COMMISSIONERS COURT §
§
GUADALUPE COUNTY §

NO. 02112014-5C

A RESOLUTION APPROVING THE GUADALUPE COUNTY GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT AND REINVESTMENT ZONES

WHEREAS, the creation and retention of job opportunities that bring new wealth is the highest civic priority; and

WHEREAS, new jobs and investment will benefit the area economy, provide needed opportunities, strengthen the real estate market and generate tax revenue to support local services; and

WHEREAS, the communities within Guadalupe County must compete with other localities across the nation currently offering tax inducements to attract jobs and investments; and

WHEREAS, any tax incentives offered in Guadalupe County would reduce needed tax revenue unless strictly limited in application to those new and existing industries that bring new wealth to the community; and

WHEREAS, any tax incentives should not have a substantial adverse effect on the competitive position of existing companies operating in Guadalupe County; and

WHEREAS, tax incentives should not be used to attract those industries that have demonstrated a lack of commitment to protecting our environment, but should be used to encourage projects designed to protect our environment; and

WHEREAS, the abatement of property taxes, when offered to attract primary jobs in industries which bring in money from outside a community instead of merely re-circulating dollars within a community, has been shown to be an effective method of enhancing and diversifying an area's economy; and

WHEREAS, Texas law requires any eligible taxing jurisdiction to establish Guidelines and Criteria as to eligibility for tax abatement agreements prior to granting any tax abatement, said Guidelines and Criteria to be unchanged for a two year period unless amended by a three-quarters vote; and

WHEREAS, to assure a common, coordinated effort to promote our communities' economic development, any such Guidelines and Criteria should be adopted only through the cooperation of affected school districts, cities and Guadalupe County;

WHEREAS, Guadalupe County Commissioners Court has approved the circulation of the attached Guidelines and Criteria to affected taxing jurisdictions for consideration as a common policy for all jurisdiction which choose to participate in tax abatement agreements; and

WHEREAS, the County's previous guidelines expired and need to be renewed.

NOW, THEREFORE, BE IT RESOLVED that Guadalupe County does hereby adopt these Guidelines and Criteria for granting tax abatement in reinvestment zones in Guadalupe County and are hereby adopted effective February 11, 2014.

PASSED AND APPROVED on the **11th** day of **February 2014**, by Guadalupe County Commissioners Court.

ATTEST:

Larry Jones
County Judge

Teresa Kiel
County Clerk

Greg Seidenberger
Commissioner, Pct. 1

Kyle Kutscher
Commissioner, Pct. 2

Jim Wolverton
Commissioner, Pct. 3

Judy Cope
Commissioner, Pct. 4

GUADALUPE COUNTY
GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT AND REINVESTMENT ZONES

The Guadalupe County Guidelines and Criteria for Granting Tax Abatement and Reinvestment Zones ("Guidelines") were adopted by the Commissioners Court ("Court") of Guadalupe County, Texas ("County") to be effective February 11, 2014 through February 11, 2016.

The Affected Jurisdiction located wholly within or partially within the County of Guadalupe, Texas, is committed to the promotion of high quality development in all parts of Guadalupe County, Texas; and to an ongoing improvement in the quality of life for the citizens residing within the Affected Jurisdiction. The Affected Jurisdiction recognizes that these objectives are generally served by enhancement and expansion of the local economy. The Affected Jurisdiction will, on a case-by-case basis, give consideration to providing tax abatement, as authorized by V.T.C.A., Tax Code, Chapter 312, as stimulation for economic development within the Affected Jurisdiction. It is the policy of the Affected Jurisdiction that said consideration will be provided in accordance with the guidelines and criteria herein set forth and in conformity with the Tax Code.

Nothing contained herein shall imply, suggest or be understood to mean that the Affected Jurisdiction is under any obligation to provide tax abatement to any applicant and attention is called to V.T.C.A., Tax Code, §312.002(d). With the above rights reserved all applications for tax abatement will be considered on a case-by-case basis.

