

S U S A N

C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

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



November 7, 2013

Mr. Hollis Adams  
Superintendent  
Midway Independent School District  
12142 State Highway 148 S.  
Henrietta, Texas 76365-7210

Dear Superintendent Adams:

On August 26, 2013, the Comptroller received the completed application (Application # 320) for a limitation on appraised value under the provisions of Tax Code Chapter 313<sup>1</sup>. This application was originally submitted in July 2013 to Midway Independent School District (the school district) by Horn Wind, LLC and its Affiliates South Clay Wind Farm, LLC and Shannon-I Wind Farm, LLC (the applicant). This letter presents the results of the Comptroller's review of the application:

- 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 make a recommendation to the governing body of the school district as to whether the application should be approved or disapproved using the criteria set out by Section 313.026.

The school district is currently classified as a rural school district in Category 4 according to the provisions of Chapter 313. Therefore, the applicant properly applied under the provisions of Subchapter C, applicable to rural school districts. The amount of proposed qualified investment (\$300.3 million) is consistent with the proposed appraised value limitation sought (\$5 million). The property value limitation amount noted in this recommendation is based on property values available at the time of application and may change prior to the execution of any final agreement.

The applicant is an active franchise taxpayer in good standing, as required by Section 313.024(a), and is proposing the construction of a wind power electric generation facility in Clay County, an eligible property use under Section 313.024(b). The Comptroller has determined that the property, as described by the application, meets the requirements of Section 313.024 for eligibility for a limitation on appraised value under Chapter 313, Subchapter C.

After reviewing the application using the criteria listed in Section 313.026, and the information provided by the applicant, the Comptroller's recommendation is that this application under Tax Code Chapter 313 be approved.

Our review of the application assumes the truth and accuracy of the statements in the application and that, if the application is approved, the applicant would perform according to the provisions of the agreement reached with the school district. Our recommendation does not address whether the applicant has complied with all Chapter 313 requirements; the school district is responsible for verifying that all requirements of the statute have been fulfilled. Additionally, Section 313.025 requires the school district to only approve an application if the school district finds that the information in the application is true and

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

correct, finds that the applicant is eligible for a limitation and determines that granting the application is in the best interest of the school district and this state. When approving a job waiver requested under Section 313.025(f-1), the school district must also find that the statutory jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility. As stated above, the Comptroller's recommendation is prepared by generally reviewing the application and supporting documentation in light of the Section 313.026 criteria and a cursory review of the industry standard evidence necessary to support the waiver of the required number of jobs.

Note that any new building or other improvement existing as of the application review start date of August 26, 2013, or any tangible personal property placed in service prior to that date may not become "Qualified Property" as defined by 313.021(2).

The Comptroller's recommendation is based on the application submitted by the school district and reviewed by the Comptroller. The recommendation may not be used by the school district to support its approval of the property value limitation agreement if the application is modified, the information presented in the application changes, or the limitation agreement does not conform to the application. Additionally, this recommendation is contingent on future compliance with the Chapter 313 and the Texas Administrative Code, with particular reference to the following requirements related to the execution of the agreement:

- 1) The applicant must provide the Comptroller a copy of the proposed limitation on appraised value agreement no later than ten (10) days prior to the meeting scheduled by the school district to consider approving the agreement, so that the Comptroller may review it for compliance with the statutes and the Comptroller's rules as well as consistency with the application;
- 2) The Comptroller must confirm that it received and reviewed the draft agreement and affirm the recommendation made in this letter;
- 3) The school district must approve and execute a limitation agreement that has been reviewed by the Comptroller within a year from the date of this letter; and
- 4) The school district must provide a copy of the signed limitation agreement to the Comptroller within seven (7) days after execution, as required by Section 313.025.

Should you have any questions, please contact Robert Wood, director of Economic Development & Analysis Division, by email at [robert.wood@cpa.state.tx.us](mailto:robert.wood@cpa.state.tx.us) or by phone at 1-800-531-5441, ext. 3-3973, or direct in Austin at 512-463-3973.

Sincerely,



Martin A. Hubert  
Deputy Comptroller

Enclosure

cc: Robert Wood

**Economic Impact for Chapter 313 Project**

Applicant	Horn Wind, LLC and its Affiliates South Clay Wind Farm, LLC and Shannon-I Wind Farm, LLC
Tax Code, 313.024 Eligibility Category	Renewable Energy Electric Generation - Wind
School District	Midway ISD
2011-2012 Enrollment in School District	94
County	Clay
Total Investment in District	\$300,300,000
Qualified Investment	\$300,300,000
Limitation Amount	\$5,000,000
Number of total jobs committed to by applicant	8*
Number of qualifying jobs committed to by applicant	7
Average Weekly Wage of Qualifying Jobs committed to by applicant	\$808
Minimum Weekly Wage Required Tax Code, 313.051(b)	\$785
Minimum Annual Wage committed to by applicant for qualified jobs	\$42,000
Investment per Qualifying Job	\$42,900,000
Estimated 15 year M&O levy without any limit or credit:	\$28,600,000
Estimated gross 15 year M&O tax benefit	\$21,112,000
Estimated 15 year M&O tax benefit ( <i>after</i> deductions for estimated school district revenue protection--but not including any deduction for supplemental payments or extraordinary educational expenses):	\$20,554,460
Tax Credits (estimated - part of total tax benefit in the two lines above - appropriated through Foundation School Program)	\$2,028,000
Net M&O Tax (15 years) After Limitation, Credits and Revenue Protection:	\$8,045,540
Tax benefit as a percentage of what applicant would have paid without value limitation agreement (percentage exempted)	71.9%
Percentage of tax benefit due to the limitation	90.4%
Percentage of tax benefit due to the credit.	9.6%
* Applicant is requesting district to waive requirement to create minimum number of qualifying jobs pursuant to Tax Code, 313.025 (f-1).	

This presents the Comptroller's economic impact evaluation of Horn Wind (the project) applying to Midway Independent School District (the district), as required by Tax Code, 313.026. This evaluation is based on information provided by the applicant and examines the following criteria:

- (1) the recommendations of the comptroller;
- (2) the name of the school district;
- (3) the name of the applicant;
- (4) the general nature of the applicant's investment;
- (5) the relationship between the applicant's industry and the types of qualifying jobs to be created by the applicant to the long-term economic growth plans of this state as described in the strategic plan for economic development submitted by the Texas Strategic Economic Development Planning Commission under Section 481.033, Government Code, as that section existed before February 1, 1999;
- (6) the relative level of the applicant's investment per qualifying job to be created by the applicant;
- (7) the number of qualifying jobs to be created by the applicant;
- (8) the wages, salaries, and benefits to be offered by the applicant to qualifying job holders;
- (9) the ability of the applicant to locate or relocate in another state or another region of this state;
- (10) the impact the project will have on this state and individual local units of government, including:
  - (A) tax and other revenue gains, direct or indirect, that would be realized during the qualifying time period, the limitation period, and a period of time after the limitation period considered appropriate by the comptroller; and
  - (B) economic effects of the project, including the impact on jobs and income, during the qualifying time period, the limitation period, and a period of time after the limitation period considered appropriate by the comptroller;
- (11) the economic condition of the region of the state at the time the person's application is being considered;
- (12) the number of new facilities built or expanded in the region during the two years preceding the date of the application that were eligible to apply for a limitation on appraised value under this subchapter;
- (13) the effect of the applicant's proposal, if approved, on the number or size of the school district's instructional facilities, as defined by Section 46.001, Education Code;
- (14) the projected market value of the qualified property of the applicant as determined by the comptroller;
- (15) the proposed limitation on appraised value for the qualified property of the applicant;
- (16) the projected dollar amount of the taxes that would be imposed on the qualified property, for each year of the agreement, if the property does not receive a limitation on appraised value with assumptions of the projected appreciation or depreciation of the investment and projected tax rates clearly stated;
- (17) the projected dollar amount of the taxes that would be imposed on the qualified property, for each tax year of the agreement, if the property receives a limitation on appraised value with assumptions of the projected appreciation or depreciation of the investment clearly stated;
- (18) the projected effect on the Foundation School Program of payments to the district for each year of the agreement;
- (19) the projected future tax credits if the applicant also applies for school tax credits under Section 313.103; and
- (20) the total amount of taxes projected to be lost or gained by the district over the life of the agreement computed by subtracting the projected taxes stated in Subdivision (17) from the projected taxes stated in Subdivision (16).

