

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
CHERYL MacBRIDE
DEPUTY DIRECTORS



COMMISSION
A. CYNTHIA LEON, CHAIR
CARIN MARCY BARTH
ADA BROWN
ALLAN B. POLUNSKY
JOHN STEEN

SAA Information Bulletin

No. 12-007

July 31, 2012

To: All Sub-recipients of Operation Stonegarden Grant Program Funds
From: Mabelle Pharr, Deputy Assistant Director

Subject: Operation Stonegarden Grant Program

This information bulletin provides additional guidance in support of expenditures for which reimbursement is being requested under the Operation Stonegarden Grant Program. The content of this bulletin is effective July 31, 2012. This Information Bulletin supersedes TDEM-SAA Information Bulletin #15 issued January 11, 2010.

The Texas Homeland Security State Administrative Agency (THSSAA) is responsible for ensuring all expenditures, for which reimbursement is being requested, are reasonable, allowable and allocable. The THSSAA is guided by Office of Management and Budget (OMB) Circular A-87 in making this determination.

Chapter II, ATTACHMENT A, Section C paragraph 1.j of the Texas Uniform Grant Management Standards (UGMS) requires expenditures to be adequately documented. The reference states: "Documentation required may include, but is not limited to, travel records, time sheets, invoices, contracts, mileage records, billing records, telephone bills and other documentation that verifies the expenditure amount and appropriateness to the grant."

Operation Stonegarden Grant recipients are prohibited from obligating or expending Operation Stonegarden (OPSG) funds provided through this award until each unique, specific or modified county level or equivalent Operational Order/Frag Operations Order with embedded estimated operational budget has been reviewed and approved by the appropriate U.S. Customs and Border Patrol (USCBP) Sector Representative, U.S. Customs and Border Patrol (CBP) Sector Headquarters (HQ), and the Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD), Grant Development and Administration Division (GD&A) Program Analyst.

In addition, Operation Stonegarden Grant Recipients must have submitted the expenditure request into SPARs and obtained THSSAA approval prior to purchase or incurring an expense.

Sub-grantees are reminded that Operation Orders do not carry forward to a new grant. Each Operations Order is specific to the award and award year of the grant.

The U. S. Department of Homeland Security states that Operation Stonegarden funds may be used:

- to activate reserve State, local and Tribal law enforcement personnel
- to pay current part time law enforcement personnel salary bringing them to full time status
- for travel, per-diem and lodging to support up to a six (6) month deployment of law enforcement personnel to critical Southwest Border locations to support operational activities
- for fuel and/or fuel mileage reimbursement cap for operational activities
- for backfill costs for personnel supporting operational activities are allowable
- to support a request to the Governor to activate, deploy or redeploy specialized National Guard Units/Packages and/or elements of State law enforcement to increase or augment Specialized/technical law enforcement elements operational activities
- to increase operational, material and technological readiness of State, local and Tribal law enforcement agencies.

However, prior to expending any OPSG funds, these categories must be included on an operations order that has been reviewed and approved by the appropriate USCBP Sector Representative, CBP Sector Headquarters (HQ), and the FEMA/GPD&A Program Analyst.

Sub-recipients are reminded that under FEMA grant guidance, no more than 50% of the amount of the award may be used for personnel costs (which includes, but is not limited to: overtime, backfill, and increasing capability by utilizing part-time and/or reserve law enforcement to support OPSG operational activities). This requirement may be waived at the discretion of the FEMA Administrator on a case by case basis, after receipt of a written request. The format for a waiver request can be found in Grant Programs Directorate Information Bulletin No. 321, dated July 09, 2009.

Payroll cost related to Operation Stonegarden funding is limited to operational overtime costs associated with law enforcement activities in support of border law enforcement agencies for increased border security enhancement; cost of bringing part-time employees up to full time; or, cost associated with backfill for personnel supporting operational activities. Overtime hours are determined based on the local jurisdictions written overtime policy. That policy must be applied consistently across all funding sources whether they are Federal, State or local. If the jurisdiction indicates they are using the Fair Labor Standards Act (FLSA) or Department of Labor rules for their overtime policy, those rules will be applied to the overtime hours reported in the reimbursement request. For overtime calculated under the FLSA, paid leave is not allowable in the calculation of overtime, including comp time. For sub-recipients that have an Interlocal Cooperative Agreement, a Memorandum of Understanding or any other form of contract with other jurisdictions, the overtime policies of the sub-recipient receiving the award from the THSSAA is the controlling factor in determining calculation of overtime. The jurisdictions entering into the interpositional agreement will be reimbursed based on the awarded sub-recipients overtime policy.

Request for reimbursement of payroll cost must be supported by timesheets, and proof of payment to the employee. **Request for reimbursement of overtime, backfill or cost of bringing part-time employees up to full time, shall only be for positions specifically identified in the operations order.** Copies of the payroll journal certified by the Payroll Officer or Chief Financial Officer must be included for each payroll reimbursement request submitted. Payroll reimbursements should be submitted monthly based on the ending date of the payroll period. For consistency, we have provided a form for use in submitting payroll reimbursement requests. Use of this form and

submission of the proper supporting documentation will facilitate timely reimbursement. Submission of multiple months on the same request will result in the denial of the request. The request will be returned and a separate reimbursement request must be submitted for each month included on the original request.

Unless otherwise authorized by FEMA/DHS, jurisdictions may not claim both mileage and fuel/vehicle maintenance at the same time. Mileage reimbursement is designed to include the costs for vehicle maintenance. If fuel is claimed, then vehicle maintenance may also be claimed. However, you cannot claim fuel and maintenance in addition to mileage. Note that on any operations order, (1) mileage must be listed as a budget item by itself, but not fuel and vehicle maintenance OR (2) fuel and vehicle maintenance can be listed as budget items, but not mileage. The AEL codes for these categories, when submitting expenditure requests are as follows:

- (21OS-01-MILE) Mileage reimbursement for select operational expenses
- (21OS-01-FLSG) Fuel reimbursement for select operational expenses
- (21OS-01-MRSG) Reimbursement for select operational expenses associated with maintenance of Stonegarden operational vehicles

Mileage reimbursements should be submitted monthly on the appropriate form. For consistency, we have attached a form to be used for mileage claims.

Local governments receiving a grant from the THSSAA are responsible for ensuring all subcontractors are aware of and follow all grant requirements.

For reimbursement of equipment, the equipment must be included in the budget narrative submitted to Customs and Border Patrol and Department of Homeland Security included on the approved Operations Order.

The THSSAA recognizes there may be limitations in the procurement processes used by some entities. If an entity does not issue purchase orders or purchase agreements, that entity should provide the THSSAA with a written certification from the elected official, or individual who signed the grant award documents, stating the entity does not have a written procurement policy and due to its size and staff limitations such a function would place a burden on the entity.

Documentation submitted in support of the reimbursement request must be in accordance with THSSAA Information Bulletin 11-005 (Revised July 2012).