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**OPINION COMMITTEE**



**COUNTY OF EL PASO**  
**OFFICE OF THE COUNTY AUDITOR**

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12-02

December 08, 2017

**RQ-0200-KP**

Via Email: [opinion.committee@oag.texas.gov](mailto:opinion.committee@oag.texas.gov)

The Honorable Ken Paxton  
Attorney General of Texas  
Office of the Attorney  
Attention: Opinion Committee  
Post Office Box 12548  
Austin, Texas 78711-2548

Re: Request for Attorney General Opinion

Dear Attorney General Paxton:

As county auditor (hereafter Auditor) of El Paso County and in accordance with Government Code (hereafter GC), Sec. 402.042, (b)(8), I am requesting your opinion regarding the authority to collect and/or delegate the collection of civil and criminal court costs, fines and fees before and after they are deemed delinquent; the authority to delegate collection of funds due to the county to include the requirement and memorializing in writing of deputation by an authorized official; and when outsourced, the authority to direct actual collections to a third party bank account other than in the county treasury depository bank or with the county treasurer.

**BACKGROUND**

County Auditors are county officials and entitled to receive legal opinions and advice from a county or district attorney and may request in writing for opinions regarding the performance of their official duties in upholding the statutes of the State of Texas. In regards to this request, I have worked collaboratively with my county attorney office regarding these matters which I am very appreciative of their time and continued legal guidance including this request, see attached county attorney opinion OP-17-431. This request should not be interpreted as a dispute with the County Attorney's legal guidance but rather, it is the Auditor's desire to ensure interpretation of such statutes is accurate in the performance of his statutory duties due to the presence of conflicting interpretation of the statutes. This request is further affirmed by the lack of statewide examples supported by legal guidance when such changes impact a statutory function which has transitioned as a result of implementation of such changes; and therefore, further review and guidance by the Attorney General is warranted.

In 1998, the El Paso County Commissioners Court created a consolidated collections department titled "County Clerk Criminal Fee Collections" consistent with Article 103.003 of the Texas Code of Criminal Procedure (hereafter CCP) to collect county costs, fines, and fees assessed by the Judges in County and Justice of the Peace

courts. During this period, in response to the Texas Legislature's passage of requirements in 2005 for a Collection Improvement Plan (CIP) authorized in CCP Article 103.0033, the County Clerk Criminal Fee Collections department was overseen and operated under the County Clerk as the appropriate official under CCP Article 103.003(a) and with the concurrence of the Commissioners Court, managed the County's centralized collection program. In regards to this new mandate the County Clerk worked in collaboration with Commissioners Court to enhance its existing collection program by memorializing the plan in writing and introducing enhancements to ensure collection efforts were consistent with recommendations of the Office of Court Administration. According to a presentation document from the Office of the Court Administration dated April 18, 2017, regarding this matter, copy attached, the intent of the Collection Improvement Program states "• Requires certain counties and cities to "develop and implement a program" • must consist of a component that conforms with a model developed by OCA and designed to improve in-house collections through application of best practices and a component designed to improve the collection of balances for eligible cases more than 60 days past due..."

During the 82nd Legislative Session, House Bill 1426 added CCP, Article 103.003(b-1), which states "The commissioners court of a county that has implemented a collection improvement program under Article 103.0033 may collect money payable under this title or under other law." which became effective on June 17, 2011.

Additionally, Senate Bill 373 was also passed and became effective September 1, 2011. As stated in the bill analysis, SB 373 authorizes court clerks to give written approval for the county treasurers to collect court costs and fines and establishes new time periods for the deposit of collected money with the county treasurer. See CCP, Articles 103.003, 103.004. SB 373 amended CCP, Article 103.003(b), to authorize a community supervision and corrections department and a county treasurer to collect money payable under this title **with the written approval of the clerk or the court or fee officer** [Emphasis added], and to collect money payable as otherwise provided by law. SB 373 further amended CCP Articles 103.004(a) and (c) as follows: (a) requires an officer who collects bail recognizance, bonds, fines, forfeitures, judgments, jury fees, and other obligations recovered in the name of the state under any provision of this title to deposit the money in the county treasury not later than the next regular business day after the date that the money is collected, if it is not possible for the officer to deposit the money in the county treasury by that date, to deposit the money in the county treasury as soon as possible, but not later than the fifth regular business day after the date that the money is collected, rather than the third regular business day after the date that the money is collected except as provided by Subsection (c), rather than except as provided by Subsections (b) and (c).

