

N.D.A.G. Letter to Hagerty (Oct. 3, 1985)

October 3, 1985

Ms. Gail Hagerty
Burleigh County State's Attorney
514 East Thayer Avenue
Bismarck, ND 58501

Dear Ms. Hagerty:

Thank you for your letter dated September 4, 1985, in which you requested a review of the response which you made to Burleigh County Commission Chairman Robert Kniefel regarding whether Burleigh County is in compliance with N.D.C.C. §11-15-07(21) as to payments to the sheriff for boarding prisoners.

I have reviewed your response and have examined the relevant statutory provisions.

N.D.C.C. §11-15-07, provides, in relevant part, as follows:

11-15-07. COUNTY FEES. The sheriff shall charge and collect the following fees on behalf of the county:

* * *

21. For boarding prisoners, a sum to be determined by the county commissioners by resolution in advance, which sum shall be per meal for meals actually served, and not to exceed two dollars for breakfast, two dollars and fifty cents for dinner, and three dollars and fifty cents for supper.

I agree with your conclusion that N.D.C.C. §11-15-07(21) sets forth the charges which may be made and collected by the sheriff on behalf of the county when other political subdivisions board prisoners at the Burleigh County Jail. I also agree with your conclusion that there is no specific statutory limitation on the amount which the Burleigh County commissioners may elect to pay for providing inmate meals. N.D.C.C. §12-44.1-05 speaks directly to meal payments. This section provides as follows:

12-44.1-05. MEAL PAYMENTS. A jail administrator or jail staff member receiving lump sum monthly payments for providing inmate meals shall submit an itemized account of the meal expenses to the governing body of the jail. Any amount of the monthly payment in excess of the itemized account shall be returned to the general operating fund or be given as salary to the person providing the meals, as determined by the governing body of the jail.

Therefore, Burleigh County is in compliance with N.D.C.C. §11-15-07(21) provided that the County Commissioners have determined by resolution in advance, the amount which the sheriff shall charge other political subdivisions for boarding prisoners at the Burleigh County jail; and provided, further, that this amount does not exceed the maximum amount established in N.D.C.C. §11-15-07(21).

Sincerely,

Nicholas J. Spaeth

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