

Zimbra

roy.quintanilha@hidalgo.org

Re: Use of Commissary Funds

From : Josephine Ramirez
<josephine.ramirez@da.co.hidalgo.tx.us>

Mon, Nov 28, 2016 10:39 AM

Subject : Re: Use of Commissary Funds

To : Roy Quintanilha
<roy.quintanilha@hidalgo.org>

Cc : Ruben Hinojosa
<ruben.hinojosa@hidalgo.org>, Sheriff
Guerra <sheriff.guerra@hidalgo.org>, Chief
Mario Lopez <mario.lopez@hidalgo.org>,
Gabriel Castaneda
<gabriel.castaneda@hidalgo.org>, Capt
Madrigal work
<belinda.madrigal@hidalgo.org>, Joe
Vasquez <joe.vasquez@hidalgo.org>, Daniel
Casarez <daniel.casarez@hidalgo.org>,
Victor Garza
<victor.garza@da.co.hidalgo.tx.us>, Mary
Cheaney <mary.cheaney@da.co.hidalgo.tx.us>

Chief,

As our office has previously advised, the Texas Local Government Code dictates that the sheriff or the sheriff's designee may use commissary proceeds for a limited number of purposes, one of which is:

"[to] 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."

Tex. Loc. Gov't Code §351.0415(c)(5).

As you have represented that the proposed purchase will be used for the well being, health, and safety of inmates, and without further guidance that such a

purchase is not permitted by section 351.0415(c)(5), it is our belief that the Sheriff's Office may use these funds for this expense.

Further, as the Sheriff has wide discretion to determine how to use these funds to meet the needs of the inmates and the facility, the improvements/repair and replacement of items described below appear to be permissible purchases in accordance with the applicable code provisions.

Should you need any further assistance from our office, please feel free to contact me.

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

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On Mon, Nov 14, 2016 at 4:22 PM, Roy Quintanilha <roy.quintanilha@hidalgoso.org> wrote:

Good morning Ms. Ramirez,

As previously discussed, any use of Commissary Funds for building renovations will be run through your office to determine if the projects meet the requirements of 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.

We have two specific projects that would require the use of commissary funds.

The first project is the removal, disposal, replacement and installation of the steal privacy partitions in each housing unit. the partitions are designed to provide some privacy for inmates that are showering our using the toilets in common

areas. A total of 87 partitions of various sizes will need to be replaced. Attached is a sketch of what a partition will look like. Estimated cost for this project will be over \$50,000.00...

The second item is for removal, disposal of old padding and the replacement and installation of new padding in two cells in booking commonly referred to as a padded cell. In addition to the padded cells in booking, the project would include the engineering, labor and product for converting of three single cells (1 in Echo or protective custody cells, 1 in Alpha or female dorm housing unit and 1 in the infirmary) to padded cells. This would increase our capacity to place violent, suicidal prisoners in a safer cell reducing self injury to the inmate. Estimated cost for this project will be over \$50,000.00...

Both projects would be a benefit to the inmates well-being, health and safety. Both projects would need the Hidalgo County Purchasing Department to seek out bids. Once a vendor has been selected and the cost of each projects is known, we will transfer the appropriate amounts for the Purchase Orders as has been the practice to date.

Costs for these projects are were not included in the 2016 budget request for 2017. Both are essential for safe operations. Funding is available in Commissary accounts.

Thank you in advance for your attention to this request.

Thank You.

Chief Roy Quintanilha
