

**TEXAS ADMINISTRATIVE CODE (TITLE 1, PART 1, CHAPTER 3)
OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION
(EFFECTIVE JUNE 21, 2009)**

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SUBCHAPTER A. GENERAL GRANT PROGRAM PROVISIONS

Section 3.1 Applicability

Subchapters A through F of this chapter applies to all applications for funding and grants submitted to the Criminal Justice Division (CJD), Office of the Governor. A grantee must comply with the provisions of Subchapters A through F in effect on the date the grant is awarded by CJD, unless a subsequent effective date is specified by CJD in an original grant award or a grant adjustment. Grantees must comply with all applicable state and federal statutes, rules, regulations, and guidelines. In instances where both federal and state requirements apply to a grantee, the more restrictive requirement applies.

Section 3.3 Definitions

- (a) applicant: an agency or organization that has submitted a grant application or grant renewal documentation;
- (b) approved budget categories: budget categories (including personnel, contractual and professional services, travel, equipment, construction, supplies and other direct operating expenses, and indirect costs) that contain a line item with a dollar amount greater than zero that is approved by CJD through a grant award or a budget adjustment;
- (c) CJAC: Criminal Justice Advisory Committee, a component of a COG. A CJAC must have a multi-disciplinary representation of members from the region. This representation must contain members from the following groups: concerned citizens or parents, drug abuse prevention, education, juvenile justice, law enforcement, mental health, nonprofit organizations, prosecution/courts, and victim services. No single group may constitute more than one third of the CJAC;
- (d) CJD: The Criminal Justice Division of the Office of the Governor or its designee;
- (e) COG: a regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Texas Local Government Code;
- (f) condition of funding: a prerequisite placed on a grant because of a need for information, clarification, or submission of an outstanding requirement of the grant that may result in a hold being placed on the CJD-funded portion of a grant project;
- (g) equipment:
 - (1) an article of non-expendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals the lesser of the capitalization level established by the grantee for financial statement purposes or \$1,000; or
 - (2) any of the following items with costs between \$500 and \$1,000: stereo systems, still and video cameras, facsimile machines, DVD players, VCRs and VCR/TV combinations, cellular and portable telephones, and computer systems.
- (h) executive director: the executive director of CJD;
- (i) grant funds: CJD-funded and matching funds portions of a grant project;
- (j) grantee: an agency or organization that receives a grant award;
- (k) liquidation date: the date specified in an original grant award of subsequent grant adjustment upon which a grantee must expend all outstanding liabilities;

(l) matching funds: the grantee's share of the project costs. Matching funds may either be cash or in-kind. Cash match includes actual cash spent by the grantee and must have a cost relationship to the award that is being matched. In-kind match includes the value of donated services. An applicant's use of matching funds must comply with the same statutes, rules, regulations, and guidelines applicable to the use of the CJD-funded portion of a grant project.

(m) OMB: The Office of Management and Budget;

(n) program income: gross income earned by the grantee during the funding period as a direct result of the award. "Direct result" is defined as a specific act or set of activities that are directly attributable to grant funds and that are directly related to the objectives of the project. Program income includes, but is not limited to, forfeitures, fees, cash contributions, donations, restitution, interest income, and royalties.

(o) RFA: Request for Applications, published in the Texas Register by CJD: and

(p) UGMS: the Uniform Grant Management Standards, promulgated by the Office of the Governor.

Section 3.5 Submission Process

(a) When applying for a grant pursuant to a RFA published in the Texas Register by CJD, applicants must submit and certify their applications according to the requirements provided in the RFA.

(b) CJD may also consider applications for grants that are not submitted pursuant to an RFA. Applicants will be selected in accordance with §3.7(b) of this chapter.

(c) Applicants must apply for funds using the procedures, forms, and certifications prescribed by CJD.

Section 3.7 Selection Process

(a) All applications must be submitted to CJD and certified by the applicant's authorized official. For applications submitted and certified pursuant to an RFA, the executive director may select a review group, COG, or other designee to prioritize the applications and submit a priority listing to the executive director, who will render the final funding decision.

(b) For applications certified by the applicant's authorized official, the executive director will decide whether to fund the application based upon the following factors:

(1) the inherent value of the project's impact;

(2) whether the project has the potential to be a model program; or

(3) whether delaying the application would have a significant negative impact on the area proposed to be served.

(c) For applications prioritized by a COG, the CJAC must prioritize the applications and prepare the priority listing. The COG's governing body must approve the priority listing. CJD will make final decisions on these applications based upon the availability of funding, COG priorities, and eligibility. Preference will be given to applicants who demonstrate an effective approach to services that compliment the Governor's strategies.

(d) During the review of an application, CJD may request that the applicant submit any additional information necessary to complete the grant review. Such requests for information do not serve as notice that CJD intends to fund an application. CJD may make the necessary corrections to an application to bring it

into compliance with state or federal requirements. Any corrections to an applicant's budget will be reflected in the award documentation.

(e) CJD will inform applicants of decisions on their grant applications through either a Statement of Grant Award or a notification of denial. For applications prioritized by a COG that do not receive funding recommendations, the COG notification of the decision not to recommend funding serves as the applicant's notification of denial.

Section 3.9 Funding Decisions

(a) All funding decisions made by the executive director are final and are not subject to appeal. The receipt of an application by CJD does not obligate CJD to fund the grant or to fund it at the amount requested.

(b) Neither the approval of a project nor any grant award shall obligate CJD in any way to make any additional, supplemental, continuation, or other award.

Section 3.11 Grant and Supplemental Award Acceptance

The award documentation constitutes obligation of funds for use by the grantee in execution of the program or project covered by the award. Such obligation may be terminated without cause if the grantee's authorized official fails to accept the grant award within 45 calendar days of the date when CJD issues the Statement of Grant Award. CJD may extend this deadline on written request from the applicant. Funds will not be disbursed until acceptance of grant by the grantee.

Section 3.21 Use of the Internet

CJD requires an applicant or grantee to submit grant applications, progress reports, financial reports, and other information to CJD via the Internet or other electronic means.

Section 3.23 Delegation of Authority

The executive director may delegate his or her authority or CJD's authority under this chapter.

Section 3.25 Suspension of Rules

Except where prohibited by state or federal statute or rule the executive director may suspend any requirement in this chapter on a showing of good cause.

SUBCHAPTER B. GENERAL GRANT PROGRAM POLICIES

DIVISION 1. ELIGIBILITY REQUIREMENTS

Section 3.51 Community Plans

Each community, consisting of a single county or a group of counties, must file with a COG a community plan that addresses criminal justice priorities. COG's will develop standards for community planning.

DIVISION 2. GRANT BUDGET REQUIREMENTS

Section 3.73 Matching Funds Policy

If matching funds are required on a grant, an applicant must ensure that it possesses or can acquire the required matching funds. A contractor or participating entity may contribute toward the matching funds requirement, but the applicant bears the responsibility for satisfying the matching funds requirement.

