

JUN 23 2017
Texas
OPINION COMMITTEE

FILE # MU-48165-17
I.D. # 48165

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June 23, 2017

RQ-0167-KP

Ken Paxton
Office of the Attorney General
300 W. 15th Street
Austin, TX 78701

Re: Request for Attorney General Opinion

Dear Attorney General Paxton:

In accordance with §402.042 of the Texas Government Code, I respectfully request a formal written opinion of the following questions raised recently in our county regarding a District or County Court's registry account:

1. Does a County Treasurer have administrative authority of a court's registry account, including permanent online view-only access rights?
2. Does a County Commissioners' Court have authority over a court's registry account, apart from selection of the depository?
3. Is a separate EIN required for a Court's registry account?

We are a county with a population of less than 190,000 and we have a County Auditor.

Chapter 117 of the Texas Local Government Code state the Commissioners' Court of a county selects the depository for a court's registry account. It also states that a court's registry account is to be in the name of the clerk and that the clerk is custodian of the registry account.

Attorney General Opinion JM-882 states that signature of a County Auditor or Treasurer is not required on checks drawn from a court registry account, and that the funds deposited in such account are not classified as County funds.

However, neither addresses whether a separate EIN is required since the account is classified as a special account, nor do they address whether a County Treasurer has viewing rights as opposed to receiving a regular monthly report only.

CEV 1/1/17

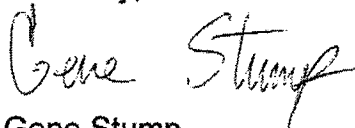
These questions have also been raised in light of ensuring that the depository has sufficient securities to cover the funds in a court registry account.

EST 1/1/17

Please find attached, the County Clerk's minutes from recent Commissioners' Court proceedings in which policy was put in place regarding the issues questioned in this opinion request. Please refer to item number 20 in the May 22, 2017 minutes and item number 2 in the June 5, 2017 minutes.

Thank you in advance for your consideration and help in this matter.

Sincerely,



Gene Stump
Franklin County Attorney