

**RULES OF THE  
SANTA CLARA COUNTY  
INMATE WELFARE FUND COMMITTEE**

**1. GENERAL PROVISIONS**

These rules shall apply to the Santa Clara County Inmate Welfare Fund Committee. The name of this committee shall be known as the Santa Clara County Inmate Welfare Fund Committee, which may be abbreviated IWFC.

**2. PURPOSE**

The purpose of the Inmate Welfare Fund Committee is to implement the provisions of California Penal Code Section 4025 which allows the County to establish, maintain and operate a store (commissary and vending services) at the jail so that inmates may purchase confectionary items, postage, writing materials, toilet articles, and supplies. All commissions received from commissary sales shall be deposited into an inmate welfare fund. The statute also requires that any money, refund, rebate, or commission received from an inmate telephone service provider be deposited into the inmate welfare fund.

Section 4025 of the California Penal Code specifically states, "The money and property deposited in the inmate welfare fund shall be expended by the [Board of Supervisors] primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities. Maintenance of county jail facilities may include, but is not limited to, the salary and benefit of personnel used in the programs to benefit the inmates, including, but not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the [Board of Supervisors]. Inmate welfare funds shall not be used to pay required county expenses of confining inmates in a local detention system, such as meals, clothing, housing, or medical services or expenses, except that inmate welfare funds may be used to augment those required county expenses as determined by the [Board of Supervisors] to be in the best interests of inmates. An itemized report of these expenditures shall be submitted annually to the board of supervisors."

**3. DUTIES OF MEMBERS**

The Board of Supervisors has a statutory duty to use the inmate welfare fund (IWF) in accordance with the requirements of California Penal Code 4025. For this reason, the Board of Supervisors established the Inmate Welfare Fund Committee to administer the use of the inmate welfare fund. The duties of the Inmate Welfare Fund Committee are as follows:

- A. Establish policy relating to the administration of the IWF as approved by the Board of Supervisors.
- B. Ensure that all IWF expenditures comply with California Penal Code 4025 and IWF Policies 1.0, 2.0, 3.0, and any other policies as may be hereafter adopted; and approve the annual IWF Spending Plans accordingly.

- C. Review IWF Financial Reports and forward to the Board of Supervisors annually.
- D. Recommend uses of the IWF primarily for the benefit, education, and welfare of inmates.
- E. Evaluate IWF activities.

**4. MEMBERSHIP**

A. Composition

As directed by the Board of Supervisors, the committee shall be composed of nine (9) members representing the following areas:

- 1) Chief of Correction
- 2) Assistant Sheriff
- 3) Main Jail Complex Commander
- 4) Elmwood Complex Commander
- 5) Support Services Commander
- 6) Administrative Commander
- 7) Public Defender or designee
- 8) Custody Health Director or designee
- 9) One person who is not a County employee and has expertise in working with inmates and inmate programs, unless a person with such expertise is unavailable, in which case the Chief of Correction shall appoint a person who is interested in the welfare of inmates and is not a County employee.

B. Term

The first eight members (as identified numerically in Section 4.A.1-8 above) shall serve a term concurrent with their term within their respective Department or unit/division. The ninth member (as identified numerically in Section 4.A.9 above) will serve a one-year term, renewable on the first of January of each year.

C. Vacancy

When an IWFC member (members 1 through 6) vacates his/her position in the respective unit/division as noted in 4.A above, the Chief or Assistant Sheriff will appoint an interim member to represent the unit/division until a permanent replacement is available. When the Public Defender or Custody Health Director vacates his/her position, the interim Department Head or designee shall represent their department until

a permanent replacement is available. If the ninth member vacates his/her position as a member of the IWFC for any reason, the Chief of Correction shall appoint a new member who meets the criteria noted in Section 4.A.9.

D. Alternates

Alternates shall be designated by the committee member to act in the absence of that appointed member of the committee.