Section 3.75 Personnel

(a) CJD shall determine the reasonableness of requested salaries and reserves the right to limit the CJD-financed portion of any salary.

(b) CJD shall not pay any portion of the salary of, or any other compensation for, an elected or appointed government official.

(c) Compensation for grant funded employees must be comparable to that of non grant funded employees performing similar work duties.

(d) Grantees may use grant funds to compensate staff members leaving employment for accrued leave (which includes, but is not limited to, annual leave, compensatory time, and sick leave) in accordance with the grantee's policy. These payments may only fund leave earned during the current grant period. The proportion of grant funds paid for leave cannot exceed the proportion of grant funds used to pay the staff member's salary.

Section 3.77 Professional and Contractual Services

Grantees must establish a contract administration system to consistently ensure that contract deliverables are being provided as specified in the contracts.

Section 3.79 Travel and Training

(a) Grant funds used for travel expenses must be limited to the grantee agency's established mileage, per diem, and lodging policies. If a grantee does not have established mileage, per diem, and lodging policies, then the grantee must use state travel guidelines.

(b) Grantees must maintain records that properly document the completion of all grant-funded training courses.

Section 3.81 Equipment

(a) Applicants must submit with their grant applications an itemized list of all proposed equipment purchases to CJD for approval. Grantees must request any additional equipment purchases through grant adjustments.

(b) CJD will not approve grant funds to purchase vehicles or equipment for governmental agencies that are for general agency use. The Edward Byrne Justice Assistance Grant Program and the County Essential Services Grant Program are exempt from this subsection.

Section 3.83 Supplies and Direct Operating Expenses

Supplies and direct operating expenses are costs directly related to the grantee's day-to-day operation of the grant project that are not included in any of the grantee's other approved budget categories.

Section 3.85 Indirect Costs

(a) CJD may approve indirect costs in the CJD-funded portion of the grant project in an amount not to exceed two percent of the CJD-approved direct costs, unless the grantee has an approved cost-allocation plan.

(b) If the applicant has a cost-allocation plan and wishes to charge indirect costs to the CJD-funded or cash match portion of the grant, the applicant shall identify the indirect cost rate and provide supporting documentation as part of the application to CJD. CJD will review the documentation and will determine an appropriate indirect cost rate for the project.

(c) Unless otherwise specified, indirect costs are allowable under CJD grants in accordance with applicable state and federal guidelines.

Section 3.87 Program Income

Earned program income must be reported to CJD. Program income may only be used, with prior approval from CJD, for allowable project costs as reflected in an approved budget. Grantees may not carry forward program income from one grant year to the next. Grantees must refund to CJD any program income remaining at the end of the grant period.

SUBCHAPTER D. CONDITIONS OF GRANT FUNDING

Section 3.2001 Conditions of Funding

When CJD determines that a grantee has failed to submit the necessary information or has failed to comply with any applicable statute, rule, regulation, guideline, or requirement, CJD may place a condition of funding on the grant which may invoke a hold on funds.

Section 3.2009 Cooperative Working Agreement

(a) When a grantee intends to carry out a grant project through cooperating or participating with one or more outside organizations, the grantee must ensure that the cooperative working agreement is signed by each participating organization. Grantees must maintain on file a signed copy of all cooperative working agreements.

(b) Cooperative working agreements do not involve an exchange of funds.

Section 3.2013 Pre-Approval Requirements for Procurement

(a) A grantee must submit a CJD-prescribed Procurement Questionnaire when any procurement is expected to exceed \$100,000 or upon CJD request. CJD may also request all related procurement documentation, such as requests for proposals, invitations for bids, or independent cost estimates.

(b) Grantees may not divide purchases or contracts to avoid the requirements of this section. For purposes of determining compliance, CJD will consider groups of contracts with a single vendor or groups of purchases for the same or similar items as a single procurement.

Section 3.2021 Resolutions

Applications from local units of governments and other political subdivisions must include a resolution that contains the following:

(1) authorization for the submission of the application to CJD that clearly identifies the project for which funding is requested;

(2) a commitment to provide for all applicable matching funds;

(3) a designation of the name or title of an authorized official who is given the power to apply for, accept, reject, alter, or terminate a grant (if this designation changes during the grant period, a new resolution must be submitted to CJD); and

(4) a written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

Section 3.2023 Tax-Exempt and Nonprofit Information

All nonprofit corporations must submit with their application, information about the agency's fiscal capability, including information from the Internal Revenue Service granting the corporation tax-exempt status.

Section 3.2025 Civil Rights Liaison

All applicants must certify that they have a designated civil rights liaison during the application process. The civil rights liaison will serve as the grantee's civil rights contact point and has the responsibility for ensuring that the grantee meets all applicable civil rights requirements. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

SUBCHAPTER E. ADMINISTERING GRANTS

Section 3.2501 Grant Officials

- (a) Each grant must have a Project Director, Financial Officer, and Authorized Official. No person shall serve in more than one capacity.
- (b) Each grant official must have an e-mail address and access to the Internet.
- (c) The grantee shall notify CJD within 20 calendar days of any change in the designated project director, financial officer, or authorized official; any change in the mailing address, e-mail address, fax number, or telephone number of each grant official and any change in the grantee's physical address.

Section 3.2503 Obligating Funds

A grantee may not obligate grant funds before the beginning or after the end of the grant period.

Section 3.2505 Retention of Records

- (a) Grantees must maintain all financial records, supporting documents, statistical records, and all other records pertinent to the award for at least three years following the closure of the most recent audit report or submission of the final financial status report if the audit report requirement has been waived. Grantees may retain records in an electronic format. All records are subject to audit or monitoring during the entire retention period.
- (b) Grantees must retain records for equipment, non-expendable personal property, and real property for a period of three years from the date of the item's disposition, replacement, or transfer.
- (c) If any litigation, claim, or audit is started before the expiration of the three-year records retention period, the grantee must retain the records under review until the completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

Section 3.2507 Financial Status Reports

- (a) Each grantee must submit financial status reports to CJD. CJD will provide the appropriate forms and instructions for the reports along with deadlines for their submission.
- (b) A grantee may submit financial status reports to generate reimbursement no more than once a month. Grantees may only request an advance payment during the first month of the grant period to cover the first month's expenses.
- (c) Grantees must ensure that CJD receives their final financial status report no later than the liquidation date or funds will lapse and revert to the grantor agency. If grant funds are on hold for any reason, these funds will lapse on the liquidation date and the grantee cannot recover them. CJD will not make payments to grantees that submit their final financial status report after the liquidation date.

Section 3.2509 Equipment Inventory Reports

CJD requires each grantee to maintain on file a current inventory report of all equipment purchased with grant funds during the grant period. This report must reconcile with the approved grant budget and the final financial status report.

