

State of Texas       §

Webb County       §

**RESOLUTION 11-09-2020-\_\_\_\_\_**  
**WEBB COUNTY COMMISSIONERS COURT**  
**WEBB COUNTY, TEXAS**

**ELECTING TO PARTICIPATE IN TAX ABATEMENTS AND  
AMENDING GUIDELINES AND CRITERIA GOVERNING TAX  
ABATEMENT FOR ECONOMIC DEVELOPMENT  
PROSPECTS IN THE COUNTY OF WEBB**

**WHEREAS**, Webb County is committed to enhancing the competitiveness and the expansion potential of the County; to attracting and encouraging new industry and investment; to improving Webb County and its infrastructure which attracts and supports development; expanding the tax base, local employment opportunities, and the overall quality of life for its citizens; and

**WHEREAS**, the Webb County Commissioners Court is authorized to develop and administer a program to stimulate business and commercial activity in Webb County pursuant to Chapter 381 Texas Local Government Code Section 381.004 (g) and Chapter 312 and the Texas Tax Code and other applicable statutes; and

**WHEREAS**, Webb County can develop and administer a program to stimulate and encourage business activity in Webb County in order to create more job opportunities, build the sales and property tax base and promote a partnership relationship with the private sector businesses that will bring capital intensive projects to Webb County by electing to become eligible to participate in tax abatements under Chapter 312 of the Texas Tax Code and Texas Local Government Code, Section 381.004(g); and

**WHEREAS**, the enactment of policy guidelines, criteria and methodology governing tax abatements will assist the County in the achieving its objectives of creating jobs for the citizens of the County, building the tax base of the County, and providing an attractive environment for businesses to build capital intensive projects within a Reinvestment Zone; and

**WHEREAS**, the adoption of policy guidelines, criteria and methodology governing tax abatements is required and will contribute to accomplishing Webb County's objectives; and

**WHEREAS**, State statute allows and provides for but does not obligate or require the County to grant a tax abatement on the value added to a particular property on account of a specific development project; and

**WHEREAS**, Webb County elects to become eligible to participate in tax abatements under Chapter 312 of the Texas Tax Code and Texas Local Government Code, Section 381.004(g); and.

**WHEREAS**, in order for the County to enter into tax abatement agreements, the County has established guidelines and criteria governing tax abatements; and

**WHEREAS**, the Webb County Commissioners Court desires to adopt amended Tax Abatement Guidelines and Criteria; and,

**WHEREAS**, the Webb County Commissioners Court elects to continue to be eligible to participate in tax abatement.

**NOW THEREFORE BE IT RESOLVED BY THE WEBB COUNTY COMMISSIONERS COURT THAT:**

- Section 1      Webb County elects continue to participate in tax abatements under Chapter 312 of the Texas Tax Code and Texas Local Government Code, Section 381.004(g)
- Section 2      Webb County adopts these amended Tax Abatement Guidelines and Criteria attached hereto and incorporated herein by reference as if set out in full for all intents and purposes.
- Section 3      Notwithstanding the implementation of this tax abatement program Webb County is not obligated or required to grant any tax abatement.

**ADOPTED BY THE WEBB COUNTY COMMISSIONERS COURT ON THIS THE 9<sup>TH</sup> DAY OF NOVEMBER, 2020.**

---

Tano E. Tijerina  
Webb County Judge

---

Jesse Gonzalez  
Commissioner, Precinct 1

---

Rosaura "Wawi" Tijerina  
Commissioner, Precinct 2

---

John Galo  
Commissioner, Precinct 3

---

Cindy Liendo  
Commissioner, Precinct 4

ATTEST:  
Margie Ramirez Ibarra  
Webb County Clerk

By: \_\_\_\_\_

## Webb County

### Tax Abatement Guidelines and Criteria

**Adopted June 4, 2020**

**Amended November 9, 2020**

The purpose of this document is to establish guidelines, and a uniform policy of tax abatement for owners or lessees of eligible facilities willing to execute tax abatement contracts designed to provide long term significant positive economic impact to the community by utilizing the area contractors and work force to the maximum extent feasible, and by developing, redeveloping, and improving property.

In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement:

- A. Must be reasonably expected to have an increase in positive net economic benefit to Webb County of at least Ten Million Dollars (\$10,000,000.00) over the life of the abatement, computed to include (but not limited to) new sustaining payroll and /or capital improvement. The creation of (number and type) new jobs will also factor into the decision to grant an abatement; and
- B. Must not be expected to solely or primarily have the effect of merely transferring employment from one area of Webb County to another.

