

S U S A N

C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

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



March 6, 2014

Ralph Traynham  
Superintendent  
Fort Stockton Independent School District  
101 West Division  
Fort Stockton, Texas 79735

Dear Superintendent Traynham:

On Dec. 18, 2013, the Comptroller received the completed application (Application #389) for a limitation on appraised value under the provisions of Tax Code Chapter 313<sup>1</sup>. This application was originally submitted in November 2013 to the Fort Stockton Independent School District (the school district) by RE Fort Stockton, 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 1 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 (\$200 million) is consistent with the proposed appraised value limitation sought (\$30 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 solar power electric generation facility in Pecos 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 TaxCode, 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 Dec. 18, 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	RE Fort Stockton, LLC
Tax Code, 313.024 Eligibility Category	Renewable Energy Electric Generation
School District	Fort Stockton ISD
2011-12 Enrollment in School District	2,331
County	Pecos
Total Investment in District	\$200,000,000
Qualified Investment	\$200,000,000
Limitation Amount	\$30,000,000
Number of total jobs committed to by applicant	2*
Number of qualifying jobs committed to by applicant	2
Average Weekly Wage of Qualifying Jobs committed to by applicant	\$965
Minimum Weekly Wage Required Tax Code, 313.051(b)	\$965
Minimum Annual Wage committed to by applicant for qualified jobs	\$50,186
Investment per Qualifying Job	\$100,000,000
Estimated 15 year M&O levy without any limit or credit:	\$12,384,675
Estimated gross 15 year M&O tax benefit	\$7,592,131
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):	\$5,793,956
Tax Credits (estimated - part of total tax benefit in the two lines above - appropriated through Foundation School Program)	\$0
Net M&O Tax (15 years) After Limitation, Credits and Revenue Protection:	\$6,590,719
Tax benefit as a percentage of what applicant would have paid without value limitation agreement (percentage exempted)	46.8%
Percentage of tax benefit due to the limitation	100.0%
Percentage of tax benefit due to the credit	0.0%
* 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 RE Fort Stockton, LLC (the project) applying to Fort Stockton 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 two new job when fully operational. All two 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 Permian Basin Regional Planning Commission Region, where Pecos County is located was \$45,624 in 2012. The annual average manufacturing wage for 2012 for Pecos County is \$36,452. That same year, the county annual average wage for all industries was \$48,724. In addition to a salary of \$50,186, each qualifying position will receive the following benefits: medical and prescription, dental, basic life insurance, accidental death & dismemberment (AD&D), supplemental life insurance and AD&D, dependent life insurance and AD&D, short-term disability, long-term disability, employee assistance program (EAP), flexible spending accounts (FSA), 401(k) retirement plan, stock purchase plan, tuition reimbursement, and paid holidays and paid time off. The project's total investment is \$200 million, resulting in a relative level of investment per qualifying job of \$100 million.

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

According to RE Fort Stockton, LLC's application, "Recurrent has the ability to build projects in other states; however the property tax incentives are a motivating factor why this particular location was selected over other areas, including in other states."

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

During the past two years, 18 projects in the Permian Basin 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 RE Fort Stockton, LLC 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 1 depicts RE Fort Stockton, LLC'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 14 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 RE Fort Stockton, LLC**

Year	Employment			Personal Income		
	Direct	Indirect + Induced	Total	Direct	Indirect + Induced	Total
2016	202	180	382	\$7,607,172	\$13,754,828	\$21,362,000
2017	2	11	13	\$100,372	\$2,340,628	\$2,441,000
2018	2	2	4	\$100,372	\$1,486,628	\$1,587,000
2019	2	(2)	0	\$100,372	\$753,628	\$854,000
2020	2	(2)	0	\$100,372	\$753,628	\$854,000
2021	2	(4)	-2	\$100,372	\$509,628	\$610,000
2022	2	(4)	-2	\$100,372	\$509,628	\$610,000
2023	2	(6)	-4	\$100,372	\$143,628	\$244,000
2024	2	(4)	-2	\$100,372	\$143,628	\$244,000
2025	2	0	2	\$100,372	\$21,628	\$122,000
2026	2	(4)	-2	\$100,372	\$143,628	\$244,000
2027	2	(2)	0	\$100,372	\$143,628	\$244,000
2028	2	0	2	\$100,372	\$143,628	\$244,000
2029	2	(2)	0	\$100,372	\$143,628	\$244,000