Section 3.2513 Grant Adjustments

(a) The project director, financial officer, or authorized official may submit requests for grant adjustments.

(b) Adjustments consisting of increases or decreases in the amount of a grant or the reallocation of grant funds among or within approved budget categories are allowable only with prior CJD approval.

(c) Programmatic changes, such as requests to revise the scope, target, or focus of the project, or alter project activities require prior approval from CJD. Requests to extend the grant period must be submitted to and received by CJD, no later than the last day of the grant period.

Section 3.2515 Bonding

Each nonprofit corporation receiving funds from CJD must obtain and have on file a blanket fidelity bond that indemnifies CJD against the loss and theft of the entire amount of grant funds. The cost of the bond is an eligible expense of the grant.

Section 3.2517 Remedies for Noncompliance

If a grantee fails to comply with any term or condition of a grant or any applicable statutes, rules, regulations, or guidelines, CJD may:

(1) withhold all grant payments to a specific project or withhold all grant payments to all grant projects awarded to the grantee pending correction of the deficiency;

(2) disallow all or part of the cost of the activity or action that is not in compliance;

(3) withhold further grants from the program or grantee;

(4) terminate the grant in whole or in part; or

(5) exercise other legal remedies.

Section 3.2519 Grant Reduction or Termination

(a) If a grantee wishes to terminate any approved grant, it must notify CJD immediately.

(b) CJD may reduce or terminate any grant when:

(1) a grantee fails to comply with any term or condition of the grant or the grantee has failed to comply with any applicable statute, rule, regulation, or guideline;

(2) the grantee and CJD agree to do so;

(3) state or federal funds are no longer available to CJD;

(4) conditions exist that make it unlikely that grant objectives will be accomplished; or

(5) the grantee has acted in bad faith.

(c) In the event that a grant is reduced or terminated by CJD, CJD will notify the grantee in writing.

Section 3.2521 Payment of Outstanding Liabilities

Grantees must expend all outstanding liabilities no later than the liquidation date of the grant period specified in an original grant award or a subsequent grant adjustment. All payments made after the completion of the grant period must relate to obligations incurred during the grant period.

Section 3.2523 Violations of Laws

(a) A grantee must immediately notify CJD in writing of any legal violations.

(b) A grantee must immediately notify CJD in writing if a project or project personnel become involved in any civil or criminal litigation and the grantee must immediately forward a copy of any demand notices, subpoenas, lawsuits, or indictments to CJD.

(c) If a federal or state court or administrative agency renders a judgment or order finding discrimination by a grantee based on race, color, national origin, sex, age, or handicap, the grantee must immediately forward a copy of the judgment or order to CJD.

(d) If any records are seized from a grantee by a law enforcement agency, or a state or federal agency, the grantee must immediately notify CJD in writing of the seizure and must retain copies of the seized records.

Section 3.2525 Evaluating Project Effectiveness

(a) Grantees must regularly evaluate their projects. CJD will monitor the grantee through progress reports, on-site visits, and desk reviews. Grantees must maintain information related to project evaluations in the project's files, and that information must be available for review.

(b) Grantees are responsible for managing the day-to-day operations of grant and sub-grant supported activities, including those of their contractors and subcontractors. Grantees must develop and maintain a standardized monitoring program incorporating best practices.

Section 3.2527 Grantee Reports

(a) Each grantee must submit reports regarding grant information, performance, and progress. To remain eligible for funding, the grantee must be able to show the scope of services provided and the impact and quality of those services.

(b) CJD may place projects on financial hold for failure to submit complete and accurate progress reports. A grantee's history of delinquent or inaccurate reports may affect future funding decisions.

Section 3.2529 Grant Management

(a) CJD has oversight responsibility for the grants it awards. CJD may review the grantee's management and administration of grant funds and records at any time. Grantees must respond to all CJD inquiries or requests and must make all requested records available to CJD.

(b) The grantee is the entity legally and financially responsible for the grant. A grantee may not delegate its legal or financial responsibility.

SUBCHAPTER F. PROGRAM MONITORING AND AUDITS

Section 3.2601 Monitoring

- (a) CJD will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes and that grantees achieve grant purposes.
- (b) The monitoring program may consist of formal audits, monitoring reviews, and technical assistance. CJD may implement monitoring through on-site review at the grantee or sub-grantee location or through a desk review. CJD may request grantees to submit information to CJD to support any monitoring review.
- (c) Grantees must make available to CJD all records relevant to a monitoring review. Failure to provide adequate documentation may result in disallowed costs or other remedies for noncompliance.
- (d) After a monitoring review, the grantee will be notified in writing of any noncompliance identified by CJD in the form of a preliminary report.
- (e) The grantee shall respond to the preliminary report and the deficiencies or recommendations, and submit a corrective action plan to CJD within a time specified by CJD.
- (f) The corrective action plan shall include:
 - (1) the titles of the persons responsible for implementing the corrective action plan;
 - (2) the corrective action to be taken; and
 - (3) the anticipated completion date.
- (g) If the grantee believes corrective action is not required for a deficiency or recommendation, the response shall include an explanation and specific reasons. CJD will determine whether the response is adequate to resolve the deficiency or recommendation.
- (h) The grantee's response and the approved corrective action plan shall become part of the final report.
- (i) The grantee shall resolve all identified findings within the time specified by CJD.

Section 3.2603 Audits Not Performed by CJD

- (a) Grantees must have audits performed in accordance with the requirements set forth in OMB Circular No. A-133 and the State Single Audit Circular issued under UGMS.
- (b) Grantees must submit to CJD copies of the results of any single audit conducted in accordance with OMB Circular No. A-133 or in accordance with the State Single Audit Circular issued under UGMS. Grantees must ensure that single audit results, including the grantee's response and corrective action plan, if applicable, are submitted to CJD within 30 calendar days after the grantee receives the audit results or nine months after the end of the audit period, whichever is earlier.
- (c) All other audits performed by auditors independent of CJD must be maintained at the grantee's administrative offices and be made available upon request by CJD. Grantees must notify CJD of any audit results that may adversely impact grant funds.

SUBCHAPTER G. CRIMINAL JUSTICE DIVISION ADVISORY BOARDS

DIVISION 1. CRIME STOPPERS ADVISORY COUNCIL

Section 3.8100 Establishment

The Council is established by Texas Civil Statutes, Article 4413(32a) 6(a)(11) and Chapter 414 of the Texas Government Code.

Section 3.8105 General Powers

(a) Pursuant to Chapter 414 of the Texas Government Code, the council is authorized to:

(1) certify a crime stoppers organization to receive repayments of rewards under Articles 37.073 and 42.152 of the Texas Code of Criminal Procedure, or payments from a defendant under Article 42.12 of the Texas Code of Criminal Procedure;

(2) decertify an organization, thereby rendering the organization ineligible to receive such repayments or payments; and

(3) adopt rules to carry out its function; however, the council may not adopt rules that conflict with rules relating to grants adopted by CJD.

