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DATE: September 22, 2010  
TO: Commissioner's Court  
FROM: John R. Roach  
RE: Texas District and County Attorneys Foundation

In accordance with Chapter 59.06(d) of the Code of Criminal Procedure, requesting transfer of money to set-up budget to use Drug Forfeiture money as approved by Commissioner's Court for the Texas District and County Attorneys Foundation to support prosecutor, investigator, and key personnel seminars, training, and programs in which the Collin County Criminal District Attorney's Office will be eligible to participate with other prosecutor's offices in Texas and/or which will benefit the mission and goals of the DA's Office. Budget amount is \$25,000.00.

BEFORE THE BOARD OF DIRECTORS  
OF THE  
TEXAS DISTRICT AND COUNTY ATTORNEYS FOUNDATION

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**RESOLUTION ON RESTRICTING EXPENDITURES OF  
FUNDS DERIVED FROM DONATIONS OF ASSET FORFEITURE PROCEEDS**

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On this 13th day of June, 2008, the Board of Directors of the Texas District and County Attorneys Foundation (hereinafter, "the Board"), in a regularly scheduled and called meeting of the Board, considered the need for a resolution to announce and provide direction on the policy to be applied by the Texas District and County Attorneys Foundation (hereinafter, "the Foundation") in handling, accounting for and expending funds donated to the Foundation by prosecutors from asset forfeiture proceeds, as governed by chapter 59, Texas Code of Criminal Procedure. By recorded vote of the Board, as duly reflected in its minutes, the following resolution was adopted:

**1. Recitals**

WHEREAS, the Board recognizes that financial support provided by Texas prosecutors to the Foundation is critical to the continued ability of the Foundation to meet its purpose of facilitating educational services and technical support for Texas prosecutors to enhance their abilities to perform their official duties;

WHEREAS, the Board seeks to maximize available funds for use in attaining that purpose;

WHEREAS, some Texas prosecutors have indicated an interest in donating to the Foundation proceeds committed to the discretionary control of those prosecutors under article 59.06, Texas Code of Criminal Procedure;

WHEREAS, the Board recognizes the requirement under article 59.06(c)(1) that asset forfeiture proceeds held for the benefit of an attorney representing the State must be used solely for the official purposes of the prosecutor's office;

WHEREAS, the Foundation provides funding for continuing education and training programs focused directly upon the official duties of Texas district attorneys, criminal district attorneys, county attorneys and the staff members working within the offices of those prosecutors;

WHEREAS, the Foundation will provide funding for one or more attorneys to be available to provide direct assistance to Texas prosecutors in appellate and other procedural matters within the scope of official prosecutorial duties;

WHEREAS, the Board finds the educational and technical assistance services described above to be official purposes of a prosecutor's office, as they facilitate a prosecutor's ability to perform his or her official duties in the most professional, efficient and effective manner possible; and

WHEREAS, it is the intention of the Board to ensure full compliance with the Texas Code of Criminal Procedure, article 59.

**2. Resolution.**

NOW, THEREFORE, IT IS RESOLVED by the Board as follows:

**2.01. Acceptance of Donations from Asset Forfeiture Proceeds.**

The Foundation will accept donations from Texas prosecutors of funds derived from asset forfeiture proceeds, as governed by chapter 59, Texas Code of Criminal Procedure, subject to the following restrictions and conditions concerning usage of those funds.

**2.02. Use of Donations from Asset Forfeiture Proceeds Restricted.**

Donations of asset forfeiture proceeds accepted by the Foundation will be expended for official purposes, including the provision of the following services to Texas prosecutors and the staff members of their offices:

- (a) funding of continuing legal education programs for Texas prosecutors concerning the official duties of, and professional legal services provided by, Texas prosecutors in representing the State of Texas and other governmental entities and officials those prosecutors may be required or authorized by Texas law to represent;
- (b) funding of training programs for staff members of Texas prosecutors' offices concerning the official duties of and services provided by those offices; and
- (c) funding of compensation, benefits and other necessary expenses of one or more attorneys whose dedicated function shall be to provide direct assistance to Texas prosecutors in appellate and other procedural matters within the scope of official prosecutorial duties.

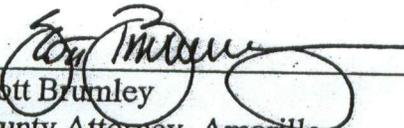
**2.03. Other Usage of Donations from Asset Forfeiture Proceeds Prohibited.**

Any use by the Foundation, or any entity funded in whole or in part by the Foundation, of funds derived from donations of asset forfeiture proceeds in a manner inconsistent with paragraph 2.02 of this resolution is unauthorized and prohibited.

2.04. **Segregation for Accounting Purposes.**

Funds derived from donations of asset forfeiture proceeds shall be kept segregated and identifiable from other non-dedicated or non-restricted funds held by the Foundation to ensure proper accounting and oversight of the use of donated asset forfeiture proceeds.

IT IS SO RESOLVED this 13th day of June, 2008.

  
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Scott Brunley  
County Attorney, Amarillo  
TDCAF Secretary/Treasurer