



Harris County, Texas

1001 Preston St., Suite 934
Houston, Texas 77002

Commissioners Court

Request for Court Action

File #: 23-6096

Agenda Date: 10/10/2023

Agenda #: 393.

Department: District Courts

Department Head/Elected Official: Richard Woods

Regular or Supplemental RCA: Supplemental RCA

Type of Request: Grant

Project ID (if applicable):

Vendor/Entity Legal Name (if applicable): District Courts

	YES	NO	ABSTAIN
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lesley Briones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MWDBE Contracted Goal (if applicable):

MWDBE Current Participation (if applicable):

Justification for 0% MWDBE Participation Goal: N/A - Goal not applicable to request

Request Summary (Agenda Caption):

Request by the District Courts for approval to submit an application to the Texas Indigent Defense Commission for grant funds in the approximate amount of \$3,880,529, with no required match, for the FY 24 Indigent Defense Formula Grant Program.

Background and Discussion:

The Texas Indigent Defense Commission awards grants to reimburse each Texas County for Indigent Defense services Formula grants are provided by the Texas Commission to meet its statutory mandates and to promote Texas Counties compliance with standards adopted by the commission. Similar amounts are expected in future grants beginning in FY25.

Expected Impact:

The Texas Indigent Defense Commission (TIDC) awarded grant will be used for indigent defense services that are statutorily mandated, and to ensure Harris County's compliance with standards adopted by the TIDC. This funding will address access to quality counsel. The TIDC works together with counties to promote innovation and improvement in indigent defense systems statewide.

Alternative Options:

The formula grant reimburses each Texas County for expenses related to indigent defense in criminal and juvenile delinquency matters. The alternative would be Harris County as sole funding source for the court ordered expenditures.

Alignment with Goal(s):

File #: 23-6096

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- X Justice and Safety
- _ Economic Opportunity
- _ Housing
- _ Public Health
- _ Transportation
- _ Flooding
- _ Environment
- _ Governance and Customer Service

Presented to Commissioners Court

October 10, 2023

Approve: E/G

Prior Court Action (if any):

Date	Agenda Item #	Action Taken
6/27/23		FY23 Award Accepted

Location:

Address (if applicable):

Precinct(s): Countywide

Fiscal and Personnel Summary			
Service Name			
	FY 24	FY 25	Next 3 FYs
Incremental Expenditures (do NOT write values in thousands or millions)			
Labor Expenditures	\$	\$	\$
Non-Labor Expenditures	\$3,880,529.00	\$	\$
Total Incremental Expenditures	\$3,880,529.00	\$	\$
Funding Sources (do NOT write values in thousands or millions)			
Existing Budget			
Grant	\$	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Total Current Budget	\$	\$	\$
Additional Budget Requested			
Grant	\$3,880,529.00	\$	\$
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$
Total Additional Budget Requested	\$3,880,529.00	\$	\$
Total Funding Sources	\$3,880,529.00	\$	\$
Personnel (Fill out section only if requesting new PCNs)			
Current Position Count for Service	-	-	-
Additional Positions Requested	-	-	-

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Total Personnel	-	-	-
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Anticipated Court Date: October 31, 2023

Anticipated Implementation Date (if different from Court date):

Emergency/Disaster Recovery Note: Not an emergency, disaster, or COVID-19 related item

Contact(s) name, title, department: Richard Woods, Court Administrator, District Courts

Attachments (if applicable):

- TIDC FY2024 Formula Grant Request for Applications (RFA)
- TIDC Grant Resolution October 2023



HARRIS COUNTY, TEXAS

Office of Management and Budget 1001 Preston; Suite 500 Houston, TX 77002 713-274-1135

Grants Coordination Section - Conveyance Form Application Award

Department Name / Number	DUNS	Grant Title
District Courts - 700	Not Applicable	Indigent Defense Grant FY 24
Funding Source: Texas Indigent Defense Commission (OCA): CFDA# N/A		Grant Agency: Texas Indigent Defense Commission (OCA)
Program Year: 24 th		Program Ending:
Grant Begin Date: 10/01/2023		Grant End Date: 09/30/2024
Grant Org. Key: N/A		If applicable, Prior Year Org. Key: N/A

Grant Description:

The Texas Indigent Defense 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. In addition, it requires local planning for indigent defense and reporting of expenditures and provides an array of resources for counties to improve these services.