(b) In addition, the council acts in an advisory capacity to the executive director of CJD, who will relate their recommendations and those of CJD to the governor as needed.

Section 3.8110 Composition

The council must be composed of five members appointed by the governor with the advice and consent of the Texas Senate. At least three members must be persons who have participated in a local Crime Stoppers program. The term of office of each member is four years. At its first meeting after the beginning of each fiscal year the council shall elect from among its members a chairman and other officers that the council considers necessary.

Section 3.8115 Meetings

(a) At all meetings, the latest version of *Robert's Rules of Order* shall govern proceedings.

(b) Meetings will be held at least annually and at other times deemed necessary by the chairman or the executive director of CJD.

Section 3.8120 Compensation

All members shall serve without compensation. Necessary travel and per diem expenses may be reimbursed when such expenses are incurred in direct performance of official duties of the council. All council members will be reimbursed according to the rates set by the legislature.

DIVISION 2. GOVERNOR'S JUVENILE JUSTICE ADVISORY BOARD

Section 3.8200 Establishment

The board is established by governor's Executive Order RP 9.

Section 3.8205 General Powers

(a) The board acts in an advisory capacity to the executive director of CJD, who will relate their recommendations and those of CJD to the governor as needed.

(b) Pursuant to federal regulations governing implementation of the Juvenile Justice and Delinquency Prevention Act, the Governor's Juvenile Justice Advisory Board is designated as the supervisory board. Duties of the supervisory board shall be as follows:

(1) Advise CJD on matters pertaining to juvenile justice and delinquency prevention, including Title II of the Juvenile Justice and Delinquency Prevention Act;

(2) Participate in the development and review of the State's Juvenile Justice and Delinquency Prevention Three Year Plan, which may be updated annually as needed;

(3) Submit to the governor and legislature recommendations regarding state compliance with the requirements of Title II, Part B, §223(a)(11), (12), and (13) of the Juvenile Justice and Delinquency Prevention Act of 2002, Public Law 107-273, 42 U.S.C. 5601 et seq., as amended, and all funding sources provided to CJD from the Office of Juvenile Justice and Delinquency Prevention under the Juvenile Justice and Delinquency Prevention Act and the federally appropriated Juvenile Accountability Block Grant; and

(4) Consult and seek advice and suggestions frequently from juveniles currently under the jurisdiction of the juvenile justice system.

(c) CJD shall afford the Juvenile Justice Advisory Board the opportunity to review and comment on all juvenile justice and delinquency prevention grant applications submitted to CJD.

Section 3.8210 Composition

The composition of the board will be in compliance with the federal Juvenile Justice and Delinquency Prevention Act and all regulations set by the Office of Juvenile Justice and Delinquency Prevention. The governor will appoint the chairman of the board.

Section 3.8215 Meetings

(a) At all meetings, the latest version of *Robert's Rules of Order* shall govern proceedings.

(b) Meetings will be held at least annually and at other times deemed necessary and appropriate.

Section 3.8220 Compensation

(a) All members shall serve without compensation. Necessary travel and per diem expenses may be reimbursed when such expenses are incurred in direct performance of official duties of the Board. All board members will be reimbursed according to the rates set by the legislature.

(b) The governor, chairman or the executive director of CJD may appoint qualified persons to advise the Juvenile Justice Advisory Board concerning specific juvenile justice matters. Such persons shall serve

without compensation but may be reimbursed for reasonable and necessary expenses upon approval of the executive director of CJD.

SUBCHAPTER H. CRIME STOPPERS PROGRAM CERTIFICATION

DIVISION 1. CRIME STOPPERS PROGRAM CERTIFICATION

Section 3.9000 Certification

(a) The Crime Stoppers Advisory Council shall, on application by a crime stoppers organization as defined by §414.001(2) of the Texas Government Code, determine whether the organization meets the requirements to be certified to receive repayments of rewards under Articles 37.073 and 42.152 of the Texas Code of Criminal Procedure, or payments from a defendant under Article 42.12 of the Texas Code of Criminal Procedure.

(b) The Crime Stoppers Advisory Council shall, in its discretion, certify a crime stoppers organization to receive those repayments or payments if, considering the organization, continuity, leadership, community support, and general conduct of the organization, the Council determines that the repayments or payments will be spent to further the crime prevention purposes of the organization.

(c) Certification is valid for two years from the date of issuance. If a crime stoppers organization's certification expires, the organization is not eligible to receive repayments of rewards under Articles 37.073 and 42.152 of the Texas Code of Criminal Procedure, or payments from a defendant under Article 42.12 of the Texas Code of Criminal Procedure, until the organization obtains certification. The two-year certification period may be extended under the following circumstances:

(1) If an organization's application to renew its certification is received by the director of the Crime Stoppers Advisory Council before the two-year certification period expires, the organization's certification shall continue in effect until the Council makes a decision regarding the renewal of its certification.

(2) The chairman of the Crime Stoppers Advisory Council may extend the two-year certification period for a period of time not to exceed 90 days if:

(A) one of the following extenuating circumstances occurs before the two-year certification period expires:

(i) natural or man-made disaster;

(ii) serious illness, incapacity, or death of the chairman, treasurer, or secretary of the organization's board of directors;

(iii) serious illness, incapacity, or death of one of the organization's law enforcement/civilian coordinators;
or

(iv) death of a member of the immediate family of one of the officials listed in clauses (ii) and (iii) of this subparagraph;

(B) one of the extenuating circumstances listed in subparagraph (A) of this paragraph has a detrimental effect on the organization's ability to submit an application for certification before the two-year certification period expires; and

(C) the director of the Crime Stoppers Advisory Council receives the organization's written request to extend the certification period no later than 20 calendar days after one of the extenuating circumstances listed in subparagraph (A) of this paragraph occurs.

(d) A private, nonprofit crime stoppers organization must submit the following information to the director of the Crime Stoppers Advisory Council in order to obtain certification:

(1) Documentation from the Internal Revenue Service granting the organization tax-exempt status;

(2) Proof that the following persons completed a training course provided by CJD and the Crime Stoppers Advisory Council, or their designee, within the year prior to submission of its application for certification:

(A) one member of the organization's board of directors, and

(B) one of the organization's law enforcement/civilian coordinators;

(3) A completed and signed Conditions of Certification Form;

(4) The name, mailing address, email address, telephone number, occupation, and board position of each member of the organization's board of directors;

(5) The name, mailing address, email address, and telephone number of each of the organization's law enforcement/civilian coordinators; and

(6) If the organization is currently certified by the Crime Stoppers Advisory Council or the organization's most recent certification expired within three years prior to submission of its application for certification, the organization must submit the following additional information:

(A) financial statements covering the two-year certification period on a form prescribed by the Crime Stoppers Advisory Council;

(B) documentation from the relevant courts or government agencies stating the amount of probation fees disbursed to the organization during the two-year certification period;

(C) any Annual Probation Fee and Repayment Reports that have not been submitted to the director of the Crime Stoppers Advisory Council as required by §3.9010 of this chapter; and

(D) any Quarterly Statistical Reports that have not been submitted to the director of the Crime Stoppers Advisory Council as required by §3.9013 of this chapter.