**Wages, salaries and benefits [313.026(6-8)]**

After construction, the project will create eight new jobs when fully operational. Seven of these jobs will meet the criteria for qualifying jobs as specified in Tax Code Section 313.021(3). According to the Texas Workforce Commission (TWC), the regional manufacturing wage for the NORTEX Regional Planning Commission Region, where Clay County is located was \$37,076 in 2012. The annual average manufacturing wage for 2012 for Clay County was \$42,744. That same year, the county annual average wage for all industries was \$32,292. In addition to a minimum salary of \$42,000, each qualifying position will receive benefits such as a health benefits plan. The project's total investment is \$300 million, resulting in a relative level of investment per qualifying job of \$43 million.

**Ability of applicant to locate to another state and [313.026(9)]**

According to Horn Wind's application, "Horn Wind, LLC is a Texas company. We have the ability to be relocated to other wind development regions in the United States or to other regions of Texas. The project will create permanent jobs in the region where it is built this wind project. But until the project is financed and then built. Horn Wind is able to move this project and our company to any other region of the United States. Once built, the project will have a permanent 20+ year life, will be located only on the assigned property designated and will create and sustain the jobs denoted in Appendix D."

**Number of new facilities in region [313.026(12)]**

During the past two years, seven projects in the NORTEX Regional Planning Commission Region applied for value limitation agreements under Tax Code, Chapter 313.

**Relationship of applicant's industry and jobs and Texas's economic growth plans [313.026(5)]**

The Texas Economic Development Plan focuses on attracting and developing industries using technology. It also identifies opportunities for existing Texas industries. The plan centers on promoting economic prosperity throughout Texas and the skilled workers that the Horn Wind project requires appear to be in line with the focus and themes of the plan. Texas identified energy as one of six target clusters in the Texas Cluster Initiative. The plan stresses the importance of technology in all sectors of the energy industry.

**Economic Impact [313.026(10)(A), (10)(B), (11), (13-20)]**

Table I depicts Horn Wind's estimated economic impact to Texas. It depicts the direct, indirect and induced effects to employment and personal income within the state. The Comptroller's office calculated the economic impact based on 15 years of annual investment and employment levels using software from Regional Economic Models, Inc. (REMI). The impact includes the construction period and the operating period of the project.

**Table 1: Estimated Statewide Economic Impact of Investment and Employment in Horn Wind**

Year	Employment			Personal Income		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total
2014	14	17	31	\$605,769	\$1,394,231	\$2,000,000
2015	42	39	81	\$1,749,462	\$3,250,538	\$5,000,000
2016	8	16	24	\$336,000	\$1,664,000	\$2,000,000
2017	8	19	27	\$336,000	\$1,664,000	\$2,000,000
2018	8	23	31	\$336,000	\$1,664,000	\$2,000,000
2019	8	23	31	\$336,000	\$1,664,000	\$2,000,000
2020	8	19	27	\$336,000	\$2,664,000	\$3,000,000
2021	8	23	31	\$336,000	\$2,664,000	\$3,000,000
2022	8	21	29	\$336,000	\$1,664,000	\$2,000,000
2023	8	19	27	\$336,000	\$2,664,000	\$3,000,000
2024	8	17	25	\$336,000	\$1,664,000	\$2,000,000
2025	8	17	25	\$336,000	\$1,664,000	\$2,000,000
2026	8	10	18	\$336,000	\$1,664,000	\$2,000,000
2027	8	12	20	\$336,000	\$1,664,000	\$2,000,000
2028	8	8	16	\$336,000	\$1,664,000	\$2,000,000

Source: CPA, REMI, Horn Wind, LLC

The statewide average ad valorem tax base for school districts in Texas was \$1.65 billion in 2012-2013. Midway ISD's ad valorem tax base in 2012-2013 was \$87.97 million. The statewide average wealth per WADA was estimated at \$343,155 for fiscal 2012-2013. During that same year, Midway ISD's estimated wealth per WADA was \$375,163. The impact on the facilities and finances of the district are presented in Attachment 2.

Table 2 examines the estimated direct impact on ad valorem taxes to the school district and Clay County with all property tax incentives sought being granted using estimated market value from Horn Wind's application. Horn Wind has applied for both a value limitation under Chapter 313, Tax Code and a tax abatement with the county. Table 3 illustrates the estimated tax impact of the Horn Wind project on the region if all taxes are assessed.

Table 2 Estimated Direct Ad Valorem Taxes with all property tax incentives sought									
Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O	Tax Rate <sup>1</sup>	Midway ISD I&S Levy	Midway ISD M&O Levy	Midway ISD M&O and I&S Tax Levies (Before Credit Credited)	Midway ISD M&O and I&S Tax Levies (After Credit Credited)	Clay County	Estimated Total Property Taxes
			0.0000	0.0000	1.0400			0.4782	
2014	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0
2015	\$200,000,000	\$200,000,000		\$0	\$2,080,000	\$2,080,000	\$2,080,000	\$95,640	\$2,175,640
2016	\$300,000,000	\$5,000,000		\$0	\$52,000	\$52,000	\$52,000	\$286,920	\$338,920
2017	\$270,000,000	\$5,000,000		\$0	\$52,000	\$52,000	\$26,000	\$387,342	\$413,342
2018	\$255,000,000	\$5,000,000		\$0	\$52,000	\$52,000	\$26,000	\$487,764	\$513,764
2019	\$240,000,000	\$5,000,000		\$0	\$52,000	\$52,000	\$26,000	\$573,840	\$599,840
2020	\$225,000,000	\$5,000,000		\$0	\$52,000	\$52,000	\$26,000	\$645,570	\$671,570
2021	\$210,000,000	\$5,000,000		\$0	\$52,000	\$52,000	\$26,000	\$702,954	\$728,954
2022	\$195,000,000	\$5,000,000		\$0	\$52,000	\$52,000	\$26,000	\$745,992	\$771,992
2023	\$180,000,000	\$5,000,000		\$0	\$52,000	\$52,000	\$26,000	\$774,684	\$800,684
2024	\$165,000,000	\$165,000,000		\$0	\$1,716,000	\$1,716,000	\$0	\$789,030	\$789,030
2025	\$150,000,000	\$150,000,000		\$0	\$1,560,000	\$1,560,000	\$1,430,000	\$717,300	\$2,147,300
2026	\$135,000,000	\$135,000,000		\$0	\$1,404,000	\$1,404,000	\$1,404,000	\$645,570	\$2,049,570
2027	\$120,000,000	\$120,000,000		\$0	\$1,248,000	\$1,248,000	\$1,248,000	\$573,840	\$1,821,840
2028	\$105,000,000	\$105,000,000		\$0	\$1,092,000	\$1,092,000	\$1,092,000	\$502,110	\$1,594,110
						<b>Total</b>	<b>\$7,488,000</b>	<b>\$7,928,556</b>	<b>\$15,416,556</b>

Assumes School Value Limitation and Tax Abatement with the County.

Source: CPA, Horn Wind, LLC

<sup>1</sup>Tax Rate per \$100 Valuation

Table 3 Estimated Direct Ad Valorem Taxes without property tax incentives									
Year	Estimated Taxable Value for I&S	Estimated Taxable Value for M&O	Tax Rate <sup>1</sup>	Midway ISD I&S Levy	Midway ISD M&O Levy		Midway ISD M&O and I&S Tax Levies	Clay County	Estimated Total Property Taxes
			0.0000	0.0000	1.0400			0.4782	
2014	\$0	\$0		\$0	\$0		\$0	\$0	\$0
2015	\$200,000,000	\$200,000,000		\$0	\$2,080,000		\$2,080,000	\$956,400	\$3,036,400
2016	\$300,000,000	\$300,000,000		\$0	\$3,120,000		\$3,120,000	\$1,434,600	\$4,554,600
2017	\$270,000,000	\$270,000,000		\$0	\$2,808,000		\$2,808,000	\$1,291,140	\$4,099,140
2018	\$255,000,000	\$255,000,000		\$0	\$2,652,000		\$2,652,000	\$1,219,410	\$3,871,410
2019	\$240,000,000	\$240,000,000		\$0	\$2,496,000		\$2,496,000	\$1,147,680	\$3,643,680
2020	\$225,000,000	\$225,000,000		\$0	\$2,340,000		\$2,340,000	\$1,075,950	\$3,415,950
2021	\$210,000,000	\$210,000,000		\$0	\$2,184,000		\$2,184,000	\$1,004,220	\$3,188,220
2022	\$195,000,000	\$195,000,000		\$0	\$2,028,000		\$2,028,000	\$932,490	\$2,960,490
2023	\$180,000,000	\$180,000,000		\$0	\$1,872,000		\$1,872,000	\$860,760	\$2,732,760
2024	\$165,000,000	\$165,000,000		\$0	\$1,716,000		\$1,716,000	\$789,030	\$2,505,030
2025	\$150,000,000	\$150,000,000		\$0	\$1,560,000		\$1,560,000	\$717,300	\$2,277,300
2026	\$135,000,000	\$135,000,000		\$0	\$1,404,000		\$1,404,000	\$645,570	\$2,049,570
2027	\$120,000,000	\$120,000,000		\$0	\$1,248,000		\$1,248,000	\$573,840	\$1,821,840
2028	\$105,000,000	\$105,000,000		\$0	\$1,092,000		\$1,092,000	\$502,110	\$1,594,110
						<b>Total</b>	<b>\$28,600,000</b>	<b>\$13,150,500</b>	<b>\$41,750,500</b>

Source: CPA, Horn Wind, LLC

<sup>1</sup>Tax Rate per \$100 Valuation

Attachment 1 includes schedules A, B, C, and D provided by the applicant in the application. Schedule A shows proposed investment. Schedule B is the projected market value of the qualified property. Schedule C contains employment information, and Schedule D contains tax expenditures and other tax abatement information.

