

OFFICE OF THE COUNTY AUDITOR

Winkler County Texas

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August 29, 1995

Dan Morales
Attorney General
State of Texas
P. O. Box 12548
Capitol Station
Austin, Texas 78711

RD-955
FILE # ML-35756-95
I.D. # 35756

RECEIVED

SEP 08 1995

Opinion Committee

Re: Legal Opinion

Dear General Morales:

As County Auditor of Winkler County, Texas, I hereby request an opinion or directive from your office. The Winkler County Attorney has declined my request for an opinion.

The question:

May the Winkler County Sheriff charge Winkler County for food provided to prisoners and consequently accept as his own personal funds monies paid to him for feeding both county and contract prisoners in the Winkler County Detention Center (the Winkler County Jail) while using county facilities, equipment and employees to prepare meals for such prisoners?

The situation:

The Winkler County Sheriff purchases all food for all prisoners (both county and contract) from his own personal funds and is paid per diem funds from the Winkler County Treasury for the feeding of all prisoners. All funds collected on behalf of contract prisoners are paid to the Winkler County Treasury.

This is a matter of extreme importance to this office since we must approve the Sheriff's request for monthly per diem funding. Your assistance in expediting this matter will be appreciated.

Sincerely,

Kay Warren

Kay Warren
Winkler County Auditor