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COUNTY OF



FAYETTE

CINDY HAVELKA
COUNTY AUDITOR

FAYETTE COUNTY AUDITOR'S OFFICE

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La Grange, Texas 78945

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RQ-0538-KP

April 26, 2024

VIA Email to: ~~opinion.committee@oag.texas.gov~~ mailed 5/3/24

Office of the Attorney General
Attention: Opinions Committee
PO Box 12548
Austin, TX 78711-2548

Dear Attorney General Paxton,

This letter is a request for an opinions about the Sheriff Department and being hired out for off-duty security and patrolling.

1. Can the Sheriff Department enter into a contract for patrolling with-in a City (which does not have a City Police Department) but is within the county using off-duty deputies? These Deputies will be using a County patrol vehicle and equipment. The Deputies will be paid by the City to the individual Deputy for hours worked.
2. Can the Sheriff Department enter into a contract with any business or individual for private security performed while off-duty? This question is directed to the authority to enter into an off duty security contract with the Sheriff Department.
3. The Sheriff Department has been providing off-duty Deputies at a facility with-in the County every night for almost ten years. Is this permitted since there is not a mass gathering of people?
4. The Sheriff Department provides off-duty Deputies for School sporting events. Can the Sheriff Department provide off-duty deputies to work these sporting events and be paid directly to the Deputy by the School District?

The City of Round Top just recently accepted a contract with the Fayette County Sheriff Department for off-duty Deputies to patrol in the City of Round Top. This contract states that the Deputy will patrol the City of Round Top for three nights {Thursday, Friday, and Saturday) from 8:00 p.m. -12:00 a.m. The City of Round Top has approved \$36,000 annually, to be paid to the individual off-duty Deputy that works the shift. The contract was not ever presented to the Commissioner's Court of Fayette County.

The Fayette County Sheriff Department has been entering into contracts with businesses, governmental entities, and individuals. Does the Sheriff Department have the authority to enter into any contract for off-duty security without Commissioner's Court approval?

For at least ten years the Fayette County Sheriff Department has been working off-duty security for a training facility within Fayette County. Every night for about 12-14 hours the Sheriff Department has an off-duty officer stationed at the facility. This deputy is using a County issued patrol vehicle and all the equipment for their normal on-duty position as a Deputy, when they are off-duty. Can the Sheriff Department provide off-duty deputies every day of the year when there is not a large number of people (sometimes no people at all?)

The Sheriff Department provides off-duty Deputies to the School Districts throughout Fayette County. Since the School Districts are a governmental entity should the agreement be made with the Commissioner's Court with the School District to provide on-duty Deputies to work the sporting event?

Sincerely,



Cindy Havelka
Fayette County Auditor



FAYETTE COUNTY SHERIFF'S OFFICE

1646 N. JEFFERSON
LA GRANGE, TEXAS 78945-5440
979-968-5856

KEITH KORENEK, SHERIFF



Vendor Security Agreement

Today's Date: 3/12/24

Name:

Physical Address, City, State, Zip:

Phone:

Fax:

Email:

SECONDARY EMPLOYMENT DESCRIPTION

Job Type: [] Traffic Control [x] Security [] Private Party [] Retail [] Other:

** The Fayette County Sheriff's Office reserves the right to determine the number of officers needed for private parties/functions.

Job Status: [] Temporary (Less than 30 Days) [x] Permanent (More than 30 Days) [] Periodically

Start Date: 3/23/24 End Date: 3/22/25 Start Time: 8PM End Time: 12PM

Employment Duties: Security

Job Location:

Number of Deputies:

Number of Vehicles:

[x] Uniform [] Plain Clothes [] Both

Comments:

Handwritten notes: SEAW/Summer HRS. 1 YEAR THURSDAY, FRIDAY, SATURDAY - 3 NIGHTS

DEPUTY'S RESPONSIBILITIES: A commissioned Fayette County Sheriff's Deputy's primary responsibility while working in a secondary employment capacity as a peace officer, in uniform or plain clothes, is the enforcement of Federal and State laws and County ordinances, to protect life and property and to keep the peace.

EMPLOYER'S RESPONSIBILITIES: The employer agrees to hold harmless FCSO and all FCSO personnel from losses of any kind caused while at the site of the off duty employment. All traffic control jobs must be inspected by FCSO and approved for safety devices and placement before officers are allowed to work.

REVOCAION FOR SECONDARY EMPLOYMENT APPLICATION: The Sheriff's designee will not approve any permit or application by a prospective employer that does not meet the requirements of any FCSO Policies and Procedures.

REASONS FOR REVOCATION: This list is for example purposes only and is not intended to be exclusive of other reasons not contained therein:

- 1. A conflict of interest develops between the County and the outside employer.
2. The employer is under investigation, is indicted or arrested by Law Enforcement Agency for violations of law.
3. The employer refuses to cooperate with an investigation related to the extra employment job.
4. The job becomes controversial, such as labor or civil disputes and or non-payment of employees.
5. The Sheriff, acting personally or through a designee, reserves the right to deny any application or job.

PAY RATES: Officers - \$50.00 per hour (per officer) with a 4-hour minimum, \$55.00 per hour for any traffic control. A higher rate of \$65.00 per hour may be required on jobs received on LESS THAN 48-HOURS NOTICE, COUNTY HOLIDAYS OR those requiring SPECIALIZED PERSONNEL.

Vendor Agreement Signature:

Handwritten signature of Mark Massey

MARK MASSEY - MAYOR
TOWN OF ROUND TOP

Signature: Septajala #811

Date: 3/21/24 Approved Declined