Attachment 2, provided by the district and reviewed by the Texas Education Agency, contains information relating to the financial impact of the proposed project on the finances of the district as well as the tax benefit of the value limitation. "Table 5" in this attachment shows the estimated 15 year M&O tax levy without the value limitation agreement would be \$28,600,000. The estimated gross 15 year M&O tax benefit, or levy loss, is \$21,112,000.

Attachment 3 is an economic overview of Clay County.

**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.

# Attachments

1. Schedules A, B, C, and D provided by applicant in application
2. School finance and tax benefit provided by district
3. County Economic Overview

# **Attachment 1**

Applicant Name: Iron Wind, LLC (South Clay - Shannon - 1 Project)  
 MIDWAY ISD

PROPERTY INVESTMENT AMOUNTS	Year	School Year (YYYY-YYYY)	Tax Year actual (year base) YYYY	Column A: Personal Property amount of new investment (original cost) placed in service during this year	Column B: Building or permanent nonremovable component of building (annual amount only)	Column C: Sum of Qualifying Investment (during the qualifying time period)	Column D: Investment that is not qualified investment but investment affecting economic impact and job value	Column E: Total Investment (A+B+D)
The year preceding the first complete tax year of the qualifying time period (assuming no deferral)				\$0	\$0	\$0	\$0	\$0
Investment made before filing complete application with district (neither qualified property nor eligible to become qualified investment)		2013/2014	2013	\$0	\$0	\$0	\$0	\$0
Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)				\$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 (qualified investment and eligible to become qualified property)	1	2014/2015	2014	\$200,000,000	\$300,000	\$200,300,000	\$0	\$200,300,000
	2	2015/2016	2015	\$100,000,000	\$0	\$100,000,000	\$0	\$100,000,000
Complete tax years of qualifying time period	3	2016/2017	2016	\$0	\$0	\$0	\$0	\$0
Value Limitation Period	4	2017/2018	2017	\$0	\$0	\$0	\$0	\$0
	5	2018/2019	2018	\$0	\$0	\$0	\$0	\$0
	6	2019/2020	2019	\$0	\$0	\$0	\$0	\$0
	7	2020/2021	2020	\$0	\$0	\$0	\$0	\$0
	8	2021/2022	2021	\$0	\$0	\$0	\$0	\$0
	9	2022/2023	2022	\$0	\$0	\$0	\$0	\$0
	10	2023/2024	2023	\$0	\$0	\$0	\$0	\$0
Continue to Maintain Viable Presence	11	2024/2025	2024	\$0	\$0	\$0	\$0	\$0
	12	2025/2026	2025	\$0	\$0	\$0	\$0	\$0
	13	2026/2027	2026	\$0	\$0	\$0	\$0	\$0
	14	2027/2028	2027	\$0	\$0	\$0	\$0	\$0
	15	2028/2029	2028	\$0	\$0	\$0	\$0	\$0

Qualifying Time Period usually begins with the final board approval of the application and extends generally for the following two complete tax years.

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment - as defined in Tax Code §313.021(1)(A)-(D).

Column B: For the purposes of investment, please list amount invested each year, not cumulative totals.

Column C: Include estimates of investment for "replacement" property that is part of original agreement but scheduled for probable replacement during limitation period.

Column D: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers qualified.

Column E: For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or nonremovable components of buildings.

Column F: Dollar value of other investment that may not be qualified investment but that may affect economic impact and total value for planning, construction and operation of the facility.

Column G: The most significant example for many projects would be land. Other examples may be items such as professional services, etc.

Note: Land can be listed as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

Notes: For advanced clean energy projects, nuclear projects, projects with deferred qualifying time periods, and projects with lengthy application review periods, insert additional rows as needed.

his schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, please original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter zero amounts for future years.

Signature: *[Handwritten Signature]* TERRY HORN  
 AUTHORIZED COMPANY REPRESENTATIVE

DATE: 06-25-2013

**Schedule B (Rev. May 2010): Estimated Market And Taxable Value**

Applicant Name ISD Name		Horn Wind, LLC (South Clay--Shannon-1 Project) Midway ISD		Form 50-298		Estimated Taxable Value	
Year	School Year (YYYY-YYYY)	Tax Year (R in actual tax year)	Qualified Property 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 building or "in or on the new improvement"	Reductions from Market Value Estimated Value	Final taxable value for M&C after all reductions
pre-year 1	2013/2014	2013	\$0	\$0	\$0	\$0	\$0
1	2014/2015	2014	\$0	\$0	\$0	\$0	\$0
2	2015/2016	2015	\$0	\$200,000,000	\$0	\$0	\$200,000,000
3	2016/2017	2016	\$0	\$300,000,000	\$0	\$0	\$300,000,000
4	2017/2018	2017	\$0	\$270,000,000	\$0	\$0	\$270,000,000
5	2018/2019	2018	\$0	\$255,000,000	\$0	\$0	\$255,000,000
6	2019/2020	2019	\$0	\$240,000,000	\$0	\$0	\$240,000,000
7	2020/2021	2020	\$0	\$225,000,000	\$0	\$0	\$225,000,000
8	2021/2022	2021	\$0	\$210,000,000	\$0	\$0	\$210,000,000
9	2022/2023	2022	\$0	\$195,000,000	\$0	\$0	\$195,000,000
10	2023/2024	2023	\$0	\$180,000,000	\$0	\$0	\$180,000,000
11	2024/2025	2024	\$0	\$165,000,000	\$0	\$0	\$165,000,000
12	2025/2026	2025	\$0	\$150,000,000	\$0	\$0	\$150,000,000
13	2026/2027	2026	\$0	\$135,000,000	\$0	\$0	\$135,000,000
14	2027/2028	2027	\$0	\$120,000,000	\$0	\$0	\$120,000,000
15	2028/2029	2028	\$0	\$105,000,000	\$0	\$0	\$105,000,000
Tax Credit Period (with 50% cap on credit)							
Credit Settle-Up Period							
Post-Settle-Up Period							
Post-Settle-Up Period							
Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation. This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.							
Signature of Authorized Company Representative		TAMM HENRY MANAGER		DATE		06-25-2013	



Schedule D: (Rev. May 2010): Other Tax Information

Taxpayer Name	School Year		Sales Tax Information			Franchise Tax	Other Property Tax AbateMENTS Sought			
	Year	School Year (YYYY-YYYY)	Tax/Calendar Year YYYY	Sales Taxable Expenditures			County	City	Hospital	Other
				Column F: Estimate of total annual expenditures* subject to state sales tax	Column G: Estimate of total annual expenditures* made in Texas NOT subject to sales tax					
Hom Wind, LLC (South Clay-Shannon-1 Project)		2013/2014	2013	0	0	0	0	0	0	
year ending the complete tax of the ifying time and uming no (rafs)  Complete tax years of qualifying time period  Value Limitation Period  Credit Period in 50% cap on credit  edit Settle-Up Period  Post-Settle-Up Period  Post-Settle-Up Period	1	2014/2015	2014	0	200,000,000	0	0%	0	0	
	2	2015/2016	2015	0	100,000,000	0	80%	0	0	
	3	2016/2017	2016	0	0	0	80%	0	0	
	4	2017/2018	2017	0	0	0	70%	0	0	
	5	2018/2019	2018	0	0	0	60%	0	0	
	6	2019/2020	2019	0	0	0	50%	0	0	
	7	2020/2021	2020	0	0	0	40%	0	0	
	8	2021/2022	2021	0	0	22,500	30%	0	0	
	9	2022/2023	2022	0	0	22,500	20%	0	0	
	10	2023/2024	2023	0	0	22,500	10%	0	0	
	11	2024/2025	2024	0	0	22,500	0%	0	0	
	12	2025/2026	2025	0	0	22,500	0%	0	0	
	13	2026/2027	2026	0	0	22,500	0%	0	0	
	14	2027/2028	2027	0	0	22,500	0%	0	0	
	15	2028/2029	2028	0	0	22,500	0%	0	0	

DATE 06-25-2013

TIMMY HOAN NARSBA

NATURE OF AUTHORIZED COMPANY REPRESENTATIVE

planning, construction and operation of the facility

Form 50-296

# Attachment 2

November 6, 2013

Mr. Robert Wood  
Director, Economic Development and Analysis  
Texas Comptroller of Public Accounts  
Lyndon B. Johnson State Office Building  
111 East 17th Street  
Austin, Texas 78774

Dear Mr. Wood:

As required by the Tax Code, §313.025 (b-1), the Texas Education Agency (TEA) has evaluated the impact of the proposed Horn Wind Energy LLC project on the number and size of school facilities in Midway Independent School District (MISD). Based on the analysis prepared by Moak, Casey and Associates for the school district and a conversation with the MISD superintendent, Hollis Adams, the TEA has found that the Horn Wind Energy LLC project would not have a significant impact on the number or size of school facilities in CCISD.

