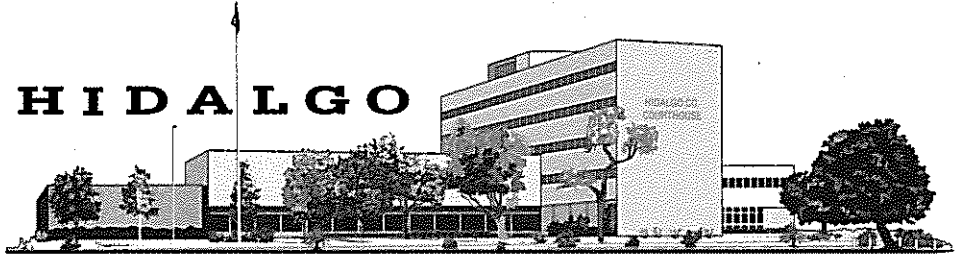


# COUNTY of HIDALGO



HIDALGO COUNTY AUDITOR'S OFFICE  
Hidalgo County Administration Building  
2808 South Business Highway 281  
Edinburg, Texas 78539-6243  
PHONE: (956) 318-2511  
FAX: (956) 318-2577  
WEBSITE: [www.co.hidalgo.tx.us/auditor](http://www.co.hidalgo.tx.us/auditor)

EDINBURG, TEXAS 78539

August 15, 2016

The Honorable Ramon Garcia, Hidalgo County Judge  
The Honorable A.C. Cuellar, Jr., Commissioner, Precinct No. 1  
The Honorable Eduardo "Eddie" Cantu, Commissioner, Precinct No. 2  
The Honorable Jose M. Flores, Commissioner, Precinct No. 3  
The Honorable Joseph Palacios, Commissioner, Precinct No. 4

**RE: Certification of Revenue**

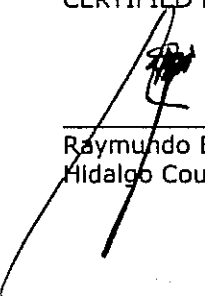
Dear Judge and Commissioners:

Pursuant to Local Government Code § 111.07075 SPECIAL BUDGET FOR REVENUE RECEIVED AFTER START OF FISCAL YEAR.

The county auditor shall certify to the commissioners court the receipt of revenue from a new source not anticipated before the adoption of the budget and not included in the budget for that fiscal year. On certification, the court may adopt a special budget for the limited purpose of spending the revenue for general purposes or for any of its intended purposes.

I, Ray Eufrazio, County Auditor of Hidalgo County, certify to the Hidalgo County Commissioners Court the revenue received from a transfer from Jail Commissary Trust Fund in the amount of \$124,918.45. These funds may now be made available by creating a new special budget or amending a current budget for its intended purposes.

CERTIFIED BY:

  
\_\_\_\_\_  
Raymundo Eufrazio, CPA  
Hidalgo County Auditor

8/15/16  
Date

**HIDALGO COUNTY DISTRICT JUDGES**

LUIS M. BHOLETERRY JUDGE, 12<sup>TH</sup> D.C.    NODOLFO DELGADO JUDGE, 13<sup>TH</sup> D.C.    J. R. "BOBBY" FLORES JUDGE, 14<sup>TH</sup> D.C.    ROSE GUERRA REYNA JUDGE, 20<sup>TH</sup> D.C.    JUAN R. PARTIDA JUDGE, 27<sup>TH</sup> D.C.    MARIO E. RAMIREZ, JR. JUDGE, 33<sup>RD</sup> D.C.    MOE GONZALEZ JUDGE, 37<sup>TH</sup> D.C.    LETICIA LOPEZ JUDGE, 38<sup>TH</sup> D.C.    AIDA SALINAS FLORES JUDGE, 39<sup>TH</sup> D.C.    ISRAEL RAMON, JR. JUDGE, 43<sup>RD</sup> D.C.    JESSE CONTRERAS JUDGE, 44<sup>TH</sup> D.C.    OVERSEER

AI-55830

Sheriff's Office 10. A.

CC - REGULAR

Meeting Date: 08/16/2016

Submitted For: Roy Quintanilha, SHERIFF DEPT.

Submitted By: Emilia Uriegas, SHERIFF DEPT.

Department: SHERIFF DEPT.

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**Information**

**CAPTION**

Jail Commissary (2102):

1. Approval of certification of revenues as certified by the County Auditor.
2. Approval of 2016 appropriation of funds into the Jail Commissary account in the amount of \$124,918.45.

**BACKGROUND**

Funds will be used for repairs and upgrade of generator.

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**Fiscal Impact**

**FISCAL YEAR:** 2016

**ACCT. #:** 6-2102-423-21-280-015-0-751

**FUNDS AVAILABLE Y/N?:** Y **MATCHING FUNDS Y/N?:** N

**BUDGETARY IMPACT:**

-No local funds are required. Funding provided by the Jail Commissary Bank Account.