Source: CPA, REMI, RE Fort Stockton, LLC

The statewide average ad valorem tax base for school districts in Texas was \$1.65 billion in 2012-2013. Fort Stockton ISD's ad valorem tax base in 2012-2013 was \$1.198 billion. The statewide average wealth per WADA was estimated at \$343,155 for fiscal 2012-2013. During that same year, Fort Stockton ISD's estimated wealth per WADA was \$397,048. 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, Pecos County, Middle Pecos Ground Water Conservation District, and Midland College District, with all property tax incentives sought being granted using estimated market value from RE Fort Stockton, LLC's application. RE Fort Stockton, LLC has applied for both a value limitation under Chapter 313, Tax Code and tax abatement with the county. Table 3 illustrates the estimated tax impact of the RE Fort Stockton, LLC 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>	Fort Stockton ISD I&S Levy	Fort Stockton ISD M&O Levy	Fort Stockton ISD M&O and I&S Tax Levies (Before Credit Credited)	Fort Stockton ISD M&O and I&S Tax Levies (After Credit Credited)	Pecos County Tax Levy	Middle Pecos Ground Water Conservation District Tax Levy	Midland College District Tax Levy	Estimated Total Property Taxes
				0.1505	1.0400			0.6290	0.0250	0.0270	
2015	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2016	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2017	\$200,000,000	\$30,000,000		\$301,000	\$312,000	\$613,000	\$613,000	\$251,600	\$50,000	\$54,000	\$968,600
2018	\$170,000,000	\$30,000,000		\$255,850	\$312,000	\$567,850	\$567,850	\$213,860	\$42,500	\$45,900	\$870,110
2019	\$144,500,000	\$30,000,000		\$217,473	\$312,000	\$529,473	\$529,473	\$181,781	\$36,125	\$39,015	\$786,394
2020	\$122,825,000	\$30,000,000		\$184,852	\$312,000	\$496,852	\$496,852	\$154,514	\$30,706	\$33,163	\$715,234
2021	\$104,401,250	\$30,000,000		\$157,124	\$312,000	\$469,124	\$469,124	\$131,337	\$26,100	\$28,188	\$654,749
2022	\$88,741,063	\$30,000,000		\$133,555	\$312,000	\$445,555	\$445,555	\$111,636	\$22,185	\$23,960	\$603,337
2023	\$75,429,903	\$30,000,000		\$113,522	\$312,000	\$425,522	\$425,522	\$94,891	\$18,857	\$20,366	\$559,636
2024	\$64,115,418	\$30,000,000		\$96,494	\$312,000	\$408,494	\$408,494	\$80,657	\$16,029	\$17,311	\$522,491
2025	\$54,498,105	\$54,498,105		\$82,020	\$566,780	\$648,800	\$648,800	\$68,559	\$13,625	\$14,714	\$745,698
2026	\$46,323,389	\$46,323,389		\$69,717	\$481,763	\$551,480	\$551,480	\$58,275	\$11,581	\$12,507	\$633,843
2027	\$40,000,000	\$40,000,000		\$60,200	\$416,000	\$476,200	\$476,200	\$50,320	\$10,000	\$10,800	\$547,320
2028	\$40,000,000	\$40,000,000		\$60,200	\$416,000	\$476,200	\$476,200	\$50,320	\$10,000	\$10,800	\$547,320
2029	\$40,000,000	\$40,000,000		\$60,200	\$416,000	\$476,200	\$476,200	\$50,320	\$10,000	\$10,800	\$547,320
						<b>Total</b>	<b>\$6,584,749</b>	<b>\$1,498,069</b>	<b>\$297,709</b>	<b>\$321,525</b>	<b>\$8,702,052</b>

Assumes School Value Limitation and Tax Abatement with the County, Water Conservation District, and College District.

Source: CPA, RE Fort Stockton, 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>	Fort Stockton ISD I&S Levy	Fort Stockton ISD M&O Levy	Fort Stockton ISD M&O and I&S Tax Levies	Pecos County Tax Levy	Middle Pecos Ground Water Conservation District Tax Levy	Midland College District Tax Levy	Estimated Total Property Taxes	
				0.1505	1.0400		0.6290	0.0250	0.0270		
2015	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
2016	\$0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
2017	\$200,000,000	\$200,000,000		\$301,000	\$2,080,000	\$2,381,000	\$1,258,000	\$50,000	\$54,000	\$3,743,000	
2018	\$170,000,000	\$170,000,000		\$255,850	\$1,768,000	\$2,023,850	\$1,069,300	\$42,500	\$45,900	\$3,181,550	
2019	\$144,500,000	\$144,500,000		\$217,473	\$1,502,800	\$1,720,273	\$908,905	\$36,125	\$39,015	\$2,704,318	
2020	\$122,825,000	\$122,825,000		\$184,852	\$1,277,380	\$1,462,232	\$772,569	\$30,706	\$33,163	\$2,298,670	
2021	\$104,401,250	\$104,401,250		\$157,124	\$1,085,773	\$1,242,897	\$656,684	\$26,100	\$28,188	\$1,953,869	
2022	\$88,741,063	\$88,741,063		\$133,555	\$922,907	\$1,056,462	\$558,181	\$22,185	\$23,960	\$1,660,789	
2023	\$75,429,903	\$75,429,903		\$113,522	\$784,471	\$897,993	\$474,454	\$18,857	\$20,366	\$1,411,671	
2024	\$64,115,418	\$64,115,418		\$96,494	\$666,800	\$763,294	\$403,286	\$16,029	\$17,311	\$1,199,920	
2025	\$54,498,105	\$54,498,105		\$82,020	\$566,780	\$648,800	\$342,793	\$13,625	\$14,714	\$1,019,932	
2026	\$46,323,389	\$46,323,389		\$69,717	\$481,763	\$551,480	\$291,374	\$11,581	\$12,507	\$866,942	
2027	\$40,000,000	\$40,000,000		\$60,200	\$416,000	\$476,200	\$251,600	\$10,000	\$10,800	\$748,600	
2028	\$40,000,000	\$40,000,000		\$60,200	\$416,000	\$476,200	\$251,600	\$10,000	\$10,800	\$748,600	
2029	\$40,000,000	\$40,000,000		\$60,200	\$416,000	\$476,200	\$251,600	\$10,000	\$10,800	\$748,600	
						<b>Total</b>	<b>\$14,176,880</b>	<b>\$7,490,347</b>	<b>\$297,709</b>	<b>\$321,525</b>	<b>\$22,286,461</b>

Source: CPA, RE Fort Stockton, 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 13 year M&O tax levy without the value limitation agreement would be \$12,384,675. The estimated gross 13 year M&O tax benefit, or levy loss, is \$7,592,131.

