

# BRACKETT INDEPENDENT SCHOOL DISTRICT

## BOARD OF TRUSTEES

Date: 12/19/2011

Topic: POLICY UPDATE 91, AFFECTING LOCAL POLICIES, FIRST READING

Presenter: SONDRA MEIL

This agenda \*item is:

	INFORMATION Only	
X	ACTION Item	B, C
X	Receive Input	A

### Background Information:

#### A. BBB Legal, Elections

#### B. CCG Legal, Consider / Adopt Resolution Regarding Goods-in-Transit

Senate Bill 1, 82nd Legislature, First Called Special Session, amended Tax Code Section 11.253 to automatically exempt goods-in-transit from property taxation, unless action is taken by the board of trustees to tax this property after conducting a public hearing on this issue on or after October 1, 2011. Senate Bill 1 provides that prior action taken to tax goods-in-transit is effectively rescinded by the passage of Senate Bill 1, with the exception of school districts that pledged taxes from this property for payment of debt obligations.

#### C. CHG Legal, Consider / Adopt Resolution Regarding Eminent Domain

The 82<sup>nd</sup> Legislature enacted Senate Bill 18 which adds Section 2206.101 to the Texas Government Code. This new provision sunsets the ability of districts to exercise eminent domain to acquire real property as of September 1, 2013. In order to retain the authority of eminent domain, BISD must approve a resolution and notify the Texas Comptroller by certified letter before December 31, 2012. While the District currently does not anticipate the use of eminent domain, we want to continue to have the right to use eminent domain if needed.

### Recommendation(s):

B. Motion to adopt a resolution documenting Brackett ISD's authority to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253.

C. Motion to adopt a resolution documenting Brackett ISD's authority to exercise eminent domain pursuant to Government Code section 2206(b), and as granted by Article I, Section 17, of the Texas Constitution and Texas Education Code 11.155.

\*If, during the course of the meeting, discussion of **any item** on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC (LEGAL)]