

Panhandle Regional Criminal Justice
Advisory Committee

FY 19 Grant Program
Operating Procedures
&
Bylaws

CJAC APPROVED: October 17, 2017

PANHANDLE REGIONAL CRIMINAL JUSTICE ADVISORY COMMITTEE
GRANT PROGRAM OPERATING PROCEDURES

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PANHANDLE REGIONAL PLANNING COMMISSION'S
CRIMINAL JUSTICE ADVISORY COMMITTEE OPERATING PROCEDURES

Purpose:

The purpose of this document is to establish the current policies and procedures that will guide the local decision making activities of the Panhandle Regional Planning Commission's (PRPC) Criminal Justice Advisory Committee (CJAC). The CJAC is an advisory committee of the PRPC created for the purpose of overseeing the operation of the Panhandle's Criminal Justice Grants Program. Funding provided by the Governor's Criminal Justice Division (CJD) supports the Panhandle's Criminal Justice Grants Program. CJD has vested the PRPC with the authority to determine how the Panhandle's annual allocation of CJD funds will be used.

The CJAC's primary decision making duties revolve around the distribution of the region's CJD grant funds and in identifying the applicants most deserving of those funds. The demand for grant funds will always exceed the amount available for distribution. It is the responsibility of the CJAC; therefore, to ascertain which programs and projects should be given the highest priority when final decisions are made regarding the distribution of these funds.

The CJAC's ultimate goal is to ensure the finite amount of CJD grant funds are used in a manner that best serves the criminal justice system needs of the Panhandle. However, that goal must be achieved in an environment that treats all parties fairly and equally. By committing these policies and procedures to writing, the CJAC is putting the region's applicant community on notice of the principles that will influence how the region's CJD funds will be distributed. The purpose of these procedures is to chart a course, through a prescribed and impartial process, to the final decisions as to how the region's CJD funds will be used.

Authority:

The PRPC's CJAC is subordinate to the PRPC Board of Directors. The CJAC makes recommendations to the PRPC Board as to how project applications should be prioritized for funding. The final decisions rest with the PRPC Board.

The CJAC's full scope of authority and membership composition is set forth in the PRPC's Administrative Regulation #34. That regulation is attached to and made part of these bylaws.

Area of Oversight:

The PRPC staff is neither directly nor indirectly involved in the final decisions made regarding who will receive CJD grant funds during any given state fiscal year. The CJD allocates certain grants funds to the Panhandle each year which are specifically intended for use by Panhandle entities. Where these regional allocations are involved, the PRPC Board of Directors, acting on the recommendations provided by the CJAC, makes the final decision regarding the manner in which project applications are prioritized for funding.

The grant applications that will be reviewed by the CJAC include, but are not limited to the following funding sources from the CJD:

1. General Victim Assistance – Direct Services (GVA-DS);
2. Violent Crimes Against Women Criminal Justice and Training Projects – Domestic Violence, Sexual Assault, Dating Violence and Stalking;

3. Criminal Justice Programs,
4. General Juvenile Justice and Delinquency Prevention Programs, and
5. Any additional or unique fund sources that CJD determines appropriate

As needed and as required by the CJD, the CJAC will also review and comment upon any other criminal justice grant application that might originate from the Panhandle region during any given state fiscal year.

Terms of these Bylaws:

These Bylaws will remain in force for the term of any given state fiscal year. Each year, prior to the initiation of the region's Criminal Justice Grants Program, the CJAC will review these policies and procedures to ensure their appropriateness for the coming year.

Initiating the Region's Annual Criminal Justice Grants Program:

CJD will set deadlines for submission of applications. The applications will be submitted directly to CJD via the online eGrants web-based system.

The PRPC's Regional Criminal Justice Program Coordinator will be responsible for receiving any information from CJD regarding changes being made in the CJD grant programs.

The PRPC's Regional Criminal Justice Program Coordinator will be responsible for transmitting any significant information regarding CJD program changes onto the CJAC.

CJD has prescribed the information that will be needed to comprise grant applications. However, it is within the CJAC's discretion to ask applicants to supplement the CJD required information with additional material for regional review purposes. Applicants are encouraged but not required to participate in a local planning process. The process will help to substantiate the specific needs being addressed with the proposal and strengthen the overall purpose of the project. It will be the responsibility of the PRPC's Criminal Justice Program Coordinator to advise the applicant community of any changes being made to the grant application in a timely fashion; whether the changes are made by CJD or by the CJAC.

The PRPC's Regional Criminal Justice Program Coordinator will be responsible for notifying the region's eligible applicant community of the grant submission schedule for the coming year and of any changes being made to the grant programs in a timely fashion.

Community Planning:

Applicants are encouraged to develop coordinated local strategies in order to use CJD funds and local resources to target critical criminal justice needs in such a way that avoids overlap or duplication in services and promotes the efficient use of limited state and local resources. The CJAC's prioritization criterion places an emphasis on applicants being able to validate that their proposal(s) is part of a coordinated strategy for addressing an identified local criminal justice need(s).

Regional Strategic Planning:

The PRPC's Criminal Justice Program Coordinator shall create a strategic plan for prioritizing the criminal justice needs in their region. The criminal justice needs relevant to this plan include, but are not limited to: criminal justice system improvements, juvenile justice system improvements, direct victim services, and mental health/substance abuse treatment.

Communities at all levels (city, county, service area) shall be involved in the process of developing the Panhandle Regional Criminal Justice Strategic Plan through the gathering and reporting of accurate and updated information to the PRPC staff and participation in meetings and teleconferences.

Grant Application Workshops:

The PRPC's Regional Criminal Justice Program Coordinator will be responsible for scheduling and conducting annual grant application workshops to instruct prospective applicants on the mechanics of developing and filing their applications. The number of annual workshops to be conducted will be left to the discretion of the PRPC's Regional Criminal Justice Program Coordinator.

First-time applicants¹ for CJD grant funds are strongly encouraged to attend one of the grant workshops conducted by the PRPC's Criminal Justice Program Coordinator. However, if for some reason a potential first-time applicant is unable to attend one of these workshops, that applicant is **required** to consult with the PRPC's Regional Criminal Justice Program Coordinator during the development of their grant application.

Any application received from a first-time grant applicant that did not attend one of the grant workshops or did not consult with the PRPC's Regional Criminal Justice Program Coordinator during the development of their grant application will not be considered by the CJAC.

Receipt of Criminal Justice Grant Applications:

All applications will be filed electronically, via the *eGrants* system, with CJD. The applications must be received by the deadline established by CJD. It is important that the applicant communicate and consult with the Criminal Justice Program Coordinator during the grant development process. The Coordinator should be made aware of all grants being applied for in the region.

Upon receipt of the applications, CJD will evaluate each proposal to ensure the project is eligible for funding by the grant program under which the proposal was filed. Presumably, those proposals found to be ineligible by CJD will be disqualified for funding under the program. Upon completion of the eligibility review, CJD will forward those proposals determined to be eligible to the PRPC Criminal Justice Program Coordinator.

Application Funding Level and Period of Eligibility:

Grant application-funding levels and periods of eligibility will differ based upon the grant program under which the applicant happens to be filing.

¹ First-time applicants are defined as grant applications for projects that are in the first year as well as any equipment/supplies only applications.

Reasonable Budget Estimates (RBEs):

A Regional Budget Estimate (RBE) is an annual notification of fund availability the Panhandle receives from CJD prior to the start of the regional grant prioritization process. The RBE identifies the estimated amount of funds being reserved for each grant program under which the region receives a funding allocation from CJD.

This information is intended to assist the CJAC in weighing and balancing the merits of the project proposals being prioritized within the limits of the RBEs. In so doing, the CJAC can help to ensure that the regional allocations are fully and effectively spent on projects that will optimally benefit the region’s criminal justice system. The RBE information is also of use to the region’s CJD applicants as it can help them in gauging reasonable expectations with regard to the size and scope of the projects being proposed.

