



WALSH GALLEGOS
TREVINO RUSSO & KYLE P.C.

January 15, 2020

Ms. Tabita Collazo
Regional Fiscal Analysis
Local Government Assistance and
Economic Development Division
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78774

***VIA EMAIL DELIVERY: tabita.collazo@cpa.state.tx.us
and VIA U.S. POSTAL SERVICE DELIVERY***

Re: Application #1447—Charlotte Independent School District (“District”) / Tax
Limitation Agreement: Grandslam Solar, LLC (“Applicant”)

Dear Ms. Collazo:

Pursuant to your e-mail correspondence dated December 17, 2019, please see below and attached for the requested additional information and clarification related to the above-mentioned Application materials submitted to your office on January 7, 2019. In particular, please note the following amendments to Application #1447:

1. Section 1, Question 1 amended to include correct date on which the District determined the Application to be complete;
2. Section 1, Question 4 amended to include the Superintendent’s e-mail address;
3. Updated wage information in Section 14, Tab 13;
4. Updated Schedule C;
5. Tab 16 updated to include appropriate guidelines and criteria;
6. Updated Vicinity Map; and
7. Fully Executed Signature page.

Thank you for your consideration. Please feel free to contact me directly if you have any additional questions.

Sincerely,

EDDY HERNANDEZ PEREZ

EHP/paw
Enclosure

Ms. Tabita Collazo

January 15, 2020

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cc: Mario Sotelo, Superintendent of Schools, Charlotte Independent School District
(Via E-Mail Delivery; without enclosures)

Dan Casey, Moak Casey *(Via E-Mail Delivery; without enclosures)*

Evan Horn, Ernst & Young, LLP *(Via E-Mail Delivery; without enclosures)*

Raina Hornaday, Caprock Renewables *(Via E-Mail Delivery; without enclosures)*

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 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 original hard copy of the completed application to the Comptroller in a three-ring binder with tabs, as indicated on page 9 of this application, separating each section of the documents, in addition to an electronic copy on CD. 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, the Comptroller will publish all submitted 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 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, issue a certificate for a limitation on appraised value to the school board regarding the application and prepare an economic impact evaluation 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), 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/. 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

11/13/19

Date Application Received by District

Mario

First Name

Sotelo

Last Name

Superintendent

Title

Charlotte Independent School District

School District Name

102 E. Hindes Ave

Street Address

P.O. Box 489

Mailing Address

Charlotte

City

Texas

State

78011

ZIP

830-277-1431

Phone Number

Fax Number

MSotelo@charlotteisd.org

Email Address

Mobile Number (optional)

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)

Eddy Perez
First Name Last Name
Attorney
Title
Walsh Gallegos Trevino Russo & Kyle, P.C.
Firm Name
210-979-6633
Phone Number
Mobile Number (optional)
Fax Number
EPerez@wabsa.com
Email Address

4. On what date did the district determine this application complete? November 14, 2019
5. Has the district determined that the electronic copy and hard copy are identical? [X] Yes [] No

SECTION 2: Applicant Information

1. Authorized Company Representative (Applicant)

Raina Hornaday
First Name Last Name
General Manager
Title
Caprock Renewables
Organization
Street Address
1005 W 41st St
Mailing Address
Austin Texas 78756
City State ZIP
512-971-8825
Phone Number
Fax Number
raina@caprockrenewables.com
Business Email Address
Mobile Number (optional)

2. Will a company official other than the authorized company representative be responsible for responding to future information requests? [] Yes [X] No
2a. If yes, please fill out contact information for that person.

First Name Last Name
Title Organization
Street Address
Mailing Address
City State ZIP
Phone Number Fax Number
Mobile Number (optional) Business Email Address

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)

Evan _____ Horn _____
First Name Last Name
 Manager _____
Title
 Ernst & Young LLP _____
Firm Name
 512-426-8958 _____
Phone Number Fax Number
 Evan.Horn@EY.com _____
Business Email Address

SECTION 3: Fees and Payments

- Has an application fee been paid to the school district? Yes No
 The total fee shall be paid at time of the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.
 1a. If yes, attach in **Tab 2** proof of application fee paid to the school district.
- 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
- 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

- What is the legal name of the applicant under which this application is made? _____ Grandslam Solar, LLC
- List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) _____ 32069009796
- List the NAICS code _____ 221114
- Is the applicant a party to any other pending or active Chapter 313 agreements? Yes No
 4a. If yes, please list application number, name of school district and year of agreement _____

SECTION 5: Applicant Business Structure

- Identify Business Organization of Applicant (corporation, limited liability corporation, etc) _____ Limited Liability Company
- 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 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.
- Is the applicant current on all tax payments due to the State of Texas? Yes No
- Are all applicant members of the combined group current on all tax payments due to the State of Texas? Yes No N/A
- If the answer to question 3 or 4 is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (If necessary, attach explanation in **Tab 3**)

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

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.
- 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

- 1. Application approval by school board April 1, 2020
- 2. Commencement of construction Q3 2020
- 3. Beginning of qualifying time period April 1, 2020
- 4. First year of limitation Jan 1, 2022
- 5. Begin hiring new employees Q4 2021
- 6. Commencement of commercial operations Q4 2021
- 7. Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (*date your application is finally determined to be complete*)? Yes No
Note: Improvements made before that time may not be considered qualified property.
- 8. When do you anticipate the new buildings or improvements will be placed in service? Q4 2021

SECTION 10: The Property

- 1. Identify county or counties in which the proposed project will be located Atascosa County
- 2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property Atascosa 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:
 County: Atascosa County, 100%, .420237 City: _____
(Name, tax rate and percent of project) (Name, tax rate and percent of project)
 Hospital District: _____ Water District: Evergreen, 100%, .005380
(Name, tax rate and percent of project) (Name, tax rate and percent of project)
 Other (describe): FTMR, 100%, .077557 Other (describe): _____
(Name, tax rate and percent of project) (Name, tax rate and percent of project)
- 5. Is the project located entirely within the ISD listed in Section 1? Yes No
 5a. If no, attach in **Tab 6** additional information on the project scope and size to assist in the economic analysis.
- 6. 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
 6a. If yes, attach in **Tab 6** supporting documentation from the Office of the Governor.

SECTION 11: 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/.

