Attachment E

Summary of Financial Impact

Summary of Financial Impact of the Proposed Magic Valley Wind Farm I, LLC Project on the Finances of the Lyford Consolidated Independent School District Under a Requested Chapter 313 Property Value Limitation

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Final Report

Prepared by

Estimated Impact of the Proposed Magic Valley Wind Farm I, LLC Project on the Finances of the Lyford Consolidated Independent School District under a Requested Chapter 313 Property Value Limitation

Introduction

Magic Valley Wind Farm I, LLC (Magic Valley Wind) has requested that the Lyford Consolidated Independent School District (LCISD) consider granting a property value limitation under Chapter 313 of the Tax Code for a new renewable electric wind generation project. An application was submitted to LCISD on August 24, 2011. Magic Valley Wind proposes to invest $93 million to construct a new wind energy project in LCISD.

The Magic Valley 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, the original language in Chapter 313 of the Tax Code made companies engaged in manufacturing, research and development, and renewable electric energy production eligible 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.

School Finance Mechanics

Under the provisions of Chapter 313, LCISD may offer a minimum value limitation of $10 million. Based on the application, the qualifying time period would begin with the 2012-13 school year. The full value of the investment is expected to reach $92.6 million in 2014-15, with depreciation expected to reduce the taxable value of the project over the course of the value limitation agreement.

The provisions of Chapter 313 call for the project to be fully taxable in the 2012-13 and 2013-14 school years, unless the District and the Company agree to an extension of the start of the qualifying time period. For the purpose of this analysis, it is assumed that the qualifying time period will be the 2012-13 and 2013-14 school years. Beginning in 2014-15, the project would go on the local tax roll at $10 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 LCISD currently levying a $0.160 per $100 I&S tax rate.

Under the current school finance system, the property values established by the Comptroller's Office that are used to calculate state aid lag by one year, a practical consequence of the fact that the Comptroller's Office needs this time to conduct their property value study and now the planned 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 of the Agreement 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.

For the school finance system that operated prior to the approval of House Bill 1 (HB 1) in the 2006 special session, the third year was typically problematical for a school district that approved a Chapter 313 value limitation. This generally resulted 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 in the revenue protection provisions of the agreement. In years 4-10, smaller revenue losses would be anticipated when the state property values are aligned at the minimum value established by the Board on both the local M&O tax roll and the corresponding state property value study, assuming a similar deduction is made in the state property values.

Under the HB 1 system, 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.

In the case of HB 3646—the school finance system changes approved by the Legislature in 2009—the starting point was the target revenue provisions from HB 1, that were then expanded through the addition of a series of school funding provisions that had operated previously outside the basic allotment and the traditional formula structure, as well as an additional $120 per WADA guarantee.

Under the provisions of HB 3646, school districts did have the potential to earn revenue above the $120 per WADA level, up to a maximum of $350 per WADA above current law. Initial estimates indicate that about 70 percent of all school districts were funded at the minimum $120 per WADA level, while approximately 30 percent school districts were expected to generate higher revenue amounts per WADA in the 2009-10 school year. This is significant because changes in property values and related tax collections under a Chapter 313 agreement once again had the potential to affect a school district's base revenue, although probably not to the degree experienced prior to the HB 1 target revenue system.

The formula reductions enacted under Senate Bill 1 (SB 1) as approved in the First Called Session in 2011 are designed to make $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 797 school districts still receiving ASATR to maintain their target revenue funding levels, while an estimated 227 districts operating directly on the state formulas.

For the 2012-13 school year, the SB 1 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. For the 2013-14 school year and beyond, the ASATR reduction percentage will be set in the appropriations bill. The recent legislative session also saw the adoption of a statement of legislative intent to no longer fund target revenue (through ASATR) by the 2017-18 school year. LCISD has a relatively low target-revenue level and does not receive ASATR funds under the scenarios shown below, which indicates the District is classified as being on "formula" and subject to value changes like the pre-2006 and HB 3646 funding systems.

