



ORDER: 16-0301-1CCR

STATE OF TEXAS

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IN THE COMMISSIONERS COURT

COUNTY OF SMITH

ORDER CONCERNING JUROR DONATION PROGRAMS

WHEREAS, the Commissioners Court of Smith County is authorized under the Texas Government Code § 61.003(a)(4), to approve programs that may receive all or part of the daily reimbursement an individual summoned for jury duty chooses to donate;

WHEREAS, the Texas Attorney General concluded in KP-0010 that a Commissioners Court may choose any other program under Texas Government Code § 61.003(a)(4); and

WHEREAS, the Commissioners Court desires to establish a policy to efficiently, fairly, and equitably process applicant-programs that may desire to get on the list of daily reimbursement donations; and

NOW, THEREFORE, BE IT ORDERED BY THE SMITH COUNTY COMMISSIONERS COURT THAT:

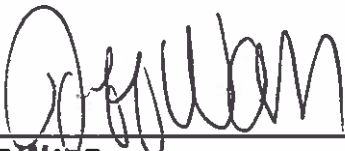
1. An application form, approved by the District Clerk of Smith County, shall be used to screen applicant-programs in accordance with this policy. The form should have a space for the applicant-program to verify that it:
 - a. Provides health or human services in Smith County;
 - b. Has the financial administrative capacity to provide the program(s) for which it requests donations;
 - c. Has been in place for at least two years prior to the date of application submission;
 - d. Is currently a tax exempt entity pursuant to the Internal Revenue Code, 26 U.S.C. § 501(c);
 - e. Is actively governed by a qualified and representative community board that consists of volunteers who participate in the policy-making and financial decisions of the entity, those members periodically rotate off said board on a regularly planned basis, and that board meets at least quarterly;
 - f. The program maintains all licensing and certification necessary;
 - g. That, as applicable, the program conforms to all applicable local, state, and federal laws pertaining to discrimination on the basis of race, gender, age, physical or mental disability, religion, or national origin in regards to its governing body, employees, and the people it serves, including applicable provisions of the USA Patriot Act.; and
 - h. Will use any donated funds within Smith County, and, if not, a narrative space for the applicant-program to indicate the reason and percentage of funds anticipated to be distributed outside Smith County;

2. An applicant-program shall submit, with the form mentioned above:
 - a. An Internal Revenue Service 26 U.S.C. § 501(c) determination letter;
 - b. An applicant-program profile;
 - c. An annual operating budget;
 - d. Audited financial statements for the most recent fiscal year, with a management letter, the accounting having utilized Generally Acceptable Accounting Principles;
3. Applications shall be considered by the Commissioners Court from January 1 thru March 1 of a year only;
4. An applicant-program, once approved by the Commissioners Court, shall remain on the juror donation recipient list for a period of five years and shall be required to reapply after the five year period has expired;
5. This order shall not apply to the following agencies or programs:
 - a. A victims of crime fund established under Subchapter B, Chapter 56, Tex. Code of Criminal Procedure;
 - b. The child welfare, child protective services, or child services board of the county appointed under Tex. Fam. Code § 264.005;
 - c. Smith County Juvenile Services; and
 - d. A veterans treatment court program established under Tex. Gov't Code, Chapter 124.

APPROVED AND ADOPTED THIS 1ST DAY OF MARCH, 2016 BY THE SMITH COUNTY COMMISSIONERS COURT.



JOEL BAKER
COUNTY JUDGE



JEFF WARR
COMMISSIONER, PRECINCT 1





CARY NIX
COMMISSIONER, PRECINCT 2

ABSENT

TERRY PHILLIPS
COMMISSIONER, PRECINCT 3



JOANN HAMPTON
COMMISSIONER, PRECINCT 4

ATTEST: 

KAREN PHILLIPS, COUNTY CLERK