

BRACKETT ISD
136901

LOCAL REVENUE SOURCES:
AD VALOREM TAXES

CCG
(LOCAL)

DISCOUNTS

The following property tax discounts shall apply if the District mailed its tax bills on or before September 30:

**IF TAX BILLS MAILED
ON OR BEFORE 9/30**

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

**IF TAX BILLS MAILED
AFTER 9/30**

If the District mails its tax bills after September 30, only the following discounts shall apply:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.
2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

SPLIT PAYMENTS

Split payment of taxes shall be allowed in accordance with statutory provisions.

**TEXAS
ECONOMIC
DEVELOPMENT
ACT**

PURPOSE

This policy outlines the procedures to be used by this District for filing, acceptance, and review of Applications made under the Texas Economic Development Act, set forth in Chapter 313, Texas Tax Code. It shall also provide for procedures for the Board to consider amendments to,

and where necessary, provide for enforcement of Agreements made by the District under the Texas Economic Development Act, set forth in Chapter 313, Texas Tax Code.

DEFINITIONS

As used in this policy, the following phrases, words, and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Texas Economic Development Act as set forth in Chapter 313, Texas Tax Code.

"Annual Application Deadline" means September 2 of any year for an appraised value limitation to be effective as of January 1 of the year next following the date of Application.

"Applicant" means a business entity, including an "affiliated group" that is subject to taxation under Texas Tax Code, Chapter § 171.001, which has applied to the District for a limitation on the appraised value of qualified property in a reinvestment zone under the Texas Economic Development Act.

"Application" means the Application For Appraised Value Limitation on Qualified Property adopted by the Comptroller at 34 Texas Administrative Code § 9.1052, together with its supporting schedules and documentation.

"Application Fee" means the nonrefundable Application Fee to be paid by an Applicant to the District, determined in accordance with this Policy, to cover the District's costs incurred in the processing and consideration of the Application.

"Application Review Period" means the period of time during which the Board is required to consider the Application. The Application review period begins on the day the Application is filed with the District, and expires on the 120th day after the Application is filed with the District, unless the Application Review Period is extended by Board action taken prior to the expiration of the Application Review Period, in which case the Application Review Period shall include any such extension.

"Appraisal District" means each appraisal district that appraises

property proposed to be subject to a limitation on appraised value.

"Board" shall mean the Board of Trustees of the Brackett Independent School District.

"Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas.

"Comptroller's Rules" shall mean those rules adopted by the Comptroller which are set forth at 34 Texas Administrative Code, Subchapter F.

"Deferral" shall mean the adjustment of the date upon which the Qualifying Time Period defined by Tex. Tax Code § 313.021(4) begins.

"District" shall mean the Brackett Independent School District.

FILING OF THE APPLICATION

Three (3) copies of every Application filed under this policy shall be filed by the Applicant with the Superintendent. The Superintendent shall acknowledge the date of the receipt of the Application and Application Fee in writing.

AMENDING APPLICATION

An Application may be amended by Applicant at any time prior to final action on the Application by the Board. In the event that an Amended Application is filed within sixty (60) days of the end of the Application Review Period, the Application Review Period shall, by operation of this Policy, automatically be extended to sixty-first day after the date upon which the last Amended Application was filed.

Applications shall be considered for final approval by the Board only after receipt by the District of the Application Fee established by the Board, and after the completion of the economic and the school facilities impact analyses required by the Act.

Upon receipt of any amended Application or supplemental information, the Superintendent shall, after review forward such material the Comptroller and to each applicable Appraisal District.

Applications submitted without the Application Fee shall be held by the Superintendent until satisfactory arrangements for the payment of the

Application Fee have been made. The Superintendent's determination of whether satisfactory arrangements for the payment of the Application Fee have been made shall be final.

The actual Application submitted to the District will not be considered to be public information by the Board of Trustees until eight (8) days before the date of the Public Hearing held under this Policy. At that time information submitted to the District in connection with the Application shall be presumed to be public information unless the Applicant clearly identifies such as confidential or proprietary information prior to its release.

STANDARD
APPLICATION
FEE

The Standard Application Fee is Seventy-Five Thousand Dollars (\$75,000.00) The Standard Application Fee is not refundable except:

1. For large project fees after the initial tender as set forth below;
or,
2. In the event the Application is denied after an Initial Board Review, as defined below.

The Standard Application Fee does not include any amount charged by the Comptroller's Office for its economic impact study, if such a fee is charged.