In addition to the criteria set forth above, the Webb County Commissioners Court reserves the right to negotiate a tax abatement agreement in order to compete favorably with other communities.

Only that increases in the fair market value of the property directly resultant from the development, redevelopment, and improvement specified in the contract will be eligible for abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the Applicant located within the jurisdiction creating the reinvestment zone.

All abatement contracts will be for a term no longer than allowed by law.

It is the goal of Webb County to grant tax abatements on terms and conditions beneficial to the economic interests of the residents of Webb County and to other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the Webb County Commissioners Court to consider, adopt, modify or decline any tax abatement request.

This policy is effective as of [~~June 4, 2020~~] November 9, 2020 and shall at all times be kept current with regard to the needs of Webb County and reflective of the official views of the County Commissioners Court and shall be reviewed every two years.

The adoption of these guidelines and criteria by the Webb County Commissioners Court does not:

- A. Limit the discretion of the governing body to decide whether or not to enter into a specific tax abatement agreement;

Matters to be omitted are enclosed in brackets and by using strikethrough type [~~omitted~~].  
New matters or shown by underscoring and by using italics.

- B. Limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement;
- C. Create or deny any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement;

### **Section 1 Definitions**

- A. "Abatement" means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated by Webb County for economic development purposes.
- B. "Affected jurisdiction" means Webb County and any municipality or school district, the majority of which is located in Webb County that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone designated by Webb County.
- C. "Agreement" means a contractual agreement for tax abatement between a Property Owner and/or Lessee and Webb County.
- D. "Base year value" means the assessed value on the eligible property as of January 1 preceding the execution of the agreement, plus any agreed upon value of eligible property improvements made after January 1, but before the execution of the Agreement.
- E. "Deferred maintenance" means improvements necessary for continued operation which do not improve productivity or alter the process technology."
- F. "Economic Life" means the number of years a property is expected to be in service in a facility.
- G. "Eligible facilities" means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of Webb County, but does not include facilities which are intended to be primarily to provide goods or services to residents for existing businesses located in Webb County, such as, but not limited to, restaurants and retail sales establishments, eligible facilities may include, but shall not be limited to hotels and office buildings.
- H. "Employee" means a person whose employment is both permanent and fulltime, who works for and is an employee of the Company/Owner or an employee of a Business, who works a minimum of 1,750 hours per year exclusively within the reinvestment zone, who receives industry-standard benefits, and whose employment is reflected in the Companies, Owner's (and/or Business' applicable) quarterly report filed with the Texas Workforce Commission ("TWC"); but excluding any direct contract employment (seasonal, part-time, and full-time equivalent).
- I. "Expansion " means the addition of building structures, machinery, equipment, or payroll for purposes of increasing production capacity.
- J. "Facility" means property improvement completed or in process of construction which together comprise an interregional whole.
- K. "Manufacturing Facility" means products, buildings and structures, including machinery

and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change, including the generation of electrical energy.

- L. "Modernization" means a complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, or equipment, or both.
- M. "New facility" means property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.
- N. "Other Basic Industry" means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services, which serve a market primarily outside of Webb County, resulting in the creation of new permanent jobs bringing in new wealth.
- O. "Owner" means the Company and/or other entity, in good standing, business, persons and/or individual who is the Owner of the real property in Webb County subject to an abatement of ad-valorem taxes. If the eligible property is constructed or located on a leased property, only the property owner shall be the party eligible for any ad-valorem tax abatement. The other party to the lease may join in the execution of agreement but shall not be obligated to assure the performance of the party receiving the abatement.
- P. "Permanent Full-Time Job" means a new employment position created by a company, owner and/or employee of a business that provides a regular work schedule of at least 35 hours per week or 1820 hours of regular employment per year to a Webb County, Texas resident and maintains the employment position exclusively within the reinvestment zone during the term of the abatement agreement.
- Q. "Productive life" means the number of years a property improvement is expected to be in service in a facility.
- R. "Project" means the proposed development as specifically described by the Company/Owner in the application/request for ad-valorem tax abatement incentives and the Tax Abatement Agreement.
- S. "Property" means the land (real property) on which the Project will be developed.
- T. "W.C.A.D." means the Webb County Appraisal District.
- U. "W.C.B.O." means the Webb County Budget Officers, and/or other person authorized by the Webb County Commissioner's Court.
- V. "Proximate Relocations" means moving a business within Webb County, Texas.
- W. "Tax Abatement Reinvestment Zone or Reinvestment Zone" means any real property within Webb County, Texas which has been designated as a reinvestment zone, by the Webb County Commissioners Court and may include any land within the City of Laredo, that has been properly designated as a reinvestment zone by Laredo City Council or other eligible jurisdiction.
- X. "Tax Abatement Term" The Tax Abatement Agreement Term shall be as set forth in the specific agreement entered into under these Policy Guidelines, Criteria and Methodology governing Tax Abatement Agreements between Webb County and the Company,

