

**AMENDMENT TO
 RESOLUTION AND FINDINGS OF FACT
 of the
 ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT
 BOARD OF TRUSTEES
 UNDER CHAPTER 313 OF THE TEXAS TAX CODE
 ON THE APPLICATION FOR APPRAISED VALUE LIMITATION
 ON QUALIFIED PROPERTY
 SUBMITTED BY NACERO TX 1 LLC
 (Comptroller Application No. 1568)**

STATE OF TEXAS	§
	§
ECTOR COUNTY	§
INDEPENDENT SCHOOL DISTRICT	§

PREAMBLE

On the 14th day of November, 2023, a public meeting of the Board of Trustees of the Ector County Independent School District (the “Board”) was held to solicit input from interested parties on the amended application by Nacero TX 1 LLC, (“Nacero” or “Applicant”) for an appraised value limitation on qualified property under Chapter 313 of the Texas Tax Code. The meeting was duly posted in accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code. At the meeting, the Board considered the Post Execution Amendment No. 3 by Nacero, (the “**Amended Application**”) to amend the Agreement for Limitation On Appraised Value Of Property For School District Maintenance And Operations Taxes, dated as of June 15, 2021 by and between the District and Nacero, as amended by Amendment No. 1 dated December 21, 2022, and Amendment No. 2 dated March 28, 2023 (collectively, the “**Agreement**”). The Board of Trustees solicited input into its deliberations from interested parties within the District. After hearing presentations from the District’s administrative staff and receiving input from consultants retained by the District to advise the Board in this matter and upon receipt of the Comptroller’s Amended Completeness, Certificate & Agreement Approval, under Texas Tax Code §313.026 and 34 T.A.C. §9.1054, the Board of Trustees of the Ector County Independent School District (the “**District**”) makes the following Amendment (“**Findings Amendment**”) to the June 15, 2021 Resolution and Findings of Fact (“**Findings**”). Undefined capitalized terms herein shall have the meaning given to them in the Agreement;

Pursuant to Section 10.2 of the Agreement, the Applicant to assure the ability to comply with future reporting and job creation requirements has requested to: (i) decrease the number of new qualifying jobs from a maximum of 258 jobs to 25 jobs and the number of non-qualifying jobs from a maximum of 78 to zero; and, (ii) amend the Agreement and Findings of Fact, accordingly, to reflect the foregoing change;

The District desires to amend the Findings in conjunction with amending the Agreement;

On November 14, 2023, after conducting a public hearing and providing interested persons an opportunity to be heard on the matter, and in consideration of its own analysis of Nacero's Amended Application and all other documentation relating thereto, the Board makes the following Findings Amendment:

1. **Findings Amendment.** The following provisions of the Findings are hereby modified, revised, amended, supplemented, and replaced as follows:

- a. References to Number of Jobs. All references in the Findings to two-hundred fifty-eight (258) new qualifying jobs and seventy-eight (78) non-qualifying jobs are hereby modified and replaced with the number of New Qualifying Jobs and New Non-Qualifying specified in the amended Section 14 of the Application, being twenty-five (25) New Qualifying Jobs and zero (0) New Non-Qualifying Jobs, and specifically Board Findings Numbers 3 and 4, shall be amended as follows:

Board Finding Number 3.

The Applicant will create twenty-five (25) new qualifying jobs, which Applicant affirms will meet all of the requirements set out in Texas Tax Code §313.021(3), including: (1) at least 1,600 hours of work per year; (2) provision of group health benefit plan with at least 80% of the premium paid by Applicant; (3) pay an annual wage of \$81,000 (\$1,558 per week)¹, an amount equal to at least 110% of the County average weekly wage for manufacturing jobs as defined under §313.021(5)(A); (4) are not created to replace a previous employee; and (5) are not transferred from another area of Texas to the project described the Application.

See Attachments A, D and J.

Board Finding Number 4.

The Applicant does not intend to create any non-qualifying jobs.

In its Application, Applicant indicates that it does not intend to create any non-qualifying jobs. But, for any non-qualifying job which the Applicant may create, the Applicant will be required to pay at least \$1,188.75 per week, which exceeds the county average wage for all jobs in the County, in accordance with the provisions of Texas Tax Code §313.024(d). See Attachments A and D.

¹ The weekly wage as recited in the Comptroller's Economic Impact Analysis at Attachment D is higher than the figure in §14 of the Application (\$1,552.10); the weekly rate in the application is calculated on the minimum required wage, and the Comptroller's noted rate is derived from the applicant's higher committed annual wage of \$81,000.

2. **Effect.** Except as modified and amended by the terms of this Findings Amendment, all of the other Findings shall remain in full force and effect. The Findings and this Findings Amendment shall be deemed to constitute a single instrument or document. Should there be any inconsistency between the terms of this Findings Amendment and the Findings; the terms of this Findings Amendment shall prevail.

IT IS THEREFORE ORDERED, this Findings Amendment, including the recitals and statements, are adopted and approved as the full and complete Findings of the Ector County Independent School District Board of Trustees, and the Board of Trustees has made the above factual Findings in accordance with the Texas Tax Code § 313.025(e) and Texas Administrative Code 34, Chapter 9, subchapter F; and,

IT IS FURTHER ORDERED that this Findings Amendment is made a part of the official minutes of this meeting, and shall be maintained in the permanent records of the Ector County Independent School District Board of Trustees and that a copy this Findings Amendment shall be delivered to the Texas Comptroller to be posted to the Texas Comptroller’s internet website.

IT IS FURTHER ORDERED that a copy of this Findings Amendment shall be recorded with the Findings in the official Minutes of the meeting of June 15, 2021.

Dated this 14th day of November, 2023.

Ector County Independent School District

By _____
Signature

Printed Name and Title

Attest:

By _____
Signature

Printed Name and Title