(e) A public crime stoppers organization must submit the following information to the director of the Crime Stoppers Advisory Council in order to obtain certification:

(1) Proof that one of the organization's law enforcement/civilian coordinators completed a training course provided by CJD and the Crime Stoppers Advisory Council, or their designee, within the year prior to submission of its application for certification;

(2) A completed and signed Conditions of Certification Form;

(3) The name, mailing address, email address, telephone number, occupation, and board position of each member of the organization's governing board;

(4) The name, mailing address, email address, and telephone number of each of the organization's law enforcement/civilian coordinators; and

(5) If the organization is currently certified by the Crime Stoppers Advisory Council or the organization's most recent certification expired within three years prior to submission of its application for certification, the organization must submit the following additional information:

(A) financial statements covering the two-year certification period on a form prescribed by the Crime Stoppers Advisory Council;

(B) documentation from the relevant courts or government agencies stating the amount of probation fees disbursed to the organization during the two-year certification period;

(C) any Annual Probation Fee and Repayment Reports that have not been submitted to the director of the Crime Stoppers Advisory Council as required by §3.9010 of this chapter; and

(D) any Quarterly Statistical Reports that have not been submitted to the director of the Crime Stoppers Advisory Council as required by §3.9013 of this chapter.

(f) Decisions regarding the certification of crime stoppers organizations shall be made by the Crime Stoppers Advisory Council.

Section 3.9005 Decertification

(a) During the two-year certification period, the Crime Stoppers Advisory Council shall, in its discretion, decertify a crime stoppers organization if it determines that the organization no longer meets the certification requirements described in §3.9000(b) of this chapter, which may include a violation of state law, federal law, or Subchapter H of this chapter.

(b) If a crime stoppers organization is decertified by the Crime Stoppers Advisory Council, the organization is not eligible to receive repayments of rewards under Articles 37.073 and 42.152 of the Texas Code of Criminal Procedure, or payments from a defendant under Article 42.12 of the Texas Code of Criminal Procedure.

(c) The Crime Stoppers Advisory Council shall send written notification to the crime stoppers organization no later than 45 calendar days prior to the meeting at which the Council will consider the decertification of the organization. The written notification shall include the following:

(1) Any noncompliance with the certification requirements described in §3.9000(b) of this chapter; and

(2) The date, time, and location of the meeting at which the Council will consider the decertification of the organization.

(d) The crime stoppers organization shall submit a written response, which shall include an explanation and specific reasons why the organization believes that it should not be decertified. The written response must be received by the director of the Crime Stoppers Advisory Council at least 10 calendar days prior to the meeting at which the Council will consider the decertification of the organization.

(e) The Crime Stoppers Advisory Council shall render a decision regarding the decertification of the crime stoppers organization and shall notify the organization in writing of its decision.

(f) If a crime stoppers organization is decertified, the director of the Crime Stoppers Advisory Council shall notify the state comptroller, and the relevant county auditors and community supervision and corrections departments in the organization's region, that the organization is decertified and is not eligible to receive repayments of rewards under Articles 37.073 and 42.152 of the Texas Code of Criminal Procedure, or payments from a defendant under Article 42.12 of the Texas Code of Criminal Procedure.

(g) Not later than the 60th day after the date of decertification of the organization, the decertified organization shall forward all unexpended money received under this section to the state comptroller.

Section 3.9007 Complaints or Allegations Against a Crime Stoppers Organization

Any complaint against a crime stoppers organization or allegation that a crime stoppers organization fails to meet the certification requirements described in §3.9000(b) of this chapter must be submitted in writing to the director of the Crime Stoppers Advisory Council. The Crime Stoppers Advisory Council may only consider complaints or allegations made against a crime stoppers organization that is certified, or has applied to be certified, by the Crime Stoppers Advisory Council pursuant to §3.9000 of this chapter.

Section 3.9010 Annual Probation Fee and Repayment Report

A crime stoppers organization that is certified by the Crime Stoppers Advisory Council shall submit to the director of the Crime Stoppers Advisory Council an Annual Probation Fee and Repayment Report no later than January 31 of each calendar year.

Section 3.9011 Crime Stoppers Program Information Update Form

(a) A crime stoppers organization that is certified by the Crime Stoppers Advisory Council must submit to the director of the Crime Stoppers Advisory Council a Crime Stoppers Program Information Update Form no later than January 31 of each calendar year.

(b) A Crime Stoppers Program Information Update Form must include the following information:

(1) The name, mailing address, email address, and telephone number of the crime stoppers organization, and the internet address of any website operated by the organization;

(2) The name, mailing address, email address, telephone number, occupation, and board position of each member of the organization's governing board; and

(3) The name, mailing address, email address, and telephone number of each of the organization's law enforcement/civilian coordinators.

Section 3.9013 Quarterly Statistical Reports

A crime stoppers organization that is certified by the Crime Stoppers Advisory Council shall submit to the director of the Crime Stoppers Advisory Council, or the Council's designee, a Quarterly Statistical Report on a form prescribed by the Council no later than January 31, April 30, July 31, and October 31 of each calendar year.

Section 3.9015 Review

By accepting certification, a crime stoppers organization agrees to the following conditions of review:

(1) CJD will review the activities of a crime stoppers organization that is certified by the Crime Stoppers Advisory Council as necessary to ensure that the organization's finances and programs further the crime prevention purposes of the organization in compliance with the laws and rules governing crime stoppers organizations.

(2) CJD may perform a desk review or an on-site review at the organization's location. In addition, CJD may request that the organization submit relevant information to CJD to support any review.

(3) After a review, the organization shall be notified in writing of any noncompliance identified by CJD in the form of a preliminary report.

(4) The organization shall respond to the preliminary report within a time frame specified by CJD.

(5) The organization's response shall become part of the final report, which shall be submitted to the organization and the director of the Crime Stoppers Advisory Council.

(6) Any noncompliance, including an organization's failure to provide adequate documentation upon request, may serve as grounds for decertification of the organization by the Crime Stoppers Advisory Council.

Section 3.9017 Mergers of Certified Programs

If a certified Crime Stoppers program agrees with another certified Crime Stoppers program to merge and form a multi-county or multi-jurisdictional (i.e., county and city) program, the new program must apply for Continuing Certification since it is no longer the program that was originally certified by the Council, and the following procedures must be followed:

(1) The certified Crime Stoppers programs that want to merge must have contiguous borders.

(2) The participating programs must develop a cooperative agreement or memorandum of understanding (MOU) regarding the merger; each program's Board of Directors must vote to approve the cooperative agreement or MOU.