SECTION I - Definitions

1. **Abatement:** The full or partial exemption from ad valorem taxes of certain eligible property (including fixed-in-place machinery & equipment) in a reinvestment zone designated for economic development purposes.
2. **Abatement of Taxes**: To exempt from ad valorem taxation all or part of the value of certain Improvements placed on land located in a reinvestment zone designated for economic development purposes as of the date specified in the Tax Abatement Agreement for a period of time not to exceed ten (10) years.
3. **Affected Jurisdiction:** The County of Guadalupe.
4. **Abatement Agreement:**
   (a) A contract between a property owner and an Affected Jurisdiction for the abatement of taxes on qualified property located within the reinvestment zone; or
   (b) A contract for the abatement of taxes between an Affected Jurisdiction and a certified air carrier who owns or leases Real Property located within the reinvestment zone or Personal Property or both as authorized by V.T.C.A., Tax Code, §312.204(e).
5. **Base Year Value**: The assessed value of property eligible for tax abatement as of January 1 preceding the execution of an Abatement Agreement as herein defined.
6. **Competitively-Sited Project:** A project where the applicant has completed a written evaluation of competing locations for expansion, relocation, or new operations, including identification of specific sites in those locations.
7. **Distribution Center Facility**: A building or structure including Tangible Personal Property used or to be used primarily to receive, store, service or distribute goods or materials.
8. **Economic Life:** The number of years a property improvement is expected to be in service in a facility.
9. **Eligible Jurisdiction:** Guadalupe County and any municipality, school district, college district or other taxing district eligible to abate its taxes according to Texas law that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone.
10. **Employee:** A person whose employment is both permanent and fulltime, who works for and is an employee of the Owner or an employee of a Contractor, who works a minimum of 1,750 hours per year exclusively within the Zone, who receives industry-standard benefits, and whose employment is reflected in the Owner's (and Contractor's, if applicable) quarterly report filed with the Texas Workforce Commission; but ***excluding*** any direct contract (seasonal, part-time, and full-time equivalent).
11. **Expansion of Existing Facilities or Structures**: The addition of buildings, structures, machinery or equipment to a Facility.
12. **Existing Facility or Structure**: A facility as of the date of execution of the Tax Abatement Agreement, located in or on Real Property eligible for tax abatement.

13. **Facility**: The improvements made to Real Property eligible for tax abatement and including the building or structure erected on such Real Property and/or any Tangible Personal Property to be located in or on such property.
14. **Improvements to Real Property or Improvements**: Shall mean the construction, addition to, structural upgrading of, replacement of, or completion of any facility located upon, or to be located upon, Real Property, as herein defined, or any Tangible Personal Property placed in or on said Real Property.
15. **Job(s)**: A full-time employment position, filled or available to be filled from time to time, including full time job equivalents. Jobs might not be filled by the same persons over an entire year, as the same full time job position may have more than one (or two) persons holding that position during any calendar year despite the employer's effort to maintain a stable job base. A job is not seasonal and is intended to average 35 or more hours per week employment, or such other average hourly employment standard as the employer utilizes to define a permanent position for the purpose of offering full benefits. A job does not require that the person filling the job accept offered benefits (such as health insurance), as some persons filling a full time job position will elect not to accept offered benefits rather than to contribute toward the cost of those benefits.
16. **Manufacturing Facility**: A Facility which is or will be used for the primary purpose of the production of goods or materials or the processing or change of goods or materials to a finished product.
17. **Modernization/Renovation of Existing Facilities**: The replacement or upgrading of existing facilities.
18. **New Facility**: The construction of a Facility on previously undeveloped real property eligible for tax abatement.
19. **New Permanent Job**: A new employment position created by a business that has provided employment to an employee of at least 1,820 hours annually and intended to be an employment position that exists during the life of the abatement.
20. **Other Basic Industry**: A Facility other than a distribution center facility, a research facility, a regional service facility or a manufacturing facility which produces goods or services or which creates new or expanded job opportunities and services a market of which 50% of revenues come from outside of Guadalupe County, Texas.
21. **Owner**: The record title owner of Real Property or the legal owner of Tangible Personal Property. In the case of land leased from an Affected Jurisdiction or buildings leased from a private party or tax-exempt property, the lessee shall be deemed the owner of such leased property together with all improvements and Tangible Personal Property located thereon.
22. **Productive Life**: The number of years a Facility is expected to be in service.
23. **Real Property**: Land on which Improvements are to be made or fixtures placed.
24. **Regional Distribution Center Facility:** Building and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where (i) a majority of the goods or services are distributed to points at least 100 miles from any part of Guadalupe County or (ii) where the facility is a Distribution Center Facility which qualifies in the "Exceptional Capital Investment and Job Creation Category" as defined in Section II (b) below.
25. **Regional Entertainment Facility:** Buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 100 miles from any part of Guadalupe County.
26. **Regional Services Facility**: A Facility, the primary purpose of which is to service or repair goods or materials and which creates job opportunities within the Affected Jurisdictions.
27. **Reinvestment Zone**: Real Property designated as a Reinvestment Zone under the provisions of V.T.C.A., Tax Code, §312.202.
28. **Research Facility**: A Facility used or to be used primarily for research or experimentation to improve or develop new goods and/or services or to improve or develop the production process for such goods and/or services.
29. **Tangible Personal Property**: Any Personal Property, not otherwise defined herein and which is necessary for the proper operation of any type of Facility.