- 1. At the time of application, what is the estimated minimum qualified investment required for this school district? 10,000,000.00
- 2. What is the amount of appraised value limitation for which you are applying? 20,000,000.00
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 on the property 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: Qualified Property

- 1. Attach a detailed description of the qualified property. [See §313.021(2)] (If qualified investment describes qualified property exactly, you may skip items a, b and c below.) 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); and
1c. a map of the qualified property showing location of new buildings or new improvements with vicinity map (Tab 11).
2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)?
2a. If yes, attach complete documentation including:
a. legal description of the land (Tab 9);
b. each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property (Tab 9);
c. owner (Tab 9);
d. the current taxable value of the land. Attach estimate if land is part of larger parcel (Tab 9); and
e. a detailed map showing the location of the land with vicinity map (Tab 11).
3. Is the land on which you propose new construction or new improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303?
3a. If yes, attach the applicable supporting documentation:
a. evidence that the area qualifies as a enterprise zone as defined by the Governor's Office (Tab 16);
b. legal description of reinvestment zone (Tab 16);
c. order, resolution or ordinance establishing the reinvestment zone (Tab 16);
d. guidelines and criteria for creating the zone (Tab 16); and
e. a map of the reinvestment zone or enterprise zone boundaries with vicinity map (Tab 11)
3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date. What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone? 1/15/20

SECTION 13: Information on Property Not Eligible to Become Qualified Property

- 1. In Tab 10, attach a specific and detailed description of all existing property. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.
2. In Tab 10, attach a specific and detailed description of all proposed new property that will not become new improvements as defined by TAC 9.1051. This includes proposed property that: functionally replaces existing or demolished/removed property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property; or is otherwise ineligible to become qualified property. The description must provide sufficient detail to distinguish existing property (question 1) and all proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).
3. For the property not eligible to become qualified property listed in response to questions 1 and 2 of this section, provide the following supporting information in Tab 10:
a. maps and/or detailed site plan;
b. surveys;
c. appraisal district values and parcel numbers;
d. inventory lists;
e. existing and proposed property lists;
f. model and serial numbers of existing property; or
g. other information of sufficient detail and description.
4. Total estimated market value of existing property (that property described in response to question 1): \$ 0.00
5. In Tab 10, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.
6. Total estimated market value of proposed property not eligible to become qualified property (that property described in response to question 2): \$ 0.00

Note: Investment for the property listed in question 2 may count towards qualified investment in Column C of Schedules A-1 and A-2, if it meets the requirements of 313.021(1). Such property cannot become qualified property on Schedule B.

SECTION 14: Wage and Employment Information

1. What is the estimated number of permanent jobs (more than 1,600 hours a year), with the applicant or a contractor of the applicant, on the proposed qualified property during the last complete quarter before the application review start date (date your application is finally determined to be complete)? 0
2. What is the last complete calendar quarter before application review start date:
 First Quarter Second Quarter Third Quarter Fourth Quarter of 2019
(year)
3. What were the number of permanent jobs (more than 1,600 hours a year) this applicant had in Texas during the most recent quarter reported to the Texas Workforce Commission (TWC)? 0
Note: For job definitions see TAC §9.1051 and Tax Code §313.021(3).
4. What is the number of new qualifying jobs you are committing to create? 1
5. What is the number of new non-qualifying jobs you are estimating you will create? 0
6. 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
 - 6a. If yes, attach evidence 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.
7. Attach in **Tab 13** the four most recent quarters of data for each wage calculation below, including documentation from the TWC 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 from the four quarterly periods for which data were available at the time of the application review start date (date of a completed application). See TAC §9.1051(21) and (22).
 - a. Average weekly wage for all jobs (all industries) in the county is 1,039.50
 - b. 110% of the average weekly wage for manufacturing jobs in the county is 1,100.55
 - c. 110% of the average weekly wage for manufacturing jobs in the region is 1,003.28
8. 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)
9. What is the minimum required annual wage for each qualifying job based on the qualified property? 52,171.00
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? 52,171.00
11. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? Yes No
12. 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
 - 12a. If yes, attach in **Tab 12** supporting documentation from the TWC, pursuant to §313.021(3)(F).
13. 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
 - 13a. 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, C, and D 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 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**.

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 ▶

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 ▶

Raina Hornaday

Print Name (Authorized Company Representative (Applicant))

General Manager

Title

sign
here ▶

Signature (Authorized Company Representative (Applicant))

Date

GIVEN under my hand and seal of office this, the

_____ day of _____, _____

Notary Public in and for the State of Texas

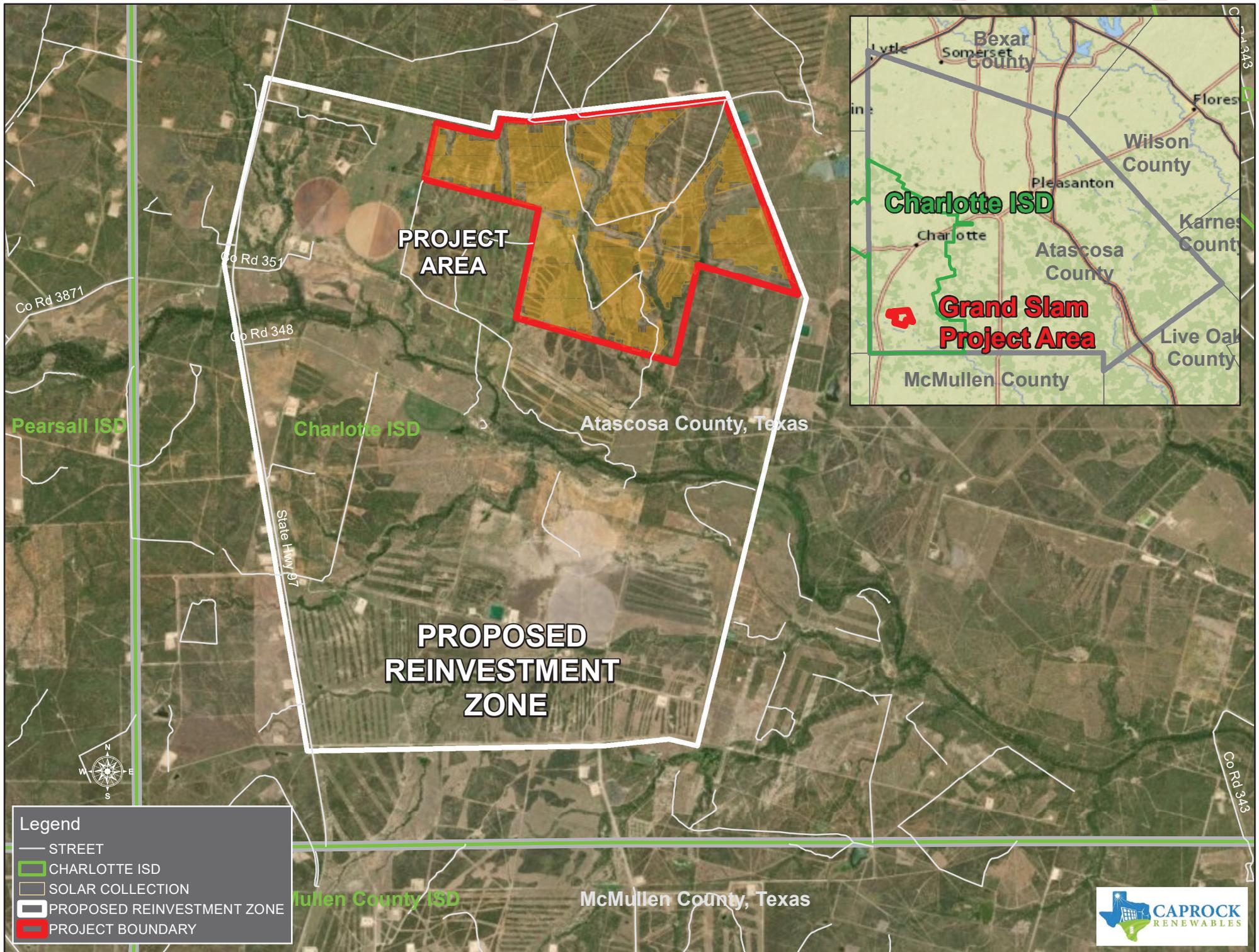
(Notary Seal)

My Commission expires: _____

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.