Attachment 3 is an economic overview of Pecos 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



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

Form 50-296

Fill in Applicant Name  
Fort Stockton ISD

Applicant Name  
ISD Name

Applicant Name ISD Name	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Estimated Market Value of Land	Qualified Property			Reductions from Market Value		Estimated Taxable Value	
					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"	Exempted Value	Final taxable value for I&S - after all reductions	Final taxable value for M&O—after all reductions		
	pre- year 1	2014-2015	2014	NA	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Complete tax years of qualifying time period	2015-2016	2015	NA	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		2016-2017	2016	NA	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		2017-2018	2017	NA	\$200,000,000	\$0	\$0	\$0	\$0	\$200,000,000	\$30,000,000
		2018-2019	2018	NA	\$170,000,000	\$0	\$0	\$0	\$0	\$170,000,000	\$30,000,000
		2019-2020	2019	NA	\$144,500,000	\$0	\$0	\$0	\$0	\$144,500,000	\$30,000,000
Tax Credit Period (with 50% cap on credit)	2020-2021	2020	NA	\$122,825,000	\$0	\$0	\$0	\$0	\$122,825,000	\$30,000,000	
	2021-2022	2021	NA	\$104,401,250	\$0	\$0	\$0	\$0	\$104,401,250	\$30,000,000	
	2022-2023	2022	NA	\$88,741,063	\$0	\$0	\$0	\$0	\$88,741,063	\$30,000,000	
	2023-2024	2023	NA	\$75,429,903	\$0	\$0	\$0	\$0	\$75,429,903	\$30,000,000	
	2024-2025	2024	NA	\$64,115,418	\$0	\$0	\$0	\$0	\$64,115,418	\$30,000,000	
Credit Settle-Up Period	Continue to Maintain Viable Presence	2025-2026	2025	NA	\$54,498,105	\$0	\$0	\$0	\$54,498,105	\$54,498,105	
		2026-2027	2026	NA	\$46,323,389	\$0	\$0	\$0	\$46,323,389	\$46,323,389	
		2027-2028	2027	NA	\$40,000,000	\$0	\$0	\$0	\$40,000,000	\$40,000,000	
Post- Settle-Up Period	Post- Settle-Up Period	2028-2029	2028	NA	\$40,000,000	\$0	\$0	\$0	\$40,000,000	\$40,000,000	
		2029-2030	2029	NA	\$40,000,000	\$0	\$0	\$0	\$40,000,000	\$40,000,000	

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.

  
Michael Metzner  
Chief Financial Officer

11/15/13

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

**Schedule C- Application: Employment Information**

Form 50-296

Applicant Name  
ISD Name

Fill in Applicant Name  
Fort Stockton ISD

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs	
				Column A: Number of Construction FTE's or man- hours (specify)	Column B: Average annual wage rates for construction workers	Column C: Number of new jobs applicant commits to create (cumulative)	Column D: Average annual wage rate for all new jobs.	Column E: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column F: Average annual wage of qualifying jobs
	pre-year 1	2014-2015	2014			0		0	
Complete tax years of qualifying time period	1	2015-2016	2015					2	\$0
	2	2016-2017	2016	200 FTE avg; 450 FTE peak	\$37,534	2	\$50,186	2	\$50,186
	3	2017-2018	2017	0		2	\$50,186	2	\$50,186
	4	2018-2019	2018	0		2	\$50,186	2	\$50,186
	5	2019-2020	2019	0		2	\$50,186	2	\$50,186
Tax Credit Period (with 50% cap on credit)	6	2020-2021	2020	0		2	\$50,186	2	\$50,186
	7	2021-2022	2021	0		2	\$50,186	2	\$50,186
	8	2022-2023	2022	0		2	\$50,186	2	\$50,186
	9	2023-2024	2023	0		2	\$50,186	2	\$50,186
	10	2024-2025	2024	0		2	\$50,186	2	\$50,186
Continue to Maintain Viable Presence	11	2025-2026	2025	0		2	\$50,186	2	\$50,186
	12	2026-2027	2026	0		2	\$50,186	2	\$50,186
	13	2027-2028	2027	0		2	\$50,186	2	\$50,186
Post- Settle-Up Period	14	2028-2029	2028	0		2	\$50,186	2	\$50,186
	15	2029-2030	2029	0		2	\$50,186	2	\$50,186

Notes: For job definitions see TAC §9.1051(14) and Tax Code §313.021(3).

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.