SECTION II – Abatement Authorized

(a) Authorized Facility. A facility may be eligible for abatement if it is a: Manufacturing Facility, Research Facility, Regional Distribution Center Facility, Regional Service Facility, Regional Entertainment Facility, Research and Development Facility, Other Basic Industry, or located within an identified Commercial Historic District.

(b) Exceptional Capital Investment and Job Creation Category. Projects with a capital investment in excess of $50,000,000 and an anticipated job creation of over 500 jobs within a five (5) year period commencing at the moment a certificate of occupancy is issued, are eligible for a special tax abatement category negotiable by Guadalupe County Commissioners' Court for a period of up to ten (10) years at one-hundred (100) percent.

(c) Creation of New Value. Abatement may only be granted for the additional value of eligible real property (including fixed-in-place machinery and equipment) listed in an abatement agreement between the County and the property owner and lessee (if required), subject to such limitations as Commissioners Court and the property tax code may require.

(d) New and Existing Facilities. Abatement may be granted for new facilities, the expansion of existing facilities, or the improvement to existing facilities having the effect of improving current environmental conditions.

(e) Eligible Property. Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility. The value of all property shall be the Certified Appraised Value for each year, as finally determined by the Guadalupe County Appraisal District ("GCAD").

(f) Ineligible Property. The following types of property shall be fully taxable and ineligible for abatement: land; inventories; supplies; tools; furnishings, and other forms of movable personal property; vehicles; vessels; aircraft; housing; hotel accommodations; deferred maintenance investments; property to be rented or leased (except as provided in the Section II (f), "Owned/Leased Facilities"); property which has an economic life of less than 15 years; property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas, or any property exempted by local, state or federal law. When such exempted property includes manufacturing machinery and equipment listed in the Investment Budget (as required in Section III, "Application"), then the value of such property may not be included toward the achievement of the investment or valuation thresholds set out in the Tax Abatement Agreement.

(g) Owned/Leased Facilities. If a leased facility is granted abatement the agreement shall be executed with the lessor and the lessee.

(h) Value and Term of Abatement. A tax abatement shall be granted in accordance with the terms of a Tax Abatement Agreement, as follows:

1. Either with the January 1st valuation date immediately following the date of execution of the agreement or a subsequent January 1st valuation date not more than three years after execution of a tax abatement agreement, but not beyond the completion of construction. Projects are eligible for abatement of new value, subject to an abatement cap: to be calculated as $1,000,000 per job created/retained times the number of such jobs as required in the abatement agreement. Such cap shall not exceed the increased value requirement as set out in the abatement agreement, and will be adjusted annually (as set out in Section II (j), "Taxability"). To determine the amount of each year's exemption, the adjusted cap shall be multiplied by 56 percent in each year, up to a total of ten (10) years. Under no circumstances will any facility be granted the benefit of a tax abatement for longer than ten (10) years. Value subject to abatement must remain greater than or equal to the contractually defined "Minimum Value Requirement."

2. No tax abatement shall be given in any year in which the facility fails to meet the contractually defined "Minimum Value Requirement."
3. All Tax Abatement Agreements shall set out in detail the exact method to be used in computing each year's exemption.
4. No tax abatement shall be given in any year in which the facility fails to meet the employment minimum set forth in Section II (h), "Basic Qualifications for Tax Abatement."

(i) Basic Qualifications for Tax Abatement. To be eligible for designation as a reinvestment zone and receive tax abatement the planned improvement:

1. Must be shown to increase the assessed value of the property at least $1.0 million upon completion of the contractually defined "Construction Period;"
2. Must be shown to directly create or prevent the loss of permanent full-time employment for at least 25 people within the reinvestment zone upon completion of the contractually defined "Employment Period;"
3. Must be competitively-sited; and
4. Must be shown not to solely or primarily have the effect of transferring employment from one part of Guadalupe County to another.

(j) Research and Development Projects. If the planned project improvement is for a research and development facility, in order to be eligible for tax abatement the planned improvement:

1. Must be reasonably expected to increase the value of the property by a minimum amount of $1.0 million upon the completion of construction, and
2. Must be expected to create permanent employment for at least five people on a permanent basis in the designated zone, provided that this employment qualification shall take effect no more than two years after the effective date of the agreement and continue through the term of the agreement. The abatement period shall not exceed five years from the effective date of abatement and the percentage of value to be abated shall be up to 100 percent of new value throughout the abatement period, subject to a maximum abatable new value of $1,000,000 per job created/retained.