**5. OFFICERS**

- A. The officers of this committee shall be:
- 1) Chairperson – Chief of Correction or designee
  - 2) Vice Chairperson – Assistant Sheriff or designee

**6. STAFF**

The staff of this committee shall be the Director of Administrative Services, the Inmate Welfare Fund (IWF) Manager, and the IWF Accountant.

**7. DUTIES OF OFFICERS AND STAFF**

- A. The Chairperson shall:
- 1) Preside at all IWFC meetings.
  - 2) Perform other duties customarily performed by a Chairperson.
- B. The Vice Chairperson shall:
- 1) Serve as Chairperson upon temporary absence or incapacity of the Chairperson.
  - 2) The Vice Chairperson shall be responsible for signing an original copy of all Inmate Welfare Fund Committee meeting minutes after approval by the IWFC.
- C. The Director of Administrative Services shall:
- 1) Serve as lead staff to the IWFC;
  - 2) Review and approve IWFC Agendas and Meeting Summaries and ensure compliance with Brown Act requirements and IWFC Policies and Procedures;
  - 3) Inform the IWFC on matters concerning the IWF;
  - 4) Ensure that all funding requests are routed through staff before submission to the IWFC;
  - 5) Review and approve contracts; and
  - 6) Oversee competitive vendor selection processes for IWF contracts in compliance with County policies and procedures.
- D. The IWF Manager shall:
- 1) Act as point of contact to assist staff in the procurement and implementation of all IWF contracts;
  - 2) Generate and manage IWF contracts in compliance with County policies and procedures; Conduct competitive vendor selection process for IWF contracts.
  - 3) Maintain records of the IWFC; and

- 4) Coordinate IWFC meetings; prepare, post and distribute IWFC Agendas and Meeting Summaries in accordance with Brown Act requirements and IWFC Policies and Procedures.

E. The Inmate Welfare Fund Accountant shall:

- 1) Act as ex-officio financial adviser to the IWFC; and
- 2) Provide information and assistance to auditors during annual IWF audit and apprise the IWFC of the outcome of the audit.

## **8. MEETINGS/QUORUM/VOTING**

A. The IWFC shall meet twice a year or more often if determined as necessary. All meetings shall be held in the Lower Level Conference Room at 70 West Hedding Street, San Jose, or in another location when notice has been duly posted in a conspicuous place and as otherwise may be required by law.

B. IWFC meetings shall be open to the public in compliance with regulations set forth in the Brown Act.

C. Meetings may be called at any time by the Chairperson or Vice Chairperson in accordance with the Brown Act.

D. The presence of a majority of the members shall constitute a quorum. If a member is disqualified from voting by reason of conflict of interest, a quorum shall be a majority of the members eligible to vote. However, a minimum of five (5) members shall be required for any vote.

E. All votes may be taken by voice vote.

## **9. ROBERT'S RULES OF ORDER**

The proceedings of the IWFC shall be governed by the provisions of law applicable thereto and, except as herein otherwise provided, by Robert's Rules of Order, newly revised. Provided, further, that the failure to follow the Rules of Order or these rules shall not invalidate any action taken.

## **10. RALPH M. BROWN ACT**

All regular meetings of the IWFC shall, in all respects, conform to provisions of the Ralph M. Brown Act, being Sections 54950 through 54961 of the Government Code of the State of California (the "Brown Act"); provided, however, failure to comply with such requirements, in and of itself, shall not modify or invalidate any committee action. Special meetings of the IWFC shall be called, noticed and held in accordance with the provisions of Section 54956 of the Brown Act; provided, however, failure to comply with such requirements, in and of itself, shall not modify or invalidate any committee action.

**11. AMENDMENT TO RULES**

The rules may be amended by two-thirds vote of the membership.

Adopted by the Inmate Welfare Fund Committee on August 4, 2010

*JHirokawa*

---

John Hirokawa, Chief of Correction and  
Inmate Welfare Fund Committee Chairman