



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: October 15, 2012

AGENDA ITEM: Update on Changes to Eminent Domain Authority for Governmental Entities

PRESENTER: Earl Husfeld

ALIGNS TO BOARD GOAL(S): Financial/Facilities – The District shall exhibit excellence in financial and facility planning, management, and stewardship.

BACKGROUND INFORMATION:

- In 2011, the Texas Legislature enacted Senate Bill 18 regarding the use of eminent domain authority by governmental entities in the State of Texas.
- Senate Bill 18 made a number of procedural and substantive changes in the law of eminent domain in Texas.
- Senate Bill 18 added a new section in the Texas Government Code, Section 2206.101. Subsection (b) of that statute provides that any entity, including private entities, authorized by the state by a general or special law to exercise the power of eminent domain, must submit, not later than December 31, 2012, a letter to the Comptroller of Public Accounts stating the entity is authorized by the state to exercise the power of eminent domain and identify each provision of law that grants the entity that authority.
- The letter must be sent by certified mail, return receipt requested. If the entity does not submit the letter by that deadline, the entity's power of eminent domain expires on September 1, 2013.

ADMINISTRATIVE CONSIDERATIONS:

- Although the District's Administrative Staff is not aware of a situation where eminent domain has been utilized by the Aledo ISD, it would not be prudent to disregard the requirements in Senate Bill 18 and limit the District's ability to do so in the future if warranted.
- Therefore, the following form titled Required Documentation of Eminent Domain Authority in Texas will be completed and presented to the Board of Trustees during the November board meeting for consideration of approval.

FISCAL NOTE:

None

ADMINISTRATIVE RECOMMENDATION:

None – Informational Report



Required Documentation of Eminent Domain Authority in Texas

What action must be taken: Per Senate Bill 18 enacted by the 82nd Legislature, all public and private entities authorized to exercise the power of eminent domain in Texas are **required to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power. The letter must be sent by certified, return receipt mail not later than December 31, 2012.** (Per the bill, the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the letter has been submitted by the deadline.)

About this form: This form is designed to guide entities in submitting the required information on eminent domain authority. Once the fields have been completed, the form can be printed and mailed via certified, return receipt to the address provided to meet the requirements of the bill.

Entity Information

- 1. Full, legal name of entity: _____
- 2. Alternate name of entity (if any): _____
- 3. Primary address: Street or P.O. Box _____
City, State, Zip Code _____
- 4. Primary phone number (with area code): _____
- 5. Entity contact: First name _____ Last name _____
Phone number (with area code): _____ E-mail address: _____
- 6. Alternate contact: First name _____ Last name _____
Phone number (with area code): _____ E-mail address: _____

Eminent Domain Authority

- 7. Does your entity have eminent domain authority in Texas? Yes No
- 8. If "yes" to question 7, please identify all of the applicable provisions of state law that grant eminent domain authority to this entity. Please cite as Title of Code or Article, Section Number/Name (for example, Texas Government Code, Section 43.136 or Article 7849, Auxiliary Water Laws).

- 9. Please indicate the first year in which this entity exercised eminent domain authority (if known): _____

DISCLAIMER: Chapter 2206, Subchapter C, Government Code (as added by Senate Bill 18, 82nd Regular Session) requires the Comptroller of Public Account to collect information and report to the Legislature all entities in the state of Texas that have the authority to exercise the power of eminent domain. Entities that provide information to the Comptroller represent and warrant that the information is accurate and complete to the best of their knowledge. **Entities that provide information acknowledge that it is their responsibility to submit a letter by certified mail, return receipt requested to the Comptroller's office, indicating that the Entity is authorized to exercise eminent domain authority and to identify each law that grants such authority.** The Entity further acknowledges that the Comptroller's office is not responsible to submit said letter, nor is it responsible for the Entity's failure to submit said letter as required by law, and that such failure may cause the entity's power of eminent domain to expire on September 1, 2013. The Entity also acknowledges that the Comptroller of Public Accounts is a state agency subject to Chapter 552 of the Texas Gov't Code (the "Texas Public Information Act") and court interpretations thereof, and that the information submitted to this office may be subject to disclosure to the public under Section 552.101, et seq., of the Code.

Under Ch. 559, Government Code, you are entitled to review, request, and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address on this form or sb18compliance@cpa.state.tx.us.

<p>Mail this form via certified mail to: COMPTROLLER OF PUBLIC ACCOUNTS P.O. Box 13942 Austin, Texas 78711</p>	By signing, I agree that the information is true and correct.	
	<p>sign here ➔</p> <p>_____</p> <p style="text-align: center; font-size: small;">Signature</p>	<p>_____</p> <p style="text-align: center; font-size: small;">Date</p>
	<p>_____</p> <p style="text-align: center; font-size: small;">Print Name/Title</p>	<p>_____</p> <p style="text-align: center; font-size: small;">Phone (area code and number)</p>

For questions or additional information, please e-mail: sb18compliance@cpa.state.tx.us or go to: www.window.texas.gov/sb18compliance