(k) Taxability. From the execution of the abatement to the end of the agreement period, taxes shall be payable as follows:

1. Value of ineligible property (as provided in Section II (e), "Ineligible Property,") shall be fully taxable;
2. The non-abatable real property within the reinvestment zone shall be fully taxable each year;
3. Additional value of new eligible property shall be taxable in the manner described in Section II (g),"Value and Term of Abatement;"
4. When due to the employment formula (as described in Section II (g),"Value and Term of Abatement"), the maximum amount eligible for abatement ("the cap") is less than the total value of the new facility, the amount of the cap will be reduced each year at the same rate as the taxable improvements are reduced in value from the previous year's value; and
5. Each year's exemption will be computed by GCAD in the following manner:
   (a) The Base Property Value will be the current value of all real property plus fixed-in-place machinery and equipment within the zone that is not subject to abatement.
   (b) The Base Year Value will be subtracted from the value of the Abated Property plus the Base Property Value, the result to be called Current Amount Eligible for Abatement. In no case can this amount exceed the cap set out in the abatement contract.
   (c) The Current Amount Eligible for Abatement is then multiplied by 56 percent to determine the amount of each year's exemption.

(l) Environmental and Worker Safety Qualification. In determining whether to grant a tax abatement, consideration will be given to compliance with all state and federal laws designed to protect human health, welfare and the environment ("environmental laws") that are applicable to all facilities in the State of Texas owned or operated by the owner of the facility or lessee, its parent, subsidiaries and, if a joint venture or partnership, every member of the joint venture or partnership ("applicants"). Consideration

may also be given to compliance with environmental and worker safety laws by applicants at other facilities within the United States.

SECTION III – Application (Attached hereto as Exhibit "A") shall include, but is not limited to the following:

(a) **Timely application**: Any current or potential owner or lessee of taxable property in Guadalupe County must request a tax abatement by filing a completed application with the Guadalupe County Commissioners Court prior to any public expression of a citing decision or any commitment (legal or financial) to the proposed project.

(b) **A complete application package for consideration of a tax abatement shall consist of:**

1. A completed Guadalupe County Application form;
2. A completed narrative prepared in accordance with the template provided with the Guadalupe County Application and its instructions;
3. An "Investment Budget" detailing components and costs of the real property improvements and fixed-in-place improvements for which tax abatement is requested, including type, number, economic life, and eligibility for a tax exemption granted by the Texas Commission on Environmental Quality ("TCEQ"), if known;
4. Map and legal description of the property;
5. Time schedule for undertaking and completing the proposed improvements;
6. Ten (10) - year environmental and worker safety compliance history for all facilities located within the State of Texas and owned in whole or in part by applicants (as defined in Section II, (k), "Environmental and Worker Safety Qualification");
7. A copy of the evaluation of competing locations, as described in Section I, "Definitions";
8. Information pertaining to the reasons that the requested tax abatement is necessary to ensure that the proposed project is built in Guadalupe County (i.e., documentation supporting assertion that "but for" a tax abatement, the stated project could not be constructed in Guadalupe County);
9. Copies of the immediately preceding quarterly report(s) filed with the Texas Workforce Commission, documenting the current number of permanent full-time employees, and full-time Contractor employees, if any, at the time the application is submitted;
10. Financial and other information, as the County deems appropriate for evaluating the financial capacity and other factors of the applicant;
11. Certification prepared by Guadalupe County Tax Assessor-Collector stating that all tax accounts within Guadalupe County are paid on a current basis;
12. A $1,000.00 non-refundable application fee (checks should be made payable to Guadalupe County);
13. ***For a leased facility***, the applicant shall provide with the application the name and address of the lessor and a draft copy of the proposed lease, or option contract. In the event a lease or option contract has already been executed with owner of site, the document must include a provision whereby abatement applicant may terminate such contract without penalty or loss of earnest money, in the event that Guadalupe County does not grant a tax abatement.

(c) Upon receipt of a completed application, the Guadalupe County Commissioners Court shall notify in writing and provide a copy of the application to the presiding officer of the governing body of each eligible taxing jurisdiction.

(d) After receipt of an application for creation of a reinvestment zone and application for abatement, the County shall determine whether the application qualifies for a tax abatement under the terms of these guidelines and criteria. Such determination may be delegated to an employee or County department. If it is determined that an application qualifies for abatement, it shall be recommended to the Commissioners Court that the applicant be notified in writing that subject to a public hearing, if applicable, and approval of a contract by Commissioners Court, the project qualifies for abatement.

(e) The County shall not establish a reinvestment zone or enter into an abatement agreement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or

installation of improvements related to a proposed modernization, expansion or new facility. Property eligible for abatement includes only the new improvements that occur after the completion of an abatement agreement with Guadalupe County or participating municipality.

