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Webb County Judge's Office

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September 27, 2024

CHAIR:
Honorable Missy Medary
Corpus Christi, Presiding Judge,
5th Administrative
Judicial Region of Texas

EX OFFICIO MEMBERS:
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Honorable William W. "Bill"
Gravell, Jr.
Honorable Nathan Hecht
Honorable Sharon Keller
Honorable Emily Miskel
Honorable Joseph "Joe" Moody
Honorable Reggie Smith

MEMBERS APPOINTED BY GOVERNOR:
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Mr. Alex Bunin
Mr. Jay Cohen
Honorable Valerie Covey
Honorable Richard Evans
Honorable Missy Medary
Honorable James R. "J.R."
Woolley, Jr.

EXECUTIVE DIRECTOR:
Scott Ehlers

The Honorable Tano E. Tijerina
Webb County Judge
1000 Houston St., 3rd Floor
Laredo, TX 78040

Re: FY2025 Formula Grant Request for Applications

Dear Judge Tijerina:

TIDC announces the FY2025 Formula Grant Request for Applications (RFA). **Applications are due Friday, November 15, 2024.** The attached packet provides information on what is needed for counties to obtain Formula Grant funds. **There are two simple steps to apply for your formula grant:** Commissioners Court should adopt the attached FY2025 TIDC Formula Grant Resolution.

Upload the signed resolution on TIDC's grants and reporting website, <https://tidc.tamu.edu>, confirm contact information for county officials, and click the "submit" button.

Step by step instructions are included in the Request for Applications.

To be eligible, the local administrative judges and chairs of Juvenile Boards should submit their biennial indigent defense plans by November 1, 2023 through our on-line system. TIDC staff will continue to work with counties to ensure that all statutory and required elements are included in each plan if judges make amendments. Also, county financial officers must submit their Indigent Defense Expense Report by November 1, 2024. The reporting manual for county financial officers is available at <http://www.tidc.texas.gov/oversight/submit-data-and-reports/>. Both requirements are required by Texas Government Code §79.036. The Commission adopted Texas Administrative Code Chapter 173 in order to implement the grant authority established by the Texas Legislature. These administrative rules and the attached RFA are available at: www.tidc.texas.gov.

Please contact us at Grants@tidc.texas.gov or 512-936-6994 if you have any questions about the FY2025 Formula Grant or the application process.

Sincerely,

Missy Medary
Chair, Texas Indigent Defense Commission
Presiding Judge, 5th Administrative Judicial Region of Texas

Enclosed: FY2025 Formula Grant RFA
FY2025 Formula Grant Resolution



209 West 14th Street, Suite 202 Price Daniel, Sr. Building,
Austin, Texas 78701
512-936-6994
www.tidc.texas.gov

FY2025 Formula Grant Program Request for Applications (RFA)

Issued September 2024

Formula Grant Program Overview

The Texas Indigent Defense Commission (Commission) provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. Formula Grants are awarded to eligible Texas counties to help counties meet constitutional and statutory requirements for indigent defense and to promote compliance with standards adopted by the Commission.

Application Due Date

Formula grant applications for Fiscal Year 2025 must be submitted on-line **by Friday, November 15, 2024**. The grant period is October 1, 2024 through September 30, 2025.

Total FY 2025 Formula Grant Amount Budgeted: \$17 million

Eligibility for Formula Grants

Only Texas counties may apply. Counties must meet the following requirements:

- 1) **Indigent Defense Expenditure Report** — All counties are statutorily required (Texas Government Code Sec. 79.036 (e)) to submit an Indigent Defense Expenditure Report each year on November 1 in the form and manner prescribed by the Commission. Counties that do not complete the Indigent Defense Expense Report on or before November 1, 2024 may have payments temporarily suspended by Commission staff until the report is submitted and reconciled by staff.
- 2) **Indigent Defense Plan Requirements** — The Local Administrative District Judges, the Local Statutory County Court Judges (or County Judge as applicable) and the Chairman of the Juvenile Board for each county must submit a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure (Countywide Plans) to the Commission as required in Government Code §79.036. The Countywide Plans submitted must be in compliance with applicable statutes and rules and must meet the minimum requirements for each plan section as outlined in the Biennial Indigent Defense Countywide Plan Instructions. Plans are due November 1, 2023. Formula grant payments during the year may be withheld until plans are submitted or meet the minimum requirements for each plan section set by Commission.