CCP, Article 103.004(c), authorizes the commissioners court of a county with a population of less than 50,000 to authorize an officer who is required to deposit money under Subsection (a) to deposit the money in the county treasury not later than the 15th, rather than 30th, day after the date that the money is collected. El Paso County has a population greater than 50,000. In light of articles 103.003(b-1) and 103.0031 it has been opined by the County Attorney that commissioners court may **independently** [Emphasis added] perform all collection activities; furthermore, when the commissioners court independently contracts with a collections firm pursuant to CCP 103.0031(b), CCP 103.004(a) does apply.

As a matter of information, the El Paso County voters abolished the office of county treasurer in 1986. Local Government Code (hereafter LGC) §83.007 provides that, in a county for which the office of county treasurer has been abolished, a reference to the county treasurer in the LGC or other state statutes means the person who performs the powers or duties of the county treasurer in that county. Since Commissioners Court directed the Auditor to perform all of the statutorily mandated treasury functions after the office of County Treasurer was abolished, state law provisions referring to county treasurer duties now are read as applying to the Auditor.

During the County's 2016 fiscal year budget cycle, the Commissioners Court moved the County Clerk Criminal Fee Collections Department to the Budget and Fiscal Policy Department and subsequently the collections department was renamed the Financial Recovery Division and designated to handle collections on behalf of the Commissioners Court.

During fiscal year 2017, in reliance on CCP Article 103.003(b-1), the Commissioners Court acting independent of any other authorized official referred to in CCP Article 103.003, in this case the County Clerk, and upon the recommendation of the Financial Recovery Division, entered into a new collection agency contract. This award was made solely by the Commissioners Court for the collection of delinquent civil and criminal court costs, fines and fees upon referral by the County pursuant to CCP Articles 103.003, 103.003(b-1), 103.003(c), 103.0031 and LGC 140.009. (See the attached agenda items and back up dated July 24, 2017, items 19, 20 and 21 and July 31, 2017, item 24.)

Normally funds that belong to the County relating to civil and criminal court costs, fines and fees on behalf of the County are collected by officials identified in CCP Article 103.003(a) and are deposited in the County's depository. El Paso County first contracted with the collection firm of Delgado, Acosta, Spencer, Linebarger Heard & Perez in August 2003 and ended that contract August 31, 2017. This contract provided the "FIRM is to refer all payments and correspondence directly to the courts that have assessed or levied the fees and fines being collected pursuant to this Contract..." In contrast, the current collection agency contract is with Harris and Harris, (hereafter referred to as "H & H") and the contract provision authorizes in reliance upon LGC 140.009 and CCP Article 103.0031(b), the collection of civil and criminal court costs, fines and fees on behalf of the County, and for such collections to be received by H&H, deposited into their bank account and transmitted the next business day for deposit in the County depository, net of H & H's collection agency fees. Furthermore, form letters by the Firm direct defendants that amounts owed to the County are to be paid electronically to H & H.

The new collection contract will require the firm to deposit funds consistent with CCP 103.004(a) and LGC 113.022 but collections are initially received by the collection firm and not the county treasurer or the county treasury depository. This is based upon the El Paso County Attorney's office's interpretation of CCP Article 103.0031(b) allowing the collection firm the ability to retain county funds and states: "A commissioners court or governing body of a municipality that enters into a contract with a private attorney or private vendor under this article may authorize the addition of a collection fee in the amount of 30 percent on each item described in Subsection (a) that is more than 60 days past due and has been referred to the attorney or vendor for collection. The collection fee does not apply to a case that has been dismissed by a court of competent jurisdiction or to any amount that has been satisfied through time-served credit or community service. The collection fee may be applied to any balance remaining after a partial credit for time served or community service if the balance is more than 60 days past due. **Unless the contract provides otherwise [emphasis added]**, the court shall calculate the amount of any collection fee due to the governmental entity or to the private attorney or private vendor performing the collection services and shall receive all fees, including the collection fee..."

