



# 2025

## Appraisal District Director's Manual



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TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

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# Introduction

Appraisal districts are responsible for appraising property in the district for ad valorem tax purposes for each taxing unit that imposes ad valorem taxes on property in the district.<sup>1</sup> An appraisal district is established in each county and has the same boundaries as the county's boundaries.<sup>2</sup> An appraisal district is a political subdivision of the state that is governed by a board of directors.<sup>3</sup>

The governance of the appraisal district and certain functions performed by the board of directors of the appraisal district are based on the population of the county in which the appraisal district is established. A county with a population of less than 75,000 is considered a less populous county.<sup>4</sup> A county with a population of 75,000 or more is considered a populous county.<sup>5</sup>

This manual contains a chapter describing the governance and functions of each type of appraisal district. Information applicable to both types of appraisal districts are included in separate chapters.

Common abbreviations and terms used in this manual are:

**ARB** – appraisal review board

**TAC** – tax assessor-collector

**TDLR** – Texas Department of Licensing and Regulation

**TLO** – taxpayer liaison officer

**Voting taxing units** – taxing units that are entitled to vote on the appointment of members to the board of directors.

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<sup>1</sup> *Tex. Tax Code §6.01(b)*

<sup>2</sup> *Tex. Tax Code §§6.01(a) and 6.02(a)*

<sup>3</sup> *Tex. Tax Code §§6.01(c) and 6.03(a-1)*

<sup>4</sup> *Tex. Tax Code §6.03(a)*

<sup>5</sup> *Tex. Tax Code §6.0301(a)*

# Board of Directors in Less Populous Counties

Counties with a population of less than 75,000 are considered less populous counties.<sup>6</sup>

## COMPOSITION OF BOARD OF DIRECTORS

The board of directors is composed of five members.<sup>7</sup> The number of directors can be increased up to 13 by action of the board of directors.<sup>8</sup> However, in most cases, the board of directors may not make this change if a voting taxing unit adopts a resolution opposing the change.<sup>9</sup>

Taxing units participating in the appraisal district may increase the number of directors up to 13 members if three-fourths of voting taxing units adopt resolutions.<sup>10</sup> A change is not valid if it reduces the voting entitlement of one or more taxing units (unless the taxing unit adopts one of two specified resolutions) or if it expands the types of taxing units that are entitled to vote on the appointment of directors.<sup>11</sup>

The county TAC is a nonvoting director, if not appointed as a voting director.<sup>12</sup> If a county commissioners court enters into a contract for assessment and collections under Tax Code Section 6.24(b) or if the appraisal district board of directors enters into a contract for appraisal under Tax Code Section 6.05(b), then the county TAC is ineligible to serve on the board of directors.<sup>13</sup>

Board members may not receive compensation for service on the board but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.<sup>14</sup> This reimbursement is as provided by the budget adopted by the board of directors.<sup>15</sup>

## ELIGIBILITY

To be eligible to serve on a board of directors, an individual must be a current resident of the appraisal district having resided in the appraisal district for at least two years immediately preceding the date of taking office.<sup>16</sup> This residency requirement does not apply to a county TAC serving as a nonvoting director.<sup>17</sup>

An employee of a taxing unit that participates in the appraisal district is not eligible to serve on the board of directors unless that individual also is a member of the taxing unit governing body or an elected official of a taxing unit.<sup>18</sup> Membership on the taxing unit governing body does not make an otherwise eligible individual ineligible to serve on the board of directors.<sup>19</sup>

- Owing delinquent property taxes disqualifies a person from serving on the board of directors.<sup>20</sup> The person is ineligible if he or she owns property on which delinquent property taxes have been owed for more

<sup>6</sup> *Tex. Tax Code §6.03(a)*

<sup>7</sup> *Tex. Tax Code §6.03(a)*

<sup>8</sup> *Tex. Tax Code §6.031(a)*

<sup>9</sup> *Tex. Tax Code §6.031(a)*

<sup>10</sup> *Tex. Tax Code §6.031(b)*

<sup>11</sup> *Tex. Tax Code §6.031(b)*

<sup>12</sup> *Tex. Tax Code §6.03(a)*

<sup>13</sup> *Tex. Tax Code §6.03(a)*

<sup>14</sup> *Tex. Tax Code §6.04(c)*

<sup>15</sup> *Tex. Tax Code §6.04(c)*

<sup>16</sup> *Tex. Tax Code §6.03(a)*

<sup>17</sup> *Tex. Tax Code §6.03(a)*

<sup>18</sup> *Tex. Tax Code §6.03(a)*

<sup>19</sup> *Tex. Tax Code §6.03(a)*

<sup>20</sup> *Tex. Tax Code §6.035(a)(2)*

than 60 days after the date the person knew or should have known of the delinquency.<sup>21</sup> This disqualification does not apply if the person is paying the delinquent taxes and any penalties and interest under an installment payment agreement or has deferred or abated a suit to collect the delinquent taxes.<sup>22</sup>

- A person is ineligible to serve on the board of directors if the individual served as a member of the board of directors for all or part of five terms, unless they were a county assessor-collector at the time of service, or the appraisal district is established in a county with a population of less than 120,000.<sup>23</sup>

A person who has appraised property for compensation for use in proceedings, represented property owners for compensation in proceedings in the appraisal district or was an appraisal district employee at any time within the preceding three years is ineligible to serve on the board of directors.<sup>24</sup>

A person is ineligible to serve on the board of directors if the individual is related within the second degree of consanguinity (blood) or affinity (marriage) to the following:

- an appraiser who appraises property for use in a proceeding under the Tax Code; or
- a person who represents property owners for compensation in proceedings under the Tax Code in the appraisal district.<sup>25</sup>

A director who continues to hold office knowing he or she is related in this manner to the above-named persons commits a Class B misdemeanor offense.<sup>26</sup>

### Degrees of Consanguinity and Affinity

| 1st DEGREE  | 2nd DEGREE  | 3rd DEGREE   |
|---|---|--|
| <p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Parents</li> <li>• Children</li> </ul> <p><b>By Affinity</b></p> <ul style="list-style-type: none"> <li>• Spouses of relatives listed under first degree consanguinity</li> <li>• Spouse</li> <li>• Spouse's parents</li> <li>• Spouse's children</li> <li>• Stepparents</li> <li>• Stepchildren</li> </ul> | <p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Grandparents</li> <li>• Grandchildren</li> <li>• Brothers and sisters</li> </ul> <p><b>By Affinity</b></p> <ul style="list-style-type: none"> <li>• Spouses of relatives listed by second degree consanguinity</li> <li>• Spouse's grandparents</li> <li>• Spouse's grandchildren</li> <li>• Spouse's brothers and sisters</li> </ul> | <p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Great grandparents</li> <li>• Great grandchildren</li> <li>• Nieces and nephews</li> <li>• Aunts and uncles</li> </ul> <p><b>By Affinity</b></p> <ul style="list-style-type: none"> <li>• No prohibitions</li> </ul> |

<sup>21</sup> Tex. Tax Code §6.035(a)(2)

<sup>22</sup> Tex. Tax Code §6.035(a)(2)

<sup>23</sup> Tex. Tax Code §6.035(a-1)

<sup>24</sup> Tex. Tax Code §6.035(a-1)

<sup>25</sup> Tex. Tax Code §6.035(a)(1)

<sup>26</sup> Tex. Tax Code §6.035(b)

An individual is not eligible to be a candidate for, to be appointed to, or to serve on the board of directors if the individual has a substantial interest in a business entity that is party to a contract or the individual is a party to a contract with the appraisal district.<sup>27</sup> This prohibition also applies to contracts with a taxing unit that participates in the appraisal district if the contract relates to the performance of an activity governed by the Tax Code.<sup>28</sup> An appraisal district may not enter into a contract with a board member or with a business entity in which a board member has a substantial interest.<sup>29</sup> A taxing unit may not enter into a contract relating to the performance of an activity governed by the Tax Code with a board member in which the taxing unit participates or with a business entity in which a board member has a substantial interest.<sup>30</sup>

An individual has substantial interest in a business entity if:

- the combined ownership of the director and the director's spouse is at least 10 percent of the voting stock or shares of the business entity; or
- the director or director's spouse is a partner, limited partner or officer of the business entity.<sup>31</sup>

## APPOINTMENT BY TAXING UNITS AND TERMS

Taxing units — counties, cities/towns, school districts, junior colleges and certain conservation and reclamation districts — nominate candidates and vote on the board of directors in odd-numbered years.<sup>32</sup> Conservation and reclamation districts may participate in this process if at least one conservation and reclamation district in the appraisal district delivers to the chief appraiser a written request to nominate and vote on the board of directors by

June 1 of each odd-numbered year.<sup>33</sup> On request, the chief appraiser must certify all eligible conservation and reclamation districts that are imposing taxes and that participate in the appraisal district by June 15.<sup>34</sup>

The board of directors is selected by appointment; it is not an election governed by the Texas Election Code.<sup>35</sup> The method or procedure for appointing members can be changed by the board of directors or by three-fourths of the voting taxing units acting through resolutions.<sup>36</sup>

The voting entitlement of a taxing unit is determined by a calculation that takes into account a taxing unit's share of the total dollar amount of property taxes imposed in the appraisal district.<sup>37</sup> The chief appraiser makes this calculation for each taxing unit (other than conservation and reclamation districts) and delivers written notice before Oct. 1 of each odd-numbered year of the number of votes to which each taxing unit is entitled.<sup>38</sup> Each taxing unit (other than a conservation and reclamation district) that is entitled to vote may submit to the chief appraiser one nominee for each position to be filled before Oct. 15.<sup>39</sup>

The chief appraiser also must calculate the number of votes that an eligible conservation and reclamation district is entitled to and must deliver before July 1 of each odd-numbered year, a written notice to the district of its voting entitlement and right to nominate one candidate for director.<sup>40</sup> All eligible conservation and reclamation districts must submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year.<sup>41</sup> Before Aug. 1, the chief appraiser must prepare a nominating ballot listing all the nominees of conservation and reclamation districts and deliver a ballot to the presiding officer of the board of directors of

<sup>27</sup> *Tex. Tax Code §6.036(a)*

<sup>28</sup> *Tex. Tax Code §6.036(a)*

<sup>29</sup> *Tex. Tax Code §6.036(b)*

<sup>30</sup> *Tex. Tax Code §6.036(c)*

<sup>31</sup> *Tex. Tax Code §6.036(d)*

<sup>32</sup> *Tex. Tax Code §6.03(c)*

<sup>33</sup> *Tex. Tax Code §6.03(c)*

<sup>34</sup> *Tex. Tax Code §6.03(c)*

<sup>35</sup> *Tex. Att'y Gen. Op. JM 166 (1984)*

<sup>36</sup> *Tex. Tax Code §6.031(a) and (b)*

<sup>37</sup> *Tex. Tax Code §6.03(d)*

<sup>38</sup> *Tex. Tax Code §6.03(e)*

<sup>39</sup> *Tex. Tax Code §6.03(g)*

<sup>40</sup> *Tex. Tax Code §6.03(f) and (h)*

<sup>41</sup> *Tex. Tax Code §6.03(h)*

each district.<sup>42</sup> The board of directors of each district must submit its vote for the nominee of conservation and reclamation districts before Aug. 15.<sup>43</sup> The winning nominee of the conservation and reclamation districts in the appraisal district becomes a nominee for appraisal district director.<sup>44</sup>

The chief appraiser must prepare a ballot before Oct. 30 with candidates whose names were timely submitted, including the nominee of conservation and reclamation districts, if applicable.<sup>45</sup> Each taxing unit entitled to vote must determine its vote by resolution and submit it to the chief appraiser before Dec. 15.<sup>46</sup> The five candidates who receive the largest cumulative vote totals become the board of directors.<sup>47</sup> The chief appraiser announces the new directors before Dec. 31.<sup>48</sup> Ties must be resolved by the chief appraiser by any method of chance.<sup>49</sup>

In counties with a population of 120,000 or more, a taxing unit entitled to cast at least five percent of the total votes is required to determine its vote by resolution adopted at the first or second meeting held after the chief appraiser delivers the ballot. The taxing unit must submit its vote not later than the third day following the date the resolution is adopted.<sup>50</sup>

Both the board of directors and taxing units may propose to change the method or procedure for appointing directors.<sup>51</sup> If the board of directors makes the proposal, a voting taxing unit may veto the proposal by adopting a resolution opposing the change before Sept. 1.<sup>52</sup> If a participating taxing unit proposes a change, the change is adopted if three-fourths of the voting taxing units adopt

resolutions providing for the change.<sup>53</sup> A resolution to change the method or procedure for appointing directors must be filed with the chief appraiser after June 30 and before Oct. 1 of a year in which members are appointed, or the resolution is ineffective.<sup>54</sup>

Throughout the selection process, the Tax Code specifies dates for action by the chief appraiser and the taxing units. The dates provided in Tax Code Section 6.03(f) and (g) are directory and not mandatory.<sup>55</sup> However, the advice of legal counsel should be obtained in such situations.

Appraisal district directors serve two-year terms beginning on Jan. 1 of an even-numbered year.<sup>56</sup> The two-year term of office does not apply to the county TAC who serves as a nonvoting director.<sup>57</sup>

Voting taxing units may adopt staggered one- and two-year terms.<sup>58</sup> To adopt staggered terms, taxing units must take two actions.<sup>59</sup> First, at least three-fourths of the voting taxing units are required to adopt resolutions for staggered terms.<sup>60</sup> Second, the voting taxing units must have changed the method for appointing members to end cumulative voting (casting all or part of the votes to which the taxing unit is entitled). These two actions may be proposed concurrently.<sup>61</sup>

A resolution proposing staggered terms must be filed with the chief appraiser after June 30 and before Oct. 1.<sup>62</sup> If the chief appraiser determines that enough taxing units filed valid resolutions, he or she must notify all taxing units of the change before Oct. 10.<sup>63</sup> Staggered terms take effect on Jan. 1 of the next even-numbered year.<sup>64</sup> To start

<sup>42</sup> *Tex. Tax Code §6.03(h)*

<sup>43</sup> *Tex. Tax Code §6.03(h)*

<sup>44</sup> *Tex. Tax Code §6.03(h)*

<sup>45</sup> *Tex. Tax Code §6.03(j)*

<sup>46</sup> *Tex. Tax Code §6.03(k)*

<sup>47</sup> *Tex. Tax Code §6.03(k)*

<sup>48</sup> *Tex. Tax Code §6.03(k)*

<sup>49</sup> *Tex. Tax Code §6.03(k)*

<sup>50</sup> *Tex. Tax Code §6.03(k-1)*

<sup>51</sup> *Tex. Tax Code §6.031(a) and (b)*

<sup>52</sup> *Tex. Tax Code §6.031(a)*

<sup>53</sup> *Tex. Tax Code §6.031(b)*

<sup>54</sup> *Tex. Tax Code §6.031(c)*

<sup>55</sup> *Tex. Att'y Gen. Op. JM-166 (1984)*

<sup>56</sup> *Tex. Tax Code §6.03(b)*

<sup>57</sup> *Tex. Tax Code §6.03(b)*

<sup>58</sup> *Tex. Tax Code §6.034(a)*

<sup>59</sup> *Tex. Tax Code §6.034(a)*

<sup>60</sup> *Tex. Tax Code §6.034(a)*

<sup>61</sup> *Tex. Tax Code §6.034(a)*

<sup>62</sup> *Tex. Tax Code §6.034(b)*

<sup>63</sup> *Tex. Tax Code §6.034(c)*

<sup>64</sup> *Tex. Tax Code §6.034(d)*

staggering terms, all members are appointed for that year without regard to staggered terms.<sup>65</sup> At the earliest practical date after Jan. 1, the board determines by lot which of its members will serve one- and two-year terms.<sup>66</sup>

Boards with an even number of members divide the one- and two-year terms in half. Boards with an odd number of members must have one more member with a two-year term than members with one-year terms.<sup>67</sup> For example, a six-member board would choose three members to serve one-year terms. A five-member board would choose two.

For each director's term that expires on Jan. 1, the appraisal district must annually appoint directors for a term that begins on that Jan. 1.<sup>68</sup>

Staggered terms may be rescinded by resolution of a majority of voting taxing units.<sup>69</sup> The resolution must be adopted and filed with the chief appraiser after June 30 and before Oct. 1 of odd-numbered years.<sup>70</sup> After a valid rescission, the terms of all current members expire on the next Jan. 1, even if a member will have only served one year of a two-year term.<sup>71</sup> The entire board will be appointed for two-year terms on that date.<sup>72</sup> Staggered terms are automatically rescinded if the appraisal district makes a change in the method of appointing board members that results in a method of using cumulative voting.<sup>73</sup>

## RECALLING A DIRECTOR

A taxing unit may ask for the recall of an appointed director the taxing unit voted for in the appointment process.<sup>74</sup> A recall starts when a taxing unit files a

resolution with the chief appraiser stating that the taxing unit is calling for the recall of a named member.<sup>75</sup> Within 10 days after a taxing unit files a recall resolution, the chief appraiser must give written notice of the resolution's filing to the presiding officer of each voting taxing unit.<sup>76</sup>

Only the taxing units that voted for the member may vote.<sup>77</sup> A recall-voting taxing unit has the same number of votes in the recall that it cast in appointing the board member.<sup>78</sup> A taxing unit votes by submitting a resolution to the chief appraiser on or before the 30th day after the recall resolution's filing.<sup>79</sup>

Not later than the 10th day after the last day for voting in favor of the recall, the chief appraiser must count the votes cast.<sup>80</sup> A director is recalled if the number of votes cast in favor of recall equals or exceeds a majority of the votes cast appointing the board member.<sup>81</sup> The chief appraiser must immediately notify in writing the presiding officer of the board of directors and the governing body of each recall-voting taxing unit of the results.<sup>82</sup> If the chair is the subject of the recall, the board secretary must also be notified.<sup>83</sup>

After a recall, the director's vacancy is filled by the recall-voting taxing units appointing a new board member.<sup>84</sup> Each recall-voting taxing unit may nominate by resolution one candidate and is entitled to the same number of votes it originally cast to appoint the recalled member.<sup>85</sup>

On or before the 15th day after the last day nominations must be submitted, the chief appraiser must prepare a ballot and deliver a copy of the ballot to the presiding officer of each taxing unit's governing body that is entitled

