

**GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS**

P.O. Box 13528 • Austin, TX 78711-3528

December 9, 2022

**AMENDED COMPLETENESS,  
CERTIFICATE & AGREEMENT  
APPROVAL**

Tiffany Mabe  
Superintendent  
Rivercrest Independent School District  
4100 US Highway 271 S  
Bogata, Texas 75417

Re: Amendment Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations taxes by and between Rivercrest Independent School District and Delilah Solar Energy, LLC, Application 1385

Dear Superintendent Mabe:

This application (Application 1385) was originally submitted on June 17, 2019, to the Rivercrest Independent School District (school district) by Delilah Solar Energy, LLC (applicant) for a limitation on appraised value under the provisions of Tax Code Chapter 313.<sup>1</sup> On September 6, 2019, the Comptroller issued written notice that the applicant submitted a completed application; and later issued a certificate for a limitation on appraised value on November 18, 2019. The applicant and school district executed an agreement for a limitation on appraised value (agreement) on May 12, 2020.

On October 4, 2022, the Comptroller received an amendment to the agreement to defer the start of the limitation from 2023 to 2024 and increase investment and, subsequently, determined that it includes the information necessary to be determined as complete. This presents the Comptroller's review of that amendment per Section 10.2 of the agreement and determinations required:

- 1) under Section 313.025(h) to determine if the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C; and
- 2) under Section 313.025(d), to issue a certificate for a limitation on appraised value of the property and provide the certificate to the governing body of the school district or provide the governing body a written explanation of the Comptroller's decision not to issue a certificate, using the criteria set out in Section 313.026.

**Determination required by 313.025(h)**

The information provided by the applicant related to eligibility has not changed and therefore, the Comptroller has determined that the property meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C.

<sup>1</sup> All statutory references are to the Texas Tax Code, unless otherwise noted.

## Certificate decision required by 313.025(d)

### Determination required by 313.026(c)(1)

Based on the amended information provided by the applicant, the Comptroller has determined that the project proposed by the applicant is reasonably likely to generate tax revenue in an amount sufficient to offset the school district's maintenance and operations *ad valorem* tax revenue lost as a result of the agreement before the 25th anniversary of the beginning of the limitation period, see Attachment B.

### Determination required by 313.026(c)(2)

The Comptroller previously determined that the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in this state.

Based on these determinations, the Comptroller approves changes to the certificate for a limitation on appraised value for the amendment.


The Comptroller's review of the amended application and amended agreement assumes the accuracy and completeness of the statements in the amendment. If the amendment is approved by the school district, the applicant shall perform according to the provisions of the Texas Economic Development Act Agreement (Form 50-826) and all amendments, executed with the school district. The school district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement, applicable Texas Administrative Code and Chapter 313, per TAC 9.1054(i)(3).

This approval is no longer valid if the information presented in the amendment changes, or the amended limitation agreement does not conform to the amended application. Additionally, this approval is contingent on the school district approving and executing the amendment to the agreement by **December 31, 2022**.

This office has also been provided with the Amended Agreement for Limitation on Appraised Value. As requested, the amendment to the Agreement has been reviewed pursuant to 34 TAC 9.1055(e)(1). Based on our review, this office concludes that the agreement complies with the provisions of Tax Code, Chapter 313 and 34 TAC Chapter 9, Subchapter F.

Should you have any questions, please contact John Villarreal, Manager, Data Analysis & Transparency, by email at [john.villarreal@cpa.texas.gov](mailto:john.villarreal@cpa.texas.gov) or by phone toll-free at 1-800-531-5441, ext. 3-5241, or at 512-463-5241.

Sincerely,

DocuSigned by:  
  
8FDFC70F5753487...  
Will Counihan  
Director  
Data Analysis & Transparency

cc: Shelly Leung, Powell Law Group LLP  
Mick Baird, Invenergy, LLC  
Bristi Cure, Invenergy, LLC  
Evan Horn, Ernst & Young LLP

## Amended Attachment A – Economic Impact Analysis

The following tables summarize the Comptroller’s economic impact analysis of Delilah Solar Energy LLC (project) applying to Rivercrest Independent School District (district), as required by Tax Code, 313.026 and Texas Administrative Code 9.1055(d)(2).