**Michael Metzner**  
Chief Financial Officer

\_\_\_\_\_  
DATE 11/15/13

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

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

Fort Stockton ISD

Form 50-296

Fill In Applicant Name

ISD Name

Applicant Name	Year	School Year (YYYY-YYYY)	Tax/ Calendar Year YYYY	Sales Tax information		Franchise Tax	Other Property Tax Abatements Sought					
				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		Franchise Tax	County	City	Taxing Entity	Taxing Entity	
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)		2014-2015	2014	\$0.00	\$0.00	\$0.00	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement	
	Complete tax years of qualifying time period	1	2015-2016	2015	\$0.00	\$0.00	\$0.00	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		2	2016-2017	2016	\$0.00	\$200,000,000	\$ 19,958.29	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		3	2017-2018	2017	\$0.00	\$0.00	\$ 30,391.58	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		4	2018-2019	2018	\$0.00	\$0.00	\$ 31,144.88	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		5	2019-2020	2019	\$0.00	\$0.00	\$ 30,924.25	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
	Tax Credit Period (with 50% cap on credit)	6	2020-2021	2020	\$0.00	\$0.00	\$ 31,716.14	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		7	2021-2022	2021	\$0.00	\$0.00	\$ 32,157.86	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		8	2022-2023	2022	\$0.00	\$0.00	\$ 32,923.50	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		9	2023-2024	2023	\$0.00	\$0.00	\$ 34,002.87	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		10	2024-2025	2024	\$0.00	\$0.00	\$ 44,259.78	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
	Credit Settle-Up Period	11	2025-2026	2025	\$0.00	\$0.00	\$ 43,932.60	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		12	2026-2027	2026	\$0.00	\$0.00	\$ 43,605.43	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
		13	2027-2028	2027	\$0.00	\$0.00	\$ 43,278.26	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
	Post- Settle-Up Period	14	2028-2029	2028	\$0.00	\$0.00	\$ 42,951.09	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement
15		2029-2030	2029	\$0.00	\$0.00	\$ 42,623.93	80%	NA	NA	NA	Fill in percentage exemption requested or granted in each year of the Agreement	

\*For planning, construction and operation of the facility.

Michael Metzner  
Chief Financial Officer

11/15/13

DATE

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

CONFIDENTIAL

# Attachment 2



1701 North Congress Ave. • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • [www.tea.state.tx.us](http://www.tea.state.tx.us)

Michael Williams  
Commissioner

February 26, 2014

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 RE Fort Stockton LLC project for the Fort Stockton Independent School District (FSISD). 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 RE Fort Stockton LLC project on FSISD 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,

A handwritten signature in blue ink, appearing to read "Al McKenzie".

Al McKenzie, Manager  
Foundation School Program Support

AM/rk



1701 North Congress Ave. • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • [www.tea.state.tx.us](http://www.tea.state.tx.us)

Michael Williams  
Commissioner

February 26, 2014

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 RE Fort Stockton LLC project on the number and size of school facilities in Fort Stockton Independent School District (FSISD). Based on the analysis prepared by Moak, Casey and Associates for the school district and a conversation with the FSISD business manager, Maria Gomez, the TEA has found that the RE Fort Stockton LLC project would not have a significant impact on the number or size of school facilities in FSISD.

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,

A handwritten signature in blue ink, appearing to read "Al McKenzie", with a long horizontal flourish extending to the right.

Al McKenzie, Manager  
Foundation School Program Support

AM/rk

**SUMMARY OF FINANCIAL IMPACT OF THE PROPOSED RE FORT  
STOCKTON LLC PROJECT ON THE FINANCES OF THE FORT  
STOCKTON INDEPENDENT SCHOOL DISTRICT INDEPENDENT  
SCHOOL DISTRICT UNDER A REQUESTED CHAPTER 313  
PROPERTY VALUE LIMITATION**

**December 9, 2013**

**Final Report**

**PREPARED BY**



# **Estimated Impact of the Proposed RE Fort Stockton LLC Project on the Finances of the Fort Stockton Independent School District Independent School District under a Requested Chapter 313 Property Value Limitation**

## **Introduction**

RE Fort Stockton LLC (RE Fort Stockton) has requested that the Fort Stockton Independent School District (FSISD) 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 FSISD on November 18, 2013, RE Fort Stockton proposes to invest \$200 million to construct a new renewable solar energy electric generation project in FSISD.

The RE Fort Stockton 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, FSISD may offer a minimum value limitation of \$30 million. The provisions of Chapter 313 call for the project to be fully taxable in the 2015-16 and 2016-17 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 2015-16 and 2016-17 school years. Beginning with the 2017-18 school year, the project would go on the local tax roll at \$30 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, with FSISD currently levying a \$0.1505 per \$100 I&S tax rate. The full value of the investment is expected to reach \$200 million in 2017-18, with depreciation expected to reduce the taxable value of the project over the course of the value limitation agreement.

In the case of the RE Fort Stockton 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. FSISD would experience a \$1.8 million revenue loss as a result of the implementation of the value limitation in the 2017-18 school year. Under current law, no out-year revenue losses are anticipated.

Under the assumptions outlined below, the potential tax benefits under a Chapter 313 agreement could reach an estimated \$5.8 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.

FSISD is classified as a formula district under the estimates presented below. As a result, the District's finances are more susceptible to the effects of changes in property values and M&O tax collections like those associated with the implementation of a value limitation agreement.

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 RE Fort Stockton 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. The projected taxable values of the Recurrent Energy-Fort Stockton project are factored into the base model used here in order to simulate the financial impact of constructing the project in the absence of a value limitation agreement. Previously-approved Chapter 313 projects are factored into the base case for all of the models shown below. The impact of the limitation value for the proposed RE Fort Stockton project is isolated separately and the focus of this analysis.