individual property Owner and/or Business. The Ad-Valorem Tax Abatement Term under an agreement for an ad-valorem tax abatement shall not exceed a period of ten (10) years. The Abatement portion of the agreement for an ad-valorem tax abatement may take effect on January 1 of the next tax year after the date the improvements or repairs are substantially completed and/or a certificate of occupancy is issued for the project.

Y. "Termination Date" means the end of the time period specified under the Agreement.

## **Section 2 Abatement Authorized**

- A. Eligible facilities: Upon application, eligible facilities as defined herein shall be considered for tax abatement as hereinafter provided.
- B. Creation of New Values: Abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Webb County and the property owner or applicant, including a Lessee, subject to such limitations as Webb County may require.
- C. New and existing facilities: Abatement may be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Webb County and the Property Owner or Lessee, subject to such limitations as Webb County may require.
- D. Eligible property: Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements and related fixed improvements necessary to the operation and administration of the facility.
- E. Ineligible Property: The following types of property shall be fully taxable and ineligible for tax abatement: land, animals, inventories, supplies, tools, furnishings, vehicles, vessels, aircraft, housing or residential property, flora, fauna, and other forms of movable personal property, housing, deferred maintenance, property to be rented or leased except as provided in Section 2F, property which has a productive life of less than ten years, but does not include spare parts associated with eligible facilities; 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 other property for which abatement is not allowed by state law.
- F. Owned/leased facilities: If a leased facility is permitted by state law to be granted abatement, the abatement agreement shall be applicable to the taxable value of the leased improvement, and where appropriate, shall be executed with both the Lessor and the Lessee.
- G. Economic Qualifications: In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement:
  - 1. Must be reasonably expected to have an increase in positive net benefit to Webb County of at least Ten Million Dollars (\$10,000,000.00) over the life of the abatement, computed to include (but not limited to) new sustaining payroll and / or capital improvement. The creation of (number and type) new jobs will also factor into the decision to grant an abatement; and
  - 2. Must not be expected to solely or primarily have the effect of merely transferring employment from one area of Webb County to another.

B. Standards for Tax Abatement: The following factors, among other, shall be considered in determining whether to grant tax abatement:

1. Value of existing improvements, if any;
2. Type and value of proposed improvements;
3. Productive life of proposed improvements;
4. Number of existing jobs to be retained by proposed improvements;
5. Number and type of new jobs to be created by proposed improvements;
6. Wage rate and benefits to be offered to employees of the facility;
7. Amount of local payroll to be created;
8. Whether the new jobs to be created will be filled by persons residing or projected to reside within affected taxing jurisdiction;
9. Amount which property tax base valuation will be increased during term of abatement and after abatement, which shall include a definitive commitment that such valuation shall not, in any case, be less than Ten Million Dollars (\$10,000,000.00.)
10. The costs to be incurred by Webb County to provide facilities directly resulting from the new improvements;
11. The amount of ad valorem taxes to be paid to Webb County during the abatement period considering:
  - a. the existing values;
  - b. the percentage of new value abated;
  - c. the abatement period; and
  - d. the value after expiration of the abatement period.
12. The population growth of Webb County that occurs directly as a result of new improvements;
13. The types and values of public improvements, if any, to be made by Applicant seeking abatement;
14. Whether the proposed improvements compete with existing businesses to the detriment of the local economy;
15. The impact on the business opportunities of existing businesses;
16. The attraction of other new businesses to the area;
17. The overall compatibility with the zoning ordinances and comprehensive plan for the area;
18. Whether the project obtains all necessary permits from the applicable environmental agencies.

Each eligible facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent



deemed appropriate after full evaluation.