SECTION IV – Public Hearing and Approval

(a) The Commissioners Court may not adopt a resolution designating a reinvestment zone for the purposes of considering approval of a tax abatement until it has held a public hearing at which interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing shall be clearly identified on the Commissioners Court agenda at least 72 (seventy-two) hours prior to the hearing.

(b) At the public hearing, interested persons shall be entitled to speak and present written materials for or against the approval of the proposed project or tax abatement agreement.

(c) In order to enter into a tax abatement agreement, the Commissioners Court must find that the terms of the proposed agreement meet these Guidelines and Criteria and that:

1. There will be no substantial adverse effect on the provision of the jurisdictions' service or tax base; and
2. The planned use of the property will not constitute a hazard to public safety, health or morals. Any variance to these guidelines must be approved by a majority vote of the Commissioners Court.

SECTION V – Agreement

After approval the County shall formally execute an agreement with the owner of the facility and lessee as required which shall include:

(a) Estimated value to be abated and the base year value;

(b) Percent of value to be abated each year as provided in Section II ("Abatement Authorized);

(c) The commencement date and the termination date of abatement;

(d) The proposed use of the facility; nature of construction, time schedule, survey, property description and improvement list;

(e) Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration and assignment as provided in Section II ("Abatement Authorized"), Section VI ("Recapture"), Section VII ("Administration"), and Section VIII ("Assignment"), or other provisions that may be required for uniformity or by state law;

(f) Amount of investment, increase in assessed value and number of jobs involved, as provided in Section II ("Abatement Authorized");

(g) A requirement that the applicant annually submit to the Guadalupe County Judge, a January employee count for the abated facility which corresponds to employment counts reported in the facility's Employer's Quarterly Report to the Texas Workforce Commission for the quarter most recently ended at calendar year-end, and a separate notarized letter certifying the number of jobs created or retained as a direct result of the abated improvements and the number of employees in other facilities located within Guadalupe County and the compliance with the environmental and worker safety requirements in the agreement for the preceding calendar year, for as of January 1. Submission shall be used to determine abatement eligibility for that year and shall be subject to audit if requested by the governing body. Failure to submit will result in the ineligibility to receive an abatement for that year; and

(h) A requirement that the owner or lessee shall:

1. Obtain and maintain all required permits and other authorizations from the United States Environmental Protection Agency and the TCEQ for the construction and operation of its facility and for the storage, transport and disposal of solid waste; and
2. Seek a permit from the TCEQ for all grandfathered units on the site of the abated facility by filing with the TCEQ, within three years of receiving the abatement, a technically complete application for such a permit.

Such agreement normally shall be executed within 60 (sixty) days after the applicant has forwarded all necessary information and documentation to the County.

SECTION VI – Annual Tax Abatement Compliance Report (Attached hereto as Exhibit "B")

On or before January 15th of each year of the years in which this agreement is in effect, the entity to whom a tax abatement has been granted shall complete and submit to the Guadalupe County Judge, the "Guadalupe County Annual Tax Abatement Compliance Report" in the form as attached hereto as Exhibit "B". Failure to submit may, at the discretion of Guadalupe County result in a rescission of the tax abatement.

SECTION VII – Recapture

(a) If the facility is completed and begins producing a product or service, but subsequently discontinues producing a product or service for any reason for a period of 180 days during the abatement period, or one year in the event of natural disaster, then the agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for that calendar year shall be paid to the County within sixty (60) days from the date of termination. The company or individual shall notify the County in writing at the address stated in the agreement within ten (10) days from any discontinuation, stating the reason for the discontinuation and the projected length of the discontinuation. If the County determines that such requirement has not been complied with, the agreement may be terminated immediately and all taxes previously abated by virtue of the agreement may be recaptured and paid within sixty (60) days of the termination.

(b) If the company or individual is in default according to the terms and conditions of its agreement, the company or individual shall notify the County in writing at the address stated in the agreement within ten (10) days from the default, and cure such default within sixty (60) days from the date of the default ("Cure Period"). If the County determines that such requirement has not been complied with, the agreement may be terminated immediately and all taxes previously abated by virtue of the agreement may be recaptured, together with interest at 6% per annum calculated from the effective date of the agreement and paid within sixty (60) days of the termination. If the County does not receive full payment within said sixty (60) days, a penalty may be added, equal to 15% of the total amount abated.

(c) If the company or individual allows its ad valorem taxes owed the County to become delinquent and fails to timely and properly follow the legal procedures for its protest and/or contest, the agreement then may be terminated, and all taxes previously abated by the agreement may be recaptured and paid within sixty (60) days of the termination, and penalties and interest may be assessed as set out in Section VI ("Recapture").

