

COMMISSIONERS' COURT AGENDA REQUEST FORM

REQUESTS MUST BE RECEIVED NO LATER THAN 12:00 PM

This space for Court Clerk

ON THE TUESDAY PRIOR TO THE MONDAY MEETING.

AGENDA NUMBER:

REGULAR

CONSENT 30012

4/16/09 RD

INSTRUCTIONS ON THE REVERSE

REQUESTING DEPARTMENT

Date: April 16, 2009 Court Date: April 27, 2009 Phone/Ext: 5100 Department: Sheriff

Description of Agenda Item: Request permission to apply for the 2010

State funded Campaign for Tobacco Compliance Grant. The award

would be between \$1000 and \$40,000 with no matching funds.

The CCSO currently has this grant for 2009.

DEPARTMENT HEAD
SIGNATURE: 

BUDGET RELATED INFORMATION

MUST COMPLETE FOR ALL EXPENDITURES/RFP'S

This item is part of the current budget: Yes
 No

Amount Budgeted:
(or needed)

Account Number:

PURCHASING DEPARTMENT ACTION & COMMENTS

Enter "not to exceed" cost estimate(s) for the requested item(s):

CHECK TWO OF THE BELOW			
ADVERTISE	<input type="checkbox"/>	BIDS	<input type="checkbox"/>
AWARD	<input type="checkbox"/>	PROPOSALS	<input type="checkbox"/>

BOND REQUIRED: _____

INS. REQ'D: _____

ANNUAL ACTION: _____

EFFECTIVE: _____

AD DATES: _____

OPEN DATE/TIME: _____

Item Description for Agenda: _____

Remarks: _____

PURCHASING AGENT
SIGNATURE: _____

AUDITOR'S OFFICE ACTION & COMMENTS

BUDGET/FUNDING VERIFICATION	
BUDGETED	FUNDS AVAILABLE
UNBUDGETED	ACCOUNT NUMBER FOR AVAILABLE FUNDS
FUNDS NOT AVAILABLE	(Needed for Agenda Submission)

BUDGET AMENDMENT REQUIRED	
NON-EMERGENCY, Sec 111.011 LGC	<input type="checkbox"/>
EMERGENCY, Sec 111.010 LGC	<input type="checkbox"/>

FUNDS TRANSFER RECOMMENDATION

AMOUNT	DEPARTMENT NAME	ACCOUNT NUMBER
\$ _____	_____	_____
\$ _____	_____	_____
\$ _____	_____	_____
\$ _____	_____	_____

COUNTY AUDITOR
SIGNATURE: _____

BUDGET DEPARTMENT ACTION & COMMENTS

COMMENTS RELATED TO BUDGET AMENDMENT JUSTIFICATION SUBMITTED BY DEPARTMENT

BUDGET OFFICER
SIGNATURE: _____



COLLIN COUNTY

OFFICE OF THE SHERIFF
4300 Community Avenue
McKinney, TX 75071

Terry G. Box, Sheriff

MEMORANDUM

DATE: April 16, 2009
TO: Commissioners' Court
RE: Tobacco Grant

The Collin County Sheriff's Office would like permission to apply for State funded Campaign for Tobacco Compliance Grant. The State will award between \$1,000 and \$40,000 to an agency to be used to accomplish the goals of this grant.

The goals are:

- On-site controlled buys, or "stings" of tobacco permitted retail outlets
- On-site compliance inspections
- Compliance education of retailers

The enforcement efforts of the above would be county-wide and would involve the use of off-duty Deputies. All expenses to the County are eligible for reimbursement from the awarded funds.

Please consider the acceptance and approval of this grant.

TERRY G. BOX
SHERIFF

Chuck Ruckel, Major
Field Operations

CR/ls

Department Name/Number:

Collin County Sheriffs Office

Contact Person:
Chuck Ruckel

Title:
Major of Operations

Phone:
972-547-5109



Grant Summary Form

Submit completed form along with one original copy of the grant application along with all supporting documentation to the Budget & Finance Office (BFO) and the Grant Review Committee (GRC), not less than 15 days prior to the scheduled Commissioner Court meeting.