Please feel free to contact me by phone at (512) 463-9186 or by email at [al.mckenzie@tea.state.tx.us](mailto:al.mckenzie@tea.state.tx.us) if you need further information about this issue.

Sincerely,



Al McKenzie, Manager  
Foundation School Program Support

AM/rk

November 6, 2013

Mr. Robert Wood  
Director, Economic Development and Analysis  
Texas Comptroller of Public Accounts  
Lyndon B. Johnson State Office Building  
111 East 17th Street  
Austin, Texas 78774

Dear Mr. Wood:

The Texas Education Agency (TEA) has analyzed the revenue gains that would be realized by the proposed Horn Wind Energy LLC project for the Midway Independent School District (MISD). Projections prepared by the TEA State Funding Division confirm the analysis that was prepared by Moak, Casey and Associates and provided to us by your division. We believe their assumptions regarding the potential revenue gain are valid, and their estimates of the impact of the Horn Wind Energy LLC project on MISD are correct.

Please feel free to contact me by phone at (512) 463-9186 or by email at [al.mckenzie@tea.state.tx.us](mailto:al.mckenzie@tea.state.tx.us) if you need further information about this issue.

Sincerely,



Al McKenzie, Manager  
Foundation School Program Support

AM/rk

**SUMMARY OF FINANCIAL IMPACT OF THE PROPOSED HORN  
WIND, LLC PROJECT ON THE FINANCES OF THE MIDWAY  
INDEPENDENT SCHOOL DISTRICT UNDER A REQUESTED  
CHAPTER 313 PROPERTY VALUE LIMITATION**

**August 16, 2013**

**Final Report**

**PREPARED BY**



# Estimated Impact of the Proposed Horn Wind, LLC Project on the Finances of the Midway Independent School District under a Requested Chapter 313 Property Value Limitation

## Introduction

Horn Wind, LLC (Horn Wind) has requested that the Midway Independent School District (MISD) consider granting a property value limitation under Chapter 313 of the Tax Code, also known as the Texas Economic Development Act. In an application submitted to MISD on July 23, 2013, Horn Wind proposes to invest \$300 million to construct a new renewable wind energy electric generation project in MISD.

The Horn Wind project is consistent with the state's goal to "encourage large scale capital investments in this state." When enacted as House Bill 1200 in 2001, Chapter 313 of the Tax Code granted eligibility to companies engaged in manufacturing, research and development, and renewable electric energy production to apply to school districts for property value limitations. Subsequent legislative changes expanded eligibility to clean coal projects, nuclear power generation and data centers, among others.

Under the provisions of Chapter 313, MISD may offer a minimum value limitation of \$5 million. Chapter 313 calls for the project to be fully taxable in the 2014-15 and 2015-16 school years, unless the District and the Company agree to an extension of the start of the two-year qualifying time period. For the purpose of this analysis, it is assumed that the qualifying time period will be the 2014-15 and 2015-16 school years. Beginning with the 2016-17 school year, the project would go on the local tax roll at \$5 million and remain at that level of taxable value for eight years for maintenance and operations (M&O) taxes.

The full taxable value of the project could be assessed for debt service taxes on voter-approved bond issues throughout the limitation period, although MISD does not currently levy an I&S tax. The full value of the investment is expected to reach \$300 million in the 2016-17 school year, which is approximately three times the size of the District's current tax base.

In the case of the Horn Wind project, the agreement calls for a calculation of the revenue impact of the value limitation in years 3-10 of the agreement, under whatever school finance and property tax laws are in effect in each of those years. Under current law, MISD would experience a revenue loss as a result of the implementation of the value limitation in the 2016-17 school year (-\$557,540). No out-year revenue losses are expected under the estimates presented below.

Under the assumptions outlined below, the potential tax benefits under a Chapter 313 agreement could reach an estimated \$20.6 million over the course of the agreement. This amount is net of any anticipated revenue losses for the District.

## School Finance Mechanics

Under the current school finance system, the property values established by the Comptroller's Office that are used to calculate state aid and recapture lag by one year, a practical consequence

of the fact that the Comptroller's Office needs this time to conduct its property value study and the audits of appraisal district operations in alternating years. A taxpayer receiving a value limitation pays M&O taxes on the reduced value for the project in years 3-10 and receives a tax bill for I&S taxes based on the full project value throughout the qualifying and value limitation period (and thereafter). The school funding formulas use the Comptroller's property values that reflect a reduction due to the property value limitation in years 4-11 as a result of the one-year lag in property values.

The third year is often problematical financially for a school district that approves a Chapter 313 value limitation. The implementation of the value limitation often results in a revenue loss to the school district in the third year of the agreement that would not be reimbursed by the state, but require some type of compensation from the applicant under the revenue protection provisions of the agreement. In years 4-10, smaller revenue losses would be anticipated when the state M&O property values are aligned at the minimum value established by the Board on both the local tax roll and the corresponding state property value study.

Under the HB 1 system adopted in 2006, most school districts received additional state aid for tax reduction (ASATR) that was used to maintain their target revenue amounts established at the revenue levels under old law for the 2005-06 or 2006-07 school years, whichever was highest. In terms of new Chapter 313 property value limitation agreements, adjustments to ASATR funding often moderated the impact of the reduced M&O collections as a result of the limitation, in contrast with the earlier formula-driven finance system.

House Bill 3646 as enacted in 2009 created more "formula" school districts that were less dependent on ASATR state aid than had been the case previously. The formula reductions enacted during the First Called Session in 2011 made \$4 billion in reductions to the existing school funding formulas for the 2011-12 and 2012-13 school years. For the 2011-12 school year, across-the-board reductions were made that reduced each district's WADA count and resulted in an estimated 781 school districts still receiving ASATR to maintain their target revenue funding levels, while an estimated 243 districts operated directly on the state formulas. For the 2012-13 school year, the changes called for smaller across-the-board reductions and funding ASATR-receiving target revenue districts at 92.35 percent of the level provided for under the existing funding formula, with 689 districts operating on formula and 335 districts still receiving ASATR funding.

Senate Bill 1 and House Bill 1025 as passed by the 83<sup>rd</sup> Legislature made significant increases to the basic allotment and other formula changes by appropriation. The ASATR reduction percentage is increased slightly to 92.63 percent, while the basic allotment is increased by \$325 and \$365, respectively, for the 2013-14 and 2014-15 school years. A slight increase in the guaranteed yield for the 6 cents above compressed—known as the Austin yield—is also included. With the basic allotment increase, it is estimated that approximately 300 school districts will still receive ASATR in the 2013-14 school year and 273 districts would do so in the 2014-15 school year. Current state policy calls for ASATR funding to be eliminated by the 2017-18 school year.

MISD is generally classified as a formula district under the estimates presented below, although it would receive some ASATR funds to offset the reduction in M&O taxes associated with the implementation of the value limitation in the 2016-17 school year. This issue will be discussed in more detail below.

One concern in projecting into the future is that the underlying state statutes in the Education Code were not changed in order to provide these funding increases. All of the major formula

changes were made by appropriation, which gives them only a two-year lifespan unless renewed in the 2015 legislative session. Despite this uncertainty, it is assumed that these changes will remain in effect for the forecast period for the purpose of these estimates, assuming a continued legislative commitment to these funding levels in future years.

A key element in any analysis of the school finance implications is the provision for revenue protection in the agreement between the school district and the applicant. In the case of the Horn Wind project, the agreement calls for a calculation of the revenue impact of the value limitation in years 3-10 of the agreement, under whatever school finance and property tax laws are in effect in each of those years. This meets the statutory requirement under Section 313.027(f)(1) of the Tax Code to provide school district revenue protection language in the agreement.