CRIMINAL JUSTICE PROGRAMS

Sub-regional Allocations:

There will be no set sub-allocation of Criminal Justice Programs funding. All Criminal Justice Programs grant funds will be subject to open competition from eligible applicants across the region.

Application Funding Levels:

The minimum amount of grant funding that may be requested by a first-year applicant for Criminal Justice Programs funds is \$10,000. There is no limit on the maximum funds that may be requested by an applicant.

Period of Eligibility:

All applicants for Criminal Justice Programs funds will generally be subject to the following Decreasing Funding Ratio and Maximum Years of Funding policy.

CRIMINAL JUSTICE PROGRAMS DECREASING FUND RATIO					
	Year 1	Year 2	Year 3	Year 4	Year 5
Eligible for:	100% of the program costs	80% of the program costs based on the Year 1 request	60% of the program costs based on the Year 1 request	40% of the program costs based on the Year 1 request	20% of the program costs based on the Year 1 request

Exceptions:

The Regional Law Enforcement Training Program will be exempt from this Decreasing Funding Ratio and Maximum Years of Funding Policy. The Regional Law Enforcement Training Program will be funded each year at a level deemed appropriate by the PRPC Board of Directors.

First-time, Continuation, and One-time Requests:

The CJAC makes no guarantee that every Criminal Justice Programs grant application will be funded for the entire duration of its period of eligibility.

However, subject to the performance and compliance record of the grantee during its previous year of funding, the CJAC will generally give preference to continuation grantees to ensure that funding is available in subsequent years throughout the period of eligibility. Grant applications under the general Criminal Justice Program; therefore, will be submitted as follows:

All Criminal Justice Programs:

First Application: Include budget for Years 1 in accordance with the Decreasing Funding Ratio.

Second Application: Include budget for Year 2 in accordance with the Decreasing Funding Ratio.

Third Application: Include budget for Year 3 in accordance with the Decreasing Funding Ratio.

Fourth Application: Include budget for Year 4 in accordance with the Decreasing Funding Ratio.

Final Application: Include budget for Year 5 in accordance with the Decreasing Funding Ratio.

Once a grant program has completed its 5-year period of eligibility, it will no longer be eligible for further support. These programs cannot be resubmitted for consideration of another 5 years of funding.

The CJAC will consider one-time applications under the Criminal Justice Grant Program. An example of a one-time grant program might include a proposal to purchase equipment or to support a specific training program. A one-time application involves a one-time grant award and a commitment of grant funds that does not extend beyond the current state fiscal year.

One-time grant request will be considered as follows:

One-Time Equipment-Only Requests: A one-time equipment only proposal will be considered eligible if the following conditions are met:

- a. The purchase of the equipment can be tied to an identified need that has been well documented and demonstrated by the applicant.
- b. The applicant agrees to provide at least 50% of the funds needed to complete the purchase of the equipment.

Non-Equipment, One-Time Requests: A one-time non-equipment proposal may be considered eligible for 100% funding provided the following conditions exist.

- a. The non-equipment, one-time request can be tied to an identified need that has been well documented and demonstrated by the applicant.
- b. The non-equipment, one-time request does not overlap or duplicate a pre-existing program.

Other Criminal Justice Programs Eligibility Requirements:

Applicants for Criminal Justice Programs funds must meet all other eligibility requirements established by the CJD.

GENERAL JUVENILE JUSTICE & DELINQUENCY PREVENTION PROGRAMS

Sub-regional Allocations:

There will be no sub-regional allocations of the Panhandle’s annual allocation of General Juvenile Justice funds. The funds will be subject to open competition from eligible applicants across the region.

Application Funding Levels:

The minimum amount of grant funding that may be requested by a first-year applicant for General Juvenile Justice grant funds is \$10,000. There is no limit on the maximum funds that may be requested by a first-year applicant.

Period of Eligibility:

All applicants for General Juvenile Justice grant funds will generally be subject to the following Decreasing Funding Ratio and Maximum Years of Funding policy.

GENERAL JUVENILE JUSTICE & DELINQUENCY PREVENTION PROGRAMS: DECREASING FUND RATIO					
	Year 1	Year 2	Year 3	Year 4	Year 5
Eligible for:	100% of the program costs	80% of the program costs based on the Year 1 request	60% of the program costs based on the Year 1 request	40% of the program costs based on the Year 1 request	20% of the program costs based on the Year 1 request

Exceptions:

For the current fiscal year there will be no exceptions.

First-time, Continuation, and One-time Requests:

The CJAC makes no guarantee that every General Juvenile Justice grant fund program will be funded for the entire duration of its period of eligibility. However, subject to the performance and compliance record of the grantee during its previous year of funding, the CJAC will generally give preference to continuation grantees to ensure that funding is available in subsequent years throughout the period of eligibility. Grant applications under this program will; therefore, be submitted as follows:

First Application: Include budget, for Years 1 in accordance with the Decreasing Funding Ratio.

Second Application: Include budgets for Year 2 in accordance with the Decreasing Funding Ratio.

Third Application: Include budgets for Year 3 in accordance with the Decreasing Funding Ratio.

Fourth Application: Include budgets for Year 4 in accordance with the Decreasing Funding Ratio.

Final Application: Include budgets for Year 5 in accordance with the Decreasing Funding Ratio.

Once a grant program has completed its 5-year period of eligibility, it will no longer be eligible for further support. These programs cannot be resubmitted for consideration of another 5 years of funding.

The CJAC will consider one-time applications under the General Juvenile Justice & Delinquency Prevention Programs. An example of a one-time grant program might include a proposal to purchase equipment or to support a specific training program. A one-time application involves a one-time grant award and a commitment of grant funds that does not extend beyond the current state fiscal year.

One-time grant request will be considered as follows:

One-Time Equipment-Only Requests: A one-time equipment only proposal will be considered eligible if the following conditions are met:

- a. The purchase of the equipment can be tied to an identified need that has been well documented and demonstrated by the applicant.
- b. The applicant agrees to provide at least 50% of the funds needed to complete the purchase of the equipment.

Non-Equipment, One-Time Requests: A one-time non-equipment proposal may be considered eligible for 100% funding provided the following conditions exist.

- a. The non-equipment, one-time request can be tied to an identified need that has been well documented and demonstrated by the applicant.
- b. The non-equipment, one-time request does not overlap or duplicate a pre-existing program.

Other General Juvenile Justice Fund Eligibility Requirements:

Applicants for General Juvenile Justice funds must meet all other eligibility requirements established by the CJD.

GENERAL VICTIM ASSISTANCE – DIRECT SERVICES PROGRAMS

CJD provides the Panhandle region with an annual allocation of General Victim Assistance funds. The CJAC's primary responsibility regarding the funding of the Panhandle's General Victim Assistance applications lies in establishing the order of priority in which they should be funded by CJD as well as how much funding they deem appropriate for each applicant. Then, depending upon the final availability of funds at the statewide level, CJD will fund the Panhandle Victim Assistance projects in accordance with the priority listing established by the CJAC.

For FY19, CJD will maintain the funding cycle for VOCA grants to a 24-month period for continuation applicants; with all grants having an October 1st start date. First-time applicants will be placed on a 12 month project period per CJD requirements. This change will off-set the numbers of applicants for each grant cycle. Any FY18 grantees that have already commenced with a 24-month period will not be eligible for the FY19 grant cycle unless the activities are substantially different than their current grant award.

Sub-regional Allocations:

There will be no sub-regional allocations of the Panhandle's annual allocation of the General Victim Assistance – Direct Services Programs. These funds will be subject to open competition from eligible applicants across the region.

Application Funding Levels:

The CJAC will annually establish the minimum and maximum levels of funding for the General Victim Assistance – Direct Services Program. The CJAC has set the minimum funding request at the amount established by CJD in the General Victim Assistance – Direct Services Program Request for Applications [RFA].

The CJAC will ensure that the entire region is considered for funding by determining how any adjustments in the applicants budget(s) need to be addressed whether higher or lower to sensibly distribute funding across applicants should the actual regional allocation differ from what CJD provided in the RBE. CJD has final approval of grantee eligibility.

