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2015 Wise County Resolution FY15-02
Indigent Defense Grant Program

WHEREAS, under the provisions of the Texas Government Code Section 79.037 and Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services in the 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, Wise County Commissioners Court has agreed that in the event of loss or misuse of the funds, Wise County Commissioners assures that the funds will be returned in full to the Texas Indigent Defense Commission.

NOW THEREFORE, BE IT RESOLVED and ordered that the County Judge of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Formula Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that the County Auditor is designated as the Financial Officer for this grant.

Adopted this 29 day of September, 2014.

Glenn Hughes
County Judge

Attest:
Sharon Lemon by Amanda Kuy
County Clerk Chief Deputy

COMMISSIONERS COURT COUNTY OF WISE TEXAS

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TIDC
TEXAS INDIGENT DEFENSE COMMISSION

Chair:
The Honorable Sharon Keller
Presiding Judge, Court of Criminal Appeals

Vice Chair:
The Honorable Olen Underwood

Ex Officio Members:
Honorable Sharon Keller
Honorable Nathan Hecht
Honorable John Whitmire
Honorable Royce West
Honorable Roberto Alonzo
Honorable Abel Herrero

Members Appointed by Governor:
Honorable Olen Underwood
Honorable Sherry Radack
Honorable Jon Burrows
Honorable B. Glen Whitley
Honorable Linda Rodriguez
Mr. Anthony Odiorne
Mr. Don Hase

Executive Director:
James D. Bethke

September 3, 2014

The Honorable Glenn Hughes
Wise County Judge
PO Box 393
Decatur, TX 76234

Re: FY15 Formula Grant Request for Applications

Dear Judge Hughes:

The Texas Indigent Defense Commission announces the attached FY15 Formula Grant Request for Applications **(RFA). Applications are due November 21, 2014**. The attached packet provides information on what is needed for counties to obtain the FY15 Formula Grant funds.

The local administrative judges and Chairs of Juvenile Boards have already submitted their biennial indigent defense plans. Judges may amend their plans in the on-line system (https://tidc.tamu.edu) at any time. Staff will continue to work with counties to ensure that all of the statutory and Commission required elements are included in each plan if judges make amendments. Also, financial officers must submit their Indigent Defense Expense Report by November 3, 2014. Both of these requirements are directed in Texas Government Code §79.036.

This FY15 Formula Grant packet is sent to all 254 constitutional county judges. A courtesy letter will be sent to all local administrative district and statutory judges and county financial officers informing them of these available grant funds. 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. The rules and the RFA establish the guidelines for the administration of grant funds and application submission process for FY15.

Please contact Bryan Wilson (bwilson@tidc.texas.gov) toll free in Texas at (866) 499-0656, if you have any questions about the FY15 Formula Grant or the application process.

Sincerely,
Sharon Keller
Chair, Texas Indigent Defense Commission
Presiding Judge, Court of Criminal Appeals

Enclosed: FY15 Formula Grant RFA

RECEIVED
SEP 12 2014
BY: CCD

Texas Indigent Defense Commission
209 West 14th Street, Room 202 · Austin, Texas 78701 · www.tidc.texas.gov
Phone: 512.936.6994 · Fax: 512.463.5724

TEXAS INDIGENT DEFENSE COMMISSION
209 West 14th Street, Suite 202 Price Daniel, Sr. Building, Phone: 512-936-6994,
Austin, Texas 78701, Fax: 512-463-5724
www.tidc.texas.gov

FY2015 Formula Grant Program

Request for Applications (RFA)

September 3, 2014

Total Grant Amount Budgeted for Statewide Use Available:

FY15- $20,000,000

Type of Grant

Formula - The Commission distributes funds to counties through the following formula:

Every county is eligible to receive a grant of $5000 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 contained in Section E of the Request for Applications do not apply to counties with a 2000 Census population of less than 10,000 but do apply to all other counties.
- The County shall not receive more in funds than what was actually spent by the county in the prior year.

Eligibility:

Only Texas counties may apply. See further eligibility below.