**Table 1** is a summary of investment, employment and tax impact of Delilah Solar Energy LLC.

	<b>Amendment No. 1</b>	<b>Amendment No. 2</b>
Applicant	Delilah Solar Energy LLC	Delilah Solar Energy LLC
Tax Code, 313.024 Eligibility Category	Renewable Energy Electric Generation	Renewable Energy - Solar
School District	Rivercrest ISD	Rivercrest ISD
2018-2019 Average Daily Attendance	669	669
County	Red River	Red River
Proposed Total Investment in District	\$38,196,935	\$57,435,374
Proposed Qualified Investment	\$38,196,935	\$55,692,201
Limitation Amount	\$20,000,000	\$20,000,000
Qualifying Time Period (Full Years)	2021-2022	2021-2022
Number of new qualifying jobs committed to by applicant	1*	1*
Number of new non-qualifying jobs estimated by applicant	0	0
Average weekly wage of qualifying jobs committed to by applicant	\$750	\$750
Minimum weekly wage required for each qualifying job by Tax Code, 313.021(5)(A)	\$732.88	\$732.88
Minimum annual wage committed to by applicant for qualified jobs	\$39,000	\$39,000
Minimum weekly wage required for non-qualifying jobs	\$678.25	\$678.25
Minimum annual wage required for non-qualifying jobs	\$35,269	\$35,269
Investment per Qualifying Job	\$38,196,935	\$57,435,374
Estimated M&O levy without any limit (15 years)	\$2,774,920	\$4,179,113
Estimated M&O levy with Limitation (15 years)	\$2,162,091	\$2,573,328
Estimated gross M&O tax benefit (15 years)	\$612,828	\$1,605,785

*\* Applicant is requesting district to waive requirement to create minimum number of qualifying jobs pursuant to Tax Code, 313.025 (f-1).*

**Table 2** is the estimated statewide economic impact of Delilah Solar Energy LLC (modeled).

Year	Employment			Personal Income		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total
2021	25	28	53	\$975,000	\$2,754,193	\$3,729,193
2022	75	84	159	\$2,925,000	\$8,848,243	\$11,773,243
2023	100	113	213	\$3,900,000	\$13,058,888	\$16,958,888
2024	1	11	12	\$39,000	\$2,885,592	\$2,924,592
2025	1	4	5	\$39,000	\$1,832,827	\$1,871,827
2026	1	(3)	-2	\$39,000	\$922,967	\$961,967
2027	1	(5)	-4	\$39,000	\$389,646	\$428,646
2028	1	(6)	-5	\$39,000	\$129,300	\$168,300
2029	1	(5)	-4	\$39,000	\$48,827	\$87,827
2030	1	(3)	-2	\$39,000	\$78,232	\$117,232
2031	1	(2)	-1	\$39,000	\$173,111	\$212,111
2032	1	(0)	1	\$39,000	\$298,748	\$337,748
2033	1	1	2	\$39,000	\$433,234	\$472,234
2034	1	2	3	\$39,000	\$560,274	\$599,274
2035	1	3	4	\$39,000	\$667,452	\$706,452
2036	1	3	4	\$39,000	\$742,810	\$781,810
2037	1	4	5	\$39,000	\$787,936	\$826,936
2038	1	4	5	\$39,000	\$808,941	\$847,941

