

# Agenda of Special Meeting

## The Board of Trustees Groesbeck ISD

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A Special Meeting of the Board of Trustees of Groesbeck ISD will be held April 25, 2022, beginning at 6:00 PM in the Groesbeck High School Conference Room  
1202 North Ellis  
P. O. Box 559  
Groesbeck, TX 76642-2111.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

### **I. CALL TO ORDER**

### **II. BOARD TRAINING PROVIDED BY POWELL LAW GROUP, LLP WITH REGARDS TO THE PROCESS OF ACCEPTING AND APPROVING AN APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY, PURSUANT TO TEXAS TAX CODE § 313.**

### **III. DISCUSSION AND POSSIBLE ACTION TO ADOPT BOARD POLICY CCGB(LOCAL). 2**

**Texas Economic  
Development Act**

Purpose

These provisions outline the procedures the District shall use for accepting, reviewing, and considering applications and amendments to applications and/or agreements, and, when necessary, enforcing agreements made under the Texas Economic Development Act, as set forth in Chapter 313 of the Texas Tax Code.

Definitions

In addition to the definitions set out in CCGB(Legal), the following phrases, words, and terms 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 of the Texas Tax Code.

“Application Fee” shall mean the nonrefundable application fee, pursuant to the Application Fee Schedule, to be paid to the District by an Applicant, determined in accordance with this policy, to cover the District’s costs incurred in the processing and consideration of the Application.

“Application Amendment Fee” shall mean the nonrefundable fee required of an Applicant or Agreement Holder seeking to amend an Application or Agreement at any time after the comptroller has issued an economic impact analysis on the application pursuant to 34 Texas Administrative Code §9.1055(d).

“Application Review Period” shall mean the period of time during which the Board is required to consider the application. The application review period shall begin on the day the application is filed with the District and shall expire on the 151st day after the application is filed with the District, unless the Application Review Period is extended prior to the expiration of the Application Review Period, in which case the Application Review Period shall include any such extension. The Board delegates to the Superintendent authority to extend the time period for reviewing the application consistent with 34 Texas Administrative Code §9.1054(d).

“Appraisal District” shall mean each appraisal district that appraises property proposed to be subject to a limitation on appraised value.

“Comptroller” shall mean the Comptroller of Public Accounts of the State of Texas.

“Comptroller’s Rules” shall mean those rules adopted by the Comptroller set forth at 34 Administrative Code, Subchapter F.

“Initial Board Review” shall mean the initial presentment to the District’s Board of Trustees, at which the Board will determine whether to consider the Application and determine whether it should be forwarded to the Comptroller for the execution of the Comptroller’s

review and certification processes. Board action to consider an Application after conducting its initial review does not commit the District in any way to the ultimate approval or enforcement of an Agreement.

**Filing an Application with the District**

The Applicant shall submit to the Superintendent three copies of each Application filed under this policy. The Superintendent shall acknowledge in writing the date of the receipt of the Application and Application Fee.

Applications shall be considered for acceptance by the Board only after the District's receipt of the Application Fee established by the Board.

The completed Application shall be made available to the public as required under the Texas Public Information Act. 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 and proprietary information.

Amending an Application

An Application may be amended by an Applicant at any time. In the event that an amended Application is filed at any time after the Comptroller has issued an economic impact analysis on the application pursuant to 34 Texas Administrative Code §9.1055(d), or to request waiver of the job requirements at any time after submittal of the original Application, the Applicant must submit an Application Amendment Fee together with the proposed amended Application. The Superintendent is delegated the authority to accept an amended Application. Upon receipt of an amended Application or supplemental information, the Superintendent shall review and forward the material to the Comptroller and to each applicable Appraisal District.

**Application Fee Schedule**

The Board finds that the Application review process is complex, and the complexity is greater for larger projects, and the following Application Fee Schedule represents the anticipated necessary or reasonable cost to the District of reviewing, processing, and acting on an Application:

1. \$75,000 for projects valued at less than \$500,000,000 in total anticipated investment;
2. \$100,000 for projects valued from \$500,000,001 to \$1,000,000,000 in total anticipated investment;
3. \$150,000 for projects valued over \$1,000,000,000 in total anticipated investment.

The Application Fee shall not be refundable except in the event that the Application is denied after an Initial Board Review, as defined in this policy.

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

Application  
Amendment Fee

In the event that an Applicant or Agreement Holder seeks to amend an Application or an Agreement at any time after the Comptroller has issued an economic impact analysis on the Application pursuant to 34 Texas Administrative Code §9.1055, an Application Amendment Fee of no less than \$25,000 and no greater than \$65,000 shall be charged. The Amendment Fee shall take into account the nature of the Amendment and the actual time and expense required to evaluate, review and process that amendment.

Agreement  
Assignment Fee

In the event that an Applicant or Agreement Holder seeks to assign an Agreement to another entity at any time, an Agreement Assignment Fee of \$5,000 shall be charged.

Limitation Amount

The minimum limitation amount shall be that amount set forth under Texas Tax Code Section 313.027(b). However, after initial review of an Application, the District may specify a greater limitation amount, as permitted under Texas Tax Code Section 313.027(c).

**Processing an  
Application**

Before Initial Board  
Review

Upon receipt of the Application in the form and format required by the Comptroller, see CCGB (Legal) at Required Contents and Format, and the Application Fee, the Superintendent shall take the following actions:

1. Accept the submission of the Application and send to the Applicant written confirmation of receipt of the Application and Application Fee.
2. Identify appropriate attorneys and consultants to assist the Board in completing the Application review process, and schedule at the first available Board meeting, for which notice can be posted in accordance with the Texas Open Meetings Act, Board consideration of the Application for Initial Board Review, in accordance with this policy, and Board action to retain such attorneys and consultants.
3. Ensure that conflict of interest disclosures are obtained and posted, as appropriate, in conformance with Texas Local Government Code §171.002 (trustee interest in business entity or real property), Texas Local Government Code §176.003 (trustee income, gifts to trustee or superintendent); Texas Local Government Code §176.006; House Bill 1295 (disclosure of interested parties); and BBFA (Legal).

**Initial Board Review** Following the submission of an Application by the Applicant, the Board should conduct an Initial Review of the Application at the first available Board meeting scheduled in accordance with the Texas Open Meetings Act. At the Initial Review, the Board may consider either a written or oral presentation concerning the Application.

If, after the Initial Review, the Board is of the opinion that the Application is not in the best interests of the District, the Board shall reject the Application and shall return the Application Fee, in full, to the Applicant.

As a part of conducting the Initial Board Review, each Trustee and the Superintendent shall be requested to publicly affirm the absence of a conflict of interest with the Applicant in accordance with the provisions of District Policy BBFA (Local). Thereafter, on an annual basis, each Trustee and the Superintendent shall as a part of his or her annual conflict of interest shall comply with disclosure requirements and list any business relationship with an Applicant on the disclosure form.

Once the Board has accepted an Application for consideration at the Initial Review, the Superintendent shall be expressly delegated the authority to accept, on behalf of the Board and the District, any Amended or supplemental Application submitted by the Applicant for the same project prior to the Comptroller's issuance of an economic impact analysis on the application pursuant to 34 Texas Administrative Code §9.1055(d).

**After Initial Board Review** After the Initial Board Review, if the Board determines to proceed with consideration of the Application, and the District has received the Application Fee, the Superintendent shall:

1. Review the Application, and require the Applicant, as necessary, to submit additional and/or supplementary information, including the completion of all schedules required by the Comptroller's Rules.
2. Determine whether the Application is sufficient, and direct the Applicant to immediately correct deficiencies, if any.
3. File with the Comptroller, in the form and format required by Comptroller, the Application and all required schedules, and documentation; proof of payment of the Application Fee; and written notice certifying the Application review start date. The notice certifying the Application review start date shall be in compliance with Acting on Completed Application in CCGB (Legal).

4. Accept on behalf of the Board any Amendments or supplements submitted by the Applicant and transmit copies to the Comptroller.
5. Within 20 days of receipt of a request from the Comptroller, forward to the Comptroller and the Appraisal District any Amended or supplemental Application or any other information necessary to complete the Comptroller's Application recommendation or economic impact study.
6. Direct the District's Webmaster to create a link from the District's Web site to the location on the Comptroller's Web site where copies of Applications under the Act are posted.
7. Ensure that the Applicant and the District's consultants conduct all required analyses to properly protect the District's financial interests and provide all required supplemental information necessary to assist the staffs of the Comptroller and the Texas Education Agency (TEA) with the analyses required by the Act and the Comptroller's Rules.
8. Not later than 151 days after the Application review start date, present to the Board an Agreement for final approval or a request from the Applicant for an extension of the application review period.
9. In the event of a Board action to approve an extension for final action on the Application, forward to the Comptroller, the Applicant, and each applicable Appraisal District within seven days a notice of the extension.
10. Ensure that the District and the Comptroller have been given draft copies of the Agreement at least ten days prior to the meeting at which the Board is scheduled to consider final approval of an Agreement.
11. Upon completion of Board action, if any, on the Application, ensure that all required information is transmitted to the Comptroller, the Applicant, and each applicable Appraisal District.
12. Ensure that the Applicant makes all required post-approval submissions to the Comptroller, or any other applicable state agency, and to the District within the required deadlines.
13. Make reasonable inquiry, when called for by the Agreement, and issue a certification of the date upon which commercial operations begin at the site of the project.

14. Ensure that the District makes timely responses to requests by the Comptroller or state auditor for data or records when the state auditor is conducting an audit of any Agreement adopted by the District.

District Consultants

Upon retention by the Board, the District's consultants, including legal counsel, shall review the Application to ensure that the Application documents and any other required reports include all information required by the Comptroller's Rules or by 34 Administrative Code 9.1054. The consultants shall simultaneously begin an analysis of the impact on District finances, any legal implications of the application, development of an appropriate revenue protection agreement, and evaluate the analyses from the Comptroller and TEA on receipt.

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

**Board Action on Application**

Completed applications shall be considered for approval by the Board only after completion of the Comptroller's economic impact analysis and the school facilities impact analysis required by the Act.

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.

The Comptroller's certification shall be publicly disclosed at the public hearing.

The public hearing shall be scheduled at such a time that allows the Board to approve or disapprove an Application before the 151st day after the Application was filed with the District, unless the Superintendent or Board has previously granted an extension of this deadline.

Findings of Fact

Prior to final approval of an agreement, the Board shall deliberate and adopt such findings of fact regarding the Application as are required by law, and in compliance with CCGB (Legal).

Adoption of Agreement

After considering the Comptroller's certification and economic impact report, the information supplied by the District's consultants, the reports and recommendations of other state agencies, and input received at the public hearing, the Board shall consider and may adopt an Agreement, that complies with all legal requirements, [see CCGB (Legal)], with the Applicant, which Agreement shall

provide for protection from and/or compensation for any financial risks undertaken by the District in accepting the application.

If the Comptroller has not certified the Application, no action may be taken.

Any Agreement adopted by the Board under Chapter 313 of the Texas Tax Code must disclose all consideration promised in conjunction with the Application and/or the limitation agreement.

Waiver of Job  
Creation  
Requirement

The Board may waive the new jobs creation requirement in accordance with Waiver of New Job Creation in CCGB (Legal).

If the Applicant seeks a job waiver, the Applicant shall submit to the District as part of the Application or an Amended Application a separate, clearly marked set of documentation on which the Applicant intends to rely to demonstrate that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility by the applicant.

If such a request is made other than at the time of the original Application, the Board shall charge an Application Amendment fee, pursuant to Application Amendment Fee above.

**Enforcement  
Proceedings**

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

Not later than the 90<sup>th</sup> day after sending such a notice, the Superintendent shall schedule a Board hearing, at which the Agreement Holder shall be given the opportunity to present to the Board any facts or arguments 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 a material breach of the 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 an alleged breach, the Board shall notify the Agreement Holder in writing of its determination.

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

**Applicant Reporting  
Obligations**

During the course of its Chapter 313 Agreement with the District, the Agreement Holder shall designate a responsible party to the District, who shall be the primary contact person for the Agreement Holder. The Agreement Holder shall be responsible for timely making any and all reports, including but not limited to the Comptroller's annual eligibility report and the biennial progress report, that are or may be required under the provisions of law or administrative regulation and that may be required to be submitted by the Applicant to the Comptroller under provisions of Section 313.032 of the Texas Tax Code. The Agreement Holder shall forward to the District a copy of all such required reports or certifications contemporaneously with the filing thereof. The obligation to make all such required filings shall be a material obligation of the Agreement.

