



Travis County Commissioners Court Agenda Request

Meeting Date: March 4, 2014

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 in fiscal year 2012 and received an allocation that was appropriated in compliance with Section 381.004 of the Texas Local Government Code. Since the due date for filing an unclaimed property was changed in 2011, we will be submitting for both report years 2012 and 2013.

STAFF RECOMMENDATIONS:

Recommendation to submit the letter requesting funds for both report years 2012 and 2013.

ISSUES AND OPPORTUNITIES:

Provides Additional funding to Travis County.

FISCAL IMPACT AND SOURCE OF FUNDING:

In FY12 Texas State Comptroller's Office states that Travis County's allocation was \$35,595.61.

REQUIRED AUTHORIZATIONS:

Sherri Fleming, County Executive, TCHHS&VS

Mary Etta Gerhardt, Assistant County Attorney

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

UNCLAIMED PROPERTY DIVISION
P.O. Box 12019 • AUSTIN, TX 78711-2019

RECEIVED
COUNTY JUDGE'S OFFICE
14 FEB 19 PM 2:03



February 14, 2014

The Honorable Samuel T. Biscoe
Travis County Judge
P.O. Box 1748
Austin TX 78767

Dear Judge Biscoe,

As you may know, Section 74.602 of the Texas Property Code authorizes the Texas Comptroller of Public Accounts (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 per reporting year, minus anticipated claims as determined by the Comptroller. Since the due date for filing an unclaimed property report was changed in 2011, this notification is for both report years 2012 and 2013.

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

- Requests for 2012 and 2013 funds are being accepted, either together or separate.
- A county may or may not have funds for either year.
- Requests are to be submitted by the Commissioners court, in writing by March 31, 2014.
- Requests **must** include the complete name, address and federal tax identification number of the Commissioners court. All requests **must** include language that states that "the purpose of the funds is in compliance with the provisions of Section 381.004 of Texas Local Government Code." Any available 2012 and 2013 funds will be sent separately and directly to the court.

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 Taj Williams by email at taj.williams@cpa.state.tx.us or by phone at 1-800- 321-2274, ext. 3-1189.

Sincerely,

Bryant Clayton

Bryant Clayton
Supervisor
Holder Reporting Section

cc: Taj Williams

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.

March 4, 2014

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 for both report years 2012 and 2013

Mr. Clayton:

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 for both report years 2012 and 2013.

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

Travis County Commissioners Court
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 of the funds is in compliance with the provisions of Section 381.004 of the Texas Local Government Code.

Sincerely,

Samuel T. Biscoe
Travis County Judge