LARGE
PROJECT APPLICATION
FEE

For each Application for an appraised value limitation on qualified property where the qualified investment exceeds Five Hundred Million Dollars (\$500,000,000.00), the Board may in its discretion set a higher Application Fee than the Standard Application Fee, if in the opinion of the Board, an analysis of the Application is of such complexity so as to require a higher fee. An Applicant proposing a qualified investment in excess of Five Hundred Million Dollars (\$500,000,000.00) in value shall initially tender an Application Fee of Seventy-Five Thousand Dollars (\$75,000.00). In the event that the Board sets a higher fee, the Applicant shall be entitled to withdraw its Application and its Application Fee if the Applicant disagrees with the higher fee set by the Board.

PROCESSING
THE
APPLICATION

Upon receipt of the Application and the Application Fee, the Superintendent shall take the following actions:

1. Accept the filing of the Application, and send written confirmation of the Application and Application Fee to the

Applicant.

2. Identify appropriate consultants to assist the Board in completing the Application review process and schedule Board action to retain such consultants.
3. Review the Application and, where necessary, require the Applicant to submit additional and/or supplementary information, including the completion of all schedules required by the Comptroller's Rules.
4. File application, required schedules, accompanying documentation, and proof of payment of the Application Fee, along with any revisions thereto with the Comptroller within seven (7) days of the receipt of such document.
5. Deliver a copy of the Application to the Appraisal District where the project is located for review.
6. Schedule Board consideration of the Application for Initial Board Review, as set forth below, at the first available board meeting for which notice can be posted in accordance with the Texas Open Government Act.
7. Request that the Comptroller provide an economic impact evaluation of the application to the school district, unless the Board has acted to reject such application after conducting its Initial Board Review.
8. Direct the District's internet webmaster to create a link on the District's website to the location on the Texas Comptroller's website where copies of Economic Development Act applications are posted.
9. Ensure that the Applicant and the District's consultants conduct all required analyses to properly protect the District's financial interests.
10. Ensure that the Applicant and the District's consultants provide all required supplemental information necessary to assist the Comptroller's and Texas Education Agency staffs in the analyses required by the Act and the Comptroller's Rules.

11. If an extension of the Application Review Period is requested by the Applicant, the Superintendent shall report each request for an extension to the Comptroller and each applicable Appraisal District.
12. Ensure that upon the completion of Board action, if any, on the Application, all required information is transmitted to the Comptroller and to the Appraisal District.
13. Ensure that the Applicant makes all required post-approval submissions to the Comptroller and the District within the required deadlines.

INITIAL BOARD
REVIEW

Following the filing of an Application, at the first available board meeting for which notice can be posted in accordance with the Texas Open Government Act, the Board should conduct an Initial Review of the Application. At the Initial Review, the Board may consider either a written or oral presentations concerning the Application.

If, after conducting the Initial Review, it is the opinion of the Board that the Application is not in the best interests of the District, the Application shall be rejected. In the event of a rejection by the Board at its Initial Review, the Application Fee shall be returned in full to the Applicant.

In the event that the Board decides to proceed with a full consideration of the Application and the qualified investment in the Application exceeds Three Hundred Million Dollars (\$300,000,000.00), the Board shall set of an appropriate Large Project Application Fee.

CONSULTING SERVICES

Upon retention by the Board, the District's consultants shall review the Application to ensure that all information required to be submitted by the Comptroller's Rules has been properly provided in the Application documents. The consultants shall simultaneously begin an analysis of the impact on District finances, any legal implications of the Application, and development of an appropriate revenue protection agreement, and when the reports become available, the studies from both the Comptroller's Office and the Texas Education Agency.

The consultants shall be paid for their services from the Application Fee. The consultants will complete their analysis within sufficient time to be considered by the Board in its final determination on the Application.

PUBLIC
HEARING

The Board's final determination of the Application shall be made only after a Public Hearing at which the Superintendent, the District's consultants, the Applicant, and members of the public shall have a reasonable opportunity to present their views on the proposed Application prior to the Board taking final action on the Application.

The Comptroller's Recommendation shall be publicly disclosed at such public hearing.

The Public Hearing shall be scheduled at such a time so as to enable the Board to approve or disapprove an Application before the 151st day, unless an extension of this deadline has been previously granted by the Board.

In the event that the Comptroller has recommended to the Board that the Application not be approved, the Public Hearing on the Application shall be the only item posted for discussion, and no action may be taken by the Board to approve such Application until a subsequent meeting. If the Comptroller has recommended approval of the Application, the Public Hearing on the Application may be held in conjunction with other District business, and action may be taken on the Application subsequent to the close of the Public Hearing.