The phrase "Unless the contract provides otherwise" in CCP Article 103.0031(b), is interpreted by our County Attorney's office as granting commissioners court full discretion to negotiate contract terms with a collections firm, including the firm actually receiving funds due to the county, deducting the firms collection agency fees, and disbursing by the next business day residual funds to the county, irrespective of other statutes that require funds belonging to the county be deposited with the county treasurer or in the county treasury such as LGC §§ 113.003, 113.021, 113.021(a)-(b), 113.022, 133.001, 133.051, 133.052(b)-(c) and GC § 25.0008. The new agreement and amendment, copies attached, state: "Company shall remit funds owed to the County by

the next regular business day after receiving the money. Company shall report gross receipts to County with a daily itemized report that includes net deposit and pertinent court payment reference information. Company shall deposit all payments after subtracting any collection fee to which it is entitled under the Statutes and this Agreement. Company will follow protocol per applicable Uniform Commercial Code and Texas Local Government Code §113.022. Company shall remit the net amount and correspondence to the designated County department for proper disbursement to courts that have assessed or levied the fees and fines being collected pursuant to this Agreement.”

## ISSUES PRESENTED

1. Does CCP Article 103.003(b-1) approved during the 82<sup>nd</sup> Legislative Session adding the commissioners court as **an authorized entity to collect criminal court costs, fines and fees** have the effect of superseding authority over officials listed in Article 103.003(a) as it relates to collection of current and/or delinquent assessments on criminal cases?
2. Does CCP Articles 103.003 and/or 103.003(b-1) authorize the commissioners court to independently collect criminal court costs, fines and fees upon assessment not older than 60 days (Emphasis added) without consent of the appropriate official? Furthermore, depending upon your answer here, may an official such as the county clerk or other authorized official, relinquish themselves of the duty to collect criminal court costs, fines and fees including any operational involvement in the collection process?
3. Depending upon how you answered issue two, does Article 103.003(b-1) authorize the commissioners court to delegate the duty of collections not yet deemed delinquent to a department created to collect on their behalf that is not otherwise authorized as set forth in Article 103.003(a)?
4. Depending upon your answer to issue one, does Article 103.003(b-1) authorize the commissioners court as an entity to solely assume the duty of collecting on all criminal court costs, fines and fees older than 60 days and to contract with a private collection firm consistent with Article 103.0031 including contractual terms as they deem appropriate even when such provisions appear in conflict with other statutes?
5. Depending upon how you answered issues two, three and four, when does the requirement of LGC § 113.903(a) apply and is such consent required to be in writing (deputation and/or a letter of authorization to transfer the collection function) and memorialized in the official record of the commissioners court in order to effectuate compliance regarding collection on current assessments and/or on cases outstanding more than 60 days?
6. Depending upon your answers to issues two and four, does Article 103.003(b-1) grant sole discretion to the commissioners court to set contractual terms as otherwise deemed appropriate by the court even though imposition of such discretion conflicts and/or is contrary to other statutory requirements relating to the collection of funds belonging to the county requiring they be deposited with the county treasurer and in the county treasury depository account as long as that is done within the statutory one to five business days?
7. Depending upon your answer to issue six, if Article 103.003(b-1) and/or Article 103.0031(b) authorize the commissioners court to independently contract with a firm to collect criminal court costs, fines and fees on cases deemed older than 60 days, does such authority include delegation to the collection firm to receive monies due to the county on such cases to be initially placed into the collection firm's bank account instead of the county treasury depository account and remitted to the county treasurer the next business day?

## DISCUSSION OF ISSUE ONE

In this regard I refer to Attorney General Opinion, GA-0332 (2005), wherein it is stated that "...the actual collections of criminal court costs must be by an entity listed in CCP, Article 103.003 which subsequent to issuance of this opinion, the 82<sup>nd</sup> Texas Legislature added CCP Article 103.003(b-1) which reads "The commissioners court of a county that has implemented a collection improvement program under Article 103.0033 may collect money payable under this title or under other law." In GA-0332 the attorney general opinion stated "Entities authorized to collect under article 103.003 are: district and county attorneys, clerks of district and county courts, sheriffs, constables, and justices of the peace..." and currently now 103.003(b-1) includes a commissioners court.

A literal interpretation of CCP Articles 103.003 and 103.003(b-1) in conjunction with GA-0332 creates a conflict that requires further clarification in order to ensure proper interpretation and compliance and to determine whether commissioners court has been granted in the statutes unilateral control over collection of all criminal court costs, fines and fees before and after becoming delinquent or whether the intent was to authorize the commissioners court only in regards to collection on delinquent accounts? Due to the fact that CCP Article 103.003(b-1) was added specifically in conjunction only if the county that has implemented a collection improvement program under Article 103.0033, I am predisposed to believe the commissioners court's authority relates only as it pertains to contracting with a collection firm after criminal court costs, fines and fees become 60 days past due and are then independent of consent of any other official listed in CCP, Article 103.003(a). Furthermore, when CCP 103.003(b-1) was approved in the 82<sup>nd</sup> Legislature's granting of authority to commissioners court it was predicated upon the pre-existing condition that a county had implemented a collection improvement program which would mean the appropriate official(s) authorized under CCP Article 103.003(a) were performing such collection functions or were operating in collaboration with other authorized departments including the commissioners court.