An Agreement Holder shall keep the District updated with any changes in the following information:

1. Changes of the authorized representative(s);
2. Changes to the location and contact information for the approved Applicant, including all members of the combined group participating in the limitation Agreement;
3. Copies of any assignments of the Agreement and contact information for authorized representatives of any assignees;
4. All required Comptroller Reports;
5. Required updates to Vendor Conflict of Interest Disclosure forms; and
6. Any other significant developments concerning the project's operations affecting the Agreement.

**Superintendent  
Responsibilities  
After Agreement**

During the term of any Agreement, the Superintendent shall ensure that all calculations, reporting, and other requirements under the Agreement and Chapter 313 are completed by the District and the Agreement Holder. The Superintendent is authorized to engage, as desired or necessary, one or more consultants to timely fulfill the requirements. Any fees for the consultants shall be reimbursed to the District by the Applicant, or, in the alternative, the consultant may send an invoice for such fees directly to the Agreement Holder, with a copy and proof of timely payment to be provided to the District by the agreement holder.

**Other Parties'  
Access to  
Information**

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

The Superintendent shall direct the District's consultants to provide backup data and underlying calculations in the event that an Agreement Holder requests such information in connection with the calculation of any tax credit, hold harmless payment, supplemental payment or other payment charged to the Agreement Holder on the basis of calculations made by the consultant on the District's behalf.

**Substantive Documents**

Unless claimed by the Applicant to be confidential, the following Substantive Documents shall be available for public inspection:

- All sections of any Application;
- All reports presented to the Board by its consultants, after presentation to the Board; and
- All resolutions, findings of fact, agreements, and any other documents adopted by the Board.

All documents required by Comptroller's Rules or by state law to be filed with the State of Texas shall be submitted to the Comptroller within seven days of adoption.

**Applicant's Claim of Information Confidentiality**

If the Applicant, at the time of submitting an Application or any Amendment or supplement thereto, requests that all or parts of the documents not be posted on the Internet and not be otherwise publicly released, then such request shall be submitted in writing, and shall comply with the requirements of CCGB (Legal).

**Foreign Trade Zone**

In the event that the District is requested to indicate its support or "non-opposition" to a proffered application to the Foreign Trade Zones Board concerning the creation of a new Foreign Trade Zone or the expansion of an existing Foreign Trade Zone, in accordance with the provisions of 19 U.S.C. §810(e) that is within the territorial boundaries of the District, the Board may require the proponent or operator of the Foreign Trade Zone to enter into an agreement outlining financial and/or other appropriate terms relating to the District's support for the Foreign Trade Zone request.

In negotiating such agreement, the District may engage attorneys and/or appropriate consultants to advise them in the review of the Foreign Trade Zone Application. The Foreign Trade Zone proponent or operator shall reimburse the District for all necessary and reasonable legal, consulting, or other professional fees incurred by the District in connection with review of the Foreign Trade Zone request and the negotiation and drafting of an appropriate agreement.

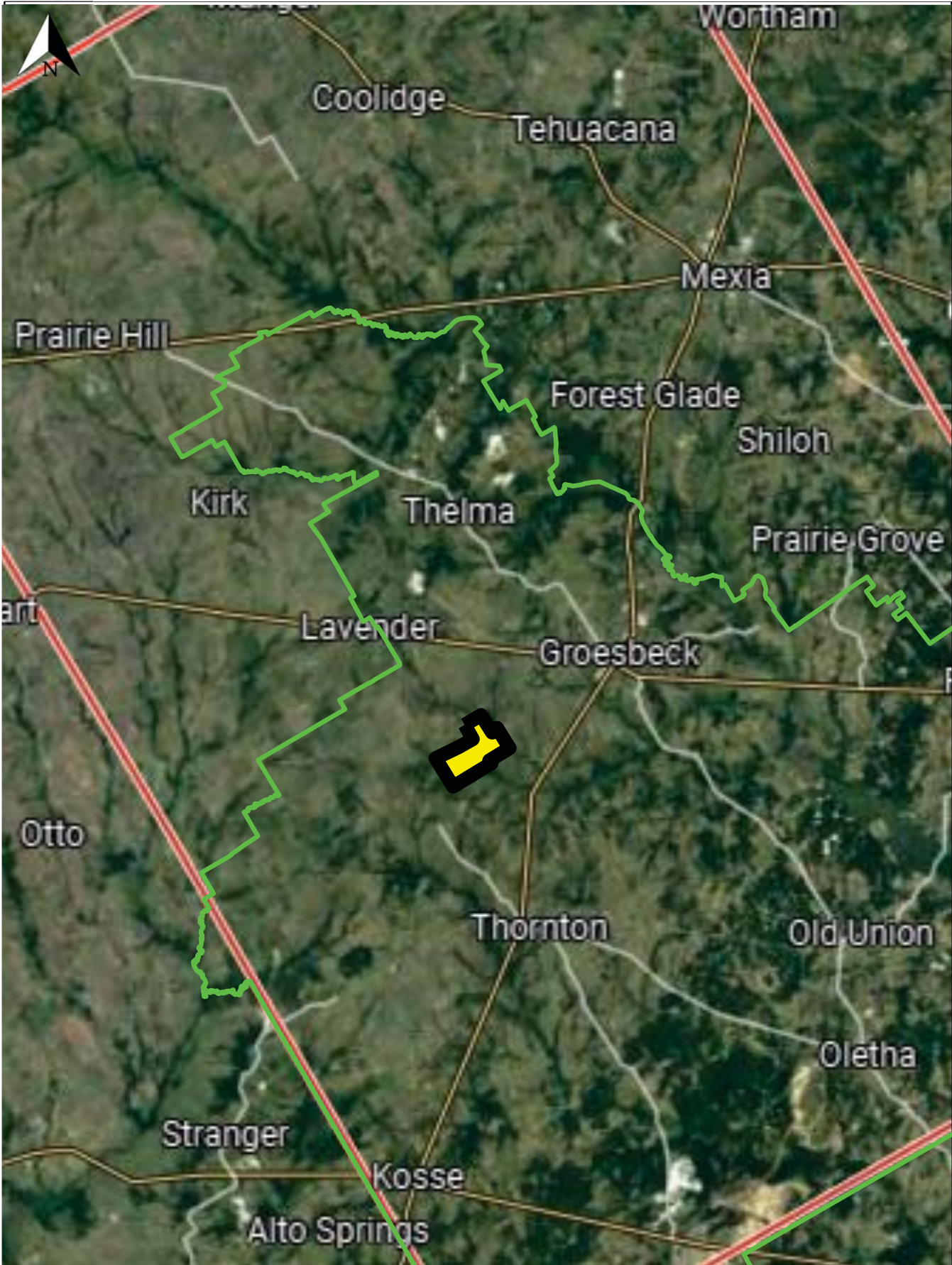
**IV. DISCUSSION AND POSSIBLE ACTION TO RETAIN ATTORNEYS AND CONSULTANTS TO ASSIST GROESBECK ISD IN THE REVIEW AND PROCESSING OF AN APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY, PURSUANT TO TEXAS TAX CODE § 313.**

**V. ACKNOWLEDGMENT OF CONFLICT-OF-INTEREST POLICIES BBFA (LEGAL) AND (LOCAL) IN CONNECTION WITH AN APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY, PURSUANT TO TEXAS TAX CODE § 313.**

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# VICINITY MAP



Fewell Solar Farm

13

-  Project Boundary/ Reinvestment Zone
-  County Line
-  School District Line

Vicinity Map  
Situated in  
Groesbeck Independent School District

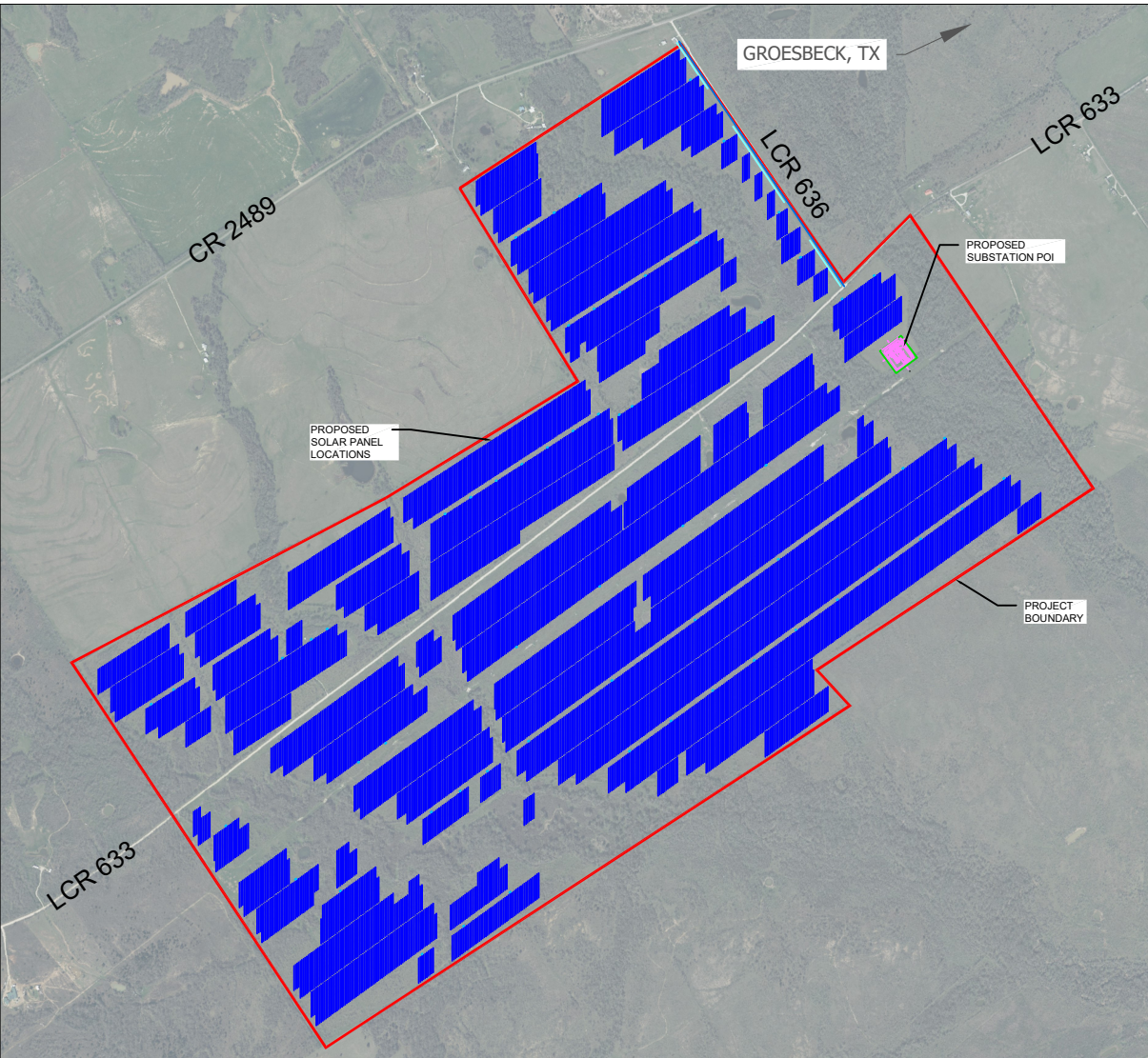
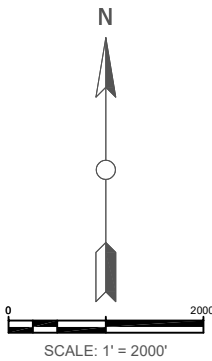
13612 Midway Road, STE 200  
 Farmers Branch, TX 75244

DATE: 4/1/2022

PROJECT NAME: FEWELL SOLAR

**LEGEND**

-  REINVESTMENT ZONE BOUNDARY / PROJECT BOUNDARY
-  EXISTING TRANSMISSION LINE



**FIGURE 1:** Fewell Solar Reinvestment Zone

## **Exhibit A**

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**Note:** For information regarding conflicts of interest and depository contracts, see BDAE.

See also CBB for conflict of interest requirements when federal funds are involved.

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**Substantial Interest Affidavit**

If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the official recordkeeper of the district.

