



**COMMISSIONERS COURT
COMMUNICATION**

AGENDA DATE : July 9, 2012

CONSENT OR REGULAR: Consent

CONTRACT REFERENCE NO
(IF APPLICABLE): _____

SUBJECT: Approve and authorize the County Judge to sign the allocation of allowable energy tax credits for the Juvenile Probation Renovation and Family Youth Services construction project to Wight & Dablin.

BACKGROUND/DISCUSSION OF TOPIC: To include statutory requirement, operational impact, or performance goal.

The County has allowed in the past the transfer of any Energy Tax Credits for the County to that firm.

FISCAL IMPACT: None

PRIOR COMMISSIONERS COURT ACTION (IF ANY):

RECOMMENDATION: Approval

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY:

LEGAL REVIEW:

LEGAL REVIEW NOTES (If Applicable):

DATE:

SUBMITTED BY:

Ernesto Carrizal III, P.E. Public Works Director. Public Works Dept. 915-546-2015

**ALLOCATION OF ALLOWABLE § 179D FEDERAL ENERGY TAX CREDIT FOR IMPROVEMENTS TO
JUVENILE PROBATION DEPARTMENT AND YOUTH SERVICES CENTER**

Whereas, on October 27th, 2008, El Paso County Texas entered into a contract (KK-08-247) with Wright and Dalbin Architects, Inc. ("the Architect") which included creating technical specifications for installation of energy efficient improvements to the County's Juvenile Probation Department offices located at 6400 Delta Drive, El Paso Texas, and the County Youth Services Center located at 6314 Delta Drive, El Paso, Texas; and

Whereas the County of El Paso desires to encourage the use of energy-efficient equipment and improvements in its buildings and other facilities;

Whereas the Architect has reported that some of the improvements may qualify for a federal energy tax deduction for energy-efficiency improvements pursuant to 26 U.S.C. § 179D, and has requested that the County assign any allocation of any such tax deduction to the Architect; and

Whereas the Internal Revenue Service has advised that a local government or political subdivision may allocate § 179D deductions to the party primarily responsible for designing an energy efficient property; and

Whereas the County of El Paso makes no representation or determination as to any amount, if any, which may be available for such federal energy tax deduction, or that the improvements qualify for any such tax deduction whatsoever;

Now, therefore, on July _____, 2012 the County Commissioners Court of El Paso County Texas, sitting as the governing body of El Paso County Texas, voted in an open and duly posted meeting to authorize allocation to Wright and Dalbin Architects, Inc. one-hundred percent (100%) of the §179D federal energy tax deduction for improvements being made pursuant to the above contract to the Juvenile Probation Department facility located at 6400 Delta Drive, and the Youth Services Center , 6314 Delta Drive, El Paso Texas in the event the described improvements qualify for any such deduction.

By _____
Veronica Escobar
El Paso County Judge

Date: _____

Attested:

Delia Briones
El Paso County Clerk