Article 103.003(a) lists the officers that are authorized to collect fees provided for in title II of the CCP and the Auditor is of the position this section refers exclusively to cases that are not delinquent. Therefore, he is of the position that the duty to collect remains with the officer, and such officer may not interfere with the authority of the commissioners court to contact with a vendor for the collection of delinquent cases. Furthermore, LGC §113.903(a) provides that "...with the prior consent of the commissioners court and the officer to whom funds are owed, a district, county, or precinct officer authorized by law to receive or collect money. . . that belongs to the county may receive or collect, on behalf of another district, county, or precinct officer, money. . . owed to the county." The court clerk is one of the officers statutorily authorized to collect criminal fines and fees imposed by county courts, and therefore is one of the officers to whom the money is owed. It is therefore the Auditor's belief that an authorized official may not relinquish such statutory duty to collect funds due to the County nor provide deputation if in disagreement with such function transfer. Furthermore, such official may otherwise consent to another official or department assisting in performing such collection function but not without the official's written authorization and deputation.

The County Attorney has opined in this regard and related to the Auditor's questions 1, 2 and 3, "CCP Article 103.003 specifies who may collect money payable to the county for fines, fees, costs, etc. in criminal cases. Subsection (b-1) specifically authorizes the commissioners court of a county that has implemented a collection improvement program to perform all collection activities. This authority would include both pre and post delinquent collection activities on behalf of the Commissioners Court and for which the Commissioners Court created the Financial Recovery Department to engage in collection activities. Also Subsection (c) specifically

provides that "This article does not limit the authority of a commissioners court to contract with a private vendor or private attorney for the provision of collection services under Article 103.0031." A similar provision is found in Local Government Code Section 140.009 for a third party vendor to be contracted to collect delinquent amounts owed in civil cases for a similar collection fee. Therefore, the El Paso County Commissioners Court has statutory authority to delegate delinquent collection activities to a third party vendor. The Commissioners Court did authorize a procurement process for these services and awarded and approved the contract to H & H for both criminal and civil delinquent collections.

Therefore, under this statutory authority and the new collection contract for both civil and criminal collections, the Commissioners Court has authorized Financial Recovery to perform both pre and post delinquent collection activities and H & H to collect on delinquent cases that are referred to it by Financial Recovery. The new collection procedure provides that cases are no longer automatically referred after 61 days to the collection agency. Instead, according to Financial Recovery, there is a manual referral after a critical progress review by Financial Recovery occurs."

### **DISCUSSION OF ISSUES TWO AND THREE**

It is the Auditor's belief that an entity authorized to collect civil and criminal court costs, fines and fees assessed which are not older than 60 days under CCP Articles 103.003 and 103.003(b-1) requires dual approval from both the authorizing official or entity and the commissioners court, and that the addition of CCP Article 103.003(b-1) in and of itself does not permit the commissioners court to unilaterally assume the duty of collection of all civil and criminal court costs, fines and fees, nor does it allow the delegation of such duty of collections to a department or employee under their sole control. This is further supported in GA-0332 wherein, in accordance with section 113.903 of the LGC, the Attorney General said that another county officer authorized to collect fees could only collect those clerk fees with the consent of the clerk of the court. Additionally, many sections of the CCP specifically mandate that the clerk of the court collect certain fees. See e.g., arts. 102.0045, 102.005, and 102.017. The Attorney General in GA-0332 points to these articles when stating that the clerk of the court has the mandate to collect many fees.

Furthermore, GA-0332 states "A commissioners court "cannot deprive [a county] officer of the authority, rights and duties which inhere in his office, nor require him to delegate the same to another person . . . ; nor can it displace an officer by authorizing another person to perform duties devolved upon him by statute." Tex. Att'y Gen. Op. No. JM-1074 (1989) at 4 (citing *Aldrich v. Dallas County*, 167 S.W.2d 560, 565 (Tex. Civ. App.-Dallas 1942, writ dismissed)); cf *Comm 'rs Court of Titus County v. Agan*, 940 S.W.2d 77, 81 (Tex. 1997)".