Period of Eligibility:

The Panhandle General Victim Assistance applicants will be subject to the funding levels and maximum years of funding policy established by the CJD.

Matching Fund Requirements:

The Panhandle region General Victim Assistance grant applicants will be subject to the matching fund requirements established by the CJD. It is anticipated that CJD will require all applicants provide at least 20% of the resources needed to support their program during any given grant program year. CJD allows these matching resources to be provided in the form of eligible in-kind services, cash or a combination of both. CJD will determine the eligibility of the in-kind service(s).

Other Fund Eligibility Requirements:

Applicants for the General Victim Assistance – Direct Services Program funds must meet all other eligibility requirements established by the CJD.

VIOLENT CRIMES AGAINST WOMEN CRIMINAL JUSTICE & TRAINING PROJECTS

CJD provides the Panhandle region with an annual allotment of Violent Crimes Against Women Criminal Justice & Training Projects funds. The CJAC's primary responsibility regarding the funding of the Panhandle's applications lies in establishing the order of priority in which they should be funded by CJD. Then, depending upon the actual availability of funds at the statewide level, CJD will fund the Panhandle Violent Crimes Against Women Criminal Justice & Training Projects in accordance with the priority listing established by the CJAC.

Sub-regional Allocations:

There will be no sub-regional allocation of Violent Crimes Against Women Criminal Justice & Training Projects funds in the Panhandle. CJD will make the final determination of which Panhandle applications will be funded based upon the availability of funds at the statewide level and upon the prioritization listing established by the CJAC.

Application Funding Levels:

The CJAC will annually establish the minimum and maximum levels of funding for the Violent Crimes Against Women Criminal Justice & Training Projects program. The CJAC will set the minimum funding request at the amount established by CJD in the FY19 Violent Crimes Against Women Criminal Justice & Training Projects Request for Applications [RFA] (in FY 18, that minimum amount was set at \$5,000.00). The CJAC establishes the maximum request amount per application at \$45,000.00. Though this amount may differ from that stated in the State's FY19 RFA, the cap allows for the wider distribution of FY19 funding to the region's Victim Services agencies that rely on this funding for their continued operation.

Applicants will be allowed to submit up to 3 separate Violent Crimes Against Women Criminal Justice & Training Projects applications per funding cycle. No single application can exceed \$45,000.00. If applicants submit multiple applications, they must be submitted in prioritized order (Tier 1 application, Tier 2 application, Tier 3 application). All Tier 1 applications received will then be grouped and separately reviewed/prioritized by the CJAC. All Tier 2 applications received will be grouped and separately reviewed/prioritized by the CJAC and the same will be done for any Tier 3 applications received. The CJAC's funding recommendations to the PRPC Board will then be presented as follows:

- That the Tier 1 projects be funded in the order of priority as established by the CJAC;
- That if funding is available that the Tier 2 projects be funded after all the Tier 1 projects have been funded in the order of priority as established by the CJAC; and
- That if funding is available, that the Tier 3 projects be funded after all the Tier 1 and Tier 2 projects have been funded in the order of priority as established by the CJAC

PLEASE NOTE: The CJAC may at its discretion and based on the final amount of the regional budget estimate provided by CJD for the VAWA funding block in the current grant year, waive the tier requirements and/or alter the maximum requested application amount described above.

Period of Eligibility:

The Panhandle Violent Crimes Against Women Criminal Justice & Training Projects applicants will be subject to the funding levels and maximum years of funding policy established by the CJD.

Matching Fund Requirements:

The Panhandle Violent Crimes Against Women Criminal Justice & Training Projects applicants will be subject to the matching fund requirements established by the CJD. For FY19, it's anticipated that CJD will require that the applicants provide at least 29% of the resources needed to support their program during the grant program year.

CJD allows these matching resources to be provided in the form of eligible in-kind contributions, cash or a combination of both. CJD will determine the eligibility of the in-kind service(s).

All Other Requirements:

Applicants must meet all other Violent Crimes Against Women Criminal Justice & Training Projects eligibility requirements established by the CJD.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROJECTS

CJD will provide the Panhandle region with an annual RBE of JAG funds. If funding is provided to the region under the Edward Byrne Memorial Justice Assistance Grant (JAG), applications will be considered as one-time requests and will follow the guidance provided for One-Time Equipment-Only and One-Time Non-Equipment proposals described under the Criminal Justice Programs section of these procedures. However, applicants are advised that additional federal/local guidance may become available and could affect the information requested and other matters related to this fund source if/when the region is notified by CJD that JAG funds will be available to the region. Any changes in information needs or adjustments to the application requirements will be posted on the PRPC's website at the time the call for JAG applications is issued. In general and until otherwise changed, the CJAC's priorities for JAG-funded projects are as follows:

1. Multi-jurisdictional projects with a focus on regional impact;
2. Equipment purchases which could, through mutual aid, be deployed region-wide, and
3. Other projects that can be completed with a one-time grant

The CJAC will ensure that the entire region is considered for funding by determining how any adjustments in the applicants budget(s) need to be addressed whether higher or lower to sensibly distribute funding across applicants should the actual regional allocation differ from what CJD provided in the RBE. CJD has final approval of grantee eligibility.

THE CJAC'S PRIORITIZATION OF CJD APPLICATIONS

Prioritization Meeting Dates:

The CJAC will meet to review the current grant year program applications in accordance with the grant program year schedule developed by the PRPC's Regional Criminal Justice Program Coordinator at the start of the program year.

The CJAC Chairman will determine whether or not the CJAC has to physically convene in order to carry out the prioritization process(es). In certain instances there may only be one application filed under a particular grant program during a given grant program year. In those instances,

where there are no competing applications, the CJAC Chairman may elect to have the CJAC review the single application via mail or email.

Individuals Authorized to Prioritize the Region's CJD Applications:

Only PRPC Board-appointed members may participate in the prioritization of the region's CJD grant applications.

Standardized Review of the CJD Applications:

CJD will approve the CJAC's review criteria and a standardized review form which will be used to evaluate and prioritize the various CJD applications originating from the Panhandle region. The criteria will be weighted as follows:

20% of the points available will be assigned to the category of Documentation of the Problem;

This category will be used to evaluate the identified problems and issues. Is the problem addressed in the application clearly defined and supported by local statistics? Relative to the other projects in the funding block, how severe is the problem that is being addressed?

60% of the points available will be assigned to the category of Project Approach & Activities;

This category will be used to evaluate the applicant's goals and whether the activities will address the stated problem(s). The committee will evaluate the project in relation to previously proven methods or a well thought out unique approach to solving the problem(s). How well does the project address one or more of the local priorities? Are the applicant's project goals realistic and can they be achieved within the grant period? Will the proposed project activities clearly address the stated problem(s)? Does the stated problem(s) and the goals of the project justify the project costs?

10% of the points available are assigned to the category of Data Management;

This category will be evaluating whether the applicant has an established or well thought out plan to self-evaluate the project. Has the applicant documented an adequate and measurable means for evaluating the progress being made to achieve the project goals?

10% of the points available will be assigned to the category of Capacity and Capabilities;

This category will evaluate is the applicant is capable of taking the project to completion in an effective manner. If funded, would the applicant have the necessary resources to manage/carry out the project and account for the project funds in an effective and fiscally responsible manner?

The CJAC will determine which specific questions will be used for their application review/prioritization purposes as well as the point values assigned to each question. Once the question list has been finalized, each CJAC member will determine, in their own estimation, how well the applicant addressed those questions. The more points assigned, the better the applicant responded to the questions.

The CJAC will use a 100-point scale when evaluating and prioritizing CJD applications. Therefore, under each of the categories described above, the maximum number of points that can be assigned varies based upon the category.

These Operating Procedures & Bylaws will be supplemented at a later date with the following:

1. A listing of the Panhandle's Criminal Justice priorities as identified with the FY19 Regional Strategic planning process; and
2. A listing of the FY19 questions to be used for the purpose of evaluating applications under each category.

During any given grant year, the PRPC's Regional Criminal Justice Program Coordinator will be responsible for ensuring that all eligible applicants are made aware of the review criteria that will be used by the CJAC to prioritize the CJD grant applications in a timely fashion.