One 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 Magic

Valley 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 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 current SB 1 reductions are reflected in the underlying models. With regard to ASATR funding, the 92.35 percent reduction enacted for the 2012-13 school year and thereafter, with future changes dependent on legislative action that is difficult to forecast. While there is a statement of intent to no longer fund target revenue by the 2017-18 school year, implementing this change will require future legislative action, with any changes coming through the appropriations process, statutory changes, or both. In the case of LCISD, the ASATR adjustments do not appear to affect the estimates shown below.

Student enrollment counts are held constant at 1,440 students in average daily attendance (ADA) in analyzing the effects of the Magic Valley Wind project on the finances of LCISD. The District's local tax base reached $177 million for the 2011 tax year. While the district's tax base did experience a decrease in value in the 2011 tax year, the underlying $177 million taxable value for the 2011-12 school year is maintained for the forecast period in order to isolate the effects of the property value limitation. LCISD is a property-poor district, with wealth per weighted ADA or WADA of approximately $79,510 for the 2011-12 school year. These assumptions are summarized in Table 1 for the forecast period.

School Finance Impact

A baseline model was prepared for LCISD under the assumptions outlined above through the 2025-26 school year. Beyond the 2010-11 school year, no attempt was made to forecast the 88th percentile or Austin yield that influences future state funding. 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 a property value limitation, since the baseline and other models incorporate the same underlying assumptions.

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

A third model is developed which adds the Magic Valley Wind property value but imposes the proposed property value limitation effective in the third year, which in this case is the 2014-15 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). An M&O tax rate of $1.17 per $100 of taxable value is used throughout this analysis.

A summary of the differences between these models is shown in Table 4. The model results show approximately $12.6 million a year in net General Fund revenue.

Under these assumptions, LCISD would experience a revenue loss as a result of the implementation of the value limitation in the 2014-15 school year (-$1,217,549). The revenue reduction results from the mechanics of the school funding system for "formula" districts like LCISD that do not see increased state aid (or reduced recapture) to offset the reduction in M&O taxes when the $10 million value limitation first takes effect.

The formula loss of $1,217,549 cited above between the base and the limitation models is based on an assumption of $911,664 in M&O tax savings that do not see a state aid increase for Valley Wind when the $10 limitation is implemented. Under the estimates presented here and as highlighted in Table 4, the reduction in M&O taxes also causes a loss of $305,885 in additional state aid that these M&O taxes would have generated for a relatively property-poor district with a $1.17 M&O tax rate.

On August 9, 2011, the Comptroller's Property Tax Assistance Division announced at a meeting of the Property Tax Advisory Committee that it would be adopting a rule this fall that would implement the use of two values for school districts for its 2011 state property value study. These are the state values that will be used to calculate state aid and recapture in the 2012-13 school year. This change has been made in the models presented here.

Under the Magic Valley Wind request for a value limitation, the 2014 state property value used for the 2015-16 school year would be the first year that this change in the value study would be reflected in the M&O funding formula calculations for the new Magic Valley Wind project. As a result, there are no hold-harmless costs shown for that or later school years.

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 $1.17 M&O tax rate is assumed in 2011-12 and thereafter.

Under the assumptions used here, the potential tax savings from the value limitation total $6.0 million over the life of the agreement. In addition, Magic Valley Wind would be eligible for a tax credit for taxes paid on value in excess of the value limitation in each of the first two 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 $1.0 million over the life of the agreement, with no unpaid tax credits anticipated.

The key LCISD revenue losses are associated with the school finance mechanics for formula districts and are expected to total approximately $1.2 million the first year the value limitation is enacted. It is also expected that the District will be reimbursed by the state for the tax credit payments. In total, the potential net tax benefits are estimated to total $5.7 million over the life of the agreement, even with the substantial hold-harmless payment needed for the 2014-15 school year.