APPLICATION TAB ORDER FOR REQUESTED ATTACHMENTS

TAB	ATTACHMENT
1	Pages 1 through 11 of Application
2	Proof of Payment of Application Fee
3	Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation <i>(if applicable)</i>
4	Detailed description of the project
5	Documentation to assist in determining if limitation is a determining factor
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 <i>(if applicable)</i>
7	Description of Qualified Investment
8	Description of Qualified Property
9	Description of Land
10	Description of all property not eligible to become qualified property <i>(if applicable)</i>
11	<p>Maps that clearly show:</p> <ul style="list-style-type: none"> a) Project vicinity b) Qualified investment including 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 c) Qualified property including location of new buildings 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 <p>Note: Electronic maps should be high resolution files. Include map legends/markers.</p>
12	Request for Waiver of Job Creation Requirement and supporting information <i>(if applicable)</i>
13	Calculation of three possible wage requirements with TWC documentation
14	Schedules A1, A2, B, C and D completed and signed Economic Impact <i>(if applicable)</i>
15	Economic Impact Analysis, other payments made in the state or other economic information <i>(if applicable)</i>
16	<p>Description of Reinvestment or Enterprise Zone, including:</p> <ul style="list-style-type: none"> a) evidence that the area qualifies as a enterprise zone as defined by the Governor's Office b) legal description of reinvestment zone* c) order, resolution or ordinance establishing the reinvestment zone* d) guidelines and criteria for creating the zone* <p>* To be submitted with application or before date of final application approval by school board</p>
17	Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative <i>(applicant)</i>



GRAND SLAM SOLAR RANCH LLC



TAB 13

Wage Requirement Calculation

1. Average Weekly Wages for All Jobs (All Industries) in ATASCOSA County, Q3 - Q4 2018, & Q1 - Q2 2019

Category	Area	Period	Avg. Weekly Wage
All Industries	ATASCOSA County	Q3 2018	\$997
All Industries	ATASCOSA County	Q4 2018	\$1,045
All Industries	ATASCOSA County	Q1 2019	\$1,077
All Industries	ATASCOSA County	Q2 2019	\$1,039
		AVERAGE	\$1,039.50

Quarterly Census of Employment and Wages (QCEW) Report

Customize the report/Help with Accessibility

Drag a column header and drop it here to group by that column

Year	Period	Area	Ownership	Industry Code	Industry	Average Weekly Wage
2018	01	Atascosa	Total All	10	Total, All Industries	946
2018	02	Atascosa	Total All	10	Total, All Industries	987
2018	03	Atascosa	Total All	10	Total, All Industries	997
2018	04	Atascosa	Total All	10	Total, All Industries	1,045
2019	01	Atascosa	Total All	10	Total, All Industries	1,077
2019	02	Atascosa	Total All	10	Total, All Industries	1,039

2. 110% of Average Weekly Wages for Manufacturing Jobs in ATASCOSA County, Q3 - Q4 2018, & Q1 - Q2 2019

Category	Area	Period	Avg. Weekly Wage
Manufacturing	ATASCOSA County	Q3 2018	\$881
Manufacturing	ATASCOSA County	Q4 2018	\$930
Manufacturing	ATASCOSA County	Q1 2019	\$1,097
Manufacturing	ATASCOSA County	Q2 2019	\$1,094
		AVERAGE	\$1,001
		110% OF AVERAGE	\$1,100.55

Quarterly Census of Employment and Wages (QCEW) Report

Customize the report/Help with Accessibility

Drag a column header and drop it here to group by that column

Year	Period	Area	Ownership	Industry Code	Industry	Average Weekly Wage
2018	01	Atascosa	Private	1013	Manufacturing	898
2018	02	Atascosa	Private	1013	Manufacturing	894
2018	03	Atascosa	Private	1013	Manufacturing	881
2018	04	Atascosa	Private	1013	Manufacturing	930
2019	01	Atascosa	Private	1013	Manufacturing	1,097
2019	02	Atascosa	Private	1013	Manufacturing	1,094

TAB 13

Wage Requirement Calculation

3. COG Region Wage Calculation

Year	Region	Annual Wage	Avg. Weekly Wage
2018	Alamo Area Council of Governments	\$ 47,428	\$912
		110% OF AVERAGE	\$1,003.28

2018 Manufacturing Average Wages by Council of Government Region
Wages for All Occupations

COG	COG Number	Wages	
		Hourly	Annual
Texas		\$27.04	\$56,240
Alamo Area Council of Governments	18	\$22.80	\$47,428
Ark-Tex Council of Governments	5	\$18.73	\$38,962
Brazos Valley Council of Governments	13	\$18.16	\$37,783
Capital Area Council of Governments	12	\$32.36	\$67,318
Central Texas Council of Governments	23	\$19.60	\$40,771
Coastal Bend Council of Governments	20	\$28.52	\$59,318
Concho Valley Council of Governments	10	\$21.09	\$43,874
Deep East Texas Council of Governments	14	\$18.28	\$38,021
East Texas Council of Governments	6	\$21.45	\$44,616
Golden Crescent Regional Planning Commission	17	\$28.56	\$59,412
Heart of Texas Council of Governments	11	\$22.71	\$47,245
Houston-Galveston Area Council	16	\$29.76	\$61,909
Lower Rio Grande Valley Development Council	21	\$17.21	\$35,804
Middle Rio Grande Development Council	24	\$20.48	\$42,604
NORTEX Regional Planning Commission	3	\$25.14	\$52,284
North Central Texas Council of Governments	4	\$27.93	\$58,094
Panhandle Regional Planning Commission	1	\$24.19	\$50,314
Permian Basin Regional Planning Commission	9	\$25.90	\$53,882
Rio Grande Council of Governments	8	\$18.51	\$38,493
South East Texas Regional Planning Commission	15	\$36.26	\$75,430
South Plains Association of Governments	2	\$20.04	\$41,691
South Texas Development Council	19	\$17.83	\$37,088
Texoma Council of Governments	22	\$21.73	\$45,198
West Central Texas Council of Governments	7	\$21.84	\$45,431

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

Data published: July 2019

Data published annually, next update will be July 31, 2020

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 Statistics (OES) data, and is not to be compared to BLS estimates.