CJAC Presentation Guidelines Requirement:

As part of the regional prioritization process, the CJAC will require each applicant to fill out the Supplemental Information Form found in Attachment 1 of this document for each proposal submitted under any of the regional Criminal Justice Programs. This information will be gathered by the PRPC's Criminal Justice Coordinator after the applicants have filed their applications with CJD. The form will be provided to the CJAC along with the applicant's CJD grant application prior to the CJAC's Prioritization Meeting(s). Applicants that fail to provide this information to the CJAC for their proposal(s) may have their application lowered during the CJAC's prioritization process.

Applicants will be given the presentation guidelines during the workshop(s). The presentation guidelines include six points and/or questions that the applicants are asked to answer during their grant presentations to the CJAC at the prioritization meetings. Those questions include:

- Why is this particular project needed; what problem(s) are you trying to resolve?
- Describe which, if any, of the FY19 Regional Program Priorities this project will support (a list will be provided as soon as it becomes available)
- Who would be responsible for implementing this project and how would that be done?
- What factors will be used to gauge the value of this project to your community – how will you measure success?
- How will this project continue to be supported in the future?

Conflict of Interest Policy:

The COG shall ensure that members of the COG's governing body, the CJAC, and COG staff abstain from scoring and voting on any grant application, other than a grant application submitted by a COG, during the prioritization process if the member or an individual related to the member within the third degree by consanguinity or within the second degree by affinity:

- Is employed by the applicant agency and works for the unit or division that would administer the grant, if awarded;
- Serves on any governing board that oversees the unit or division that would administer the grant, if awarded;
- Owns or controls any interest in a business entity or other non-governmental organization that benefits, directly or indirectly, from activities with the applicant agency; or
- Receives any funds, or a substantial amount of tangible goods or routine services, from the applicant agency as a result of the grant, if awarded.

If a CJAC member has a conflict of interest regarding a particular grant application, the COG will ensure that the CJAC member is not assigned, and will not review, that application. A CJAC

member that has a conflict of interest regarding a particular grant application must vacate the CJAC meeting room whenever that application is presented to or reviewed by the CJAC, and the member must not take part in or be present for any discussion on the application with any member of the CJAC.

If any applicant, CJAC member, COG personnel or other individual has reason to believe that favoritism or inappropriate actions occurred during the scoring or prioritization of CJD projects, the COG shall ensure that the concerns are shared with CJD as soon as possible.

Applicant Attendance at the Prioritization Meetings:

Applicants are strongly encouraged to attend the meetings during which their application will be prioritized by the CJAC. During those meetings, applicants will be given the chance to orally present their project applications to the CJAC. This is an important opportunity for the applicants to clarify to the CJAC the express intent and nature of their project application(s). Applicants who are unable to personally represent their applications during the meeting(s) are by virtue of their absence, placing their applications at a competitive disadvantage. The CJAC will still prioritize a project even though the applicant's representative did not personally attend the CJAC meeting to orally present the application. The only information that the CJAC will have to go off in prioritizing the absentee applicant's project application; however, will be that which is presented in the written application. The absentee applicant will not be allowed to come back at some later point in time to provide supplemental project information that could have otherwise been presented orally during the CJAC meeting.

Applicant Presentations:

CJD grant applicants will generally be given five minutes to orally present their project proposal to the CJAC. The CJAC will then be allowed as much time as needed thereafter to question the applicant about the particulars of their project application.

Prior to each CJAC prioritization meeting, the PRPC's Regional Criminal Justice Program Coordinator will, by random selection, choose the order in which the applicant presentations will be made. However, where the CJAC will be prioritizing applications under a variety of different grant programs during the same meeting, the applicant presentations will be grouped by grant program, in a randomly selected order. The order in which the grant program groupings will be presented will also be selected by random drawing.

The Project Prioritization Process:

Each CJD application will be evaluated and scored in accordance with review criteria established by CJD. The applications will be ranked according to their numeric scores.

The CJAC will use an averaged rank-based prioritization system for determining the rank ordering of the CJD projects. In past competitions, the applications have been ranked based upon their averaged numeric score. However, averaging numeric scores allows the potential for what could be considered, unfair volatility. For instance, one member could potentially affect the outcome of the selection process by scoring certain projects extremely low while scoring favorite projects unusually high.

To avoid this potential situation, the CJAC will prioritize the CJD applications in accordance with their averaged rankings. The numeric point values shown for each criterion being used by the CJAC will still be used to score the applications.

Each member's point scores for the applications will then be converted to an individualized ranking of how each member scored the applications before the group averaging takes place. The example shown below will help to illustrate this concept. Member A reviews 9 projects in accordance with the CJAC prioritization criteria and then assigns a total point score for each project. Member A's point scores are then converted to rankings; as shown in the row beneath the "Total Point Scores Given".

MEMBER A's SCORES:

	Project 1	Project 2	Project 3	Project 4	Project 5	Project 6	Project 7	Project 8	Project 9
Total Point Score Given:	40 pts	50 pts.	75 pts.	100 pts	90 pts	85 pts	55 pts	92 pts	98 pts
Corresponding Ranking	9 th	8 th	6 th	1 st	4 th	5 th	7 th	3 rd	2 nd

The individualized rankings of all the reviewing CJAC members will then be totaled and averaged based on the number of members evaluating each application, to create the prioritized listing of all the applications.

The CJAC members will be encouraged to create a point differential between those projects they deem to be of higher priority than others. However, there may be instances when a member(s) assigns the same point score to two or more projects to create a tie(s). In those cases, the corresponding rankings of the tied projects will be averaged as part of the overall ranking process. This step is illustrated below using the *Member A* example from above. However, in this scenario, Member A has given the same score to three different applications.

MEMBER A's SCORES:

	Project 1	Project 2	Project 3	Project 4	Project 5	Project 6	Project 7	Project 8	Project 9
Total Point Score Given:	40 pts	50 pts.	75 pts.	100 pts	90 pts	90 pts	55 pts	90 pts	98 pts

Member A's corresponding rankings would then be as follows:

	Total Point Score Given	Corresponding Ranking
Project 4	At 100 points; highest point score given	1 st
Project 9	At 98 points; second highest point score given	2 nd
Project 5	At 90 points, Projects 5, 6, and 8 received the exact same point score. Therefore ranking positions 3, 4 and 5 would be added and then divided by 3 ($\{3+4+5\}/3 = 4$) to create an averaged corresponding ranking for the three tied projects.	4 th
Project 6		4 th
Project 8		4 th
Project 3	At 75 points; sixth highest point score given	6 th
Project 7	At 55 points; seventh highest point score given	7 th
Project 2	At 50 points; eighth highest point score given	8 th

	Total Point Score Given	Corresponding Ranking
Project 1	At 40 points; lowest point score of nine projects	9 th

By using the averaged ranking approach versus the averaged point score approach, the CJAC can ensure a higher degree of fairness in the selection process. If a tie still persists the tied projects averaged numeric scores will be used to break the tie.

Notice to Applicants Regarding the Outcome of the Prioritization Process(es):

The PRPC Regional Criminal Justice Program Coordinator will be responsible for notifying the CJD grant applicants of the outcome of the application prioritization process(es). This notification will be developed and transmitted after the PRPC Regional Criminal Justice Program Coordinator has confirmed the CJAC’s prioritization results. This notice will be faxed, mailed or emailed to the CJD grant applicants within 24 hours after the results have been confirmed.

That notice will include the following:

1. The final priority rankings as developed by the CJAC, by grant program.
2. The amount of funds each applicant will receive per the recommendations of the CJAC.
3. The date on which the CJAC’s CJD grant recommendations will be considered by the PRPC Board of Directors.
4. A description of the appeals process that must be followed in the event an applicant wants to protest a decision made by the CJAC.
5. A statement that the PRPC Board meetings are open to the public.
6. A statement as required by CJD that all final funding decisions are made by CJD.