-Monies receipted under Acct#6-2102-391-03-000-426-0-000(refer to receipt #201200)

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**Attachments**

Certification of Revenues Request  
budget.amendment

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Emilia Uriegas (Originator)	Emilia Uriegas	08/11/2016 12:03 PM
Budget & Management	Veronica Ortiz	08/11/2016 01:41 PM
Final Approval	Monica Badillo	08/12/2016 05:55 PM
Form Started By: Emilia Uriegas		Started On: 08/11/2016 10:50 AM
Final Approval Date: 08/12/2016		

## Becky Luna

---

**From:** Linda Fong [linda.fong@auditor.co.hidalgo.tx.us]  
**Sent:** Thursday, August 11, 2016 2:12 PM  
**To:** Nereyda Gonzalez  
**Cc:** Marcela Luna  
**Subject:** FW: Certification of Revenues  
**Attachments:** COR.\$124,918.45.pdf

Please prepare the Certification of Revenues. Thank you.

---

**From:** Emilia Uriegas [mailto:emilia.uriesgas@hidalgo.org]  
**Sent:** Thursday, August 11, 2016 11:42 AM  
**To:** 'Ray Eufrazio'; 'Linda Fong'  
**Subject:** Certification of Revenues

Mr. Eufrazio:

This is to request the Certification of Revenues for \$124,918.45 (Jail Commissary Account Program 280-015) in reference to AI#55830. I will be requesting that the item be placed for CC consideration for 08/16/16.

Should you require additional information, please call me.

*Emilia Uriegas*

*Budget Manager II  
Hidalgo County Sheriff's Office  
711 El Cibolo Road  
Edinburg, Texas 78542  
Main: 956-383-8114  
Direct: 956-393-6028  
Fax: 956-393-6027  
Email: [emilia.uriesgas@hidalgo.org](mailto:emilia.uriesgas@hidalgo.org)*



OFFICIAL HIDALGO COUNTY RECEIPT  
OFFICE OF THE COUNTY TREASURER  
NORMA G. GARCIA

Receipt No: 201200

Received From: SHERIFF'S OFFICE 08/05/16

Date 08/05/16

1 5198 REPAIRS & UPGRADE TO JAIL'S GENERATOR 6-2102-391-03-000-426-0-000 124,918.45

Total: 124,918.45

Check Total 124,918.45  
Cash Total .00  
Credit Total .00  
Other Total .00



**HIDALGO COUNTY JAIL COMMISSARY**

P.O. BOX 1228  
EDINBURG, TX 78540  
PH. 956-381-7900 EXT. 7928

LONESTAR NATIONAL BANK  
WWW.LONESTARNATIONALBANK.COM

88-1168/1149

5198

8/4/2016

PAY TO THE ORDER OF Hidalgo County Treasurer

\*\*124,918.45

One Hundred Twenty-Four Thousand Nine Hundred Eighteen and 45/100

\$

Hidalgo County Treasurer

DOLLARS

*Chipmunk*  
Void After 90 Days

MEMO

For Repairs and Upgrade to Jail's Generator System

⑈005198⑈ ⑆114911687⑆ 710 15949⑈

**HIDALGO COUNTY JAIL COMMISSARY**

Hidalgo County Treasurer

5198

8/4/2016

For Repairs and Upgrade to Jail's Generator System

124,918.45

Cash on Deposit - LS For Repairs and Upgrade to Jail's Generator Sys

124,918.45

**HIDALGO COUNTY JAIL COMMISSARY**

Hidalgo County Treasurer

5198

8/4/2016

For Repairs and Upgrade to Jail's Generator System

124,918.45

Cash on Deposit - LS For Repairs and Upgrade to Jail's Generator Sys

124,918.45

Sheriff's Office

AI-55830

CC - REGULAR

Meeting Date: 08/30/2016

Submitted For: Roy Quintanilha, SHERIFF DEPT.

Submitted By: Emilia Uriegas, SHERIFF DEPT.

Department: SHERIFF DEPT.

Information

CAPTION

Jail Commissary (2102):

1. Approval of Certification of Revenues by the County Auditor.
2. Approval to appropriate budget amendment in the amount of \$124,918.45.

BACKGROUND

Fiscal Impact

FISCAL YEAR: 2016

ACCT. #: 6-2102-423-21-280-015-0-XXX

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

No local funds are required. Funding is provided by the Jail Commissary Bank Account. Funds transferred to County Treasurer's Office (Receipt No. 201200 dated 08/05/16).