(3) The merging programs must choose a name for the new program unless both programs agree to operate under the name of one of the existing programs.

(4) The newly established program must file the following documents with the Director of the Texas Crime Stoppers Advisory Council requesting certification under a new name and with an expanded geographical territory:

(A) United States Internal Revenue Service (IRS) compliance documents for dissolution of a 501(c)(3) non-profit corporation and a 501(c)(3) letter authorizing the program to operate under the new name;

(B) Texas Secretary of State compliance documents for 501(c)(3) non-profit corporations;

(C) Application for Continuing Certification under the new name and with an expanded geographical territory;

(D) Copies of financial reviews of the restricted court fees accounts for all merging programs as required in §414.010(b), Texas Government Code; these financial reviews must be conducted by a Certified Public Accountant;

(E) Copy of Board of Directors membership list of the new program, to include contact information for Board members and the law enforcement coordinator;

(F) Copies of letters from Community Supervision and Corrections Departments (CSCD) detailing the amount of court fees paid to the merging programs during the previous two years, up to and including the date of the proposed merger, under the provisions of Articles 42.12, 37.073 and 42.152, Code of Criminal Procedure;

(G) Training certificates showing that at least one Board member, the law enforcement coordinator, and an executive director (if applicable) received training as authorized by the Crime Stoppers Advisory Council within the 12-month period preceding the merger;

(H) Copies of Probation Fee and Repayment Reports for the merging programs for the previous two calendar years as specified by §414.010(a), Texas Government Code;

(I) Copies of the Minutes of the Boards of Directors meetings of both certified Crime Stoppers programs in which the Boards voted to merge their programs; and

(J) A letter addressed to the Advisory Council stating that the new program will follow all rules applicable to the operations of Multi-County Programs as stated in the Standard Operating Procedures Manual of the Texas Crime Stoppers Advisory Council.

(5) If the Director of the Advisory Council determines that the new program meets all requirements paragraphs (1) - (4) of this section, the program will be presented to the Council for certification at the Council's next regularly scheduled meeting.

(6) Once the Advisory Council grants certification, the new program can merge the restricted bank accounts of both programs, as well as all other accounts held by the entities. The new program will also be eligible to apply to the relevant CSCDs to receive court fees under the provisions of Articles 42.12, 37.073, and 42.152, Code of Criminal Procedure.

(7) The new program is not eligible to establish an "Excess Funds Account" under the provisions of §414.010(d), Texas Government Code, until three years from the certification date.

(8) The certification is valid for a period of two years.

(9) All certified programs, regardless of the date on which any existing mergers occurred, must comply with these rules upon recertification.

Section 3.9019 Mergers of Non-Certified Programs to Certified Programs

(a) The certified Crime Stoppers program that wants to merge with a non-certified 501(c)(3) Crime Stoppers program must have contiguous borders.

(b) The participating programs must develop a cooperative agreement or memorandum of understanding (MOU) regarding the merger; each program's Board of Directors must vote to approve the cooperative agreement or MOU.

(c) The merging programs must choose a name for the new program unless both programs agree to operate under the name of one of the existing programs.

(d) The newly established program must file the following documents with the Director of the Texas Crime Stoppers Advisory Council requesting Certification under a new name and with an expanded geographical territory:

(1) United States Internal Revenue Service (IRS) compliance documents for dissolution of a 501(c)(3) non-profit corporation and a 501(c)(3) letter authorizing the program to operate under the new name;

(2) Texas Secretary of State compliance documents for 501(c)(3) non-profit corporations;

- (3) Application for Continuing Certification under the new name and with an expanded geographical territory;
 - (4) Copies of financial reviews of the restricted court fees accounts for the certified Crime Stoppers program as required in §414.010(b), Texas Government Code; these financial reviews must be conducted by a Certified Public Accountant;
 - (5) Copies of financial reviews of all bank accounts held by the non-certified 501(c)(3) Crime Stoppers program; these financial reviews must be conducted by a Certified Public Accountant;
 - (6) If the financial review establishes that at any time the non-certified 501(c)(3) Crime Stoppers program was certified by the Crime Stoppers Advisory Council and received court fees under Articles 42.12, 37.073 and 42.152, Code of Criminal Procedure, and failed to return all court fees to the Office of the Comptroller, State of Texas, within 60 days following the loss of certification, as required by §414.010(c), Texas Government Code, a copy of the check for the outstanding court fees, made payable to the Office of the Comptroller, must be submitted with the application for certification;
 - (7) Copy of Board of Directors membership list of the new program, to include contact information for Board members and the law enforcement coordinator;
 - (8) Copies of letters from the Community Supervision and Corrections Departments (CSCD) detailing the amount of court fees paid to the certified Crime Stoppers program during the previous two years, up to and including the date of the proposed merger, under the provisions of Articles 42.12, 37.073 and 42.152, Code of Criminal Procedure;
 - (9) Training certificates showing that at least one Board member, the law enforcement coordinator, and an executive director (if applicable) received training as authorized by the Crime Stoppers Advisory Council within the 12-month period preceding the merger;
 - (10) Copies of Probation Fee and Repayment Reports for the certified Crime Stoppers program for the previous two calendar years as specified by §414.010(a), Texas Government Code;
 - (11) Copies of the Minutes of the Boards of Directors meetings of the certified Crime Stoppers program and the non-certified 501(c)(3) Crime Stoppers program in which the Boards voted to merge their programs; and
 - (12) A letter addressed to the Advisory Council stating that the new program will follow all rules applicable to the operations of Multi-County Programs as stated in the Standard Operating Procedures Manual of the Texas Crime Stoppers Advisory Council.
- (e) If the Director of the Advisory Council determines that the new program meets all requirements in subsections (a) - (d) of this section, the program will be presented to the Council for certification at the Council's next regularly scheduled meeting.
 - (f) Once the Advisory Council grants certification, the new program can merge the bank accounts of both programs. The new program also will be eligible to apply to the relevant CSCDs to receive court fees under the provisions of Articles 42.12, 37.073, and 42.152, Code of Criminal Procedure.
 - (g) The new program is not eligible to establish an "Excess Funds Account" under the provisions of §414.010(d), Texas Government Code, until three years from the certification date.
 - (h) The certification is valid for a period of two years.

(i) All certified programs, regardless of the date on which any existing mergers occurred, must comply with these rules upon recertification.