### **Underlying Assumptions**

There are several approaches that can be used to analyze the future revenue stream of a school district under a value limitation. Whatever method is used, a reasonable analysis requires the use of a multi-year forecasting model that covers the years in which the agreement is in effect. The Chapter 313 application now requires 15 years of data and analysis on the project being considered for a property value limitation.

The general approach used here is to maintain static enrollment and property values in order to isolate the effects of the value limitation under the school finance system. The SB 1 basic allotment increases are reflected in the underlying models. With regard to ASATR funding, the 92.63 percent reduction enacted for the 2013-14 school year and thereafter, until the 2017-18 school year. A statement of legislative intent was adopted in 2011 to no longer fund target revenue by the 2017-18 school year, so that change is reflected in the estimates presented below. The projected taxable values of the Horn Wind, LLC project are also factored into the base model used here. The impact of the limitation value for the proposed Horn Wind project is isolated separately and the focus of this analysis.

Student enrollment counts are held constant at 93 students in average daily attendance (ADA) in analyzing the effects of the Horn Wind project on the finances of MISD. The District's local tax base reached \$102 million for the 2012 tax year and is maintained at that level for the forecast period in order to isolate the effects of the property value limitation. An M&O tax rate of \$1.04 is used throughout this analysis. MISD has estimated state property wealth per weighted ADA or WADA of approximately \$380,004 for the 2012-13 school year. The enrollment and property value assumptions for the 15 years that are the subject of this analysis are summarized in Table 1.

### **School Finance Impact**

School finance models were prepared for MISD under the assumptions outlined above through the 2028-29 school year. Beyond the 2014-15 school year, no attempt was made to forecast the 88<sup>th</sup> percentile or Austin yield that influence future state funding beyond the projected level for that school year. In the analyses for other districts and applicants on earlier projects, these changes appeared to have little impact on the revenue associated with the implementation of the property value limitation, since the baseline and other models incorporate the same underlying assumptions.

Under the proposed agreement, a model is established to make a calculation of the "Baseline Revenue" by adding the value of the proposed Horn Wind facility to the model, but without assuming that a value limitation is approved. The results of the model are shown in Table 2.

A second model is developed which adds the Horn Wind value but imposes the proposed property value limitation effective in the third year, which in this case is the 2016-17 school year. The results of this model are identified as “Value Limitation Revenue Model” under the revenue protection provisions of the proposed agreement (see Table 3). A summary of the differences between these models is shown in Table 4.

Under these assumptions, MISD would experience an M&O revenue loss as a result of the implementation of the value limitation in the 2016-17 school year (-\$557,540). This is the same year that MISD would become a Chapter 41 school district subject to recapture. Horn Wind is expected to receive \$3,068,000 in M&O tax savings in the 2016-17 school year. Reduced recapture costs of \$1.786 million would offset much of this reduction, along with \$724,063 in offsetting ASATR funds. Once the limitation is recognized in the state property value study used in state aid calculations for the 2017-18 school year and thereafter, MISD would no longer be subject to recapture until the 2025-26 school year under the estimates presented here.

As noted previously, no attempt was made to forecast further reductions in ASATR funding beyond the 92.63 percent adjustment adopted for the 2013-14 school year. It is assumed that ASATR will be eliminated beginning in the 2017-18 school year, based on the 2013 statement of legislative intent.

In general, the ASATR offset poses little financial risk to the school district as a result of the adoption of the value limitation agreement. But a significant reduction of ASATR funding prior to the assumed 2017-18 school year elimination of these funds could reduce the residual tax savings in the first year that the \$5 million value limitation takes effect.

The Comptroller’s state property value study influences these calculations, as noted previously. At the school-district level, a taxpayer benefiting from a property value limitation has two property values assigned by the local appraisal district for their property covered by the limitation: (1) a reduced value for M&O taxes, and (2) the full taxable value for I&S taxes. This situation exists for the eight years that the value limitation is in effect. Two state value determinations are made for school districts granting Chapter 313 agreements, consistent with local practice. A consolidated single state property value had been provided previously.

#### **Impact on the Taxpayer**

Table 5 summarizes the impact of the proposed property value limitation in terms of the potential tax savings under the property value limitation agreement. The focus of this table is on the M&O tax rate. As noted previously, the property is fully taxable in the first two years under the agreement. A \$1.04 per \$100 of taxable value M&O rate is assumed in 2013-14 and thereafter.

Under the assumptions used here, the potential tax savings from the value limitation total \$19.1 million over the life of the agreement. In addition, Horn Wind would be eligible for a tax credit for M&O taxes paid on value in excess of the value limitation in each of the first two qualifying years. The credit amount is paid out slowly through years 4-10 due to statutory limits on the scale of these payments over these seven years, with catch-up payments permitted in years 11-13. The tax credits are expected to total approximately \$2.0 million over the course of the agreement, with no unpaid tax credits anticipated. The school district is to be reimbursed by the Texas Education Agency for the cost of these credits.

The key MISD revenue losses are expected to total approximately \$557,540 in the initial 2016-17 value limitation year under the agreement. The total potential net tax benefits (inclusive of tax credits but after hold-harmless payments are made) are estimated to reach \$20.6 million over the life of the agreement. While legislative changes to ASATR funding could increase the hold-harmless amount owed in the initial limitation year, there would still be a substantial tax benefit to Horn Wind under the value limitation agreement for the remaining years that the limitation is in effect.

### **Facilities Funding Impact**

The Horn Wind project remains fully taxable for debt services taxes. MISD does not currently levy an I&S tax.

The Horn Wind project is not expected to affect MISD in terms of enrollment. The entire project is expected to result in an additional nine full-time positions once it begins operation. Continued expansion of the project and related development could result in additional employment in the area and an increase in the school-age population, but this project is unlikely to have much impact on a stand-alone basis.

### **Conclusion**

The proposed Horn Wind renewable energy electric generation project enhances the tax base of MISD. It reflects continued capital investment in keeping with the goals of Chapter 313 of the Tax Code.

Under the assumptions outlined above, the potential tax savings for the applicant under a Chapter 313 agreement could reach an estimated \$20.6 million. (This amount is net of any anticipated revenue losses for the District.) The additional taxable value also enhances the tax base of MISD in meeting its future debt service obligations, should the District decide to pursue a bond issue.

**Table 1 – Base District Information with Horn Wind, LLC Project Value and Limitation Values**

Year of Agreement	School Year	ADA	WADA	M&O Tax Rate	I&S Tax Rate	CAD Value with Project	CAD Value with Limitation	CPTD with Project	CPTD With Limitation	CPTD Value with Project per WADA	CPTD Value with Limitation per WADA
<b>Pre-Year 1</b>	2013-14	93.20	235.11	<u>\$1.0400</u>	\$0.0000	<u>\$102,081,480</u>	\$102,081,480	<u>\$100,366,968</u>	<u>\$100,366,968</u>	<u>\$426,888</u>	<u>\$426,888</u>
1	2014-15	93.20	235.09	\$1.0400	\$0.0000	\$102,081,480	\$102,081,480	\$100,366,968	\$100,366,968	\$426,927	\$426,927
2	2015-16	93.20	235.09	<u>\$1.0400</u>	\$0.0000	<u>\$302,081,480</u>	<u>\$302,081,480</u>	<u>\$100,366,968</u>	<u>\$100,366,968</u>	<u>\$426,927</u>	<u>\$426,927</u>
3	2016-17	93.20	235.09	\$1.0400	\$0.0000	\$402,081,480	\$107,081,480	\$300,366,968	\$300,366,968	\$1,277,658	\$1,277,658
4	2017-18	<u>93.20</u>	<u>235.09</u>	<u>\$1.0400</u>	\$0.0000	<u>\$372,081,480</u>	<u>\$107,081,480</u>	<u>\$400,366,968</u>	<u>\$105,366,968</u>	<u>\$1,703,023</u>	<u>\$448,195</u>
5	2018-19	93.20	235.09	\$1.0400	\$0.0000	\$357,081,480	\$107,081,480	\$370,366,968	\$105,366,968	\$1,575,414	\$448,195
6	2019-20	93.20	235.09	<u>\$1.0400</u>	<u>\$0.0000</u>	<u>\$342,081,480</u>	<u>\$107,081,480</u>	<u>\$355,366,968</u>	<u>\$105,366,968</u>	<u>\$1,511,809</u>	<u>\$448,195</u>
7	2020-21	93.20	235.09	\$1.0400	\$0.0000	\$327,081,480	\$107,081,480	\$340,366,968	\$105,366,968	\$1,447,804	\$448,195
8	2021-22	93.20	235.09	<u>\$1.0400</u>	\$0.0000	<u>\$312,081,480</u>	<u>\$107,081,480</u>	<u>\$325,366,968</u>	<u>\$105,366,968</u>	<u>\$1,383,999</u>	<u>\$448,195</u>
9	2022-23	93.20	235.09	\$1.0400	\$0.0000	\$297,081,480	\$107,081,480	\$310,366,968	\$105,366,968	\$1,320,194	\$448,195
10	2023-24	<u>93.20</u>	<u>235.09</u>	<u>\$1.0400</u>	<u>\$0.0000</u>	<u>\$282,081,480</u>	<u>\$107,081,480</u>	<u>\$295,366,968</u>	<u>\$105,366,968</u>	<u>\$1,256,389</u>	<u>\$448,195</u>
11	2024-25	93.20	235.09	\$1.0400	\$0.0000	\$267,081,480	\$267,081,480	\$280,366,968	\$105,366,968	\$1,192,585	\$448,195
12	2025-26	<u>93.20</u>	<u>235.09</u>	<u>\$1.0400</u>	<u>\$0.0000</u>	<u>\$252,081,480</u>	<u>\$252,081,480</u>	<u>\$265,366,968</u>	<u>\$265,366,968</u>	<u>\$1,128,780</u>	<u>\$1,128,780</u>
13	2026-27	93.20	235.09	\$1.0400	\$0.0000	\$237,081,480	\$237,081,480	\$250,366,968	\$250,366,968	\$1,064,975	\$1,064,975
14	2027-28	93.20	235.09	<u>\$1.0400</u>	<u>\$0.0000</u>	<u>\$222,081,480</u>	<u>\$222,081,480</u>	<u>\$235,366,968</u>	<u>\$235,366,968</u>	<u>\$1,001,170</u>	<u>\$1,001,170</u>
15	2028-29	93.20	235.09	\$1.0400	\$0.0000	\$207,081,480	\$207,081,480	\$220,366,968	\$220,366,968	\$937,365	\$937,365

