Grant Number: 212-13-D04
Grantee Name: Montgomery County
Program Title: Montgomery County Managed Assigned Counsel Program
Grant Period: 10/1/2012-9/30/2013
Grant Award Amount: $274,242

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Montgomery 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 by August 31, 2012. 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:

<table>
<thead>
<tr>
<th>Direct Costs:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Personnel (Total Number of FTEs: 6)</td>
<td>$329,056</td>
</tr>
<tr>
<td>2) Fringe Benefits</td>
<td>$67,507</td>
</tr>
<tr>
<td>3) Travel and Training</td>
<td>$8,000</td>
</tr>
<tr>
<td>4) Equipment</td>
<td>0</td>
</tr>
<tr>
<td>5) Supplies</td>
<td>$19,000</td>
</tr>
<tr>
<td>6) Contract Services</td>
<td>$60,393</td>
</tr>
<tr>
<td>7) Indirect Costs</td>
<td>0</td>
</tr>
<tr>
<td>Total Proposed Costs</td>
<td>$483,956</td>
</tr>
<tr>
<td>Less Cash from Other Sources- County Match</td>
<td>$209,714</td>
</tr>
<tr>
<td>Total Amount Funded by Commission</td>
<td>$274,242</td>
</tr>
</tbody>
</table>

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 Request for Applications issued on December 7, 2011, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title I, 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 deobligating 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 “Required Conditions and Report” contained in Attachment A.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.

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

[Signature]

Name & Title (must print or type)

[Name]

Date

[Date]
Attachment A

Required Conditions and Reports

Method of Calculation

The budget appearing in the Statement of Grant Award was developed under the assumptions that the grant be based on a 12-month period. The schedule provides the county twelve months of funds at each of the original agreed upon funding levels. Because the county had a delayed start in the first year (FY2011), it is necessary to adjust funding in subsequent years to allow the county to fully expend grant funds. The intention is to follow a declining schedule of 80 percent in the first year; then, 60 percent in the second year; then, 40 percent in the third year; and 20 percent in the final year of the Commission support. The grants will remain on a fiscal calendar (October to September), but future awards will reflect any needed modifications to implement this policy.

Program Requirements

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

- The County will continue to operate a Managed Assigned Counsel Program as defined in Article 26.047 of the Code of Criminal Procedure as amended by the 82nd Legislature. The County must meet all requirements of this statute.

- The County will submit both progress reports and expenditure reports to obtain reimbursement of expended funds based on actual expenditures.

- The County will maintain conditions conducive to maintaining attorney-client privileged communication. These conditions shall include confidential communication at both locations of the communication and provide that no recording of the communication shall be made.

- The County will not record communications between court officials/court staff and defendants during ministerial proceedings unless conducted as part of the Texas Code of Criminal Procedure Article 15.17 hearings.

- The County will provide for reasonable protection from third party interception of communication between the video-teleconferencing sites.

- The County must maintain an oversight board to supervise the operation of this program as described in the application.

- The County must maintain, or ensure that any contracted party for legal services maintains, a written policy that includes caseload standards for each attorney and for the operation of this program. In developing caseload standards, nationally recognized standards and standards used by other states shall be taken into consideration. The requirement on the caseload standard must require the lead attorney of this program to review the caseload status at least quarterly. The lead attorney may make overrides or approve lower caseloads based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, court needs, available technology augmenting services, or other factors affecting the delivery of services. The lead attorney must notify the oversight board in writing if an exception to the caseload standards is authorized. The caseload standards must be submitted to the Task Force.

- The County will cooperate with the Task Force staff to develop reasonable on-line reports that best reflect the work of the program and demonstrate that the program is operating as intended. The county will track all of the data elements presented in the proposal. The on-line reports may include some of the data elements in the proposal as well as standard program data elements developed by the Task Force.

- The County must provide a plan of data collection by the first progress report that includes a list of data elements that capture the work performed under this program or impact on the county’s compliance with the Fair Defense Act. This County must submit data collection agreements from county offices or
departments to provide this data to the program director on a regular basis to measure the impact of this program.

— The County or its designee must provide to the Commission staff the minimum job requirements and a full job description of the FTE positions specified under this project.

— An updated draft of the Public Defender Office or Managed Assigned Counsel office Case Representation Policies and Procedures Manual must be provided to the Commission with the first quarterly progress report. Grantees should consider professional standards of representation such as the Texas State Bar Performance Guidelines for Non-Capital Criminal Defense Representation when developing the manual.

— Grantees that use grant funds to contract for services must develop and include in the contract provisions to monitor each contract that is for more than $10,000 per year. These provisions must include specific actions to be taken if the grantee discovers that the contractor’s performance does not meet the operational or performance terms of the contract. In the case of contracts for public defender offices and managed assigned counsel programs, these provisions must include a review of utilization and activity, reporting of financial data to evaluate the contractor’s performance within the budget required by statute for such programs.

— The County will develop a written policy that includes a formal intake process for this program. The policy must include: 1) a procedure to refer clients from courts, public defender attorneys, and the private bar; 2) a method to screen and/or assess the defendants who are referred for representation under this program; and 3) a set priority population criteria to determine which clients are to be represented if referrals are greater than caseload capacity. The priority population criteria may include factors of mental health, mental retardation, institutionalization history, medical history, seriousness of the offense, impact on the community, or other factors related to the alleged crime or personal history of the defendant. The Chief Public Defender or Managing Attorney of a managed assigned counsel program may allow exceptions but all exceptions to the policy from the intake process must be documented and maintained.

— The County will provide a written plan on how it will coordinate with, and not duplicate the work of, existing mental health systems. The plan must demonstrate how the County will identify and incorporate available mental health screening, assessment, treatment, and community services available to the defendants served by the grant program. The plan must also address how the positions funded under this grant will fit into the County’s methods of operation 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.