<sup>65</sup> *Tex. Tax Code §6.034(d)*

<sup>66</sup> *Tex. Tax Code §6.034(d)*

<sup>67</sup> *Tex. Tax Code §6.034(d)*

<sup>68</sup> *Tex. Tax Code §6.034(e)*

<sup>69</sup> *Tex. Tax Code §6.034(g)*

<sup>70</sup> *Tex. Tax Code §6.034(g)*

<sup>71</sup> *Tex. Tax Code §6.034(g)*

<sup>72</sup> *Tex. Tax Code §6.034(g)*

<sup>73</sup> *Tex. Tax Code §6.034(h)*

<sup>74</sup> *Tex. Tax Code §6.033(a)*

<sup>75</sup> *Tex. Tax Code §6.033(a)*

<sup>76</sup> *Tex. Tax Code §6.033(a)*

<sup>77</sup> *Tex. Tax Code §6.033(b)*

<sup>78</sup> *Tex. Tax Code §6.033(b)*

<sup>79</sup> *Tex. Tax Code §6.033(b)*

<sup>80</sup> *Tex. Tax Code §6.033(c)*

<sup>81</sup> *Tex. Tax Code §6.033(c)*

<sup>82</sup> *Tex. Tax Code §6.033(c)*

<sup>83</sup> *Tex. Tax Code §6.033(c)*

<sup>84</sup> *Tex. Tax Code §6.033(d)*

<sup>85</sup> *Tex. Tax Code §6.033(d)*

to vote to fill the vacancy.<sup>86</sup> A taxing unit determines its vote by resolution and submits it to the chief appraiser.<sup>87</sup> The chief appraiser counts the votes on or before the 15th day after the last day on which a taxing unit may vote, declares the winner who received the largest vote total and notifies the chair of the board of directors, each taxing unit and the candidates.<sup>88</sup> The chief appraiser must resolve a tie vote by any method of chance.<sup>89</sup>

If the board of directors is appointed by another method or procedure adopted under Tax Code Section 6.031, the taxing units that voted for or participated in the director's appointment may recall him or her and appoint a new director by any method adopted by resolution of a majority of recall-voting taxing units.<sup>90</sup> If the appointment was by election, the method of recall and appointing a new director to the vacancy is not valid unless it provides that each taxing unit is entitled to the same number of votes it cast for the member being recalled.<sup>91</sup>

## VACANCY

If a vacancy occurs on the board, each voting taxing unit nominates by resolution a candidate to fill the vacancy.<sup>92</sup> Within 45 days after receiving notice from the board of directors that a vacancy exists, a taxing unit must submit the nomination to the chief appraiser.<sup>93</sup> The chief appraiser delivers a list of the nominees to the directors within the next five days.<sup>94</sup> Directors select by majority vote one of the nominees to fill the vacancy.<sup>95</sup> If a vacancy occurs for a board with staggered terms, the vacancy is filled by appointment of the voting taxing unit that

nominated the person whose departure caused the vacancy.<sup>96</sup>

## DISAPPROVAL OF BOARD ACTIONS

At times, the board of directors may take an action with which the majority of voting taxing units may disagree. Under Tax Code Section 6.10, a majority of voting taxing units may veto any action by the board of directors.<sup>97</sup> This disapproval power under Tax Code Section 6.10 does not apply to the adoption of the budget by the board.<sup>98</sup>

To veto a board action other than the budget, the governing bodies of a majority of voting taxing units must adopt resolutions disapproving the action.<sup>99</sup> The voting taxing units must file the resolutions with the board's secretary within 15 days after the action is taken.<sup>100</sup> The board action is revoked effective the day after the day on which the required number of resolutions is filed.<sup>101</sup>

For voting taxing units to disapprove the appraisal district budget, a majority of the taxing units must file a resolution with the board's secretary within 30 days after the budget is adopted.<sup>102</sup>

<sup>86</sup> *Tex. Tax Code §6.033(d)*

<sup>87</sup> *Tex. Tax Code §6.033(d)*

<sup>88</sup> *Tex. Tax Code §6.033(d)*

<sup>89</sup> *Tex. Tax Code §6.033(d)*

<sup>90</sup> *Tex. Tax Code §6.033(e)*

<sup>91</sup> *Tex. Tax Code §6.033(e)*

<sup>92</sup> *Tex. Tax Code §6.03(l)*

<sup>93</sup> *Tex. Tax Code §6.03(l)*

<sup>94</sup> *Tex. Tax Code §6.03(l)*

<sup>95</sup> *Tex. Tax Code §6.03(l)*

<sup>96</sup> *Tex. Tax Code §6.034(i)*

<sup>97</sup> *Tex. Tax Code §6.10*

<sup>98</sup> *Tex. Tax Code §6.10*

<sup>99</sup> *Tex. Tax Code §6.10*

<sup>100</sup> *Tex. Tax Code §6.10*

<sup>101</sup> *Tex. Tax Code §6.10*

<sup>102</sup> *Tex. Tax Code §6.06(b)*

# Board of Directors In Populous Counties

## COMPOSITION OF BOARD OF DIRECTORS

Counties with a population of 75,000 or more are considered populous counties.<sup>103</sup> The board of directors is composed of nine members.<sup>104</sup> Five members are appointed by the taxing units that participate in the district; three members are elected by a majority vote at the general election for state and county officers by the voters of the county in which the appraisal district is established; and the TAC serves as an ex officio director.<sup>105</sup>

The board of directors or taxing units participating in the district may not increase the number of members on the board, change the method by which directors are selected, or alter the terms of office.<sup>106</sup>

Board members may not receive compensation for service on the board but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.<sup>107</sup> This reimbursement is as provided by the budget adopted the board of directors.<sup>108</sup>

## ELIGIBILITY

To be eligible to serve on a board of directors, an individual must be a resident of the appraisal district and must have resided in the appraisal district for at least two years immediately preceding the date of taking office.<sup>109</sup> This residency requirement does not apply to a county TAC serving as a nonvoting director.<sup>110</sup>

An employee of a taxing unit that participates in the appraisal district is not eligible to serve on the board of directors, unless that individual also is a member of the governing body of the taxing unit or an elected official of a taxing unit.<sup>111</sup> Membership on the governing body of a taxing unit does not make an otherwise eligible individual ineligible to serve on the board of directors.<sup>112</sup>

Owing delinquent property taxes disqualifies a person from serving on the appraisal district board of directors.<sup>113</sup> The person is ineligible if he or she owns property on which delinquent property taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency.<sup>114</sup> This disqualification does not apply if the person is paying the delinquent taxes and any penalties and interest under an installment payment agreement or has deferred or abated a suit to collect the delinquent taxes.<sup>115</sup>

A person is ineligible to serve on an appraisal district's board of directors if the individual served as a member of the board of directors for all or part of five terms, unless they were a county assessor-collector at the time of service.<sup>116</sup>

A person who has appraised property for compensation for use in proceedings, represented property owners for compensation in proceedings in the appraisal district or was an appraisal district employee at any time within the preceding three years is ineligible to serve on the board of directors.<sup>117</sup>

<sup>103</sup> *Tex. Tax Code §6.0301*

<sup>104</sup> *Tex. Tax Code §6.0301(c)*

<sup>105</sup> *Tex. Tax Code §6.0301(c)*

<sup>106</sup> *Tex. Tax Code §6.0301(b)*

<sup>107</sup> *Tex. Tax Code §6.04(c)*

<sup>108</sup> *Tex. Tax Code §6.04(c)*

<sup>109</sup> *Tex. Tax Code §6.0301(d)*

<sup>110</sup> *Tex. Tax Code §6.0301(d)*

<sup>111</sup> *Tex. Tax Code §6.0301(d)*

<sup>112</sup> *Tex. Tax Code §6.0301(d)*

<sup>113</sup> *Tex. Tax Code §6.035(a)(2)*

<sup>114</sup> *Tex. Tax Code §6.035(a)(2)*

<sup>115</sup> *Tex. Tax Code §6.035(a)(2)*

<sup>116</sup> *Tex. Tax Code §6.035(a-1)*

<sup>117</sup> *Tex. Tax Code §6.035(a-1)*

A person is ineligible to serve on the board of directors if the individual is related within the second degree of consanguinity (blood) or affinity (marriage) to the following:

- an appraiser who appraises property for use in a proceeding under the Tax Code; or
- a person who represents property owners for compensation in proceedings under the Tax Code in the appraisal district.<sup>118</sup>

A director who continues to hold office knowing he or she is related in this manner to the above-named persons commits a Class B misdemeanor offense.<sup>119</sup>

An individual is not eligible to be appointed to or to serve on the board of directors if an individual has a substantial interest in a business entity that is party to a contract or the individual is a party to a contract with the appraisal district.<sup>120</sup> This prohibition also applies to contracts with a taxing unit that participates in the appraisal district if the contract relates to the performance of an activity governed by the Tax Code.<sup>121</sup> An appraisal district may not enter into a contract with a board member or with a business entity in which a board member has a substantial interest.<sup>122</sup> A taxing unit may not enter into a contract relating to the performance of an activity governed by the Tax Code with a board member in which the taxing unit participates or with a business entity in which a board member has a substantial interest.<sup>123</sup>

An individual has substantial interest in a business entity if:

- the combined ownership of the director and the director's spouse is at least 10 percent of the voting stock or shares of the business entity; or

- the director or director's spouse is a partner, limited partner or officer of the business entity.<sup>124</sup>

## ELECTION OF MEMBERS BY THE PUBLIC AND TERMS

Three members of the board of directors are elected by a majority vote at the general election for state and county officers by the voters of the county in which the appraisal district is established.<sup>125</sup> Election Code Chapter 144 applies to a candidate for an elective position on the board of directors.<sup>126</sup> The election is governed by the Election Code.

A candidate for an elective position on the board of directors must file an application for a place on the ballot with the county clerk or, if applicable, the county elections administrator in the county in which the appraisal district is established.<sup>127</sup> The application must be accompanied by a filing fee or a petition in lieu of a filing fee.<sup>128</sup> A filing fee received with an application is deposited in the county treasury to the credit of the county general fund.<sup>129</sup>

The filing fee varies depending on the population of the county. For a county with a population of 200,000 or more, the filing fee is \$400. For a county with a population of less than 200,000, the filing fee is \$200.<sup>130</sup> A petition submitted in lieu of a filing fee must include a minimum of the lesser of 500 signatures or two percent of the total vote received in the county by all the candidates for governor in the most recent gubernatorial general election.<sup>131</sup> If the minimum number of signatures determined using the vote count in the most recent gubernatorial general election is less than 50, the number

<sup>118</sup> *Tex. Tax Code §6.035(a)(1)*

<sup>119</sup> *Tex. Tax Code §6.035(b)*

<sup>120</sup> *Tex. Tax Code §6.036(a)*

<sup>121</sup> *Tex. Tax Code §6.036(a)*

<sup>122</sup> *Tex. Tax Code §6.036(b)*

<sup>123</sup> *Tex. Tax Code §6.036(c)*

<sup>124</sup> *Tex. Tax Code §6.036(d)*

<sup>125</sup> *Tex. Tax Code §6.0301(c)*

<sup>126</sup> *Tex. Tax Code §6.032(a) and Tex. Elec. Code §252.005*

<sup>127</sup> *Tex. Tax Code §6.032(b)*

<sup>128</sup> *Tex. Tax Code §6.032(b)*

<sup>129</sup> *Tex. Tax Code §6.032(e)*

<sup>130</sup> *Tex. Tax Code §6.032(c)(1) and (2)*

<sup>131</sup> *Tex. Tax Code §6.032(d)(1) and (2)*

of signatures required is the lesser of 50 or 20 percent of that total vote.<sup>132</sup>

Elected directors serve staggered four-year terms.<sup>133</sup> Each term begins on Jan. 1 of an odd-numbered year.<sup>134</sup>

The first election for appraisal district directors was the uniform election date in May 2024. The directors elected at that time assumed office on July 1, 2024, and will serve a term that expires on Dec. 31, 2026. Following the initial election, directors will be elected beginning with the general election conducted in November 2026. Directors elected at that time take office on Jan. 1, 2027.<sup>135</sup>

At the first meeting of the board of directors following the November 2026 general election, the elected directors will draw lots to determine which director will serve a two-year term and which two directors will serve a four-year term. After the November 2028 general election, all elected directors will serve four-year terms.<sup>136</sup>

## APPOINTMENT BY TAXING UNITS AND TERMS

The taxing units participating in the appraisal district appoint five members to the board of directors; the appointment process is not governed by the Texas Election Code.<sup>137</sup>

Taxing units — counties, cities/towns, school districts, junior colleges and certain conservation and reclamation districts — select five appointed directors in the fall of each odd-numbered year.<sup>138</sup> Conservation and reclamation districts may participate in this process if at least one conservation and reclamation district in the appraisal district delivers to the chief appraiser a written

request to nominate and vote on the board of directors by June 1 of each odd-numbered year.<sup>139</sup> On request, the chief appraiser must certify all eligible conservation and reclamation districts that are imposing taxes and that participate in the appraisal district by June 15.<sup>140</sup>

The voting entitlement of a taxing unit is determined by a calculation that takes into account a taxing unit's share of the total dollar amount of property taxes imposed in the appraisal district.<sup>141</sup> The chief appraiser makes this calculation for each taxing unit (other than conservation and reclamation districts) and delivers written notice before Oct. 1 of each odd-numbered year of the number of votes to which each taxing unit is entitled.<sup>142</sup> Each taxing unit (other than a conservation and reclamation district) that is entitled to vote may submit to the chief appraiser one nominee for each position to be filled before Oct. 15.<sup>143</sup>

The chief appraiser also must calculate the number of votes that an eligible conservation and reclamation district is entitled to and must deliver before July 1 of each odd-numbered year, a written notice to the district of its voting entitlement and right to nominate one candidate for director.<sup>144</sup> All eligible conservation and reclamation districts must submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year.<sup>145</sup> Before Aug. 1, the chief appraiser must prepare a nominating ballot listing all the nominees of conservation and reclamation districts and deliver a ballot to the presiding officer of the board of directors of each district.<sup>146</sup> The board of directors of each district must submit its vote for the nominee of conservation and reclamation districts before Aug. 15.<sup>147</sup> The winning nominee of the conservation and reclamation districts in

<sup>132</sup> *Tex. Tax Code §6.032(d)(2)*

<sup>133</sup> *Tex. Tax Code §6.0301(e)*

<sup>134</sup> *Tex. Tax Code §6.0301(e)*

<sup>135</sup> *Acts 2023, 88th Leg., 2nd C.S., ch. 1 (S.B. 2), Sec. 5.13, effective October 12, 2023*

<sup>136</sup> *Acts 2023, 88th Leg., 2nd C.S., ch. 1 (S.B. 2), Sec. 5.13, effective October 12, 2023*

<sup>137</sup> *Tex. Att'y Gen. Op. JM-166 (1984)*

<sup>138</sup> *Tex. Tax Code §§6.03 and 6.0301(c)*

<sup>139</sup> *Tex. Tax Code §6.03(c)*

<sup>140</sup> *Tex. Tax Code §6.03(c)*

<sup>141</sup> *Tex. Tax Code §6.03(d)*

<sup>142</sup> *Tex. Tax Code §6.03(e)*

<sup>143</sup> *Tex. Tax Code §6.03(g)*

<sup>144</sup> *Tex. Tax Code §6.03(f) and (h)*

<sup>145</sup> *Tex. Tax Code §6.03(h)*

<sup>146</sup> *Tex. Tax Code §6.03(h)*

<sup>147</sup> *Tex. Tax Code §6.03(h)*

the appraisal district becomes a nominee for appraisal district director.<sup>148</sup>

The chief appraiser must prepare a ballot before Oct. 30 with candidates whose names were timely submitted, including the nominee of conservation and reclamation districts, if applicable.<sup>149</sup> Each taxing unit entitled to vote must determine its vote by resolution and submit it to the chief appraiser before Dec. 15.<sup>150</sup> In counties with a population of 120,000 or more, a taxing unit entitled to cast at least five percent of the total votes is required to determine its vote by resolution adopted at the first or second meeting held after the chief appraiser delivers the ballot. The taxing unit must submit its vote not later than the third day following the date the resolution is adopted.<sup>151</sup>

The five candidates who receive the largest cumulative vote totals become the board of directors.<sup>152</sup> The chief appraiser announces the new directors before Dec. 31.<sup>153</sup> Ties must be resolved by the chief appraiser by any method of chance.<sup>154</sup>

Throughout the selection process, the Tax Code specifies dates for action by the chief appraiser and the taxing units. The dates provided in Tax Code Section 6.03(f) and (g) are directory and not mandatory.<sup>155</sup> However, the advice of legal counsel should be obtained in such situations.

