

FORT BEND COUNTY FY 2009
 COMMISSIONERS COURT AGENDA REQUEST FORM

24

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 16 April 2009	Submitted By: Captain A. W. Tyksinski
Court Agenda Date: 28 April 2009	Department: 5503 – Pct 3 Constable's Office
	Phone Number: 281-491-7226

SUMMARY OF ITEM: Review and Approve application for Tobacco Compliance Grant from Texas Comptroller's Office. This grant does not require any matching from the county.

RENEWAL AGREEMENT/APPOINTMENT YES NO x
 REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO x

List Supporting Documents Attached: Application for Tobacco Compliance Grant

FINANCIAL SUMMARY:

BUDGETED ITEM: YES NO x

FUNDNG SOURCE: Accounting Unit: _____ Account Number: _____
 Activity (If Applicable): _____

DESCRIPTION OF LAWSON ACCOUNT: _____

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:
 Original Form Submitted with back up to County Judge's Office x (✓ when completed)
 If by E-Mail to ospindon@co.fort-bend.tx.us If by Fax to (281) 341-8609
 Distribute copies with back-up to all listed below. If by fax, send to numbers below:

x Auditor (281-341-3774)	x Comm. Pct. 1 (281-342-0587)
x Budget Officer (281-344-3954)	x Comm. Pct. 2 (281-403-8009)
x Facilities/Planning (281-633-7022)	x Comm. Pct. 3 (281-242-9060)
x Purchasing Agent (281-341-8642)	x Comm. Pct. 4 (281-980-9077)
x Information Technology (281-341-4526)	x County Clerk (281-341-8697)
x Other:	x County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Review and Approve application for Tobacco Compliance Grant. This would be our agency's 4th year in applying for and being awarded this grant from the Comptroller's office.

Special Handling Requested (specify):

4-30-09 copy received

TOBACCO COMPLIANCE GRANT APPLICATION FOR LOCAL LAW ENFORCEMENT AGENCIES



Please indicate if you are: County Sheriff District Attorney
 Municipal Chief of Police Constable

Annual Grant Period: September 1 through August 31.

Name of organization Fort Bend County Precinct 3 Constable's Office		Federal Employer Identification Number (FEIN) _____	
Applicant title Captain	Applicant first name Aaron	Applicant middle initial Wayne	Applicant last name Tyksinski
Mailing address 12550 Emily Court, Suite 200		City Sugar Land	State Texas
County Fort Bend		ZIP Code 7 7 4 7 8 - _____	
Phone (Area code and number) (2 8 1) 4 9 1 - 7 2 2 6		FAX number (Area code and number) (2 8 1) 4 9 1 - 0 6 7 8	
E-mail address tyksiaar@co.fort-bend.tx.us		Have you been a previous grant recipient? (Check one) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

1. Department or Division responsible for managing your tobacco compliance program **Public Relations Division**

Grant Contact Information (if different from above)

_____	_____	_____	_____
<small>Title</small>	<small>Name</small>		
_____	_____	_____	_____
<small>Address</small>	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
_____	_____	_____	_____
<small>Phone</small>	<small>FAX</small>	<small>E-mail</small>	

2. What is the approximate number of tobacco products retailers within your jurisdiction? **160**

Please answer questions 3 - 5 on separate sheets of paper.

- A list of ZIP Codes included in your full jurisdictional boundaries - (Note: If a ZIP Code is not wholly included within that boundary, please estimate the percentage that is in your jurisdiction.)
 - A list of agencies with whom your agency has an existing Interagency Agreement or Memorandum of Understanding/Agreement (formal or informal) that may restrict your agency's ability to provide full enforcement capabilities within jurisdictional boundaries - (Example: A Sheriff's Office or Constable's Office that does not enforce laws within the corporate city limits of a town or municipality in their county or precinct)
 - Explain your agency's plan to implement this grant and how it will support and enforce Health and Safety Code, Chapter 161, as it relates to educating local retailers and court personnel and reducing illegal tobacco sales to minors.
6. Have you obtained the appropriate approval from your governing body (city council or county commissioners' court) to accept this grant if awarded? YES NO
 (If "NO," we encourage you to seek approval prior to August 10, in the event your agency is awarded a grant.)