Student enrollment counts are held constant at 2,220 students in average daily attendance (ADA) in analyzing the effects of the RE Fort Stockton project on the finances of FSISD. The District's local tax base reached \$1.6 billion 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 per \$100 is used throughout this analysis. FSISD has estimated state property wealth per weighted ADA or WADA of approximately \$396,905 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 FSISD under the assumptions outlined above through the 2029-30 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 RE Fort Stockton 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 RE Fort Stockton value but imposes the proposed property value limitation effective in the third year, which in this case is the 2017-18 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, FSISD would experience a \$1.8 million revenue loss as a result of the implementation of the value limitation in the 2017-18 school year. The revenue reduction results chiefly from the mechanics of the state property value study and the one-year lag in its use in determining state aid. The District’s status as a formula district is also a factor in these calculations.

The formula loss of \$1,798,175 cited above between the base and the limitation models for the 2017-18 school year under current law is based on an assumption that RE Fort Stockton would receive \$1,768,000 in M&O tax savings when the \$30 million limitation is implemented. Under the estimates presented here and as highlighted in Table 4, there is no offsetting state aid or other adjustments to reduce the revenue impact of the value limitation. In fact, the reduced M&O tax effort results in an estimated \$30,175 loss in Tier II state aid. By the 2018-19 school year, state-aid adjustments eliminated the revenue losses under current law.

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 property value determinations are also 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 only. 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 tax rate is assumed in 2013-14 and thereafter.

Under the assumptions used here, the potential tax savings from the value limitation total \$7.6 million over the life of the agreement. In addition, RE Fort Stockton could 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 current application indicates that no tax credits would be earned in the two qualifying years under the proposed investment schedule.

The key FSISD revenue losses are expected to total approximately \$1.8 million in the initial limitation year under the agreement. The total potential net tax benefits are estimated to reach \$5.8 million over the life of the agreement.

---

### **Facilities Funding Impact**

The RE Fort Stockton solar project remains fully taxable for debt services taxes, with FSISD currently levying a \$0.151 per \$100 I&S rate. The value of the RE Fort Stockton project is expected to depreciate over the life of the agreement and beyond, but full access to the additional value is expected to assist the District in meeting its debt-service needs.

The RE Fort Stockton project is not expected to affect FSISD in terms of enrollment. 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 RE Fort Stockton solar renewable energy electric generation project enhances the tax base of FSISD. 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 \$5.8 million. (This amount is net of any anticipated revenue losses for the District.) The additional taxable value also enhances the tax base of FSISD in meeting its future debt service obligations.

**Table 1 – Base District Information with RE Fort Stockton 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
Pre-Year 1	2014-15	2,236.83	3,102.30	\$1.0400	\$0.1505	\$1,677,381,375	\$1,677,381,375	\$1,337,602,727	\$1,337,602,727	\$431,165	\$431,165
1	2015-16	2,236.83	3,102.30	\$1.0400	\$0.1505	\$1,677,381,375	\$1,677,381,375	\$1,337,602,727	\$1,337,602,727	\$431,165	\$431,165
2	2016-17	2,236.83	3,102.30	\$1.0400	\$0.1505	\$1,677,381,375	\$1,677,381,375	\$1,337,602,727	\$1,337,602,727	\$431,165	\$431,165
3	2017-18	2,236.83	3,102.30	\$1.0400	\$0.1505	\$1,877,381,375	\$1,707,381,375	\$1,337,602,727	\$1,337,602,727	\$431,165	\$431,165
4	2018-19	2,236.83	3,102.30	\$1.0400	\$0.1505	\$1,847,381,375	\$1,707,381,375	\$1,537,602,727	\$1,367,602,727	\$495,634	\$440,836
5	2019-20	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,164,065,557	\$2,049,565,557	\$1,507,602,727	\$1,367,602,727	\$485,963	\$440,836
6	2020-21	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,142,390,557	\$2,049,565,557	\$1,824,286,909	\$1,709,786,909	\$588,044	\$551,136
7	2021-22	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,123,966,807	\$2,049,565,557	\$1,802,611,909	\$1,709,786,909	\$581,057	\$551,136
8	2022-23	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,108,306,620	\$2,049,565,557	\$1,784,188,159	\$1,709,786,909	\$575,118	\$551,136
9	2023-24	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,094,995,460	\$2,049,565,557	\$1,768,527,972	\$1,709,786,909	\$570,070	\$551,136
10	2024-25	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,083,680,975	\$2,049,565,557	\$1,755,216,812	\$1,709,786,909	\$565,780	\$551,136
11	2025-26	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,074,063,662	\$2,074,063,662	\$1,743,902,327	\$1,709,786,909	\$562,133	\$551,136
12	2026-27	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,065,888,946	\$2,065,888,946	\$1,734,285,014	\$1,734,285,014	\$559,033	\$559,033
13	2027-28	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,059,565,557	\$2,059,565,557	\$1,726,110,298	\$1,726,110,298	\$556,398	\$556,398
14	2028-29	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,059,565,557	\$2,059,565,557	\$1,719,786,909	\$1,719,786,909	\$554,359	\$554,359
15	2029-30	2,236.83	3,102.30	\$1.0400	\$0.1505	\$2,059,565,557	\$2,059,565,557	\$1,719,786,909	\$1,719,786,909	\$554,359	\$554,359