Appeals Process:

This appeals process only relates to those grant programs involving regional allocations made to the Panhandle region by the CJD or those programs that require the CJAC to order by priority, projects competing for funding at the statewide level.

A Panhandle applicant for CJD funding may appeal the disposition of its application **only** if one or more of the following occurs during the review of the application by the CJAC.

1. **Misplacement of an application.** If all or part of an application is lost, misfiled, etc., by PRPC staff, resulting in the unequal consideration of the applicant’s proposal.
2. **Mathematical error.** If, in scoring the application, the score on any selection criteria is arrived at incorrectly or if the total score of the application is arrived at incorrectly as a result of human or computer error.
3. **Other procedural error.** If the applicant’s application is not processed and treated in accordance with the procedures set forth in this document.

All appeals, including the specific alleged procedural violation(s), must be submitted to the PRPC Executive Director in writing. The Executive Director may then take one of the following actions:

1. Investigate the allegation and determine that the appeal is not valid. In such case, the applicant will receive in writing the basis for the decision to reject the applicant's appeal. In such case, the decision of the Executive Director is final.
2. If there is some validity to the appeal, the Executive Director will place the appeal on the agenda of the PRPC Board of Directors. The protesting applicant will be notified of the time and date of the meeting during which the Board of Directors will consider the appeal. The applicant will be given the opportunity to present his/her case directly to the PRPC Board of Directors. The Board of Directors will then render a decision on the appeal of the protesting applicant. All decisions made by the PRPC Board of Directors will be final.

An appeal can be filed at any time during the prioritization process but must be submitted within seven (7) working days from the date on which the Notice to Applicants Regarding the Outcome of the Prioritization Process(es) is **transmitted**.

In any event, the appeal must be received by the PRPC prior to the date on which the CJAC's CJD grant recommendations will be considered by the PRPC Board of Directors. Any appeals received after that date will not be considered by the PRPC Board.

Any appeals made after the date on which the CJAC's CJD grant recommendations are acted on by the PRPC Board of Directors must be filed directly with the CJD in accordance with the agency's appeal procedures.

Open Meetings Requirements:

The PRPC Regional Criminal Justice Program Coordinator will be responsible for ensuring that all CJAC prioritization meetings are properly posted in accordance with Chapter 551 of the Local Government Code.

Relationship to the Texas Administrative Code (TAC):

The CJD grants program is governed by the Texas Administrative Code (TAC). Should any provisions of these bylaws be in conflict the current TAC, the provisions of the TAC will prevail. The relevant sections of the TAC, those applicable to the Criminal Justice Divisions Grant Program, are attached to and made part of these bylaws.

ATTACHMENT 1

CJAC PRESENTATION GUIDELINE

CJAC's PRESENTATION GUIDELINE:

Applicant Organization: _____

Project Title: _____

Grant Funds Requested: _____

This form must be completed for each project submitted to the Criminal Justice Division under the FY19 regional Criminal Justice Programs. This form should be filled out and returned to PRPC's Criminal Justice Coordinator. This information is expected to be covered in your grant presentation to the CJAC.

1. Why is this particular project needed; what problem(s) are you trying to resolve?

2. Describe which, if any, of the FY19 Regional Program Priorities this project will support.

3. Who will be responsible for implementing this project and how would that be done?

4. What factors will be used to gauge the value of this project to your community – how will you measure success?

5. How will this project continue to be supported in the future?

ATTACHMENT 2

RESERVED for FY19 Local Priorities

This section will be added upon the PRPC Board's approval of the Region's FY19 Regional Criminal Justice Strategic Plan (anticipated to be completed by March 2, 2018).

ATTACHMENT 3

PRPC Administrative Regulation #34

PANHANDLE REGIONAL PLANNING COMMISSION

Administrative Regulation
Number 34

Adopted: October 28, 1999
Amended: October 7, 2010
Amended: October 22, 2015
Amended: September 15, 2016

PANHANDLE REGIONAL CRIMINAL JUSTICE ADVISORY COMMITTEE
PROCEDURES AND POLICIES

I. PURPOSE

The purpose of this administrative regulation is to officially establish the role of the Criminal Justice Advisory Committee and to formally sanction the procedures necessary for the Committee's on-going operation.

II. CRIMINAL JUSTICE ADVISORY COMMITTEE

A. Establishment and Scope of Authority

1. The Board of Directors of the Panhandle Regional Planning Commission hereby formally grants the Criminal Justice Advisory Committee official status as a standing committee of the Planning Commission in order that the Advisory Committee may continue providing guidance and direction over the region's Criminal Justice Grants program. The Criminal Justice Advisory Committee's specific responsibilities shall include but not be limited to the following:
 - a. The establishment of working rules and procedures to govern the operations of the Advisory Committee.
 - b. The development of policies, procedures and prioritization criteria to govern the operation of the region's Criminal Justice Grants Program(s).
 - c. The review and development of recommendations concerning the prioritization of applications submitted for consideration through the Office of the Governor's Criminal Justice Division grant applications under the following programs:
 - i. General Victim Assistance – Direct Services Programs;
 - ii. Violent Crimes Against Women Criminal Justice and Training Projects – Domestic Violence, Sexual Assault, Dating Violence and Stalking;
 - iii. Criminal Justice Programs; and
 - iv. General Juvenile Justice and Delinquency Prevent Programs
 - d. The provision of general direction to the Panhandle Regional Planning Commission staff regarding the region's criminal justice grants program.
2. The responsibilities of the Panhandle Regional Planning Commission Board of Directors and the Planning Commission's Executive Director shall include but not be limited to the following:
 - a. Contracting matters

- b. Budgeting
- c. Financial Reporting
- d. Personnel matters
- e. Committee appointments
- f. Approval of regional plans, regional agreements, regional procedures and regional systems

B. Membership

1. The Panhandle Regional Criminal Justice Advisory Committee shall be comprised of at least seventeen (17) members and composed as follows:
 - a. No more than four (4) individuals representing the region's law enforcement community.
 - b. At least one (1) individual representing the region's juvenile justice system.
 - c. At least one (1) individual representing the region's drug abuse prevention services/programs.
 - d. At least one (1) representative of a non-profit organization concerned with criminal justice/law enforcement matters.
 - e. At least one (1) representative of an organization involved with the provision of victims services or advocating the rights of victims.
 - f. At least one (1) individual who represents the region's mental health service providers.
 - g. No more than four (4) individuals who represent prosecution or the region's courts system.
 - h. At least one (1) individual who represents the region's education system.
 - i. At least one (1) individual who will serve as a concerned citizen or member of a parent organization.
 - j. At least one (1) individual who represents the region's municipalities.
 - k. At least one (1) individual who represents the region's counties.
2. Members of the Panhandle Regional Criminal Justice Advisory Committee shall be appointed by the Panhandle Regional Planning Commission's Board of Directors for staggered three-year terms beginning each October. One-third of the Advisory Committee members shall be re-appointed or replaced each year.
3. A Chairperson and Vice Chairperson of the Panhandle Regional Criminal Justice Advisory Committee shall be elected by vote of the Advisory Committee. The Chairperson and Vice Chairperson shall serve one-year terms beginning each October.

C. Meetings

1. The Advisory Committee will, on a timely basis, meet as needed to review and prioritize the applications being considered under the Regional Criminal Justice Grants Program(s) and to review the Policies and Procedures that will govern the criminal justice practices in the Panhandle region.
2. All Advisory Committee meetings shall be open to the public. Meetings shall be recorded on audio tape and minutes prepared. Among all other things, meetings must comply with the requirements listed in the Texas Government Code, Chapter 551 (Texas Open Meetings Act).
3. A quorum for the conduct of committee business will require that a majority of the members be present at any meeting. A simple majority of those Advisory Committee members present and voting at any meeting is sufficient to approve any motion.