Appointed directors serve staggered four-year terms.<sup>156</sup> Each term begins on Jan. 1 of an even-numbered year.<sup>157</sup>

<sup>148</sup> *Tex. Tax Code §6.03(h)*

<sup>149</sup> *Tex. Tax Code §6.03(j)*

<sup>150</sup> *Tex. Tax Code §6.03(k)*

<sup>151</sup> *Tex. Tax Code §6.03(k-1)*

<sup>152</sup> *Tex. Tax Code §6.03(k)*

<sup>153</sup> *Tex. Tax Code §6.03(k)*

<sup>154</sup> *Tex. Tax Code §6.03(k)*

<sup>155</sup> *Tex. Att'y Gen. Op. JM-166 (1984)*

<sup>156</sup> *Tex. Tax Code §6.0301(e)*

<sup>157</sup> *Tex. Tax Code §6.0301(e)*

## RECALLING AN APPOINTED DIRECTOR

A taxing unit may ask for the recall of an appointed director the taxing unit voted for in the appointment process.<sup>158</sup> A recall starts when a taxing unit files a resolution with the chief appraiser stating that the taxing unit is calling for the recall of a named member.<sup>159</sup> Within 10 days after a taxing unit files a recall resolution, the chief appraiser must give written notice of the resolution's filing to the presiding officer of each voting taxing unit.<sup>160</sup>

Only the taxing units that voted to appoint the member may vote.<sup>161</sup> A recall-voting taxing unit has the same number of votes in the recall that it cast in appointing the board member.<sup>162</sup> A taxing unit votes by submitting a resolution to the chief appraiser on or before the 30th day after the recall resolution's filing.<sup>163</sup>

Not later than the 10th day after the last day for voting in favor of the recall, the chief appraiser must count the votes cast.<sup>164</sup> A director is recalled if the number of votes cast in favor of recall equals or exceeds a majority of the votes cast appointing the board member.<sup>165</sup> The chief appraiser must immediately notify in writing the presiding officer of the board of directors and the governing body of each recall-voting taxing unit of the results.<sup>166</sup> If the chair is the subject of the recall, the board secretary must also be notified.<sup>167</sup>

After a recall, the director's vacancy is filled by the recall-voting taxing units appointing a new board member.<sup>168</sup> Each recall-voting taxing unit may nominate by resolution one candidate and is entitled to the same number of votes it originally cast to appoint the recalled member.<sup>169</sup>

<sup>158</sup> *Tex. Tax Code §6.033(a)*

<sup>159</sup> *Tex. Tax Code §6.033(a)*

<sup>160</sup> *Tex. Tax Code §6.033(a)*

<sup>161</sup> *Tex. Tax Code §6.033(b)*

<sup>162</sup> *Tex. Tax Code §6.033(b)*

<sup>163</sup> *Tex. Tax Code §6.033(b)*

<sup>164</sup> *Tex. Tax Code §6.033(c)*

<sup>165</sup> *Tex. Tax Code §6.033(c)*

<sup>166</sup> *Tex. Tax Code §6.033(c)*

<sup>167</sup> *Tex. Tax Code §6.033(c)*

<sup>168</sup> *Tex. Tax Code §6.033(d)*

<sup>169</sup> *Tex. Tax Code §6.033(d)*

On or before the 15th day after the last day nominations must be submitted, the chief appraiser must prepare a ballot and deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote to fill the vacancy.<sup>170</sup> A taxing unit determines its vote by resolution and submits it to the chief appraiser.<sup>171</sup> The chief appraiser counts the votes on or before the 15th day after the last day on which a taxing unit may vote, declares the winner who received the largest vote total and notifies the chair of the board of directors, each taxing unit and the candidates.<sup>172</sup> The chief appraiser must resolve a tie vote by any method of chance.<sup>173</sup>

If the board of directors is appointed by another method or procedure adopted under Tax Code Section 6.031, the taxing units that voted for or participated in the appointment of the director may recall him or her and appoint a new director by any method adopted by resolution of a majority of recall-voting taxing units.<sup>174</sup> If the appointment was by election, the method of recall and appointing a new director to the vacancy is not valid unless it provides that each taxing unit is entitled to the same number of votes it cast for the member being recalled.<sup>175</sup>

## VACANCY

If a vacancy occurs in an elective position, the board of directors must appoint a person to fill the vacancy by a majority vote of its members. A person appointed to fill the vacancy of an elective position must meet the qualifications required of a director elected at the general election.<sup>176</sup>

<sup>170</sup> *Tex. Tax Code §6.033(d)*

<sup>171</sup> *Tex. Tax Code §6.033(d)*

<sup>172</sup> *Tex. Tax Code §6.033(d)*

<sup>173</sup> *Tex. Tax Code §6.033(d)*

<sup>174</sup> *Tex. Tax Code §6.033(e)*

<sup>175</sup> *Tex. Tax Code §6.033(e)*

<sup>176</sup> *Tex. Tax Code §6.0301(g)*

If a vacancy occurs in an appointive position, each voting taxing unit nominates by resolution a candidate to fill the vacancy.<sup>177</sup> Within 45 days after receiving notice from the board of directors that a vacancy exists, a taxing unit must submit the nomination to the chief appraiser.<sup>178</sup> The chief appraiser delivers a list of the nominees to the directors within the next five days.<sup>179</sup> Directors select by majority vote one of the nominees to fill the vacancy.<sup>180</sup>

## TRAINING REQUIREMENTS

Boards of directors in populous counties whose terms begin on or after Jan. 1, 2026, must complete a mandatory training program by the anniversary of the date the board member takes office. The training program must provide information regarding:

- chief appraiser, board of director, ARB and TLO roles and functions;
- the Comptroller's role and functions regarding the property tax system;
- the importance of maintaining an appraisal office's independence from political pressure;
- the importance of prompt, courteous and fair treatment of the public;
- appraisal district finance and budgeting requirements, including appropriate controls to ensure that expenditures are proper;
- appraisal district procurement and contracting requirements, including appropriate controls to ensure there are no conflicts of interest;
- Government Code Chapter 551 Open Meetings requirements;

<sup>177</sup> *Tex. Tax Code §6.0301(f)*

<sup>178</sup> *Tex. Tax Code §6.0301(f)*

<sup>179</sup> *Tex. Tax Code §6.0301(f)*

<sup>180</sup> *Tex. Tax Code §6.0301(f)*

- Government Code Chapter 552 Public Information requirements;
- Government Code Chapter 2001 Administrative Procedure requirements;
- other laws relating to public officials, including conflict-of-interest laws;
- the Uniform Standards of Professional Appraisal Practice ethics standards; and
- the professions regulated under Occupations Code Chapter 1151.

An appraisal district that has contracted to perform duties relating to tax assessment or collection must also complete at least eight hours of instruction on laws relating to those functions.

The training must be provided by an accredited institution of higher education and may be part of or associated with an accredited institution. The institution must provide a certificate of completion to each board member who has completed the training.

Board members must file certificates of completion with the appraisal district. The appraisal district must provide all filed training certificates to the Comptroller as part of each Methods and Assistance Program (MAP) review conducted under Tax Code Section 5.102.

Board members may be subject to removal for failure to timely complete the required training.<sup>181</sup>

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<sup>181</sup> *Tex. Tax Code §5.044*

# Governance, Board Duties, Authority and Policies

A board of directors has required duties and authority under the Tax Code. Other additional duties and authority are provided for in other law. Consult an attorney regarding all legal duties and authority.

## ACKNOWLEDGEMENT OF DUTIES

An individual may not be appointed to or file an application for a place on the ballot for an elective position on the board of directors unless the individual has signed a statement in the following form and submitted it to the chief appraiser.

### ACKNOWLEDGEMENT OF DUTIES OF MEMBER OF APPRAISAL DISTRICT BOARD OF DIRECTORS

I hereby acknowledge that I have read and understand the duties of a member of the board of directors of an appraisal district. I understand that the statutory responsibilities include;

1. establishing the appraisal district office;
2. hiring a chief appraiser;
3. adopting the appraisal district's annual operating budget after filing notice and holding a public hearing;
4. adopting a new budget if voting taxing units disapprove of the initial budget;
5. determining whether to remove members of the appraisal review board if the board of directors of the appraisal district is the appointing authority and potential grounds for removal arise;
6. notifying voting taxing units of any vacancy in an appointive position on the board and electing a replacement from submitted nominees;
7. appointing a person to fill a vacancy in an elective position on the board;
8. electing a chairman and a secretary of the board at the first meeting each year;
9. holding board meetings at least quarterly;
10. developing and implementing policies regarding reasonable access to the board;
11. preparing information describing the board's functions and complaint procedures and making that information available to the public and to participating taxing units;
12. notifying parties to a complaint filed with the board of the status of the complaint unless otherwise provided;
13. in populous counties, appointing a taxpayer liaison officer and deputy taxpayer liaison officers;
14. annually evaluating the performance of the taxpayer liaison officer and any deputy taxpayer liaison officers, including reviewing the timeliness of complaint resolution;
15. referring matters investigated by a taxpayer liaison officer relating to the appraisal review board's conduct to the local administrative district judge with a recommendation;

16. developing a biennial written plan for the periodic reappraisal of all property in the appraisal district, filing notice and holding a public hearing on the plan, approving the plan, and distributing copies of the plan to participating taxing units and the comptroller;
17. making agreements with newly formed taxing units on an estimated budget allocation for that taxing unit;
18. having an annual financial audit prepared by an independent certified public accountant, delivering a copy of the audit to each voting taxing unit, and making the audit available for inspection at the appraisal district office;
19. designating the appraisal district depository biennially;
20. receiving resolutions from voting taxing units disapproving of board actions;
21. adhering to Local Government Code requirements for purchasing and entering into contracts;
22. providing advice and consent to the chief appraiser concerning the appointment of an agricultural appraisal advisory board and determining the number of members of that advisory board;
23. adhering to laws concerning the preservation, microfilming, destruction or other disposition of records; and
24. adopting and implementing a policy for the temporary replacement of a member of an appraisal review board who violates ex parte communication requirements.

Furthermore, I recognize that the board does not appraise property or review the value of individual properties. I acknowledge that tax rates and tax burdens are determined by applicable taxing jurisdictions, not the appraisal district board of directors.<sup>182</sup>

<sup>182</sup> *Tex. Tax Code §6.0302*

## OATH OF OFFICE

The Texas Constitution requires all elected and appointed officers to sign an anti-bribery statement and take an oath of office before beginning the duties of the office.<sup>183</sup>

The constitutionally prescribed anti-bribery statement is located on the secretary of state's website as Form 2201 at [sos.state.tx.us/statdoc/forms/2201.pdf](https://sos.state.tx.us/statdoc/forms/2201.pdf). A director signs this statement before the oath of office is administered.<sup>184</sup> Directors should retain the statement in the appraisal district's official records.<sup>185</sup>

The official oath of office is found on the secretary of state's website as Form 2204 at [sos.state.tx.us/statdoc/forms/2204.pdf](https://sos.state.tx.us/statdoc/forms/2204.pdf).

<sup>183</sup> *Tex. Const. art. XVI §1(a) and (b)*

<sup>184</sup> *Tex. Const. art. XVI §1*

<sup>185</sup> *Tex. Const. art. XVI §1(c)*

## CONFLICTS OF INTEREST

Board members are subject to conflict of interest provisions in law, including Tax Code Section 6.036 which excludes certain individuals from serving on the board of directors. Local Government Code Chapter 171 applies to all local officials, including appraisal district boards of directors. Local Government Code Chapter 176 applies to officers of political subdivisions of the state.<sup>186</sup>

For more information, see the Texas Ethics Commission's conflict of interest forms at [ethics.state.tx.us/forms/conflict/](https://ethics.state.tx.us/forms/conflict/).

<sup>186</sup> *Tex. Local Gov't Code §§171.001(1) and 176.001(3) and (4)*

## EX PARTE COMMUNICATIONS

A board member commits a Class C misdemeanor offense if the member directly or indirectly communicates with the chief appraiser on any matter relating to property appraisal by the appraisal district.<sup>187</sup> However, this type of communication is allowed in:

- an open meeting of the appraisal district board of directors or another public forum; or
- a closed meeting of the board of directors held to consult with its attorney about pending litigation, at which the chief appraiser's presence is necessary for full communication between the board and its attorney.<sup>188</sup>

These ex parte communication provisions do not apply to a routine communication between the chief appraiser and the county TAC relating to appraisal roll administration, including a communication made in connection with the certification, correction or collection of an account.<sup>189</sup> This exception applies regardless of whether the county TAC was appointed to the board of directors or serves as a nonvoting director.<sup>190</sup>

These ex parte communication provisions do not prohibit an appraisal district board member from transmitting in writing to a chief appraiser, without comment, a complaint by a property owner or taxing unit about a specific property's appraisal.<sup>191</sup>

A board member, officer or employee of a taxing unit commits a Class A misdemeanor offense if they directly or indirectly communicate with the chief appraiser or another appraisal district employee for the purpose of influencing an appraised property value, unless they own or lease the property themselves.<sup>192</sup>

<sup>187</sup> *Tex. Tax Code §6.15(a) and (d)*

<sup>188</sup> *Tex. Tax Code §6.15(a)*

<sup>189</sup> *Tex. Tax Code §6.15(c)*

<sup>190</sup> *Tex. Tax Code §6.15(c)*

<sup>191</sup> *Tex. Tax Code §6.15(c)*

<sup>192</sup> *Tex. Tax Code §6.155*

## PRIMARY DUTIES

The following is a nonexclusive list of the board of directors' primary responsibilities under the Tax Code:

- Establish the appraisal district office;<sup>193</sup>
- Hire a chief appraiser;<sup>194</sup>
- Adopt the appraisal district's annual operating budget before Sept. 15 after fulfilling notice requirements and holding a public hearing;<sup>195</sup>
- Adopt a new budget within 30 days after a budget is disapproved by voting taxing units;<sup>196</sup>
- Determine whether to remove ARB members appointed by the board after learning of a potential ground for removal;<sup>197</sup>
- Notify taxing units of any board vacancy and elect by majority vote of members one of the submitted nominees;<sup>198</sup>
- Elect from members a chair and secretary at the first meeting of the calendar year;<sup>199</sup>
- Have board meetings at least once each calendar quarter;<sup>200</sup>
- Develop and implement policies regarding reasonable access to the board;<sup>201</sup>
- Prepare information describing the board's functions and complaint procedures; the information must be made available to the public and the appropriate taxing units;<sup>202</sup>
- Notify parties to a complaint filed with the board of the status of the complaint unless otherwise provided;<sup>203</sup>
- Appoint a TLO and one or more deputy TLOs in counties having a population of over 120,000;<sup>204</sup>

<sup>193</sup> *Tex. Tax Code §6.05(a)*

<sup>194</sup> *Tex. Tax Code §6.05(c)*

<sup>195</sup> *Tex. Tax Code §6.06(b)*

<sup>196</sup> *Tex. Tax Code §6.06(b)*

<sup>197</sup> *Tex. Tax Code §6.41(f)*

<sup>198</sup> *Tex. Tax Code §6.03(l)*

<sup>199</sup> *Tex. Tax Code §6.04(a)*

<sup>200</sup> *Tex. Tax Code §6.04(b)*

<sup>201</sup> *Tex. Tax Code §6.04(d) and (e)*

<sup>202</sup> *Tex. Tax Code §6.04(f)*

<sup>203</sup> *Tex. Tax Code §6.04(g)*

<sup>204</sup> *Tex. Tax Code §6.052(a)*

- Annually evaluate the performance of the TLO and each deputy TLO, if applicable, including a review of the timeliness of complaint resolution;<sup>205</sup>
- Refer matters relating to the ARB's conduct investigated by the TLO to the local administrative district judge with a recommendation;<sup>206</sup>
- Biennially develop a written plan for the periodic reappraisal of all property in the appraisal district's boundaries, hold a public hearing with the required notice, approve a plan by Sept. 15 of each even-numbered year and distribute copies to participating taxing units and to the Comptroller's office as required;<sup>207</sup>
- Make an agreement with newly formed taxing unit's governing body on an estimated budget allocation for the new taxing unit;<sup>208</sup>
- Have prepared an annual financial audit conducted by an independent certified public accountant and deliver a copy of the audit to each voting taxing unit and make available for inspection at the appraisal district office;<sup>209</sup>
- Designate the appraisal district depository at least once every two years;<sup>210</sup>
- Receive taxing units' resolutions disapproving board actions;<sup>211</sup>
- Adhere to requirements regarding purchasing and contracting under Local Government Code Chapter 252;<sup>212</sup>
- Provide advice and consent to the chief appraiser concerning the appointment of an agricultural appraisal advisory board and determine the number of members on that advisory board;<sup>213</sup>
- Adhere to laws concerning the preservation, microfilming, destruction or other disposition of records; and<sup>214</sup>
- Adopt and implement a policy for the temporary replacement of an ARB member who violates ex parte communication requirements.<sup>215</sup>

<sup>205</sup> *Tex. Tax Code §6.052*

<sup>206</sup> *Tex. Tax Code §41.66(g)*

<sup>207</sup> *Tex. Tax Code §6.05(i)*

<sup>208</sup> *Tex. Tax Code §6.06(h)*

<sup>209</sup> *Tex. Tax Code §6.063(a) and (b)*

<sup>210</sup> *Tex. Tax Code §6.09*

<sup>211</sup> *Tex. Tax Code §6.10*

<sup>212</sup> *Tex. Tax Code §6.11*

<sup>213</sup> *Tex. Tax Code §6.12(a)*

<sup>214</sup> *Tex. Tax Code §6.13*

<sup>215</sup> *Tex. Tax Code §41.66(g)*

## STATUTORY AUTHORITY

Tax Code Chapter 6 contains much of the statutory authority for boards of directors. The following is a non-exclusive list of boards' authority:

- Provide for the operation of a consolidated appraisal district by interlocal contract between two or more adjoining appraisal districts;<sup>216</sup>
- Change the number of directors or method of selecting directors, or both, unless any of the voting taxing units oppose the change;<sup>217</sup>
- Have board meetings at any time at the call of the chair or as provided by board rule;<sup>218</sup>
- Contract with another appraisal district or with a taxing unit in the appraisal district to perform the duties of the appraisal district office;<sup>219</sup>
- Prescribe, by resolution, specified actions of the chief appraiser relating to appraisal district finances or administration that are subject to board approval;<sup>220</sup>
- Employ a general counsel to the appraisal district to serve at the will of the board;<sup>221</sup>
- Purchase or lease real property and construct improvements necessary to establish and operate an appraisal district office or branch office;<sup>222</sup>
- Convey real property owned by the appraisal district;<sup>223</sup>
- Amend the approved operating budget after giving notice to participating taxing units not later than the 30th day before the date the board acts on the proposed amendment;<sup>224</sup>
- Authorize the chief appraiser to disburse appraisal district funds;<sup>225</sup>

<sup>216</sup> *Tex. Tax Code §6.02*

<sup>217</sup> *Tex. Tax Code §6.031(a)*

<sup>218</sup> *Tex. Tax Code §6.04(b)*

<sup>219</sup> *Tex. Tax Code §6.05(b)*

<sup>220</sup> *Tex. Tax Code §6.05(h)*

<sup>221</sup> *Tex. Tax Code §6.05(j)*

<sup>222</sup> *Tex. Tax Code §6.051(a)*

<sup>223</sup> *Tex. Tax Code §6.051(c)*

<sup>224</sup> *Tex. Tax Code §6.06(c)*

<sup>225</sup> *Tex. Tax Code §6.06(f)*

- Change the appraisal district's method of financing unless any participating taxing unit opposes the change;<sup>226</sup>
- Contract with the governing body of a taxing unit or county to assess and collect taxes through the Interlocal Cooperation Act;<sup>227</sup>
- Change the number of ARB members; and<sup>228</sup>
- Appoint auxiliary ARB members and select the number of auxiliary members by resolution, except in certain counties.<sup>229</sup>

The Tax Code also provides certain statutory authority to the board of directors outside of Chapter 6, including authorizing a board of directors to approve the chief appraiser to contract with private appraisal firms to perform appraisal services under Tax Code Section 25.01(b). On the board of directors' written approval, a chief appraiser is entitled to appeal certain ARB orders to district court as provided by Tax Code Section 42.02.