**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	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	2014-15	\$16,512,253	\$3,272,325	\$0	\$0	\$660,490	\$287,250	\$0	\$20,732,318
1	2015-16	\$16,512,253	\$3,272,325	\$0	\$0	\$660,490	\$298,131	\$0	\$20,743,199
2	2016-17	\$16,512,253	\$3,272,325	\$0	\$0	\$660,490	\$298,131	\$0	\$20,743,199
3	2017-18	\$18,506,253	\$3,272,325	\$0	\$0	\$740,250	\$333,738	\$0	\$22,852,566
4	2018-19	\$18,206,253	\$1,272,325	\$0	\$0	\$728,250	\$191,261	\$0	\$20,398,089
5	2019-20	\$21,304,658	\$1,572,325	\$0	\$0	\$852,186	\$244,930	\$0	\$23,974,099
6	2020-21	\$21,087,907	\$737,341	\$0	-\$2,863,213	\$843,516	\$53,971	\$0	\$19,859,522
7	2021-22	\$20,903,670	\$737,341	\$0	-\$2,633,542	\$836,147	\$64,262	\$0	\$19,907,877
8	2022-23	\$20,747,068	\$737,341	\$0	-\$2,437,279	\$829,883	\$72,968	\$0	\$19,949,981
9	2023-24	\$20,613,957	\$737,341	\$0	-\$2,269,676	\$824,558	\$80,422	\$0	\$19,986,602
10	2024-25	\$20,500,812	\$737,341	\$0	-\$2,126,637	\$820,032	\$86,811	\$0	\$20,018,359
11	2025-26	\$20,399,739	\$737,341	\$0	-\$2,004,146	\$815,990	\$92,292	\$0	\$20,041,216
12	2026-27	\$20,319,627	\$737,341	\$0	-\$1,900,299	\$812,785	\$96,999	\$0	\$20,066,453
13	2027-28	\$20,257,658	\$737,341	\$0	-\$1,812,334	\$810,306	\$100,833	\$0	\$20,093,804
14	2028-29	\$20,257,658	\$737,341	\$0	-\$1,748,238	\$810,306	\$104,242	\$0	\$20,161,309
15	2029-30	\$20,257,658	\$737,341	\$0	-\$1,748,238	\$810,306	\$104,242	\$0	\$20,161,309

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

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	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	2014-15	\$16,512,253	\$3,272,325	\$0	\$0	\$660,490	\$287,250	\$0	\$20,732,318
1	2015-16	\$16,512,253	\$3,272,325	\$0	\$0	\$660,490	\$298,131	\$0	\$20,743,199
2	2016-17	\$16,512,253	\$3,272,325	\$0	\$0	\$660,490	\$298,131	\$0	\$20,743,199
3	2017-18	\$16,806,253	\$3,272,325	\$0	\$0	\$672,250	\$303,563	\$0	\$21,054,391
4	2018-19	\$16,806,253	\$2,972,325	\$0	\$0	\$672,250	\$282,164	\$0	\$20,732,992
5	2019-20	\$20,159,658	\$2,972,325	\$0	\$0	\$806,386	\$338,367	\$0	\$24,276,736
6	2020-21	\$20,159,658	\$737,341	\$0	-\$1,637,944	\$806,386	\$109,184	\$0	\$20,174,625
7	2021-22	\$20,159,658	\$737,341	\$0	-\$1,637,944	\$806,386	\$109,184	\$0	\$20,174,625
8	2022-23	\$20,159,658	\$737,341	\$0	-\$1,637,944	\$806,386	\$109,184	\$0	\$20,174,625
9	2023-24	\$20,159,658	\$737,341	\$0	-\$1,637,944	\$806,386	\$109,184	\$0	\$20,174,625
10	2024-25	\$20,159,658	\$737,341	\$0	-\$1,637,944	\$806,386	\$109,184	\$0	\$20,174,625
11	2025-26	\$20,399,739	\$737,341	\$0	-\$1,657,450	\$815,990	\$110,340	\$0	\$20,405,960
12	2026-27	\$20,319,627	\$737,341	\$0	-\$1,900,299	\$812,785	\$96,999	\$0	\$20,066,453
13	2027-28	\$20,257,658	\$737,341	\$0	-\$1,812,334	\$810,306	\$100,833	\$0	\$20,093,804
14	2028-29	\$20,257,658	\$737,341	\$0	-\$1,748,238	\$810,306	\$104,242	\$0	\$20,161,309
15	2029-30	\$20,257,658	\$737,341	\$0	-\$1,748,238	\$810,306	\$104,242	\$0	\$20,161,309