Source: CPA REMI, Delilah Solar Energy LLC

**Table 3** examines the estimated direct impact on ad valorem taxes to the region if all taxes are assessed.

Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O		Rivercrest ISD I&S Tax Levy	Rivercrest ISD M&O Tax Levy	Rivercrest ISD M&O and I&S Tax Levies	Red River County Tax Levy	Langford Creek Water District Tax Levy	Estimated Total Property Taxes
			Tax Rate*	0.2200	1.0600		0.8115	0.0257	
2024	\$57,435,374	\$57,435,374		\$126,358	\$608,815	\$735,173	\$466,088	\$14,738	\$1,215,999
2025	\$52,833,141	\$52,833,141		\$116,233	\$560,031	\$676,264	\$428,741	\$13,557	\$1,118,562
2026	\$47,866,925	\$47,866,925		\$105,307	\$507,389	\$612,697	\$388,440	\$12,283	\$1,013,419
2027	\$42,499,709	\$42,499,709		\$93,499	\$450,497	\$543,996	\$344,885	\$10,905	\$899,787
2028	\$36,706,818	\$36,706,818		\$80,755	\$389,092	\$469,847	\$297,876	\$9,419	\$777,142
2029	\$30,451,236	\$30,451,236		\$66,993	\$322,783	\$389,776	\$247,112	\$7,814	\$644,701
2030	\$23,695,948	\$23,695,948		\$52,131	\$251,177	\$303,308	\$192,293	\$6,080	\$501,681
2031	\$16,397,769	\$16,397,769		\$36,075	\$173,816	\$209,891	\$133,068	\$4,208	\$347,167
2032	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2033	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2034	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2035	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2036	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2037	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2038	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
			Total	\$867,363	\$4,179,113	\$5,046,476	\$3,199,387	\$101,166	\$8,347,028

Source: CPA, Delilah Solar Energy LLC

\*Tax Rate per \$100 Valuation

**Table 4** examines the estimated direct impact on ad valorem taxes to the school district, Red River County and Langford Creek Water District, with all property tax incentives sought being granted using estimated market value from the application. The project has applied for a value limitation under Chapter 313, Tax Code and tax abatement with the county.

The difference noted in the last line is the difference between the totals in Table 3 and Table 4.

Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O		Rivercrest ISD I&S Tax Levy	Rivercrest ISD M&O Tax Levy	Rivercrest ISD M&O and I&S Tax Levies	Red River County Tax Levy	Langford Creek Water District Tax Levy	Estimated Total Property Taxes
			Tax Rate*	0.2200	1.0600		0.8115	0.0257	
2024	\$57,435,374	\$20,000,000		\$126,358	\$212,000	\$338,358	\$419,479	\$14,738	\$772,575
2025	\$52,833,141	\$20,000,000		\$116,233	\$212,000	\$328,233	\$385,867	\$13,557	\$727,657
2026	\$47,866,925	\$20,000,000		\$105,307	\$212,000	\$317,307	\$349,596	\$12,283	\$679,186
2027	\$42,499,709	\$20,000,000		\$93,499	\$212,000	\$305,499	\$310,397	\$10,905	\$626,801
2028	\$36,706,818	\$20,000,000		\$80,755	\$212,000	\$292,755	\$268,088	\$9,419	\$570,262
2029	\$30,451,236	\$20,000,000		\$66,993	\$212,000	\$278,993	\$222,401	\$7,814	\$509,207
2030	\$23,695,948	\$20,000,000		\$52,131	\$212,000	\$264,131	\$173,063	\$6,080	\$443,275
2031	\$16,397,769	\$16,397,769		\$36,075	\$173,816	\$209,891	\$119,761	\$4,208	\$333,860
2032	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$90,114	\$3,166	\$251,212
2033	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$90,114	\$3,166	\$251,212
2034	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2035	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2036	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2037	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
2038	\$12,338,426	\$12,338,426		\$27,145	\$130,787	\$157,932	\$100,126	\$3,166	\$261,224
			Total	\$867,363	\$2,573,328	\$3,440,691	\$2,929,511	\$101,166	\$6,471,368
			Diff	\$0	\$1,605,785	\$1,605,785	\$269,876	\$0	\$1,875,661
Assumes School Value Limitation and Tax Abatement with the County.									