## POLICY APPROVAL AND AUTHORITY

The board does not appraise property or review values on individual properties. The law assigns these tasks to the chief appraiser and the ARB, respectively. The board of directors does have the authority to give written approval for a chief appraiser to appeal certain ARB orders in court.<sup>230</sup>

The board has authority over appraisal policy through the following duties and authority:

- duty to develop biennially a written plan for periodic reappraisal;<sup>231</sup>

- duty to adopt an operating budget to reflect the board's decisions on handling appraisals;<sup>232</sup>
- authority to contract with another appraisal district or with a taxing unit in the appraisal district to perform the duties of the appraisal district's office; and<sup>233</sup>
- authority to approve the chief appraiser to contract with private appraisal firms to perform appraisal services.<sup>234</sup>

## MEETINGS

At the board of directors' first meeting each calendar year, the board must elect from its members a chair and a secretary.<sup>235</sup> A nonvoting TAC may serve as chair or secretary.<sup>236</sup> A majority of the appraisal district board of directors constitutes a quorum.<sup>237</sup> A TAC who is a nonvoting member is counted in determining the presence of a quorum.<sup>238</sup>

The board may meet at any time at the call of the chair or as provided by board rule.<sup>239</sup> However, the board must meet at least once each calendar quarter.<sup>240</sup>

The board must provide reasonable time at meetings for public comment on appraisal district and ARB policies and procedures and allow a reasonable amount of time for a TLO's report, if applicable.<sup>241</sup>

## WRITTEN POLICIES

Through its policies, the board determines the appraisal district's goals and operates as the decision-making body of the appraisal district. While the Tax Code requires

<sup>226</sup> *Tex. Tax Code §6.061(a)*

<sup>227</sup> *Tex. Tax Code §6.24(a) and (b)*

<sup>228</sup> *Tex. Tax Code §6.41(b-1)*

<sup>229</sup> *Tex. Tax Code §6.414*

<sup>230</sup> *Tex. Tax Code §42.02(a) and (c)*

<sup>231</sup> *Tex. Tax Code §6.05(f)*

<sup>232</sup> *Tex. Tax Code §6.06(b)*

<sup>233</sup> *Tex. Tax Code §6.05(b)*

<sup>234</sup> *Tex. Tax Code §25.01(b)*

<sup>235</sup> *Tex. Tax Code §6.04(a)*

<sup>236</sup> *Tex. Att'y Gen. Op. JC-0580 (2002)*

<sup>237</sup> *Tex. Tax Code §6.04(a)*

<sup>238</sup> *Tex. Att'y Gen. Op. JC-0580 (2002)*

<sup>239</sup> *Tex. Tax Code §6.04(b)*

<sup>240</sup> *Tex. Tax Code §6.04(b)*

<sup>241</sup> *Tex. Tax Code §6.04(d)*

boards of directors to develop written policies on certain issues, a written policy covering all operational aspects of appraisal district operations should be considered.

Written procedures and policies are good management tools. A policy manual allows the board to make important decisions carefully and in advance, rather than in response to crisis situations. They permit the appraisal district's operations to continue uninterrupted if key employees leave. A policy manual also helps educate the public and others about appraisal district operations.

Examples of policies of boards of directors can be found at [comptroller.texas.gov/taxes/property-tax/board-policies](https://comptroller.texas.gov/taxes/property-tax/board-policies).

## REQUIRED POLICIES

State law requires the board to have written policies on specific issues. The board must:

- develop and implement policies that provide the public with reasonable opportunity to appear before the board to speak on any issue under the board's jurisdiction;<sup>242</sup>
- prepare and maintain a written plan that describes how a non-English speaking person or a person who has a physical, mental or developmental disability may be provided reasonable access to the board; and<sup>243</sup>
- prepare information of public interest describing the board's functions and procedures to file complaints and how complaints are resolved by the board.<sup>244</sup>

The board must biennially develop a written reappraisal plan for the periodic reappraisal of all property in the appraisal district's boundaries by Sept. 15 of each even-numbered year.<sup>245</sup> The plan must comply with Tax Code Section 25.18.<sup>246</sup> The biennial reappraisal plan may not

include a standard or timeline that prevents the chief appraiser from appraising property as necessary to comply with Tax Code Section 23.01(a), which requires all taxable property to be appraised at its market value as of Jan. 1 each year.<sup>247</sup> Certain activities must be conducted in the reappraisal of all real and personal property located in the appraisal district at least once every three years.<sup>248</sup> In summary, those activities are the following:

- identifying properties by physical inspection or other reliable means of identification (such as deeds or other legal documentation, aerial or land-based photographs, surveys, maps and sketches);
- identifying and updating property characteristics;
- defining market areas;
- identifying property characteristics affecting value in market areas (such as property location and market area, physical attributes, legal and economic attributes and legal restrictions);
- developing an appraisal model that reflects the relationship among property characteristics affecting value in each market area and determines the contribution of individual property characteristics;
- applying the conclusions from the model to the characteristics of individual properties; and
- reviewing the appraisal results to determine value.<sup>249</sup>

Tax Code Section 23.01(b) provides that if an appraisal district determines a property's appraised value using mass appraisal standards, those standards must comply with the Uniform Standards of Professional Appraisal Practice.

The board of directors must hold a public hearing to consider the proposed plan and provide written notice to each participating taxing unit of the hearing not later than

<sup>242</sup> *Tex. Tax Code §6.04(d)*

<sup>243</sup> *Tex. Tax Code §6.04(e)*

<sup>244</sup> *Tex. Tax Code §6.04(f)*

<sup>245</sup> *Tex. Tax Code §6.05(i)*

<sup>246</sup> *Tex. Tax Code §6.05(i)*

<sup>247</sup> *Tex. Tax Code §25.18*

<sup>248</sup> *Tex. Tax Code §25.18(b)*

<sup>249</sup> *Tex. Tax Code §25.18(b)*

the 10th day before the hearing.<sup>250</sup> After holding the public hearing and approving a plan by Sept. 15 of each even-numbered year, the board of directors must distribute copies of the plan to the participating taxing units and to the Comptroller's office within 60 days of the approval date.<sup>251</sup>

The board of directors may include language in the reappraisal plan to give the chief appraiser discretion to make limited changes, especially as they relate to the work plan or schedule of appraisal activities, without the need for additional board approval or plan amendment. This limited authority would allow the chief appraiser to make timeline adjustments to meet staffing needs or to address other management issues.

In order to ensure timely compliance with the reappraisal plan, the board of directors should consider conducting an annual review of plan implementation. Attention to completion of tasks according to the appraisal work plan or schedule should be given, along with completion of reappraisal activities for all identified market areas.

If the plan requires revision because of staff reductions, changes in market areas, unexpected circumstances, or any other reason deemed appropriate by the board of directors, it may be amended by official action, without the board of directors conducting another public hearing. Copies of the amended reappraisal plan should be distributed to the participating taxing units and the Comptroller's office.

The board of directors also must adopt and implement a policy for the temporary replacement of an ARB member who has communicated with another person in violation of ex parte communication provisions.<sup>252</sup> An ARB member may not communicate with another person concerning the evidence, argument, facts, merits or any other matters related to an owner's protest, except during the protest hearing.<sup>253</sup> An ARB member also may not communicate with another person concerning a property that is the subject of the protest, except during a hearing on another protest or other proceeding before the board at which the property is compared to other property or used in a sample of properties.<sup>254</sup>

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<sup>250</sup> *Tex. Tax Code §6.05(i)*

<sup>251</sup> *Tex. Tax Code §6.05(i)*

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<sup>252</sup> *Tex. Tax Code §41.66(g)*

<sup>253</sup> *Tex. Tax Code §41.66(f)*

<sup>254</sup> *Tex. Tax Code §41.66(f)*

# Appointing the Chief Appraiser

The chief appraiser is the appraisal district's chief administrator.<sup>255</sup> The chief appraiser is generally appointed by and serves at the pleasure of the appraisal district board of directors;<sup>256</sup> however, the Comptroller's office may appoint a chief appraiser in certain circumstances. If a taxing unit performs the duties of the appraisal district pursuant to a contract, the assessor for the taxing unit is the chief appraiser.<sup>257</sup>

## QUALIFICATIONS

To be eligible to serve as a chief appraiser, a person must hold one of the following professional designations:

- Registered Professional Appraiser (RPA) from TDLR;
- MAI from the Appraisal Institute;
- Assessment Administration Specialist from the International Association of Assessing Officers (IAAO);
- Certified Assessment Evaluator from IAAO; or
- Residential Evaluation Specialist from IAAO.<sup>258</sup>

A chief appraiser with a professional designation other than an RPA, must become certified with TDLR as an RPA within five years of appointment as chief appraiser.<sup>259</sup>

A person may not serve as a chief appraiser unless the person has completed the chief appraiser training program prescribed by Occupations Code Section 1151.164.<sup>260</sup> This does not apply to a county TAC who serves as a chief

appraiser.<sup>261</sup> It applies only to a chief appraiser appointed on or after July 1, 2006.<sup>262</sup> A person may serve in a temporary, provisional or interim capacity as chief appraiser for up to one year without completing this training.<sup>263</sup>

Owing delinquent property taxes disqualifies a person from serving as chief appraiser.<sup>264</sup> A person is ineligible for employment as a chief appraiser if he or she owns property on which delinquent property taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency.<sup>265</sup> This disqualification does not apply if the person is paying the delinquent taxes and any penalties and interest under an installment payment agreement or has deferred or abated a suit to collect the delinquent taxes.<sup>266</sup>

A person is also disqualified from employment as the chief appraiser if the person is related within the second degree by consanguinity or affinity to a person who appraises property for compensation for use in proceedings under the Tax Code or to a person who represents property owners for compensation in such proceedings in the appraisal district.<sup>267</sup> A chief appraiser who remains employed knowing he or she is related to an appraiser or tax representative as prohibited commits a Class B misdemeanor offense.<sup>268</sup>

An individual may not be employed by an appraisal district if the individual is an officer or employee of a taxing unit that participates in the appraisal district or has served as an ARB member at any time during the preceding two years.<sup>269</sup>

<sup>255</sup> *Tex. Tax Code §6.05(c)*

<sup>256</sup> *Tex. Tax Code §6.05(c)*

<sup>257</sup> *Tex. Tax Code §6.05(c)*

<sup>258</sup> *Tex. Tax Code §6.05(c)*

<sup>259</sup> *Tex. Tax Code §6.05(c)*

<sup>260</sup> *Tex. Tax Code §5.042(a)*

<sup>261</sup> *Tex. Tax Code §5.042(c)*

<sup>262</sup> *Acts 2005, 79th Leg., R.S. Ch. 1111, Sec. 3*

<sup>263</sup> *Tex. Tax Code §5.042(b)*

<sup>264</sup> *Tex. Tax Code §6.035(a)*

<sup>265</sup> *Tex. Tax Code §6.035(a)*

<sup>266</sup> *Tex. Tax Code §6.035(a)*

<sup>267</sup> *Tex. Tax Code §6.035(a)*

<sup>268</sup> *Tex. Tax Code §6.035(b)*

<sup>269</sup> *Tex. Tax Code §6.054*

A chief appraiser who is not eligible to serve cannot perform any action required by law for chief appraisers, including the preparation, certification or submission of any part of the appraisal roll.<sup>270</sup> A chief appraiser must give written notice of eligibility to serve as chief appraiser to the Comptroller's office no later than Jan. 1 each year.<sup>271</sup> The Comptroller's office will appoint an eligible person to perform the duties of chief appraiser for an appraisal district whose chief appraiser is ineligible to serve.<sup>272</sup>

## DUTIES AND AUTHORITY

The appraisal district board of directors by resolution may prescribe that specified actions of the chief appraiser relating to the finances or administration of the appraisal district are subject to board approval.<sup>273</sup> The chief appraiser may employ and compensate professional, clerical and other personnel as provided by the appraisal district budget, with the exception of a general counsel to the appraisal district.<sup>274</sup> The chief appraiser may delegate authority to his or her employees.<sup>275</sup> The chief appraiser's primary duty is to discover, list, review and appraise all taxable property in the appraisal district using generally accepted appraisal techniques.

## COMPENSATION

The chief appraiser is entitled to compensation as provided by the budget adopted by the board of directors.<sup>276</sup> The chief appraiser's compensation may not be directly or indirectly linked to an increase in the total market, appraised or taxable value of property in the appraisal district.<sup>277</sup>

<sup>270</sup> *Tex. Tax Code §6.05(c)*

<sup>271</sup> *Tex. Tax Code §6.05(c)*

<sup>272</sup> *Tex. Tax Code §6.0501(a)*

<sup>273</sup> *Tex. Tax Code §6.05(h)*

<sup>274</sup> *Tex. Tax Code §6.05(d)*

<sup>275</sup> *Tex. Tax Code §6.05(e)*

<sup>276</sup> *Tex. Tax Code §6.05(d)*

<sup>277</sup> *Tex. Tax Code §6.05(d)*

## CONFLICTS OF INTEREST

The chief appraiser is an officer of the appraisal district for purposes of the nepotism law in Government Code Chapter 573.<sup>278</sup> An appraisal district may not employ or contract with an individual or the spouse of an individual who is related to the chief appraiser within the first degree by consanguinity or affinity, as determined under Government Code Chapter 573.<sup>279</sup>

An appraisal performed by a chief appraiser in a private capacity or by an individual related within the second degree by consanguinity or affinity (as determined under Government Code Chapter 573) to the chief appraiser may not be used as evidence in a protest or challenge under Tax Code Chapter 41 or an appeal under Tax Code Chapter 42 concerning property that is taxable in the appraisal district in which the chief appraiser is employed.<sup>280</sup>

A chief appraiser commits a Class B misdemeanor offense if the chief appraiser refers a person, whether gratuitously or for compensation, to another person for the purpose of obtaining a property appraisal, whether or not the appraisal is for ad valorem tax purposes.<sup>281</sup>

## EX PARTE COMMUNICATIONS

A chief appraiser commits a Class C misdemeanor offense if the chief appraiser directly or indirectly communicates with a member of the board of directors on any matter relating to property appraisal by the appraisal district.<sup>282</sup> This type of communication is allowed in:

- an open meeting of the board of directors or another public forum; or

<sup>278</sup> *Tex. Tax Code §6.05(g)*

<sup>279</sup> *Tex. Tax Code §6.05(g)*

<sup>280</sup> *Tex. Tax Code §6.035(d)*

<sup>281</sup> *Tex. Tax Code §6.035(c)*

<sup>282</sup> *Tex. Tax Code §6.15(b) and (d)*

- a closed meeting of the board of directors held to consult with the board's attorney about pending litigation, at which the chief appraiser's presence is necessary for full communication between the board and the board's attorney.<sup>283</sup>

These ex parte communication provisions do not include a routine communication between the chief appraiser and the county TAC relating to appraisal roll administration.<sup>284</sup> This applies regardless of whether the county TAC is a nonvoting member of the board of directors or was appointed.<sup>285</sup>

These ex parte communication provisions do not prohibit an appraisal district board member from transmitting in writing to a chief appraiser, without comment, a complaint by a property owner or taxing unit about a specific property's appraisal.<sup>286</sup>

## AGRICULTURAL APPRAISAL ADVISORY BOARD

With the advice and consent of the board of directors, the chief appraiser appoints an agricultural advisory board composed of three or more members as determined by the board.<sup>287</sup> Members must have been appraisal district residents for at least five years and be landowners of the appraisal district whose land qualifies for special appraisal of agricultural use, open-space agricultural land or timberland.<sup>288</sup>

## RESIDENTIAL PROPERTY OWNER ASSISTANCE

A chief appraiser may maintain a list of individuals who have designated themselves to provide free assistance to residential property owners.<sup>289</sup>

Upon owner request a chief appraiser must provide to the owner a copy of the list organized by county; make the list available on the appraisal district's internet website, if the appraisal district maintains a website; and provide the name, contact information, and job title of each individual who will provide free assistance.<sup>290</sup>

A person must designate himself or herself as an individual who will provide free assistance by completing a form prescribed by the chief appraiser and submitting it to the chief appraiser.<sup>291</sup>

If an appraisal district maintains an internet website, the chief appraiser must prominently post on the appraisal district's homepage:

- a public notice of the availability on the internet of property tax-related information;<sup>292</sup>
- the name, contact information and a description of the duties of the TLO;<sup>293</sup> and
- a publicly available and searchable internet database that contains ARB protest hearing information.<sup>294</sup>

<sup>283</sup> *Tex. Tax Code §6.15(b)*

<sup>284</sup> *Tex. Tax Code §6.15(c)*

<sup>285</sup> *Tex. Tax Code §6.15(c)*

<sup>286</sup> *Tex. Tax Code §6.15(c)*

<sup>287</sup> *Tex. Tax Code §6.12(a)*

<sup>288</sup> *Tex. Tax Code §6.12(b)*

<sup>289</sup> *Tex. Tax Code §6.16(a)*

<sup>290</sup> *Tex. Tax Code §6.16(c)*

<sup>291</sup> *Tex. Tax Code §6.16(d)*

<sup>292</sup> *Tex. Tax Code §26.04(e-2)*

<sup>293</sup> *Tex. Tax Code §6.052(h)*

<sup>294</sup> *Tex. Tax Code §41.13(a)*

The chief appraiser has authority and duties including, but not limited to, the following:

|   |   |   |               |
|---|---|---|---------------|
| <b>Appraisal</b>  | Appraise all taxable property at market value, except as otherwise provided by law  | Chapter 23  |               |
|   | Determine eligibility for special appraisal and establish both a market and special appraised value on qualified property   | Chapter 23  |               |
|   | Determine whether property qualified for agricultural or timber appraisal has undergone a change of use and send a change of use notice to the owner  | Chapter 23  |               |
|   | Determine exemption eligibility   | Section 11.45   |               |
|   | Create procedures for equitable and uniform inventory taxation  | Section 23.12(b)  |               |
|   | Administration of rendition laws  | Chapter 22  |               |
|   | Create appraisal records  | Section 25.01(a) and Comptroller Rule 9.3004  |               |
|   | Contract, with the approval of the board of directors, with private appraisal firms, if appropriate   | Section 25.01(b)  |               |
|   | Certify appraisal roll and other listings to each taxing unit participating in the appraisal district   | Section 26.01   |               |
|   | Send notices of appraised value   | Section 25.19   |               |
|   | Discover omitted property and adjust the appraisal roll   | Section 25.21   |               |
|   | Maintain a list of real estate brokers, sales agents, real estate appraisers or property tax consultants who have designated themselves as an individual who will provide free assistance to an owner for residential property that is occupied by the owner as their principal residence   | Sections 6.16(b) and 6.16(c)(1), (2) and (3)  |               |
|   | <b>ARB</b>  | Submit complete appraisal records of all property to the ARB                        | Section 25.22 |
|   |   | Present supplemental records and other items for ARB consideration                  | Section 25.23 |
| Correct records and make reappraisals as ordered by the ARB |   | Section 41.08   |               |
| <b>Administration</b>                                       | Prepare the appraisal district budget   | Section 6.06(a)   |               |
|   | Give notice of public hearing on the appraisal district budget  | Section 6.062   |               |
|   | Appoint agricultural advisory board, with the advice and consent of the board of directors  | Section 6.12(a)   |               |
|   | Certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the appraisal district on the chief appraiser's receipt of a request by a district to nominate and vote on the board of directors  | Section 6.03(c)   |               |
|   | Calculate the number of votes each taxing unit has in appointing the board of directors and provide notice as required  | Section 6.03(e) and (f)   |               |
|   | Create the ballot with the candidates for the board of directors, counting the votes, declaring the winners and resolving any ties  | Section 6.03(h), (i), (j), (k) and (l)  |               |
|   | Act as the appraisal district's public information officer  | Gov't Code Section 552.201  |               |
|   | Issue permits for going out of business sales and send notices of such sales to other entities  | Business and Commerce Code Sections 17.835 and 17.84                                |               |
|   | Serve as the appraisal district's chief administrator with responsibility to employ and compensate professional, clerical and other personnel as provided by the budget except for a general counsel to the appraisal district  | Section 6.05(c) and (d)   |               |
|   | Notify voting taxing units of any proposed property transactions  | Section 6.051(b)  |               |
|   | Proportionally credit excess amounts to the following fiscal year if payments by taxing units to the appraisal district budget exceed the amount spent or obligated to be spent during the fiscal year. If a taxing unit has paid its allocated amount but is not allocated part of the appraisal district budget for the following fiscal year, the chief appraiser must refund the proportionate share of the excess funds not later than the 150th day after the end of the fiscal year that payments were made.                 | Section 6.06(j)   |               |
|   | Determine whether a sufficient number of eligible taxing units have valid resolutions when a change in the appraisal district financing method has been proposed and notify each taxing unit of each adopted change   | Section 6.061(d)  |               |
|   | Publicize certain Tax Code provisions to residents, including, but not limited to, the availability of electronic communications; the availability of exemption applications; rendering requirements; special appraisal of agricultural land, open-space land, timberland and restricted-use timberland; the deferred tax collection on residence homesteads of the elderly, disabled or those qualified for the disabled veteran exemption; deferred tax collection on appreciating residence homesteads; and the right to protest | Sections 1.085, 11.44, 22.21, 23.43, 23.54, 23.75, 23.9804, 33.06, 33.065 and 41.41 |               |
|   | Produce requested materials in the form and manner prescribed by the Comptroller's office   | Section 5.16(b)   |               |
| <b>Other Duties</b>   | Duties required by contract   |   |               |
|   | Legal responsibilities or duties assigned by the board of directors   |   |               |

\*Tax Code citations, unless otherwise noted.