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

Schedule C: Employment Information

Date 1/6/2020
Applicant Name Grandslam Solar, LLC
ISD Name Charlotte ISD

Form 50-296A
 Revised May 2014

				Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Number of Construction FTE's or man-hours (specify)	Average annual wage rates for construction workers	Number of non-qualifying jobs applicant estimates it will create (cumulative)	Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Average annual wage of new qualifying jobs
Each year prior to start of value Limitation Period <small>insert as many rows as necessary</small>	0	2019-2020	2019	0	\$0	0	0	n/a
Each year prior to start of value Limitation Period <small>insert as many rows as necessary</small>	Stub	2020-2021	2020	200 FTE	\$50,000	0	0	n/a
Each year prior to start of value Limitation Period <small>insert as many rows as necessary</small>	QTP1	2021-2022	2021	200 FTE	\$50,000	0	1	n/a
Value Limitation Period <small>The qualifying time period could overlap the value limitation period.</small>	QTP2/LP1	2022-2023	2022	0	n/a	0	1	\$52,171
	2	2023-2024	2023	0	n/a	0	1	\$52,171
	3	2024-2025	2024	0	n/a	0	1	\$52,171
	4	2025-2026	2025	0	n/a	0	1	\$52,171
	5	2026-2027	2026	0	n/a	0	1	\$52,171
	6	2027-2028	2027	0	n/a	0	1	\$52,171
	7	2028-2029	2028	0	n/a	0	1	\$52,171
	8	2029-2030	2029	0	n/a	0	1	\$52,171
	9	2030-2031	2030	0	n/a	0	1	\$52,171
	10	2031-2032	2031	0	n/a	0	1	\$52,171
Years Following Value Limitation Period	11 through 25	2031-2047	2031-2047	0	n/a	0	1	\$52,171

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

C1. Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute?
 (25 qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)

Yes No

C1a. Will the applicant request a job waiver as provided under 313.025(f-1)?

Yes No

C1b. Will the applicant avail itself of the provision in 313.021(3)(F)?

Yes No

RESOLUTION NO. _____

A RESOLUTION THAT THE COMMISSIONERS COURT OF ATASCOSA COUNTY, TEXAS ELECTS TO ADOPT AN ECONOMIC DEVELOPMENT POLICY, WHICH INCLUDES SETTING OUT GUIDELINES AND CRITERIA FOR TAX ABATEMENT IN ACCORDANCE WITH TEXAS TAX CODE 312.001 ET. SEQ., OTHERWISE KNOWN AS THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT ("ACT"), GOVERNING THE CREATION OF TAX ABATEMENT REINVESTMENT ZONES AND THE EXECUTION OF 312 TAX ABATEMENT AGREEMENTS BY THE COUNTY.

WHEREAS, the enhancement of the local economy is in the best interests of the citizens of Atascosa County; and,

WHEREAS, the creation of specified tax abatement reinvestment zones and the execution of tax abatement agreements will be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment that would be a benefit to property and would contribute to the economic development of the County of Atascosa; and,

WHEREAS, the Act requires counties to establish local guidelines and criteria for the creation of tax abatement reinvestment zones and the execution of 312 Tax Abatement Agreements; and,

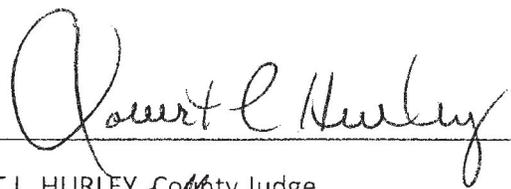
WHEREAS, the Act states that guidelines and criteria are effective for two years unless amended or replaced by a three-fourths (3/4) vote of the governing body.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF ATASCOSA COUNTY, TEXAS, THAT:

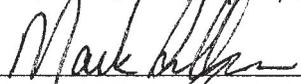
PART 1. The guidelines and criteria outlined in Exhibit "A" of this resolution which govern 312 Tax Abatement Agreements, are hereby adopted by the Atascosa County Commissioners Court and shall remain in effect for two years from the date herein unless amended or repealed by a vote of the Commissioners Court.

PART 2. That this resolution shall take effect immediately from and after its passage.

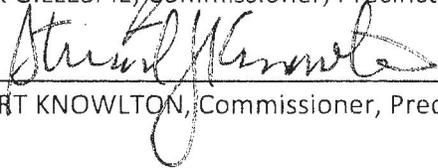
ADOPTED this the ^{25th} day of March, 2019.



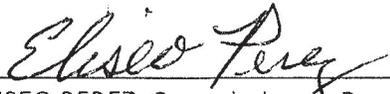
ROBERT L. HURLEY, County Judge



MARK GILLESPIE, Commissioner, Precinct 1



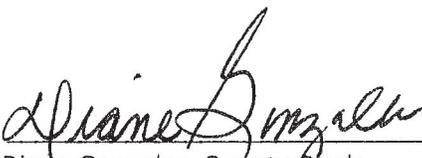
STUART KNOWLTON, Commissioner, Precinct 2



ELISEO PEREZ, Commissioner, Precinct 3



KENNARD RILEY, Commissioner, Precinct 4

Attest: 

Diane Gonzales, County Clerk
Atascosa County, Texas



ATASCOSA ECONOMIC DEVELOPMENT PROGRAM POLICY

1. AUTHORIZATION

A. General Authority. The Atascosa County Commissioners Court (“Commissioners Court”) is authorized to develop and administer a program to stimulate business and commercial activity in Atascosa County (“County”) pursuant to Texas Local Government Code, Chapter 381 and other applicable statutes.

B. Tax Abatement Resolution. The County has adopted a Resolution stating that the County elects to become eligible to participate in tax abatement under both the Texas Local Government Code, Section 381.004(g) and applicable provisions of the Texas Tax Code, and also under Chapter 312 of the Texas Tax Code. Tax Abatement Agreements which are entered into under Texas Local Government Code, Section 381.004(g) (“381 Tax Abatement Agreement”) shall be subject to the requirements of that statute and governed, to the extent practicable, by the provisions of Sections 312.204 , 312.205 , and 312.211 of the Texas Tax Code, as if the Commissioners Court were a governing body of a municipality. Tax Abatement Agreements which are entered into under Texas Tax Code, Chapter 312 (“312 Tax Abatement Agreement”) shall be subject to all requirements of that statute.