Phone: (972) 548-4650

Grant Description

Grant Title:

Tobacco Compliance Grant

Grantor:

Texas Comptroller of Public Accounts

Funding Source:

X State
Federal
X Other:

Payment Method:

Cost Reimbursement
X Other: Fixed amount to be used to meet Grant Goals

Grant Type:

X New Grant
Continuation
 Amendment

Award Type:

X One-Time
Ongoing

Deadline:

May 11, 2009

Award Date:

Project Start Date:

10/1/09

Project End Date:

9/30/10

Amount:

\$1000 to \$40,000

Purpose:

TOBACCO COMPLIANCE

Grant Categories / Funding Source	Federal Funds	State Funds	Local Funds	County Match	In-Kind	Total
Personnel				0		
Operating						
Capital Equipment						
Indirect Costs						
Total						
FTEs						

Performance Measures Applicable Outcome Measures	FY 2008 Progress to Date				FY 2009
	Q1	Q2	Q3	Q4	Projected
Number of Controlled Buys	} GOALS TO BE DETERMINED BASED ON THE AMOUNT OF THE GRANT.				
Number of Citations Issued					
Number of Written Warnings					
Number of Compliance Inspections					
Number of Retailer Educations					

The Department named above is applying for the Grant Program named above, and if awarded, will accept full responsibility for the management of any funds awarded to the County under this grant, and will adhere to any policies and procedures set forth by the Grantor and its related agencies or agents, as well as those of the County, and its financial and administrative departments. To that end, please find enclosed the following items for initial review:

- X A copy of the original, completed, signed Application
- X All attachments, back-up documentation or amendments to be submitted to the Grantor in support of the application
- X Grant Summary Form
- X Memo of request to Commissioner Court for acceptance and approval

Completed by: <u>C. RUCKEL - MASON</u> Department Head/Designee Printed Name	<u>C. Ruckel 1/16/09</u> Department Head/Designee Signature & Date
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Part II – To be completed by the Grant Review Committee:

The Budget and Finance Department (BFO), in conjunction with the Grant Review Committee (GRC), has reviewed the application and/or award as detailed above, and the application and/or award is:

- Provisionally Accepted.** The application and/or award may be submitted to Commissioner Court. (See 'Comments' Below)
- Refused.** Further information or amendments are required. (See 'Comments' Below)
- Rejected.** (See 'Comments Below')

Budget and Finance (BFO) Recommendation: Short-term (less than one year) and Long-term (two years and more) Costs?

County Auditor Comments:

Information Technology (IT) Comments:

Purchasing Comments:

Human Resources (HR) Comments:

Completed by: GRC Member/Designee Printed Name	 GRC Member/Designee Signature & Date
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TOBACCO COMPLIANCE GRANT APPLICATION FOR LOCAL LAW ENFORCEMENT AGENCIES



TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

FY 2010 Application Filing Deadline is 4 p.m., Monday, May 11, 2009

PURPOSE OF GRANT AWARDS

The Comptroller will make block grants to counties and municipalities to be used by local law enforcement agencies to enforce Subchapters H, K and N, Chapter 161, Texas Health and Safety Code in a manner that can reasonably be expected to reduce the extent to which cigarettes and tobacco products are illegally sold or distributed to persons who are younger than 18 years of age. The Comptroller shall rely, to the fullest extent possible, on sheriffs, constables, or chiefs of police or their employees to enforce this subchapter.

OBLIGATIONS FOR GRANTS AWARDED

The Comptroller's office shall enforce provisions of Health and Safety Code Ch. 161, in partnership with local law enforcement agencies. This shall also ensure the state's compliance with Section 1926 of the federal Public Health Service Act (42 U.S.C. Section 300x-26) and implementation of any regulations adopted by the United States Department of Health and Human Services.

AWARD AND GRANT ACCEPTANCE CONDITIONS

The Comptroller's office will notify applicants of final action on grant applications. Successful applicants under this program must comply with the Uniform Grant Management Standards as promulgated by the Governor's office under Chapter 783, Government Code.