- 3) Compliance with Monitoring Reports** — A county must respond within the required time, take corrective action for findings of non-compliance, and satisfactorily address all recommendations in a Commission fiscal or policy monitoring report. Failure to comply with any of these requirements could result in the Commission imposing a remedy under TAC 173.307 or Texas Government Code §79.037.
- 4) Office of Court Administration Reporting Requirements** — The applicants' county and district clerks must be in compliance with monthly reporting requirements listed below.
- a) Texas Judicial Council Monthly Court Activity Reports required by Texas Administrative Code Chapter 171 and Texas Government Code §71.035; and
 - b) Appointments and Fees Monthly Reports required under Chapter 36, Texas Government Code.

Reports for September 2023 through August 2024 are due not later than September 30, 2024 and must be submitted to OCA electronically unless OCA grants a temporary waiver for good cause.

How Formula Grants are Calculated

Every county is eligible to receive a grant of \$15,000 plus its share of the remaining funds budgeted by the Commission for the Formula Grant Program calculated by:

- 50 percent on the County's percent of state population; and
- 50 percent on the County's percent of statewide direct indigent defense expenditures for the previous year (as defined in Title 1, Part 8, Texas Administrative Code Sec. 173.202(1)-(3)):
 - less discretionary funds provided by the Commission for expenditures defined in Title 1, Part 8, Texas Administrative Code Sec. 173.202(1)-(3)
 - less the reimbursed costs of operating a regional program
 - The baseline requirements below do not apply to counties with a 2000 Census population of less than 10,000.

The County shall not receive more in Formula Grant funds than what was actually spent by the county in the prior year.

Baseline — The baseline is the minimum amount counties must spend in indigent defense before they qualify for formula grants. To meet the requirements under Texas Government Code §79.037(d), the Commission has adopted as an expenditure baseline based on each county's FY01 indigent defense expenditures. Attorney fees, investigator expenses, expert witness expenses, and other litigation expenses paid by the county on behalf of indigent criminal defendants / juvenile respondents are allowable expenses. This information remains a static baseline. The baseline requirement does not apply to counties with a 2000 Census population of less than 10,000.

How to Apply for Formula Grant

Applications are submitted online at <http://tidc.tamu.edu>. All county judges have been assigned a unique username and password. The application requires a commissioner's court resolution to be scanned and e-mailed or uploaded on the application page of the website. The resolution is generated by the on-line system and must be printed from the on-line application page.

If a person other than the recipient of this letter needs to obtain a username and password for the online application system, contact the Public Policy Research Institute (PPRI) at Texas A&M University. PPRI manages the collection, storage and retrieval of data for the Commission. County officials may contact PPRI through e-mail, (indigentdefense@ppri.tamu.edu) or phone (979) 845-6754. PPRI will not provide usernames and passwords over the phone. Individuals using personal e-mail accounts may be asked to provide additional information.

Application Steps

- a. Go to the TIDC Grants and Reporting website (hosted by PPRI) at <https://tidc.tamu.edu>.
 - b. Sign in and enter the User ID and Password or contact PPRI (Follow on-line page instructions).
 - c. Select “FY2025” and your county in the upper left part of the screen.
 - d. Select “Apply for Formula Grant” from the column on the left side of the screen.
 - e. Review the eligibility requirements. The screen will display the County’s compliance status regarding indigent defense plans. Counties that have outstanding requirements will not be able to receive funds until they meet all grant program eligibility requirements. If indigent defense plans are not marked “Complete” counties should still submit the application and then contact the Commission for instructions to resolve plan compliance issues.
 - f. Identify the individuals in the following grant positions as required in Texas Administrative Code Rule 173.301.
 - i. Authorized official - This person must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official.
 - ii. Fiscal Officer - This person must be the county auditor or county treasurer if the county does not have a county auditor.
- Use the “**Change**” button make changes as needed to officials or contact information.
- g. Click the “**Submit**” button at the bottom of the screen. You should be taken to a confirmation page at that point.
 - h. Maintain confirmation – When the system provides a confirmation page to the grant officials confirming that the application has been completed and informing them that the resolution must be adopted by the commissioner’s court and then faxed to the Commission. **PLEASE PRINT THE CONFIRMATION PAGE.**
 - i. Select the “Resolution” link in the confirmation page to create your county’s resolution form.
 - j. Print or download resolution. The system will allow the user to download a resolution as a Microsoft Word document or provide an opportunity to print the document. Please use the resolution printed from the website. The resolution must be adopted by the commissioners court.
 - k. Please scan the resolution adopted by commissioners court and then upload it in the application page of the website **on or before Friday, November 15, 2024**. Alternatively, you may email the resolution to Grants@tidc.texas.gov.