# Appraisal Review Board (ARB)

In this section: the applicable appointing authority is either the local administrative district judge for a county with a population less than 75,000 or the board of directors for a county with a population of 75,000 or more.<sup>295</sup>

The applicable appointing authority in each county appoints ARB members.<sup>296</sup> The board of directors may remove an ARB member appointed by the board under certain circumstances.<sup>297</sup>

The ARB is a board of citizens that hears taxpayer protests and taxing unit challenges, corrects clerical errors in the appraisal records and appraisal rolls, acts on motions to correct the appraisal roll, determines whether exemptions and special valuations were improperly granted and takes any other action or makes any other determination as authorized or required under the Tax Code.<sup>298</sup>

There is an ARB for each appraisal district although the board of directors may provide for the operation of a consolidated ARB by interlocal contract. Members of a consolidated ARB are appointed jointly by the applicable appointing authorities in the counties that are parties to the contract.<sup>299</sup> Although an appraisal district provides staff to the ARB for clerical assistance, the ARB maintains independence from the board of directors and appraisal district staff, including the chief appraiser.<sup>300</sup>

Appraisal districts are allowed to obtain criminal history records of applicant ARB members from the Texas Department of Public Safety and provide that information

to the local administrative district judge or ARB members appointed by that judge.<sup>301</sup>

## ELIGIBILITY

To be eligible to serve on the ARB, an individual must be an appraisal district resident and must have resided in the appraisal district for at least two years.<sup>302</sup> In counties with a population of more than 120,000, a person is ineligible to serve on the ARB if the person has done the following:

- served formerly as an appraisal district board member, officer or employee;
- served as a member of a governing body or an officer of a taxing unit until the fourth anniversary of the date the person ceases to be a member or officer;
- appeared before the ARB for compensation during the two-year period preceding the date of appointment; or
- served for all or part of three previous terms as an ARB member or auxiliary member.<sup>303</sup>

A person may not serve on an ARB if he or she owns property on which delinquent property taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency.<sup>304</sup> This restriction does not apply if the person is paying the delinquent taxes and any penalty and interest under an installment payment agreement or has deferred or abated a suit to collect delinquent taxes.<sup>305</sup>

<sup>295</sup> *Tex. Tax Code §6.41(d)*

<sup>296</sup> *Tex. Tax Code §6.41(d)*

<sup>297</sup> *Tex. Tax Code §6.41(f)*

<sup>298</sup> *Tex. Tax Code §41.01(a)*

<sup>299</sup> *Tex. Tax Code §6.41(a), (g) and (h)*

<sup>300</sup> *Tex. Tax Code §§5.041(e-1)(5), 6.41 and 6.43*

<sup>301</sup> *Tex. Gov't Code §411.1296*

<sup>302</sup> *Tex. Tax Code §6.41(c)*

<sup>303</sup> *Tex. Tax Code §6.412(d)*

<sup>304</sup> *Tex. Tax Code §6.412(a)(2)*

<sup>305</sup> *Tex. Tax Code §6.412(a)(2)*

## CONFLICT OF INTEREST

An individual is not eligible to serve on an ARB if the individual is related within the second degree by consanguinity or affinity to an individual who is engaged in the business of appraising property for compensation for use in proceedings under the Tax Code or to an individual who represents property owners for compensation in proceedings under the Tax Code in the appraisal district for which the ARB is established.<sup>306</sup> An ARB member commits a Class B misdemeanor offense if the ARB member continues to hold office knowing of a violation.<sup>307</sup>

A person is ineligible to serve on an ARB if the individual is related within the third degree of consanguinity or within the second degree of affinity to a member of the appraisal district board of directors or the ARB.<sup>308</sup> A person is also ineligible to serve on the ARB if the person is an appraisal district director, an appraisal district officer or employee, a Comptroller employee or a member of the governing body, officer or employee of a taxing unit.<sup>309</sup>

Additional information regarding conflicts of interest for ARB members, including Tax Code Section 41.69, may be found in the *Appraisal Review Board Training Manual* published by the Comptroller's office.

A person is not eligible to be appointed or to serve on an ARB if the individual contracts with the appraisal district or a taxing unit that participates in the appraisal district.<sup>310</sup> A person who has a substantial interest in a business that has either type of contract is also barred.<sup>311</sup> Substantial interest is defined as either of the following: combined ownership of the individual and the individual's spouse is at least 10 percent of the voting stock or shares of the

<sup>306</sup> *Tex. Tax Code §6.412(a)*

<sup>307</sup> *Tex. Tax Code §6.412(b)*

<sup>308</sup> *Tex. Tax Code §6.412(a)(3)(A) and (B)*

<sup>309</sup> *Tex. Tax Code §6.412(c)*

<sup>310</sup> *Tex. Tax Code §6.413(a)*

<sup>311</sup> *Tex. Tax Code §6.413(a)*

business, or the individual or the individual's spouse is a partner, limited partner or officer in the business entity.<sup>312</sup>

An appraisal district and a taxing unit participating in that appraisal district may not enter into a contract with a current ARB member established for that appraisal district or with a business entity in which an ARB member has a substantial interest.<sup>313</sup>

## NUMBER AND TERM OF OFFICE

The ARB consists of three members, but the board of directors by resolution may increase the size of the ARB to a number the board considers appropriate.<sup>314</sup> The board of directors for a district in a county with a population of 1.2 million or more by resolution of a majority of members must increase the size of the ARB to a number considered appropriate to manage the ARB duties, including to perform the duties of a special panel.<sup>315</sup>

ARB members serve two-year terms beginning Jan. 1.<sup>316</sup> The board of directors by resolution must provide for staggered terms so that the terms of approximately half the ARB members expire each year.<sup>317</sup> In making the initial or subsequent appointments, the applicable appointing authority must designate those members who serve one-year terms.<sup>318</sup>

## AUXILIARY AND TEMPORARY ARB MEMBERS

The board of directors by resolution of a majority of the members may provide for auxiliary ARB members to hear taxpayer protests before the ARB and to assist the ARB in its duties.<sup>319</sup> The applicable appointing authority may

<sup>312</sup> *Tex. Tax Code §6.413(d)*

<sup>313</sup> *Tex. Tax Code §6.413(b) and (c)*

<sup>314</sup> *Tex. Tax Code §6.41(b)*

<sup>315</sup> *Tex. Tax Code §6.41(b-2)*

<sup>316</sup> *Tex. Tax Code §6.41(e)*

<sup>317</sup> *Tex. Tax Code §6.41(e)*

<sup>318</sup> *Tex. Tax Code §6.41(e)*

<sup>319</sup> *Tex. Tax Code §6.414(a)*

appoint the number of auxiliary members considered appropriate.<sup>320</sup> An auxiliary member is appointed in the same manner and for the same term as an ARB member under Tax Code Section 6.41 and is subject to the same eligibility requirements and restrictions under Tax Code Sections 6.41, 6.411, 6.412 and 6.413.<sup>321</sup>

An auxiliary member may attend ARB meetings but may not vote in an ARB determination or serve as ARB chair or secretary.<sup>322</sup> An auxiliary member is not included in determining what constitutes a quorum of the board or whether a quorum is present at any ARB meeting.<sup>323</sup> An auxiliary member may hear taxpayer protests before the ARB.<sup>324</sup> If an auxiliary member sits on a panel to conduct a protest hearing, the number of non-auxiliary ARB members required to constitute the panel is reduced by the number of auxiliary board members.<sup>325</sup> An auxiliary member sitting on a panel is considered a regular board member for all purposes related to the conduct of the hearing.<sup>326</sup> An auxiliary member is entitled to make a recommendation to the ARB regarding a protest heard by the member but is not entitled to vote on the determination.<sup>327</sup>

An auxiliary member is entitled to compensation as provided by the appraisal district budget, but is not entitled to a per diem or reimbursement of expenses.<sup>328</sup>

The appraisal district board of directors must adopt and implement a policy for the temporary replacement of an ARB member.<sup>329</sup> A temporary ARB member replaces an ARB member who may not participate in a protest hearing because that ARB member communicated with another person(s) about a protest outside an ARB hearing in violation of Tax Code Section 41.66(f).<sup>330</sup>

<sup>320</sup> *Tex. Tax Code §§6.41(d) and 6.414(a) and (b)*

<sup>321</sup> *Tex. Tax Code §6.414(b)*

<sup>322</sup> *Tex. Tax Code §6.414(c)*

<sup>323</sup> *Tex. Tax Code §6.414(c)*

<sup>324</sup> *Tex. Tax Code §6.414(d)*

<sup>325</sup> *Tex. Tax Code §6.414(d)*

<sup>326</sup> *Tex. Tax Code §6.414(d)*

<sup>327</sup> *Tex. Tax Code §6.414(d)*

<sup>328</sup> *Tex. Tax Code §6.414(f)*

<sup>329</sup> *Tex. Tax Code §41.66(g)*

<sup>330</sup> *Tex. Tax Code §41.66(g)*

## TRAINING

The Comptroller's office must approve curricula, provide materials and supervise ARB member training.<sup>331</sup> ARB members are not allowed to participate in hearings until they complete the Comptroller's training course and a statement agreeing to comply with Tax Code requirements during hearings.<sup>332</sup> A new ARB member appointed after a course offering may continue to serve until the completion of a subsequent course offering.<sup>333</sup>

During the second year of an ARB member's term, the ARB member must complete the Comptroller's continuing education training course and complete a statement agreeing to comply with Tax Code requirements during hearings.<sup>334</sup> An ARB member who fails to timely complete the course is not eligible to participate in hearings, vote on determinations of protest or be reappointed to an additional term.<sup>335</sup>

ARB members must complete the Comptroller's continuing education training course and complete a statement agreeing to comply with Tax Code requirements in each year they serve.<sup>336</sup> The appraisal district board should provide for budgeting ARB training as part of the appraisal district's annual budget.<sup>337</sup>

The Comptroller's office may assess a fee, not to exceed \$50 per trainee, to recover a portion of the costs incurred for the training course.<sup>338</sup>

Except during a hearing or other ARB proceeding, a member of the appraisal district board of directors for which the ARB is established, along with other specified individuals, may not communicate with an ARB member

<sup>331</sup> *Tex. Tax Code §5.041*

<sup>332</sup> *Tex. Tax Code §5.041(b) and (b-1)*

<sup>333</sup> *Tex. Tax Code §5.041(e)*

<sup>334</sup> *Tex. Tax Code §5.041(e-2)*

<sup>335</sup> *Tex. Tax Code §5.041(e-2)*

<sup>336</sup> *Tex. Tax Code §5.041(e-2)*

<sup>337</sup> *Tex. Tax Code §§5.041(e-3) and 6.42(c)*

<sup>338</sup> *Tex. Tax Code §5.041(c) and (e-3)*

about these training courses or any matter presented or discussed during the courses.<sup>339</sup>

The Comptroller's office may not advise a chief appraiser, appraisal district employee, property owner or his or her agent on a matter known to be the subject of an ARB protest. The Comptroller's office may communicate with ARB members regarding:

- technical questions relating to ARB duties and appraisal issues;
- the model ARB procedures; and
- the ARB survey provided to taxpayers.

The Comptroller's office may also communicate with the ARB chair concerning complaints filed against the ARB.<sup>340</sup> The phone number maintained by the Comptroller's office for ARB members is 800-252-7551.<sup>341</sup>

## ORGANIZATION

The applicable appointing authority selects a chair and secretary from among the ARB members.<sup>342</sup> The applicable appointing authority is encouraged to select an ARB chair who has a background in law and property appraisal.<sup>343</sup> The ARB meets at any time at the chair's call or as provided for by ARB rule.<sup>344</sup> The ARB must meet to examine the appraisal records within 10 days after the date the chief appraiser submits the records.<sup>345</sup>

The ARB must adopt its procedures for hearings.<sup>346</sup> The ARB must hold a public hearing to consider the proposed procedures and adopt the procedures by resolution no later than May 15 each year.<sup>347</sup> The ARB must incorporate the Comptroller's model hearing procedures into its

adopted procedures and submit them to the Comptroller's office for review.<sup>348</sup>

ARB members are entitled to a per diem for each day the board meets as provided in the appraisal district budget.<sup>349</sup> ARB members are also entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties as provided in the appraisal district budget.<sup>350</sup> Auxiliary ARB members are entitled to compensation as provided by the appraisal district budget, but not per diem or reimbursement of expenses.<sup>351</sup>

## PERSONNEL

An appraisal district may provide clerical assistance to the ARB, including assisting the ARB with scheduling and arranging hearings.<sup>352</sup>

The ARB may employ legal counsel as provided by the appraisal district budget or use the services of the county attorney.<sup>353</sup> An attorney may not serve as ARB legal counsel if within the last year the attorney or a member of the attorney's law firm represented a property owner in the appraisal district, a participating taxing unit, or the appraisal district in certain matters.<sup>354</sup> The prohibition on representing a participating taxing unit or appraisal district does not apply to a county attorney or an assistant to the county attorney.<sup>355</sup> An appraisal district may specify in its budget whether the ARB may employ legal counsel or must use the county attorney's services.<sup>356</sup> An appraisal district may not require the ARB to employ a specific attorney.<sup>357</sup> If the budget authorizes an ARB attorney, the budget must provide for reasonable

<sup>339</sup> *Tex. Tax Code §5.041(g)*

<sup>340</sup> *Tex. Tax Code §5.041(a) and (f)*

<sup>341</sup> *Tex. Tax Code §5.041(a)(4)*

<sup>342</sup> *Tex. Tax Code §6.42(a)*

<sup>343</sup> *Tex. Tax Code §6.42(a)*

<sup>344</sup> *Tex. Tax Code §6.42(b)*

<sup>345</sup> *Tex. Tax Code §6.42(b)*

<sup>346</sup> *Tex. Tax Code §41.01(c)*

<sup>347</sup> *Tex. Tax Code §41.01(c)*

<sup>348</sup> *Tex. Tax Code §5.103(d) and (e)*

<sup>349</sup> *Tex. Tax Code §6.42(c)*

<sup>350</sup> *Tex. Tax Code §6.42(c)*

<sup>351</sup> *Tex. Tax Code §6.414(f)*

<sup>352</sup> *Tex. Tax Code §6.43(f)*

<sup>353</sup> *Tex. Tax Code §6.43(a)*

<sup>354</sup> *Tex. Tax Code §6.43(b)*

<sup>355</sup> *Tex. Tax Code §6.43(c)*

<sup>356</sup> *Tex. Tax Code §6.43(e)*

<sup>357</sup> *Tex. Tax Code §6.43(e)*

compensation.<sup>358</sup> ARB attorneys may not act as advocates in a hearing or proceeding conducted by the ARB; may provide advice to the ARB or ARB panel during a hearing or proceeding; and are required to make certain disclosures regarding relevant legal authority in the controlling jurisdiction known to the attorney and not disclosed by the parties and regarding a material fact that may assist the ARB or panel in making an informed decision regardless of whether the fact is adverse to the position of a party.<sup>359</sup>

An ARB may retain an appraiser certified by the Texas Appraiser Licensing and Certification Board to instruct ARB members on valuation methodology if the appraisal district provides for the instruction in the appraisal district budget.<sup>360</sup>

## EX PARTE COMMUNICATIONS WITH AN ARB MEMBER

An ARB member commits a Class A misdemeanor offense if the member communicates with the chief appraiser, an appraisal district employee or a member of the appraisal district board of directors for which the ARB is established in violation of Tax Code Section 41.66(f).<sup>361</sup>

A chief appraiser or another appraisal district employee, a member of a board of directors, a property tax consultant or attorney representing a party to an ARB proceeding commits a Class A misdemeanor offense if the person communicates with an ARB member established for the appraisal district with the intent to influence a decision by an ARB member in the member's capacity as an ARB member.<sup>362</sup>

These ex parte communication provisions do not apply to communications between an ARB and its legal counsel.<sup>363</sup> The provisions also do not apply to communications

between an ARB member and the chief appraiser, an appraisal district employee, a member of the board of directors, a property tax consultant or an attorney representing a party to a proceeding before the ARB:

- during a protest hearing or other ARB proceeding;
- that constitute social conversation;
- that are specifically limited to and involve administrative, clerical or logistical matters related to the scheduling and operation of hearings, the processing of documents, the issuance of orders, notices and subpoenas and the operation, appointment, composition or attendance at training of the ARB; or
- that are necessary and appropriate to enable the appraisal district board of directors to determine whether to appoint, reappoint or remove a person as an ARB member, chair or secretary.<sup>364</sup>

A chief appraiser, an appraisal district employee, member of the board of directors, property tax consultant or agent of a property owner commits a Class A misdemeanor offense if the person communicates with the local administrative district judge regarding the appointment of ARB members.