	Total Budget	Grant Funded	County Funded
Salary & Benefits	\$0.00	\$0.00	\$0.00
Non-Labor	\$3,880,529.00	\$3,880,529.00	\$0.00
Sub Tot. Incremental Cost	\$3,880,529.00	\$3,880,529.00	\$0.00
Indirect Cost	\$0.00	\$0.00	\$0.00*
TOTALS	\$3,880,529.00	\$3,880,529.00	\$0.00

* under development

Full Time Equivalent Positions

Date Guidelines are Available

% of Positions Paid by Grant

Grant Submittal Deadline Date

Grant Discussion:

If awarded, this grant will assist the County to continue to improve indigent criminal defense services in the County by allocating grant funds for Court-appointed attorneys. The budgeted amount in this application is estimated to be approximately \$3,880,529, which is the amount of the FY23 award. Formula Grant award amounts are determined based upon a county's percentage of state population and percentage of state indigent defense expenses multiplied by the Commission's budgeted amount for formula grants. Counties must meet minimum spending requirements and maintain a countywide indigent defense plan that complies with statutes and standards to qualify for Formula Grant funds.

County Funded Cost Projection

Year	Required	Discretionary
2024	-	-
2025	-	-
2026	-	-
2027	-	-
2028	-	-

Completed by : Eric Cadow Cadow, Eric

Date : 10/5/2023

Reviewed by: Michael Mattingly
Michael Mattingly (Oct 5, 2023 09:33 CD)

Date : 10/5/2023

2024 Harris County Resolution 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, Harris County Commissioners Court has agreed that in the event of loss or misuse of the funds, Harris 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 10th day of October, 2023.

DocuSigned by:



200C1B1FC65A4DC...

Lina Hidalgo
County Judge

Attest:

DocuSigned by:



3D1AD64BD06E423...

County Clerk
Teneshia Hudspeth

	YES	NO	ABSTAIN
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lesley Briones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presented to Commissioners Court

October 10, 2023

Approve: E/G



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

FY2024 Formula Grant Program Request for Applications (RFA)

Issued September 2023

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 2024 must be submitted on-line **by Wednesday, November 15, 2023**. The grant period is October 1, 2023 through September 30, 2024.

Total FY 2024 Formula Grant Amount Budgeted: \$17.5 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, 2023 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 2022 through August 2023 are due not later than September 30, 2023 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 “FY2024” 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 Wednesday, November 15, 2022**. Alternatively, you may email the resolution to Grants@tidc.texas.gov.

Contact Doriana 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 FY24 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)







Indigent Defense Supplemental 10-10-23 Agenda Grants

Final Audit Report

2023-10-05

Created:	2023-10-05
By:	Eric Cadow (eric.cadow@bmd.hctx.net)
Status:	Signed
Transaction ID:	CBJCHBCAABAACgCzyL-mCf0GBHcFGsyMBYgfWa1nm4FV

"Indigent Defense Supplemental 10-10-23 Agenda Grants" History

-  Document created by Eric Cadow (eric.cadow@bmd.hctx.net)
2023-10-05 - 2:30:25 PM GMT
-  Document emailed to mike.mattingly@bmd.hctx.net for signature
2023-10-05 - 2:30:49 PM GMT
-  Email viewed by mike.mattingly@bmd.hctx.net
2023-10-05 - 2:33:37 PM GMT
-  Signer mike.mattingly@bmd.hctx.net entered name at signing as Michael Mattingly
2023-10-05 - 2:33:49 PM GMT
-  Document e-signed by Michael Mattingly (mike.mattingly@bmd.hctx.net)
Signature Date: 2023-10-05 - 2:33:51 PM GMT - Time Source: server
-  Agreement completed.
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