



**TEXAS INDIGENT DEFENSE COMMISSION**

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[www.txcourts.gov/tidc](http://www.txcourts.gov/tidc)

**FY2014 Formula Grant Program**

**Request for Applications (RFA)**

September 18, 2013

**Total Grant Amount Budgeted for Statewide Use Available:**

FY14- \$35,000,000

**Type of Grant**

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

Every county is eligible to receive a grant of \$5000 plus its share of the remaining funds budgeted by the Commission for the Formula Grant Program calculated by:

- 50 percent on the County's percent of state population; and
- 50 percent on the County's percent of statewide direct indigent defense expenditures for the previous year (as defined in Title 1, Part 8, Texas Administrative Code Sec. 173.202(1)-(3)):
  - less discretionary funds provided by the Commission for expenditures defined in Title 1, Part 8, Texas Administrative Code Sec. 173.202(1)-(3)
  - less the reimbursed costs of operating a regional program
  - The baseline requirements contained in Section E of the Request for Applications do not apply to counties with a 2000 Census population of less than 10,000 but do apply to all other counties.
- The County shall not receive more in funds than what was actually spent by the county in the prior year.

**Eligibility:**

Only Texas counties may apply. See further eligibility below.

**Grant Applications Due:**

All applications must be submitted on-line. Applications must be completed and submitted by **November 15, 2013**. See submission requirements below for waiver requests and other deadlines.

**Method of Application:**

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

**Time Period for Funding:**

October 1, 2013 through September 30, 2014

**Commissioners Court Resolution Required:**

This application is submitted on-line but requires a commissioners' court resolution/internet submission form be adopted and scanned and e-mailed or uploaded on the application page of the website, or it may be faxed. The resolution is generated by the on-line system and must be printed from the on-line application page.

**Payments:**

Funds for this fiscal year will be distributed in one special payment totaling \$15 million and the remaining \$20 million in four (4) disbursements for most counties.

**Steps in Submitting a Grant Application**

- 1) Log onto <http://tidc.tamu.edu> (Follow on-line page instructions).
- 2) Verify that the online screen shows the correct grant officials and judicial officials.
- 3) Complete by scanning and e-mailing the Resolution / Internet Submission Form (or upload the Resolution using the on-line instructions on the application page).
- 4) Judges must submit local Indigent Defense Plans on or before November 1, 2013. Payments during the year may be withheld until plans are submitted.
- 5) Contact Bryan Wilson, Grants Administrator, [Bwilson@tidc.texas.gov](mailto:Bwilson@tidc.texas.gov) or 512-936-6996 for questions.

## Texas Indigent Defense Commission

### 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 (Newly revised) Uniform Grant Management Standards (UGMS)**

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### Formula Grant Program

#### **A. Introduction**

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

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

**The grant period for this application is October 1, 2013 through September 30, 2014. Expenses must be incurred and/or obligated during this time.**

#### **B. Eligibility**

Only counties are eligible to apply for funds.

#### **C. Notification of Availability**

This FY14 Formula Grant - Request for Applications (RFA) is sent to all 254 Texas Constitutional County Judges. A courtesy notice is mailed to all local administrative district judges, local administrative statutory county judges, chairman of juvenile board and each county auditor (or treasurer). The notice informs other county stakeholders to seek a copy of the grant RFA from the constitutional county judge or to go to the Commission website [www.txcourts.gov/tidc](http://www.txcourts.gov/tidc) (effective September 30, 2013 the website will be [www.tidc.texas.gov](http://www.tidc.texas.gov)) to download a copy. The Commission staff uses the contact information reported by counties in our web based system. Please make sure that all contact information is accurate. Counties are required to maintain correct contact information on the Commission 'grants and reporting' website (<http://tidc.tamu.edu>). The notice of grant availability is also published in the Texas Register.

#### **D. Application**

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

## Texas Indigent Defense Commission

The application steps are:

- 1) Review the baseline (See Section E)
- 2) All applications must be submitted online using the User ID and Password. Contact the Commission Grant Administrator for instructions to obtain a waiver to the on-line application.

If a person other than the recipient of this letter needs to obtain a user name and password for the online application system, contact The Texas A&M University Public Policy Research Institute (PPRI) – [PPRI manages the collection, storage and retrieval of data for the Commission]. County officials contact PPRI through e-mail, ([MMcIntire@ppri.tamu.edu](mailto:MMcIntire@ppri.tamu.edu)), phone (979) 845-1041, fax (888-351-3485) or by regular mail:

Megan McIntire, PPRI

TAMU, Mailstop 4476

College Station, Texas 77843-4476,

PPRI will not provide user names and passwords over the phone. Individuals using personal e-mail accounts may be asked to provide additional information.

