

RESOLUTION NO. 2024-03-01 cc

**A RESOLUTION OF THE RUSK COUNTY  
COMMISSIONERS COURT ESTABLISHING  
GUIDELINES AND CRITERIA GOVERNING  
TAX ABATEMENT AGREEMENTS BY THE  
COUNTY OF RUSK, TEXAS**

**WHEREAS**, Texas Tax Code Section 312.002 provides that no municipality or county may designate an area as a reinvestment zone, and that no taxing unit may execute a tax abatement agreement under Texas Tax Code chapter 312, unless it first (i) establishes guidelines and criteria for tax abatement agreements and (ii) adopts a resolution stating that the taxing unit elects to become eligible to participate in tax abatement; and

**WHEREAS**, the County of Rusk, Texas desires to be eligible to participate in tax abatement under certain circumstances.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners Court of Rusk County, Texas that:

**ARTICLE I.**

Rusk County, Texas elects to be eligible to participate in tax abatement.

**ARTICLE II.**

The following guidelines and criteria are hereby established and shall hereafter govern tax abatement agreements by the County of Rusk, Texas:

- (1) Improvements proposed as part of a tax abatement agreement for property located within a duly designated reinvestment zone shall be commenced within one (1) year of the date of said agreement.
- (2) All construction proposed as part of any such improvements shall meet applicable County of Rusk, Texas, Codes and Zoning requirements.
- (3) All property included in a tax abatement shall be maintained in accordance with all applicable County of Rusk, Texas, Codes and Zoning requirements during the term of the tax abatement agreement.
- (4) Throughout tax abatement agreement, the owner(s) or persons in possession and control of the improvements located thereon which is included within an area which is the subject of a tax abatement agreement shall pay all lawfully assessed ad valorem taxes levied on such property before the same shall become delinquent.

- (5) In the event that any improvements constructed as part of a tax abatement agreement are damaged or destroyed, regardless of the cause of such destruction or damage, the same shall be restored in a timely manner, within a time frame to be established by the Commissioners Court, but in no event shall such time period exceed one (1) year.
- (6) For property located in a commercial and/or industrial reinvestment zone, and proposed as the subject of a tax abatement agreement, the following criteria shall apply:
  - a. The proposed improvements must have the effect of increasing the value of the real property upon which they are located; and
  - b. The proposed improvements shall have the effect of adding to the available number of jobs and/or retaining existing jobs in the greater Rusk County, Texas area.
- (7) For residential property located in a residential reinvestment zone, and proposed as the subject of a tax abatement agreement, the following criteria shall apply:
  - a. The proposed improvements shall address the blighting or deteriorating influences on the subject property;
  - b. The proposed improvements shall address building safety, unsanitary or unsafe conditions, or property deterioration; and
  - c. Where applicable, the improvements shall address faulty lot layout with respect to size, accessibility, or usefulness.
- (8) All improvements proposed as part of a tax abatement agreement shall further the purposes established by the Legislature of the State of Texas in Chapter 312 of the Texas Tax Code.
- (9) In accordance with Texas Tax Code Section 312.002, these guidelines and criteria shall not limit the discretion of the County to decide whether to enter into a specific tax abatement agreement. Accordingly, the County may enter into a particular tax abatement agreement whenever it determines that it is in the best interest of the County to enter into such agreement and provide such abatement with respect to a particular applicant. In doing so, the County may vary from the provisions of this Tax Abatement Policy Statement in any respect that is not contrary to state law.
- (10) An application or request for tax abatement submitted to the County must be accompanied by a non-refundable fee of \$1,000 made payable to Rusk County.

- (11) In addition to the application fee, the entity requesting the abatement shall also agree to pay reasonable attorney's fees as may be incurred by Rusk County in the examination of the abatement request as well as the negotiation and preparation of any tax abatement agreement. Such fee reimbursement shall not exceed \$10,000. Payments for these fees shall be made payable to Rusk County.

**ARTICLE III.**

This resolution shall be effective from its renewal on March 11, 2024 for the full period authorized by the law.


**PASSED, APPROVED AND ADOPTED** this 11 day of March 2024.

  
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JOEL HALE, COUNTY JUDGE

  
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GREG GIBSON, COMM. PCT 3

  
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RANDY GAUT, COMM. PCT 1

NOT PRESENT  
\_\_\_\_\_  
BENNIE WHITWORTH, COMM. PCT. 4

  
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ROBERT KUYKENDALL, COMM. PCT 2

ATTEST:

  
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TRUDY MCGILL, COUNTY CLERK