2. PURPOSE AND METHOD

A. General Purpose. Atascosa County is committed to the promotion and retention of high quality development in all parts of the County and to an ongoing improvement in the quality of life for its citizens. Insofar as the enhancement and expansion of the local economy generally serves these objectives, the County will, on a case-by-case basis, give consideration to providing certain incentives to private sector businesses that will make a measurable difference in achieving economic growth and development. This Policy is intended to establish guidelines and criteria under which the County may develop and administer a program to stimulate business and commercial activity. The adoption of this Policy does not in any way limit the discretion of the Commissioners Court to decide whether to enter into a specific agreement.

B. Term. The Atascosa County Commissioners Court has directed that this Policy be reviewed every two (2) years to include a report with the resulting effects. Based on that review, this Policy will be modified, renewed, or eliminated.

C. Limitations. The adoption of these guidelines and criteria does not limit the discretion of the Commissioners Court to decide whether to enter into a specific agreement nor does it create any contract or other legal right in any Applicant to have the Commissioners Court consider a specific Application or request.

3. DEFINITIONS

A. “Abatement” means the full or partial release from payment of Ad Valorem Taxes on certain real and tangible personal property under this Policy.

- B. **“ACAD”** means the Atascosa Central Appraisal District.
- C. **“Ad Valorem Taxes/Taxation”** means those property taxes assessed by County on real and tangible personal property located within Atascosa County, Texas.
- D. **“Agreement”** means a contractual agreement between a property owner and/or lessee (and lessor) and Atascosa County, granting or pertaining to an Incentive under this Policy, including any contract entered into under this Policy.
- E. **“Agreement Funds”** means all money paid to or abated for a Company pursuant to the terms of an Agreement entered into under this Policy.
- F. **“Applicant”** means the authorized representative of a firm, party, entity, or organization who requests in writing the consideration of an Incentive under this Policy.
- G. **“Application”** means the Atascosa County Economic Development Incentive Application Package attached hereto.
- H. **“Company”** means the authorized individual or business entering into an Agreement with County under this Policy.
- I. **“Effective Year Value”** means the value assessed by County for the purposes of Atascosa County Ad Valorem Taxes on Eligible Property for the tax year including the effective date of the Agreement. The effective date of an Agreement shall be the date on which all parties have executed the Agreement.
- J. **“Eligible Property”** means certain real property and tangible personal property including buildings, structures, fixed machinery and equipment, fixed personal property, site improvements, plus office space and related fixed improvements necessary to the operation and administration of a facility.
- K. **“Employee”** means a person: whose employment is permanent, full-time, and non-seasonal; and who is employed by the Company for a minimum of 1,750 hours per year; and whose employment is reflected in a company generated and certified payroll report or other documentation of employment acceptable to the County.
- L. **“Incentive”** means the benefit granted under an Agreement entered into pursuant to this Policy and applicable statutes.
- M. **“Payment Year Value”** means the value assessed by the ACAD for the purpose of the payment of Atascosa County Ad Valorem Taxes on Eligible Property for any tax year included in an Agreement, not including the tax year in which an Agreement was made effective.
- N. **“Project”** means the proposed development as specifically described by Company in the Application/request for incentives and the Agreement.
- O. **“Property”** means the land (real property) on which the Project will be developed.

P. "Rebate" means the rebate of Ad Valorem Taxes paid by a Company on Eligible Property pursuant to the terms of a Rebate Agreement.

4. INCENTIVES

By decision of the Atascosa County Commissioners Court, Incentives are limited to tax Abatement and Rebate at this time.

A. **Abatement.** The Commissioners Court may grant exemption from Ad Valorem Taxes on Eligible Property on the condition that a Company make specific improvements or repairs and meet other requirements as set forth under this Policy and the terms of an Agreement.

(i) Reinvestment Zone.

(a) When entering into an Abatement Agreement pursuant to Chapter 381 of the Texas Local Government Code -a 381 Tax Abatement Agreement- the Commissioners Court will designate a Reinvestment Zone pursuant to Section 312.201 of the Texas Tax Code, or will utilize a Reinvestment Zone created by another taxing entity. Where designation of a Reinvestment Zone is not practicable, the Commissioners Court will review and evaluate the Property utilizing the criteria for establishing a Reinvestment Zone and make a determination that the Property substantially meets the guidelines for establishing a Reinvestment Zone.

(b) When entering into an Abatement Agreement pursuant to Chapter 312 of the Texas Tax Code -a 312 Tax Abatement Agreement- the Commissioners Court must designate a Reinvestment Zone. If an area does not include an area in the taxing jurisdiction of a municipality, the Commissioners Court may proceed to designate a Reinvestment Zone pursuant to 312.401 of the Texas Tax Code, and other applicable provisions, if (1) the Commissioners Court provides notice of a public hearing which is published in a newspaper having general circulation in the County and such notice is delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed Reinvestment Zone; (2) the Commissioners Court holds a public hearing where interested persons are allowed to speak and present evidence for or against the designation; and (3) the Commissioners Court finds that the designation would contribute to the retention or expansion of primary employment or would attract major investment in the zone that would be a benefit to the Property and would contribute to the economic development of the County.

(c) The designation of a Reinvestment Zone expires five (5) years after the date of the designation and may be renewed for periods not to exceed five (5) years. Expiration of a Reinvestment Zone will not affect existing Agreements.

(ii) Notice. The Commissioners Court shall deliver to the presiding officer of the governing body (or other designated officer or employee) of each taxing unit in which the property being considered for an Abatement Agreement is located, a written notice that the County intends to enter into an Agreement not later than the seventh (7th) day before the date on which the County will enter into the Agreement. Such notice shall include a copy of the proposed Agreement.

B. Rebate. The Commissioners Court may grant Company a payment of a percentage of the difference between the Ad Valorem Taxes paid by the Company on the Effective Year Value and the Ad Valorem Taxes assessed and/or paid on the Payment Year Value reflecting the improvements made by the Company pursuant to an Agreement and this Policy. The percentage amount will be determined by the Commissioners Court to be derived from the Project as presented by the Company in its Application and other criteria as set forth under this Policy.

C. Amount. A Company may be granted a Rebate on or Abatement of Ad Valorem Taxes as follows:

<u>Investment Amount</u>	<u>Abatement/Rebate Amount</u>
Less than \$25,000,000	-0-
Between \$25,000,000 to \$49,999,999	not to exceed 25%
Between \$50,000,000 to \$74,999,000	not to exceed 35%
Between \$75,000,000 to \$99,999,000	not to exceed 50%
More than \$100,000,000	such percentage deemed appropriate by the Atascosa County Commissioners Court, but not to exceed 80%

An Abatement Agreement approved by an affirmative vote of the majority of the Commissioners Court in a regularly scheduled meeting may authorize a percentage other than as set forth above.

In no event shall the County consider or grant a request for tax Abatement or Rebate in an amount over eighty percent (80%).