\*Basic Allotment: \$5,040; AISD Yield: \$61.86; Equalized Wealth: \$504,000 per WADA

**Table 2– “Baseline Revenue Model” --Project Value Added with No Value Limitation**

Year of Agreement	School Year	M&O Taxes @ Compressed Rate	State Aid	Additional State Aid-Hold Harmless	Excess Formula Reduction	Recapture Costs	Additional Local M&O Collections	State Aid From Additional M&O Tax Collections	Recapture from the Additional Local Tax Effort	Total General Fund
<b>Pre-Year 1</b>	2013-14	<u>\$1,043,029</u>	\$231,655	\$0	\$0	\$0	<u>\$41,667</u>	<u>\$16,868</u>	\$0	<u>\$1,333,218</u>
1	2014-15	\$1,043,029	\$253,167	\$0	\$0	\$0	\$41,667	\$18,707	\$0	\$1,356,570
2	2015-16	<u>\$3,003,127</u>	<u>\$253,167</u>	\$0	\$0	\$0	<u>\$119,969</u>	<u>\$55,857</u>	\$0	<u>\$3,432,119</u>
3	2016-17	\$4,042,179	\$33,391	\$0	\$0	-\$2,424,144	\$161,477	\$0	\$0	\$1,812,903
4	2017-18	<u>\$3,742,184</u>	<u>\$33,391</u>	\$0	\$0	-\$2,611,183	<u>\$149,492</u>	\$0	\$0	<u>\$1,313,864</u>
5	2018-19	\$3,592,157	\$33,391	\$0	\$0	-\$2,419,459	\$143,499	\$0	\$0	\$1,349,588
6	2019-20	<u>\$3,442,149</u>	<u>\$33,391</u>	\$0	\$0	-\$2,270,960	<u>\$137,507</u>	\$0	\$0	<u>\$1,342,087</u>
7	2020-21	\$3,292,142	\$33,391	\$0	\$0	-\$2,122,594	\$131,514	\$0	\$0	\$1,334,453
8	2021-22	<u>\$3,142,134</u>	<u>\$33,391</u>	\$0	\$0	-\$1,974,379	<u>\$125,522</u>	\$0	\$0	<u>\$1,326,668</u>
9	2022-23	\$2,992,127	\$33,391	\$0	\$0	-\$1,826,337	\$119,529	\$0	\$0	\$1,318,710
10	2023-24	<u>\$2,842,119</u>	<u>\$33,391</u>	\$0	\$0	-\$1,678,495	<u>\$113,537</u>	\$0	\$0	<u>\$1,310,552</u>
11	2024-25	\$2,660,110	\$33,391	\$0	\$0	-\$1,512,408	\$106,266	\$0	\$0	\$1,287,359
12	2025-26	<u>\$2,513,103</u>	<u>\$33,391</u>	\$0	\$0	-\$1,367,493	<u>\$100,393</u>	\$0	\$0	<u>\$1,279,393</u>
13	2026-27	\$2,366,095	\$33,391	\$0	\$0	-\$1,222,830	\$94,521	\$0	\$0	\$1,271,177
14	2027-28	<u>\$2,219,088</u>	<u>\$33,391</u>	\$0	\$0	-\$1,078,466	<u>\$88,648</u>	\$0	\$0	<u>\$1,262,661</u>
15	2028-29	\$2,072,081	\$33,391	\$0	\$0	-\$934,461	\$82,775	\$0	\$0	\$1,253,786

Table 3-- "Value Limitation Revenue Model"--Project Value Added with Value Limit

Year of Agreement	School Year	M&O Taxes @ Compressed Rate	State Aid	Additional State Aid-Hold Harmless	Excess Formula Reduction	Recapture Costs	Additional Local M&O Collections	State Aid From Additional M&O Tax Collections	Recapture from the Additional Local Tax Effort	Total General Fund
Pre-Year 1	2013-14	\$1,043,029	\$231,855	\$0	\$0	\$0	\$41,867	\$18,868	\$0	\$1,333,218
1	2014-15	\$1,043,029	\$253,167	\$0	\$0	\$0	\$41,667	\$18,707	\$0	\$1,356,570
2	2015-16	\$3,003,127	\$253,167	\$0	\$0	\$0	\$119,989	\$55,857	\$0	\$3,432,119
3	2016-17	\$1,092,032	\$33,391	\$724,063	\$0	-\$637,747	\$43,624	\$0	\$0	\$1,255,363
4	2017-18	\$1,092,032	\$203,165	\$0	\$0	\$0	\$43,624	\$17,277	\$0	\$1,356,098
5	2018-19	\$1,092,032	\$203,165	\$0	\$0	\$0	\$43,624	\$17,277	\$0	\$1,356,098
6	2019-20	\$1,092,032	\$203,165	\$0	\$0	\$0	\$43,624	\$17,277	\$0	\$1,356,098
7	2020-21	\$1,092,032	\$203,165	\$0	\$0	\$0	\$43,624	\$17,277	\$0	\$1,356,098
8	2021-22	\$1,092,032	\$203,165	\$0	\$0	\$0	\$43,624	\$17,277	\$0	\$1,356,098
9	2022-23	\$1,092,032	\$203,165	\$0	\$0	\$0	\$43,624	\$17,277	\$0	\$1,356,098
10	2023-24	\$1,092,032	\$203,165	\$0	\$0	\$0	\$43,624	\$17,277	\$0	\$1,356,098
11	2024-25	\$2,660,110	\$203,165	\$0	\$0	\$0	\$106,266	\$42,086	\$0	\$3,011,627
12	2025-26	\$2,513,103	\$33,391	\$0	\$0	-\$1,387,493	\$100,393	\$0	\$0	\$1,279,393
13	2026-27	\$2,366,095	\$33,391	\$0	\$0	-\$1,222,830	\$94,521	\$0	\$0	\$1,271,177
14	2027-28	\$2,219,088	\$33,391	\$0	\$0	-\$1,078,486	\$88,648	\$0	\$0	\$1,262,661
15	2028-29	\$2,072,081	\$33,391	\$0	\$0	-\$934,461	\$82,775	\$0	\$0	\$1,253,786