*Local Gov't Code 171.004(a)–(b)*

Abstention  
Exception

If a trustee is required to file and does file an affidavit, that trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the trustees are likewise required to file and do file affidavits of similar interests on the same official action. *Local Gov't Code 171.004(c)*

Definitions

*Local Public  
Official*

“Local public official” means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. *Local Gov't Code 171.001(1)*

*Substantial  
Interest*

Business Entity

A person has a substantial interest in a business entity if:

1. The person owns:
  - a. Ten percent or more of the voting stock or shares of the business entity, or
  - b. Either ten percent or more or \$15,000 or more of the fair market value of the business entity; or

2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

*Local Gov't Code 171.002(a)*

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. *Local Gov't Code 171.001(2)*

Real Property	A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. <i>Local Gov't Code 171.002</i>
First-Degree Relatives	A local public official is considered to have a substantial interest under Local Government Code 171.002 if a person related in the first degree by consanguinity or affinity, as determined under Government Code Chapter 573, Subchapter B [see DBE], has a substantial interest under that section. <i>Local Gov't Code 171.002(c)</i>
Separate Vote on Budget	The board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a trustee has a substantial interest. Except as provided at Abstention Exception above, the affected trustee may not participate in that separate vote. The trustee may vote on a final budget if the trustee has complied with Local Government Chapter 171 and the matter in which the trustee is concerned has been resolved. <i>Local Gov't Code 171.005</i>
Violations	A local public official commits an offense if the official knowingly: <ol style="list-style-type: none"><li>1. Violates Local Government Code 171.004.</li><li>2. Acts as surety for a business entity that has work, business, or a contract with the district.</li><li>3. Acts as surety on any official bond required of a trustee.</li></ol> <i>Local Gov't Code 171.003</i>
Voidable Actions	The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the board voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. <i>Local Gov't Code 171.006</i>
Private Corporation	It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the

nonprofit corporation or other nonprofit entity. *Local Gov't Code 171.009*

**Conflicts Disclosure Statement**

A local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the district or the district is considering entering into a contract with the vendor; and the vendor:

1. Has an employment or other business relationship with the local government officer or a family member of the officer, and the business relationship results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:
  - a. A contract between the district and the vendor has been executed; or
  - b. The district is considering entering into a contract with the vendor;
2. Has given to the local government officer or a family member of the officer one or more gifts, and the gift or gifts have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:
  - a. A contract between the district and the vendor has been executed; or
  - b. The district is considering entering into a contract with the vendor; or
3. Has a family relationship with the local government officer.

**Gifts—Exception**

A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

1. A political contribution as defined by Election Code Title 15; or
2. Food accepted as a guest.

*Local Gov't Code 176.003(a)–(a-1)*

**Filing Date**

A local government officer shall file the conflicts disclosure statement with the records administrator of the district not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. *Local Gov't Code 176.003(b)*

**Vendor Questionnaire**

A person who is both a local government officer and a vendor of a district is required to file the required vendor questionnaire only if

	<p>the person enters or seeks to enter into a contract with the district or is an agent of a person who enters or seeks to enter into a contract with the district. [See CHE] <i>Local Gov't Code 176.006(e)</i></p>
Definitions	
<i>Agent</i>	<p>“Agent” means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. <i>Local Gov't Code 176.001(1)</i></p>
<i>Business Relationship</i>	<p>“Business relationship” means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:</p> <ol style="list-style-type: none"><li>1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;</li><li>2. A transaction conducted at a price and subject to terms available to the public; or</li><li>3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.</li></ol> <p><i>Local Gov't Code 176.001(1-a)</i></p>
<i>Contract</i>	<p>“Contract” means a written agreement for the sale or purchase of real property, goods, or services. <i>Local Gov't Code 176.001(1-d)</i></p>
<i>Family Member</i>	<p>“Family member” means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE] <i>Local Gov't Code 176.001(2)</i></p>
<i>Family Relationship</i>	<p>“Family relationship” means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE] <i>Local Gov't Code 176.001(2-a)</i></p>
<i>Gift</i>	<p>“Gift” means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. <i>Local Gov't Code 176.001(2-b)</i></p>
<i>Investment Income</i>	<p>“Investment income” means dividends, capital gains, or interest income generated from:</p> <ol style="list-style-type: none"><li>1. A personal or business checking or savings account, share draft or share account, or other similar account;</li></ol>

2. A personal or business investment; or
3. A personal or business loan.

*Local Gov't Code 176.001(2-d)*

*Local  
Government  
Officer*

“Local government officer” means a member of the board, the superintendent, or an agent of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Local Gov't Code 176.001(4)*

*Records  
Administrator*

“Records administrator” means the director, superintendent, or other person responsible for maintaining the records of the district or another person designated by the district to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. *Local Gov't Code 176.001(5)*

*Vendor*

“Vendor” means a person who enters or seeks to enter into a contract with a district. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

Duties of Records  
Administrator

A records administrator shall:

1. Maintain a list of local government officers of the district and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006; and
2. Maintain the statements and questionnaires that are required to be filed under Government Code Chapter 176 in accordance with the district's records retention schedule. [See CPC]

*Local Gov't Code 176.0065*

Internet Posting

A district that maintains an internet website shall provide access to the statements and to questionnaires required to be filed under Local Government Code Chapter 176 on that website. *Local Gov't Code 176.009*

Violations

A local government officer commits an offense if the officer is required to file a conflicts disclosure statement under Local Government Code 176.003 and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. It is an exception to the application of this provision that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after

the date the officer received notice from the district of the alleged violation.

A board may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under Local Government Code 176. [See DF series]

*Local Gov't Code 176.013(a), (d), (f)*

[See CHE for violations by a vendor.]

**Affidavit Disclosing  
Interest in Property**

A public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation.

The affidavit must be filed with the county clerk of the county in which the public servant resides and the county clerk of each county in which the property is located.

The affidavit must:

1. State the name of the public servant and the public servant's office, public title, or job designation;
2. Fully describe the property;
3. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
4. State the date when the person acquired an interest in the property;
5. Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
6. Contain an acknowledgment of the same type required for recording a deed in the deed records of the county.

*Gov't Code 553.002*

Definition

"Public servant" means a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

1. A candidate for nomination or election to public office, or
2. An officer of government.

*Gov't Code 553.001*

Violations

A person commits an offense if the person violates Government Code 553.002 and the person has actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property. A person who violates Government Code 553.002 by not filing the required affidavit is presumed to have the intent to commit an offense. *Gov't Code 553.003*

**Trustee Financial Statement**

The board by resolution adopted by majority vote may require each member of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B with the board and the Texas Ethics Commission.

Not later than the 15th day after the date a board adopts this resolution, the board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The commissioner by order shall require the members of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B in the same manner as the members of a board that have adopted a resolution if the commissioner determines that:

1. A board member has failed to comply with filing and recusal requirements applicable to the member under Local Government Code Chapter 171;
2. The district financial accounting practices are not adequate to safeguard state and district funds; or
3. The district has not met a standard set by the commissioner in the financial accountability rating system.

The commissioner may require filing financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the commissioner's order. A member of a board subject to an order issued by the commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The commissioner may renew the requirement if the commissioner determines that a condition described above continues to exist.

Government Code Chapter 572, Subchapter B applies to a trustee subject to these provisions as if the trustee were a state officer,

and governs the contents, timeliness of filing, and public inspection of a statement filed under these provisions.

*Education Code 11.064*

Violations

A trustee serving in a district that has adopted a resolution or that is subject to an order issued by the commissioner commits an offense if the trustee fails to file the statement required by the resolution or order. *Education Code 11.064(c)*

Each Board member shall provide to the District in a timely manner information necessary for the District's annual financial management report. [See CFA]

**VI. EXECUTIVE SESSION**

A. Discuss commercial or financial information regarding a business prospect, with which Groesbeck ISD is conducting economic development negotiations (Texas Gov't Code § 551.087)

B. Consult with legal counsel, as necessary, to address legal concerns, implications, and questions regarding the posted agenda items (Texas Gov't Code § 551.071)

**VII. RECONVENE IN OPEN MEETING**

**VIII. DISCUSSION AND POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION**

A. Action on commercial or financial information regarding a business prospect, with which Groesbeck ISD is conducting economic development negotiations

B. Action on legal counsel, as necessary, to address legal concerns, implications, and questions regarding the posted agenda items

**IX. DISCUSSION AND POSSIBLE ACTION TO ACCEPT AN APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY, PURSUANT TO TEXAS TAX CODE § 313; AUTHORIZE THE SUPERINTENDENT OF SCHOOLS TO REVIEW THE APPLICATION FOR COMPLETENESS AND SUBMIT THE APPLICATION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS; AND AUTHORIZE THE SUPERINTENDENT OF SCHOOLS TO APPROVE ANY REQUEST FOR EXTENSION OF THE DEADLINE FOR BOARD ACTION BEYOND THE 150-DAY BOARD REVIEW PERIOD, AS MAY BE REQUIRED. 26**

**TAB 1**

*Pages 1 through 9 of application.*

# Application for Appraised Value Limitation on Qualified Property

(Tax Code, Chapter 313, Subchapter B or C)

**INSTRUCTIONS:** This application must be completed and filed with the school district. In order for an application to be processed, the governing body (school board) must elect to consider an application, but — by Comptroller rule — the school board may elect to consider the application only after the school district has received a completed application. Texas Tax Code, Section 313.025 requires that any completed application and any supplemental materials received by the school district must be forwarded within seven days to the Texas Comptroller of Public Accounts.

If the school board elects to consider the application, the school district must:

- notify the Comptroller that the school board has elected to consider the application. This notice must include:
  - the date on which the school district received the application;
  - the date the school district determined that the application was complete;
  - the date the school board decided to consider the application; and
  - a request that the Comptroller prepare an economic impact analysis of the application;
- provide a copy of the notice to the appraisal district;
- must complete the sections of the application reserved for the school district and provide information required in the Comptroller rules located at 34 Texas Administrative Code (TAC) Section 9.1054; and
- forward the completed application to the Comptroller, separating each section of the documents. See 34 TAC Chapter 9, Subchapter F.

The governing body may, at its discretion, allow the applicant to supplement or amend the application after the filing date, subject to the restrictions in 34 TAC Chapter 9, Subchapter F.

When the Comptroller receives the notice and required information from the school district, and has determined that all assertions of confidentiality are appropriate, the Comptroller will publish all submitted non-confidential application materials on its website. The Comptroller is authorized to treat some application information as confidential and withhold it from publication on the Internet. To do so, however, the information must be segregated and comply with the other requirements set out in the Comptroller's rules. For more information, see guidelines on Comptroller's website.

The Comptroller will independently determine whether the application has been completed according to the Comptroller's rules (34 TAC Chapter 9, Subchapter F). If the Comptroller finds the application is not complete, the Comptroller will request additional materials from the school district. Pursuant to 9.1053(a)(1)(C), requested information shall be provided within 20 days of the date of the request. When the Comptroller determines that the application is complete, it will send the school district a notice indicating so. The Comptroller will determine the eligibility of the project and issue a certificate for a limitation on appraised value to the school board regarding the application by the 90th day after the Comptroller receives a complete application—as determined by the Comptroller.

The school board must approve or disapprove the application not later than the 150th day after the application review start date (the date the application is finally determined to be complete by the Comptroller), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to issue a certificate, complete the economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's website to find out more about the program at [comptroller.texas.gov/economy/local/ch313/](http://comptroller.texas.gov/economy/local/ch313/). There are links to the Chapter 313 statute, rules, guidelines and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

## SECTION 1: School District Information

### 1. Authorized School District Representative

April 18, 2022

Date Application Received by District

James

First Name

Cowley

Last Name

Superintendent

Title

Groesbeck Independent School District

School District Name

1202 N. Ellis

Street Address

1202 N. Ellis

Mailing Address

Groesbeck

City

254-729-4100

Phone Number

N/A

Mobile Number (optional)

TX

State

254-729-5167

Fax Number

76642

ZIP

james.cowley@groesbeckisd.net

Email Address

2. Does the district authorize the consultant to provide and obtain information related to this application? .....

Yes

No

**SECTION 1: School District Information (continued)**

**3. Authorized School District Consultant (If Applicable)**

Shelly <hr/> First Name Property Tax Incentives Program Director <hr/> Title Powell Youngblood & Taylor, LLP <hr/> Firm Name 512-494-1177 <hr/> Phone Number N/A <hr/> Mobile Number (optional)	Leung <hr/> Last Name 512-494-1188 <hr/> Fax Number sleung@pyt-law.com <hr/> Email Address
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4. On what date did the district determine this application complete? .....