This provision does not apply to communications with the applicable appointing authority by:

- an ARB member regarding the member's reappointment to the ARB;
- a TLO in the course of performing the officer's clerical duties;
- a chief appraiser, an appraisal district employee, ARB member or member of the board of directors regarding applications and appointment information, including criminal histories, and removal of an ARB member; or

<sup>358</sup> *Tex. Tax Code §6.43(e)*

<sup>359</sup> *Tex. Tax Code §6.43(d)*

<sup>360</sup> *Tex. Tax Code §5.041(h)*

<sup>361</sup> *Tex. Tax Code §6.411(a) and (d)*

<sup>362</sup> *Tex. Tax Code §6.411(b)*

<sup>363</sup> *Tex. Tax Code §6.411(c)*

<sup>364</sup> *Tex. Tax Code §6.411(c-1)*

- a TLO regarding communications with a consultant, property owner or agent regarding ARB member removal.<sup>365</sup>

## ARB MEMBER REMOVAL

A member may be removed from the ARB by the applicable appointing authority or the judge's designee, if the appointing authority is the judge.<sup>366</sup> Grounds for removal include a violation of:

- Tax Code Section 6.412 (restrictions on eligibility of ARB member);
- Tax Code Section 6.413 (interest in certain contracts prohibited);
- Tax Code Section 41.66(f) (communication outside a hearing or proceeding); or
- Tax Code Section 41.69 (conflict of interest in taxpayer protest).<sup>367</sup>

An ARB member may also be removed for good cause relating to failure to attend ARB meetings or for evidence of repeated bias or misconduct.<sup>368</sup>

After learning of a potential ground for removal, the board of directors, local administrative district judge or the judge's designee that appointed the member has 90 days to remove the ARB member or find by official action that the ARB member should not be removed.<sup>369</sup>

A property owner or chief appraiser may file a complaint with the TLO for the appraisal district alleging that the ARB has adopted or is implementing hearing procedures that are not in compliance with the Comptroller's model hearing procedures or is not complying with procedural requirements of Tax Code Chapter 41. The TLO must investigate the complaint and report the findings to the appraisal district board of directors. If the board of directors determine the allegations are true, it must direct the ARB chair to take remedial action. The board may remove the ARB member from the chair position if it determines the chair has failed to take the actions necessary to bring the ARB into compliance.<sup>370</sup>

<sup>365</sup> *Tex. Tax Code §6.41(i)*

<sup>366</sup> *Tex. Tax Code §6.41(f)*

<sup>367</sup> *Tex. Tax Code §6.41(f)*

<sup>368</sup> *Tex. Tax Code §6.41(f)*

<sup>369</sup> *Tex. Tax Code §6.41(f)*

<sup>370</sup> *Tex. Tax Code §41.66(q)*

# Appraisal District Financial Affairs

Participating taxing units pay for appraisal district operations.<sup>371</sup> The board of directors' financial responsibilities include adopting an annual operating budget; selecting a district depository; purchasing and contracting; transferring, constructing and renovating real property; and providing for an independent audit.<sup>372</sup>

## APPRAISAL DISTRICT BUDGET

The board of directors is responsible for adopting the appraisal district budget.<sup>373</sup>

Before June 15 each year, the chief appraiser must prepare a proposed budget for appraisal district operations for the following tax year and submit it to each participating taxing unit and to the board of directors.<sup>374</sup> The budget must list:

- each proposed position, including each position's:
  - a. proposed salary;
  - b. all proposed benefits;
- each proposed capital expenditure; and
- an estimate of the budget amount that will be allocated to each taxing unit.<sup>375</sup>

Other items commonly included in the budget are:

- contract payments for services;
- reimbursement for reasonable and necessary appraisal district board expenses;

- per diem and actual expense reimbursement for ARB members;
- compensation for general counsel to the board of directors or ARB legal counsel, or both;
- reimbursement of appraisal district office staff for reasonable and necessary expenses;
- payment of tuition and fees incurred for courses or educational programs;
- funds for ARB proceedings and operations; and
- other items necessary for appraisal district operations.<sup>376</sup>

An appraisal district is required to reimburse an appraisal district employee for all actual and necessary expenses, tuition and other fees and costs of materials incurred in attending, with approval of the chief appraiser, a course or training program sponsored or approved by TDLR.<sup>377</sup>

If an appraisal district performs collection or assessment services, the Interlocal Cooperation Act requires an interlocal payment be in an amount that fairly compensates the performing party for the services or functions performed under the contract.<sup>378</sup> A 2003 attorney general opinion concludes that an appraisal district budget may only allocate the costs of operating the appraisal district for its appraisal purposes; the costs of tax assessment or collection are paid for by the taxing unit that has contracted with the district for these services and are not allocated to all taxing units within the district regardless of whether the unit contracted with the district for assessment or collection services.<sup>379</sup>

<sup>371</sup> *Tex. Tax Code §6.062(c)*

<sup>372</sup> *Tex. Tax Code §§6.06(b), 6.09(b), 6.051(a) and 6.063(a)*

<sup>373</sup> *Tex. Tax Code §6.06(b)*

<sup>374</sup> *Tex. Tax Code §6.06(a)*

<sup>375</sup> *Tex. Tax Code §6.06(a)*

<sup>376</sup> *Tex. Tax Code §§6.42(c) and 6.43(a)*

<sup>377</sup> *Tex. Tax Code §5.04(b)*

<sup>378</sup> *Tex. Gov't Code §791.011(e)*

<sup>379</sup> *Tex. Att'y Gen. Op. GA-0030 (2003)*

## PUBLIC NOTICE OF BUDGET HEARING

The board of directors must hold a public hearing to consider the budget.<sup>380</sup> Not later than the 10th day before the hearing, the board of director's secretary must deliver a written notice of the date, time and place of the hearing to each participating taxing unit in the appraisal district.<sup>381</sup>

Within the same timeframe, the chief appraiser is required to publish a notice of the public hearing in a newspaper having general circulation in the county.<sup>382</sup> The newspaper notice may not be smaller than one-quarter page of a standard-size or tabloid-size newspaper and may not be published in the part of the paper in which legal notices and classified advertisements appear.<sup>383</sup> This notice must have the time, date and place of the public hearing; specified summary of the proposed budget; notice that the appraisal district is supported solely from local taxing units; and a prescribed notice that the budget will automatically take effect unless disapproved by certain taxing units and a copy of the budget is available for public inspection at these taxing units.<sup>384</sup> In addition to the statutorily required items in the notice, Comptroller Rule 9.3048 requires the notice to provide the number of employees compensated in the budget in terms of full-time equivalent employees and that the notice contains the name, address and telephone number of the appraisal district.

## BUDGET ADOPTION

The board of directors must approve a budget before Sept. 15.<sup>385</sup>

If a majority of the voting taxing units adopt and file resolutions disapproving a budget within 30 days after its

adoption, the budget does not take effect.<sup>386</sup> The board must adopt a new budget within 30 days of disapproval.<sup>387</sup>

The board may amend the approved budget at any time.<sup>388</sup> The board secretary must deliver a written copy of a proposed amendment to each participating taxing unit not later than the 30th day before the date the board acts on it.<sup>389</sup>

## ALLOCATING COSTS OF APPRAISAL DISTRICT OPERATIONS

Each participating taxing unit pays a share of the appraisal district budget.<sup>390</sup> The share is based on the proportion of property taxes imposed by the taxing unit to the sum of property taxes imposed by each participating taxing unit in the appraisal district.<sup>391</sup> The resulting fraction is multiplied by the total dollar amount of the budget.

$$\frac{\text{Taxing Unit's Tax Levy}}{\text{Total Tax Levy of All Taxing Units}} = \text{Taxing Unit's Fractional Share}^{392}$$

If a taxing unit participates in two or more appraisal districts, only the taxes imposed in an appraisal district is used to calculate the taxing unit's cost allocations in that appraisal district.<sup>393</sup> Tax Code Section 6.06(d) limits the share of the cost of the budget for a taxing unit that has a large tax levy but a smaller number of parcels. This limit applies to a taxing unit that has less than 5 percent of the total number of real property parcels in the appraisal district while imposing over 25 percent of the total amount of property taxes in the appraisal district for the year. In this case, a taxing unit's allocation may not exceed three times the taxing unit's percentage of the

<sup>380</sup> *Tex. Tax Code §6.06(b)*

<sup>381</sup> *Tex. Tax Code §6.06(b)*

<sup>382</sup> *Tex. Tax Code §6.062(a)*

<sup>383</sup> *Tex. Tax Code §6.062(a)*

<sup>384</sup> *Tex. Tax Code §6.062(b) and (c)*

<sup>385</sup> *Tex. Tax Code §6.06(b)*

<sup>386</sup> *Tex. Tax Code §6.06(b)*

<sup>387</sup> *Tex. Tax Code §6.06(b)*

<sup>388</sup> *Tex. Tax Code §6.06(c)*

<sup>389</sup> *Tex. Tax Code §6.06(c)*

<sup>390</sup> *Tex. Tax Code §6.06(d)*

<sup>391</sup> *Tex. Tax Code §6.06(d)*

<sup>392</sup> *Tex. Tax Code §6.06(d)*

<sup>393</sup> *Tex. Tax Code §6.06(d)*

total number of parcels appraised by the appraisal district.<sup>394</sup> For example, a taxing unit has 4 percent of the appraisal district's parcels but imposes 30 percent of the taxes. The budget share may not exceed three times 4 percent, or 12 percent. If there was no limitation, the budget share would be 30 percent.

For a newly formed taxing unit or a taxing unit that did not impose taxes in the preceding year, the taxing unit is allocated a portion of the budget and the amount of taxes the taxing unit imposes in the current year is used to calculate its allocation.<sup>395</sup> The board of directors and the taxing unit may agree to an estimate of the amount of taxes that will be imposed for the current year.<sup>396</sup> After the amount of taxes to be imposed is known, payments are adjusted to reflect the imposed amount.<sup>397</sup>

Each taxing unit must pay its allocation in four equal payments at the end of each calendar quarter unless a taxing unit's governing body and the chief appraiser agree on a different payment method.<sup>398</sup> The first payment must be made before Jan. 1 of the year in which the budget takes effect.<sup>399</sup> If a payment is not paid on the due date, it incurs a 5 percent penalty and an annual interest rate of 10 percent.<sup>400</sup> For good cause shown, the board of directors may waive the penalty and interest on a delinquent payment.<sup>401</sup>

## DIFFERENT FISCAL YEAR AND METHOD OF FINANCING

An appraisal district's fiscal year is the calendar year.<sup>402</sup> A different fiscal year may be designated by three-fourths of voting taxing units adopting resolutions.<sup>403</sup> If the fiscal

year is changed, the deadlines for the chief appraiser proposing and the board of directors adopting the budget and the deadline for the first allocation payment are specified deadlines before the first day of the changed fiscal year.<sup>404</sup> The budget allocation is based on the amount of property taxes imposed by each participating taxing unit in the most recent tax year preceding the changed fiscal year.<sup>405</sup>

The board of directors or the taxing units participating in the appraisal district may prescribe a different method of allocating the costs of operating the appraisal district.<sup>406</sup>

To change the method of financing, the board of directors must adopt a resolution and deliver it to each taxing unit participating in the appraisal district after June 15 and before Aug. 15.<sup>407</sup> The financing does not change if the governing body of any participating taxing unit adopts a resolution opposing the different method, and files it with the board of directors before Sept. 1.<sup>408</sup> If a board proposal is rejected, the board must provide written notification to each participating taxing unit before Sept. 15.<sup>409</sup>

The participating taxing units in an appraisal district may adopt a different allocation method if three-fourths of the voting taxing units adopt resolutions providing for the other method.<sup>410</sup> This adoption is not valid if it requires any taxing unit to pay a greater proportion of the appraisal district's costs than the taxing unit would pay otherwise without the consent of that taxing unit.<sup>411</sup>

A resolution changing the allocation method is ineffective if an official copy is not filed with the chief appraiser after April 30 and before May 15.<sup>412</sup> A change in allocation

<sup>394</sup> *Tex. Tax Code §6.06(d)*

<sup>395</sup> *Tex. Tax Code §6.06(h)*

<sup>396</sup> *Tex. Tax Code §6.06(h)*

<sup>397</sup> *Tex. Tax Code §6.06(h)*

<sup>398</sup> *Tex. Tax Code §6.06(h)*

<sup>399</sup> *Tex. Tax Code §6.06(e)*

<sup>400</sup> *Tex. Tax Code §6.06(e)*

<sup>401</sup> *Tex. Tax Code §6.06(k)*

<sup>402</sup> *Tex. Tax Code §6.06(i)*

<sup>403</sup> *Tex. Tax Code §6.06(i)*

<sup>404</sup> *Tex. Tax Code §6.06(i)*

<sup>405</sup> *Tex. Tax Code §6.06(i)*

<sup>406</sup> *Tex. Tax Code §6.061(a) and (b)*

<sup>407</sup> *Tex. Tax Code §6.061(a)*

<sup>408</sup> *Tex. Tax Code §6.061(a)*

<sup>409</sup> *Tex. Tax Code §6.061(a)*

<sup>410</sup> *Tex. Tax Code §6.061(b)*

<sup>411</sup> *Tex. Tax Code §6.061(b)*

<sup>412</sup> *Tex. Tax Code §6.061(c)*

remains in effect until changed or rescinded by resolution of a majority of the governing bodies of voting taxing units.<sup>413</sup>

## DESIGNATION OF DISTRICT DEPOSITORY

The board of directors must designate a depository for payments to be deposited.<sup>414</sup> An appraisal district depository must be a banking corporation incorporated under Texas law or the United States or a Texas savings and loan association whose deposits are insured by the Federal Savings and Loan Insurance Corporation (FSLIC).<sup>415</sup> To the extent that funds in the depository are not insured by the Federal Deposit Insurance Corporation or the FSLIC, the funds must be secured in the manner provided by law for the security of funds of counties.<sup>416</sup>

The board of directors must designate as the district depository the financial institution or institutions that offer the most favorable terms and conditions for the handling of the appraisal district's funds.<sup>417</sup> The board must solicit bids to be designated as depository for the appraisal district.<sup>418</sup> After a depository is designated, the depository must serve for a term of two years and until its successor is designated and has qualified.<sup>419</sup> The board and the depository may agree to extend a depository contract for one additional two-year period.<sup>420</sup>

Consult legal counsel regarding the applicability of Local Government Code Chapter 116 concerning county depositories.

District's funds may be disbursed only by a written check, draft or order signed by the board chair and secretary of the board.<sup>421</sup> The board by resolution may authorize the chief appraiser to disburse funds.<sup>422</sup>

## PURCHASING AND CONTRACTING

An appraisal district is subject to the same requirements and has the same purchasing and contracting authority as a municipality under Local Government Code Chapter 252.<sup>423</sup> Local Government Code Section 252.061 provides for an injunction if a contract is made without complying with Local Government Code Chapter 252 and any resident of the appraisal district may seek an injunction under that section.<sup>424</sup>

Local Government Code Sections 252.062 and 252.063 provide for criminal penalties for municipal officers and employees violating competitive bidding requirements and the removal of those individuals. These provisions apply to an appraisal district officer or employee in the same manner those sections apply to a municipal officer or employee.<sup>425</sup>

The Public Property Finance Act (Local Government Code Chapter 271) and the Interlocal Cooperation Act (Government Code Chapter 791) should also be reviewed. Consult with an attorney about bidding procedures, purchasing and contracts.

## FINANCIAL AUDIT

At least once each year, the board of directors must have an audit prepared by an independent certified public accountant or a firm of independent certified public accountants.<sup>426</sup> A copy of the report must be delivered to

<sup>413</sup> *Tex. Tax Code §6.061(e)*

<sup>414</sup> *Tex. Tax Code §6.06(f)*

<sup>415</sup> *Tex. Tax Code §6.09(a)*

<sup>416</sup> *Tex. Tax Code §6.09(d)*

<sup>417</sup> *Tex. Tax Code §6.09(b)*

<sup>418</sup> *Tex. Tax Code §6.09(c)*

<sup>419</sup> *Tex. Tax Code §6.09(c)*

<sup>420</sup> *Tex. Tax Code §6.09(c)*

<sup>421</sup> *Tex. Tax Code §6.06(f)*

<sup>422</sup> *Tex. Tax Code §6.06(f)*

<sup>423</sup> *Tex. Tax Code §6.11(a)*

<sup>424</sup> *Tex. Tax Code §6.11(b)*

<sup>425</sup> *Tex. Tax Code §6.11(b)*

<sup>426</sup> *Tex. Tax Code §6.063(a)*

each voting taxing unit.<sup>427</sup> A reasonable number of copies of the report must be available for inspection at the appraisal district office and the report is a public record.<sup>428</sup>

## OTHER FINANCIAL AFFAIRS

The board of directors and the chief appraiser also handle other financial details. Issues to discuss with an attorney include the application of the Public Funds Investment Act in Government Code Chapter 2256 to local governments, including political subdivisions; the application of Government Code Chapter 2253 to governmental entities in regard to public work contracts; sales tax; reporting to the Internal Revenue Service; purchase of insurance; retirement program participation, etc.

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<sup>427</sup> *Tex. Tax Code §6.063(b)*

<sup>428</sup> *Tex. Tax Code §6.063(b)*

# Taxpayer Assistance

The IAAO's publication *Standard on Communications and Outreach* provides that the Standard examines the need for a well-planned, strategic communications program that provides practical recommendations for successfully implementing and maintaining information and communication with the public through proven marketing techniques and tools.<sup>429</sup> Some of the topics in these standards include developing a well-planned, strategic communications program (including having a spokesperson) that establishes clear guidelines for the assessing office's internal and external communications identifying stakeholder groups, ensuring all channels of communication reach all community members, developing a crisis plan and ensuring all internal and external communications reported from the assessing office are accurate, transparent and based on fact(s).<sup>430</sup>

## REASONABLE ACCESS

One of the board's required taxpayer assistance duties is to develop and implement policies that provide the public with reasonable opportunity to appear before the board to speak on any issue under the board's jurisdiction.<sup>431</sup> Reasonable time must be provided at each board of directors meeting for public comment on appraisal district and ARB policies and procedures and a report from the TLO if required.<sup>432</sup>

<sup>429</sup> IAAO, *Standard on Communications and Outreach*, (July 2023) p. 1. [www.iaao.org/wp-content/uploads/Standard\\_Communication\\_and\\_Outreach.pdf](http://www.iaao.org/wp-content/uploads/Standard_Communication_and_Outreach.pdf)

<sup>430</sup> This is only a selection of some of the topics covered in the standards. For the full text of the standards please see the IAAO's *Standard on Communications and Outreach* at [www.iaao.org/wp-content/uploads/Standard\\_Communication\\_and\\_Outreach.pdf](http://www.iaao.org/wp-content/uploads/Standard_Communication_and_Outreach.pdf)

<sup>431</sup> Tex. Tax Code §6.04(d)

<sup>432</sup> Tex. Tax Code §6.04(d)

The board must prepare and maintain a written plan that describes how a non-English speaker or an individual with a physical, mental or developmental disability may be provided reasonable access to the board.<sup>433</sup>

## OTHER GENERAL ACCESS ISSUES

Issues the board should or may address, depending on factors such as whether legal requirements exist, include:

- evaluation of buildings for accessibility to those individuals who are physically impaired as required by state or federal law;
- parking accommodations for persons with disabilities;
- allowance for attendant animals in offices;
- providing information in different types of media;
- providing a sign-language interpreter;
- providing translator services; and
- providing information in different languages. Certain Spanish resources can be found on the Comptroller's website at [comptroller.texas.gov/taxes/property-tax/](http://comptroller.texas.gov/taxes/property-tax/).