SECTION VIII – Administration

(a) The entity or individual receiving the abatement shall furnish to the Chief Appraiser of Guadalupe County, Texas such information, as the Appraiser deems necessary to determine an assessment of the real and personal property comprising the reinvestment zone.

(b) The agreement shall stipulate that employees and/or designated representatives of the County will have access to the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after giving twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with the facility's safety standards.

(c) Upon completion of construction, the County or the jurisdiction creating the reinvestment zone annually shall evaluate each facility receiving abatement to ensure compliance with the agreement and report possible violations to the contract and agreement to the Commissioners Court and the County Attorney and the affected jurisdictions, which levy taxes.

SECTION IX – Assignment

A tax abatement agreement may be assigned to a new owner or lessee of a facility with the written consent of the Commissioners Court, which consent shall not be unreasonably withheld. Any assignment shall provide that

the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set out in the agreement. Any assignment of a tax abatement agreement shall be to an entity that continues the same improvements or repairs to the property (except to the extent such improvements or repairs have been completed), and continues the same use of the facility as stated in the original Tax Abatement Agreement with the initial applicant. No assignment shall be approved if the assignor or the assignee is indebted to the County for past due ad valorem taxes or other obligations.

SECTION X – Non-Compete Agreements

In the event the Project meets the definition herein of a "Competitively-Sited Project", a Tax Abatement shall not be granted if the competitively sited project is located, in whole or in part, within a county with which Guadalupe County, Texas has entered into an agreement to forego the use of tax incentives to compete for such projects.

In the event Applicant has contacted any member of the governing body of more than one municipality located, in whole or in part, within Guadalupe County, Texas for purposes of obtaining a tax abatement, said Applicant shall become ineligible for a tax abatement from Guadalupe County, Texas.

SECTION XI – Sunset Provision

(a) These Guidelines and Criteria are effective February 11, 2014, and will remain in force until February 11, 2016, at which time all tax abatement contracts created pursuant to these provisions will be reviewed by the County to determine whether the goals have been achieved. Based on that review, the Guidelines and Criteria will be modified, renewed, or eliminated.

(b) This policy is mutually exclusive of existing Industrial District Contracts and owners of real property in areas deserving of special attention as agreed by the affected jurisdictions.

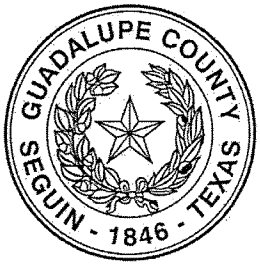
APPLICATION FOR COMMERCIAL TAX ABATEMENT IN GUADALUPE COUNTY, TEXAS

FILING INSTRUCTIONS:
This application must be filed prior to the anticipated commencement of construction, improvements or the installation of equipment. This filing acknowledges familiarity and assumed conformance with "GUADALUPE COUNTY GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT AND REINVESTMENT ZONES" and "GUADALUPE COUNTY ANNUAL TAX ABATEMENT COMPLIANCE REPORT" (Copies attached). This application will become a part of any later agreement or contract, and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

ORIGINAL APPLICATION, CHECK AND ATTACHMENTS SHOULD BE SUBMITTED TO:

Guadalupe County

Attention: Commissioner's Court
Justice Center
211 West Court Street
Seguin, Texas 78155-5730



Questions, please call (830) 303-4188:
County Judge: Ext. 311
County Commissioner, Pct. 1: Ext. 314
County Commissioner, Pct. 2: Ext. 362
County Commissioner, Pct. 3: Ext. 210
County Commissioner, Pct. 4: Ext. 329
Doreen Luehlfing, Exec Asst., Ext. 312
Bob Etlinger, Asst. County Atty., Ext. 346

Section I – APPLICANT INFORMATION

Date of Application: _____

Company Name: _____

Applicant Name: _____

Address: _____

City, State & Zip Code: _____

Phone: _____ Email: _____

Applicant's Representative on this project: _____

Name: _____

Address: _____

Phone: _____ Email: _____

Type of Ownership: [ ] Corporation [ ] Partnership [ ] Proprietorship [ ] Other

Total Current Number Employees: _____

Corporate Annual Sales Per Year: _____

Section II - FACILITY INFORMATION

(a) This application is for a: [ ] New Facility [ ] Expansion [ ] Modernization

(b) Type of Commercial Facility for which abatement is requested: _____

_____

(c) Minimum economic qualification for tax abatement - place a check beside the statements that apply to your project:

[ ] Minimum investment at least $1.0 million
[ ] Creation of at least 10 new permanent jobs
[ ] At least 30% of the new employees to be hired by the business will be residents of any enterprise zone within the governing body's jurisdiction

(d) Address of proposed facility: _____

(e) Legal description of proposed facility: _____

_____

(f) Describe product or service to be provided: _____

(g) Is the Facility located within an identified Historical Commercial District? [ ] Yes [ ] No

Exhibit "A"

Section III - FACILITY DESCRIPTION

Please attach the following:

Attachment 1

(a) A general description of the project to be undertaken (example: build new factory at 1234 Seguin Avenue and install new shelving and fixtures).