Table 4 – Value Limit less Project Value with No Limit

Year of Agreement	School Year	M&O Taxes @ Compressed Rate	State Aid	Additional State Aid-Hold Harmless	Excess Formula Reduction	Recapture Costs	Additional Local M&O Collections	State Aid From Additional M&O Tax Collections	Recapture from the Additional Local Tax Effort	Total General Fund
Pre-Year 1	2013-14	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1	2014-15	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2	2015-16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3	2016-17	-\$2,950,148	\$0	\$724,063	\$0	\$1,786,397	-\$117,853	\$0	\$0	-\$557,540
4	2017-18	-\$2,650,133	\$169,774	\$0	\$0	\$2,811,183	-\$105,868	\$17,277	\$0	\$42,234
5	2018-19	-\$2,500,125	\$169,774	\$0	\$0	\$2,419,459	-\$99,875	\$17,277	\$0	\$6,510
6	2019-20	-\$2,350,118	\$169,774	\$0	\$0	\$2,270,960	-\$93,883	\$17,277	\$0	\$14,011
7	2020-21	-\$2,200,110	\$169,774	\$0	\$0	\$2,122,594	-\$87,890	\$17,277	\$0	\$21,645
8	2021-22	-\$2,050,103	\$169,774	\$0	\$0	\$1,974,379	-\$81,898	\$17,277	\$0	\$29,430
9	2022-23	-\$1,900,095	\$169,774	\$0	\$0	\$1,826,337	-\$75,905	\$17,277	\$0	\$37,388
10	2023-24	-\$1,750,088	\$169,774	\$0	\$0	\$1,678,495	-\$69,913	\$17,277	\$0	\$45,546
11	2024-25	\$0	\$169,774	\$0	\$0	\$1,512,408	\$0	\$42,086	\$0	\$1,724,268
12	2025-26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
13	2026-27	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
14	2027-28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15	2028-29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**Table 5 - Estimated Financial impact of the Horn Wind, LLC Project Property Value Limitation Request Submitted to MISD at \$1.04 M&O Tax Rate**

Year of Agreement	School Year	Project Value	Estimated Taxable Value	Value Savings	Assumed M&O Tax Rate	Taxes Before Value Limit	Taxes after Value Limit	Tax Savings @ Projected M&O Rate	Tax Credits for First Two Years Above Limit	Tax Benefit to Company Before Revenue Protection	School District Revenue Losses	Estimated Net Tax Benefits
Pre-Year 1	2013-14	\$0	\$0	\$0	\$1.040	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1	2014-15	\$0	\$0	\$0	\$1.040	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2	2015-16	\$200,000,000	\$200,000,000	\$0	\$1.040	\$2,080,000	\$2,080,000	\$0	\$0	\$0	\$0	\$0
3	2016-17	\$300,000,000	\$5,000,000	\$295,000,000	\$1.040	\$3,120,000	\$52,000	\$3,068,000	\$0	\$3,068,000	-\$557,540	\$2,510,460
4	2017-18	\$270,000,000	\$5,000,000	\$265,000,000	\$1.040	\$2,808,000	\$52,000	\$2,756,000	\$26,000	\$2,782,000	\$0	\$2,782,000
5	2018-19	\$255,000,000	\$5,000,000	\$250,000,000	\$1.040	\$2,652,000	\$52,000	\$2,600,000	\$26,000	\$2,626,000	\$0	\$2,626,000
6	2019-20	\$240,000,000	\$5,000,000	\$235,000,000	\$1.040	\$2,496,000	\$52,000	\$2,444,000	\$26,000	\$2,470,000	\$0	\$2,470,000
7	2020-21	\$225,000,000	\$5,000,000	\$220,000,000	\$1.040	\$2,340,000	\$52,000	\$2,288,000	\$26,000	\$2,314,000	\$0	\$2,314,000
8	2021-22	\$210,000,000	\$5,000,000	\$205,000,000	\$1.040	\$2,184,000	\$52,000	\$2,132,000	\$26,000	\$2,158,000	\$0	\$2,158,000
9	2022-23	\$195,000,000	\$5,000,000	\$190,000,000	\$1.040	\$2,028,000	\$52,000	\$1,976,000	\$26,000	\$2,002,000	\$0	\$2,002,000
10	2023-24	\$180,000,000	\$5,000,000	\$175,000,000	\$1.040	\$1,872,000	\$52,000	\$1,820,000	\$26,000	\$1,846,000	\$0	\$1,846,000
11	2024-25	\$165,000,000	\$165,000,000	\$0	\$1.040	\$1,716,000	\$1,716,000	\$0	\$1,716,000	\$1,716,000	\$0	\$1,716,000
12	2025-26	\$150,000,000	\$150,000,000	\$0	\$1.040	\$1,560,000	\$1,560,000	\$0	\$130,000	\$130,000	\$0	\$130,000
13	2026-27	\$135,000,000	\$135,000,000	\$0	\$1.040	\$1,404,000	\$1,404,000	\$0	\$0	\$0	\$0	\$0
14	2027-28	\$120,000,000	\$120,000,000	\$0	\$1.040	\$1,248,000	\$1,248,000	\$0	\$0	\$0	\$0	\$0
15	2028-29	\$105,000,000	\$105,000,000	\$0	\$1.040	\$1,092,000	\$1,092,000	\$0	\$0	\$0	\$0	\$0
						\$28,600,000	\$9,516,000	\$19,084,000	\$2,028,000	\$21,112,000	-\$557,540	\$20,554,460
Tax Credit for Value Over Limit in First 2 Years									Year 1	Year 2	Max Credits	
									\$0	\$2,028,000	\$2,028,000	
									Credits Earned		\$2,028,000	
									Credits Paid		<u>\$2,028,000</u>	
									Excess Credits Unpaid		\$0	

**\*Note:** School District Revenue-Loss estimates are subject to change based on numerous factors, including legislative and Texas Education Agency administrative changes to school finance formulas, year-to-year appraisals of project values, and changes in school district tax rates. One of the most substantial changes to the school finance formulas related to Chapter 313 revenue-loss projections could be the treatment of Additional State Aid for Tax Reduction (ASATR). Legislative intent is to end ASATR in 2017-18 school year. Additional information on the assumptions used in preparing these estimates is provided in the narrative of this Report.

# Attachment 3

# Clay County

## Population

- Total county population in 2010 for Clay County: 10,780 , down 0.9 percent from 2009. State population increased 1.8 percent in the same time period.
- Clay County was the state's 161rd largest county in population in 2010 and the 233rd fastest growing county from 2009 to 2010.
- Clay County's population in 2009 was 91.1 percent Anglo (above the state average of 46.7 percent), 1.2 percent African-American (below the state average of 11.3 percent) and 5.2 percent Hispanic (below the state average of 36.9 percent).
- 2009 population of the largest cities and places in Clay County:

Henrietta:	3,199	Petrolia:	779
Byers:	510	Bellevue:	377
Dean:	340	Jolly:	185

## Economy and Income

### *Employment*

- September 2011 total employment in Clay County: 5,651 , down 2.2 percent from September 2010. State total employment increased 0.9 percent during the same period.  
*(October 2011 employment data will be available November 18, 2011).*
- September 2011 Clay County unemployment rate: 6.2 percent, up from 5.9 percent in September 2010. The statewide unemployment rate for September 2011 was 8.5 percent, up from 8.2 percent in September 2010.
- September 2011 unemployment rate in the city of:

**(Note: County and state unemployment rates are adjusted for seasonal fluctuations, but the Texas Workforce Commission city unemployment rates are not. Seasonally-adjusted unemployment rates are not comparable with unadjusted rates).**

### *Income*

- Clay County's ranking in per capita personal income in 2009: 44th with an average per capita income of \$38,764, up 1.8 percent from 2008. Statewide average per capita personal income was \$38,609 in 2009, down 3.1 percent from 2008.

### *Industry*

- Agricultural cash values in Clay County averaged \$84.50 million annually from 2007 to 2010. County total agricultural values in 2010 were down 38.0 percent from 2009. Major agriculture related commodities in Clay County during 2010 included:
  - Hay
  - Wheat
  - Milk Cows
  - Horses
  - Other Beef
- 2011 oil and gas production in Clay County: 346,793.0 barrels of oil and 418,592.0 Mcf of gas. In September 2011, there were 1080 producing oil wells and 30 producing gas wells.

## Taxes

### *Sales Tax - Taxable Sales*

**(County and city taxable sales data for 1st quarter 2011 is currently targeted for release in mid-September 2011).  
Quarterly (September 2010 through December 2010)**

- Taxable sales in Clay County during the fourth quarter 2010: \$5.12 million, up 6.1 percent from the same quarter in 2009.
- Taxable sales during the fourth quarter 2010 in the city of:

Henrietta:	\$2.28 million, up 4.5 percent from the same quarter in 2009.
Petrolia:	\$382,674.00, down 4.8 percent from the same quarter in 2009.
Byers:	\$160,247.00, up 3.4 percent from the same quarter in 2009.
Bellevue:	\$189,543.00, down 2.7 percent from the same quarter in 2009.
Dean:	\$60,685.00, up 13.0 percent from the same quarter in 2009.
Jolly:	\$637,071.00, up 9.9 percent from the same quarter in 2009.

