

S U S A N  
C O M B S

TEXAS COMPTROLLER of PUBLIC ACCOUNTS

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July 12, 2010

## AGENDA ITEM 14

Assistant Chief Sharon E. Arnold  
Fort Bend County Constable's Office, Precinct 2  
303 Texas Parkway, Suite 124  
Missouri City, Texas 77489-1133

Dear Assistant Chief Arnold:

Your department has been awarded a Tobacco Compliance grant in the amount of \$5,000 under the provisions of the Texas Health and Safety Code Ann. Sec. 161.088(b) for fiscal 2011 beginning Sept. 1, 2010. However, in the past fiscal year your department did not comply with all of the Education and Enforcement requirements as stated in the Grant Acceptance Agreement. For this reason, this grant is being awarded on a conditional basis.

As a conditional grantee, you will receive half of your grant funds upon receipt of your signed agreement. If a review of your activities and expenditures during the first two quarters indicates substantial compliance with grant requirements, you will be sent the remaining amount of the grant funds. Failure to comply with the grant requirements will result in a loss of the opportunity to receive additional grant funds for the 2011 fiscal year. Enclosed you will find the "Grant Acceptance Agreement and Compliance Standards" form and the Scope of Work. Please review these documents thoroughly.

To accept your grant award, please have an authorized official of your department sign and return the agreement by the due date noted. Your grant funds will be mailed upon receipt of the agreement. Please keep a copy of the Acceptance Agreement. It is not necessary to return a copy of the Scope of Work. If you choose *not* to accept this grant, please write "declined" on the agreement. The agreement should be returned by Aug. 11, 2010, and mailed to the following address:

Texas Comptroller of Public Accounts  
Attention: Carol Lauder  
P.O. Box 13528  
Austin, Texas 78711-3528

Each grantee must begin implementation of the grant provisions, as outlined in the Acceptance Agreement and the Scope of Work, within 30 days of attending a technical assistance workshop. Attendance at a grant workshop is mandatory. Any exception to these requirements will require review and written approval by the Comptroller or the Comptroller's designee.

The technical assistance workshops will be presented by the Comptroller's office and Texas Statewide Tobacco Education and Prevention (Texas STEP) program. The workshop encompasses tobacco enforcement and compliance education requirements. It will also cover activity and financial reporting, expenditure requirements and the latest information concerning the issue of tobacco and minors in Texas. Expenses related to attending this workshop are covered by this grant using the "Education" budget category. Texas STEP will mail the workshop information to grantees so you can make the appropriate arrangements to attend.

If you have any questions regarding this letter, please contact Texas STEP at (888) 783-7123.

Sincerely,

A handwritten signature in black ink, appearing to read "Frances J. Torres".

Frances J. Torres  
Manager, Account Maintenance Division

Enclosures

cc: Carol Lauder  
Texas STEP

7-28-10 copy received

**Texas Comptroller's 2011 Tobacco Compliance Grant**  
**Scope of Work**  
**Local Law Enforcement Grantee Requirements**

Contract funds shall be used to support the enforcement, compliance education and reporting of activities related to the grants as follows: 60 percent of the effort of all grant activities shall be focused on Retailer Controlled Buys/Stings; 20 percent shall be focused on Retailer Compliance Inspections; 15 percent shall be focused on Retailer and Judicial Education; 5 percent is available to cover the costs of reporting. Grantee shall follow program requirements outlined in Sections A, B and C.

- A. Grant Activities – Controlled Buys (60 percent), Compliance Inspections (20 percent), Retailer and Judicial Education (15 percent), Reporting of Activities (5 percent)
- Grantee shall conduct tobacco education for retailers for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 – Subchapters H, K and N.
  - Grantee shall conduct tobacco education for each local court in the city and/or county to which Grantee submits citations for tobacco law violations and which may assist in obtaining information concerning the final disposition of citations written in accordance with Health and Safety Code, Chapter 161 – Subchapters H, K and N.
  - Grantee shall conduct on-site compliance inspections of tobacco retailers, not using minors as decoys, which may result in the issuance of citations for violations in accordance with Health and Safety Code, Chapter 161 – Subchapters H and K.
  - Grantee shall conduct on-site controlled buys/stings of tobacco retailers using minors as decoys, to determine compliance with applicable laws in accordance with Health and Safety Code, Chapter 161 – Subchapter H.
  - Grantee shall conduct follow-up inspections/controlled buys of tobacco retailers found to be in violation of state laws concerning tobacco in Grantee's jurisdiction.
  - Grantee shall conduct follow-up activities on complaints sent to Grantee concerning tobacco law violations within Grantee's jurisdiction.
  - Grantee shall submit reports to the Comptroller's contractor, Texas Statewide Tobacco Education and Prevention (Texas STEP) (as noted in "C" on the next page.)
- B. Additional Program Requirements
- Grantee shall designate staff to attend the Technical Assistance Training provided by the Comptroller's contractor Texas STEP, concerning the recommended protocols for performing compliance education and enforcement activities, appropriate use of grant funds and reporting requirements. This training relates to controlled buys, compliance inspections, compliance education, financial reporting and other duties as prescribed by Senate Bill 55, 75th Legislature. Grantee shall comply with all applicable state and federal laws, regulations and guidelines.
  - Grantee shall ensure attendance at training events by local law enforcement officer(s) responsible for conducting the tobacco compliance education and enforcement activities who can return to the department and train other officers and staff on the grant requirements and procedures covered in the training.