Facilities Funding Impact

The Magic Valley Wind project remains fully taxable for debt services taxes, with LCISD currently levying a $0.160 per $100I&S tax rate. The value of the Magic Valley Wind project is expected to depreciate over the life of the agreement and beyond, but full access to the additional value will add to the District's projected wealth per ADA. At its peak taxable value, the project adds 52.3 percent to LCISD's current tax base, which should assist the District in meeting its debt service obligations. Even with this change, however, the local tax roll per ADA will fall below the state facilities funding guarantee of $350,000 per ADA, which is equivalent to the $35 yield per penny of tax effort provided under the Existing Debt Allotment (EDA) and Instructional Facilities Allotment (IFA) programs.

The Magic Valley Wind project is not expected to affect LCISD in terms of enrollment. Continued expansion of the renewable energy industry 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 Magic Valley Wind wind energy project enhances the tax base of LCISD. It reflects continued capital investment in renewable electric energy generation, one of the goals of Chapter 313 of the Tax Code, also known as the Texas Economic Development Act.

Under the assumptions outlined above, the potential tax benefits under a Chapter 313 agreement could reach an estimated $5.7 million over the course of the agreement. This amount is net of any anticipated revenue losses for the District. The additional taxable value also enhances the tax base of LCISD in meeting its future debt service obligations, although the District will still fall below the guarantee provided by the state facilities program.

Table 1 – Base District Information with Magic Valley Wind Farm I, 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
1	2012-13	1,440.11	2,186.28	$1.1700	$0.1600	$187,000,000	$187,000,000	$173,831,343	$173,831,343	$79,510	$79,510
2	2013-14	1,440.11	2,186.28	$1.1700	$0.1600	$279,550,000	$279,550,000	$183,831,343	$183,831,343	$84,084	$84,084
3	2014-15	1,440.11	2,186.28	$1.1700	$0.1600	$274,920,000	$197,000,000	$276,381,343	$276,381,343	$126,417	$126,417
4	2015-16	1,440.11	2,186.28	$1.1700	$0.1600	$270,530,000	$197,000,000	$271,751,343	$193,831,343	$124,299	$88,658
5	2016-17	1,440.11	2,186.28	$1.1700	$0.1600	$266,350,000	$197,000,000	$267,361,343	$193,831,343	$122,291	$88,658
6	2017-18	1,440.11	2,186.28	$1.1700	$0.1600	$262,380,000	$197,000,000	$263,181,343	$193,831,343	$120,379	$88,658
7	2018-19	1,440.11	2,186.28	$1.1700	$0.1600	$258,610,000	$197,000,000	$259,211,343	$193,831,343	$118,563	$88,658
8	2019-20	1,440.11	2,186.28	$1.1700	$0.1600	$255,030,000	$197,000,000	$255,441,343	$193,831,343	$116,839	$88,658
9	2020-21	1,440.11	2,186.28	$1.1700	$0.1600	$282,400,000	$227,770,000	$251,861,343	$193,831,343	$115,201	$88,658
10	2021-22	1,440.11	2,186.28	$1.1700	$0.1600	$275,770,000	$224,370,000	$279,231,343	$224,601,343	$127,720	$102,732
11	2022-23	1,440.11	2,186.28	$1.1700	$0.1600	$269,300,000	$269,300,000	$272,601,343	$221,201,343	$124,688	$101,177
12	2023-24	1,440.11	2,186.28	$1.1700	$0.1600	$262,980,000	$262,980,000	$266,131,343	$266,131,343	$121,728	$121,728
13	2024-25	1,440.11	2,186.28	$1.1700	$0.1600	$256,820,000	$256,820,000	$259,811,343	$259,811,343	$118,837	$118,837
14	2025-26	1,440.11	2,186.28	$1.1700	$0.1600	$251,175,927	$251,175,927	$253,651,343	$253,651,343	$116,020	$116,020
15	2026-27	1,440.11	2,186.28	$1.1700	$0.1600	$245,996,094	$245,996,094	$248,007,270	$248,007,270	$113,438	$113,438