Each grantee must begin implementation of grant provisions no later than 30 days after completion of the grant training. Failure to do so will be construed by the Comptroller as the grantee's relinquishment of the grant award. Any exception to this rule will require review and written approval by the Comptroller or Comptroller's designee.

Grantees are responsible for ensuring that they have obtained the appropriate approvals from their governing body (city council or county commissioners' court) to accept the grant funds, if awarded. Approvals should be obtained by August 10 to allow time to return the contract by the deadline.

Inspection reports are due on the 10th day of the month following each month in which compliance activities were performed.

Grant funds must be used exclusively for the following compliance activities:

- on-site controlled buys, or "stings," of tobacco permitted retail outlets (e.g., grocery stores, convenience stores, gas stations, mass merchandisers) that may result in the issuance of citations using minors as decoys;
- on-site compliance inspections that may result in the issuance of citations not using minors as decoys (i.e., violations for signs not posted, lack of proper employee notification forms, direct access by minors to tobacco, and other retailer violations of tobacco laws);
- compliance education of tobacco retailers, as well as judicial and court personnel involved in adjudicating tobacco violations;
- monthly/quarterly activity reports to Comptroller or Comptroller's designee.

The Comptroller reserves the right to revoke a grant award if the recipient is not in compliance with these requirements.

The following are the grant award allocations: 60 percent controlled buys, 20 percent compliance inspection, 15 percent retailer and judicial education, and 5 percent required reporting. If your use of grant funds needs to be different than the suggested allocation, please request allocation changes, including an explanation in writing to the Comptroller's office for approval.

Award amounts are determined by the number of tobacco retailers within the grantee's jurisdiction, completeness of application and past performance if your department had a tobacco compliance grant in the past.

Applications may be mailed, hand delivered or faxed.

The mailing address is:
Texas STEP
P. O. Box 1328
San Marcos, TX 78667-1328

The hand-delivery address is:
Texas STEP
626 Moore St.
The Strahan House
Texas State University
San Marcos, TX 78666-4610

The FAX number is:
(512) 245-8066

RECONSIDERATION OF DENIAL OF GRANT AWARDS

If the Comptroller rejects an application, the applicant will receive a letter explaining reasons for the rejection. An applicant may request reconsideration in writing within 10 days of the notification of the rejection. After reconsideration, the Comptroller's decision regarding grant applications is final.

TOBACCO COMPLIANCE GRANT APPLICATION FOR LOCAL LAW ENFORCEMENT AGENCIES



Please indicate if you are: County Sheriff District Attorney
 Municipal Chief of Police Constable

Annual Grant Period: September 1 through August 31.

Name of organization Collin County Sheriff's Office		Federal Employer Identification Number (FEIN) 7 5 - 6 0 0 0 8 7 3	
Applicant title Major of Operations	Applicant first name Chuck	Applicant middle initial	Applicant last name Ruckel
Mailing address 4300 Community Ave.		City McKinney	State TX
County Collin		ZIP Code 7 5 0 7 1 -	
Phone (Area code and number) (9 7 2) 5 4 7 - 5 1 0 9		FAX number (Area code and number) (9 7 2) 5 4 7 - 5 3 7 7	
E-mail address cruckel@collincountytexas.gov		Have you been a previous grant recipient? (Check one) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

1. Department or Division responsible for managing your tobacco compliance program **Operations Division**

Grant Contact Information (if different from above) **Major of Operations** **Chuck Ruckel**

4300 Community Avenue	McKinney	TX	75071
<small>Address</small>	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
(972) 547-5109	(972) 547-5377	cruckel@collincountytexas.gov	
<small>Phone</small>	<small>FAX</small>	<small>E-mail</small>	

2. What is the approximate number of tobacco products retailers within your jurisdiction?..... **1,000**

Please answer questions 3 - 5 on separate sheets of paper.