Abatement shall be granted effective no earlier than the January 1 valuation date immediately following the date of execution of the abatement agreement. The agreement may provide that the period for which the abatement applies will commence on a later date. The value of new eligible property shall be abated according to the approved agreement between applicant and the governing body. The Webb County Commissioners Court, in its sole discretion, shall determine the amount to any abatement

- C. Construction in Progress. If a qualifying facility has not commenced construction within one (1) year after execution of the abatement Agreement, the applicant may apply for a one-year extension of the term of abatement, to be granted or denied in accordance with the Agreement. Said extension must be applied for prior to the expiration of the one-year anniversary of execution of the abatement agreement.
- D. Denial of Abatement: Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined that:
  - 1. There would be substantial adverse effect on the provision of government services or tax base;
  - 2. The applicant has insufficient financial capacity;
  - 3. Planned or potential use of the property would constitute a hazard to public health, safety or morals;
  - 4. Violation of other codes or laws; or
  - 5. Any other reason deemed appropriate by Webb County.
- E. Taxability: From the execution of the abatement to the end of the agreement period, taxes shall be payable as follows:
  - 1. The value of ineligible property as provided in Section 2 E shall be fully taxable; and
  - 2. The base year value of existing eligible property as determined each year shall be fully taxable.

The additional value of new eligible property shall be fully taxable at the end of the abatement period.

### **Section 3 Application**

- A. Any present or potential owner of taxable property in Webb County may request the creation of a reinvestment zone and/or tax abatement by filing a written application with the County Judge and copy with the Webb County Economic Development Director.
- B. The application shall consist of a written request for tax abatement, accompanied by:
  - 1. An analysis of the economic impact such an abatement will have on Webb County, including:
    - a. Estimated tax revenues annually for the term of the requested abatement, taking into account any requested abatement.
    - b. A comparison between an abatement of taxes and any requested "payment in lieu



- of taxes" (PILOT) in terms of benefit to the County over the proposed term of the abatement period.
- c. A statement of the expected residual taxable value of the proposed project at the end of the abatement term requested, and the remaining taxable life expectancy of the proposed project.
  2. A general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken.
  3. A descriptive list and approximate taxable value of the improvements which will be a part of the facility;
  4. A site map and property description, including a complete legal description of the property, and a map/property description of any requested;
  5. A time schedule for undertaking and completing the planned improvements. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The application form may require such financial and other information as the County deems appropriate for evaluating the financial capacity and other factors of the applicant.
  6. Certification from the Webb County Appraisal District verifying that no taxes are past due on applicant's property located in the proposed reinvestment zone
  7. Disclosure of any environmental permits required or additional environmental impacts.
  8. A \$1,000.00 non-refundable application fee.
  9. Webb County reserves the right to request additional information or data from the applicant.
- C. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the Application. The County may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the Applicant, to be attached to the Application.
- D. All checks in payment of the ~~[administrative]~~ application fee shall be made payable to Webb County. In addition to the application fee~~[-which shall be applied to any fee charged by legal or financial analysis of the application,]~~ the applicant shall also agree to pay reasonable ~~[consulting and attorney]~~ professional service and consulting fees as may be incurred by Webb County in the examination of the application, feasibility, analysis, or preparation and negotiation of any tax abatement agreement. Such ~~[fee reimbursement shall not exceed \$10,000.00]~~ payment shall be determined during the negotiation of the abatement agreement and payable as a condition precedent to the execution of the agreement.
- E. Webb County shall give notice as provided by the Property Tax Code, i.e. written notice, to the presiding officer of the governing body of each taxing unit in which the property to be subject of the agreement is located not later than the seventh day before the public hearing and publication in a newspaper of general circulation within such taxing

jurisdiction not later than the seventh day before the public hearing. Before acting upon Application, Webb County shall, through public hearing, afford the Applicant and the designated representative of any governing body referenced hereinabove opportunity to show cause why the abatement should or should not be granted.