(b) A descriptive list of the project/improvements for which tax abatement is requested, including:

(1) cost and description of construction and location of all proposed projects and/or improvements of the Real Property or Existing Facility, and;

(2) list of new equipment and cost of the equipment.

(c) A list of any and all Tangible Personal Property which may exist on the Real Property or located in an existing facility.

(d) A proposed time schedule for undertaking and completing the proposed project/improvements.

Attachment 2

(a) A site map indicating the approximate location of project on the Real Property Facility or Existing Facility together with the location of any or all Existing Facilities located on the Real Property or Facility.

Attachment 3

(a) A statement of the additional value to the Real Property or Facility as a result of the proposed improvements.

(b) A statement of the assessed value of the Real Property, Facility or Existing Facility for the base year (attach tax assessment for property from the Guadalupe Appraisal District).

(c) Information concerning the number of new jobs that will be created or the number of existing jobs to be retained as a result of the project/improvements undertaken.

Attachment 4

$1,000.00 non-refundable Application Fee (made payable to Guadalupe County).

Section IV - ECONOMIC IMPACT INFORMATION

Part A – Current Investment in Existing Project/Improvements: _____

Part B – Permanent Employment Estimates:

(1) If existing facility, what is the current plant employment: _____

(2) Estimated number of new jobs to be created and time frame for creation of jobs:

New Jobs _____ Time Frame _____

(3) Estimated number of retained jobs: _____

(4) Opening of project: (Month) _____ of (Year) 20____.

Part C – Permanent Payroll Estimates:

(1) If existing facility, what is the current plant payroll: _____

(2) Estimated amount of new payroll: _____

(3) Estimated amount of retained payroll: _____

Part D – Construction and Employment Estimates:

(1) Construction to begin: Month: _____ Year 20_____.

(2) Number of construction jobs: At Start_____ Peak _____ Finish _____

(3) Number of man-years: _____

Section IV - ECONOMIC IMPACT INFORMATION (Continued)

Part E – School District Impact Estimates:

Provide estimated number of Children added to ISD's _____

Part F – Impact Estimates (Fill in appropriate section for city (within city limits) or county (if within the unincorporated area of the county):

City: Only complete, if located within the City limits, Name of City: _____

(1) Required from _____ water provider, _____ gallons of water per day

(2) Volume of effluent to be treated by _____ (list name of provider) and an estimated _____ gallons per day.

County: Only complete, if located within the unincorporated area of the County:

(3) Required from _____ water provider, _____ gallons of water per day

(4) Volume of effluent to be treated by _____ (list name of provider) and an estimated _____ gallons per day.

Complete this section, whether location is within the city or unincorporated area of the County:

Type of waste disposal: _____ Septic _____ City Sewer

Part G – Estimated Appraised Value on Site:

	LAND	PERSONAL PROPERTY	IMPROVEMENTS
Value of Existing Facility Before New Construction (From Guadalupe Appraisal District)	_____	_____	_____
Value of New Improvements	_____	_____	_____
Estimated Total Value After Improvements	_____	_____	_____

Part H – Variance:

(a) Is a variance being sought to any of the Guidelines set forth herein? [ ] Yes [ ] No

(b) If "Yes", attach any supplementary information required.

Section V - DECLARATION

To the best of my knowledge, the above information is an accurate description of project details.

_____
Company Official Signature

_____
Printed Name of Company Official

_____
Title of Company Official

_____
Contact Phone Number

GUADALUPE COUNTY
ANNUAL TAX ABATEMENT COMPLIANCE REPORT

(Due by January 15th of each year the abatement is in effect)

Reporting Period: January 1, _____ to December 31, _____

I. Project Information

Company/Project Name: _____

Project Contact: _____ Title: _____

Telephone: _____ Fax: _____

E-mail: _____

Property Owner: _____

Property Owner Address: _____

Company Address (if different): _____

Address of Property Subject to Abatement: _____

Local Contact Rep: _____ Title: _____

Telephone: _____ Fax: _____

E-mail: _____

Has construction/installation of planned improvements commenced? Yes No

If Yes, on what date? _____

If No, please explain: _____

Has construction/installation of planned improvements been completed? Yes No

If Yes, on what date? _____

If No, please estimate completion date and attach a current time schedule for the project:

_____

Date on which *Certificate of Occupancy* was received: _____

II. Investment / Valuation

Real Property:

Current Year Appraised Value – Land: $ _____

Current Year Appraised Value – Improvements: $ _____

Construction Costs Incurred This Reporting Period: $ _____

Appraised Value of Improvements Added This Period: $ _____

Personal Property:

Current Year Appraised Value – Machinery, Equipment, and Other Business Personal Property: $ _____

New Machinery and Equipment Costs Incurred During Period: $ _____

Current Year Appraised Value Inventory and Supplies: $ _____

Appraised Value of Machinery, Equipment, and Other Business Personal Property Added This Period: $ _____

Percentage/Amount of Inventory Subject to Other Exemptions (i.e., Freeport/Foreign Trade Zone): _____%

Exhibit "B"

III. Job Creation / Retention

Total Current Employees at End of Reporting Period: Full-time: _____ Part-time: _____

Number of Current Employees Residing in Guadalupe County: _____

Number of New Employees Added During Reporting Period: Full-time: _____ Part-time: _____

Number of New Employees Added Since Abatement Agreement: Full-time: _____ Part-time: _____

Current Workforce Diversity Percentages:

Gender: Male _____% Female _____%

Ethnicity: Caucasian ____% Asian ____% African American _____ % Hispanic _____% Other _____%

Annual Payroll During Reporting Period: $ _____

Average Salary During Reporting Period: $ _____

IV. Construction / Supplier / Service(s) Contracts

CONSTRUCTION:

Construction Dollars Spent This Reporting Period: $ _____

Percent Construction Dollars Spent With Guadalupe County Contractors: _____%

Number of Construction Related Jobs This Period: _____

Total Construction Payroll This Period: $ _____

Awards To Disadvantaged Business Enterprises (DBE):

Total Dollars of Construction Contracts to DBE: $ _____

Percent of Total Construction Contracts to DBE: _____%

SUPPLIER / SERVICES:

Total Number Supplier/Services Contracts This Period: _____

Total Dollars Supplier/Services Contracts This Period: $ _____

Percent Awarded to Guadalupe County Businesses: _____%

Percent Contract Dollars Awarded to Guadalupe County Businesses: _____%

Percent Awarded to DBE: _____%

Percent Contract Dollars Awarded to DBE: _____%

V. Employee and Environmental Factors

Company Sponsored Health Care Benefits Are Available To (check all that apply):

Full-time Part-time No Employees

Number of Employees Enrolled in Health Care Plan at End of Period: _____

Name of Health Care/Insurance Provider: _____

Average Percentage of Monthly Health Insurance Premiums Paid by Company: _____%

Average Monthly Employee Cost for Health Care Benefits: Individual: $ _____ Family: $ _____

List Other Company Benefits Provided (i.e., life insurance, pension plan, childcare, etc.): _____

_____

V. Employee and Environmental Factors

Is Your Company Over An Aquifer Recharge Zone? Yes No

Does your company encourage, facilitate, and/or provide subsidies/initiatives for alternative commute options (i.e., bus, vanpools, carpools, telecommuting, etc.)? Yes No If Yes, Please Describe: _____

Number of Fleet Vehicles Purchased This Year: _____

Describe Use of Vehicles: _____

Number of New Vehicles Per Type of Fuels Used:

Gasoline _____
Diesel _____
LPG _____
CNG _____
Electric _____
Other _____

Number of Gasoline Vehicles Rated as LEV (Low Emission Vehicles): _____

VI. Additional Information (To Be Attached)

- Copy of Personal Property List Rendered to the Guadalupe Appraisal District
- Brief Narrative Highlighting The Progress And Status of the Project
- If Applicable, a Statement Addressing Any Failure to Meet Requirements of the Tax Abatement Agreement and a Plan for Rectification

VII. Certification

I certify that, to the best of my knowledge and belief, the information and attachments provided herein are true and accurate and in compliance with the terms of the tax abatement agreement with Guadalupe County.

_____ _____
Name of Certifying Officer Title

_____ _____
Phone Fax

_____ _____
Signature of Certifying Officer Date

In order to remain eligible for the abatement of Guadalupe County property taxes, it must be completed and returned by January 15th of each year of the years in which this agreement is in effect, to:

Guadalupe County Commissioners
Attention: Doreen Luehlfing
Guadalupe County Justice Center
211 West Court Street
Seguin, Texas 78155

You may also fax a copy of the completed report to: (830) 303-4064 or email: DoreenL@co.guadalupe.tx.us
Please note that if you do submit this form by fax, you must also submit an original hard copy of the report to the above stated physical address for review and proper filing.

For assistance call: (830) 303-4188, Ext. 312