- A list of ZIP Codes included in your full jurisdictional boundaries - (Note: If a ZIP Code is not wholly included within that boundary, please estimate the percentage that is in your jurisdiction.)
 - A list of agencies with whom your agency has an existing Interagency Agreement or Memorandum of Understanding/Agreement (formal or informal) that may restrict your agency's ability to provide full enforcement capabilities within jurisdictional boundaries - (Example: A Sheriff's Office or Constable's Office that does not enforce laws within the corporate city limits of a town or municipality in their county or precinct)
 - Explain your agency's plan to implement this grant and how it will support and enforce Health and Safety Code, Chapter 161, as it relates to educating local retailers and court personnel and reducing illegal tobacco sales to minors.
6. Have you obtained the appropriate approval from your governing body (city council or county commissioners' court) to accept this grant if awarded? YES NO
 (If "NO," we encourage you to seek approval prior to August 10, in the event your agency is awarded a grant.)

Certification Section: To the best of my knowledge and belief, information in this application and any attachments is true and correct. The document has been duly authorized by the applicant.

Typed name and title
Chuck Ruckel, Major

sign here Date **04/16/2009**

3. A list of zip codes included in your full jurisdictional boundaries – *(Note: If a zip code is not wholly included within that boundary, please estimate the percentage that is in your jurisdiction.)*

75002 Allen	75069 Fairview	75164 Josephine	75442 Farmersville
75013 Allen	75069 McKinney	75080 Richardson (8%)	75166 Lavon
75023 Plano	75070 McKinney	75086 Plano	75173 Nevada
75024 Plano	75071 McKinney	75087 Rockwall (2%)	75189 Royse City (2%)
75025 Plano	75071 Melissa	75093 Plano	75248 Dallas (2%)
75026 Plano	75074 Murphy	75094 Murphy	75252 Dallas (2%)
75034 Frisco	75074 Plano	75094 Plano	75287 Dallas (2%)
75035 Frisco	75075 Plano	75098 Saint Paul	75409 Princeton
75078 Prosper	75121 Copeville		

4. A list of agencies with whom your agency has an existing Interagency Agreement or Memorandum of Understanding/Agreement (formal or informal) that may restrict your agency's ability to provide full enforcement capabilities within jurisdictional boundaries – *(Example: A Sheriff's Office or Constable's Office that does not enforce laws within the corporate city limits of a town or municipality in their county or precinct)*

There are no Interagency Agreements or Memorandum of Understanding/Agreement (formal or informal) that restricts the Collin County Sheriff's Office's ability to provide enforcement capabilities relating to narcotic violations, tobacco violations, DWI enforcement, or special crimes that are occurring anywhere within the Collin County boundaries.

5. Explain your agency's plan to implement this grant and how it will support and enforce Health and Safety Code, Chapter 161, as it relates to reducing illegal tobacco sales to minors.

60 % Controlled Buys

Unannounced inspections will be conducted by using minor decoys in compliance with the Health and Safety Code § 161.088 in the following manner:

1. Minor decoys will be younger than 17 years of age with signed written parental consent forms signed by the appropriate party.
2. Minor decoys will have an appearance that would cause a reasonably prudent seller of cigarettes and tobacco products to request identification and proof of age.
3. Each minor will be inspected prior to all unannounced sting operations to ensure that the minor is carrying the minor's own identification as described in the Health & Safety Code § 161.082(e) and the identification shows the minor's correct date of birth and that the identification is presented upon request to any seller of cigarettes or tobacco products.
4. Each minor decoy will be instructed to answer truthfully any questions about the minor's age.
5. The Collin County Sheriff's Office Major of Operations or his designee must approve of the minor decoy prior to any sting operation.
6. A Collin County Deputy Sheriff, licensed by the Texas Commission on Law Enforcement Officers Standards and Education, will accompany decoys to locations inspected for violations of Health & Safety Code § 161.082.
7. A Collin County Deputy will maintain sight of each minor decoy and when possible, the deputy sheriff will witness each unlawful sale of cigarettes or tobacco products to minor decoys.
8. At the time an offense is detected, the Collin County Deputy Sheriff will properly identify himself as a Collin County Deputy Sheriff and will identify the offender. When evidence supports the unlawful sale of cigarettes or tobacco products, the Deputy Sheriff will issue a written warning, or citation to the offender and file a written Incident Report describing the events of the unlawful sale.
9. The Collin County Sheriff's Office will maintain control of the cigarettes or tobacco products purchased by the decoy, which will be properly logged into

the Evidence Section of the Sheriff's Office, along with a copy of the Parental Consent Form and copy of the decoy's identification.