Section 3.9021 Addition of Geographical Jurisdictions to Certified Programs

If a county or city that is not presently served by a certified Crime Stoppers program wants to join an existing certified Crime Stoppers program, the following procedures must be followed:

(1) The county or city must share contiguous borders with the certified Crime Stoppers program;

(2) A citizens' delegation from the county or city must meet with the Board of Directors of the certified Crime Stoppers program to develop an operational agreement or Memorandum of Understanding (MOU); the Board of Directors of the certified program must vote to accept the geographical entity making the request;

(3) The certified Crime Stoppers program and the geographical entity that is requesting to join the Crime Stoppers program must choose a new name for the program unless both parties agree to operate under the name of the existing program;

(4) The certified Crime Stoppers program must file the following documents with the Director of the Texas Crime Stoppers Advisory Council requesting certification under a new name (if applicable) and with an expanded geographical territory:

(A) United States Internal Revenue Service (IRS) letter for a 501(c)(3) corporation authorizing the program to operate under a new name, if applicable;

(B) Texas Secretary of State letter for a 501(c)(3) corporation authorizing the program to operate under a new name, if applicable;

(C) Application for Continuing Certification under the new name (if applicable) and with an expanded geographical territory;

(D) Copies of a financial review of all bank accounts for the certified Crime Stoppers program as required in §3.9000(d)(6)(A) of this chapter;

(E) Copy of Board of Directors membership list for the program, to include contact information for Board members and the law enforcement coordinator;

(F) Copies of letters from the Community Supervision and Corrections Departments (CSCD) detailing the amount of court fees paid to the certified program during the previous two years, under the provisions of Articles 42.12, 37.073 and 42.152, Code of Criminal Procedure;

(G) Training certificates showing that at least one Board member, the law enforcement coordinator, and an executive director (if applicable) received training as authorized by the Crime Stoppers Advisory Council within the 12-month period preceding the new application for Continuing Certification;

(H) Copies of Probation Fee and Repayment Reports for the certified Crime Stoppers program for the previous two calendar years as specified by §414.010(a), Texas Government Code;

(I) Copy of the Minutes of the Board of Directors of the certified Crime Stoppers program in which the Board voted to add the new geographical entity to the territory served by the Crime Stoppers program; and

(J) A letter addressed to the Council stating that the program will follow all rules applicable to the operations of Multi-County Programs as stated in the Standard Operating Procedures Manual of the Texas Crime Stoppers Advisory Council.

(5) If the Director of the Council determines that the newly expanded program meets all requirements listed in paragraphs (1) - (4) of this section, the program will be presented to the Council for certification at the Council's next regularly scheduled meeting.

(6) Once the Council grants certification, the program will be eligible to apply to the CSCDs in the newly acquired geographical territory to receive court fees under the provisions of Articles 42.12, 37.073 and 42.152, Code of Criminal Procedure.

(7) The certification is valid for a period of two years.

(8) All certified programs, regardless of the date on which any existing mergers occurred, must comply with these rules upon recertification.

SUBCHAPTER I. MEMORANDUM OF UNDERSTANDING

Section 3.9300 Texas Department of Public Safety

Pursuant to §411.0096 of the Texas Government Code, CJD and the Texas Department of Public Safety have entered into a memorandum of understanding pertaining to the coordination of drug law enforcement efforts. This memorandum of understanding may be amended, as necessary, by subsequent written agreement adopted by rule. The current memorandum of understanding is listed in the following:

Figure: 1 TAC §3.9300

Figure: 1 TAC 3.9300

**MEMORANDUM OF UNDERSTANDING
COORDINATION OF DRUG LAW ENFORCEMENT EFFORTS**

This Memorandum of Understanding is entered into by the Texas Department of Public Safety (DPS) and the Office of the Governor, Criminal Justice Division (CJD).

PURPOSE

Pursuant to §411.0096, Texas Government Code, the Texas Department of Public Safety and the Office of the Governor, Criminal Justice Division hereby adopt a joint

memorandum of understanding to promote coordinated the laws enforcement efforts between DPS and CJD.

DRUG POLICY

DPS will provide CJD with information relating to DPS planning efforts that address criminal threats in Texas.

At the Governor's request, DPS will provide representation on any advisory board advising the governor about law enforcement strategy.

LAW ENFORCEMENT STRATEGY

CJD has requested that DPS cooperate and coordinate its law enforcement efforts with federal, state and local law enforcement agencies when such coordinated strategies would prove to the greater benefit of the state's public safety with particular focus placed on the reduction of violent crime, criminal enterprise and organized crime.

CJD has also requested that DPS join them in the effort to promote information sharing, timely reporting and accurate data collection among the federal, state and local law enforcement entities with which they interact and coordinate.

CJD and DPS shall exchange information in a timely manner to enable CJD and DPS to comply with state and federal reporting requirements and to assess the effectiveness of each drug task force funded by the state.

AMENDMENT

This memorandum of understanding may be amended, as necessary, by subsequent written agreement adopted by rule.

APPROVED BY:

Texas Department of Public Safety

By: "SIGNATURE ON ORIGINAL"
Title: Director
Name: Tommy A. Davis Jr.

**Office of the Governor,
Criminal Justice Division**

By: "SIGNATURE ON ORIGINAL"
Name: Ken C. Nicolas
Title: Executive Director

SUBCHAPTER J. STATE PLANNING ASSISTANCE GRANTS

Section 3.9400 Definitions

(a) Automobile allowance: a monthly or other periodic stipend to defray the costs of operating a motor vehicle, which does not require mileage or other documentation.

(b) Indirect costs: costs that are incurred for a common or joint purpose benefiting more than one cost objective, that are not readily assignable to the cost objectives specifically benefited without effort disproportionate to the results. CJD shall use the federal Office of Management and Budget Circulars A-87 and A-122, UGMS, and any rules relating to the determination of indirect costs adopted under Chapter 783, Government Code, in administering indirect cost recovery provisions of these rules.

(c) Officially sanctioned conference or meeting: a conference or meeting conducted or attended as a part of a COG's official business.

Section 3.9405 General Regulations

(a) The Office of the Governor will recognize one COG organized under Chapter 391, Local Government Code, in each state planning region or sub-region. Only the COG recognized by the Office of the Governor will be eligible for a state planning assistance grant.

(b) All applications from COGs for financial assistance programs covered by the Texas Review and Comment System shall be submitted to the Office of the Governor's State Grants Team for review and comment prior to the submission to any federal, state, or other agency.

(c) Funding under the state planning assistance grant program will be based on member counties and incorporated municipalities as of September 1 for the fiscal year in which funds are being sought. The population of member cities in nonmember counties will be included in computing the amount of state grant eligibility. The population of member cities in nonmember counties shall be determined using the most recent population estimates produced by the Texas State Data Center.

(d) State aid can be expended for any legal activity of a COG as defined in §391.005, Local Government Code. State funds may be utilized as local matching funds for any other state or federal program approved by the governing body of the COG. In no case may state aid be used to pay entertainment expenses or other prohibited costs.

(e) COGs may apply for state planning assistance grant funds in accordance with application schedules developed by CJD.

(f) A COG applying for state planning assistance grant funds must have funds available annually from sources other than the state or federal governments equal to or greater than one-half of the state planning assistance grant funds for which the COG applies. The applicant may count local cash funds which will be collected during the applicant's entire fiscal year toward meeting the requirement of this subsection. Local funds carried forward from a previous fiscal year, above the amount that was equal to one-half of the state planning assistance grant funds for which the commission applied, may be counted in subsequent fiscal years as funds available from sources other than the state or federal government.