**SECTION 2: Applicant Information**

**1. Authorized Company Representative (Applicant)**

Lloyd <hr/> First Name President <hr/> Title 13612 Midway Rd., Suite 200 <hr/> Street Address 13612 Midway Rd., Suite 200 <hr/> Mailing Address Farmers Branch <hr/> City 214-729-4142 <hr/> Phone Number N/A <hr/> Mobile Number (optional)	Pope <hr/> Last Name Belltown Power <hr/> Organization TX <hr/> State N/A <hr/> Fax Number Lpope@belltownpower.com <hr/> Business Email Address 75244 <hr/> ZIP
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2. Will a company official other than the authorized company representative be responsible for responding to future information requests? .....  Yes  No

2a. If yes, please fill out contact information for that person.

Austin <hr/> First Name Project Manager <hr/> Title 13612 Midway Rd., Suite 200 <hr/> Street Address 13612 Midway Rd., Suite 200 <hr/> Mailing Address Farmers Branch <hr/> City 702-469-6573 <hr/> Phone Number N/A <hr/> Mobile Number (optional)	Willis <hr/> Last Name Belltown Power <hr/> Organization TX <hr/> State N/A <hr/> Fax Number awillis@belltownpower.com <hr/> Business Email Address 7524 <hr/> ZIP
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3. Does the applicant authorize the consultant to provide and obtain information related to this application? .....  Yes  No

**SECTION 2: Applicant Information (continued)**

**4. Authorized Company Consultant (If Applicable)**

Brandon \_\_\_\_\_ Westlake \_\_\_\_\_  
 First Name Last Name  
 Partner \_\_\_\_\_  
 Title  
 Cummings Westlake, LLC \_\_\_\_\_  
 Firm Name  
 713-266-4456 \_\_\_\_\_ 713-266-2333 \_\_\_\_\_  
 Phone Number Fax Number  
 bwestlake@cwlp.net \_\_\_\_\_  
 Business Email Address

**SECTION 3: Fees and Payments**

1. Has an application fee been paid to the school district?  Yes  No  
 The total fee shall be paid at the same time the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.

1a. If yes, include all transaction information below. Include proof of application fee paid to the school district in **Tab 2**. Any confidential banking information provided will not be publicly posted.

\$75,000 \_\_\_\_\_ Check \_\_\_\_\_  
 Payment Amount Transaction Type  
 Belltown Power Texas \_\_\_\_\_ Groesbeck ISD \_\_\_\_\_  
 Payor Payee  
 April 8, 2022 \_\_\_\_\_  
 Date transaction was processed

For the purpose of questions 2 and 3, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.

2. Will any "payments to the school district" that you may make in order to receive a property tax value limitation agreement result in payments that are not in compliance with Tax Code §313.027(i)?  Yes  No  N/A  
 3. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)?  Yes  No  N/A

**SECTION 4: Business Applicant Information**

1. What is the legal name of the applicant under which this application is made? \_\_\_\_\_ BT Fewell Solar, LLC  
 2. Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) \_\_\_\_\_ 32080550539  
 3. Parent Company Name \_\_\_\_\_ Belltown Power Texas, LLC  
 4. Parent Company Tax ID \_\_\_\_\_ 82-3123076  
 5. NAICS code \_\_\_\_\_ 221114  
 6. Is the applicant a party to any other pending or active Chapter 313 agreements?  Yes  No  
 6a. If yes, please list application number, name of school district and year of agreement

**SECTION 5: Applicant Business Structure**

1. Business Organization of Applicant (corporation, limited liability corporation, etc) \_\_\_\_\_ Limited Liability Company  
 2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)?  Yes  No  
 2a. If yes, attach in **Tab 3** a copy of the most recently submitted Texas Comptroller Franchise Tax Form No. 05-165, No. 05-166, or any other documentation from the Franchise Tax Division to demonstrate the applicant's combined group membership and contact information.

**SECTION 5: Applicant Business Structure (continued)**

2b. Texas Franchise Tax Reporting Entity Taxpayer Name

BT Fewell Solar, LLC

2c. Reporting Entity Taxpayer Number

32080550539

3. Is the applicant current on all tax payments due to the State of Texas?  Yes  No
4. Are all applicant members of the combined group current on all tax payments due to the State of Texas?  Yes  No  N/A

**SECTION 6: Eligibility Under Tax Code Chapter 313.024**

1. Are you an entity subject to the tax under Tax Code, Chapter 171?  Yes  No
2. The property will be used for one of the following activities:
- (1) manufacturing  Yes  No
  - (2) research and development  Yes  No
  - (3) a clean coal project, as defined by Section 5.001, Water Code  Yes  No
  - (4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code  Yes  No
  - (5) renewable energy electric generation  Yes  No
  - (6) electric power generation using integrated gasification combined cycle technology  Yes  No
  - (7) nuclear electric power generation  Yes  No
  - (8) a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subdivisions (1) through (7)  Yes  No
  - (9) a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051\*  Yes  No
3. Are you requesting that any of the land be classified as qualified investment?  Yes  No
4. Will any of the proposed qualified investment be leased under a capitalized lease?  Yes  No
5. Will any of the proposed qualified investment be leased under an operating lease?  Yes  No
6. Are you including property that is owned by a person other than the applicant?  Yes  No
7. Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment?  Yes  No

\*Note: Applicants requesting eligibility under this category should note that there are additional application and reporting data submission requirements.

**SECTION 7: Project Description**

1. In **Tab 4**, attach a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information. If the project is an amendment or a reapplication please specify and provide details regarding the original project.
2. Check the project characteristics that apply to the proposed project:
- Land has no existing improvements
  - Land has existing improvements (complete Section 13)
  - Expansion of existing operation on the land (complete Section 13)
  - Relocation within Texas

**SECTION 8: Limitation as Determining Factor**

1. Does the applicant currently own the land on which the proposed project will occur?  Yes  No
2. Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project?  Yes  No
3. Does the applicant have current business activities at the location where the proposed project will occur?  Yes  No
4. Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location?  Yes  No
5. Has the applicant received any local or state permits for activities on the proposed project site?  Yes  No
6. Has the applicant received commitments for state or local incentives for activities at the proposed project site?  Yes  No
7. Is the applicant evaluating other locations not in Texas for the proposed project?  Yes  No
8. Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities?  Yes  No
9. Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project?  Yes  No
10. Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas?  Yes  No

**Chapter 313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirmative determination under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.**

**SECTION 9: Projected Timeline**

**NOTE:** Only construction beginning after the application review start date (the date the Texas Comptroller of Public Accounts deems the application complete) can be considered qualified property and/or qualified investment.

1. Estimated school board ratification of final agreement November 2022
  2. Estimated commencement of construction Q1 - 2027
  3. Beginning of qualifying time period (MM/DD/YYYY) 01/01/2026
  4. First year of limitation (YYYY) 01/01/2028
- 4a. For the beginning of the limitation period, notate which **one of the following** will apply according to provision of 313.027(a-1)(2):
- A. January 1 following the application date       B. January 1 following the end of QTP
- C. January 1 following the commencement of commercial operations

5. Commencement of commercial operations December 2027

**SECTION 10: The Property**

1. County or counties in which the proposed project will be located Limestone County
2. Central Appraisal District (CAD) that will be responsible for appraising the property Limestone CAD
3. Will this CAD be acting on behalf of another CAD to appraise this property?  Yes  No
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:
 

M&O (ISD): <u>Groesbeck ISD; 100%; \$0.9509</u> <small>(Name, tax rate and percent of project)</small>	I&S (ISD): <u>Groesbeck ISD; 100%; \$0.2375</u> <small>(Name, tax rate and percent of project)</small>
County: <u>Limestone County; 100%; \$0.7478</u> <small>(Name, tax rate and percent of project)</small>	City: <u>NA</u> <small>(Name, tax rate and percent of project)</small>
Hospital District: <u>Limestone Hospital; 100%; \$0.3218</u> <small>(Name, tax rate and percent of project)</small>	Water District: <u>NA</u> <small>(Name, tax rate and percent of project)</small>
Other (describe): <u>NA</u> <small>(Name, tax rate and percent of project)</small>	Other (describe): <u>NA</u> <small>(Name, tax rate and percent of project)</small>

**SECTION 10: The Property (continued)**

5. List all state and local incentives as an annual percentage. Include the estimated start and end year of the incentive:

County: 312 Abatement, 100%, 2028-2037  
*(Incentive type, percentage, start and end year)*

City: NA  
*(Incentive type, percentage, start and end year)*

Hospital District: NA  
*(Incentive type, percentage, start and end year)*

Water District: NA  
*(Incentive type, percentage, start and end year)*

Other (describe): NA  
*(Incentive type, percentage, start and end year)*

Other (describe): NA  
*(Incentive type, percentage, start and end year)*

6. Is the project located entirely within the ISD listed in Section 1?  Yes  No

6a. If no, attach in **Tab 6** maps of the entire project (depicting all other relevant school districts) and additional information on the project scope and size. Please note that only the qualified property within the ISD listed in Section 1 is eligible for the limitation from this application. Please verify that all information in **Tabs 7 and 8**, Section 11, 12 and 13, and map project boundaries pertain to only the property within the ISD listed in Section 1.

7. Did you receive a determination from the Texas Economic Development and Tourism Office that this proposed project and at least one other project seeking a limitation agreement constitute a single unified project (SUP), as allowed in §313.024(d-2)?  Yes  No

7a. If yes, attach in **Tab 6** supporting documentation from the Office of the Governor.

**SECTION 11: Texas Tax Code 313.021(1) Qualified Investment**

**NOTE:** The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as Subchapter B or Subchapter C, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's website at [comptroller.texas.gov/economy/local/ch313/](http://comptroller.texas.gov/economy/local/ch313/).

1. At the time of application, what is the estimated minimum qualified investment required for this school district? 30,000,000

2. What is the amount of appraised value limitation for which you are applying? 30,000,000

**Note:** The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.

3. Does the qualified investment meet the requirements of Tax Code §313.021(1)?  Yes  No

4. Attach a description of the qualified investment [See §313.021(1).] The description must include:

- a. a specific and detailed description of the qualified investment you propose to make within the project boundary for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 7**);
- b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (**Tab 7**); and
- c. a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (**Tab 11**).

5. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or §313.053 for Subchapter C school districts) for the relevant school district category during the qualifying time period?  Yes  No

**SECTION 12: Texas Tax Code 313.021(2) Qualified Property**

1. Attach a detailed description of the qualified property. [See §313.021(2)] The description must include:

- 1a. a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 8**);
- 1b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (**Tab 8**);
- 1c. a map or site plan of the proposed qualified property showing the location of the new buildings or new improvements inside the project area boundaries within a vicinity map that includes school district, county and reinvestment zone boundaries (**Tab 11**); and
- 1d. Will any of the proposed qualified property be used to renovate, refurbish, upgrade, maintain, modify, improve, or functionally replace existing buildings or existing improvements inside or outside the project area?  Yes  No

**Note:** Property used to renovate, refurbish, upgrade, maintain, modify, improve, or functionally replace existing buildings or existing improvements inside or outside the project area cannot be considered qualified property and will not be eligible for a limitation. See TAC §9.1051(16).



**SECTION 14: Wage and Employment Information**

1. What is the number of new qualifying jobs you are committing to create? ..... 1
2. What is the number of new non-qualifying jobs you are estimating you will create? (See TAC 9.1051(14)) ..... 0
3. Do you intend to request that the governing body waive the minimum new qualifying job creation requirement, as provided under Tax Code §313.025(f-1)? .....  Yes  No
  - 3a. If yes, attach evidence of industry standard in **Tab 12** documenting that the new qualifying job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards.
4. Attach in **Tab 13** the four most recent quarters of data for each wage calculation below, including documentation from the Texas Workforce Commission website. The final actual statutory minimum annual wage requirement for the applicant for each qualifying job — which may differ slightly from this estimate — will be based on information available at the time of the application review start date (date of a completed application). See TAC §9.1051(21) and (22). **Note:** If a more recent quarter of information becomes available before the application is deemed complete, updated wage information will be required.
  - a. Non-qualified job wages  
- average weekly wage for all jobs (all industries) in the county is ..... \$ 936.50
  - b. Qualifying job wage minimum option §313.021(5)(A)  
-110% of the average weekly wage for manufacturing jobs in the county is ..... \$ 968.00
  - c. Qualifying job wage minimum option §313.021(5)(B)  
-110% of the average weekly wage for manufacturing jobs in the region is ..... \$ 1,030.11
5. Which Tax Code section are you using to estimate the qualifying job wage standard required for this project? .....  §313.021(5)(A) or  §313.021(5)(B)
6. What is the minimum required annual wage for each qualifying job based on the qualified property? ..... \$ 50,336.00
7. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? ..... \$ 50,336.00
8. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? .....  Yes  No
9. Do you intend to satisfy the minimum qualifying job requirement through a determination of cumulative economic benefits to the state as provided by §313.021(3)(F)? .....  Yes  No
  - 9a. If yes, attach in **Tab 13** supporting documentation from the TWC, pursuant to §313.021(3)(F).
10. Do you intend to rely on the project being part of a single unified project, as allowed in §313.024(d-2), in meeting the qualifying job requirements? .....  Yes  No
  - 10a. If yes, attach in **Tab 6** supporting documentation including a list of qualifying jobs in the other school district(s).