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

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	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	2014-15	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1	2015-16	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2	2016-17	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
3	2017-18	-\$1,700,000	\$0	\$0	\$0	-\$68,000	-\$30,175	\$0	-\$1,798,175
4	2018-19	-\$1,400,000	\$1,700,000	\$0	\$0	-\$56,000	\$90,903	\$0	\$334,903
5	2019-20	-\$1,145,000	\$1,400,000	\$0	\$0	-\$45,800	\$93,437	\$0	\$302,637
6	2020-21	-\$928,249	\$0	\$0	\$1,225,269	-\$37,130	\$55,213	\$0	\$315,103
7	2021-22	-\$744,012	\$0	\$0	\$995,599	-\$29,761	\$44,922	\$0	\$266,748
8	2022-23	-\$587,410	\$0	\$0	\$799,335	-\$23,497	\$36,216	\$0	\$224,644
9	2023-24	-\$454,299	\$0	\$0	\$631,733	-\$18,172	\$28,762	\$0	\$188,024
10	2024-25	-\$341,154	\$0	\$0	\$488,694	-\$13,646	\$22,373	\$0	\$156,267
11	2025-26	\$0	\$0	\$0	\$346,696	\$0	\$18,048	\$0	\$364,744
12	2026-27	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
13	2027-28	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
14	2028-29	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
15	2029-30	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**Table 5 - Estimated Financial Impact of the RE Fort Stockton LLC Project Property Value Limitation Request Submitted to FSISD 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	2014-15	\$0	\$0	\$0	\$1.040	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
1	2015-16	\$0	\$0	\$0	\$1.040	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
2	2016-17	\$0	\$0	\$0	\$1.040	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
3	2017-18	\$200,000,000	\$30,000,000	\$170,000,000	\$1.040	\$2,080,000	\$312,000	\$1,768,000	\$0	\$1,768,000	-\$1,798,175	-\$30,175	
4	2018-19	\$170,000,000	\$30,000,000	\$140,000,000	\$1.040	\$1,768,000	\$312,000	\$1,456,000	\$0	\$1,456,000	\$0	\$1,456,000	
5	2019-20	\$144,500,000	\$30,000,000	\$114,500,000	\$1.040	\$1,502,800	\$312,000	\$1,190,800	\$0	\$1,190,800	\$0	\$1,190,800	
6	2020-21	\$122,825,000	\$30,000,000	\$92,825,000	\$1.040	\$1,277,380	\$312,000	\$965,380	\$0	\$965,380	\$0	\$965,380	
7	2021-22	\$104,401,250	\$30,000,000	\$74,401,250	\$1.040	\$1,085,773	\$312,000	\$773,773	\$0	\$773,773	\$0	\$773,773	
8	2022-23	\$88,741,063	\$30,000,000	\$58,741,063	\$1.040	\$922,907	\$312,000	\$610,907	\$0	\$610,907	\$0	\$610,907	
9	2023-24	\$75,429,903	\$30,000,000	\$45,429,903	\$1.040	\$784,471	\$312,000	\$472,471	\$0	\$472,471	\$0	\$472,471	
10	2024-25	\$64,115,418	\$30,000,000	\$34,115,418	\$1.040	\$666,800	\$312,000	\$354,800	\$0	\$354,800	\$0	\$354,800	
11	2025-26	\$54,498,105	\$54,498,105	\$0	\$1.040	\$566,780	\$566,780	\$0	\$0	\$0	\$0	\$0	
12	2026-27	\$46,323,389	\$46,323,389	\$0	\$1.040	\$481,763	\$481,763	\$0	\$0	\$0	\$0	\$0	
13	2027-28	\$40,000,000	\$40,000,000	\$0	\$1.040	\$416,000	\$416,000	\$0	\$0	\$0	\$0	\$0	
14	2028-29	\$40,000,000	\$40,000,000	\$0	\$1.040	\$416,000	\$416,000	\$0	\$0	\$0	\$0	\$0	
15	2029-30	\$40,000,000	\$40,000,000	\$0	\$1.040	\$416,000	\$416,000	\$0	\$0	\$0	\$0	\$0	
							\$12,384,675	\$4,792,544	\$7,592,131	\$0	\$7,592,131	-\$1,798,175	\$5,793,956

**Tax Credit for Value Over Limit in First 2 Years**

	Year 1	Year 2	Max Credits
	\$0	\$0	\$0
Credits Earned			\$0
Credits Paid			\$0
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, the same year the limitation takes effect under this application. Additional information on the assumptions used in preparing these estimates is provided in the narrative of this Report.

# Attachment 3

# Pecos County

## Population

- Total county population in 2010 for Pecos County: 16,358 , up 0.7 percent from 2009. State population increased 1.8 percent in the same time period.
- Pecos County was the state's 133nd largest county in population in 2010 and the 122nd fastest growing county from 2009 to 2010.
- Pecos County's population in 2009 was 28.6 percent Anglo (below the state average of 46.7 percent), 4.2 percent African-American (below the state average of 11.3 percent) and 65.7 percent Hispanic (above the state average of 36.9 percent).
- 2009 population of the largest cities and places in Pecos County:

<b>Fort Stockton:</b>	7,662	<b>Iraan:</b>	1,253
-----------------------	-------	---------------	-------

## Economy and Income

### Employment

- September 2011 total employment in Pecos County: 8,984 , up 3.9 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 Pecos County unemployment rate: 5.5 percent, down from 6.5 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

- Pecos County's ranking in per capita personal income in 2009: 238th with an average per capita income of \$24,941, down 12.9 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 Pecos County averaged \$61.18 million annually from 2007 to 2010. County total agricultural values in 2010 were down 3.9 percent from 2009. Major agriculture related commodities in Pecos County during 2010 included:
  - Alfalfa
  - Hunting
  - Vegetables
  - Pecans
  - Other Beef
- 2011 oil and gas production in Pecos County: 6.5 million barrels of oil and 180.5 million Mcf of gas. In September 2011, there were 2899 producing oil wells and 1439 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 Pecos County during the fourth quarter 2010: \$40.02 million, up 18.0 percent from the same quarter in 2009.
- Taxable sales during the fourth quarter 2010 in the city of:
 