## COMPLAINT PROCESS

The board of directors must prepare a description of the board's functions and the board's procedures for filing and resolving complaints.<sup>434</sup> The board must make this information available to the public and the appropriate taxing jurisdictions.<sup>435</sup> If a written complaint is filed with

<sup>433</sup> Tex. Tax Code §6.04(e)

<sup>434</sup> Tex. Tax Code §6.04(f)

<sup>435</sup> Tex. Tax Code §6.04(f)

the board and the board has authority to resolve it, the board must provide notice of the complaint status to the parties to the complaint unless this notice would jeopardize an undercover investigation.<sup>436</sup> The notice must be provided at least quarterly and until final disposition of the complaint.<sup>437</sup> In certain counties, the TLO must report at each board of directors meeting on the status of all comments and suggestions received and all complaints filed with the board of directors.<sup>438</sup>

## TAXPAYER LIAISON OFFICER

In counties with a population of 120,000 or more, the board of directors must appoint a TLO and may appoint one or more deputy TLOs.<sup>439</sup> The TLO serves at the pleasure of the board of directors and is primarily responsible for providing assistance to taxpayers for the district.<sup>440</sup>

The TLO is responsible for:

- administering public access functions;
- providing information and materials to the public designed to assist property owners in understanding the appraisal process, protest procedures, the procedure for filing ARB comments, complaints, and suggestions or a request for limited binding arbitration;
- resolving disputes that do not involve matters that may be protested under Tax Code Section 41.41;
- receiving, compiling and forwarding complaints, comments and suggestions concerning ARB matters to the Comptroller's office not later than Dec. 31 each year;
- reporting to the board of directors at each meeting the status of all comments, complaints and suggestions;

- investigating, referring and/or recommending an appropriate course in resolving a complaint;
- dismissing a complaint related to a property's appraised value or appraisal methodology and a complaint that is repetitive or fails to state a legitimate concern;
- notifying a property owner of a complaint resolution not later than the 90th day after the complaint was filed;
- completing the required training; and
- providing clerical assistance to the applicable appointing authority in the selection of ARB members, for publicizing the availability of ARB positions and delivering ARB applications.<sup>441</sup>

The chief appraiser or any other person who performs legal or appraisal services for the appraisal district for compensation is not eligible to be the TLO or a deputy TLO.<sup>442</sup> The TLO or a deputy TLO is entitled to compensation as provided by the budget adopted by the board of directors.<sup>443</sup>

The TLO must administer the public access functions required by Tax Code Sections 6.04(d), (e) and (f) which include allowing the public to speak before the board of directors; preparing and maintaining a written plan on reasonable access to the board for those who do not speak English or who have physical, mental or developmental disabilities; and preparing information describing board functions and the complaint process.<sup>444</sup>

The TLO provides information and materials designed to assist property owners in understanding the appraisal process, protest procedures, procedures for filing comments, suggestions or complaints and related matters.<sup>445</sup> At each meeting of the board of directors, the

<sup>436</sup> *Tex. Tax Code §6.04(g)*

<sup>437</sup> *Tex. Tax Code §6.04(g)*

<sup>438</sup> *Tex. Tax Code §6.052(c)*

<sup>439</sup> *Tex. Tax Code §6.052(a)*

<sup>440</sup> *Tex. Tax Code §6.052(a)*

<sup>441</sup> *Tex. Tax Code §6.052(a), (b), (c) and (f)*

<sup>442</sup> *Tex. Tax Code §6.052(e)*

<sup>443</sup> *Tex. Tax Code §6.052(d)*

<sup>444</sup> *Tex. Tax Code §§6.04(d), (e) and (f) and 6.052(a)*

<sup>445</sup> *Tex. Tax Code §6.052(b)*

TLO is required to report on the status of all comments, complaints and suggestions filed with the officer relating to ARB hearing procedures, matters related to the fairness and efficiency of the ARB and complaints filed with the board of directors that the board has the authority to resolve.<sup>446</sup>

The TLO is required to provide complaints, comments and suggestions related to ARB hearing procedures and other matters related to the fairness and efficiency of the ARB to the Comptroller's office by Dec. 31 each year.<sup>447</sup>

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<sup>446</sup> *Tex. Tax Code §§6.04(g) and 6.52(c)*

<sup>447</sup> *Tex. Tax Code §6.052(b)*

# Public Information Act

Public information is information that is written, produced, collected, assembled or maintained by or for a governmental entity in connection with the transaction of official business, including electronic communications related to official business, that are created, transmitted, received or maintained on any device.<sup>448</sup> Public information is available to the public at a minimum during the normal business hours of the governmental body.<sup>449</sup> By Oct. 1 each year, all governmental bodies must notify the attorney general of the current mailing and email address for receiving written public information requests. These addresses will be available on the attorney general's website.<sup>450</sup> Certain information is excepted from public information requirements including information considered to be confidential by law, either constitutional or statutory, or by judicial decision.<sup>451</sup>

One example of confidential information specifically related to appraisal districts is information relating to real property sales prices, descriptions, characteristics and other related information received from a private entity by the Comptroller's office or the chief appraiser of an appraisal district under Tax Code Chapter 6.<sup>452</sup> This information is confidential, may only be requested by certain people in specified circumstances, remains confidential by persons who obtain it and may not be disclosed except as provided.<sup>453</sup>

After receiving a request for public information, the public information officer must promptly produce public

information for inspection, duplication, or both.<sup>454</sup> The public information officer must provide the public information for inspection or duplication in the offices of the governmental body or send copies if the person requesting the information requests copies and pays the postage and any other applicable charges.<sup>455</sup> If the information is unavailable because it is in active use or storage, the public information officer must certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.<sup>456</sup> If a governmental body closes its physical office but requires staff to work, the governmental body is required to make a good faith effort to continue responding to public information requests to the extent staff have access to the information.<sup>457</sup>

The charge for providing a copy of public information must be an amount that reasonably includes all related costs to reproducing the information.<sup>458</sup> If a request is for 50 pages or less, the charge may not include materials, labor or overhead costs.<sup>459</sup> Charges for these requests must be limited to a charge for each page unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or located in a remote storage facility.<sup>460</sup>

The Office of the Attorney General must adopt rules that determine what governmental bodies charge for providing copies of public information.<sup>461</sup> Each

<sup>448</sup> *Tex. Gov't Code §552.002(a-2)*

<sup>449</sup> *Tex. Gov't Code §552.021*

<sup>450</sup> *Tex. Gov't Code §552.234(e) and (f)*

<sup>451</sup> *Tex. Gov't Code §552.101*

<sup>452</sup> *Tex. Gov't Code §552.149(a)*

<sup>453</sup> *Tex. Gov't Code §552.149*

<sup>454</sup> *Tex. Gov't Code §552.221(a)*

<sup>455</sup> *Tex. Gov't Code §552.221(b)*

<sup>456</sup> *Tex. Gov't Code §552.221(c)*

<sup>457</sup> *Tex. Gov't Code §552.221(a)*

<sup>458</sup> *Tex. Gov't Code §552.261(a)*

<sup>459</sup> *Tex. Gov't Code §552.261(a)*

<sup>460</sup> *Tex. Gov't Code §552.261(a)*

<sup>461</sup> *Tex. Gov't Code §552.262(a)*

governmental body must use these rules to determine charges for providing copies of public information and to determine the charge, deposit or bond required for making public information that exists in a paper record available for inspection, except to the extent as provided otherwise by law.<sup>462</sup> Attorney general rules regarding charges for public information and other related information can be found at [texasattorneygeneral.gov/open-government/governmental-bodies/charges-public-information](https://www.texasattorneygeneral.gov/open-government/governmental-bodies/charges-public-information).

If an officer for public information cannot produce public information for inspection or duplication within 10 business days after the request, the officer must certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available.<sup>463</sup>

If a governmental body wishes to withhold information from public disclosure, it must ask for an attorney general's decision within 10 business days after the day of receiving the open records request.<sup>464</sup> A decision is not required if there has been a previous determination that addresses the exact information.<sup>465</sup> Within a reasonable time but not later than the 10th business day after the date of receiving the written request, a governmental body that asks for a decision must provide the requestor with a written statement that the governmental body wishes to withhold the requested information and has asked for an attorney general's decision and a copy of the governmental body's written communication to the attorney general as required.<sup>466</sup>

A public information officer will notify the requester in writing and identify the specific previous determination to withhold the requested information by the 10th business day after receiving the request.<sup>467</sup>

An officer for public information must prominently display an attorney general prescribed sign that contains basic information about the rights of a requestor, the responsibilities of a governmental body and the procedures for inspecting or obtaining a copy of public information.<sup>468</sup> The sign must be displayed at one or more places in the governmental body's administrative offices where it is plainly visible to members of the public and employees of the governmental body whose duties include receiving or responding to requests.<sup>469</sup>

Public officials must complete a one- to two-hour training course on the responsibilities of the governmental body with which the official serves and its officers and employees under the Public Information Act.<sup>470</sup> The training must be completed not later than the 90th day after the date the public official takes the oath of office or otherwise assumes the duties as a public official.<sup>471</sup> A public official may designate a public information coordinator to satisfy the training requirements for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under the Public Information Act.<sup>472</sup>

If a governmental body fails to respond to a written public information request, the requester can send a written complaint to the attorney general. The complaint must include the original information request and any correspondence received from the governmental body in response to the request. If the attorney general determines that the governmental body failed to comply with Government Code Section 552.221 requirements, the attorney general will notify the governmental body in writing and require the public information officer or designee to complete open records training no later than six months after receiving the notification.

<sup>462</sup> *Tex. Gov't Code §552.262(a)*

<sup>463</sup> *Tex. Gov't Code §552.221(d)*

<sup>464</sup> *Tex. Gov't Code §552.301(a) and (b)*

<sup>465</sup> *Tex. Gov't Code §552.301(a)*

<sup>466</sup> *Tex. Gov't Code §552.301(d)*

<sup>467</sup> *Tex. Gov't Code §552.221(f)*

<sup>468</sup> *Tex. Gov't Code §552.205(a)*

<sup>469</sup> *Tex. Gov't Code §552.205(a)*

<sup>470</sup> *Tex. Gov't Code §552.012(b)*

<sup>471</sup> *Tex. Gov't Code §552.012(b)*

<sup>472</sup> *Tex. Gov't Code §552.012(c)*

The governmental body may not assess a cost to the requester for producing information in response to the request.

If the governmental body seeks to withhold information in response to the request, they must request an attorney general decision no later than five business days after receiving the notification. The governmental body must release the requested information unless there is a compelling reason to withhold the information.<sup>473</sup>

A requestor or the attorney general's office may file suit to compel a governmental body to make information available for public inspection.<sup>474</sup> A person who claims to be a victim of a violation of the Public Information Act can file a complaint with the district or county attorney of the county in which the governmental body is located.<sup>475</sup> Before the 31st day after the date a complaint is filed, the district or county attorney must determine whether the violation alleged in the complaint was committed, whether to bring an action against the governmental body and notify the complainant of those determinations.<sup>476</sup> A claimant is entitled to file a complaint with the attorney general's office on or after the 90th day after filing it with the district or county attorney.<sup>477</sup> An official may only file an action if the governmental body does not cure the violation after three days of an official providing written notification to the governmental body that the alleged violation of the Act was committed.<sup>478</sup>

The Public Information Act has three types of violations that carry criminal penalties. The failure to give access to public information is a misdemeanor with a fine of up to \$1,000, six months in jail or both; this is also considered official misconduct and a public official can be removed from office.<sup>479</sup> These same penalties apply to the distribution of information that is confidential under the Act.<sup>480</sup> The third violation is if a person willfully destroys, mutilates, removes without permission or alters public information.<sup>481</sup> This misdemeanor offense is punishable by a fine of not less than \$25 or more than \$4,000, county jail time from three days to not more than three months or both.<sup>482</sup>

Questions regarding the applicability or interpretation of the Public Information Act should be directed to legal counsel.

For more information on the Public Information Act, call the Office of the Attorney General's Open Government Hotline at 877-673-6839 or see the Office of the Attorney General's *Public Information Act Handbook* at [texasattorneygeneral.gov/publicinfo\\_hb.pdf](https://www.texasattorneygeneral.gov/publicinfo_hb.pdf).

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<sup>473</sup> *Tex. Gov't Code §552.328*

<sup>474</sup> *Tex. Gov't Code §552.321*

<sup>475</sup> *Tex. Gov't Code §552.3215(e)*

<sup>476</sup> *Tex. Gov't Code §552.3215(g)*

<sup>477</sup> *Tex. Gov't Code §552.3215(i)*

<sup>478</sup> *Tex. Gov't Code §552.3215(j)*

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<sup>479</sup> *Tex. Gov't Code §552.353*

<sup>480</sup> *Tex. Gov't Code §552.352*

<sup>481</sup> *Tex. Gov't Code §552.351*

<sup>482</sup> *Tex. Gov't Code §552.351*

# Open Meetings Act

The Open Meetings Act requires every regular, special or called meeting of a governmental body to be open to the public, except as provided.<sup>483</sup> The Open Meetings Act applies any time a quorum of a governmental body meets as provided under Government Code Section 551.001(4).<sup>484</sup> Members may attend social occasions, workshops, ceremonial events, press conferences and candidate forums, appearances or debates without violating the law, provided formal action is not taken and any discussion of public business is incidental.<sup>485</sup>

If a governmental body takes an action in violation of the Open Meetings Act, then that action is voidable.<sup>486</sup> Violation of the Open Meetings Act is a misdemeanor offense.<sup>487</sup> A member commits a misdemeanor offense if the member or group of members knowingly conspires to circumvent the Open Meetings Act by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of the Open Meetings Act.<sup>488</sup>

A governmental body must give written notice of the date, hour, place and subject of each meeting.<sup>489</sup> The governmental body must concurrently post the notice of a meeting and the agenda for the meeting on the internet website.<sup>490</sup> The Open Meetings Act requires the posting of notices within certain time periods.<sup>491</sup> It provides for posting meeting notices or adding agenda items for an already posted meeting when there is an emergency or when there is an urgent public necessity.<sup>492</sup> The Open

Meetings Act should be consulted regarding the place, content and the deadlines of postings.

For each meeting, a governmental body must prepare and keep minutes or make a recording.<sup>493</sup> The minutes must state the subject of each deliberation and indicate each vote, order, decision or other action taken.<sup>494</sup> These minutes and recordings of an open meeting are public records and must be available for public inspection and copying on request.<sup>495</sup>

In an open meeting, a person in attendance may make an audio or visual recording of all or any part of the governmental body meeting.<sup>496</sup> A governmental body may adopt reasonable rules to maintain order at a meeting, but the rules may not prevent or unreasonably impair a person from exercising the right to record the meeting.<sup>497</sup> These rules may relate to the location of recording equipment and the manner in which the recording is conducted.<sup>498</sup>

The Open Meetings Act provides exceptions to the requirement that meetings of a governmental body be open to the public and sets forth procedures relating to closed meetings.<sup>499</sup> If there is a closed meeting, a governmental body must first convene in an open meeting with a quorum and follow certain procedures.<sup>500</sup> A governmental body may not vote, make a decision or take a final action in a closed meeting.<sup>501</sup> For each closed meeting, a governmental body must keep either a

<sup>483</sup> *Tex. Gov't Code §551.002*

<sup>484</sup> *Tex. Gov't Code §551.001(4)*

<sup>485</sup> *Tex. Gov't Code §551.001(4)*

<sup>486</sup> *Tex. Gov't Code §551.141*

<sup>487</sup> *Tex. Gov't Code Chapter 551*

<sup>488</sup> *Tex. Gov't Code §551.143(a)*

<sup>489</sup> *Tex. Gov't Code §551.041*

<sup>490</sup> *Tex. Gov't Code §551.056(b)*

<sup>491</sup> *Tex. Gov't Code Chapter 551, Subchapter C*

<sup>492</sup> *Tex. Gov't Code §551.045*

<sup>493</sup> *Tex. Gov't Code §551.021(a)*

<sup>494</sup> *Tex. Gov't Code §551.021(b)*

<sup>495</sup> *Tex. Gov't Code §551.022*

<sup>496</sup> *Tex. Gov't Code §551.023*

<sup>497</sup> *Tex. Gov't Code §551.023*

<sup>498</sup> *Tex. Gov't Code §551.023*

<sup>499</sup> *Tex. Gov't Code Chapter 551, Subchapters D and E*

<sup>500</sup> *Tex. Gov't Code §551.101*

<sup>501</sup> *Tex. Gov't Code §551.102*

certified agenda or make a recording of the meeting, except for private consultations with the governmental body's attorney.<sup>502</sup> The closed meeting's certified agenda or recording must be preserved for at least two years after the meeting date or during any period in which litigation is pending regarding that meeting.<sup>503</sup> A district court may order that a certified agenda or recording of a closed meeting be available for public inspection.<sup>504</sup>

In part, some of the exceptions in the Open Meetings Act include certain meetings with the governmental body's attorney and meetings regarding personnel matters or real property deliberations. A governmental body may hold a closed meeting to seek the advice of its attorney about pending or contemplated litigation, a settlement offer or on a matter which requires the attorney to meet in a closed session to comply with the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.<sup>505</sup> Otherwise, a governmental body may not conduct a private consultation with its attorney.<sup>506</sup> A closed meeting may be held to deliberate the purchase, exchange, lease or value of real property if an open meeting deliberation would have a detrimental effect on negotiations for the governmental body.<sup>507</sup> The Open Meetings Act does not require an open meeting to deliberate on certain personnel matters of a public officer or employee, including the deliberation of the appointment, employment, evaluation, reassignment, duties, discipline or dismissal; or to hear a complaint or charge against an officer or employee.<sup>508</sup>

Each elected or appointed public official of a governmental body subject to the Open Meetings Act must complete a training course.<sup>509</sup> The official is required to complete a training course not later than the 90th day after taking the oath of office or otherwise assumes the duties as a public official.<sup>510</sup> The Office of the Attorney General must ensure that the training is available.<sup>511</sup> For more information regarding training by the Office of the Attorney General, please see [texasattorneygeneral.gov/open-government-training](https://texasattorneygeneral.gov/open-government-training).

A governmental body must maintain and make available for public inspection the record of its members' completion of the training.<sup>512</sup> The failure of one or more members of a governmental body to complete the required training does not affect the validity of an action taken by the governmental body.<sup>513</sup>

Boards of directors should seek legal advice regarding the applicability of the Open Meetings Act to board meetings. For more information on the Open Meetings Act, call the Office of the Attorney General's Open Government Hotline at 877-673-6839 or see the Office of the Attorney General's *Open Meetings Act Handbook* at [texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/openmeetings\\_hb.pdf](https://texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/openmeetings_hb.pdf).