- 3) Apply on-line
  - a. Go to the PPRI Commission website at <https://tidc.tamu.edu>
  - b. Sign in and enter the User ID and Password or contact PPRI
  - c. Select “FY2014” and your county in the upper left
  - d. Select “Apply for Formula Grant”
  - e. Review the eligibility requirements – Each year the Commission adopts specific measures as eligibility requirements for the Formula Grant funds. These measures are intended to encourage each county’s compliance with statutory requirements or policy and standards adopted by the Commission. The grant application screen will reveal the compliance checklist maintained by the Commission’s special counsel. Counties that have blank check boxes in any category will not be able to receive funds until they meet all grant program eligibility requirements. **They should complete the on-line application then contact the Commission for instructions to resolve plan compliance issues.**
  - f. Verify that the County’s stored information is correct – The authorized official reviews the data the Commission has stored for the county’s grant positions. (**Note:** Please remember to update the county contact information during the grant year as changes in officials or contact information occurs.)
  - g. Identify the individuals in the following grant positions as required in Texas Administrative Code Rule 173.301. Make changes as needed.
    - i. Authorized official - This person must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official
    - ii. Fiscal Officer - This person must be the county auditor or county treasurer if the county does not have a county auditor.
  - Use the “**Change**” Button – When the person listed is no longer authorized to perform the duties with the Commission previously authorized by the county. It is also used to change contact information for any grant official. This situation usually arises when county officials turnover as a result of elections, retirements, or some other removal from office.
  - h. Select the “**Submit**” button. The page will become a confirmation page at that point. Select the Resolution link to create your county’s completed resolution.
  - i. Print / download resolution – The system will allow the user to download a resolution in an MS Word document or provide an opportunity to print the document based on the selections above.
  - j. Receive confirmation – The system will provide 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.**
- 4) Please scan the resolution adopted by commissioners’ court and then upload it in the application page of the website **on or before DUE DATE November 15, 2013**. Alternatively, you may email the resolution to the Megan McIntire ([MMcIntire@ppri.tamu.edu](mailto:MMcIntire@ppri.tamu.edu)) or fax it to 888-351-3485.

### **E. Baseline**

The baseline is the amount counties must spend in indigent defense before they qualify as having spent the grant. Counties that have received or applied for grants in previous years have already established a baseline with the Commission. To meet the requirements under Texas Government Code §79.037(d), the Commission has adopted as an expenditure baseline based on each county’s FY01 indigent defense expenditures. Attorney

## **Texas Indigent Defense Commission**

fees, investigator expenses, expert witness expenses, and other litigation expenses paid by the county on behalf of indigent criminal defendants / juvenile respondents are allowable expenses. This information remains a static baseline. The baseline requirement does not apply to counties with a 2000 Census population of less than 10,000.

### ***F. Review***

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

### ***G. Denial of Grant***

Counties not completing the grant application process or those not meeting minimum eligibility requirements will be notified by mail within 30 days following the Commission award meeting.

### ***H. Use of Funds***

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

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

### ***I. Statement of Grant Award***

Statements of Grant Awards will be prepared exactly as authorized by the Commission. These may include special conditions. The e-mail with the attached Statements of Grant Award will be directed to the official designated in the resolution adopted by the commissioners' court. The County will have thirty days to notify the grant administrator of errors or cancelation after receipt of the award.

### ***J. Special Conditions***

The Commission may determine special conditions or authorize staff to apply the conditions on criteria set by the Commission (TAC 173.201). The Commission may develop special conditions that relate to expenditures, compliance with statutory requirements or standards adopted by the Commission.

### ***K. Required Reports***

All counties are statutorily required (Texas Government Code Sec. 79.036 (e)) to submit an Indigent Defense Expenditure Report each year on November 1 in the form and manner prescribed by the Commission. In accordance with TAC §173.109 the reporting will be through the internet.

The Local Administrative District Judges, the Local Statutory County Court Judges (or County Judge as applicable) and the Chairman of the Juvenile Board for each county must submit a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure (Countywide Plans) to the Commission as required in Government Code §79.036. The Countywide Plans must be submitted by November 1<sup>st</sup> of each odd numbered year in the form and manner prescribed by the Commission.

### ***L. Payments***

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

## **Texas Indigent Defense Commission**

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

### ***M. Maintain Official Contact Information***

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

### ***N. Compliance with Monitoring Reports***

A county must respond within the required time, take corrective action for findings of non-compliance, and satisfactorily address all recommendations in a Commission fiscal or policy monitoring report. Failure to comply with any of these requirements could result in the Commission imposing a remedy under TAC 173.307 or Texas Government Code §79.037.

### ***O. Countywide Plan Requirements***

The Countywide Plans submitted must be in compliance with applicable statutes and rules and must meet the minimum requirements for each plan section as outlined in the Biennial Indigent Defense Countywide Plan Instructions. Plans must be submitted by November 1, 2013.

### ***P. OCA Reporting***

The applicants' county and district clerks must be in compliance with monthly court activity reporting requirements promulgated by the Texas Judicial Council as of August 31, 2013—reports for September 2012 through August 2013 are due not later than September 2013. The reports must be submitted to OCA electronically unless OCA grants a temporary waiver for good cause. A county that previously received a waiver from this special condition in FY2013 must:

- 1) submit a detailed action plan to OCA on how they will complete the fiscal year 2013 reports. The plan must include estimated timeframe, the person(s) responsible, and estimated costs; and
- 2) submit the September 2013 report and subsequent reports each month during this grant cycle.

### ***Q. Indigent Defense Expenditure Reporting***

Counties that do not complete the Indigent Defense Expense Report on or before November 1, 2013 may have payments temporarily suspended by Commission staff until the Report is submitted and reconciled by staff.

### ***R. Impact of Multi-year Discretionary Grant***

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

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

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