- F. If a city within Webb County designates a reinvestment zone within its corporate limits and enters into or proposes to enter into an abatement agreement with a present or potential owner of taxable property, such present or potential owner of taxable property may request tax abatement by Webb County, but shall follow the same application process described in Section 3, et seq. hereof.
- G. Variance. Although a variance is not favored, exceptional circumstances may support a request for variance from the provisions of Section 2, in which case such request for a variance may be made in an application or other written form to the Commissioners' Court. Such request shall include all the items listed in Section 3(B) and may include a complete description of the circumstances which prompt the applicant to request a variance. The approval process for a variance request shall be identical to that for a standard application and may be supplemented by such additional requirements as may be deemed necessary by the Commissioners' Court. To the full extent permitted by applicable law, the Commissioners' Court shall have the authority to enter into an abatement agreement with terms and conditions that vary from the terms and conditions in these Guidelines, but only so long as the Commissioners Court determines that such variances are in the best interests of Webb County. Any terms or conditions contained in an abatement Agreement approved by the Commissioners' Court that vary from the terms and conditions in these Guidelines shall automatically be deemed to have been granted an approved variance by the Commissioners Court, shall be binding and enforceable as agreed to in the abatement Agreement, and shall control in the event of any inconsistency or conflict with these Guidelines. A variance granted to any applicant shall not be deemed a variance for any subsequent applicant.
- H. Confidentiality Required. Information that is provided to the County in connection with an application or request for Tax Abatement and that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which Tax Abatement is sought may be deemed as confidential and not subject to public disclosure only if specifically identified by the Applicant, and segregated from the remaining portions of the Application. Once the Tax Abatement Agreement is executed, all attachments to the Abatement Agreement shall become public. All information in the custody of a taxing unit after the Agreement is executed is Public Record, and not confidential.

#### **Section 4 Affected Jurisdiction**

- A. Should any Affected Jurisdiction be able to show cause in the public hearing why the granting of abatement by the County will have a substantial adverse effect on its bonds, tax revenue, service incapacity or the provision of service, that showing shall be considered by the Webb County Commissioners' Court when deciding to approve or disapprove of the application for tax abatement.
- B. Neither a reinvestment zone nor an abatement shall be authorized if it is determined that:

Matters to be omitted are enclosed in brackets and by using strikethrough type ~~omitted~~.  
New matters or shown by underscoring and by using italics.

1. *There would be a substantial adverse effect on the provision of a government service or the tax base of an Affected Jurisdiction;*
2. *The applicant has insufficient financial capacity to construct and operate the proposed facility or improvements;*
3. *The planned or potential use of the property would constitute a hazard to public safety, health, or morals; or*
4. *The planned or potential use of the property violate other governmental codes or laws.*

#### **Section [4] 5 Agreement**

A. After approval, the Commissioners Court of Webb County shall formally pass a Resolution and execute an agreement with the owner of the facility and Lessee as required which shall:

1. Include a list of the kind, number, location of all proposed improvements to the property and if this is not defined at the time of the agreement, then to be supplemented after construction of the facilities;
2. Provide access to and authorize inspection of the property by the taxing unit to ensure compliance with the agreement;
3. Develop the use of the property consistent with the taxing unit's developmental goals as stated in Section 2 H of the Webb County Tax Abatement Guidelines and Criteria;
4. Provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the agreement;
5. Include each term that was agreed upon with the property owner and require the owner of the facility to annually certify compliance with the terms of the agreement to each taxing unit; and
6. Allow the taxing unit to cancel the agreement after notice of default and opportunity to cure if the property owner fails to comply with the terms of the agreement.

B. The owner of the facility and Lessee shall also agree to the following:

1. A specified number of permanent full-time jobs at facility shall be created, and the owner and Lessee shall make reasonable efforts to employ persons who are residents of Webb County in such jobs provided, however, that there shall be no obligation to employ residents who are not:
  - a. equally or more qualified than nonresident applicants;
  - b. available for employment on terms and/or salaries comparable to those required by nonresident applicants; or
  - c. able to become qualified with 72 hours training provided by Owner.
2. Each person employed in such job shall perform a portion, if not all, of their work in Webb County.
3. Owner shall agree that it and its contractors, if any, will use reasonably commercial efforts to maximize its use of goods and services available through Webb County

businesses in the construction, operation, and maintenance of the improvements and the project; provided, however, that there shall be no requirement to use goods and services provided by Webb County residents that are not:

- a. of similar quality to those provided by nonresidents; or
  - b. made available on terms and conditions (including pricing) comparable to those offered by nonresidents. Comparable price shall be defined as less than or equal to 100% (105% in cases of contracts with a gross value of not more than \$25,000.00) of the nonresident price for equivalent quality, conditions and terms.
4. Owner or its construction contractor, if any, shall designate a coordinator of local services who will act as liaison between any individuals, businesses, and contractors residing or doing business in Webb County who are interested in obtaining information about providing goods or services related to the construction of the project.
  5. Additionally, Owner or its construction contractor, if any, shall advertise in local newspapers in Webb County for local contractors to perform work on the construction of the project.
  6. Owner shall agree to maintain a viable presence (as below defined) within the reinvestment zone for a period of time, as set by the Webb County Commissioners Court, not to exceed twenty (20) years from the date that the abatement agreement first takes effect. For purposes hereof, "Maintain a Viable Presence" means (i) the operation of the Eligible Facilities, as the same may from time to time be expanded, upgraded, improved, modified, changed, remodeled, repaired, restored, reconstructed, reconfigured and/or reengineered, and (ii) the retention of not fewer than three (3) Qualifying Jobs as defined by Texas Tax Code Section 313.021(3)(E) to be located and performed, in part, within Webb County.
  7. On May 1st of each year that the agreement shall be in effect, Owner shall certify to the County Judge of Webb County, and to the governing body of each taxing unity, that Owner is in compliance with each applicable term set forth above.
  8. Additionally, the owner of the project:
    - a. Will be wholly responsible for all County roads and right-of-way (including bridges, culverts, ditches, etc.) and damage caused thereto as a result of the construction of or of an on-going maintenance and operations of the Abated Facility Site as well as associated facilities to the Abated Facility Site, including but not limited to, the following:
      - i. Cost to maintain the roads, if needed, utilized for construction of the Abated Facility Site in an effort to keep the road safe for the traveling public will be tracked by Webb County and invoiced on a regular basis to the Abatee.
      - ii. Cost to reconstruct the roadway, if needed, will be actual costs to repair the County roads and right-of-way incurred by the County and invoiced to the Abatee. These costs will include all construction costs as well as all related professional services for the repair work.
      - iii. Cost associated with the issuance of a County driveway permit, which shall

*be required in the event the project is accessed directly by a County Road.  
Owner agrees to promptly submit a completed County driveway permit  
application*

- C. Such agreement shall normally be executed within sixty (60) days after the Applicant has forwarded all necessary information and documentation to the Commissioners Court.

### **Section [5] 6 Recapture**

- A. In the event that the company or individual:
  - 1. Allows its ad valorem taxes owed Webb County to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or
  - 2. Violates any of the terms and conditions of the abatement agreement and fails to cure during the cure period;
  - 3. The agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within thirty (30) days of the termination.
- B. Should Webb County determine that the company or individual is in default according to the terms and conditions of its agreement, Webb County shall notify the company or individual in writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice (cure period) then the agreement may be terminated.
- C. In the event that the applicant's facility is completed and begins producing products or services, but subsequently discontinues producing a product or service for any reason for a period of one year during the abatement period, other than because of fire, explosion, or other casualty, accident, natural disaster, or other event of force majeure, then the agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the applicant's 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.

### **Section [6] 7 Administration**

- A. The Chief Appraiser of the Webb County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the Commissioners Court of Webb County of the amount of the assessment.
- B. The Agreement shall stipulate that employees and/or designated representatives of Webb County will have access to the applicant's facilities within 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 the giving of reasonable notice and will only be conducted in a 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 applicant, and in accordance with its safety standards.
- C. Upon completion of construction, the designated representative of Webb County shall annually evaluate each facility receiving abatement to insure compliance with the

Matters to be omitted are enclosed in brackets and by using strikethrough type [~~omitted~~].  
New matters or shown by *underscoring and by using italics*.

agreement. A formal report shall be made to the Commissioners Court.

- D. Timely Filing. The County shall timely file, with the appropriate person, agency, department, or board of the State of Texas, all information required by the Tax Code.

#### **Section [7] 8 Assignment**

- A. Abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility only upon the approval by resolution of the Commissioners Court of Webb County subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with Webb County. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations.
- B. An assignment shall not serve to extend the termination date of the abatement Agreement with the original Applicant, owner or lessee. An assignment may not alter venue provisions of the original agreement.
- C. Approval of an assignment in conformity with this section shall not be unreasonably withheld.

#### **Section [8] 9 Venue**

Any abatement agreement shall be conditioned upon venue for any disputes which may arise under the abatement agreement to be retained in courts of appropriate jurisdiction within Webb County, Texas, or appeals to Texas courts of appellate jurisdiction, or the United States District Court having Webb County, Texas within its original jurisdiction.

#### **Section [9] 10 Sunset Provision**

These guidelines and criteria are effective upon the date of their adoption and will remain in force for two years unless amended by vote of the Commissioners Court of Webb County, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on the review, the guidelines and criteria will be modified, renewed, or eliminated.