Contact Dorian Torres, Grants Administrator, Grants@tidc.texas.gov or 512-936-6994 for questions.

Notice of Funding

- **Statement of Grant Award** — Statements of Grant Awards will be prepared as authorized by the Commission. These may include special conditions. The e-mail with the attached Statements of Grant Award will be directed to the official designated in the resolution adopted by the commissioners’ court. The County will have thirty days to notify the grant administrator of errors or cancelation after receipt of the award.
- **Special Conditions** — The Commission may determine special conditions or authorize staff to apply the conditions on criteria set by the Commission (TAC 173.201). The Commission may develop special conditions that relate to expenditures, compliance with statutory requirements or standards adopted by the Commission.
- **Denial of Grant** — Counties not completing the grant application process or those not meeting minimum eligibility requirements will be notified by mail within 30 days following the Commission award meeting.

Use of Funds

Funds must be used to improve indigent defense systems. Attorney fees, investigator expenses, expert witness expenses, and other direct litigation costs that a county spends on behalf of a criminal defendant or juvenile respondent in a criminal matter that has been determined by a court of competent jurisdiction to be indigent are allowable expenses. All funds must be spent in compliance with the following: Texas Administrative Code, Title 1 Administration, Part 8 Texas Judicial Council, Chapter 173 Indigent Defense Grants; and Texas Uniform Grant Management Standards.

Payments

Formula Grant awards over \$25,000 will generally be distributed in four (4) equal quarterly disbursements. Awards less than \$25,000 will be disbursed in a single payment instead of quarterly payments. The award letter will notify the county of the number of payments.

Counties must have met all eligibility, spending, and grant condition requirements before receiving payments. Payments will be made quarterly for most counties. Some counties may have special conditions related to meeting minimum spending requirements. These counties will receive funds only after a supplemental expenditure report establishes that they have spent the predetermined minimum amount stated in the special condition.

No payment shall be made from grant funds to a county until all special conditions have been met unless the special condition adopted by the Commission provides an alternative payment schedule or instructions for payment. Commission staff shall maintain documentation through electronic/paper files or correspondence to the county stating how the special condition was met.

Maintain contact information

All counties must maintain the grant and plan officials contact information on counties' web page set up at <http://tidc.tamu.edu>. Counties must advise the Commission of changes in the authorized official, program director, financial officer, local administrative district judge, local administrative statutory county judge, chairman of the juvenile board and constitutional county judge by updating this website contact information. This information will be used to provide notices for grant or plan submission information. The Commission staff will use e-mail whenever possible to notify counties of required reports and funding opportunities.

Impact of Multi-year Improvement Regional or Sustainability Grants

Counties that receive Improvement Grants from the Commission are encouraged to continue to apply for the Formula Grant. Such counties may use their formula grant payments to maintain the Improvement Grant program.

Notification of Availability

This FY25 Formula Grant - Request for Applications (RFA) is sent to all 254 Texas Constitutional County Judges. A courtesy notice is sent to all local administrative district judges, local administrative statutory county judges, chairman of juvenile board and each county auditor (or treasurer).

Authorization to Fund, Applicable Authority and Rules

Texas Government Code Sec. 79.037. TECHNICAL SUPPORT; GRANTS.