ATTACHMENT 4

Applicable Sections of the Texas Administrative Code

**TEXAS ADMINISTRATIVE CODE (TITLE 1, PART 1, CHAPTER 3)
OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION
(EFFECTIVE MAY 9, 2012)**

SUBCHAPTER A. GENERAL GRANT PROGRAM PROVISIONS

SECTION 3.1. APPLICABILITY
SECTION 3.3. DEFINITIONS
SECTION 3.5. SUBMISSION PROCESS
SECTION 3.7. SELECTION PROCESS
SECTION 3.9. FUNDING DECISIONS
SECTION 3.11. GRANT AND SUPPLEMENTAL AWARD ACCEPTANCE
SECTION 3.21. USE OF THE INTERNET
SECTION 3.23. DELEGATION OF AUTHORITY
SECTION 3.25. SUSPENSION OF RULES

SUBCHAPTER B. GENERAL GRANT PROGRAM POLICIES

DIVISION 2. GRANT BUDGET REQUIREMENTS

SECTION 3.73. MATCHING FUNDS POLICY
SECTION 3.75. PERSONNEL
SECTION 3.77. PROFESSIONAL AND CONTRACTUAL SERVICES
SECTION 3.79. TRAVEL AND TRAINING.
SECTION 3.81. EQUIPMENT
SECTION 3.83. SUPPLIES AND DIRECT OPERATING EXPENSES
SECTION 3.85. INDIRECT COSTS
SECTION 3.87. PROGRAM INCOME

SUBCHAPTER D. CONDITIONS OF GRANT FUNDING

SECTION 3.2001. CONDITIONS OF FUNDING
SECTION 3.2009. COOPERATIVE WORKING AGREEMENT
SECTION 3.2013. PRE-APPROVAL REQUIREMENTS FOR PROCUREMENT
SECTION 3.2021. RESOLUTIONS
SECTION 3.2023. TAX-EXEMPT AND NONPROFIT INFORMATION
SECTION 3.2025. CIVIL RIGHTS LIAISON

SUBCHAPTER E. ADMINISTERING GRANTS

SECTION 3.2501. GRANT OFFICIALS
SECTION 3.2503. OBLIGATING FUNDS
SECTION 3.2505. RETENTION OF RECORDS

SECTION 3.2507. FINANCIAL STATUS REPORTS
SECTION 3.2509. EQUIPMENT INVENTORY REPORTS
SECTION 3.2513. GRANT ADJUSTMENTS
SECTION 3.2515. BONDING
SECTION 3.2517. REMEDIES FOR NONCOMPLIANCE
SECTION 3.2519. GRANT REDUCTION OR TERMINATION
SECTION 3.2521. PAYMENT OF OUTSTANDING LIABILITIES
SECTION 3.2523. VIOLATIONS OF LAWS
SECTION 3.2525. EVALUATING PROJECT EFFECTIVENESS
SECTION 3.2527. GRANTEE REPORTS
SECTION 3.2529. GRANT MANAGEMENT

SUBCHAPTER F. PROGRAM MONITORING AND AUDITS

SECTION 3.2601. MONITORING
SECTION 3.2603. AUDITS NOT PERFORMED BY CJD or COD

TITLE 1 ADMINISTRATION
PART 1 OFFICE OF THE GOVERNOR
CHAPTER 3 CRIMINAL JUSTICE DIVISION
SUBCHAPTER A GENERAL GRANT PROGRAM PROVISIONS

RULE §3.1: Applicability

Subchapters A through F of this chapter apply to all applications for funding and grants submitted to the Criminal Justice Division (CJD), Office of the Governor. A grantee must comply with the provisions of Subchapters A through F in effect on the date the grant is awarded by CJD, unless a subsequent effective date is specified by CJD in an original grant award or a grant adjustment. Grantees must comply with all applicable state and federal statutes, rules, regulations, and guidelines. In instances where both federal and state requirements apply to a grantee, the more restrictive requirement applies.

RULE §3.3: Definitions

- (a) applicant: an agency or organization that has submitted a grant application or grant renewal documentation;
- (b) approved budget categories: budget categories (including personnel, contractual and professional services, travel, equipment, construction, supplies and other direct operating expenses, and indirect costs) that contain a line item with a dollar amount greater than zero that is approved by CJD through a grant award or a budget adjustment;
- (c) CJAC: Criminal Justice Advisory Committee, a component of a COG. A CJAC must have a multi-disciplinary representation of members from the region. This representation must contain members from the following groups: concerned citizens or parents, drug abuse prevention, education, juvenile justice, law enforcement, mental health, nonprofit organizations, prosecution/courts, and victim services. No single group may constitute more than one third of the CJAC;
- (d) CJD: The Criminal Justice Division of the Office of the Governor or its designee;
- (e) COD: The Compliance and Oversight Division of the Office of the Governor or its designee;
- (f) COG: a regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Texas Local Government Code;
- (g) computing devices: machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting and receiving, or storing electronic information;
- (h) condition of funding: a prerequisite placed on a grant because of a need for information, clarification, or submission of an outstanding requirement of the grant that may result in a hold being placed on the CJD-funded portion of a grant project;
- (i) equipment: tangible personal property (including information technology systems) having a useful life of more than one year and a per unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the grantee for financial statement purposes or \$5,000;
- (j) executive director: the executive director of CJD;
- (k) grant funds: CJD-funded and matching funds portions of a grant project;

- (l) grantee: an agency or organization that receives a grant award;
- (m) indirect costs: those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved;
- (n) information technology systems: computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources;
- (o) liquidation date: the date specified in an original grant award or a subsequent grant adjustment upon which a grantee must expend all outstanding liabilities;
- (p) matching funds: the grantee's share of the project costs. Matching funds may either be cash or in-kind. Cash match includes actual cash spent by the grantee and must have a cost relationship to the award that is being matched. In-kind match includes the value of donated services. An applicant's use of matching funds must comply with the same statutes, rules, regulations, and guidelines applicable to the use of the CJD-funded portion of a grant project;
- (q) OMB: The Office of Management and Budget;
- (r) program income: gross income earned by the grantee during the funding period as a direct result of the award. "Direct result" is defined as a specific act or set of activities that are directly attributable to grant funds and that are directly related to the objectives of the project. Program income includes, but is not limited to, forfeitures, fees, cash contributions, donations, restitution, interest income, and royalties;
- (s) RFA: Request for Applications, published in the *Texas Register* by CJD; and
- (t) supplies: all tangible personal property other than those described in accordance with §3.3(i) of this chapter. A computing device is a supply if the acquisition cost is less than the lesser of the capitalizations level established by the grantee for financial statement purposed or \$5,000, regardless of the length of its useful life; and
- (u) UGMS: the Uniform Grant Management Standards.

RULE §3.5: Submission Process

- (a) When applying for a grant pursuant to a RFA published in the *Texas Register* by CJD, applicants must submit and certify their applications according to the requirements provided in the RFA.
- (b) CJD may also consider applications for grants that are not submitted pursuant to an RFA. Applicants will be selected in accordance with §3.7(b) of this chapter.
- (c) Applicants must apply for funds using the procedures, forms, and certifications prescribed by CJD.

RULE §3.7: Selection Process

- (a) All applications must be submitted to CJD and certified by the applicant's authorized official. For applications submitted and certified pursuant to an RFA, the executive director may select a review group, COG, or other designee to prioritize the applications and submit a priority listing to the executive director, who will render the final funding decision.
- (b) For applications certified by the applicant's authorized official, the executive director will decide whether to fund the application based upon the following factors:
 - (1) the inherent value of the project's impact;

- (2) whether the project has the potential to be a model program; or
 - (3) whether delaying the application would have a significant negative impact on the area proposed to be served.
- (c) For applications prioritized by a COG, the CJAC must prioritize the applications and prepare the priority listing. The COG's governing body must approve the priority listing. CJD will make final decisions on these applications based upon the availability of funding, identified state priorities, COG priorities, and eligibility.

Preference will be given to applicants who demonstrate a cost effective approach to services that complements the governor's strategies.