Grant Applications Due:

All applications must be submitted on-line. Applications must be completed and submitted by **November 21, 2014.** See submission requirements below for waiver requests and other deadlines.

Method of Application:

On-line submission can be accessed at http://tidc.tamu.edu. All county judges have been assigned a unique user name and password. See contact information below for access to the system.

Time Period for Funding:

October 1, 2014 through September 30, 2015

Commissioners Court Resolution Required:

This application is submitted on-line but requires a commissioners' court resolution be adopted and 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.

Payments:

Funds will be distributed in four (4) equal quarterly disbursements.

Steps in Submitting a Grant Application

1) Log onto http://tidc.tamu.edu (Follow on-line page instructions).
2) Verify that the online screen shows the correct grant officials and judicial officials.
3) Please use the Resolution printed from the website. Scan the resolution after adopted by commissioners' court and then upload it in the application page of the website on or before DUE DATE November 21, 2014. Alternatively, you may email the resolution to the Megan McIntire (MMcIntire@ppri.tamu.edu) or fax it to 888-351-3485.
4) Judges must submit local Indigent Defense Plans on or before November 1, 2013. Payments during the year may be withheld until plans are submitted or meet the minimum requirements for each plan section set by Commission.
5) Contact Bryan Wilson, Grants Administrator, Bwilson@tidc.texas.gov or 512-936-6996 for questions

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

Uniform Grant Management Standards (UGMS)

Formula Grant Program

A. Introduction

Formula Grants are provided to Texas Counties by the Texas Indigent Defense Commission (Commission) to help meet the Commission's statutory mandates and to promote Texas counties' compliance with standards adopted by the Commission.

Formula grants provide money to counties for increased indigent defense costs based on a formula set by the Commission. Qualifying counties are eligible for funds determined by the formula only to the extent their spending exceeds the amounts in their baseline year (see Section E). Counties must meet minimum spending requirements to receive credit for spending the funds.

The grant period for this application is October 1, 2014 through September 30, 2015. Expenses must be incurred and/or obligated during this time.

B. Eligibility

Only counties are eligible to apply for funds.

C. Notification of Availability

This FY15 Formula Grant - Request for Applications (RFA) is sent to all 254 Texas Constitutional County Judges. A courtesy notice is mailed to all local administrative district judges, local administrative statutory county judges, chairman of juvenile board and each county auditor (or treasurer). The notice informs other county stakeholders to seek a copy of the grant RFA from the constitutional county judge or to go to the Commission website www.tidc.texas.gov to download a copy. The Commission staff uses the contact information reported by counties in our web based system. Please make sure that all contact information is accurate. Counties are required to maintain correct contact information on the Commission 'grants and reporting' website (http://tidc.tamu.edu). The notice of grant availability is also published in the Texas Register.

D. Application

The Commission is committed to reducing paperwork burdens for Texas counties. Therefore, the grant application process will be electronic.

The application steps are:

