



# Travis County Commissioners Court Agenda Request

**Meeting Date:** July 24, 2012

**Prepared By/Phone Number:** Melissa Velasquez, Judge's Office, x49555

**Elected/Appointed Official/Dept. Head:** Samuel T. Biscoe, County Judge

**Commissioners Court Sponsor:** Samuel T. Biscoe, County Judge

## **AGENDA LANGUAGE:**

CONSIDER AND TAKE APPROPRIATE ACTION REGARDING LETTER TO THE STATE COMPTROLLER REQUESTING FUNDS FROM UNCLAIMED CAPITAL CREDITS RECEIVED FROM ELECTRIC COOPERATIVES.

## **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

State Comptroller's Office is authorized to allocate a portion of unclaimed capital credits received from electric cooperatives back to counties in cooperatives' service areas. The money may only be used to fund an appropriate program under section 381.004 of the Local Government Code.

Travis County submitted a request for funds last fiscal year and received an allocation that was appropriated in compliance with Section 381.004 of the Texas Local Government Code.

## **STAFF RECOMMENDATIONS:**

Recommendation to submit the letter requesting funds.

## **ISSUES AND OPPORTUNITIES:**

Provide Additional funding to Travis County.

## **FISCAL IMPACT AND SOURCE OF FUNDING:**

Texas State Comptroller's Office states that Travis County's allocation will be **\$35,595.61.**

## **REQUIRED AUTHORIZATIONS:**

Sherri Fleming, County Executive, TCHHS&VS

Mary Etta Gerhardt, Assistant County Attorney

John Hille, Director, Transactions, County Attorney's Office

Diana Ramirez, Planning and Budget Office

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

S U S A N

C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

P.O. Box 13528 • AUSTIN, TX 78711-3528



June 11, 2012

The Honorable Samuel Biscoe  
Travis County Judge  
P.O. Box 1748  
Austin, Texas 78767-1748

RECEIVED  
COUNTY JUDGE'S OFFICE  
12 JUN 20 PM 3:57

Dear Judge Biscoe:

As you may know, Section 74.602 of the Texas Property Code authorizes the Comptroller to allocate a portion of the unclaimed capital credits received from electric cooperatives back to counties in cooperatives' service areas. The Code also states that the money may only be used to fund an appropriate program under Section 381.004 of the Local Government Code.

The commissioners' court is the primary governing body and ultimate decision-making authority regarding the legitimacy of requests for funds under this provision. The amount available to each county will be based on total capital credits remitted this reporting year, minus anticipated claims as determined by the Comptroller.

If your office anticipates submitting a request for these funds, please refer to the following guidelines:

- Requests are to be submitted by the commissioners' court, in writing, to the Texas Comptroller of Public Accounts by August 31 of each year.
- Requests **must** include the complete name, address and federal tax identification number of the Commissioners' Court. Funds will be paid directly to the court.
- All requests **must** include certification that the purpose of the funds is in compliance with the provisions of Section 381.004 of the Texas Local Government Code.

Please mail your request(s) to: Texas Comptroller of Public Accounts  
Unclaimed Property Division  
Holder Reporting Section  
P. O. Box 12019  
Austin, Texas 78711-2019

If you have any questions concerning these procedures, please contact Elisa A. Flores by e-mail at [Elisa.Alice.Flores@cpa.state.tx.us](mailto:Elisa.Alice.Flores@cpa.state.tx.us) or by phone at (800) 321-2274, ext. 3-1072.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Schilhabel".

Larry Schilhabel  
Section Supervisor  
Holder Reporting Section

cc: Elisa A. Flores

**DRAFT**

July 24, 2012

Texas Comptroller of Public Accounts  
Unclaimed Property Division  
Holder Reporting Section  
P.O. Box 12019  
Austin, Texas 78711-2019

Re: Request for Unclaimed Capital Credits

Mr. Schilhabel:

Pursuant to Section 74.602 of the Texas Property Code, Travis County hereby submits a request that the Texas Comptroller allocate and remit to Travis County the portion of the unclaimed capital credits received from electrical cooperatives within the Travis County cooperative service area.

The complete name, address and federal tax identification number for Travis County is listed below:

Travis County  
P.O. Box 1748  
Austin, Texas 78767  
Federal Tax Identification Number: 74-6000192

Travis County, as the requestor of such funds, herewith certifies that the purpose and use of the funds to be received pursuant to this request is and will be in compliance with the provisions of Section 381.004 of the Texas Local Government Code.

Sincerely,

Samuel T. Biscoe  
Travis County Judge

Sec. 381.004. COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAMS IN CERTAIN COUNTIES. (a) In this section:

(1) "Another entity" includes the federal government, the State of Texas, a municipality, school or other special district, finance corporation, institution of higher education, charitable or nonprofit organization, foundation, board, council, commission, or any other person.

(2) "Minority" includes blacks, Hispanics, Asian Americans, American Indians, and Alaska natives.

(3) "Minority business" means a business concern, more than 50 percent of which is owned and controlled in management and daily operations by members of one or more minorities.

(4) "Women-owned business" means a business concern, more than 50 percent of which is owned and controlled in management and daily operations by one or more women.

(b) To stimulate business and commercial activity in a county, the commissioners court of the county may develop and administer a program:

(1) for state or local economic development;

(2) for small or disadvantaged business development;

(3) to stimulate, encourage, and develop business location and commercial activity in the county;

(4) to promote or advertise the county and its vicinity or conduct a solicitation program to attract conventions, visitors, and businesses;

(5) to improve the extent to which women and minority businesses are awarded county contracts;

(6) to support comprehensive literacy programs for the benefit of county residents; or

(7) for the encouragement, promotion, improvement, and application of the arts.

(c) The commissioners court may:

(1) contract with another entity for the administration of the program;

(2) authorize the program to be administered on the basis of county commissioner precincts;

(3) use county employees or funds for the program;  
and

(4) accept contributions, gifts, or other resources to develop and administer the program.

(d) A program established under this section may be designed to reasonably increase participation by minority and women-owned businesses in public contract awards by the county by establishing a contract percentage goal for those businesses.

(e) The legislature may appropriate unclaimed money the comptroller receives under Chapter 74, Property Code, for a county to use in carrying out a program established under this section. To receive money for that purpose for any fiscal year, the county must request the money for that fiscal year. The amount a county may receive under this subsection for a fiscal year may not exceed an amount equal to the value of the capital credits the comptroller receives from an electric cooperative corporation on behalf of the corporation's members in the county requesting the money less an amount sufficient to pay anticipated expenses and claims. The comptroller shall transfer money in response to a request after deducting the amount the comptroller determines to be sufficient to pay anticipated expenses and claims.

(f) The commissioners court of a county may support a children's advocacy center that provides services to abused children.

(g) The commissioners court may develop and administer a program authorized by Subsection (b) for entering into a tax abatement agreement with an owner or lessee of a property interest subject to ad valorem taxation. The execution, duration, and other terms of the agreement are governed, to the extent practicable, by the provisions of Sections 312.204, 312.205, and 312.211, Tax Code, as if the commissioners court were a governing body of a municipality.

(h) The commissioners court may develop and administer a program authorized by Subsection (b) for making loans and grants of public money and providing personnel and services of the county.

Added by Acts 1989, 71st Leg., ch. 1060, Sec. 3, eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 1037, Sec. 3, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 254, Sec. 1, eff. May 22, 2001; Acts 2001, 77th Leg., ch. 1154, Sec. 1, eff. June 15, 2001; Acts 2003, 78th Leg., ch. 1275, Sec. 2(109), eff. Sept. 1, 2003.