D. Rebate/Abatement- Base. The Rebate/Abatement of real property shall be based upon the extent that the value for the year of Rebate/Abatement included in an Agreement exceeds the value of the year in which the Agreement is executed. The Rebate/Abatement of tangible personal property located on the real property in each year is limited to tangible property other than that tangible personal property that was located on the real property at any time before the Agreement term, and other than inventory or supplies.

5. REQUIREMENTS AND CRITERIA FOR EVALUATION

A. General Requirements

(i) An Agreement entered into under this Policy shall require a finding by the Commissioners Court that the terms of the Agreement and any property subject to the Agreement meet applicable guidelines and criteria set forth in this Policy and that the development of a Project will result in substantial financial benefit to Atascosa County. Accordingly, a Company requesting an Incentive must be able to show in it's Application a clear demonstration of public purpose and economic benefit through advancement of the County's economic goals which include expanding the tax base, creating quality jobs, and increasing private capital investment in the community.

(ii) In order to be eligible to receive Incentives, Company must be current on all County taxes and any other obligations of the County. Requests for Incentives will not be considered for an Applicant with which the County is currently involved in litigation or has, within the last four (4) years, been involved in litigation. Requests for Incentives will not be considered for an Applicant involved in a pending claim with the County or with which there has been past unsatisfactory contractual performance.

(iii) To be eligible to receive Incentives, Eligible Property must either be owned by the Company seeking the Incentive, or, in the event that the Company has leased such property, such lease must be presented along with the Application and must be for a term greater than or equal to the requested term of an Agreement, and must also contain a provision indicating the obligation of the Company to pay all Ad Valorem Taxes, either directly or indirectly.

(iv) Incentives will be considered for both new facilities and structures as well as the expansion of existing facilities and structures. However, in order for expansion to qualify for an Incentive, Company must be able to demonstrate that such expansion will add substantial value to the Ad Valorem Tax base.

(v) Requests for Incentives will not be considered if, prior to the submission of an Application, the Project is already substantially underway or has been completed. For purposes of this Policy, "substantially underway" shall mean that any of the following have occurred:

- (a) Demolition, site preparation, or installation of infrastructure has begun;
- (b) A building permit, not related to mitigating an environmental hazard, has been issued;
- (c) Construction has begun; or
- (d) Any type of relocation, including inventory and equipment, to the Project site has commenced.

(vi) Property that is owned or leased by a person who is a member of the Commissioners Court (or staff of such a member) is not eligible for an Incentive under this Policy. Accordingly, a Company must warrant that none of the Property is owned or leased by a member of the Commissioners Court or their staff.

(vii) Company must be able to show financial stability and a capacity to complete the Project. Documentation showing factors such as Company's liquidity, solvency, operating efficiency, and profitability must be included for Commissioners Court review.

B. Requirements With Discretionary Elements. While the following elements will be considered necessary to any Agreements entered into under this Policy, the Commissioners Court may, at its sole discretion, limit or waive the extent to which each is applied.

(i) **Minimum Capital Investment.** To be eligible to receive an Incentive under this Policy, a Company's new capital investment shall be no less than twenty-five million dollars (\$25,000,000.00). The purchase price of Property will not be included in this total capital investment amount.

(ii) **New Job Creation.** Project will provide new, permanent full-time, non-seasonal jobs. While there is no absolute minimum as to the number of new jobs created, increased incentive levels will be considered for Projects hiring at least fifty (50) new, permanent, full-time Employees.

C. Additional Criteria for Consideration. When considering approval and determining maximum incentive amounts for a Project, the Commissioners Court may also consider the following criteria.

- (i) Environmental attractiveness
- (ii) Commitment to clean air initiatives
- (iii) Size of Property involved in the Project

- (iv) Use of innovative design practices, including esthetic considerations
- (v) Diversification of economy
- (vi) Additional community improvement, including the following:
 - (a) Employee benefits including offer of group coverage or contribution to health benefits in a dollar amount that provides meaningful opportunity for workers to purchase coverage for themselves and all family members.
 - (b) Employee wage or salary equal to or greater than the current Atascosa Average County Wage as computed by the Bureau of Labor statistics.
 - (c) Willingness to recruit and hire locally and to promote the local community workforce from within.
 - (d) Company contribution to education, training and/or career development activities for current and potential Employees in the community.
 - (e) Company commitment to community participation in the form of volunteer work, school mentoring, and contributions to local schools, particularly to fund programs related to job training.
 - (f) Contributions to the community such as infrastructure for transportation, utilities, and health and emergency services.

6. APPLICATION PROCESS

A. Application Package. In order to be eligible for Incentives, the Atascosa County Economic Development Incentive Application Package must be completed in its entirety with three (3) copies submitted to the appropriate County Representative, being the county commissioner in whose precinct the Property that is the subject of the Application is located. A Complete Application Package shall include the following:

- i. A complete Application (attached hereto); and
- ii. A non-refundable check in the amount of \$500.00 payable to Atascosa County to reimburse the County the reasonable cost of proposal evaluation.

Atascosa County may request additional information as a part of the application process as deemed necessary in order to fully evaluate the Application/request.

Information that is provided in the Application for an Abatement Agreement entered into under 312 of the Texas Tax Code is confidential and not subject to public disclosure until the Abatement Agreement is fully executed, at which time that information in the custody of the County is no longer confidential.

B. Review. The appropriate County Representative, upon notification to the Atascosa County Attorney's Office, shall submit a request for closed session to follow a regularly scheduled session of the Atascosa County Commissioners Court, in order to review and discuss an Application/request. Upon review and discussion, the Commissioners Court shall, by majority vote, either: (i) deny the Application/request; or (ii) grant the request pending negotiation of an Agreement and direct the County Attorney's Office to enter into negotiations for such Agreement; or (iii) request additional information from Company in order to make a decision. A closed session shall comply with all provisions of Chapter 551, Subchapter E, of the Texas Government Code. Any final action, decision, or vote on a matter deliberated in a closed session may only be made in an open meeting that is held in compliance with the notice provisions of Chapter 551. The attendance of a representative of the Company may be required.

C. Negotiation. After the approval of a general concept by the Commissioners Court and permission to enter negotiations, the County Attorney's Office will negotiate and prepare an Agreement with the Company in conformity with this Policy and applicable statute. The County will make all reasonable efforts to negotiate an Agreement in a timely manner and submit same for final approval by the Commissioners Court.

D. Public Hearing on Reinvestment Zone. As previously noted in this Policy, the Commissioners Court may not adopt a resolution creating a Reinvestment Zone until it has held a public hearing at which interested parties are entitled to speak and present evidence for or against the designation. Notice of the hearing shall be provided in accordance with all applicable provisions of the Texas Tax Code.

E. Final Agreement. Any Agreement proposed under this Policy shall only be approved by an affirmative vote of the majority of the members at a regularly scheduled meeting of the Commissioners Court.