Source: CPA, Delilah Solar Energy LLC

\*Tax Rate per \$100 Valuation

**Disclaimer:** This examination is based on information from the application submitted to the school district and forwarded to the comptroller. It is intended to meet the statutory requirement of Chapter 313 of the Tax Code and is not intended for any other purpose.

## Attachment B – Tax Revenue before 25<sup>th</sup> Anniversary of Limitation Start

This represents the Comptroller's determination that Delilah Solar Energy LLC (project) is reasonably likely to generate, before the 25th anniversary of the beginning of the limitation period, tax revenue in an amount sufficient to offset the school district maintenance and operations ad valorem tax revenue lost as a result of the agreement. This evaluation is based on an analysis of the estimated M&O portion of the school district property tax levy directly related to this project, using estimated taxable values provided in the application.

	Tax Year	Estimated ISD M&O Tax Levy Generated (Annual)	Estimated ISD M&O Tax Levy Generated (Cumulative)	Estimated ISD M&O Tax Levy Loss as Result of Agreement (Annual)	Estimated ISD M&O Tax Levy Loss as Result of Agreement (Cumulative)
<b>Limitation Pre-Years</b>	2021	\$0	\$0	\$0	\$0
	2022	\$590,337	\$590,337	\$0	\$0
	2023	\$590,337	\$1,180,675	\$0	\$0
<b>Limitation Period (10 Years)</b>	2024	\$212,000	\$1,392,675	\$396,815	\$396,815
	2025	\$212,000	\$1,604,675	\$348,031	\$744,846
	2026	\$212,000	\$1,816,675	\$295,389	\$1,040,236
	2027	\$212,000	\$2,028,675	\$238,497	\$1,278,733
	2028	\$212,000	\$2,240,675	\$177,092	\$1,455,825
	2029	\$212,000	\$2,452,675	\$110,783	\$1,566,608
	2030	\$212,000	\$2,664,675	\$39,177	\$1,605,785
	2031	\$173,816	\$2,838,491	\$0	\$1,605,785
	2032	\$130,787	\$2,969,278	\$0	\$1,605,785
	2033	\$130,787	\$3,100,066	\$0	\$1,605,785
	2034	\$130,787	\$3,230,853	\$0	\$1,605,785
<b>Maintain Viable Presence (5 Years)</b>	2035	\$130,787	\$3,361,640	\$0	\$1,605,785
	2036	\$130,787	\$3,492,428	\$0	\$1,605,785
	2037	\$130,787	\$3,623,215	\$0	\$1,605,785
	2038	\$130,787	\$3,754,002	\$0	\$1,605,785
	2039	\$130,787	\$3,884,790	\$0	\$1,605,785
<b>Additional Years as Required by 313.026(c)(1) (10 Years)</b>	2040	\$130,787	\$4,015,577	\$0	\$1,605,785
	2041	\$130,787	\$4,146,364	\$0	\$1,605,785
	2042	\$130,787	\$4,277,152	\$0	\$1,605,785
	2043	\$130,787	\$4,407,939	\$0	\$1,605,785
	2044	\$130,787	\$4,538,726	\$0	\$1,605,785
	2045	\$130,787	\$4,669,513	\$0	\$1,605,785
	2046	\$130,787	\$4,800,301	\$0	\$1,605,785
	2047	\$130,787	\$4,931,088	\$0	\$1,605,785
	2048	\$130,787	\$5,061,875	\$0	\$1,605,785
		<b>\$5,061,875</b>	is greater than	<b>\$1,605,785</b>	
<b>Analysis Summary</b>					
Is the project reasonably likely to generate tax revenue in an amount sufficient to offset the M&O levy loss as a result of the limitation agreement?					<b>Yes</b>

NOTE: The analysis above only takes into account this project's estimated impact on the M&O portion of the school district property tax levy directly related to this project.

Source: CPA, Delilah Solar Energy LLC

**Disclaimer:** This examination is based on information from the application submitted to the school district and forwarded to the comptroller. It is intended to meet the statutory requirement of Chapter 313 of the Tax Code and is not intended for any other purpose.