

Ector County ISD  
068901

LOCAL REVENUE SOURCES:  
AD VALOREM TAXES

CCG  
(LOCAL)

NO DISCOUNTS OR SPLIT PAYMENTS     Discount or split payment options shall not be provided for the payment of property taxes in the District.

**TEXAS**  
**ECONOMIC**  
**DEVELOPMENT**  
**ACT**

PURPOSE     This policy shall outline 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" shall mean the Texas Economic Development Act as set forth in Chapter 313, Texas Tax Code.

"Applicant" shall mean a business entity that is subject to franchise tax under Texas Tax Code §171.001, which applies to the District for a limitation on the appraised value of qualified property in a reinvestment zone under the Texas Economic Development Act.

"Application" shall mean the Application For Appraised Value Limitation On Qualified Property adopted by the Comptroller at 34 Texas Administrative Code § 9.107.

"Application Deadline" shall mean September 4 of any year for an appraised value limitation to be effective as of January 1 of the year next following the date of Application.

"Application Fee" shall mean the nonrefundable Application Fee to be paid by an Applicant which applies for a limitation on the appraised value of property under this Policy.

"Board" shall mean the Board of Trustees of the Ector County 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 §9.107.

"District" shall mean the Ector County Independent School District.

FILING OF THE APPLICATION

Three 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.

Applications submitted with the appropriate Application Fee shall be considered by the Board after the completion of the economic and the school facilities impact analyses required by the Act.

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 of a summary disposition 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 Three Hundred Million Dollars (\$300,000,000.00), 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 Three Hundred Million Dollars (\$300,000,000.00) 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.

SUMMARY  
DISPOSITION

If in the opinion of the Superintendent the Application is not in the best interests of the District, the Superintendent may schedule the Application for summary disposition. If requested by the Superintendent, the Board shall consider a summary disposition at the next available meeting after which the request is made. At the summary disposition the Board shall consider the position of the Superintendent and may consider either a written or oral presentation by the Applicant. If, after considering the summary disposition request, the Board determines that the Application is not in the best interest of the District, the Application shall be rejected. In the event that the Board grants a summary disposition, the Application Fee shall be returned to the Applicant.

PROCESSING  
THE  
APPLICATION

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

1. Send written confirmation of the Application and Application Fee to the Applicant.
2. If the governing body of the school district does elect to consider an application, the Superintendent shall deliver three copies of the application to the Texas Comptroller of Public Accounts and request that the Comptroller provide an economic impact evaluation of the application to the school district.
3. Forward a copy of the Application to the County Appraisal District.
4. Direct the District's consultants to conduct the analyses required by the Act and the Comptroller's Rules if such consultants have been selected by the Board. In the event that no consultants have been designated for these purposes, the Superintendent shall immediately commence the process of identifying and selecting consultants in accordance with District policy.
5. In the event that the qualified investment in the Application for an appraised value limitation on qualified property exceeds Three Hundred Million Dollars (\$300,000,000.00), the Superintendent shall schedule the setting of an appropriate Large Project Application Fee at the next available Board meeting.
6. The Superintendent shall provide to the Comptroller's Office all information necessary to complete its economic impact study or to make its recommendation on the Application.
7. The Superintendent shall provide to the Texas Education Agency all information necessary to complete its school facilities impact study or to make its recommendation on the Application.
8. 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.

CONSULTING  
SERVICES

Upon receipt of an Application and the Application Fee, the Superintendent shall direct the District's consultants to begin an analysis

of the economic impact, the impact on District finances, any legal implications of the Application and development of a 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 Superintendent and such consultants as are retained 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 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.

The Public Hearing shall be scheduled at such a time so as to enable the Board to approve or disapprove an Application before the 121st day after the date the Application is filed, unless the economic impact evaluation has not been received or an extension is requested by the Applicant.

After the public hearing the Board shall deliberate on the proper findings of fact to make considering the Application. The Board shall also consider any proposed agreement with the Applicant to provide for protection from and/or compensation for any financial risks undertaken by the District in accepting the Application.

FINDINGS  
OF FACT

After conducting a public hearing the Board shall make specific written findings on those following matters required by either the Act or the Comptroller's Rules.

Upon completion, the findings of fact and the agreement between the District and the Applicant shall be available for public inspection.

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 60<sup>th</sup> 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.