(g) The nepotism provisions of Chapter 573, Government Code, apply to a COG.

(h) An employee of a COG is subject to the rules regarding lobbying activities contained in Chapter 556, Government Code, when using state-appropriated funds.

(i) A COG must comply with all applicable federal, state, and local statutes, rules, regulations and guidelines.

Section 3.9410 Financial Audit Requirements

(a) Not later than nine months after the close of each COG's fiscal year, each COG shall submit a completed financial audit prepared by a certified public accountant, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States and the provisions of OMB Circular A-133 and the State Single Audit Circular, when applicable, to CJD, the State Auditor, the Comptroller of Public Accounts, and the Legislative Budget Board, and shall make the financial audit available to each member of the Legislature.

(b) CJD will place primary reliance upon state single audit coordinating agencies to review COG audits. However, CJD may request that COG audits be reviewed by the State Auditor or by an external auditor. The State Auditor may review the audits, subject to approval by the Legislative Audit Committee for inclusion in the audit plan under §321.013, Government Code. If an audit is reviewed by the State Auditor or an external auditor, any findings and recommendations shall be reported to CJD, the Legislative Audit Committee, and the COG.

(c) The annual financial audit shall include the following:

(1) the amount and source of funds received by the COG;

(2) the amount and source of funds expended by the COG;

(3) an explanation of any method used by the COG to compute an expense of the COG, including computation of any indirect costs of the COG; and

(4) a statement of indirect costs which compares actual indirect cost allocations with the proposed indirect cost allocation plan used to establish an indirect cost rate.

(d) Audit costs are allowable costs as identified in UGMS and are allocable to the various programs administered by a COG.

(e) The annual financial audit shall be paid for from the funds of the COG.

Section 3.9415 State Planning Assistance Grant Application

CJD will award the entire amount of the COG's state planning assistance grant allocation upon receipt and approval of a completed grant application in a format prescribed by CJD.

Section 3.9420 Salary Schedules

(a) For each fiscal year, each COG shall publish a salary schedule containing a classification salary schedule for classified positions, and identifying and specifying the salaries for positions exempt from the classification salary schedule.

(b) The salary schedule adopted by the COG may not exceed, for classified positions, the state salary schedule for classified positions as prescribed by the general appropriations act adopted by the most recent legislature. A COG may adopt a salary schedule that is equal to or less than the state salary schedule.

(c) A position may only be exempted from the classification salary schedule adopted by the COG if the exemption and the salary paid for the exempt position is within the range prescribed by the general appropriations act.

(d) Wage and salary comparability will be determined from the state position classification plan, positions exempt from the state position classification plan, the State Auditor's biennial reports on state classification and pay, and the State Auditor's reports on benefits as a percentage of salary, as well as the U.S. Department of Labor's Employment Cost index and other appropriate sources, including documentation provided by the COG.

(e) Not later than the 45th day before the date of the beginning of each COG's fiscal year, each COG shall submit its salary schedule, as approved by its governing body, including the salaries of all exempt positions, to the State Auditor and shall make its salary schedule available to each member of the Legislature.

(f) If the State Auditor, subject to the Legislative Audit Committee's approval for inclusion in the audit plan under §321.013, Government Code, has recommendations to improve a COG's salary schedule or a portion thereof, the State Auditor shall report the recommendations to CJD.

(g) CJD may not allow the portion of the schedule for which the State Auditor has recommendations to go into effect until revisions or explanations are received from a COG that are satisfactory to CJD and support the recommendations from the State Auditor.

(h) This section does not apply to a COG if the most populous county that is a member of the COG has an actual average weekly wage that exceeds the state actual average weekly wage by 20% or more for the previous year as determined by the Texas Workforce Commission in its County Employment and Wage Information Report.

(1) A COG exempted from the salary provisions by this subsection shall annually file an exemption notice with the State Auditor.

(2) The exemption notice shall contain supporting information from the Texas Work Force Commission's County Employment and Wage Information Report for the applicable period.

Section 3.9425 Restrictions on COG Costs

(a) In reimbursing COG personnel for travel expenses, a COG must comply with the general appropriations act and the travel regulations adopted by the Comptroller of Public Accounts for mileage, per diem, and lodging reimbursement.

(b) A COG may not expend funds for travel in excess of the amount that may be expended for state personnel under the general appropriations act or travel regulations adopted by the Comptroller of Public Accounts for mileage, per diem, and lodging reimbursement. COG personnel eligible to receive reimbursement for actual expenses for meals and lodging may not receive reimbursement at a higher rate than those allowed for state personnel authorized to receive reimbursement for actual expenses.

(c) A member of the governing body of a COG may not be reimbursed from state-appropriated funds, including federal funds, for official travel in an amount in excess of the rates set for travel by state board and commission members.

(d) A COG may not expend any funds for the purchase of alcoholic beverages or entertainment.

(e) A COG must comply with provisions equivalent to those applied to local governments by Chapter 252, Local Government Code, when purchasing goods or services.

(f) A COG may not expend funds for an automobile allowance for a member of the governing body of the COG if the member holds another state, county, or municipal office.

Section 3.9430 Reports

Not later than the last business day of the month of December of each year, each COG shall submit the following to CJD, the State Auditor, the Comptroller of Public Accounts, and the Legislative Budget Board, in a format prescribed by CJD:

(1) a report of the COG's productivity and performance during the most recently completed fiscal year, which shall include:

(A) the outcomes of the program's activities at the most detailed level reported to each sponsoring agency, including:

(i) any program output measures the COG is required to report to an entity sponsoring the program; and

(ii) any outcome measures the COG is required to report to an entity sponsoring the program;

(B) a comparison of planned performance and actual results; and

(C) an analysis of progress made toward achieving planned goals and objectives;

(2) a projection of the COG's productivity and performance during the next fiscal year based upon the COG's specified goals, objectives, and performance measures for the next fiscal year;

(3) a report of any assets disposed of by the COG, which shall include the following:

(A) an itemized list describing each disposed asset;

(B) the acquisition date of each disposed asset;

(C) the purchase price of each disposed asset;

(D) the reason for disposing of each asset;

(E) the disposition date of each disposed asset; and

(F) the final disposition price for each disposed asset;

(4) a complete annual financial statement, which shall include a list of receipts and expenditures by accounts.

Section 3.9435 Sanctions

If a COG fails to submit a report or audit required under this subchapter or is determined by the State Auditor to have failed to comply with a rule, requirement, or guideline adopted under §391.009, Local Government Code, the State Auditor shall report the failure to CJD. CJD may, until the failure is corrected:

(1) withhold any appropriated funds of the COG; or

(2) appoint a receiver to operate or oversee the COG.