10. Each prosecutable violation will be filed with the Justice Court having jurisdiction of the precinct where the violation occurred.
11. Copies of each Incident Report, Written Warnings, Citations, along with the dates, times and locations worked will be forwarded to the Collin County Sheriff's Office Major of Operations at the end of each designated assignment.

20% Compliance Inspections

Compliance inspections will involve unannounced inspections conducted by the Collin County Sheriff's Office to detect, enforce, and prosecute persons selling cigarettes or tobacco products at retail or by vending machines in non-compliance of Health & Safety Code § 161.084 in the following manner:

1. Unannounced inspections will be made by non-uniform personnel with the Collin County Sheriff's Office to determine that the mandated sign is posted in a conspicuous manner to all employees and customers and the sign is posted close to the place at which the cigarettes and tobacco products may be purchased.
2. Prior to the unannounced inspections, non-uniform deputies will be given a copy of the Health and Safety Code § 161.084(b) citing the correct statement.
3. When violations are found, deputies will photograph any signs that are without the proper statement and/or that are not close to the place at which the cigarettes or tobacco products are being sold. The photographs must reflect an accurate account of the distance from the signs to the place at which the products may be purchased and distances will be accurately measured. The size of the sign will also be recorded.
4. Deputies will inspect the retailers' records to show that within 72 hours of the date that an individual begins to engage in the retail sales of tobacco products that: individuals have received the mandated information that it is unlawful to sale or distribute cigarettes or tobacco products to any person younger than 18 years of age as provided by § 161.082 and that a violation of that section is a Class C Misdemeanor; and, §161.084 requires each employee to ensure that the appropriate sign is always displayed while the employees are exercising the employee's duties. To do otherwise is a Class C Misdemeanor.
5. Deputies will inspect locations where cigarettes and tobacco products may be purchased to insure that the individuals have signed a form stating that the law

has been fully explained, that the individuals understands the law, and the individual as a condition of employment agrees to comply with the law. These documents will be inspected to insure that they contain the employee's signature, current address and Social Security Number.

6. If necessary, deputies will advised the retailer that it is a Class C Misdemeanor not to provide the forms to a peace officer upon demand. If the retailer continues to refuse to produce the forms, the deputy will issue a citation to the retailer, charging him with a violation of the Heath & Safety Code § 161.085.
7. At the end of their designated duty times, Collin County Sheriff's Office personnel will submit copies of all citations, warnings, Incident Reports, along with dates, times, and locations worked to the Major of Operations.

15% Retailer and Judicial Education

1. Deputies will make contacts with retailers to explain the necessity of remaining in full compliance of the laws relating to the sale of cigarettes and tobacco products.
2. Deputies will go over the laws of the Health & Safety Code with the retailers and help set up a system that will ensure that the proper signs are posted, employees are educated on the relating laws and that proper documentation is maintained at all times.
3. Retailers will be informed that the Sheriff's Office plans to continue it's efforts to see that everyone remains in compliance and the they may be fined up to \$500 per violation.
4. Retailers will be informed that according to the tax code "Tobacco Retailers Permits" may be revoked after the third conviction.
5. Deputies will meet with Collin County Justice Courts to inform them of the needs for enforcing the Health & Safety Codes relating to the retail sale of cigarettes and other tobacco products. Deputies will ask the courts for any input as to how deputies and the courts can work together to ensure strict compliance with these laws.

5% Required Reporting

1. The Major of Operations will designate one person to prepare and submit the required reports and forward the proper documentation to the Collin County Auditor's Office.