Certification Section: To the best of my knowledge and belief, information in this application and any attachments is true and correct. The document has been duly authorized by the applicant.	
Typed name and title	
Aaron Wayne Tyksinski, Captain	Robert Hebert County Judge
sign here	Date 4-28-09



CONSTABLE PRECINCT 3

Fort Bend County, Texas

ROB COOK

Constable

(281) 491-7226
Fax (281) 491-0678

15 April 2009

TO: Fort Bend County Commissioner's Court
Judge Robert Hebert
Commissioner Richard Morrison
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner James Patterson

Our office has been given the opportunity to apply for state funds again this year through a grant available from the Texas Comptroller of Public Accounts to enforce the Health and Safety Code concerning tobacco laws regarding minors and retailers.

This grant needs to have the approval and consent of the Commissioner's court before submitting the application to the Comptroller's office. The deadline for submitting the application is 11 May 2009.

The grant funds would be used exclusively for conducting law enforcement activities including, but not limited to:

- (1) On-site compliance undercover "stings" of tobacco permitted retailers using minors as decoys;
- (2) On-site compliance inspections regarding the required permit, warning signs, employee notification forms, and advertising laws;
- (3) Education of retailers, court and judicial personnel, and;
- (4) Monthly and Quarterly reports to the Comptroller's office regarding operations.

This would be our agency's fourth year conducting such operations and we have had great success in enforcement, education and prevention of tobacco sales to minors.

Please review the application and after approval, please return the application to our agency for mailing to the Comptroller. We greatly appreciate the court's continued support and assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Aaron W. Tyksinski".

Aaron W. Tyksinski
Captain

**TOBACCO COMPLIANCE GRANT APPLICATION
FOR LOCAL LAW ENFORCEMENT AGENCIES**



TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

FY 2010 Application Filing Deadline is 4 p.m., Monday, May 11, 2009

PURPOSE OF GRANT AWARDS

The Comptroller will make block grants to counties and municipalities to be used by local law enforcement agencies to enforce Subchapters H, K and N, Chapter 161, Texas Health and Safety Code in a manner that can reasonably be expected to reduce the extent to which cigarettes and tobacco products are illegally sold or distributed to persons who are younger than 18 years of age. The Comptroller shall rely, to the fullest extent possible, on sheriffs, constables, or chiefs of police or their employees to enforce this subchapter.

OBLIGATIONS FOR GRANTS AWARDED

The Comptroller's office shall enforce provisions of Health and Safety Code Ch. 161, in partnership with local law enforcement agencies. This shall also ensure the state's compliance with Section 1926 of the federal Public Health Service Act (42 U.S.C. Section 300x-26) and implementation of any regulations adopted by the United States Department of Health and Human Services.

AWARD AND GRANT ACCEPTANCE CONDITIONS

The Comptroller's office will notify applicants of final action on grant applications. Successful applicants under this program must comply with the Uniform Grant Management Standards as promulgated by the Governor's office under Chapter 783, Government Code.

Each grantee must begin implementation of grant provisions no later than 30 days after completion of the grant training. Failure to do so will be construed by the Comptroller as the grantee's relinquishment of the grant award. Any exception to this rule will require review and written approval by the Comptroller or Comptroller's designee.

Grantees are responsible for ensuring that they have obtained the appropriate approvals from their governing body (city council or county commissioners' court) to accept the grant funds, if awarded. Approvals should be obtained by August 10 to allow time to return the contract by the deadline.

Inspection reports are due on the 10th day of the month following each month in which compliance activities were performed.

Grant funds must be used exclusively for the following compliance activities:

- on-site controlled buys, or "stings," of tobacco permitted retail outlets (e.g., grocery stores, convenience stores, gas stations, mass merchandisers) that may result in the issuance of citations using minors as decoys;
- on-site compliance inspections that may result in the issuance of citations not using minors as decoys (i.e., violations for signs not posted, lack of proper employee notification forms, direct access by minors to tobacco, and other retailer violations of tobacco laws);
- compliance education of tobacco retailers, as well as judicial and court personnel involved in adjudicating tobacco violations;
- monthly/quarterly activity reports to Comptroller or Comptroller's designee.