During the 82<sup>nd</sup> Legislative session, an amendment added CCP Article 103.003(b), which states "A community supervision and corrections department and a county treasurer may collect money payable under this title with the written approval of the clerk of the court or fee officer, and may collect money payable as otherwise provided by law." In this regard, the County Attorney has opined deputation is no longer required regarding criminal case collections although it maintains that it is required for the civil case collections. I am unaware of this matter being clarified since SB 373 amended CCP Article 103.003(b) in the 82<sup>nd</sup> Legislative Session. Therefore, the Auditor's position remains that this matter still remains unclear as to whether a commissioners court may unilaterally assume the duty of collections without the written consent from an authorized official or entity on civil and/or criminal cases. Additionally, absent such written consent, is the commissioners court authorized to further delegate such function based solely upon their own action? If an official is properly authorized to collect

civil and criminal court cost, fines and fees on behalf of another official, it is the Auditor's belief that such consent should be memorialized in writing from the official in the official record of the commissioners court to include identifying staff that have been deputized.

#### **DISCUSSION OF ISSUE FOUR**

Emphasis of authority by the commissioners court regarding the collection of delinquent accounts is reinforced in Article 103.0031 which states, "The commissioners court of a county or the governing body of a municipality may enter into a contract with a private attorney or private vendor for the provision of collection services for one or more of the following items:" The plain language of the statute would require the commissioners court to select either a private attorney or a private vendor; however article 103.003 states, "this article does not limit the authority of a commissioners court to contract with a private vendor or private attorney for the provision of collection services under Article 103.0031". The Auditor therefore interprets the authority of the commissioners court allows for a unilateral contractual agreement with a collection firm irrespective of another authorized entity's objections or a lack of consent from an official such as listed in CCP Article 103.003(a). This is further reaffirmed by GA- 0313 which states commissioners court has authority to enter into a contract with a collection agent under CCP 103.0031 that binds a JP; the collection agent may collect JP fines and costs over 60 days late, even if the JP is against the contract.

#### **DISCUSSION OF ISSUE FIVE**

In Attorney General Opinion GA-0332 it states "...pursuant to the express language of section 113.903(a), "prior consent of the commissioners court and the officer to whom funds are owed" is required before one officer may collect money on behalf of another. Tex. Loc. Gov't Code Ann. § 113.903(a) (Vernon 1999)." The auditor believes that this section would allow the deputies in the collections department under the auspices of the county treasurer to collect fines and fees owed to the clerk only if the commissioners court and clerk consented...", "...Without the clerk's consent, section 113.903(a) does not operate to allow for the creation of the collections department here..."

Attorney General Opinion JC-0214 states "The commissioners court, as a body selected by the people and vested with discretionary authority, has the power to determine the county budget and may thereby influence the actions of other county officials. However, other county officials, as independent officers, are also vested with considerable discretionary authority with which the commissioners court may not interfere....". "In carrying out the legislative function of budget-making, the commissioners court has significant freedom of action. This budgetary power carries with it broad discretion in making budgetary decisions." *Hooten v. Enriquez*, 863 S.W.2d 522, 528 (Tex. App.-El Paso 1993, no writ)."

Therefore, the Auditor is of the position that prior to cases becoming delinquent, commissioners court may not assume the duty or delegate such collection duties without the consent of the appropriate official set forth in CCP Article 103.003 and furthermore supported in GA-0332 wherein, in accordance with section 113.903 of the LGC, the Attorney General said that another county officer authorized to collect fees could only collect those clerk fees with the consent of the clerk of the court: Due to possible confusion regarding an official's consent or retraction of prior consent, the Auditor is of the position that any such official's authority should be in writing and memorialized in the official record of the commissioners court.

In this regard, the County Attorney has opined "The County Clerk has performed collection activities on behalf of the courts and the county for many, many years. After the Financial Recover Department was created, the El Paso County Clerk ... continued to deputize the collection employees. While that deputation is no longer required for the criminal case collections, it is required for the civil case collections by Financial Recovery employees. Additionally, the auditor believes that the County Clerk's continued willingness to deputize those employees is sufficient evidence of her consent to the current collection process approved by Commissioners Court." The Auditor is not aware of any formal written documentation regarding memorializing changes in the collections function in the official records of the Commissioners Court.

