral and intake to the program, how the program will coordinate with, and not duplicate the work of, existing mental health systems, and demonstrate how the program will identify and incorporate referrals to available mental health screening, assessment, treatment, and community services available to the defendants served by the grant program. The manual must also address how the positions funded under this grant will fit into the County's methods for the identification of mentally ill arrestees and for providing assessment, treatment, and bonding options to these arrestees under Article 16.22 and Article 17.032 of the Texas Code of Criminal Procedure. Any revised versions of the Policies and Procedures Manual must be submitted with regular quarterly progress reports.
9. Requests to revise the scope, target, or focus of the project, or substantively alter project activities require advance written approval from TIDC.
10. Budget adjustments consisting of reallocations of funds among or within budget categories in excess of \$10,000 or ten percent of the original approved budget, whichever is less, are considered budget adjustments and are allowable only with prior approval of the executive director of the Commission.

Original Grant Application Follows

The original approved grant budget has been reduced from the proposed budget to meet available grant resources. The award funds one attorney and one social worker. The budget was modified on 12/1/22 upon approval of budget modification request beginning on page 6.

2022 Hidalgo County Improvement Grant Application Narrative
Mental Health Grant Public Defender's Office
Mental Health Public Defender Improvement

a. Application Form

Counties Represented: **Hidalgo**
Fiscal Year: **2022**
State Payee Identification Number: **74-6000717**
Division To Administer Grant: **Hidalgo County**
Program Title: **Mental Health Grant Public Defender's Office**
Requested Grant Amount: **\$468,140.86**
Authorized Official: **Larry Esparza**
Financial Officer: **Linda Fong**
Program Director: **Larry Esparza**
Mailing Address: **100 N. Closner; Annex 1; Edinburg, TX 78539**

b. Introduction (Executive Summary)

Our office would like to create a Mental Health Unit. The MH Unit would consist of an Attorney, a Social Worker, and a Mental Health Coordinator. The goal of the MH Unit would be identification of individuals qualifying for Court Appointed Counsel that are suffering from mental health issues in an effort to help locate treatment services, reduce time spent in jail, assist with pending criminal cases and reduce recidivism. In doing so, we provide a pathway for client success and reduce jail costs.

c. Problem Statement

Over the past three years Texas Tropical has identified and treated approximately 1000 inmates at Hidalgo County jail for mental health issues. Left untreated the inmates condition will only worsen, make matters more difficult for all parties involved in the process, and increase costs to the County. These individuals are being released without any immediate plan to address their needs and as a result many are subsequently re-arrested. The Coordinator will work directly with Indigent Defense to identify clients and appoint them to our office. Once appointed the Attorney and Social Worker will meet with client, identify client needs and develop a plan for release and resolution of the criminal case.

d. Objectives

The Coordinator will work directly with Indigent Defense to identify clients and appoint them to our office. Once appointed the Attorney and Social Worker will meet with client, identify client needs and develop a plan for release and resolution of the criminal case. The social worker will conduct psychosocial evaluations and develop treatment plans. The attorney will coordinate with the prosecutors and set hearings to facilitate release of clients on personal recognizance bonds or reduced bonds. We will track the number of days spent in jail and arrests record and compare with any prior arrest history.

e. Activities

If the Mental Health Grant application is funded, our office will coordinate with Human Resources to develop job descriptions and advertise for the requested positions. Interview qualified candidates for employment and recommend candidates to Human Resources for final approval. Order equipment and supplies for each employee under the Grant.

New employees will be oriented with office procedures and program requirements. Employees will coordinate with Indigent Defense Department to appoint identified program individuals to our office. Attorney and Social Worker will track each individuals arrest history, treatment plan and criminal case. Supervisor will meet weekly to discuss issues and at least once a month to monitor program implementation.

f. Evaluation

The program effectiveness will be measured in several areas. A record of the number of applicants appointed to our office will be maintained to quantify the effectiveness of the

program. Individual logs will be kept tracking days spent in jail from appointment to release for each client. Case resolution for each client will also be a part of the client file for evaluation purposes. Monthly and quarterly reports showing the number of clients, their days spent in jail, services provided by our office, case resolution, and recidivism will be available for inspection.

g. Future Funding

Hidalgo County Public Defender's Office has been in operation since September 2005. The office has seen substantial growth over the years with the support from our Hidalgo County Commissioners. Today our office has thirteen attorneys, a legal assistant, an investigator, and four administrative assistants. The County's approval to submit this Grant application is an example of the Commissioners commitment to supporting not only the needs of our office but that of the community. Success of the program will determine the financial investment from Hidalgo County.

h. Budget Narrative and Budget Form

The Personnel Salary Costs may vary based on the applicants experience. I have provided an amount based on the maximum salary currently allowed under Hidalgo County Policy for an experienced Attorney and Social worker.