- (d) During the review of an application, CJD may request that the applicant submit any additional information necessary to complete the grant review. Such requests for information do not serve as notice that CJD intends to fund an application. CJD may make the necessary corrections to an application to bring it into compliance with state or federal requirements. Any corrections to an applicant's budget will be reflected in the award documentation.
- (e) CJD will inform applicants of decisions on their grant applications through either a Statement of Grant Award or a notification of denial. For applications prioritized by a COG that do not receive funding recommendations, the COG notification of the decision not to recommend funding serves as the applicant's notification of denial.

RULE §3.9: Funding Decisions

- (a) All funding decisions made by the executive director are final and are not subject to appeal. The receipt of an application by CJD does not obligate CJD to fund the grant or to fund it at the amount requested.
- (b) Neither the approval of a project nor any grant award shall obligate CJD in any way to make any additional, supplemental, continuation, or other award.

RULE §3.11: Grant and Supplemental Award Acceptance

The award documentation constitutes obligation of funds for use by the grantee in execution of the program or project covered by the award. Such obligation may be terminated without cause if the grantee's authorized official fails to accept the grant award within 45 calendar days of the date on which CJD issues the Statement of Grant Award. CJD may extend this deadline on written request from the applicant. Funds will not be disbursed until acceptance of the grant by the grantee.

RULE §3.21: Use of the Internet

CJD requires an applicant or grantee to submit grant applications, progress reports, financial reports, and other information to CJD via the Internet or other electronic means.

RULE §3.23: Delegation of Authority

The executive director may delegate his or her authority or CJD's authority under this chapter.

RULE §3.25: Suspension of Rules

Except where prohibited by state or federal statute or rule the executive director may suspend any requirement in this chapter on a showing of good cause.

TITLE 1 ADMINISTRATION
PART 1 OFFICE OF THE GOVERNOR
CHAPTER 3 CRIMINAL JUSTICE DIVISION
SUBCHAPTER B GRANT BUDGET REQUIREMENTS

RULE §3.73: Matching Funds Policy

If matching funds are required on a grant, an applicant must ensure that it possesses or can acquire the required matching funds. A contractor or participating entity may contribute toward the matching funds requirement, but the applicant bears the responsibility for satisfying the matching funds requirement.

RULE §3.75: Personnel

- (a) CJD shall determine the reasonableness of requested salaries and reserves the right to limit the CJD-financed portion of any salary.
- (b) CJD shall not pay any portion of the salary of, or any other compensation for, an elected or appointed government official.
- (c) Compensation for grant-funded employees must be comparable to that of non-grant funded employees performing similar work duties.
- (d) Grantees may use grant funds to compensate staff members leaving employment for accrued leave (which includes, but is not limited to, annual leave, compensatory time, and sick leave) in accordance with the grantee's policy. These payments may only fund leave earned during the current grant period. The proportion of grant funds paid for leave cannot exceed the proportion of grant funds used to pay the staff member's salary.

RULE §3.77: Professional and Contractual Services

Grantees must establish a contract administration system to consistently ensure that contract deliverables are being provided as specified in the contracts.

RULE §3.79: Travel and Training

- (a) Grant funds used for travel expenses must be limited to the grantee agency's established mileage, per diem, and lodging policies. If a grantee does not have established mileage, per diem, and lodging policies, then the grantee must use state travel guidelines.
- (b) Grantees must maintain records that properly document the completion of all grant-funded training courses.

RULE §3.81: Equipment

- (a) Applicants must include a detailed description of all proposed equipment purchases in their grant application to CJD for approval. Grantees must request any additional equipment purchases through grant adjustments.
- (b) CJD will not approve grant funds to purchase vehicles or equipment for governmental agencies that are for general agency use. The Edward Byrne Justice Assistance Grant Program and the County Essential Services Grant Program are exempt from this subsection.

RULE §3.83: Supplies and Direct Operating Expenses

Supplies and direct operating expenses are costs directly related to the grantee's day-to-day operation of the grant project that are not included in any of the grantee's other approved budget categories.

RULE §3.85: Indirect Costs

- (a) If the applicant has an approved federally recognized indirect cost rate negotiated between the applicant and the Federal government and wishes to charge indirect costs to the grant, the applicant shall identify the indirect cost rate and provide supporting documentation as part of the application to CJD.
- (b) If the applicant has an approved indirect cost rate negotiated between the applicant and its state cognizant agency and wishes to charge indirect costs to the grant, the applicant shall identify the indirect cost rate and provide supporting documentation as part of the application to CJD.
- (c) If no approved federal or state indirect cost rate exists, CJD may approve indirect costs in the grant project in an amount not to exceed two percent of the approved direct costs.
- (d) Unless otherwise specified, indirect costs are allowable under CJD grants in accordance with applicable state and federal guidelines.

RULE §3.87: Program Income

Earned program income must be reported to CJD. Program income may only be used, with prior approval from CJD, for allowable project costs as reflected in an approved budget. Grantees may not carry forward program income from one grant year to the next. Grantees must refund to CJD any program income remaining at the end of the grant period.

TITLE 1 ADMINISTRATION
PART 1 OFFICE OF THE GOVERNOR
CHAPTER 3 CRIMINAL JUSTICE DIVISION
SUBCHAPTER D CONDITIONS OF GRANT FUNDING

RULE §3.2001: Conditions of Funding

When CJD determines that a grantee has failed to submit the necessary information or has failed to comply with any applicable statute, rule, regulation, guideline, or requirement, CJD may place a condition of funding on the grant which may invoke a hold on funds.

RULE §3.2009: Cooperative Working Agreement

- (a) When a grantee intends to carry out a grant project through cooperating or participating with one or more outside organizations, the grantee must ensure that the cooperative working agreement is signed by each participating organization. Grantees must maintain on file a signed copy of all cooperative working agreements.
- (b) Cooperative working agreements do not involve an exchange of funds.

RULE §3.2013: Pre-Approval Requirements for Procurement

- (a) A grantee must submit a CJD-prescribed Procurement Questionnaire when any procurement is expected to exceed \$150,000 or upon CJD request. CJD may also request all related procurement documentation, such as requests for proposals, invitations for bids, or independent cost estimates.
- (b) Grantees may not divide purchases or contracts to avoid the requirements of this section. For purposes of determining compliance, CJD will consider groups of contracts with a single vendor or groups of purchases for the same or similar items as a single procurement.

RULE §3.2021: Resolutions

Applications from non-profit corporations, local units of governments and other political subdivisions must include a resolution that contains the following:

- (1) authorization for the submission of the application to CJD that clearly identifies the project for which funding is requested;
- (2) a commitment to provide for all applicable matching funds;
- (3) a designation of the name or title of an authorized official who is given the power to apply for, accept, reject, alter, or terminate a grant (if this designation changes during the grant period, a new resolution must be submitted to CJD); and
- (4) a written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

RULE §3.2023: Tax-Exempt and Nonprofit Information

All nonprofit corporations must submit with their application, information about the agency's fiscal capability, including information from the Internal Revenue Service granting the corporation tax-exempt status.

RULE §3.2025: Civil Rights Liaison

All applicants must certify that they have a designated civil rights liaison during the application process. The civil rights liaison will serve as the grantee's civil rights contact point and has the responsibility for ensuring that the grantee meets all applicable civil rights requirements. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

<u>TITLE 1</u>	ADMINISTRATION
<u>PART 1</u>	OFFICE OF THE GOVERNOR
<u>CHAPTER 3</u>	CRIMINAL JUSTICE DIVISION
<u>SUBCHAPTER E</u>	ADMINISTERING GRANTS

RULE §3.2501: Grant Officials

- (a) Each grant must have a project director, financial officer, and authorized official. No person shall serve in more than one capacity.
- (b) Each grant official must have an e-mail address and access to the Internet.

- (c) A grantee shall notify CJD within 20 calendar days of any change in the designated project director, financial officer, or authorized official; any change in the mailing address, e-mail address, fax number, or telephone number of each grant official and any change in the grantee's physical address.

RULE §3.2503: Obligating Funds

A grantee may not obligate grant funds before the beginning or after the end of the grant period.