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- Grantee shall ensure attendance at training events by the person(s) designated to file reports concerning finances, compliance education activities, inspection activities and controlled buy activities (if different from the officer attending) if possible.
- No more than three Grantee department representatives are permitted to simultaneously attend grant training without prior permission from the Comptroller's office. Attendance at the grant training workshop is an eligible grant expenditure in the compliance education budget category.
- Grantee shall conduct training for each judicial/court in the city and/or the county.
- Grantee shall make a good faith effort to follow the protocols recommended for enforcing tobacco laws.
- Grantee shall comply with all requirements imposed by the Comptroller's office concerning special requirements of law, program requirements and other administrative requirements.

#### C. Reporting Requirements

- Monthly Reporting – Grantee shall submit the following reports monthly, using the appropriate reporting forms provided by Texas STEP.
  - All monthly "Minor in Possession of Tobacco – Monthly Summary" reports shall be submitted to Texas STEP by the 10th of the month immediately following the month in which the activities occurred. The reports should be mailed to Texas STEP, P.O. Box 1328, San Marcos, Texas 78667-1328, or faxed to (512) 245-8066.
  - All "Inspection/STING – Texas Cigarette/Tobacco Inspection" reports shall be submitted to Texas STEP by the 10th of the month immediately following the month in which the activities occurred. The reports should be mailed to Texas STEP, P.O. Box 1328, San Marcos, Texas 78667-1328, or faxed to (512) 245-8066.
- Quarterly Reporting – Grantee shall submit the following reports quarterly, using the appropriate reporting forms provided by Texas STEP.
  - The "Compliance Education Quarterly Summary Report," by the 15th of the month immediately following the quarter in which the activities occurred. These should be mailed to Texas STEP, P.O. Box 1328, San Marcos, Texas 78667-1328, or faxed to (512) 245-8066.
  - The "Financial Status Report," by the 15th of the month immediately following the quarter in which the activities occurred. These should be mailed to Texas STEP, P.O. Box 1328, San Marcos, Texas 78667-1328, or faxed to (512) 245-8066.
- Recordkeeping – Grantee shall maintain specific and accurate financial records including receipts for all expenditures, copies of all enforcement reports including all citations issued, as well as any other detailed documentation of all enforcement, education and grant communication activities, such as certified mail receipts or fax confirmation sheets, which are reported for and funded by this grant. If requested by the Comptroller's office, Grantee shall provide copies of said records.

**TEXAS COMPTROLLER'S 2011 TOBACCO GRANT  
ACCEPTANCE AGREEMENT AND COMPLIANCE STANDARDS  
FOR LOCAL LAW ENFORCEMENT AGENCIES  
(This signed document must be returned before grant funds will be awarded)**

By this Agreement, **Fort Bend County Constable's Office, Precinct 2** (hereinafter "Grantee") hereby agrees and certifies that Grantee shall comply with all requirements in the *2011 Scope of Work* provided to Grantee contemporaneously with this Agreement and all applicable provisions of the Uniform Grant and Contract Management Standards (UGCMS) promulgated by the Office of the Governor pursuant to the Uniform Grant and Contract Management Act, Chapter 783, Government Code. A copy of the UGCMS may be obtained from the Office of the Governor at [www.governor.state.tx.us/files/state-grants/UGMS062004.doc](http://www.governor.state.tx.us/files/state-grants/UGMS062004.doc).

Grantee acknowledges that appropriate approvals have been obtained from its governing body (city council or county commissioners' court) to accept and utilize all grant funds as specified in this Agreement.

Grantee shall use or expend grant funds exclusively for the following tobacco compliance and enforcement activities, unless directed otherwise by the Texas Comptroller of Public Accounts (Comptroller):

- Grantee shall provide compliance education to each local court involved in adjudicating grant agency's tobacco-related citations.
- Grantee shall provide ongoing and consistent compliance education to tobacco retailers and local court personnel concerning the tobacco laws.
- Grantee shall provide an ongoing and consistent enforcement initiative that utilizes on-site compliance inspections of cigarette or tobacco retail outlets by law enforcement and other officers and fully acknowledges that the foregoing may result in the issuance of citations.
- Grantee shall provide an ongoing and consistent enforcement initiative that utilizes on-site controlled buys at cigarette or tobacco permitted retail outlets by officers, using minors as decoys (i.e., "stings") that may result in the issuance of citations.
- Grantee shall allocate grant fund expenditures for enforcement and compliance activities as recommended by the Comptroller's office.
- Grantee shall provide monthly enforcement activity reports and quarterly compliance education and financial status reports to the Comptroller's contractor for the Texas Statewide Tobacco Education and Prevention (Texas STEP) initiative.

Approval of grant funding, based on the application submitted by the prospective Grantee or agency, does not constitute approval of any or all plans or requests as listed in the submitted application. Appropriate use of grant funds and proper protocols for education and enforcement activities will be covered in the grant training.

Comptroller reserves the right, under this Agreement, to unilaterally amend the terms of the Agreement at any time and to impose additional requirements on Grantee at the sole discretion of the Comptroller.

Grantee understands and acknowledges that failure to comply with the terms of this Agreement, including grant usage restrictions, or with any applicable state or federal law or regulation, shall result in the forfeiture of grant funds. Upon forfeiture, Grantee shall also be responsible for the return of the full amount of the original grant to the Comptroller.

This grant award is in the amount of **\$5,000** and covers the period from Sept. 1, 2010, through Aug. 31, 2011. Grantee shall return all unexpended grant funds within 45 days of the close of this grant period.

Robert Hebert, County Judge  
Name and Title of Official authorized to accept grant funds  
on behalf of County or Municipality (Please print)

Signature of Authorized Official

July 27, 2010  
Date

Fort Bend County  
Department or Agency Name

FEI Number (required)