7. AGREEMENT

Requirements for any Agreement entered into pursuant to this Policy include, but are in no way limited to, the following:

A. Waiver and/or Modification of Requirements. The Commissioners Court retains the right to waive or modify any of the requirements of this Policy, with the exception of the General Requirements set forth under Section 5(A) herein and those requirements set forth in statute which cannot be waived, by approving terms in an Agreement entered into under this Policy that differ from the Policy when the County determines that the waiver and/or modification is: i) necessary in order to serve the public interest; ii) will allow an Agreement which will continue to meet the intent of the Policy; and iii) will not violate any applicable statutory requirements.

B. Leased Property. Any Agreement covering leased Property is to be executed by both the lessor (owner) and the lessee (Company) of the land on which a Project is located, provided that the term of the lease is equal to or exceeds the term of the Agreement.

C. Refund/Recapture. In the event that a Company either i) allows its ad valorem taxes owed to any local taxing entity to become delinquent and fails to timely and properly follow the legal procedures for their protest/contest; or ii) is in default according to the terms and conditions of this Policy or an Agreement and fails to cure within the time period allowed; or iii) if the Rebate/Abatement portion of the Agreement is ruled invalid by a court of competent jurisdiction, the Agreement then may be terminated and all Agreement Funds previously paid to Company or abated from payment by Company shall be refunded to County no later than sixty (60) days after termination.

D. Access. An Agreement entered into under this Policy must provide for access and authority for County employees to enter the Property and inspect to ensure that the improvements or repairs are made according to the term of the Agreement and that Company is in compliance with all other provisions of the Agreement. Representatives of the Company may accompany the County during such inspections. Any inspection shall be preceded by twenty-four (24) hours notice to the Company and shall be conducted so as to not interfere with the business operations of the Company. County shall be able to continue making inspections throughout the term of the Agreement and all Agreements must provide for inspection at least once annually.

E. Term. Agreement terms shall be as set forth in the specific Agreement entered into under this Policy. The payment term under an Agreement for Rebate shall not exceed a period of twenty (20) years. The abatement term under an Agreement for Abatement shall not exceed a period of ten (10) years.

F. Compliance with Law. The development of any Project under an Agreement pursuant to this Policy shall be done in a manner which meets all applicable Federal, State, County and City laws, codes, ordinances, rules and regulations and permit requirements.

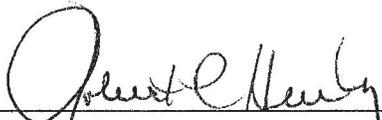
G. Reports. Company shall provide such report(s) as determined necessary by County in an Agreement to document and ensure compliance with terms of the Agreement. Such reports shall be submitted to the Atascosa County Judge on April 30th of each year during the term of the Agreement. The County will have the right to monitor and audit findings in all reports as necessary to confirm compliance with the terms of this Policy and the Agreement. Company will certify the authenticity and accuracy of each report submitted under the Agreement and shall also certify that the Company is in compliance with all applicable terms of the Agreement.

H. **Assignment.** An Agreement may be assigned to a new Company only with the prior written approval of County. Company may assign to a subsidiary corporation or other affiliate organization without approval of County, so long as Company shall remain responsible and obligated to County for its performance of its obligations under the Agreement. Written notice of an assignment shall be provided to the County prior to the assignment. No assignment shall be approved if the assignor or assignee is indebted to County for Ad Valorem Taxes or other obligations.

I. **Amendment.** Amendment of any Agreement under this Policy can only be made by written instrument signed by all parties. The term of a Tax Abatement Agreement cannot be amended to extend beyond ten (10) years from the date of the original Agreement.

Application of this Policy will be implemented as of the date of adoption set forth below.

Adopted by the Commissioners Court of Atascosa County on the 25th day of March 2019.



ROBERT L. HURLEY, County Judge



MARK GILLESPIE, Commissioner, Precinct 1



STUART KNOWLTON, Commissioner, Precinct 2

Eliseo Perez

ELISEO PEREZ, Commissioner, Precinct 3

Kennard Riley

KENNARD RILEY, Commissioner, Precinct 4

Attest: *Diane Gonzales*

Diane Gonzales, County Clerk

Atascosa County, Texas



Approved: *Siobhan Karger Mullen*

Siobhan Karger Mullen, Assistant County Attorney



Atascosa County Economic Development Incentive Application

The Economic Development Incentive Application is intended for internal Atascosa County economic development analysis and efforts will be made to restrict circulation of information included on the form to appropriate employees of the County. Please note that the Texas Public Information Act provides that information collected, assembled, or maintained by the County under a law or ordinance or in connection with the transaction of official business is generally considered to be public information. However, the Texas Public Information Act does provide that information relating to economic development negotiations with a business prospect is withheld from disclosure unless and until an agreement is reached.

Contact Information

Legal Name of Company: _____

Company's Authorized Representative:

Name: _____

Title: _____

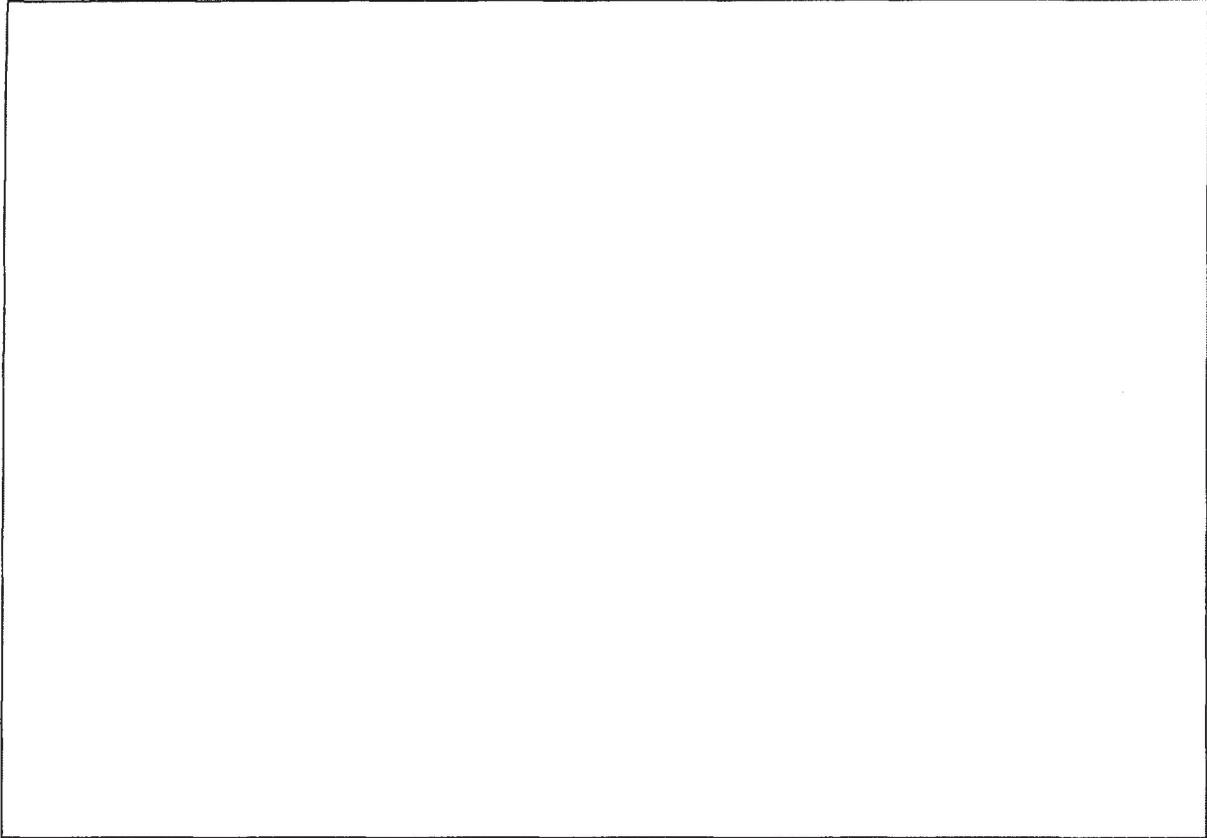
Phone: _____

Fax: _____

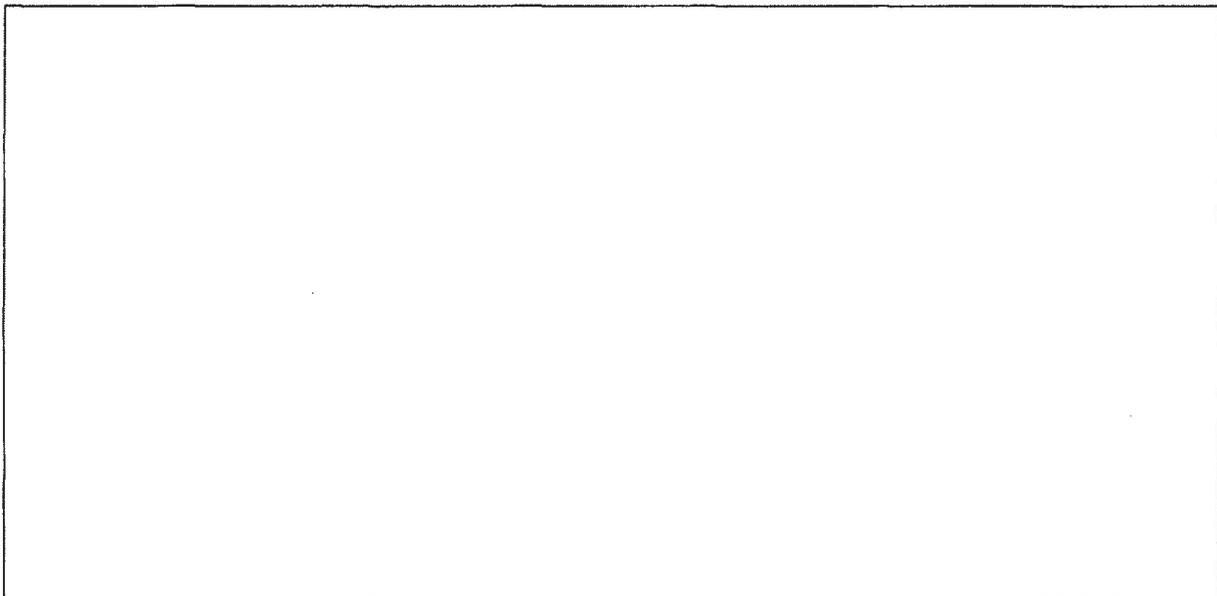
Email: _____

Mailing Address: _____

Business Description (please describe below or attach to application)

A large, empty rectangular box with a black border, intended for the applicant to provide a detailed business description or attach supporting documents.

List other business locations

A large, empty rectangular box with a black border, intended for the applicant to list any other business locations.

Project Information

Project Description (please describe below or attach to application) Please include a list of the improvements and property for which Incentives are requested.

Project Location

(Please attach a plat depicting the Property along with a metes and bounds description and total acreage)

Approximate Construction Start Date: _____

Approximate Completion Date: _____

Is Project to be completed in phases? Y/ N

If Project will be completed in phases, please give a timeline as to each phase, including approximate construction start date and completion date.

Approximate Capital Investment: _____

Current Ad Valorem Tax Value of Property: _____

Estimated Increase in Ad Valorem Tax Value
After Completion of Project: _____

Is the Project located on leased Property? Y/ N

If leased, who is the owner of the leased Property?

Please list all current parcel identification numbers from the ACAD.

Employment

Anticipated Number of New Employee Jobs Created: _____

Approximate Number of Jobs to be filled by Atascosa Residents:

Job Creation Schedule

Year	Existing Jobs	New Jobs	Total Jobs
Total			

Expected Average Salary for a New Employee: _____

Expected Median Salary for a New Employee: _____

Minimum Hourly Salary for a New Employee: _____

Job Category	Jobs employed by Company	Contract Jobs	Average Annual Wage	Percentage Locally Hired
Executive				
Supervisor				
Professional				
Administrative				
Entry Level				

Is the Company considering other locations? If yes, please list below.

Does the Company make a contribution towards health care benefits for employees? Y/N

Please describe (or attach) your employee benefit package. Please include any training, education and/or employee advancement programs.

Additional Benefits to Community

Please describe (or attach) any charitable, volunteer or community outreach programs in which the Company is involved, or plans to become involved, in Atascosa County.

Specific Request you would like considered and any additional comments you would like to communicate to the Atascosa County Commissioners Court for consideration of an Incentive

To the best of my knowledge, the information in this Atascosa County Economic Development Incentive Application is true and correct, as evidenced by my signature below.

Signature: _____

(Printed Name)

(Title)

Date: _____

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.

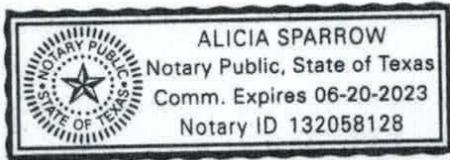
print here → Mario Sotelo Superintendent of Schools
 Print Name (Authorized School District Representative) Title
 sign here → Mario Sotelo 1/7/20
 Signature (Authorized School District Representative) Date

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 → Raina Hornaday General Manager
 Print Name (Authorized Company Representative (Applicant)) Title
 sign here → Raina Hornaday 1/6/2020
 Signature (Authorized Company Representative (Applicant)) Date



(Notary Seal)

GIVEN under my hand and seal of office this, the
6th day of January, 2020
Alicia Sparrow
 Notary Public in and for the State of Texas
 My Commission expires: 132058128

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.