**SECTION 15: Economic Impact**

1. Complete and attach Schedules A1, A2, B, and C in **Tab 14**. **Note:** Excel spreadsheet versions of schedules are available for download and printing at URL listed below.
2. Attach an Economic Impact Analysis, if supplied by an entity other than the Comptroller's office, in **Tab 15**. (*not required*)
3. If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, attach a separate schedule showing the amount for each year affected, including an explanation, in **Tab 15**.

**TAB 2**

*Proof of Payment of Application Fee*

Please find on the attached page, a copy of the check for the \$75,000 application fee paid to Groesbeck ISD.

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

**BELLTOWN POWER TEXAS**

13612 MIDWAY RD. STE 200  
FARMERS BRANCH, TX 75244  
972-656-9180

2714

35-1054/1130  
22301

DATE 4/8/22

CHECK ARMOR  
BY DEPOSIT PROTECTION

PAY  
TO THE  
ORDER OF

Brossbeck I.S.D.

\$ 75,000.00

Seventy-five thousand and 00/100's

DOLLARS

**BBVA** BBVA USA  
Dallas, TX



*[Handwritten Signature]*

FOR Fewell 313

HEAT SENSITIVE  
MP

⑈002714⑈ ⑆113010547⑆ 6760392144⑈

Details on Back  
Security Features Included

**TAB 3**

*Documentation of Combined Group membership under Texas Tax Code 171.0001(7),  
history of tax default, delinquencies and/or material litigation (if applicable)*

Not applicable - BT Fewell Solar, LLC was not a legal entity at the time of the last filing and therefore not part of a combined group.

**TAB 4**

Detailed Description of the Project

Provide a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.

BT Fewell Solar, LLC (BT Fewell Solar) is requesting an appraised value limitation from Groesbeck Independent School District (ISD) for the BT Fewell Solar Project (the "Project"), a proposed solar powered electric generating facility with attached battery storage in Limestone County. The proposed Groesbeck ISD Project (this application) will be constructed within a Reinvestment Zone that will be established by Groesbeck ISD that is approximately 1204 acres. A map showing the location of the project is included in TAB 11.

The proposed Project is anticipated to have a capacity of approximately 240 MW located in Groesbeck ISD. The exact number and location of panels and inverters will vary depending upon ongoing siting analysis, manufacturer's availability, prices, and the megawatt generating capacity of the Project when completed. Current estimated plans are to install approximately 450,000 PV with all improvements located in Groesbeck ISD.

The Applicant requests a value limitation for all facilities and equipment installed for the Project, including; solar modules/panels, tracking equipment, racking and mounting structures, O&M building, substation, inverters boxes, combiner boxes, meteorological equipment, foundations, roadways, paving, fencing, collection system, generation transmission lines, interconnection facilities, energy storage enclosures containing batteries, energy storage cooling systems, SCADA systems, transformers, fire suppression systems and all necessary equipment for commercial generation of electricity. The batteries included in the Qualified Property will solely be used for the storage of electricity generated by this solar project

*\*NOTE:* The map in TAB 11 shows the potential locations of improvements within Groesbeck ISD boundaries; however, the final number of panels and inverters and the location of each of these facilities is dependent upon ongoing negotiations with power purchasers and other factors.

**TAB 5**

*Documentation to assist in determining if limitation is a determining factor.*

Belltown Power was founded in the UK in 2013 by Michael Kaplan, Tom Limestone-Norton and Andy Black as a fully integrated renewable energy power company. With a small team of dedicated investment and engineering professionals, Belltown delivered over 200MW of onshore wind, solar PV and hydro projects in under 4 years through employing a proven, disciplined process to project delivery.

In early 2017, Belltown entered a new phase of growth as we target the development and operation of large-scale renewable energy projects globally. Belltown now has five offices on two continents and a rapidly growing team targeting opportunities in developed and emerging markets.

Belltown Power is keen to develop and build the proposed BT Fewell Solar Project as per this application, but since this Project is still in the early stages of development, further investment could be, if necessary, redeployed to other counties and states competing for similar solar projects. Belltown Power is active in in other states and countries and each project individually competes for a finite pool of capital investment. State and local tax incentives contribute to the lowering of the cost of power sold to our customers and making our investment more viable and marketable. Belltown Power has various projects in and continually compare investment opportunities, rate of return, and market viability of each project based upon project financial metrics. For example, Belltown Power currently has ongoing project developments in many states, including but not limited to, Pennsylvania and the U.K..

Due to the extremely competitive power market in Texas all Power Purchase Agreement's (PPA's) economic model assumptions are based on the Project securing this Chapter 313 appraised value limitation and other local tax incentives. The property tax liabilities of a project without tax incentives in Texas lowers the return to investors and financiers to an unacceptable level at today's contracted power rates under a PPA. A signed PPA in the Texas market is at a much lower rate than other states because of competitively low electricity prices. Both parties of the PPA have an escape clause if the terms of the PPA cannot be met. Without the tax incentives in Texas, a project with a PPA becomes non-financeable. Therefore, this appraised value limitation is critical to the ability of the proposed Project to move forward as currently sited.

**TAB 6**

Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor (if applicable).

- |                       |        |
|-----------------------|--------|
| 1) Limestone County   | - 100% |
| 2) Groesbeck ISD      | - 100% |
| 3) Limestone Hospital | - 100% |

**TAB 7**

*Description of Qualified Investment*

BT Fewell Solar, LLC plans to construct a 240 MW solar farm with attached battery storage in Limestone County.

This application covers all qualified property in the reinvestment zone and project boundary within Groesbeck ISD necessary for the commercial operations of the proposed solar farm described in Tab 4. Two hundred and forty megawatts (240 MW) of generation with attached battery storage will be located in Groesbeck ISD. Panel placement is subject to change but for purposes of this application, the Project anticipates using approximately 450,000 PV modules.

This application covers all qualified investment and qualified property necessary for the commercial operations of the solar farm. The batteries included in the Qualified Property will solely be used for the storage of electricity generated by this solar project.

Qualified Investment and qualified property includes; solar modules/panels, tracking equipment, racking and mounting structures, O&M building, substation, inverters boxes, combiner boxes, meteorological equipment, foundations, roadways, paving, fencing, collection system, generation transmission lines, interconnection facilities, energy storage enclosures containing batteries, energy storage cooling systems, SCADA systems, transformers, fire suppression systems and all necessary ancillary equipment for commercial generation of electricity. The batteries included in the Qualified Property will solely be used for the storage of electricity generated by this solar project.

*\*NOTE:* The map in TAB 11 shows the potential locations of improvements within Groesbeck ISD boundaries; however, the final number of panels and inverters and the location of each of these facilities is dependent upon ongoing negotiations with power purchasers and other factors.

**TAB 8**

*Description of Qualified Property*

BT Fewell Solar, LLC plans to construct a 240 MW solar farm with attached battery storage in Limestone County.

This application covers all qualified property in the reinvestment zone and project boundary within Groesbeck ISD necessary for the commercial operations of the proposed solar farm described in Tab 4. Two hundred and forty megawatts (240 MW) of generation with attached battery storage will be located in Groesbeck ISD. Panel placement is subject to change but for purposes of this application, the Project anticipates using approximately 450,000 PV modules.

This application covers all qualified investment and qualified property necessary for the commercial operations of the solar farm. The batteries included in the Qualified Property will solely be used for the storage of electricity generated by this solar project.

Qualified Investment and qualified property includes; solar modules/panels, tracking equipment, racking and mounting structures, O&M building, substation, inverters boxes, combiner boxes, meteorological equipment, foundations, roadways, paving, fencing, collection system, generation transmission lines, interconnection facilities, energy storage enclosures containing batteries, energy storage cooling systems, SCADA systems, transformers, fire suppression systems and all necessary ancillary equipment for commercial generation of electricity. The batteries included in the Qualified Property will solely be used for the storage of electricity generated by this solar project.

*\*NOTE:* The map in TAB 11 shows the potential locations of improvements within Groesbeck ISD boundaries; however, the final number of panels and inverters and the location of each of these facilities is dependent upon ongoing negotiations with power purchasers and other factors.

**TAB 9**

*Description of Land*

Not Applicable

**TAB 10**

*Description of all property not eligible to become qualified property (if applicable)*

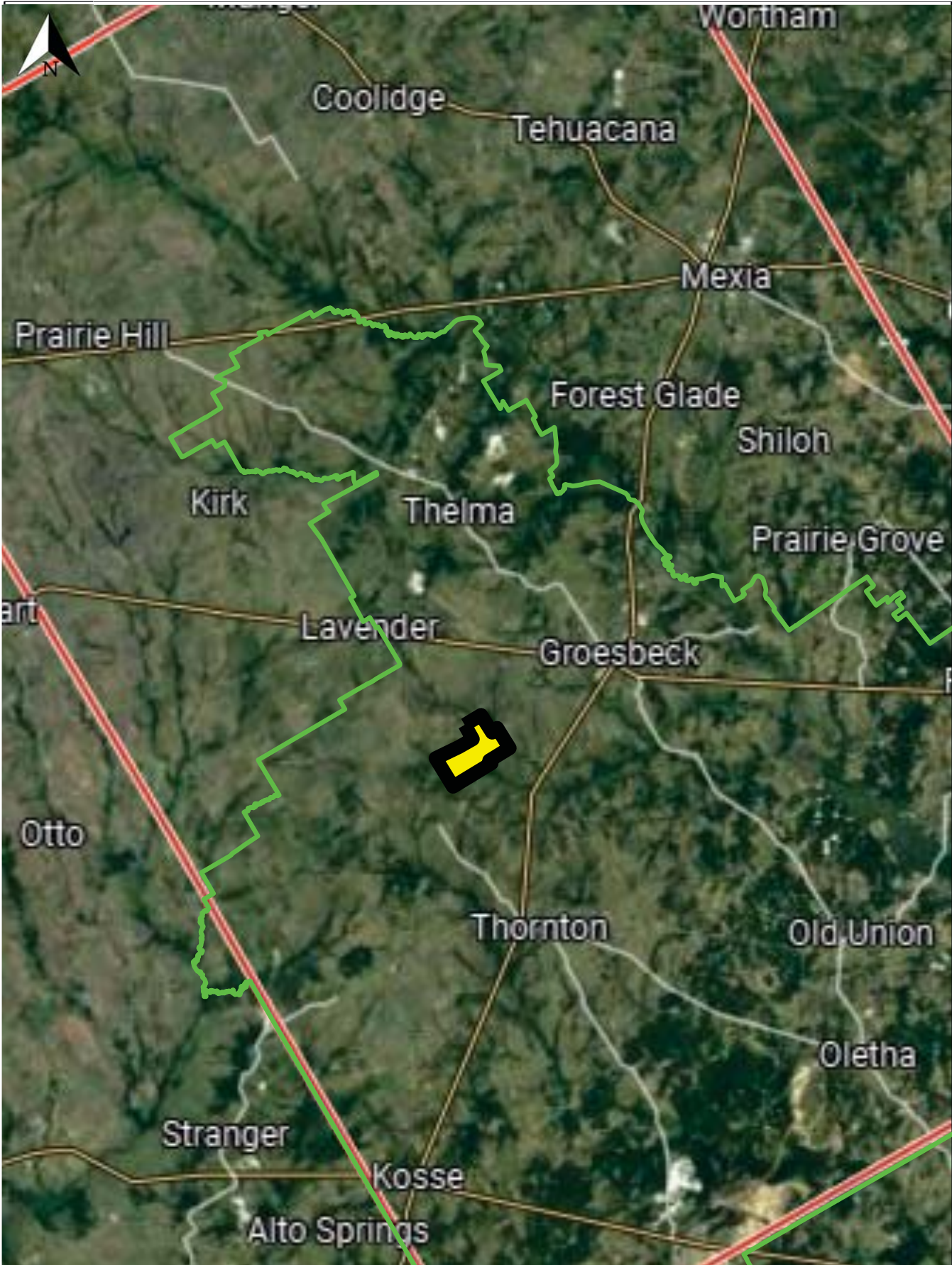
Not Applicable

**TAB 11**

Maps that clearly show:




- a) Project vicinity
- b) Qualified investment including location of new building or new improvements
- c) Qualified property including location of new building or new improvements
- d) Existing property
- e) Land location within vicinity map
- f) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size

# VICINITY MAP



Fewell Solar Farm

46

-  Project Boundary/ Reinvestment Zone
-  County Line
-  School District Line

Vicinity Map  
Situated in  
Groesbeck Independent School District

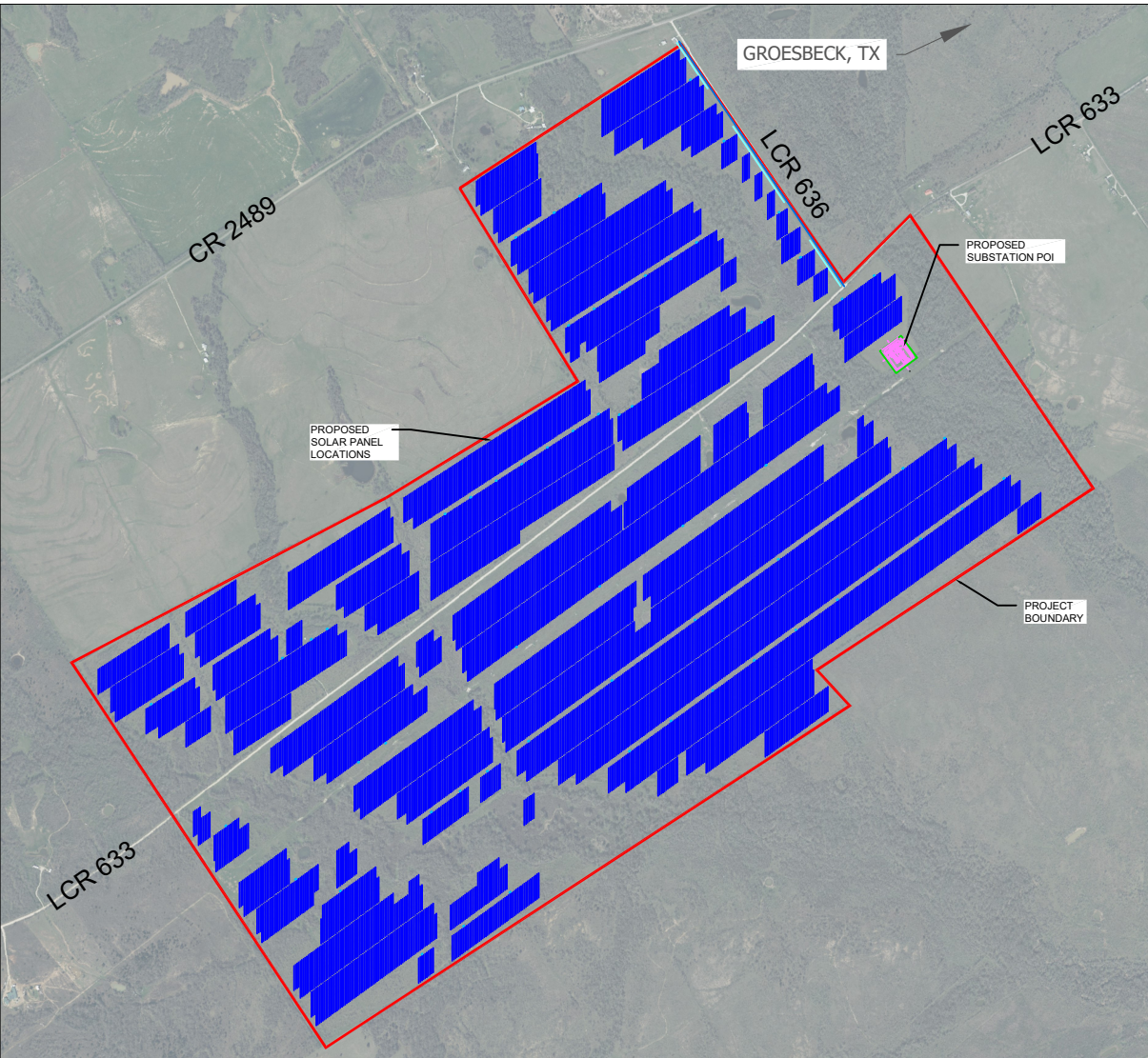
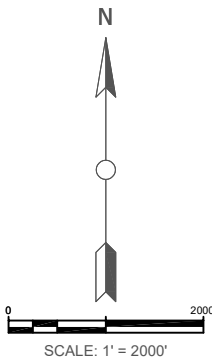
13612 Midway Road, STE 200  
 Farmers Branch, TX 75244

DATE: 4/1/2022

PROJECT NAME: FEWELL SOLAR

**LEGEND**

-  REINVESTMENT ZONE BOUNDARY / PROJECT BOUNDARY
-  EXISTING TRANSMISSION LINE



**FIGURE 1:** Fewell Solar Reinvestment Zone

**TAB 12**

*Request for Waiver of Job Creation Requirement and supporting information (if applicable)*

See Attached



**CUMMINGS WESTLAKE**  
PROPERTY TAX ADVISORS

April 18, 2022

Dr. James Cowley  
Superintendent  
Groesbeck Independent School District  
1202 N Ellis  
Groesbeck, TX 76642

**Re: Chapter 313 Jobs Waiver Request**

Dear Superintendent Cowley,

BT Fewell Solar, LLC requests that the Groesbeck Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the Tax Code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

BT Fewell Solar, LLC requests that the Board of Trustees make such a finding and waive the job creation requirement for 10 permanent jobs. The solar energy industry standard for committed jobs is one job per 360MW. In line with these industry standards for solar project's job requirements, BT Fewell Solar, LLC, as a 240MW project, has committed to create one qualified job.

Solar projects create many full and part-time, but temporary jobs during the construction phase of the project. However, they require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences. The number of jobs committed to in this application is in line with the industry standards for a project this size. This is evidenced by previously filed limitation agreement applications by solar developers and by documentation related to the development and operation of solar electric generation facilities.

Sincerely,

Brandon Westlake  
Senior Tax Consultant  
Cummings Westlake LLC

**16410 N Eldridge Pkwy | Tomball, Texas 77377**

**P: 713.266.4456 W: cwlp.net**

**TAB 13**

*Calculation of three possible wage requirements with TWC documentation*

- Limestone County average weekly wage for all jobs (all industries)
- Limestone County average weekly wage for all jobs (manufacturing)
- See attached Council of Governments Regional Wage Calculation and Documentation

**BT FEWELL SOLAR, LLC  
TAB 13 TO CHAPTER 313 APPLICATION**

**LIMESTONE COUNTY  
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2021	\$ 947	\$ 49,244
SECOND	2021	\$ 938	\$ 48,776
THIRD	2021	\$ 983	\$ 51,116
FOURTH	2020	\$ 878	\$ 45,656
AVERAGE		\$ 936.50	\$ 48,698.00

**LIMESTONE COUNTY  
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2021	\$ 763	\$ 39,676
SECOND	2021	\$ 950	\$ 49,400
THIRD	2021	\$ 944	\$ 49,088
FOURTH	2020	\$ 863	\$ 44,876
AVERAGE		\$ 880	\$ 45,760
X		110%	110%
		\$ 968.00	\$ 50,336.00

**CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE**

	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
Heart of Texas	2020	\$ 936	\$ 48,696
X		110%	110%
		\$ 1,030.11	\$ 53,566.00

\* SEE ATTACHED TWC DOCUMENTATION

Year	Period	Area	Ownership	Industry Code	Industry	Average Weekly Wage
2021	01	Limestone	Total All	10	Total, All Industries	947
2021	02	Limestone	Total All	10	Total, All Industries	938
2021	03	Limestone	Total All	10	Total, All Industries	983
2020	04	Limestone	Total All	10	Total, All Industries	878

Year	Period	Area	Ownership	Industry Code	Industry	Average Weekly Wage
2021	01	Limestone	Private	31-33	Manufacturing	763
2021	02	Limestone	Private	31-33	Manufacturing	950
2021	03	Limestone	Private	31-33	Manufacturing	944
2020	04	Limestone	Private	31-33	Manufacturing	863

**2020 Manufacturing Average Wages by Council of Government Region  
Wages for All Occupations**

COG	COG Number	Wages	
		Hourly	Annual
<a href="#">Panhandle Regional Planning Commission</a>	1	\$23.32	\$48,501
<a href="#">South Plains Association of Governments</a>	2	\$20.42	\$42,473
<a href="#">NORTEX Regional Planning Commission</a>	3	\$20.64	\$42,928
<a href="#">North Central Texas Council of Governments</a>	4	\$32.34	\$67,261
<a href="#">Ark-Tex Council of Governments</a>	5	\$21.30	\$44,299
<a href="#">East Texas Council of Governments</a>	6	\$29.28	\$60,904
<a href="#">West Central Texas Council of Governments</a>	7	\$21.54	\$44,797
<a href="#">Rio Grande Council of Governments</a>	8	\$19.02	\$39,552
<a href="#">Permian Basin Regional Planning Commission</a>	9	\$22.57	\$46,945
<a href="#">Concho Valley Council of Governments</a>	10	\$27.28	\$56,739
<a href="#">Heart of Texas Council of Governments</a>	11	\$23.41	\$48,696
<a href="#">Capital Area Council of Governments</a>	12	\$29.96	\$62,326
<a href="#">Brazos Valley Council of Governments</a>	13	\$18.41	\$38,286
<a href="#">Deep East Texas Council of Governments</a>	14	\$21.07	\$43,829
<a href="#">South East Texas Regional Planning Commission</a>	15	\$27.38	\$56,957
<a href="#">Houston-Galveston Area Council</a>	16	\$29.83	\$62,050
<a href="#">Golden Crescent Regional Planning Commission</a>	17	\$22.09	\$45,945
<a href="#">Alamo Area Council of Governments</a>	18	\$27.45	\$57,101
<a href="#">South Texas Development Council</a>	19	\$19.20	\$39,945
<a href="#">Coastal Bend Council of Governments</a>	20	\$35.39	\$73,603
<a href="#">Lower Rio Grande Valley Development Council</a>	21	\$20.70	\$43,056
<a href="#">Texoma Council of Governments</a>	22	\$19.18	\$39,897
<a href="#">Central Texas Council of Governments</a>	23	\$21.34	\$44,390
<a href="#">Middle Rio Grande Development Council</a>	24	\$22.98	\$47,809
<b>Texas</b>		\$28.00	\$58,233

Calculated by the Texas Workforce Commission Labor Market and Career Information Department.

Data published: August 2021.

Data published annually, next update will likely be July 31, 2022

Annual Wage Figure assumes a 40-hour work week.

Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas Occupational Employment and Wage Statistics (OEWS) data, and is not to be compared to BLS estimates.

Data intended only for use implementing Chapter 313, Texas Tax Code.

**TAB 14**

*Schedules A1, A2, B and C completed and signed Economic Impact (if applicable)*

See attached Schedules A1, A2, B and C

**Schedule A1: Total Investment for Economic Impact (through the Qualifying Time Period)**

Date **3/31/2022**  
 Applicant Name **BT FEWELL SOLAR, LLC**  
 ISD Name **GROESBECK ISD**

Form 50-296A  
 Revised October 2020

PROPERTY INVESTMENT AMOUNTS								
(Estimated investment in each year. Do not put cumulative totals.)								
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in <b>tangible personal property</b> placed in service during this year that will become Qualified Property	New investment made during this year in <b>buildings or permanent nonremovable components of buildings</b> that will become Qualified Property	Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other new investment made during this year that may become Qualified Property [SEE NOTE]	<b>Total Investment</b> (Sum of Columns A+B+C+D)
Investment made before filing complete application with district				Not eligible to become Qualified Property			[The only other investment made before filing complete application with district that may become Qualified Property is land.]	0
Investment made after filing complete application with district, but before final board approval of application	--	Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)		0	0	0	0	0
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period			2025	0	0	0	0	0
Complete tax years of qualifying time period	QTP1	2026-2027	2026	0	0	0	0	0
	QTP2	2027-2028	2027	191,500,000	500,000	0	0	192,000,000
<b>Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]</b>				191,500,000	500,000	0	0	192,000,000
				<b>Enter amounts from TOTAL row above in Schedule A2</b>				
<b>Total Qualified Investment (sum of green cells)</b>				192,000,000				

For All Columns: List amount invested each year, not cumulative totals.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Total Investment: Add together each cell in a column and enter the sum in the blue total investment row. Enter the data from this row into the first row in Schedule A2.

