



## Travis County Commissioners Court Agenda Request

**Meeting Date:** 6/10/2014, 9:00 AM, Voting Session

**Prepared By/Phone Number:** Katie Petersen Gipson Planning and Budget Office, 854-9346

**Elected/Appointed Official/Dept. Head:** Leroy Nellis, Acting County Executive, Planning and Budget

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

### AGENDA LANGUAGE:

Consider and take appropriate action on letter acknowledging National Instruments decision not to proceed with economic development incentive agreement

### BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

On May 22, 2014 PBO received a letter from National Instruments declaring that they would like to terminate the economic development incentive agreement with Travis County due to internal business decisions.

Attached is the letter received from National Instruments and the response from Travis County.

### STAFF RECOMMENDATIONS:

PBO recommends sending a letter to be signed by Judge Biscoe, acknowledging the termination of the agreement.

### ISSUES AND OPPORTUNITIES:

N/A

### FISCAL IMPACT AND SOURCE OF FUNDING:

No ad valorem tax incentive has been given to National Instruments. No compliance review has yet been undertaken on the agreement.

### REQUIRED AUTHORIZATIONS:

Planning and Budget Office  
County Judge's Office

Jessica Rio  
Melissa Velasquez



RECEIVED

14 MAY 23 AM 10:22

May 22, 2014 TRAVIS COUNTY  
PLANNING & BUDGET OFFICE

Via Certified Mail, Return Receipt Requested

Ms. Jessica Rio  
Budget Director, Travis County Planning and Budget Office  
700 Lavaca, Ste. 1560  
Austin, Texas 78701

Re: National Instruments: Election Not to Proceed With Economic Development  
Agreement Between National Instruments and Travis County, Texas

Dear Ms. Rio:

Despite difficult conditions in the test and measurement industry and the global economy, National Instruments delivered our 35th year of growth and continued to take market share in 2013. As we have reported to our investors, our goals for 2014 are to continue leveraging the investments we have already made in order to drive sustained revenue growth and improve our operating margins.

To that end, we have elected not to proceed with the Economic Development Agreements with Travis County, the City of Austin and the State of Texas. We are optimistic about the remainder of 2014 and remain committed to our long-term growth strategy.

Notice is hereby given that National Instruments has elected not to proceed with the Project as defined in the Economic Development Agreement between National Instruments and Travis County, Texas approved by the Travis County Commissioners in 2013.

National Instruments wishes to thank the outstanding assistance provided by the County's Planning and Budget Office and by Ms. Mary Etta Gerhardt with the County Law Department throughout this process and of course County Judge Biscoe and the Commissioners Court. National Instruments is a homegrown Austin company and remains committed to the City of Austin and Travis County.

Sincerely,

David Hugley  
Vice President and General Counsel



Letter to Ms. Jessica Rio

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May 22, 2014

cc: Honorable Samuel T. Biscoe  
County Judge  
P.O. Box 1748  
Austin, Texas 78767

Honorable David Escamilla (or his successor in office)  
Travis County Attorney  
P.O. Box 1748  
Austin, Texas 78767  
ATTENTION: Civil Transactions

Ms. Cyd Grimes  
Purchasing Agent  
Travis County Purchasing  
P.O. Box 1748  
Austin, Texas 78767



**SAMUEL T. BISCOE**  
COUNTY JUDGE

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TRAVIS COUNTY ADMINISTRATION BUILDING  
700 LAVACA ST., SUITE 2.700  
P.O. BOX 1748 AUSTIN, TEXAS 78767  
(512) 854-9555  
(512) 854-9535 FAX

June 4, 2014

David Hugley  
National Instruments  
11500 N Mopac Expwy  
Austin, TX 78759-3504

Dear Mr. Hugley:

Travis County and National Instruments entered into an agreement in 2013 ("Agreement") under which National Instruments could earn economic incentives by developing new business facilities and adding new jobs to the Travis County area.

Travis County hereby acknowledges receipt of your letter dated May 22, 2014, stating the company has elected not to proceed with the project as set forth in the Agreement. Pursuant to that correspondence, and in accordance with the terms of the Agreement (specifically, Section 8.2.1, "Election Not to Proceed Prior to Grant"), Travis County agrees that the Agreement is terminated effective May 28, 2014 (date of receipt of your letter), with all obligations on the part of both Travis County and National Instruments terminated and deemed of no further force or effect.

Travis County is happy to continue being the home of National Instruments and wishes the company well in its future endeavors.

If you have any questions or need future assistance, please contact our Planning and Budget Office at 512-854-9106.

Thank You,

Samuel T. Biscoe  
Travis County Judge

cc: Mary Etta Gerhardt, County Attorney's Office  
Leroy Nellis, Acting County Executive for Planning & Budget  
Jessica Rio, Budget Director  
Diana Ramirez, Assistant Budget Director  
Katie Petersen Gipson, Sr. Budget Analyst