Attachments

*No file(s) attached.*

**Form Review**

Inbox

Reviewed By

Date

Emilia Uriegas

08/11/2016 10:50 AM

Form Started By: Emilia Uriegas

Started On: 08/11/2016 10:50 AM

DATE: August 11, 2016  
 DEPARTMENT HEAD: Sheriff J.E. "Eddie" Guerra  
 DEPARTMENT NAME: Jail Commissary  
 ACCOUNT NUMBER: 6-2102-423-21-280-015-0-XXX

SUBJECT: Budget Amendments (Increases) in Accordance with Local Government Code, Chapter 111, Subchapter C

Honorable Commissioners' Court of Hidalgo County:

I would like to request the following Amendments (increases) to my budget in accordance with Local Government Code, Chapter 111, Subchapter C

INCREASE OBJECT NUMBER(S)	ACCOUNT OBJECT NAME	AMOUNT
6-2102-423-21-280-015-0-751	Machinery and Equipment	124,918.45

	<b>TOTAL APPROPRIATIONS</b>	<u>124,918.45</u>
6-2102-391-03-000-426-0-000	Transfers In--Jail Commissary Trust Fund	<u>124,918.45</u>
	<b>TOTAL REVENUES</b>	<u>124,918.45</u>

REASON: To appropriate budget for expenses relating to repairs and upgrade to Jail generator system.

\_\_\_\_\_  
 DEPARTMENT HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 APPROVED COMMISSIONERS' COURT

\_\_\_\_\_  
 ATTEST COUNTY CLERK

## Letty Chavez

---

**From:** Diana Spiller [diana.spiller@tcjs.state.tx.us]  
**Sent:** Friday, August 12, 2016 3:11 PM  
**To:** Letty Chavez  
**Cc:** Brandon Wood  
**Subject:** RE: Hidalgo County Jail Commissary

Dear Ms. Chavez,

We have reviewed the request and the statute. In our opinion, we do not believe that this purchase reflects the legislature's intent of the statute. However, you may wish to consult with legal counsel for a professional opinion.

Respectfully,  
Diana Spiller, MPA  
Research Specialist  
Texas Commission on Jail Standards  
512-463-2690 (office)  
512-463-3185 (fax)



---

**From:** Letty Chavez [mailto:Letty.Chavez@auditor.co.hidalgo.tx.us]  
**Sent:** Friday, August 12, 2016 2:58 PM  
**To:** Brandon Wood <brandon.wood@tcjs.state.tx.us>  
**Cc:** Diana Spiller <diana.spiller@tcjs.state.tx.us>  
**Subject:** FW: Hidalgo County Jail Commissary

Good afternoon,

The Sheriff's Office is wanting to purchase the generator as soon as possible. Your immediate attention is greatly appreciated.

Letty Chavez

---

**From:** Letty Chavez [mailto:Letty.Chavez@auditor.co.hidalgo.tx.us]  
**Sent:** Wednesday, August 10, 2016 1:48 PM  
**To:** 'brandon.wood@tcjs.state.tx.us'  
**Cc:** 'Ray Eufrazio'; 'arcy.duran@auditor.co.hidalgo.tx.us'; 'diana.spiller@tcjs.state.tx.us'  
**Subject:** Hidalgo County Jail Commissary

**RAY EUFRACIO, CPA**  
**HIDALGO COUNTY AUDITOR**  
Hidalgo County Administration Building  
2808 South Business Highway 281

Edinburg, Texas 78539-6243  
PHONE: (956) 318-2511  
FAX: (956) 318-2577  
E-MAIL: [Ray.Eufracio@auditor.co.hidalgo.tx.us](mailto:Ray.Eufracio@auditor.co.hidalgo.tx.us)  
WEBSITE: [www.co.hidalgo.tx.us/auditor](http://www.co.hidalgo.tx.us/auditor)

---

To: Brandon Wood, Executive Director

From: Ray Eufracio, CPA  
County Auditor

Re: Hidalgo County Jail Commissary

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The County Auditor's Office is seeking your assistance regarding the use of Jail Commissary funds. The Hidalgo County Sheriff's Office is planning on using Jail Commissary funds to repair and upgrade the generator system at the jail. According to the Sheriff's Office, the generator often provides the main electrical source of the jail when local providers have trouble in providing a steady source of electricity to the facility; therefore, the repair and upgrade of the generator system is an improvement to the physical plant and critical to the health, safety, and security of the facility.

According to Local Government Code § 351.0415 (c), the sheriff or the sheriff's designee may use commissary proceeds only to:

- (1) fund, staff, and equip a program addressing the social needs of the inmates, including an educational or recreational program and religious or rehabilitative counseling;
- (2) supply inmates with clothing, writing materials, and hygiene supplies;
- (3) establish, staff, and equip the commissary operation and fund the salaries of staff responsible for managing the inmates' commissary accounts;
- (4) fund, staff, and equip both an educational and a law library for the educational use of inmates; or
- (5) fund physical plant improvements, technology, equipment, programs, services, and activities that provide for the well-being, health, safety, and security of the inmates and the facility.

