

**FORT BEND COUNTY    FY 2009  
COMMISSIONERS COURT AGENDA REQUEST FORM**

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

Date Submitted: November 4, 2009

Submitted By: Milton Wright, Sheriff

Department: 5601

Court Agenda Date: November 17, 2009

Phone Number: 281-341-4700

**SUMMARY OF ITEM: Approve Equitable Sharing Agreement and Certification for Sheriff's Office Federal Forfeited Assets.**

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

*Reviewed By County Auditor's Office 11/14/09 S. May*  
List Supporting Documents Attached: *See Attached Agreement*

**FINANCIAL SUMMARY:**

BUDGETED ITEM: YES ☐ NO ☐

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

DESCRIPTION OF LAWSOM 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 ☒ (✓ when completed)

If by E-Mail to [ospindon@co.fort-bend.tx.us](mailto: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:

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

**RECOMMENDATION / ACTION REQUESTED:**

Special Handling Requested (specify):

*11-19-09 copy received*



# Equitable Sharing Agreement and Certification



OMB Number 1123-0011  
Expires 7-31-2011

- ☐ Police Department ☒ Sheriff's Office ☐ Task Force (Complete Table A, page 2)  
☐ Prosecutor's Office ☐ Other (specify) \_\_\_\_\_

**Agency Name:** Fort Bend County Sheriff's Office

**NCIC/ORI/Tracking Number:** T X 0 7 9 0 0 0 0

**Street Address:** 1410 Ransom Road

**City:** Richmond

**State:** TX

**Zip:** 77469

**Contact:** Title: Sheriff

First: Milton

Last: Wright

**Contact Phone:** 281-341-4700

**Contact Fax:** 281-341-4701

**Contact e-mail:** milton.wright@co.fort-bend.tx.us

**Last Fiscal Year End:** 09/30/2009

- ☐ **New Participant:** Read the Equitable Sharing Agreement (page 4) and sign the Affidavit (page 5)
- ☒ **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement (page 4), and sign the Affidavit (page 5)
- ☐ **Change in Administration:** Select to report change to Agency or Governing Body head DURING the current fiscal year. Read the Equitable Sharing Agreement (page 4) and sign the Affidavit (page 5).
- ☐ **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement (page 4), and sign the Affidavit (page 5).

## Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds	Treasury Funds
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	\$73,618.88	
2	Federal Sharing Funds Received	\$39,906.78	
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2)		
4	Other Income		
5	Interest Income Accrued Check box if non-interest-bearing account <input type="checkbox"/>	\$682.02	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	\$114,207.68	\$0.00
7	Federal Sharing Funds Spent (total of lines a - n below)	\$101,682.84	\$0.00
8	Ending Balance (difference between line 7 and line 6)	\$12,524.84	\$0.00

Summary of Shared Monies Spent		Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year employees (See Guide to Equitable Sharing)		
b	Total spent on overtime		
c	Total spent on informant and "buy money"		
d	Total spent on travel and training	\$2,400.00	
e	Total spent on communications and computers	\$82,586.80	
f	Total spent on firearms and weapons		
g	Total spent on body armor and protective gear		
h	Total spent on electronic surveillance equipment		
i	Total spent on building and improvements	\$312.00	
j	Total spent on other law enforcement expenses (complete Table C, page 3)	\$16,384.04	
k	Total transfers to other state and local law enforcement agencies (complete Table D, page 3)		
l	Total 15% Expenditures in Support of Community-based Programs (complete Table E, page 3)		
m	Total 25% Windfall Transfers to Other Government Agencies (complete Table F, page 3)		
n	Total spent on matching grants (complete Table G, page 3)		
<b>Total</b>		<b>\$101,682.84</b>	<b>\$0.00</b>

#### Miscellaneous Data

o	Agency's budget for current fiscal year	\$53,807,411.00
p	Jurisdiction's budget for current fiscal year	\$245,398,148.00
q	Appraised Value of Other Assets Received	

**Table A: Members of Task Force**

Agency Name	Address

**Table B: Equitable Sharing Funds Received from other Agencies**

Transferring Agency Name, City, and State		Justice Funds	Treasury Funds
Date	Agency Name		
	NCIC/ORI/Tracking Number		

**Table C: Other Law Enforcement Expenses**

Description of Expense	Justice Funds	Treasury Funds
Office Furniture & Equipment; Uniforms; Vehicles & Vehicle Equipment; Decals	\$16,384.04	

**Table D: Equitable Sharing Funds Transferred to Other Agencies**

Receiving Agency Name, City, and State		Justice Funds	Treasury Funds
Date	Agency Name		
	NCIC/ORI/Tracking Number		

**Table E: 15% Expenditures in Support of Community-based Programs**

Recipient	Justice Funds	

**Table F: 25% Windfall Transfers to Other Government Agencies**

Recipient	Justice Funds	Treasury Funds

**Table G: Matching Grants**

Matching Grant Name	Justice Funds	Treasury Funds

**Table H: Civil Rights Cases**

Name of Case	Type of Discrimination Alleged				Status
	<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Gender	<input type="radio"/> Settled
	<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> Other		<input type="radio"/> Pending

### Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, Program Management and Strategic Planning Unit, 1400 New York Avenue, N.W., Second Floor, Washington, DC 20005.

# Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

**1. Submission.** This Document must be submitted to [aca.submit@usdoj.gov](mailto:aca.submit@usdoj.gov) within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 5) submitted by fax. This will constitute submission to the Department of Justice and the Department of Treasury.

**2. Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

**3. Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal equitable sharing program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*.

**4. Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal equitable sharing program participant and has a current Equitable Sharing Agreement and Certification on file.

**5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice* or *Treasury Guides*, depending on the source of the funds/property.

**6. Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

# Affidavit

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice and/or Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity.

**During the past fiscal year, has the Agency been part of any proceedings alleging discrimination by the Agency?** ☐ Yes ☒ No

**If you answered yes, complete Table H. Please disclose (1) all proceedings pending before any court or administrative agency, (2) any nondiscrimination laws the Agency has been found in violation of, and (3) any settlement agreements the Agency has entered into during the last fiscal year.**

## Agency Head

Signature: Milton Wright  
Name: Milton Wright  
Title: Sheriff  
Date: \_\_\_\_\_

## Governing Body Head

Signature: Robert Hebert  
Name: Robert Hebert  
Title: County Judge  
Date: 11-17-09

## Final Instructions:

**Step 1: Click button to save in PDF format for your records**

**Step 2: Click button to save in XML format**

**Step 3: E-mail the XML file as attachment to [aca.submit@usdoj.gov](mailto:aca.submit@usdoj.gov)**

**Step 4: Fax a signed copy of THIS PAGE ONLY to (202) 616-1344**

**Note: The Agency will not be in compliance until the e-mail and the fax of this page are received.**

FOR AGENCY USE ONLY

Entered by \_\_\_\_\_

Entered on \_\_\_\_\_

FY End: 09/30/2009

NCIC: TX0790000 Agency: Fort Bend County Sheriff's Office

Phone: 281-341-4700

State: TX Contact: Milton Wright

E-mail: [milton.wright@co.fort-bend.tx.us](mailto:milton.wright@co.fort-bend.tx.us)