1) All applications must be submitted online using the User ID and Password. Contact the Commission Grant Administrator for instructions to obtain a waiver to the on-line application.
   If a person other than the recipient of this letter needs to obtain a user name and password for the online application system, contact The Texas A&M University Public Policy Research Institute (PPRI) – [PPRI manages the collection, storage and retrieval of data for the Commission]. County officials contact PPRI through e-mail, (MMcIntire@ppri.tamu.edu), phone (979) 845-1041, fax (888-351-3485) or by regular mail:
   Megan McIntire, PPRI
   TAMU, Mailstop 4476
   College Station, Texas 77843-4476,
   PPRI will not provide user names and passwords over the phone. Individuals using personal e-mail accounts may be asked to provide additional information.
2) Apply on-line
   a. Go to the PPRI Commission website at https://tidc.tamu.edu
   b. Sign in and enter the User ID and Password or contact PPRI
   c. Select "FY2015" and your county in the upper left
   d. Select "Apply for Formula Grant"
   e. Review the eligibility requirements – Each year the Commission adopts specific measures as eligibility requirements for the Formula Grant funds. These measures are intended to encourage each county's compliance with statutory requirements or policy and standards adopted by the Commission. The grant application screen will reveal the compliance checklist maintained by the Commission's special counsel. Counties that have blank check boxes in any category will not be able to receive funds until they meet all grant program eligibility requirements. **Complete the on-line application then contact the Commission for instructions to resolve plan compliance issues.**
   f. Verify that the County's officials and contact information are correct – The authorized official reviews the data the Commission has stored for the county's courts and grant positions. (**Note:** Please remember to update the county contact information during the grant year as changes in officials or contact information occurs.)
   g. Identify the individuals in the following grant positions as required in Texas Administrative Code Rule 173.301. Make changes as needed.
      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 – When the person listed is no longer authorized to perform the duties with the Commission previously authorized by the county. It is also used to change contact information for any grant official. This situation usually arises when county officials turnover as a result of elections, retirements, or some other removal from office.
   h. Select the "**Submit**" button. The page will become a confirmation page at that point.
   i. Select the Resolution link in the confirmation page to create your county's completed resolution.
   j. Print or download resolution – The system will allow the user to download a resolution in an MS Word document or provide an opportunity to print the document.
   k. 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.**
3) Please scan the resolution adopted by commissioners' court and then upload it in the application page of the website **on or before DUE DATE November 21, 2014.** Alternatively, you may email the resolution to the Megan McIntire (MMcIntire@ppri.tamu.edu) or fax it to 888-351-3485.

E. Baseline

The baseline is the amount counties must spend in indigent defense before they qualify as having spent the grant. Counties that have received or applied for grants in previous years have already established a baseline with the Commission. 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.

F. Review

Prior to the Commission meeting set to award the Formula Grants, the Grant Administrator will review the application for completeness and notify counties via e-mail, fax, or mail whether any additions or corrections need to be made.

G. 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.

H. 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.**
The Indigent Defense Commission website maintains links to electronic copies of these documents. Grant applicants/ recipients may contact the Commission staff in writing for paper copies if no electronic means are available to secure the documents.

I. Statement of Grant Award

Statements of Grant Awards will be prepared exactly 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.

J. 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.

K. Required Reports

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. In accordance with TAC §173.109 the reporting will be through the internet.

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 must be submitted by November 1st of each odd numbered year in the form and manner prescribed by the Commission.

L. 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 a 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.

M. Maintain Official Contact Information

All counties must maintain the grant and plan officials contact information on counties' home 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.

N. 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.

O. Countywide Plan Requirements

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 must be submitted by November 1, 2013.

P. OCA Reporting

The applicants' county and district clerks must be in compliance with monthly court activity reporting requirements promulgated by the Texas Judicial Council as of August 31, 2014—reports for September 2013 through August 2014 are due not later than September 2014. The reports must be submitted to OCA electronically unless OCA grants a temporary waiver for good cause.

Q. Indigent Defense Expenditure Reporting

Counties that do not complete the Indigent Defense Expense Report on or before November 1, 2014 may have payments temporarily suspended by Commission staff until the Report is submitted and reconciled by staff.

R. Impact of Multi-year Discretionary Grant

Counties that receive multi-year discretionary grants from the Commission are encouraged to continue to apply for the Formula Grant. Formula Grant payments will be made as scheduled. The county will submit its annual Indigent Defense Expenditure Report on or before November 1 of each year. If the impact of the Multi-year funded program results in overall reduction of the county's indigent defense expenses below the baseline amount, then all or a portion of the formula grant may need to be returned to the Commission as directed by the Commission.

S. Impact of Multi-year Discretionary Regional or Sustainability Grants

Counties that receive multi-year regional or sustainability discretionary grants from the Commission are encouraged to continue to apply for the Formula Grant. Formula Grant payments will be made as scheduled. Such counties may use their formula grant payments to maintain the discretionary grant program. The county will submit its annual Indigent Defense Expenditure Report on or before November 1 of each year.