***Taxable Sales through the end of 4th quarter 2010 (January 2010 through December 30, 2010)***

- Taxable sales in Clay County through the fourth quarter of 2010: \$19.42 million, up 1.5 percent from the same period in 2009.
- Taxable sales through the fourth quarter of 2010 in the city of:

Henrietta:	\$8.51 million, up 0.6 percent from the same period in 2009.
Petrolia:	\$1.59 million, up 2.4 percent from the same period in 2009.
Byers:	\$675,142.00, up 3.2 percent from the same period in 2009.
Bellevue:	\$695,713.00, down 5.9 percent from the same period in 2009.
Dean:	\$257,415.00, up 34.0 percent from the same period in 2009.
Jolly:	\$2.57 million, up 5.3 percent from the same period in 2009.

**Annual (2010)**

- Taxable sales in Clay County during 2010: \$19.42 million, up 1.5 percent from 2009.
- Clay County sent an estimated \$1.21 million (or 0.01 percent of Texas' taxable sales) in state sales taxes to the state treasury in 2010.
- Taxable sales during 2010 in the city of:
 

Henrietta:	\$8.51 million, up 0.6 percent from 2009.
Petrolia:	\$1.59 million, up 2.4 percent from 2009.
Byers:	\$675,142.00, up 3.2 percent from 2009.
Bellevue:	\$695,713.00, down 5.9 percent from 2009.
Dean:	\$257,415.00, up 34.0 percent from 2009.
Jolly:	\$2.57 million, up 5.3 percent from 2009.

**Sales Tax – Local Sales Tax Allocations**

*(The release date for sales tax allocations to cities for the sales activity month of September 2011 is currently scheduled for November 9, 2011.)*

**Monthly**

- Statewide payments based on the sales activity month of August 2011: \$505.22 million, up 13.9 percent from August 2010.
- Payments to all cities in Clay County based on the sales activity month of August 2011: \$84,875.57, up 156.6 percent from August 2010.
- Payment based on the sales activity month of August 2011 to the city of:
 

Henrietta:	\$27,916.31, up 0.2 percent from August 2010.
Petrolia:	\$2,974.21, up 84.3 percent from August 2010.
Byers:	\$1,021.04, up 14.4 percent from August 2010.
Bellevue:	\$1,188.13, down 8.3 percent from August 2010.
Dean:	\$220.79, down 40.3 percent from August 2010.
Jolly:	\$51,555.09, up 4829.6 percent from August 2010.

**Fiscal Year**

- Statewide payments based on sales activity months from September 2010 through August 2011: \$6.08 billion, up 8.0 percent from the same period in 2010.
- Payments to all cities in Clay County based on sales activity months from September 2010 through August 2011: \$469,931.26, up 10.6 percent from fiscal 2010.
- Payments based on sales activity months from September 2010 through August 2011 to the city of:
 

Henrietta:	\$342,032.62, down 1.0 percent from fiscal 2010.
Petrolia:	\$23,151.24, down 0.1 percent from fiscal 2010.
Byers:	\$12,022.79, down 2.8 percent from fiscal 2010.
Bellevue:	\$18,265.67, down 6.8 percent from fiscal 2010.
Dean:	\$6,949.63, up 63.1 percent from fiscal 2010.
Jolly:	\$67,509.31, up 236.8 percent from fiscal 2010.

**January 2011 through August 2011 (Sales Activity Year-To-Date)**

- Statewide payments based on sales activity months through August 2011: \$3.99 billion, up 8.3 percent from the same period in 2010.
- Payments to all cities in Clay County based on sales activity months through August 2011: \$328,074.65, up 21.8 percent from the same period in 2010.
- Payments based on sales activity months through August 2011 to the city of:
 

Henrietta:	\$224,972.00, up 3.6 percent from the same period in 2010.
Petrolia:	\$14,727.37, down 4.9 percent from the same period in 2010.
Byers:	\$8,252.65, up 1.6 percent from the same period in 2010.
Bellevue:	\$11,521.42, down 4.3 percent from the same period in 2010.
Dean:	\$5,802.10, up 85.4 percent from the same period in 2010.
Jolly:	\$62,799.11, up 365.6 percent from the same period in 2010.

**12 months ending in August 2011**

- Statewide payments based on sales activity in the 12 months ending in August 2011: \$6.08 billion, up 8.0 percent from the previous 12-month period.
- Payments to all cities in Clay County based on sales activity in the 12 months ending in August 2011: \$469,931.26, up 10.6 percent from the previous 12-month period.
- Payments based on sales activity in the 12 months ending in August 2011 to the city of:

Henrietta:	\$342,032.62, down 1.0 percent from the previous 12-month period.
Petrolia:	\$23,151.24, down 0.1 percent from the previous 12-month period.
Byers:	\$12,022.79, down 2.8 percent from the previous 12-month period.
Bellevue:	\$18,265.67, down 6.8 percent from the previous 12-month period.
Dean:	\$6,949.63, up 63.1 percent from the previous 12-month period.
Jolly:	\$67,509.31, up 236.8 percent from the previous 12-month period.

■ **City Calendar Year-To-Date (RJ 2011)**

■ **Payment to the cities from January 2011 through October 2011:**

Henrietta:	\$272,202.97, down 2.4 percent from the same period in 2010.
Petrolia:	\$19,251.75, up 1.9 percent from the same period in 2010.
Byers:	\$9,991.34, down 0.8 percent from the same period in 2010.
Bellevue:	\$14,756.98, down 7.3 percent from the same period in 2010.
Dean:	\$6,378.08, up 69.4 percent from the same period in 2010.
Jolly:	\$65,998.89, up 277.0 percent from the same period in 2010.

*Annual (2010)*

- Statewide payments based on sales activity months in 2010: \$5.77 billion, up 3.3 percent from 2009.
- Payments to all cities in Clay County based on sales activity months in 2010: \$411,212.13, down 1.3 percent from 2009.
- Payment based on sales activity months in 2010 to the city of:

Henrietta:	\$334,149.27, down 1.3 percent from 2009.
Petrolia:	\$23,909.32, up 12.6 percent from 2009.
Byers:	\$11,892.36, up 0.9 percent from 2009.
Bellevue:	\$18,786.44, down 3.8 percent from 2009.
Dean:	\$4,276.36, up 22.3 percent from 2009.
Jolly:	\$18,198.38, down 17.2 percent from 2009.

**Property Tax**

- As of January 2009, property values in Clay County: \$1.38 billion, up 3.3 percent from January 2008 values. The property tax base per person in Clay County is \$126,583, above the statewide average of \$85,809. About 11.1 percent of the property tax base is derived from oil, gas and minerals.

**State Expenditures**

- Clay County's ranking in state expenditures by county in fiscal year 2010: 168th. State expenditures in the county for FY2010: \$37.29 million, up 0.2 percent from FY2009.
- In Clay County, 8 state agencies provide a total of 34 jobs and \$329,182.00 in annualized wages (as of 1st quarter 2011).
- Major state agencies in the county (as of first quarter 2011):
  - Department of Transportation
  - Department of Public Safety
  - AgriLife Extension Service
  - Parks & Wildlife Department
  - Health & Human Services Commission

**Higher Education**

- Community colleges in Clay County fall 2010 enrollment:
  - None.
- Clay County is in the service area of the following:
  - Vernon College with a fall 2010 enrollment of 3,167. Counties in the service area include:
    - Archer County
    - Baylor County
    - Clay County
    - Cottle County
    - Foard County
    - Hardeman County
    - Haskell County
    - King County
    - Knox County

Throckmorton County  
Wichita County  
Wilbarger County

- Institutions of higher education in Clay County fall 2010 enrollment:
  - None.

### **School Districts**

- Clay County had 5 school districts with 9 schools and 1,759 students in the 2009-10 school year.  
(Statewide, the average teacher salary in school year 2009-10 was \$48,263. The percentage of students, statewide, meeting the 2010 TAKS passing standard for all 2009-10 TAKS tests was 77 percent.)
  - Bellevue ISD had 159 students in the 2009-10 school year. The average teacher salary was \$41,795. The percentage of students meeting the 2010 TAKS passing standard for all tests was 73 percent.
  - Byers ISD had 101 students in the 2009-10 school year. The average teacher salary was \$39,949. The percentage of students meeting the 2010 TAKS passing standard for all tests was 47 percent.
  - Henrietta ISD had 905 students in the 2009-10 school year. The average teacher salary was \$44,845. The percentage of students meeting the 2010 TAKS passing standard for all tests was 82 percent.
  - Midway ISD had 111 students in the 2009-10 school year. The average teacher salary was \$41,572. The percentage of students meeting the 2010 TAKS passing standard for all tests was 80 percent.
  - Petrolia ISD had 483 students in the 2009-10 school year. The average teacher salary was \$39,254. The percentage of students meeting the 2010 TAKS passing standard for all tests was 87 percent.