



Ector County Independent School District

Action Page

TO: Board of Trustees

FROM: Art Martin, Chief Financial Officer

SUBJECT: DISCUSSION OF CONSIDERATION OF LETTER OF ENGAGEMENT BETWEEN ECISD AND CULWELL CONSULTING LLC FOR CHAPTER 313 AGREEMENT SERVICES

DATE: December 17, 2019

Background:

Qualified property projects that receive special tax treatment under the Texas Economic Act, Texas Tax Code, Chapter 313 (Chapter 313 agreements) require school districts to engage a “third party” consultant that specializes in Chapter 313 agreements. The Oberon Solar Project is one such project.

Consideration:

Approval of the Board is requested to hire Culwell consulting to annually calculate the amount necessary to compensate the district for any loss that the district incurs in its Maintenance and Operations revenue solely as a result of, or on account of, entering into its Agreement, after taking into account any payments to be made under this Agreement. The Agreement also provides for such “third party” consultant to prepare and file any financial reports, disclosures, tax credit or other reimbursement applications filed with or sent to the State of Texas which are, or may be required under the terms or because of the execution of this Agreement. The Applicant, not the school district, is responsible for the financial cost of the third party services as determined by the Agreement

Recommended motion:

Move that the District engage Culwell Consulting as the District’s third party consultant to provide services as appropriate under the agreement and to assist on other special projects as needed, and authorize the Superintendent to sign the engagement.

Administrative Recommendation:

Approval as requested.