*Tier II Yield: $47.65; AISD Yield: $59.97; Equalized Wealth: $476,500 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
1	2012-13	$1,807,390	$9,458,615	$0	$0	$0	$307,151	$1,309,231	$0	$12,882,387
2	2013-14	$2,665,927	$9,358,610	$0	$0	$0	$453,052	$1,801,441	$0	$14,279,029
3	2014-15	$2,679,394	$8,433,063	$0	$0	$0	$455,340	$1,051,780	$0	$12,619,577
4	2015-16	$2,635,492	$8,479,366	$0	$0	$0	$447,879	$1,059,804	$0	$12,622,541
5	2016-17	$2,593,690	$8,523,268	$0	$0	$0	$440,776	$1,067,357	$0	$12,625,090
6	2017-18	$2,553,988	$8,565,070	$0	$0	$0	$434,028	$1,074,605	$0	$12,627,691
7	2018-19	$2,516,285	$8,604,772	$0	$0	$0	$427,621	$1,081,506	$0	$12,630,185
8	2019-20	$2,480,484	$8,642,474	$0	$0	$0	$421,537	$1,088,075	$0	$12,632,570
9	2020-21	$2,731,919	$8,678,276	$0	$0	$0	$464,266	$1,222,001	$0	$13,096,462
10	2021-22	$2,668,078	$8,404,562	$0	$0	$0	$453,417	$1,032,020	$0	$12,558,077
11	2022-23	$2,570,843	$8,470,865	$0	$0	$0	$436,893	$1,029,221	$0	$12,507,822
12	2023-24	$2,512,216	$8,535,569	$0	$0	$0	$426,930	$1,040,580	$0	$12,515,295
13	2024-25	$2,455,073	$8,598,772	$0	$0	$0	$417,219	$1,051,797	$0	$12,522,861
14	2025-26	$2,402,716	$8,660,375	$0	$0	$0	$408,321	$1,064,281	$0	$12,535,693
15	2026-27	$2,354,665	$8,716,818	$0	$0	$0	$400,155	$1,075,840	$0	$12,547,478

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
1	2012-13	$1,807,390	$9,458,615	$0	$0	$0	$307,151	$1,309,231	$0	$12,882,387
2	2013-14	$2,665,927	$9,358,610	$0	$0	$0	$453,052	$1,801,441	$0	$14,279,029
3	2014-15	$1,900,155	$8,433,063	$0	$0	$0	$322,915	$745,894	$0	$11,402,028
4	2015-16	$1,900,155	$9,258,605	$0	$0	$0	$322,915	$1,201,085	$0	$12,682,760
5	2016-17	$1,900,155	$9,258,605	$0	$0	$0	$322,915	$1,201,085	$0	$12,682,760
6	2017-18	$1,900,155	$9,258,605	$0	$0	$0	$322,915	$1,201,085	$0	$12,682,760
7	2018-19	$1,900,155	$9,258,605	$0	$0	$0	$322,915	$1,201,085	$0	$12,682,760
8	2019-20	$1,900,155	$9,258,605	$0	$0	$0	$322,915	$1,201,085	$0	$12,682,760
9	2020-21	$2,185,592	$9,258,605	$0	$0	$0	$371,423	$1,381,509	$0	$13,197,129
10	2021-22	$2,154,052	$8,950,889	$0	$0	$0	$366,063	$1,124,890	$0	$12,595,894
11	2022-23	$2,570,843	$8,984,891	$0	$0	$0	$436,893	$1,369,898	$0	$13,362,525
12	2023-24	$2,512,216	$8,535,569	$0	$0	$0	$426,930	$1,040,580	$0	$12,515,295
13	2024-25	$2,455,073	$8,598,772	$0	$0	$0	$417,219	$1,051,797	$0	$12,522,861
14	2025-26	$2,402,716	$8,660,375	$0	$0	$0	$408,321	$1,064,281	$0	$12,535,693
15	2026-27	$2,354,665	$8,716,818	$0	$0	$0	$400,155	$1,075,840	$0	$12,547,478