The Travel and Training cost is the total for two years to provide CLE training for the attorney and the social worker.

The cost for the equipment is a one time cost for three laptops for the attorney, social worker and Coordinator. I have added \$3000 for Contract services for internet/hotspot services for all three laptops

The proposed budget is prepared for an Oct. 1, 2022 start date should funding be approved through Sept. 30, 2024.

Approved grant budget has been reduced from proposed budget. See award cover page for approved budget.

Personnel Costs		\$455,040.86
FTE's	3.00	
Salary	\$330,264.00	
Fringe Benefits	\$124,776.86	
Travel and Training		\$3,500.00
Equipment		\$3,600.00
Supplies		\$3,000.00
Contract Services		\$3,000.00
Indirect		
Total		\$468,140.86
Required County Match		
Total less County Match		\$468,140.86

Home

TIDC Grant Budget Adjustment Request

RE: FY20__ Budget Adjustment Request - Grant Number MH-22-108

HIDALGO County requests a budget adjustment for the PUBLIC DEFENDER MENTAL HEALTH UNIT Program. The details of the request are indicated in the table below:

Direct Costs	Current Approved Budget	Requested Line-Item Change	Requested Adjusted Budget
1) Personnel	\$264,076.00	\$14,351.00	\$278,427.00
2) Fringe Benefits	\$91,874	\$3051.68	\$94,925.68
3) Travel and Training	\$3500	0	\$3500
4) Equipment	\$3600	0	\$3600
5) Supplies	\$3000	0	\$3000
6) Contract Services	\$3000	0	\$3000
7) Indirect Costs	0	0	0
Total Proposed Costs	\$369,050.00	\$17,402.68	\$386,452.68
Less Cash from Other Sources	0		
Total Amount Funded by Commisison	\$369,050.00	\$17,402.68	\$386,452.68

1. Rationale for Adjustment – Explain in detail the proposed changes to the budget and why they are needed. Be specific and use statistics, if possible. Use as much space as necessary to fully explain why the changes are necessary. Attach more detailed “before and after” budget category breakout as needed to fully explain changes.

We are requesting the Budget Amendment for personnel cost to meet the salary demand for the position. The position will require specialized experience and training in the area of Mental Health. Finding experienced attorneys has been extremely difficult. In addition, our office has recently experienced the loss in attorneys leaving to more financially lucrative positions. This budget amendment would allow for a more equitable salary compensation package.

2. Detail any proposed changes to the staffing model and why they are needed.

The staffing model would still require only the attorney and the social worker positions. No changes to the number of personnel

3. Explain any proposed change in program Scope or Program Activities

We are not expecting any changes in the scope of services or activities with the proposed budget amendments.

Sincerely,

Debra J. Lopez

County Judge Signature

9/13/22

Date

APPROVED BY

HIDALGO COUNTY
DEPARTMENT OF BUDGET & MANAGEMENT

GRANT - MENTAL HEALTH
SALARY PROJECTION

Public Defender (085-005)
Revised to match grant terms July - June

Slot No.	Position	2022 Budgeted Salary	3.5% COLA Increase	Auto Allowance	2022/2023 Total Compensation	2022 Prorated Compensation (07/01/22 - 12/31/22)	2023 Prorated Compensation (01/01/23 - 06/30/23)	Total Salary Amount (07/01/22 - 06/30/23)	Health Insurance (2022-2023- \$8,244/yr; \$8,664/yr.)	Life Insurance (\$43.56 per year, per empl.)	FICA (7.65%)	Retirement 2023 - 13.03%	Unemployment Comp. (0.60%)	W/C (0.11%,)	Total Salary & Fringe Benefits
0001	PUBLIC DEFENDER III	77,057.00	2,697.00	1,500.00	81,254.00	40,627.00	40,627.00	81,254.00	8,559.00	43.56	6,215.93	10,587.40	487.52	89.38	107,236.79
Totals		77,057.00	2,697.00	1,500.00	81,254.00	40,627.00	40,627.00	81,254.00	8,559.00	43.56	6,215.93	10,587.40	487.52	89.38	107,236.79

Oct. '22 - Sept. '23 \$107,237.00

Slot No.	Position	2023 Budgeted Salary	3.5% Increase	Auto Allowance	2023/2024 Total Compensation	2023 Prorated Compensation (07/01/23 - 12/31/23)	2024 Prorated Compensation (01/01/24 - 06/30/24)	Total Salary Amount (07/01/23 - 06/30/24)	Health Insurance (2023-2024- \$8,664/yr; \$9,108/yr.)	Life Insurance (\$43.56 per year, per empl.)	FICA (7.65%)	Retirement 2024 - 13.03%	Unemployment Comp. (0.60%)	W/C (0.11%,)	Total Salary & Fringe Benefits
0001	PUBLIC DEFENDER III	79,754.00	0.00	1,500.00	81,254.00	40,627.00	40,627.00	81,254.00	8,997.00	43.56	6,215.93	10,587.40	487.52	89.38	107,674.79
Totals		79,754.00	0.00	1,500.00	81,254.00	40,627.00	40,627.00	81,254.00	8,997.00	43.56	6,215.93	10,587.40	487.52	89.38	107,674.79