RULE §3.2505: Retention of Records

- (a) Grantees must maintain all financial records, supporting documents, statistical records, and all other records pertinent to the award for at least three years following the closure of the most recent audit report or submission of the final financial status report if the audit report requirement has been waived. Grantees may retain records in an electronic format. All records are subject to audit or monitoring during the entire retention period.
- (b) Grantees must retain records for equipment, non-expendable personal property, and real property for a period of three years from the date of the item's disposition, replacement, or transfer.
- (c) If any litigation, claim, or audit is started before the expiration of the three-year records retention period, the grantee must retain the records under review until the completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

RULE §3.2507: Financial Status Reports

- (a) Each grantee must submit financial status reports to CJD. CJD will provide the appropriate forms and instructions for the reports along with deadlines for their submission.
- (b) A financial status report reflecting cumulative expenditures from the start of the grant may be submitted as often as monthly but must be submitted at least quarterly. Grantees may only request an advance payment during the first month of the grant period to cover the first month's expenses.
- (c) Grantees must ensure that CJD receives their final financial status report no later than the liquidation date or funds will lapse and revert to the grantor agency. If grant funds are on hold for any reason, these funds will lapse on the liquidation date and the grantee cannot recover them. CJD will not make payments to grantees that submit their final financial status report after the liquidation date.

RULE §3.2509: Equipment Inventory Reports

CJD requires each grantee to maintain on file a current inventory report of all equipment purchased with grant funds during the grant period. This report must reconcile with the approved grant budget and the final financial status report.

RULE §3.2513: Grant Adjustments

- (a) The project director, financial officer, or authorized official may submit requests for grant adjustments.
- (b) Adjustments consisting of increases or decreases in the amount of a grant or the reallocation of grant funds among or within approved budget categories are allowable only with prior CJD approval.

- (c) Programmatic changes, such as requests to revise the scope, target, or focus of the project, or alter project activities require prior approval from CJD. Requests to extend the grant period must be submitted to and received by CJD, no later than the last day of the grant period.

RULE §3.2515: Bonding

Each nonprofit corporation receiving funds from CJD must obtain and have on file a blanket fidelity bond that indemnifies CJD against the loss and theft of the entire amount of grant funds. The cost of the bond is an eligible expense of the grant.

RULE §3.2517: Remedies for Noncompliance

If a grantee fails to comply with any term or condition of a grant or any applicable statutes, rules, regulations, or guidelines, CJD may:

- (1) withhold all grant payments to a specific project or withhold all grant payments to all grant projects awarded to the grantee pending correction of the deficiency;
- (2) disallow all or part of the cost of the activity or action that is not in compliance;
- (3) withhold further grants from the program or grantee;
- (4) terminate the grant in whole or in part; or
- (5) exercise other legal remedies.

RULE §3.2519: Grant Reduction or Termination

- (a) If a grantee wishes to terminate any approved grant, it must notify CJD immediately.
- (b) CJD may reduce or terminate any grant when:
 - (1) a grantee fails to comply with any term or condition of the grant or the grantee has failed to comply with any applicable statute, rule, regulation, or guideline;
 - (2) the grantee and CJD agree to do so;
 - (3) state or federal funds are no longer available to CJD;
 - (4) conditions exist that make it unlikely that grant objectives will be accomplished; or
 - (5) the grantee has acted in bad faith.
- (c) In the event that a grant is reduced or terminated by CJD, CJD will notify the grantee in writing.

RULE §3.2521: Payment of Outstanding Liabilities

Grantees must expend all outstanding liabilities no later than the liquidation date of the grant period specified in an original grant award or a subsequent grant adjustment. All payments made after the completion of the grant period must relate to obligations incurred during the grant period.

RULE §3.2523: Violations of Laws

- (a) A grantee must immediately notify CJD in writing of any legal violations.
- (b) A grantee must immediately notify CJD in writing if a project or project personnel become involved in any civil or criminal litigation and the grantee must immediately forward a copy of any demand notices, subpoenas, lawsuits, or indictments to CJD.

- (c) If a federal or state court or administrative agency renders a judgment or order finding discrimination by a grantee based on race, color, national origin, sex, age, or handicap, the grantee must immediately forward a copy of the judgment or order to CJD.
- (d) If any records are seized from a grantee by a law enforcement agency, or a state or federal agency, the grantee must immediately notify CJD in writing of the seizure and must retain copies of the seized records.

RULE §3.2525: Evaluating Project Effectiveness

- (a) Grantees must regularly evaluate their projects. CJD will monitor the grantee through progress reports, on-site visits, and desk reviews. Grantees must maintain information related to project evaluations in the project's files, and that information must be available for review.
- (b) Grantees are responsible for managing the day-to-day operations of grant and sub-grant supported activities, including those of their contractors and subcontractors. Grantees must develop and maintain a standardized monitoring program incorporating best practices.

RULE §3.2527: Grantee Reports

- (a) Each grantee must submit reports regarding grant information, performance, and progress. To remain eligible for funding, the grantee must be able to show the scope of services provided and the impact and quality of those services.
- (b) CJD may place projects on financial hold for failure to submit complete and accurate progress reports. A grantee's history of delinquent or inaccurate reports may affect future funding decisions.

RULE §3.2529: Grant Management

- (a) CJD has oversight responsibility for the grants it awards. CJD may review the grantee's management and administration of grant funds and records at any time. Grantees must respond to all CJD inquiries or requests and must make all requested records available to CJD.
- (b) The grantee is the entity legally and financially responsible for the grant. A grantee may not delegate its legal or financial responsibility.

TITLE 1 ADMINISTRATION
PART 1 OFFICE OF THE GOVERNOR
CHAPTER 3 CRIMINAL JUSTICE DIVISION
SUBCHAPTER F PROGRAM MONITORING AND AUDITS

RULE §3.2601: Monitoring

- (a) CJD and COD will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes and that grantees achieve grant purposes.
- (b) The monitoring program may consist of formal audits, monitoring reviews, and technical assistance. CJD or COD may implement monitoring through on-site review at the grantee or sub-grantee location or through a desk review. CJD or COD may request grantees to submit information to CJD or COD to support any monitoring review.

- (c) Grantees must make available to CJD or COD all records relevant to a monitoring review. Failure to provide adequate documentation may result in disallowed costs or other remedies for noncompliance.
- (d) After a monitoring review, the grantee will be notified in writing of any noncompliance identified by CJD or COD in the form of a preliminary report.
- (e) The grantee shall respond to the preliminary report and the deficiencies or recommendations, and submit a corrective action plan to CJD or COD within a time specified by CJD or COD.
- (f) The corrective action plan shall include:
 - (1) the titles of the persons responsible for implementing the corrective action plan;
 - (2) the corrective action to be taken; and
 - (3) the anticipated completion date.
- (g) If the grantee believes corrective action is not required for a deficiency or recommendation, the response shall include an explanation and specific reasons. CJD or COD will determine whether the response is adequate to resolve the deficiency or recommendation.
- (h) The grantee's response and the approved corrective action plan shall become part of the final report.
- (i) The grantee shall resolve all identified findings within the time specified by CJD or COD.

RULE §3.2603: Audits Not Performed by CJD

- (a) Grantees must have audits performed in accordance with the requirements set forth in 2 CFR Part 200, Subpart F-Audit Requirements and the State Single Audit Circular issued under UGMS.
- (b) Grantees must submit to COD copies of the results of any single audit conducted in accordance with 2 CFR Part 200, Subpart F-Audit Requirements or in accordance with the State Single Audit requirements issued under UGMS. Grantees must ensure that single audit results, including the grantee's response and corrective action plan, if applicable, are submitted to COD within 30 calendar days after the grantee receives the audit results or nine months after the end of the audit period, whichever is earlier.
- (c) All other audits performed by auditors independent of CJD or COD must be maintained at the grantee's administrative offices and be made available upon request by CJD or COD. Grantees must notify CJD of any audit results that may adversely impact grant funds.

NOTE: For a full/current review of Texas Administrative Code; Title 1, Part 1, Chapter 3 go to:
[http://texreg.sos.state.tx.us/public/readtac\\$ext.viewtac](http://texreg.sos.state.tx.us/public/readtac$ext.viewtac)