



CONSTABLE PRECINCT 3
Fort Bend County, Texas

AGENDA ITEM 8

ROB COOK
Constable

(281) 238-1430
Fax (281) 238-1431

TO: Judge Robert Hebert
Commissioner Robert Morrison
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner James Paterson

FR: Chief Deputy Aaron W. Tyksinski
DT: Monday, 27 June 2011
RE: Acceptance of Awarded Tobacco Grant Monies

Dear Sirs:

We respectfully request Commissioner's Court review, accept and approve the \$4,500 in grant monies awarded to our office by the state Comptroller for the use of enforcing tobacco compliance under the provisions of the Texas Health and Safety Code. There are no matching funds required by Fort Bend County. This is the 6th straight year we have been awarded grant money by the state for this purpose.

Please sign the attached form and return it to our office so I can send the form back to the state Comptroller. The grant monies will then be mailed after their acceptance of the approval form.

This grant award is in the amount of \$4,500 and covers the period from 1 September 2011 through 31 August 2012.

If you have any questions, please feel free to contact me for more information. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, reading "Aaron W. Tyksinski".

Aaron W. Tyksinski
Chief Deputy

76-11 copy received

S U S A N	TEXAS COMPTROLLER <i>of</i> PUBLIC ACCOUNTS WWW WINDOW STATE TX.US	
C O M B S		

June 23, 2011

Mr. Aaron W. Tyksinski
Chief Deputy
Fort Bend County Constable, Precinct 3
22333 Grand Corner Drive, Suite 103
Katy, Texas 77494-5749

Dear Chief Tyksinski:

Congratulations! Your department has been awarded a Tobacco Compliance grant in the amount of \$4,500 under the provisions of the Texas Health & Safety Code Ann. Sec. 161.088(b) for fiscal 2012, beginning Sept. 1, 2011 and ending Aug. 31, 2012.

Enclosed you will find the "Grant Acceptance Agreement and Compliance Standards" form along with the Scope of Work. Please review these documents thoroughly. To accept your grant award, please have an authorized official of your law enforcement agency sign and return the Acceptance Agreement. ***This agreement must be signed and returned by July 15, 2011, to qualify for funding.*** If you choose ***not*** to accept this grant, please write "declined" on the agreement and return it to our office. Your grant funds will be sent via direct deposit upon receipt of the signed agreement. Please mail the signed agreement to the following address and keep a copy for your files:

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

Effective Sept. 1, 2011, grantees are authorized to begin implementation of the grant provisions, as outlined in the Acceptance Agreement and the Scope of Work. Please note that there will *not* be a grant training since you were a 2011 grant recipient. You will receive an updated training manual via mail. For technical assistance or any questions regarding this letter, please contact one of the following Tobacco Compliance Grant Program Specialists: Elaine Matthews, (512) 475-1551, or Rob Julien, (512) 463-4048.

Sincerely,


Susan Combs

Enclosures

cc: Elaine Matthews
Rob Julien

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS 2012 TOBACCO GRANT
ACCEPTANCE AGREEMENT AND COMPLIANCE STANDARDS
FOR LOCAL LAW ENFORCEMENT AGENCIES
(This signed document must be returned by July 15, 2011 to qualify for grant funds.)

By this Agreement, Fort Bend County Constable, Precinct 3 (hereinafter "Grantee") hereby agrees and certifies that Grantee shall comply with all requirements in the 2012 *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.

Grantee acknowledges that appropriate approvals are being sought from its governing body (city council or county commissioners' court) to accept and utilize all grant funds as specified in this Agreement. If approval is denied, Grantee will return grant funds to the Texas Comptroller of Public Accounts (Comptroller).

Grantee shall use or expend grant funds exclusively for the following tobacco compliance and enforcement activities, unless directed otherwise by the Comptroller:

- Grantee shall provide compliance education to each local court involved in adjudicating grant agency's tobacco-related citations.
- Grantee may provide ongoing and consistent compliance education to tobacco retailers.
- 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.
- Grantee shall provide monthly enforcement activity reports and quarterly compliance education and financial status reports to the Comptroller.

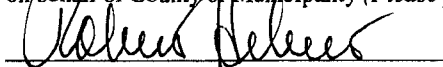
Approval of grant funding, based on the application submitted by the prospective Grantee or agency, does not constitute approval of any or all plans or requests as listed in the submitted application. Appropriate use of grant funds and proper protocols for education and enforcement activities will be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

~~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 \$4,500 and covers the period from Sept. 1, 2011, through Aug. 31, 2012. Grantee shall return all unexpended grant funds within 30 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 5, 2011
Date

Fort Bend County
Department or Agency Name

FEI Number (required)

NOTE: Updated Grant Requirements as of July 1, 2011, changes are in italics
Texas Comptroller of Public Accounts
2012 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 outlined in Sections A, B and C.

A. Grant Funds and Activities – Controlled Buys (60 percent of funds); Compliance Inspections (25 percent of funds); Judicial, Retailer and Department Education (10 percent of funds); Reporting of Activities (5 percent of funds)

- 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 may 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 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 the 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 Texas Comptroller of Public Accounts (Comptroller) as noted in "C" below.

B. Additional Program Requirements

- 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 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 the Comptroller.

- All monthly “Minor in Possession of Tobacco – Monthly Summary” reports *shall be submitted to the Comptroller* by the 10th of the month immediately following the month in which the activities occurred.
 - All “Inspection/STING – Texas Cigarette/Tobacco Inspection” reports *shall be submitted to the Comptroller* by the 10th of the month immediately following the month in which the activities occurred.
- **Quarterly Reporting** – Grantee shall submit the following reports quarterly, using the appropriate reporting forms provided by the Comptroller.
 - The Compliance Education Quarterly Summary report *shall be submitted to the Comptroller* by the 15th of the month immediately following the quarter in which the activities occurred.
 - The Financial Status Report *shall be submitted to the Comptroller* by the 15th of the month immediately following the quarter in which the activities occurred.
- **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, Grantee shall provide copies of said records.
- **Submit reports by mail or fax to:**

***Texas Comptroller of Public Accounts
Attention: SB55, Account Maintenance
P.O. Box 13528
Austin, Texas 78711-3528
FAX: (512) 463-3268***