Qualified Investment: For the green qualified investment cell, enter the sum of all the green-shaded cells.

Date **3/31/2022**  
 Applicant Name **BT FEWELL SOLAR, LLC**  
 ISD Name **GROESBECK ISD**

PROPERTY INVESTMENT AMOUNTS								
(Estimated investment in each year. Do not put cumulative totals.)								
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A New investment (original cost) in <b>tangible personal property</b> placed in service during this year that will become Qualified Property	Column B New investment made during this year in <b>buildings or permanent nonremovable components of buildings</b> that will become Qualified Property	Column C Other investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Column D Other investment made during this year that will become Qualified Property (SEE NOTE)	Column E <b>Total Investment (A+B+C+D)</b>
Total Investment from Schedule A1*	--	<b>TOTALS FROM SCHEDULE A1</b>		<b>Enter amounts from TOTAL row in Schedule A1 in the row below</b>				
				191,500,000	500,000	0	0	192,000,000
Each year prior to start of value limitation period** <small>Insert as many rows as necessary</small>	0	2026-2027	2026	0	0	0	0	0
	0	2027-2028	2027					
Value limitation period***	1	2028-2029	2028	0	0	0	0	0
	2	2029-2030	2029	0	0	0	0	0
	3	2030-2031	2030	0	0	0	0	0
	4	2031-2032	2031	0	0	0	0	0
	5	2032-2033	2032	0	0	0	0	0
	6	2033-2034	2033	0	0	0	0	0
	7	2034-2035	2034	0	0	0	0	0
	8	2035-2036	2035	0	0	0	0	0
	9	2036-2037	2036	0	0	0	0	0
	10	2037-2038	2037	0	0	0	0	0
<b>Total Investment made through limitation</b>				191,500,000	500,000	0	0	192,000,000
Continue to maintain viable presence	11	2038-2039	2038			0		0
	12	2039-2040	2039			0		0
	13	2040-2041	2040			0		0
	14	2041-2042	2041			0		0
	15	2042-2043	2042			0		0
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2043-2044	2043			0		0
	17	2044-2045	2044			0		0
	18	2045-2046	2045			0		0
	19	2046-2047	2046			0		0
	20	2047-2048	2047			0		0
	21	2048-2049	2048			0		0
	22	2049-2050	2049			0		0
	23	2050-2051	2050			0		0
	24	2051-2052	2051			0		0
	25	2052-2053	2052			0		0

\* All investments made through the qualifying time period are captured and totaled on Schedule A1 [blue box] and incorporated into this schedule in the **first row**.

\*\* Only investment made during deferrals of the start of the limitation (after the end of qualifying time period but before the start of the Value Limitation Period) should be included in the "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period overlaps the limitation, no investment should be included on this line.

\*\*\* If your qualifying time period will overlap your value limitation period, do not also include investment made during the qualifying time period in years 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were **not** captured on Schedule A1.

For All Columns: List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule A2 that were not captured on Schedule A1.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

**Schedule B: Estimated Market And Taxable Value (of Qualified Property Only)**

Date **3/31/2022**  
 Applicant Name **BT FEWELL SOLAR, LLC**  
 ISD Name **GROESBECK ISD**

**Form 50-296A**

*Revised October 2020*

				Qualified Property			Estimated Taxable Value		
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2026-2027	2026	0	0	0	0	0	0
	0	2027-2028	2027	0	0	0	0	0	0
Value Limitation Period	1	2028-2029	2028	0	500,000	132,276,480	132,776,480	132,776,480	30,000,000
	2	2029-2030	2029	0	487,500	121,677,312	122,164,812	122,164,812	30,000,000
	3	2030-2031	2030	0	475,300	110,239,872	110,715,172	110,715,172	30,000,000
	4	2031-2032	2031	0	463,400	97,878,912	98,342,312	98,342,312	30,000,000
	5	2032-2033	2032	0	451,800	84,537,600	84,989,400	84,989,400	30,000,000
	6	2033-2034	2033	0	440,500	70,130,688	70,571,188	70,571,188	30,000,000
	7	2034-2035	2034	0	429,500	54,572,928	55,002,428	55,002,428	30,000,000
	8	2035-2036	2035	0	418,800	37,764,864	38,183,664	38,183,664	30,000,000
	9	2036-2037	2036	0	408,300	28,416,000	28,824,300	28,824,300	30,000,000
	10	2037-2038	2037	0	398,100	28,416,000	28,814,100	28,814,100	30,000,000
Continue to maintain viable presence	11	2038-2039	2038	0	388,100	28,416,000	28,804,100	28,804,100	28,804,100
	12	2039-2040	2039	0	378,400	28,416,000	28,794,400	28,794,400	28,794,400
	13	2040-2041	2040	0	368,900	28,416,000	28,784,900	28,784,900	28,784,900
	14	2041-2042	2041	0	359,700	28,416,000	28,775,700	28,775,700	28,775,700
	15	2042-2043	2042	0	350,700	28,416,000	28,766,700	28,766,700	28,766,700
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2043-2044	2043	0	341,900	28,416,000	28,757,900	28,757,900	28,757,900
	17	2044-2045	2044	0	333,400	28,416,000	28,749,400	28,749,400	28,749,400
	18	2045-2046	2045	0	325,100	28,416,000	28,741,100	28,741,100	28,741,100
	19	2046-2047	2046	0	317,000	28,416,000	28,733,000	28,733,000	28,733,000
	20	2047-2048	2047	0	309,100	28,416,000	28,725,100	28,725,100	28,725,100
	21	2048-2049	2048	0	301,400	28,416,000	28,717,400	28,717,400	28,717,400
	22	2049-2050	2049	0	293,900	28,416,000	28,709,900	28,709,900	28,709,900
	23	2050-2051	2050	0	286,600	28,416,000	28,702,600	28,702,600	28,702,600
	24	2051-2052	2051	0	279,400	28,416,000	28,695,400	28,695,400	28,695,400
	25	2052-2053	2052	0	272,500	28,416,000	28,688,400	28,688,400	28,688,400

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.  
 Only include market value for eligible property on this schedule.

**Schedule C: Employment Information**

Date **3/31/2022**  
 Applicant Name **BT FEWELL SOLAR, LLC**  
 ISD Name **GROESBECK ISD**

**Form 50-296A**

*Revised October 2020*

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A Number of Construction FTE's or man-hours (specify)	Column B Average annual wage rates for construction workers	Column C Number of non-qualifying jobs applicant estimates it will create (cumulative)	Column D Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column E Average annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2026-2027	2026	0		0	0	0
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2027-2028	2027	350 FTE	55,000	0	0	0
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2028-2029	2028	N/A	N/A	0	1	50,336.00
	2	2029-2030	2029	N/A	N/A	0	1	50,336.00
	3	2030-2031	2030	N/A	N/A	0	1	50,336.00
	4	2031-2032	2031	N/A	N/A	0	1	50,336.00
	5	2032-2033	2032	N/A	N/A	0	1	50,336.00
	6	2033-2034	2033	N/A	N/A	0	1	50,336.00
	7	2034-2035	2034	N/A	N/A	0	1	50,336.00
	8	2035-2036	2035	N/A	N/A	0	1	50,336.00
	9	2036-2037	2036	N/A	N/A	0	1	50,336.00
	10	2037-2038	2037	N/A	N/A	0	1	50,336.00
Years Following Value Limitation Period	11 through 25	2038-2053	2038-2052	N/A	N/A	0	1	50,336.00

Notes: See TAC 9.1051 for definition of non-qualifying jobs.  
 Only include jobs on the project site in this school district.

**TAB 15**

*Economic Impact Analysis, other payments made in the state or other economic information (if applicable)*

None

**TAB 16**

*Description of Reinvestment Zone or Enterprise Zone, including:*

- a) Evidence that the area qualifies as an enterprise zone as defined by the Governor's office*
- b) Legal description of reinvestment zone\**
- c) Order, resolution, or ordinance established the reinvestment zone\**
- d) Guidelines and criteria for creating the zone\**

The ISD will create the RZ

**TAB 17**

*Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative (applicant)*

See Attached

SECTION 16: Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in Tab 17.

NOTE: If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print here Dr. James Cowley Superintendent
Print Name (Authorized School District Representative) Title

sign here Signature (Authorized School District Representative) Date

2. Authorized Company Representative (Applicant) Signature and Notarization

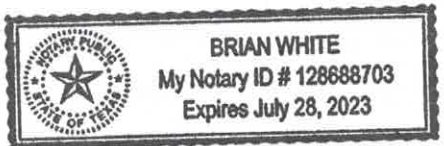
I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print here Lloyd Pope President
Print Name (Authorized Company Representative (Applicant)) Title

sign here Signature (Authorized Company Representative (Applicant)) Date 4/5/22

GIVEN under my hand and seal of office this, the 5th day of April, 2022



(Notary Seal)

Notary Public in and for the State of Texas
My Commission expires: 07/28/2023

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.



# Groesbeck

## Independent School District

Application for Appraised Value Limitation on  
Qualified Property

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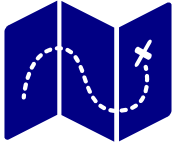
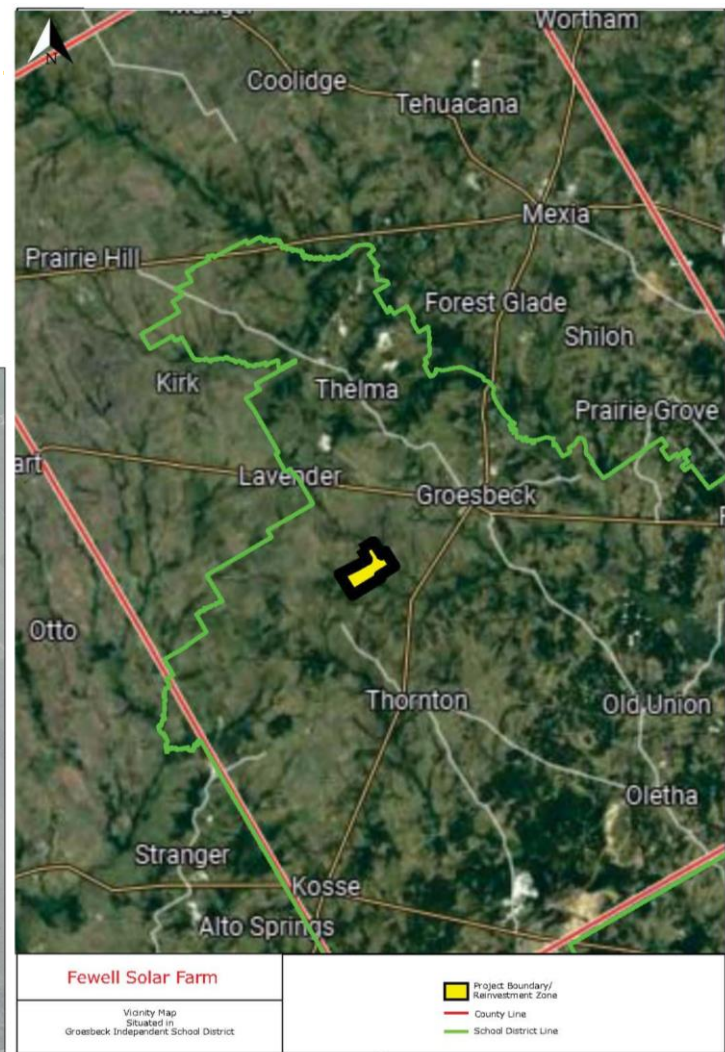
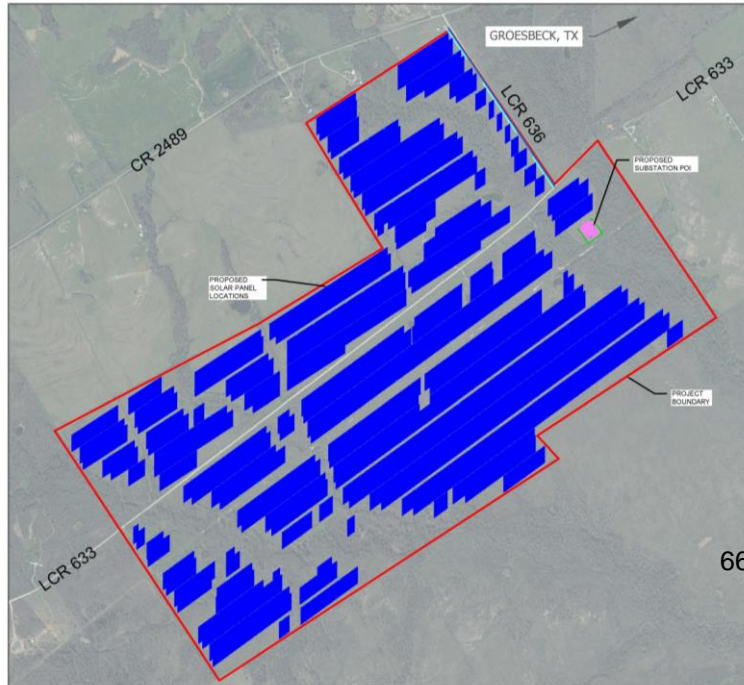