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
1	2012-13	$0	$0	$0	$0	$0	$0	$0	$0	$0
2	2013-14	$0	$0	$0	$0	$0	$0	$0	$0	$0
3	2014-15	-$779,239	$0	$0	$0	$0	-$132,425	-$305,885	$0	-$1,217,549
4	2015-16	-$735,337	$779,239	$0	$0	$0	-$124,964	$141,282	$0	$60,219
5	2016-17	-$693,535	$735,337	$0	$0	$0	-$117,860	$133,728	$0	$57,670
6	2017-18	-$653,833	$693,535	$0	$0	$0	-$111,113	$126,480	$0	$55,069
7	2018-19	-$616,130	$653,833	$0	$0	$0	-$104,706	$119,579	$0	$52,576
8	2019-20	-$580,329	$616,131	$0	$0	$0	-$98,622	$113,011	$0	$50,191
9	2020-21	-$546,327	$580,329	$0	$0	$0	-$92,844	$159,509	$0	$100,667
10	2021-22	-$514,026	$546,327	$0	$0	$0	-$87,354	$92,870	$0	$37,817
11	2022-23	$0	$514,026	$0	$0	$0	$0	$340,677	$0	$854,703
12	2023-24	$0	$0	$0	$0	$0	$0	$0	$0	$0
13	2024-25	$0	$0	$0	$0	$0	$0	$0	$0	$0
14	2025-26	$0	$0	$0	$0	$0	$0	$0	$0	$0
15	2026-27	$0	$0	$0	$0	$0	$0	$0	$0	$0

Table 5 - Estimated Financial impact of the Magic Valley Wind Farm I, LLC Project Property Value Limitation Request Submitted to LCISD at $1.17 M&O Tax Rate

Year of Agreement	School Year	Project Value	Estimated Taxable Value	Value Savings	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
1	2012-13	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2	2013-14	$92,550,000	$92,550,000	$0	$1,082,835	$1,082,835	$0	$0	$0	$0	$0
3	2014-15	$87,920,000	$10,000,000	$77,920,000	$1,028,664	$117,000	$911,664	$0	$911,664	-$1,217,549	-$305,885
4	2015-16	$83,530,000	$10,000,000	$73,530,000	$977,301	$117,000	$860,301	$125,324	$985,625	$0	$985,625
5	2016-17	$79,350,000	$10,000,000	$69,350,000	$928,395	$117,000	$811,395	$121,980	$933,375	$0	$933,375
6	2017-18	$75,380,000	$10,000,000	$65,380,000	$881,946	$117,000	$764,946	$118,804	$883,750	$0	$883,750
7	2018-19	$71,610,000	$10,000,000	$61,610,000	$837,837	$117,000	$720,837	$115,788	$836,625	$0	$836,625
8	2019-20	$68,030,000	$10,000,000	$58,030,000	$795,951	$117,000	$678,951	$112,924	$791,875	$0	$791,875
9	2020-21	$64,630,000	$10,000,000	$54,630,000	$756,171	$117,000	$639,171	$110,204	$749,375	$0	$749,375
10	2021-22	$61,400,000	$10,000,000	$51,400,000	$718,380	$117,000	$601,380	$107,620	$709,000	$0	$709,000
11	2022-23	$58,330,000	$58,330,000	$0	$682,461	$682,461	$0	$153,191	$153,191	$0	$153,191
12	2023-24	$55,410,000	$55,410,000	$0	$648,297	$648,297	$0	$0	$0	$0	$0
13	2024-25	$52,640,000	$52,640,000	$0	$615,888	$615,888	$0	$0	$0	$0	$0
14	2025-26	$50,010,000	$50,010,000	$0	$585,117	$585,117	$0	$0	$0	$0	$0
15	2026-27	$47,510,000	$47,510,000	$0	$555,867	$555,867	$0	$0	$0	$0	$0
					$11,095,110	$5,106,465	$5,988,645	$965,835	$6,954,480	-$1,217,549	$5,736,931

Tax Credit for Value Over Limit in First 2 Years	Year 1	Year 2	Max Credits
	$0	$965,835	$965,835
	Credits Earned		$965,835
	Credits Paid		$965,835