The Comptroller reserves the right to revoke a grant award if the recipient is not in compliance with these requirements.

The following are the grant award allocations: 60 percent controlled buys, 20 percent compliance inspection, 15 percent retailer and judicial education, and 5 percent required reporting. If your use of grant funds needs to be different than the suggested allocation, please request allocation changes, including an explanation in writing to the Comptroller's office for approval.

Award amounts are determined by the number of tobacco retailers within the grantee's jurisdiction, completeness of application and past performance if your department had a tobacco compliance grant in the past.

Applications may be mailed, hand delivered or faxed.

The mailing address is:
Texas STEP
P. O. Box 1328
San Marcos, TX 78667-1328

The hand-delivery address is:
Texas STEP
626 Moore St.
The Strahan House
Texas State University
San Marcos, TX 78666-4610

The FAX number is:
(512) 245-8066

RECONSIDERATION OF DENIAL OF GRANT AWARDS

If the Comptroller rejects an application, the applicant will receive a letter explaining reasons for the rejection. An applicant may request reconsideration in writing within 10 days of the notification of the rejection. After reconsideration, the Comptroller's decision regarding grant applications is final.

TOBACCO COMPLIANCE GRANT APPLICATION – ATTACHMENT A

Question #3

The Zip Codes that are located in Fort Bend County Precinct 3 are listed below

- (1) 77478 – 100%
- (2) 77441 – 100%
- (3) 77476 – 100 %
- (4) 77494 – 95%
- (5) 77469 – 75%
- (6) 77477 – 50%
- (7) 77450 – 50%
- (8) 77423 – 20%
- (9) 77099 – 20%

Question #4

There are no restrictions by any agencies or cities that would impede enforcement or operations. We will primarily concentrate our efforts in the unincorporated areas of Fort Bend County Pct 3, however, there will be no problems should our efforts branch into city limits in our jurisdiction. We continue to have a positive, productive relationship with other law enforcement agencies in our county.

We may partner with other law enforcement agencies and public school districts in our jurisdiction, if needed, to enforce tobacco laws concerning minors and assist with education and understanding of those laws as well. These agencies include, but are not limited to, the following:

- (01) Sugar Land Police Department
- (02) Fort Bend County Sheriff's Office
- (03) Katy Police Department
- (04) Texas Department of Public Safety
- (05) Richmond Police Department
- (06) Rosenberg Police Department (also acting as school district police for Lamar CSD)
- (07) Fort Bend ISD Police Department
- (08) Katy ISD Police Department
- (09) Meadows Place Police Department
- (10) Texas Comptroller's Office
- (11) Fort Bend ISD
- (12) Katy ISD
- (13) Lamar CSD
- (14) Fulshear Police Department

Question #5

Our agency plan for enforcing the Health and Safety Code, Chapter 161 is a multi-faceted plan, but with the goal of keeping tobacco from the hands of minors. Our plan includes the following:

- A. RETAILER EDUCATION: Our agency conducts (2) retailer education classes at our office in an open forum before we go out and perform inspections. We want our retailers to know and understand the laws and what they are required to do. Information is disseminated and questions can be asked and answered during the class so everyone is “on the same page”.
- B. COMPLIANCE INSPECTIONS: We send out teams of 2 uniform deputies to go and visit as many of the permitted retailers in our precinct as possible. We perform the inspection for the required items listed to insure they are in compliance with applicable laws. It should be noted that by this time, the retailers have had 2 opportunities to attend an education class as mentioned above.
- C. UNDERCOVER “BUY-BUSTS”: We use one of our several undercover minors to attempt to purchase tobacco products in accordance to state law. An undercover deputy goes in first and maintains visual and audible range to witness the transaction. The tobacco product then becomes evidence and is booked into the evidence locker as such. Two uniformed deputies go in and issue the citation for the violation.
- D. ASSISTANCE: We have extra tobacco retailer packets from the Comptroller’s office here at our police station and also assist retailers with any problems they may have. Our office has an “open-door” policy if they have any questions or comments. Retailers that have no violations are recognized.