# Project Overview

BT Fewell Solar, LLC (developed by Belltown Power)	
<b>Solar Farm Capacity</b>	240 MW-ac
<b>Total Qualified Investment</b>	\$192,000,000 (cost of construction)
<b>Qualifying Time Period</b>	01 / 01 / 2026
<b>Construction Start Date</b>	01 / 01 / 2027 (350 FTEs / 1 year)
<b>Commercial Operations Date</b>	12 / 31 / 2027 (1 qualifying job / job waiver request)
<b>Value Limitation Period</b>	01 / 01 / 2028
<b>Value Limitation</b>	65 \$40 Million

# Project Boundary

- ▶ 450,000 PV modules; 1,204 acres
- ▶ Applicant requests District designate RZ



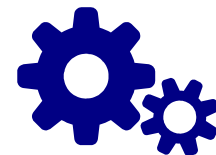
# Estimated Financial Impact



(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)
Agreement Phase	School Year	Tax Year	Project Value	Estimated Taxable Value	Project Value Savings	Assumed M&O Tax Rate	Taxes before Value Limit	Taxes after Value Limit	Company Tax Savings	Revenue-Loss Protection Payment	Supplemental Payment Benefit	Estimated Net Tax Benefit	I&S Impact Tax Rate @ 0.2375	Cumulative I&S Impact Outstanding Bonds: \$8,837,000
QTP1	2026-2027	2026	\$ -	\$ -	\$ -	0.9509	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 143,300	\$ (143,300)	\$ -
QTP2	2027-2028	2027	\$ -	\$ -	\$ -	0.9509	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 143,300	\$ (143,300)	\$ -
L1	2028-2029	2028	\$ 132,776,480	\$ 30,000,000	\$ 102,776,480	0.9509	\$ 1,262,572	\$ 285,270	\$ 977,302	\$ 977,302	\$ -	\$ 143,300	\$ (143,300)	\$ 315,344
L2	2029-2030	2029	\$ 122,164,812	\$ 30,000,000	\$ 92,164,812	0.9509	\$ 1,161,665	\$ 285,270	\$ 876,395	\$ -	\$ -	\$ 143,300	\$ 733,095	\$ 290,141
L3	2030-2031	2030	\$ 110,715,172	\$ 30,000,000	\$ 80,715,172	0.9509	\$ 1,052,791	\$ 285,270	\$ 767,521	\$ -	\$ -	\$ 143,300	\$ 624,221	\$ 262,949
L4	2031-2032	2031	\$ 98,342,312	\$ 30,000,000	\$ 68,342,312	0.9509	\$ 935,137	\$ 285,270	\$ 649,867	\$ -	\$ -	\$ 143,300	\$ 506,567	\$ 233,563
L5	2032-2033	2032	\$ 84,989,400	\$ 30,000,000	\$ 54,989,400	0.9509	\$ 808,164	\$ 285,270	\$ 522,894	\$ -	\$ -	\$ 143,300	\$ 379,594	\$ 201,850
L6	2033-2034	2033	\$ 70,571,188	\$ 30,000,000	\$ 40,571,188	0.9509	\$ 671,061	\$ 285,270	\$ 385,791	\$ -	\$ -	\$ 143,300	\$ 242,491	\$ 167,607
L7	2034-2035	2034	\$ 55,002,428	\$ 30,000,000	\$ 25,002,428	0.9509	\$ 523,018	\$ 285,270	\$ 237,748	\$ -	\$ -	\$ 143,300	\$ 94,448	\$ 130,631
L8	2035-2036	2035	\$ 38,183,664	\$ 30,000,000	\$ 8,183,664	0.9509	\$ 363,088	\$ 285,270	\$ 77,818	\$ -	\$ -	\$ 143,300	\$ (65,482)	\$ 90,686
L9	2036-2037	2036	\$ 28,824,300	\$ 28,824,300	\$ -	0.9509	\$ 274,090	\$ 274,090	\$ -	\$ -	\$ -	\$ 143,300	\$ (143,300)	\$ 68,458
L10	2037-2038	2037	\$ 28,814,100	\$ 28,814,100	\$ -	0.9509	\$ 273,993	\$ 273,993	\$ -	\$ -	\$ -	\$ 143,300	\$ (143,300)	\$ 68,433
MVP1	2038-2039	2038	\$ 28,804,100	\$ 28,804,100	\$ -	0.9509	\$ 273,898	\$ 273,898	\$ -	\$ -	\$ -	\$ 143,300	\$ (143,300)	\$ 68,410
MVP2	2039-2040	2039	\$ 28,794,400	\$ 28,794,400	\$ -	0.9509	\$ 273,806	\$ 273,806	\$ -	\$ -	\$ -	\$ 143,300	\$ (143,300)	\$ 68,387
MVP3	2040-2041	2040	\$ 28,784,900	\$ 28,784,900	\$ -	0.9509	\$ 273,716	\$ 273,716	\$ -	\$ -	\$ -	\$ 143,300	\$ (143,300)	\$ 68,364
MVP4	2040-2042	2041	\$ 28,775,700	\$ 28,775,700	\$ -	0.9509	\$ 273,628	\$ 273,628	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 68,342
MVP5	2042-2043	2042	\$ 28,766,700	\$ 28,766,700	\$ -	0.9509	\$ 273,543	\$ 273,543	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 68,321
<b>TOTAL</b>							\$ 8,694,171	\$ 4,198,834	\$ 4,495,337	\$ 977,302	\$ 2,149,500	\$ 1,368,535	\$ 2,171,485	25%

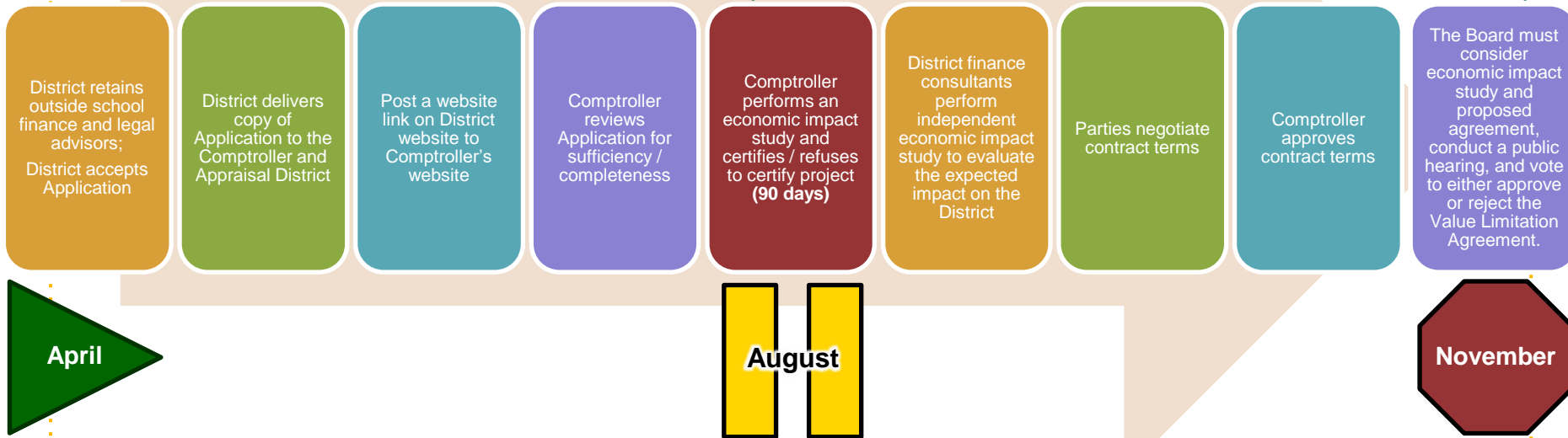
\*\*\*FOR DISPLAY PURPOSES ONLY\*\*\*

\*Note: School District Revenue-Loss estimates are subject to change based on various factors, including legislative and Texas Education Agency administrative changes to school finance formulas, year-to-year project appraisal values, and changes in school district tax rates. Additional information on the assumptions used in preparing these estimates is provided in the narrative of this Report.

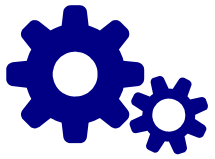


# Application Timeline

← Within 150 days of receiving the Comptroller's Completeness Letter... →



- ▶ Applicant pays an **Application Fee** to the District—used to cover legal and financial consulting fees in the application process.



# Practical Considerations

- ▶ Adding **\$30 Million** to District M&O tax base—fully taxable on I&S side
- ▶ The Board will make **no decision** on the Application until it receives
  - ▶ (1) the Comptroller's economic impact analysis; and
  - ▶ (2) a school finance study that shows the anticipated economic impact of the Agreement on the District.
- ▶ Company must **hold school district harmless** for any lost M&O revenue to the school district.
  - ▶ Any M&O revenue to the District that is lost as a consequence of the Agreement **must be reimbursed** to the District by the Applicant.
- ▶ Revenue protection payments and supplemental payments are **not subject to recapture**.
- ▶ Program ends **December 31, 2022**.

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# Q&A

## Questions for BT Fewell Solar, LLC Representatives?

Austin Willis  
Belltown Power  
[awillis@belltownpower.com](mailto:awillis@belltownpower.com)

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Brandon Westlake  
Cummings Westlake, LLC  
[bwestlake@cwlp.net](mailto:bwestlake@cwlp.net)

# Thanks! Questions?

Blake G. Powell, Managing Partner  
bpowell@plg-law.com



Rick L. Lambert, Partner, Dallas Office  
rlambert@plg-law.com



Salma Charania, Associate, Houston Office  
scharania@plg-law.com



Shaun Barnett, Client Liaison  
sbarnett@plg-law.com



Shelly Leung, Economic Development Director  
sleung@plg-law.com



Powell Law Group, LLP  
108 Wild Basin Road, Suite 100  
Austin, Texas 78746  
(512) 494-1177  
[www.plg-law.com](http://www.plg-law.com)

**X. DISCUSSION AND POSSIBLE ACTION ON GHS CLASS DAY**

**XI. DISCUSSION AND POSSIBLE ACTION ON 2022-2023  
SCHOOL CALENDAR REVISION**

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# GROESBECK INDEPENDENT SCHOOL DISTRICT

## 2022-2023 Academic Calendar

August 2022						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17B	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2022						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2022						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14E	15
16	17B	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2022						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2022						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16E	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2023						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4B	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2023						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2023						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10E	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27B	28	29	30	31	

April 2023						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May 2023						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25E	26G	27
28	29	30	31			

June 2023						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Notes						
Student Minutes per Day: 460						
Student Min/Day Early Release: 240						
Teacher Days: 187						
Staff Development: 16+4 Comp Days						
NINE WEEKS						
AUG. 17 - OCT. 14			OCT. 17 - DEC. 16			
JAN. 4 - MAR. 10			MAR. 27 - MAY 25			

	New Teacher Inservice		School Holiday		Bad Weather Days
	Staff Development (No school for students)		State Testing		Comp Days (No school for Students)
	Early Release	B	Beginning of Nine Weeks	E	Ending of Nine Weeks

- Due to calendar shift from days to minutes, time is built in for late starts, early release, or days closed as needed. Bad weather days will only be used in extreme circumstances. The calendar minutes per day may be adjusted during the school year if needed to account for deficit minutes. The State requires a school district to operate a minimum of 75,600 minutes of instructional time and related activities.

**XII. EXECUTIVE SESSION**

- A. Consultation with Attorney (Tex. Gov't. 551.071)
- B. Deliberation on Personnel Dismissal (Tex. Gov't 551.074)

**XIII. RECONVENE IN OPEN MEETING**

**XIV. DISCUSSION AND POSSIBLE ACTION ON MATTERS DISCUSSED  
IN EXECUTIVE SESSION**

- A. Action on Consultation with Attorney
- B. Action on Termination of Personnel Contract

**XV. ADJOURNMENT**