



## COMMISSIONERS COURT COMMUNICATION

REFERENCE NUMBER \_\_\_\_\_

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DATE: 10/03/2023

**SUBJECT: APPROVAL OF FIRST AMENDMENT TO THE AGREEMENT  
BETWEEN TARRANT COUNTY AND MANAGEMENT &  
TRAINING CORPORATION FOR THE HOUSING OF TARRANT  
COUNTY INMATES AND GRANT OF EXEMPTION UNDER LOCAL  
GOVERNMENT CODE SECTION 262.024**

### **COMMISSIONERS COURT ACTION REQUESTED**

It is requested that the Commissioners Court approve the First Amendment to the Agreement between Tarrant County and Management & Training Corporation (MTC) for the housing of Tarrant County inmates at the Giles W. Dalby Correctional Center in Garza County, Texas. To properly effectuate this amendment to the agreement, it is requested the Commissioners Court take two (2) separate actions as part of this item in the order specified below:

- 1) Adopt the contents of the "Background" section of this Commissioners Court Communication as findings and grant an exemption under Texas Local Government Code section 262.024(a)(2); and
- 2) Approve the amendment to the agreement between Tarrant County and MTC.

### **BACKGROUND**

On August 30, 2022, the Commissioners Court, through Court Order #138902, approved an agreement with MTC for the housing of Tarrant County inmates at the Giles W. Dalby Correctional Center in Garza County, Texas. MTC is contracted by Garza County, Texas to operate the Giles W. Dalby Correctional Facility and has similar housing contracts with other governmental entities to house offenders at the Facility. The County has determined that the services provided for in this Agreement serve a public purpose and are necessary to preserve and protect the public health and safety of the residents of Tarrant County.

Approval of the First Amendment to the Agreement by the Commissioners Court will grant a discretionary exemption pursuant to Texas Local Government Code section 262.024(a)(2) from the competitive bidding requirements of Texas Local Government Code section 262.023. The Tarrant County Jail is currently near capacity and will be undergoing renovations to its Heating, Ventilation, and Air Conditioning systems (HVAC) that will necessitate the closure of portions of the jail, which further reduces capacity. The HVAC renovations are set to begin on October 16, 2023, and are necessary to ensure the Tarrant County Jail maintains its jail certification from the Texas Commission on Jail Standards. To complete the necessary renovations by December 2024, the total capacity of the Tarrant County Jail must be reduced.

SUBMITTED BY:	Administrator's Office	PREPARED BY: APPROVED BY:	Chandler Merritt
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Without approval of the First Amendment to the Agreement by the Commissioners Court, the County risks overcrowding the Tarrant County Jail, which endangers the safety of both employees and inmates. Overcrowding at the Tarrant County Jail also jeopardizes current jail certification. Should the Tarrant County Jail lose its certification, or become overcrowded to the point where new inmates cannot be accepted, the safety of Tarrant County residents will be compromised as the County will have no facility to securely house arrestees and defendants charged with offenses under the Texas Penal Code.

If approved, it will be the policy of the Sheriff's Office to prioritize the placement of inmates at the Giles W. Dalby Correctional Facility who are ready for transfer to the Texas Department of Criminal Justice (TDCJ). Approximately 5% of the Tarrant County Jail population consists of inmates who are awaiting pickup by the State for transfer to TDCJ.

Staff has determined that this contract is an eligible use of State and Local Fiscal Recovery Funds (SLFRF) as outlined in the U.S. Treasury's Final Rule. This contract falls under three (3) enumerated uses that are presumed reasonably proportional responses to the pandemic in the Final Rule: 1) Administrative Needs Caused or Exacerbated by the Pandemic §35.6(b)(3)(ii)(E)(4), 2) Public Health – Preventing and Responding to Violence §35.6(b)(3)(i)(D), and 3) Public Health – Air-Quality and Ventilation §35.6(b)(3)(i)(A).

The First Amendment to the Agreement extends the term through December 31, 2024, and increases the number of beds available from 432 to 500.

The Criminal District Attorney's Office has reviewed this amendment as to form.

### **FISCAL IMPACT**

Funding in the amount of \$22,500,000.00 is available in CARPA-2024.