Oct. '23 - Sept. '24 \$107,675.00

Total Oct. '22 - Sept. '24 \$214,912.00

Approved as 17/04

113	159,508.00
115	3,000.00
211	17,556.00
212	87.12
220	12,431.86
230	21,174.80
250	975.04
260	178.76
	214,911.58

This was the original projection for the one position.
The only change from this and what was previously sent is the months have been updated to match the grant terms of July - June.

Revised to Grade 17 Step 07 and update to Health Premium at 6% increase as approved by CC

Slot No.	Position	2022 Budgeted Salary	3.5% COLA Increase	Auto Allowance	2022/2023 Total Compensation	2022 Prorated Compensation (07/01/22 - 12/31/22)	2023 Prorated Compensation (01/01/23 - 06/30/23)	Total Salary Amount (07/01/22 - 06/30/23)	Health Insurance (2022-2023- \$8,328/yr.; \$8,832/yr.)	Life Insurance (\$43.56 per year, per empl.)	FICA (7.65%)	Retirement 2023 - 13.03%	Unemployment Comp. (0.60%)	W/C (0.11%,)	Total Salary & Fringe Benefits
0001	PUBLIC DEFENDER III	85,434.00	2,991.00	1,500.00	89,925.00	44,962.50	44,962.50	89,925.00	8,706.00	43.56	6,879.26	11,717.23	539.55	98.92	117,909.52
Totals		85,434.00	2,991.00	1,500.00	89,925.00	44,962.50	44,962.50	89,925.00	8,706.00	43.56	6,879.26	11,717.23	539.55	98.92	117,909.52

Oct. '22 - Sept. '23 \$117,910.00

Slot No.	Position	2023 Budgeted Salary	3.5% Increase	Auto Allowance	2023/2024 Total Compensation	2023 Prorated Compensation (07/01/23 - 12/31/23)	2024 Prorated Compensation (01/01/24 - 06/30/24)	Total Salary Amount (07/01/23 - 06/30/24)	Health Insurance (2023-2024- \$8,832/yr.; \$8,832/yr.)	Life Insurance (\$43.56 per year, per empl.)	FICA (7.65%)	Retirement 2024 - 13.03%	Unemployment Comp. (0.60%)	W/C (0.11%,)	Total Salary & Fringe Benefits
0001	PUBLIC DEFENDER III	85,434.00	0.00	1,500.00	86,934.00	43,467.00	43,467.00	86,934.00	8,832.00	43.56	6,650.45	11,327.50	521.60	95.63	114,404.74
Totals		85,434.00	0.00	1,500.00	86,934.00	43,467.00	43,467.00	86,934.00	8,832.00	43.56	6,650.45	11,327.50	521.60	95.63	114,404.74

Oct. '23 - Sept. '24 \$114,405.00

Total Oct. '22 - Sept. '24 \$232,315.00

At Grade 17/07	
113	173,859.00
115	3,000.00
211	17,538.00
212	87.12
220	13,529.71
230	23,044.73
250	1,061.15
260	194.55
<hr/>	
	232,314.26

Difference	
	113 14,351.00
	115 -
	211 (18.00)
	212 -
	220 1,097.85
	230 1,869.93
	250 86.11
	260 15.79
<hr/>	
	17,402.68

Please note that the rate for health is different from the original projection on page 1. We did not have the correct health rate at the time of the original request and it has been updated to reflect the correct rate as well as the approved rate for 2023. We are keeping the health rate projection for 2024 at the same rate as 2023.

Timeline for Reporting and Fund Distribution

Reports will be submitted through the TIDC grant management website at tidc.tamu.edu

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
July 2022 through September 2022	Grant Expenditure Report Progress report	October 15, 2022	November 2022
October 2022 through December 2022	Grant Expenditure Report Progress report	January 15, 2023	February 2023
January 2023 through March 2023	Grant Expenditure Report Progress report	April 15, 2023	May 2023
April 2023 through June 2023	Grant Expenditure Report Progress report	July 15, 2023	August 2023
July 2023 through September 2023	Grant Expenditure Report Progress report	October 15, 2023	November 2023
October 2023 through December 2023	Grant Expenditure Report Progress report	January 15, 2024	February 2024
January 2024 through March 2024	Grant Expenditure Report Progress report	April 15, 2024	May 2024
April 2024 through June 2024	Grant Final Expenditure Report Final Progress report	July 15, 2024	August 2024