



Ector County Independent School District

TO: Board of Trustees

FROM: Deborah Ottmers, Chief Financial Officer

SUBJECT: PUBLIC HEARING ON AMENDMENT NO. 1 TO AGREEMENT FOR LIMITATION ON APPRAISED VALUE BETWEEN THE DISTRICT AND NACERO TX 1 LLC, TEXAS COMPTROLLER APPLICATION NUMBER 1568, PURSUANT TO CHAPTER 313 OF THE TEXAS TAX CODE

DATE: December 13, 2022

A Public Hearing on Amendment No. 1 to Agreement for Limitation on Appraised Value between the District and Nacero TX 1 LLC, Texas Comptroller Application Number 1568, Pursuant to Chapter 313 of the Texas Tax Code.

Explanation for Amendment No. 1 and Background:

Nacero is requesting to (i) change the authorized representative because it has a new Chief Financial Officer and (ii) revise the “trigger” for the start of the Limitation Period to begin after the commencement of Commercial Operation. Changing the “trigger” allows Nacero to file a more comprehensive amendment in 2023 to delay the start of the limitation period. Nacero is trying to determine whether to extend the start of the limitation period to January 1, 2025 or January 1, 2026. The minor change only requires amending a phrase in Section 2.3.D.1 of the Agreement.

The District likely will not receive from the required approvals for this amendment from the Texas Comptroller until late December. To avoid having to call a special meeting in late December, the District is approving the proposed Amendment “contingent upon receipt of Comptroller approval and subject to any corrections the Comptroller may require to the Amendment.”