- (a) The commission shall:
 - (1) provide technical support to:
 - (A) assist counties in improving their indigent defense systems; and
 - (B) promote compliance by counties with the requirements of state law relating to indigent defense;
 - (2) to assist counties in providing indigent defense services in the county, distribute in the form of grants any funds appropriated for the purposes of this section; and
 - (3) monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant, including enforcement by:
 - (A) withdrawing grant funds; or
 - (B) requiring reimbursement of grant funds by the county.
- (b) The commission shall distribute funds as required by Subsection (a)(2) based on a county's compliance with standards adopted by the board and the county's demonstrated commitment to compliance with the requirements of state law relating to indigent defense.
- (c) The board shall adopt policies to ensure that funds under Subsection (a)(2) are allocated and distributed to counties in a fair manner.
- (d) A county may not reduce the amount of funds provided for indigent defense services in the county because of funds provided by the commission under this section.

Texas Administrative Code Chapter 173

Texas Grant Management Standards (TxGMS)

WEBB COUNTY PRE-TRIAL SERVICES

Letter of Intent to Apply for a Grant

Date: October 28, 2024
Honorable Tano Tijerina
Webb County Judge
Webb County Courthouse
1000 Houston Street (3rd Floor)
Laredo, Texas 78040

Re: Letter of Intent to apply for The Texas Indigent Defense Commission Formula Grant Program for budget year 2024-2025.

Dear Judge Tijerina:

In accordance with the Webb County Single Point of Contact (SPOC) Policy and Procedures – *revised 3/29/17*, please accept this “*Letter of Intent to Apply*” for grant funds under **The Texas Indigent Defense Commission**.

The Webb County Pre-Trial Services Department requests authorization to apply for a multi-year grant of \$ (amount contingent pending the application being approved and accepted) from **The Texas Indigent Defense Commission** for the creation/continuation to develop and maintain quality, cost effective indigent defense system that meets the needs of the county. Your favorable review of the following information required under the SPOC policy and authorization to develop and submit the grant proposal shall be appreciated.

General Information:

- A. Project Title: Formula Grant Program
- B. Project Description: The Texas Indigent Defense Commission provides financial and technical support to counties to develop and maintain quality, cost effective indigent defense system that meets the needs of the county.
- C. Contact Person: Cornell Mickley
- D. Department/Office Telephone number: Pre-Trial Services
- E. All departments that request grant application authorization from the County Commissioner’s Court are required to participate in the County Biometric Time Clock Plus system in order to ensure compliance with existing County policy. Please acknowledge compliance with the signature of the designated Contact Person:

Cornell Mickley
Contact Person/Signature

- F. For all grant-funded projects involving current county employees that propose grant funding for overtime will be required to use the County Biometric Time Clock Plus system and have GPS monitors in their vehicles, except for those involved in undercover work. Please acknowledge the intent to comply with the signature of the designated Contact Person:

N/A
Contact Person/Signature

- G. All future grant-funded programs involving current County employees will include only Full Time Equivalency (FTE) percentages in a project's budget and will also apply to all future renewal projects; Please acknowledge this criteria with the signature of the designated Contact Person:

N/A

Contact Person/Signature

- H. A complete hard copy of the grant application is required to be submitted to the Economic Development Department inclusive with the "Letter of Intent to Apply" at least two (2) weeks before the grant application is presented to the County Commissioners Court requesting authorization to submit the grant application to the State or Federal funding agency. The complete hard copy of the grant application shall include at a minimum - Project Narratives, Performance Statement, Budget, Personnel Budget breakdown and Budget Narratives. This policy will be effective February 27, 2017; If not provided at submission of the Letter of Intent, then it must be submitted with ample time for review and approval by the Grant Application Review Committee (GARC)? Extenuating circumstances for not adhering to this procedure must be provided in writing for review and approval. Please acknowledge this requirement with the signature of the designated Contact Person:

Cornell Mickley

Contact Person/Signature

- I. Any and all budget amendments, budget modifications and/or line item transfer requests that may arise from grant-funded activity shall be submitted through the Economic Development Department - Single Point of Contact (whether Competitive or Formula grants, County (Federal and State allocations) that use the Webb County General Fund first then receives reimbursement at a later time). The budget request will be forwarded for review by the Grant Application Review Committee (GARC) for possible placement on the Webb County Commissioner's Court Agenda. Please acknowledge this requirement with the signature of the designated Contact Person:

Cornell Mickley

Contact Person/Signature

- | | | |
|-------------------------|-------------------|---------------------------|
| J. Project Time Frames: | Start Date: | <u>October 1, 2024</u> |
| | Ending Date : | <u>September 30, 2025</u> |
| | Project Duration: | <u>Recurring</u> |

- K. Project Area: Indigent Defense Operations

Project Analysis:

- 1) What County needs, services or problems will be addressed by this project? **Grant finding will off-set the expenditures for indigent defense operation for Webb County**
- 2) What is the grant matching amount of local funds or in-kind that will be proposed? Please identify specific sources of funds. **N/A. no match or in-kind required.**
- 3) Will this proposed project add cost, services or any financial responsibility to the County's General Fund after the project ends? Please explain. **None**

- 4) Will this project add employees to the county payroll if and when the grant is terminated? **No**
- 5) Does this project propose any monetary grant-funded stipends, incentive pay, supplement pay or any other pay that exceeds County General Fund salary? These types of monetary compensation are strictly prohibited. **No.**
- 6) What are the operating and maintenance costs of the grant funded project activities that will be funded by the county? **None.**
- 7) How many citizens will be served and in what way? **3,000 indigent criminal defendant's will be provided with quality legal representation.**
- 8) Please provide the name of the department representative responsible for providing the Economic Development staff with the copy of the submitted grant application. **Cornell Mickley**

Financial Analysis

A. Type of Request: Grant (X) Loan () Combination ()

Amount of Request: \$0

Amount of Cash Match/In-Kind \$0

Total Project Costs: \$0

New () Continuation (X)

Funding Agency: Texas Indigent Defense Commission

B. Is there any assurance that the grant will be continued/refunded by the funding agency? No

C. What wording or commitments will be included in the grant application for 'continuity of activities', 'project sustainability plan' or 'funding of activities' after the grant has ended? N/A

For Economic Development Department Office Use Only:

IV. APPLICATION REVIEW COMMENTS

A. STAFF COMMENTS :

Staff Signature: _____

Date: _____

RESOLUTION NO. 10282024-Item # _____
WEBB COUNTY COMMISSIONERS COURT
WEBB COUNTY, TEXAS

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A 2024-2025 BUDGET YEAR GRANT APPLICATION
TO THE TEXAS INDIGENT DEFENSE COMMISSION FOR THE FORMULA GRANT**

Whereas, Webb County is eligible to receive to grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services in Webb County; and

Whereas, this grant program will assist the county in the implementation and the improvement of the indigent criminal defense services in this county; and

Whereas, Webb County Commissioners Court would accept a grant if it is awarded to Webb County and abide the terms and conditions of the grant and in the event of loss or misuse of the funds, Webb County Commissioners assures that the funds will be returned in full to the Texas Indigent Defense Commission.

Now therefore, be it resolved by the Webb County Commissioners Court:

SECTION 1: The Webb County Commissioners Court authorizes the submission of a 2024-2025 budget year grant application to the Texas Indigent Defense Commission The Formula Grant.

SECTION 2: Upon grant award:

- a. The Honorable Tano E. Tijerina, Webb County Judge is designated as authorized official to apply for the grant for the indigent defense improvement grant program and sign all documents.
- b. Cornell Mickley is designated as the program director and contact person for this grant.
- c. Webb County Auditor, Rafael Perez is designated as the financial officer for this grant.

Introduced, read and passed by the affirmative vote of the Webb County Commissioners Count on this _____ day of _____ 2024.

Tano E. Tijerina, Webb County Judge

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Resolution authorizing the submission of a grant application
to the TIDC for The Formula Grant

ATTESTED:

Margie Ramirez-Ibarra
Webb County Clerk

INTERNET SUBMISSION FORM

After submitting the improvement application online, the following Internet submission confirmation number was received #____. This grant application was in accordance with the Commissioners' Court Resolution above.