## **DISCUSSION OF ISSUE SIX**

The new collections agreement states "Company shall remit funds owed to the County by the next regular business day after receiving the money. Company shall report gross receipts to County with a daily itemized report that includes net deposit and pertinent court payment reference information. Company shall deposit all payments after subtracting any collection fee to which it is entitled under the Statutes and this Agreement. Company shall remit the net amount and correspondence to the designated County department for proper disbursement to courts that have assessed or levied the fees and fines being collected pursuant to this Agreement."

The Auditor's concern stems from the statement in LGC § 113.003, "The county treasurer shall receive all money belonging to the county from whatever source it may be derived." Pursuant to LGC section 113.021(a), "The fees, commissions, funds, and other money belonging to a county shall be deposited with the county treasurer by the person who collects the money. The person must deposit the money in accordance with any applicable procedures prescribed by or under Section 112.001 or 112.002." and furthermore, LGC § 113.022(b) states the county treasurer shall deposit county funds received by county officers in the county depository.

The Auditor refers to Tex. Att'y Gen. Op. No. GA-0636 which states "...But absent a statute expressly providing a different disposition of county funds, the funds are to be deposited with the treasurer." LGC chapter 133 establishes procedures for collecting, recording, accounting for, and remitting to the comptroller fees collected in criminal and civil matters. See *id.* §§ 133.001, .051. It provides that "[a]n officer collecting a fee in a justice, county, or district court shall deposit the money in the county treasury" and that a "county clerk collecting a fee shall deposit the money in the . . . county treasury." *Id.* § 133.052(b)-(c).

Thus, county officials who collect funds for the county are required to deposit those funds in the county treasury or with the county treasurer. See Tex. Loc. Gov't Code Ann. §§ 113.021, 133.052 (Vernon 2008); see also Tex. Att'y Gen. Op. No. DM-396 (1996) at 8 (justice of the peace must deposit the fines he collected in the county treasury).

LGC section 113.021 requires the officer who collects money belonging to a county to deposit it with the county treasurer and the treasurer to deposit this money "in the county depository in a special fund to the credit of the officer who collected the money." *Id.* § 113.021(a)-(b).

Pursuant to LGC § 112.002, "The auditor may adopt and enforce regulations, not inconsistent with law or with a rule adopted under Section 112.003, that the auditor considers necessary for the speedy and proper

collecting, checking, and accounting of the revenues and other funds and fees that belong to the county or to a person for whom a district clerk, district attorney, county officer, or precinct officer has made a collection or for whose use or benefit the officer holds or has received funds.”

Thus, a county officer who collects fee funds under chapter 133 may **deposit them directly** [emphasis added] into the county treasury account in the county depository as county collections typically include State funds. Other fees must be deposited as required by section 113.021(a) or by other applicable law. See generally Tex. Att'y Gen. LO-98-004 (authority of county officer to have county funds wired from local bank to treasurer's account in the county depository).

#### DISCUSSION OF ISSUE SEVEN

Generally, “the fees, commissions, funds, and other money belonging to a county shall be deposited with the county treasurer by the official who collects the money.” LGC §113.021. The new collection firm contract is written such that funds are to be collected by the firm, deposited into the firm’s bank account and remitted on next business day to the county, net of the firm’s collection agency fees; however, similar to funds collected on behalf of the State Comptroller, LGC §133.052 provides that the entirety of these funds are to be paid to the county treasury before disbursement to the comptroller. The county treasurer then disburses the amounts due to the comptroller on a quarterly basis. (LGC §133.055).

It is unclear whether such collection firm may be delegated the authority to actually collect county funds similar to officers listed in CCP art 103.003(a) and deposit those collections into a separate non-county depository bank account other than with the county treasurer or in the county treasury. Pursuant to GA-0636, such practice has been deemed inconsistent with LGC chapters 113 and 133 and not appropriate for any authorized county official regarding the deposit of county funds. Pursuant to LGC, Sec. 133.052(b), “An officer collecting a fee in a justice, county, or district court shall deposit the money in the county treasury.”

Thank you for your assistance regarding this matter and I look forward to your opinion.

Sincerely,



Edward A. Dion  
County Auditor

EAD:ya

#### Attachments

cc: The Honorable Maria Salas-Mendoza, 120th District Court, Local District Court Administrative Judge  
The Honorable Ruben Vogt, County Judge  
The Honorable County Commissioners  
The Honorable Joann Bernal, County Attorney  
The Honorable Delia Briones, County Clerk  
Mr. Eddie Sosa, First Assistant County Attorney  
Mrs. Lee Shapleigh, Assistant County Attorney