Would the cost to repair and upgrade the generator system be an expense allowed by Local Government Code § 351.0415 (c)?

Your assistance is greatly appreciated.

If you have any questions, feel free to contact me at 318-2511 ext. 4604.

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**Pedro Luis Ramirez**

---

**From:** Josephine Ramirez <josephine.ramirez@da.co.hidalgo.tx.us>  
**Sent:** Wednesday, August 03, 2016 2:00 PM  
**To:** Roy Quintanilha  
**Cc:** Victor Garza; Mario Lopez; Ruben Hinojosa; Belinda Madrigal; Gabriel Castaneda; Pedro L Ramirez; Emilia Uriegas; Juan Tapia; Raul Cantu; Juan Villescascas  
**Subject:** Re: Commissary Account

Chief,

As you know, the DA's Office has previously provided legal opinions related to the appropriate use of the jail commissary funds. So long as the uses described provide for the well being, health and safety of the inmates and the facility, the proposed purchases, as you have described, would fall within the plain meaning of Section 351.0415. *See* Op. Tex. Att'y Gen. MW-143 (1980). *See also* Tex. Loc. Gov't Code §351.0415. Further, as the Sheriff has wide discretion to determine how to use these funds to meet the needs of the inmates and the facility, these appear to be permissible purchases in accordance with the applicable code provisions. *See id.*

Please let me know if you should need any further assistance from our office.

Thank you,

**Josephine Ramirez Solis**

*Assistant Criminal District Attorney*

Chief - Civil Division

**Office of Criminal District Attorney**

Hidalgo County, Texas

100 E. Cano

Edinburg, TX 78539

(956) 292-7609 ext. 8186

(956) 318-2079 FAX

[josephine.ramirez@da.co.hidalgo.tx.us](mailto:josephine.ramirez@da.co.hidalgo.tx.us)

RECEIVED BY  
COUNTY ATTORNEY  
2016 AUG 8 PM 10:37

\*\*\*\*\*

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\*\*\*\*\*

On Tue, Aug 2, 2016 at 10:12 AM, Roy Quintanilha <[roy.quintanilha@hidalgo.org](mailto:roy.quintanilha@hidalgo.org)> wrote:  
Regarding: Authorized Use of Hidalgo County Jail Commissary Fund and Opinion written by Mr. Rene Guerra to Mr. Eufracio on June12, 2013.

Good morning Mr. Ramirez,

I am contemplating using Commissary Funds for two specific items both of which I believe meet the test as outlined in the Texas Local Government Code Section 351.0415

Sec. 351.0415. COMMISSARY OPERATION BY SHERIFF OR PRIVATE VENDOR. (a) The sheriff of a county or the sheriff's designee, including a private vendor operating a detention facility under contract with the county, may operate, or contract with another person to operate, a commissary for the use of the inmates committed to the county jail or to a detention facility operated by the private vendor, as appropriate. The commissary must be operated in accordance with rules adopted by the Commission on Jail Standards.

(b) The sheriff or the sheriff's designee:

- (1) has exclusive control of the commissary funds;
- (2) shall maintain commissary accounts showing the amount of proceeds from the commissary operation and the amount and purpose of disbursements made from the proceeds; and
- (3) shall accept new bids to renew contracts of commissary suppliers every five years.

(c) The sheriff or the sheriff's designee may use commissary proceeds only to:

- (1) fund, staff, and equip a program addressing the social needs of the inmates, including an educational or recreational program and religious or rehabilitative counseling;
- (2) supply inmates with clothing, writing materials, and hygiene supplies;
- (3) establish, staff, and equip the commissary operation and fund the salaries of staff responsible for managing the inmates' commissary accounts;
- (4) fund, staff, and equip both an educational and a law library for the educational use of inmates; or
- (5) fund physical plant improvements, technology, equipment, programs, services, and activities that provide for the well-being, health, safety, and security of the inmates and the facility.

In my review of this aforementioned section, I believe that the items and services meet the test under 351.0415 (5).

I need to make repairs and upgrade our Generator System which is an improvement to our physical plant and critical to the Health, Safety and Security of this facility. The Generators often provide the main electrical source to our jail when local providers have trouble in providing a steady source of electricity to our facility. Attached is the repair quote for this item listed as HOLT GEN.

The second item is for the purchase of Safety Restraint Chairs and brake upgrades to existing chairs. This item would be equipment for the Safety and Security of the inmate. We are now experiencing inmates arriving at our facility that are under the influence of substances that have them in an agitated and violent. With the limitation of existing padded cells, we have to use restraint chairs for their safety and the safety of other inmates. I have attached a description of the item with this email.

Would you please review and let me know if you concur and or disagree with my interpretation that these items can be addressed through the Commissary Fund. Funds are available.

Thank You.

Chief R.Q.