After conducting the public hearing, the Board shall deliberate and adopt such findings of fact regarding the Application as are required by law.

ADOPTION OF
AGREEMENT

After the close of the Public Hearing, (either at the current or a previous Board meeting), the Board shall also consider and adopt an Agreement with the Applicant. Such Agreement must provide for protection from and/or compensation for any financial risks undertaken by the District in accepting the Application.

In the event that the Comptroller has recommended to the Board that the Application not be approved, the motion to approve such Agreement must be adopted by at least two-thirds of the voting Board members in order to become effective. In the event that the Comptroller has recommended to the Board that the Application be approved, the motion to approve such Agreement must be adopted by a majority of the voting Board members in order to become effective.

PUBLIC
DOCUMENTS

Upon adoption by the Board, all reports presented to the Board, resolutions, findings of fact, Agreements, or any other document

adopted by the Board shall be available for public inspection. All such documents required by Comptroller's Rule or by State law to be filed with the State of Texas shall be transmitted within seven (7) days of adoption.

WAIVER OF JOBS
REQUIREMENT

At the time of the original Application, or at any other time during the course of a Chapter 313 Agreement, the Board may waive the new jobs creation requirement in Tex. Tax Code §§ 313.021(2)(A)(iv)(b) or 313.051(b) and approve an Application if the Board makes a finding that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility that is described in the application.

In the event that such request is made at a time other than at the time of the Original Application, the Board may charge the Applicant a fee to cover the costs of any consultant required by the Board in making the requisite finding.

ENFORCEMENT
PROCEEDINGS

In the event that the Superintendent determines that the Applicant has committed a material breach of this Agreement, the Superintendent shall provide the Applicant with a written notice of the facts which the Superintendent believes have caused the material breach of this Agreement, and if cure is possible, the cure proposed by the District.

Not later than the 60th day after sending such notice, the Superintendent shall schedule a Board Hearing on the matter at which the Applicant shall be given the opportunity to present any facts or arguments to the Board showing that it is not in material breach of its obligations under the Agreement, or that it has cured or undertaken to cure any such material breach.

After hearing from both sides, the Board shall make findings as to whether or not a material breach of this Agreement has occurred, the date such breach occurred, if any, and whether or not any such breach has been cured. After making its determination regarding any alleged breach, the Board of Trustees shall cause the Applicant to be notified in writing of its determination.

In the event that the Board of Trustees determines that such a breach has occurred and has not been cured, it may commence enforcement proceedings

APPLICANT'S
REPORTING
OBLIGATIONS

During the course of its Chapter 313 Agreement with the District, the Applicant shall timely make any and all reports which are or may be required under the provisions of law or administrative regulation, including but not limited to the annual report or certifications which may be required to be submitted by the Applicant to the Texas Comptroller of Public Accounts under the provisions of Tex. Tax Code § 313.032. Applicant shall forward a copy of all such required reports or certifications to the District contemporaneously with the filing thereof. The obligation to make all such required filings shall be a material obligation under this Agreement.

DISTRICT'S REPORTING
OBLIGATIONS

If the Comptroller requests information reasonably necessary to complete the recommendation or economic impact evaluations, the Superintendent shall provide the requested information within 20 working days from the date of request. The Superintendent may request for an extension of time to provide the additional information to the Comptroller. This request of time cannot exceed 10 working days.

PUBLIC ACCESS TO
INFORMATION

The Superintendent shall provide a copy of the economic impact evaluation and the facilities impact study to the Applicant and the District's Consultants upon receipt thereof.

TAX
CREDIT
ELIGIBILITY

Applicants meeting all requirements in Tax Code Chapter 313 and the Agreement become eligible to receive tax credits under the provisions of Tax Code Chapter 313, Subchapter D. The District will begin the processing of Applicant's Tax Credit request following the payment by Applicant of all ad valorem taxes due to the District of taxes levied in each year of the Qualifying Time Period as defined by Tex. Tax Code §313.021(4)

TAX CREDIT
APPLICATION
REQUIREMENTS

Applicants seeking tax credits under the provisions of Tax Code Chapter 313, Subchapter D must file the following items with the District:

1. A copy of its Chapter 313 Agreement with the District that is the subject of the tax credit application.
2. Documentation that clearly demonstrates that amount of taxes paid on the qualified property during the qualifying time period.
3. A copy of the report from the Local County Appraisal District demonstrating the appraised value of the qualified property during the qualifying time period.

A copy of any assignment history of its Chapter 313 Agreement with the District.