<b>Fort Stockton:</b>	\$22.72 million, up 4.7 percent from the same quarter in 2009.
<b>Iraan:</b>	\$2.46 million, up 36.9 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 Pecos County through the fourth quarter of 2010: \$213.33 million, down 16.1 percent from the same period in 2009.
- Taxable sales through the fourth quarter of 2010 in the city of:
 

<b>Fort Stockton:</b>	\$93.01 million, up 6.9 percent from the same period in 2009.
<b>Iraan:</b>	\$9.07 million, up 26.0 percent from the same period in 2009.

#### *Annual (2010)*

- Taxable sales in Pecos County during 2010: \$213.33 million, down 16.1 percent from 2009.
- Pecos County sent an estimated \$13.33 million (or 0.08 percent of Texas' taxable sales) in state sales taxes to the state treasury in 2010.
- Taxable sales during 2010 in the city of:
 

<b>Fort Stockton:</b>	\$93.01 million, up 6.9 percent from 2009.
<b>Iraan:</b>	\$9.07 million, up 26.0 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 Pecos County based on the sales activity month of August 2011: \$286,867.49, up 33.6 percent from August 2010.
- Payment based on the sales activity month of August 2011 to the city of:
 

<b>Fort Stockton:</b>	\$251,317.57, up 28.9 percent from August 2010.
<b>Iraan:</b>	\$35,549.92, up 80.0 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 Pecos County based on sales activity months from September 2010 through August 2011: \$2.86 million, up 9.0 percent from fiscal 2010.
- Payments based on sales activity months from September 2010 through August 2011 to the city of:
 

<b>Fort Stockton:</b>	\$2.53 million, up 6.3 percent from fiscal 2010.
<b>Iraan:</b>	\$327,922.96, up 35.4 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 Pecos County based on sales activity months through August 2011: \$1.97 million, up 12.9 percent from the same period in 2010.
- Payments based on sales activity months through August 2011 to the city of:
 

<b>Fort Stockton:</b>	\$1.75 million, up 10.0 percent from the same period in 2010.
<b>Iraan:</b>	\$225,977.43, up 40.9 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 Pecos County based on sales activity in the 12 months ending in August 2011: \$2.86 million, up 9.0 percent from the previous 12-month period.
- Payments based on sales activity in the 12 months ending in August 2011 to the city of:
 

<b>Fort Stockton:</b>	\$2.53 million, up 6.3 percent from the previous 12-month period.
<b>Iraan:</b>	\$327,922.96, up 35.4 percent from the previous 12-month period.

### City Calendar Year-To-Date (RJ 2011)

- Payment to the cities from January 2011 through October 2011:
 

<b>Fort Stockton:</b>	\$2.15 million, up 8.6 percent from the same period in 2010.
<b>Iraan:</b>	\$287,874.37, up 44.6 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 Pecos County based on sales activity months in 2010: \$2.63 million, up 1.8 percent from 2009.
- Payment based on sales activity months in 2010 to the city of:
 

<b>Fort Stockton:</b>	\$2.37 million, up 1.7 percent from 2009.
<b>Iraan:</b>	\$262,335.71, up 2.7 percent from 2009.

## Property Tax

- As of January 2009, property values in Pecos County: \$4.25 billion, down 8.5 percent from January 2008 values. The property tax base per person in Pecos County is \$261,318, above the statewide average of \$85,809. About 72.8 percent of the property tax base is derived from oil, gas and minerals.

## State Expenditures

- Pecos County's ranking in state expenditures by county in fiscal year 2010: 138th. State expenditures in the county for FY2010: \$57.85 million, down 0.1 percent from FY2009.
- In Pecos County, 14 state agencies provide a total of 581 jobs and \$5.33 million in annualized wages (as of 1st quarter 2011).

■ Major state agencies in the county (as of first quarter 2011):

- Department of Criminal Justice
- Department of Transportation
- AgriLife Extension Service
- Army National Guard Mates
- Texas Tech University

**Higher Education**

■ Community colleges in Pecos County fall 2010 enrollment:

- None.

■ Pecos County is in the service area of the following:

- Midland College with a fall 2010 enrollment of 6,344 . Counties in the service area include:
  - Crockett County
  - Midland County
  - Pecos County
  - Reagan County
  - Terrell County

■ Institutions of higher education in Pecos County fall 2010 enrollment:

- None.

**School Districts**

■ Pecos County had 3 school districts with 11 schools and 3,010 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.)**

- Buena Vista ISD had 102 students in the 2009-10 school year. The average teacher salary was \$48,009. The percentage of students meeting the 2010 TAKS passing standard for all tests was 74 percent.
- Fort Stockton ISD had 2,365 students in the 2009-10 school year. The average teacher salary was \$45,723. The percentage of students meeting the 2010 TAKS passing standard for all tests was 67 percent.
- Iraan-Sheffield ISD had 543 students in the 2009-10 school year. The average teacher salary was \$54,041. The percentage of students meeting the 2010 TAKS passing standard for all tests was 85 percent.