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<sup>502</sup> *Tex. Gov't Code §551.103*

<sup>503</sup> *Tex. Gov't Code §551.104(a)*

<sup>504</sup> *Tex. Gov't Code §551.104(b) and (c)*

<sup>505</sup> *Tex. Gov't Code §551.071*

<sup>506</sup> *Tex. Gov't Code §551.071*

<sup>507</sup> *Tex. Gov't Code §551.072*

<sup>508</sup> *Tex. Gov't Code §551.074(a)*

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<sup>509</sup> *Tex. Gov't Code §551.005(a)*

<sup>510</sup> *Tex. Gov't Code §551.005(a)*

<sup>511</sup> *Tex. Gov't Code §551.005(b)*

<sup>512</sup> *Tex. Gov't Code §551.005(c)*

<sup>513</sup> *Tex. Gov't Code §551.005(f)*

# Appraisal District Operations

Each appraisal district *must* establish an office located in the county for which the appraisal district is established; an appraisal district may establish branch offices outside the county.<sup>514</sup> The board of directors may contract with another appraisal district or with a taxing unit within the district to perform its appraisal district duties.<sup>515</sup>

## OWNERSHIP OR LEASE OF REAL PROPERTY

The board of directors may purchase, finance the purchase of, or lease real property and may construct or finance the construction of improvements as necessary to establish and operate the appraisal district office or a branch office.<sup>516</sup>

For an appraisal district to acquire or convey real property or construct or renovate a building or other improvement, three-fourths of the voting taxing units must approve. The financing of the acquisition of real property or the financing of the construction or renovation of a building or other improvement does not require approval by the taxing units.<sup>517</sup> The board of directors by resolution may propose a property transaction or other action that requires approval of the taxing units.<sup>518</sup> The chief appraiser must notify each taxing unit entitled to vote on the proposal by delivering a copy of the board's resolution, together with information showing the costs of other available alternatives to the proposal.<sup>519</sup> On or before the 30th day after the date a taxing unit receives notice of a proposal, the governing

body of the taxing unit by resolution may approve or disapprove the proposal.<sup>520</sup> If a governing body fails to act by that time or fails to file its resolution with the chief appraiser on or before the 10th day after that 30th day, the proposal is treated as if it were approved by the governing body.<sup>521</sup>

If a conveyance of real property owned by the appraisal district is approved, the board of directors may convey the real property and the proceeds are credited to each participating taxing unit in proportion to the taxing unit's allocation of the budget in the year in which the transaction occurs.<sup>522</sup>

## TECHNOLOGICAL CAPABILITIES

The Tax Code requires appraisal districts to electronically furnish certain material or communicate electronically in specific circumstances; appraisal districts need to have the technological capabilities to fulfill these requirements.

When the Tax Code requires a property owner to use a form, the office or agency with which the form is filed must make printed and electronic versions of the forms readily and timely available and must furnish a property owner a form without charge.<sup>523</sup>

If a property owner or designated agent elects for the exchange of electronic communication, a tax official is required to deliver electronically any notice, rendition, application form, completed application or information requested.<sup>524</sup>

<sup>514</sup> *Tex. Tax Code §6.05(a)*

<sup>515</sup> *Tex. Tax Code §6.05(b)*

<sup>516</sup> *Tex. Tax Code §6.051(a)*

<sup>517</sup> *Tex. Tax Code §6.051(b)*

<sup>518</sup> *Tex. Tax Code §6.051(b)*

<sup>519</sup> *Tex. Tax Code §6.051(b)*

<sup>520</sup> *Tex. Tax Code §6.051(b)*

<sup>521</sup> *Tex. Tax Code §6.051(b)*

<sup>522</sup> *Tex. Tax Code §6.051(c)*

<sup>523</sup> *Tex. Tax Code §1.09*

<sup>524</sup> *Tex. Tax Code §1.085(a-1)*

The tax official is required to establish a procedure that allows a property owner or designated agent to make the election for the exchange of electronic communication, to specify the manner in which communications will be exchanged and the method used to confirm the delivery of information without charge.<sup>525</sup>

A property owner or designated agent's election for electronic communication with a tax official remains in effect until rescinded in writing by the property owner or designated agent.<sup>526</sup>

Appraisal districts in a county with a population of 500,000 or more must implement a system that allows the designation of a property tax agent to be signed and filed electronically.<sup>527</sup>

Appraisal districts must implement a system that allows a residence homestead owner to electronically:

- file a notice of protest with the ARB regarding the determination of appraised value or unequal appraisal;
- receive and review comparable sales data and other evidence that the chief appraiser intends to use at the protest hearing before the ARB;
- receive, as applicable, a notice from the appraisal district that a settlement offer will not be made or receive a settlement offer from the appraisal district to correct the appraisal records by changing the property's market value and, if applicable, the appraised value to the value as redetermined by the appraisal district; or
- accept or reject an appraisal district settlement offer.<sup>528</sup>

This requirement applies to counties that maintain internet websites and is mandatory for counties with populations of 500,000 or more.<sup>529</sup>

<sup>525</sup> *Tex. Tax Code §1.085(a-2) and (a-4)*

<sup>526</sup> *Tex. Tax Code §1.085(a-3)*

<sup>527</sup> *Tex. Tax Code §1.111(b)*

<sup>528</sup> *Tex. Tax Code §41.415(b)*

<sup>529</sup> *Tex. Tax Code §41.415(a)*

Appraisal districts should work with the Comptroller's office to ensure internet compatibility.

## RECORDS SYSTEM

Tax Code Section 5.07 and Comptroller Rule 9.3003 require offices appraising property to develop and maintain a tax records system. Any of the required information may be maintained electronically rather than in physical documents. Such a system must include the following:

- appraisal cards;
- maps;
- rendition forms;
- report of decreased value forms;
- appraisal records of all property;
- tax roll of any taxing unit for whom the appraisal district assesses or collects;
- delinquent tax roll of any taxing unit for whom the office collects;
- alphabetical index;
- partial exemption lists;
- absolute exemption lists; and
- lists of properties receiving appraisal as open-space land; agricultural use; timber use; recreational, park and scenic land; and public access airports.

## APPRAISAL RECORDS OF ALL PROPERTY

Provisions in Tax Code Chapter 25 and Comptroller Rule 9.3004 requires all appraisal district offices to develop and maintain appraisal records of all property. These records must be two lists: one for real property and one list for personal property and must contain specified information as applicable. Any required information may be maintained electronically rather than physical documents.

## APPRAISAL CARDS

Comptroller Rule 9.3001 requires that all appraisal district offices that appraise property must develop and maintain a system of appraisal cards for all parcels of real estate which each office is required to appraise. A separate appraisal card must be developed and maintained for each parcel of residential or commercial real estate with specified items of information related to the land and improvements on the parcel. Many of these items of information, plus additional specified information, must be on the appraisal card for each parcel of rural or acreage real estate. The appraisal cards may be maintained electronically rather than in physical documents.

## MAPS

In meeting the chief appraiser's principal responsibility to locate, record and appraise all property in the appraisal district, a complete set of maps is indispensable. Maps enable appraisers to locate each real property parcel, identify its size and shape and determine its relationship to factors that affect its value. Maps also serve to display market and statistical data, appraisal comparisons and land appraisals.

Comptroller Rule 9.3002 requires all appraisal districts and tax offices appraising property to establish and maintain a system of tax maps covering the entire area of the taxing units for whom each office appraises property. The tax map system must be annually updated to incorporate any new subdivisions or property transfers as indicated by the filing of subdivision plats or deeds with the county clerk's office of the county or counties in which the taxing units for whom each office appraises property are located. Any of the information may be maintained electronically rather than physical documents.

## LOCAL GOVERNMENT RECORDS MANAGEMENT

Appraisal districts are subject to the preservation, microfilming, destruction and other records disposition provisions of Local Government Code Chapter 203.<sup>530</sup> For additional information about records management and retention, see the Texas State Library and Archives Commission at [www.tsl.texas.gov](http://www.tsl.texas.gov).

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<sup>530</sup> *Tex. Tax Code §6.13*

# Appraisal District Personnel

The appraisal district board of directors may employ a general counsel for the appraisal district to serve at the will of the board.<sup>531</sup> The general counsel must provide counsel directly to the board and perform other duties and responsibilities as determined by the board.<sup>532</sup> The general counsel is entitled to compensation as provided by the budget adopted by the board.<sup>533</sup>

Through adopting the budget, the board of directors may direct the size and qualifications of staff, as well as set the goals and objectives of the appraisal district through its personnel. The chief appraiser may employ and compensate professional, clerical and other personnel as provided by the budget, with the exception of a general counsel to the appraisal district.<sup>534</sup>

A chief appraiser may not employ persons who are related to directors within the second degree by affinity or within the third degree by consanguinity as determined under Government Code Chapter 573.<sup>535</sup> A person commits an offense if the person intentionally or knowingly violates this prohibition; the offense is a misdemeanor punishable by a fine of at least \$100 and up to \$1,000.<sup>536</sup>

## PERSONNEL POLICY

IAAO's *Assessment Administration* provides general guidance on personnel management, including selection of employees, employee development, compensation,

internal communication, motivation and leadership and system issues in management.<sup>537</sup>

Personnel manuals can inform employees about the appraisal district's goals and objectives, policies, procedures and guidelines to follow in the course of their duties. Manuals should be reviewed and updated on a regular basis. Examples of appraisal district personnel manuals are at [comptroller.texas.gov/taxes/property-tax/personnel-policies/index.php](https://comptroller.texas.gov/taxes/property-tax/personnel-policies/index.php).

Consult legal counsel for advice in preparing personnel policy manuals or handbooks.

## PROFESSIONAL DEVELOPMENT

According to IAAO's *Standard on Professional Development*, "in-service training and continuing education of assessment personnel are essential parts of an effective program . . . ."<sup>538</sup>

Certain appraisal district employees register with and attain certification from TDLR. Registrants must pass one or more examinations to be certified and must participate to the extent required by TDLR in continuing education programs to maintain registration.<sup>539</sup> An individual may not serve as a chief appraiser unless the individual has completed chief appraiser training pursuant to Occupations Code Section 1151.164 and Tax Code Section 5.042.<sup>540</sup> This prohibition does not apply to a county TAC who serves as chief appraiser under Tax Code Section

<sup>531</sup> *Tex. Tax Code §6.05(j)*

<sup>532</sup> *Tex. Tax Code §6.05(j)*

<sup>533</sup> *Tex. Tax Code §6.05(j)*

<sup>534</sup> *Tex. Tax Code §6.05(d)*

<sup>535</sup> *Tex. Tax Code §6.05(f)*

<sup>536</sup> *Tex. Tax Code §6.05(f)*

<sup>537</sup> *IAAO, Assessment Administration, (2003), pp. 137-170*

<sup>538</sup> *IAAO, Standard on Professional Development, (April 2022), p.1*

[https://www.iaao.org/wp-content/uploads/Standard\\_on\\_Professional\\_Development.pdf](https://www.iaao.org/wp-content/uploads/Standard_on_Professional_Development.pdf)

<sup>539</sup> *Tex. Occ. Code §§1151.161 and 1151.1581*

<sup>540</sup> *Tex. Tax Code §5.042(a)*

6.05(c).<sup>541</sup> It applies only to a chief appraiser appointed on or after July 1, 2006.<sup>542</sup> Also, a person may serve in a temporary, provisional or interim capacity as chief appraiser for up to one year without completing the required training.<sup>543</sup>

Chief appraisers are required to complete at least half of their required continuing education hours in programs devoted to one or more of the topics listed in Occupations Code Section 1151.164(b) and at least two of the hours in ethics specific to maintaining the independence of an appraisal office from political pressure.<sup>544</sup>

An appraisal district should budget funds to cover necessary training and education expenses. An appraisal district is required to reimburse an appraisal district employee for all actual and necessary expenses, tuition and other fees and costs of materials incurred in attending, with approval of the chief appraiser, a course or training program sponsored or approved by TDLR.<sup>545</sup>

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<sup>541</sup> *Tex. Tax Code §5.042(c)*

<sup>542</sup> *Acts 2005, 79th Leg., R.S. Ch. 1111, Sec. 3*

<sup>543</sup> *Tex. Tax Code §5.042(b)*

<sup>544</sup> *Tex. Occ. Code §1151.1581*

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<sup>545</sup> *Tex. Tax Code §5.04(b)*

# Assessment and Collection Functions

A taxing unit and a commissioner's court may contract with another taxing unit to perform their assessment and collection functions.<sup>546</sup> The Tax Code provides procedures for taxing units to follow to consolidate assessment, collection or assessment and collection functions with an appraisal district.<sup>547</sup> The appraisal district may be responsible for these functions for one or more of the appraisal district's taxing units.

If an appraisal district does assess, collect or assess and collect, please see Tax Code Subtitle E, Chapters 31 through 35, regarding collections and delinquency.

## INTERLOCAL CONTRACTS

The board of directors may enter a contract with a taxing unit or a commissioner's court to collect and assess taxes for that taxing unit or county (with county TAC approval).<sup>548</sup> These contracts are subject to the Interlocal Cooperation Act.<sup>549</sup> The contract may provide for the collecting entity to contract with an attorney to collect delinquent taxes.<sup>550</sup>

If a county contracts to have its taxes assessed and collected by another entity, the contract must require the assessment and collection of all the taxes the county is required to assess and collect except for special inventory taxes assessed and collected under specified provisions.<sup>551</sup> The Attorney General has held that Tax Code Section 6.24 is construed as authorizing a contract to obtain assistance for the county TAC, as opposed to supplanting the TAC.<sup>552</sup>

<sup>546</sup> *Tex. Tax Code §6.24(a) and (b)*

<sup>547</sup> *Tex. Tax Code §6.26*

<sup>548</sup> *Tex. Tax Code §6.24(a) and (b)*

<sup>549</sup> *Tex. Tax Code §6.24(a) and (b)*

<sup>550</sup> *Tex. Tax Code §6.24(d)*

<sup>551</sup> *Tex. Tax Code §6.24(b) and (c)*

<sup>552</sup> *Tex. Att'y Gen. Op. JM-833 (1987)*

## CONSOLIDATION ELECTION

Pursuant to Tax Code Section 6.26, qualified voters may petition to consolidate the assessment and collection of property taxes. The attorney general has held that Tax Code Section 6.26 is unconstitutional insofar as it contravenes Texas Constitution, Article VIII, Section 14 and that the Legislature may not authorize the electorate to divest the county TAC of the assessment and collection duties, other than appraisal functions.<sup>553</sup>

Qualified voters residing in an appraisal district may petition to require an election to determine whether to require the appraisal district, county TAC or a specified taxing unit within the appraisal district to assess, collect or assess and collect property taxes on property appraised by the appraisal district for all taxing units.<sup>554</sup>

If a taxing unit assesses, collects or assesses and collects its own property taxes, the qualified voters of that taxing unit may submit a petition to the governing body of the taxing unit to require an election to determine whether to require the appraisal district, the county TAC or another taxing unit to assess, collect or assess and collect the taxing unit's property taxes.<sup>555</sup>

For a petition to be valid, it must make certain statements and be signed by a specified amount or percentage of certain qualified voters.<sup>556</sup>

The petition may require the appraisal district, the county TAC or a specified taxing unit within the appraisal district to perform the consolidated functions.<sup>557</sup> Neither an appraisal district nor a taxing unit may be required by an

<sup>553</sup> *Tex. Att'y Gen. Op. JM-833 (1987)*

<sup>554</sup> *Tex. Tax Code §6.26(a)*

<sup>555</sup> *Tex. Tax Code §6.26(b)*

<sup>556</sup> *Tex. Tax Code §6.26(c)*

<sup>557</sup> *Tex. Tax Code §6.26(a)*

election to assess, collect or assess and collect taxes on property outside the appraisal district's boundaries.<sup>558</sup>

If the commissioner's court or the taxing unit's governing body finds that a petition is valid, it must order an election in the appraisal district or taxing unit on the next uniform election date prescribed by the Election Code that is more than 60 days after the last day on which it could have acted on the petition.<sup>559</sup>

If a majority of the qualified voters who voted in the election favor the proposition, the appraisal district, county TAC or specified taxing unit named on the ballot must perform the functions specified by the ballot beginning with the next time property taxes are assessed or collected, as applicable, that is more than 90 days after the date of the election. When the performance of a function begins before that time period, a function may be consolidated if the governing bodies agree, including the appraisal district board of directors if the appraisal district is involved.<sup>560</sup>

A consolidation may not be terminated within two years after the consolidation date.<sup>561</sup>

A taxing unit must pay the actual cost of the consolidated functions to the office or entity that performs the functions pursuant to an election.<sup>562</sup> Actual costs have been defined by the attorney general as those costs that the collecting taxing unit or appraisal district incurs over and above those it would incur if it were not collecting for another taxing unit.<sup>563</sup>

A taxing unit may require a bond when an appraisal district collects for the taxing unit.<sup>564</sup> The taxing unit must pay the premium for the bond from its general fund or as provided by intergovernmental contract.<sup>565</sup>

## ANNUAL COLLECTION BUDGET

If an appraisal district is assessing and collecting, the district should outline the costs in a separate budget.<sup>566</sup> If the appraisal district performs assessment and collection functions under contract, the budget should be based on the contract. If the appraisal district collects under an election, the budget should be based on actual costs among the taxing units served.<sup>567</sup> The appraisal district must allocate costs only to those taxing units for which it performs assessment and collection functions.<sup>568</sup>

Special items in the annual collection budget could include required bonds, services of a delinquent tax attorney and court fees (if the appraisal district is handling delinquent collections).

<sup>558</sup> *Tex. Tax Code §6.26(j)*

<sup>559</sup> *Tex. Tax Code §6.26(e)*

<sup>560</sup> *Tex. Tax Code §6.26(f)*

<sup>561</sup> *Tex. Tax Code §6.26(i)*

<sup>562</sup> *Tex. Tax Code §6.26(g)*

<sup>563</sup> *Tex. Att'y Gen. Op. JM-996 (1988)*

<sup>564</sup> *Tex. Tax Code §6.29(b)*

<sup>565</sup> *Tex. Tax Code §6.29(c)*

<sup>566</sup> *Tex. Att'y Gen. Op. GA-0030 (2003)*

<sup>567</sup> *Tex. Att'y Gen. Op. JM-996 (1988)*

<sup>568</sup> *Tex. Att'y Gen. Op. GA-0030 (2003)*

# Comptroller Review of Appraisal Districts

The Comptroller's office provides technical assistance to local taxing units and taxpayers on property tax issues, but it cannot intervene in local tax matters. The Comptroller's office is required to adopt rules establishing minimum standards for appraisal district administration and operations and is also required to conduct reviews of appraisal district operations.<sup>569</sup>

## METHODS AND ASSISTANCE PROGRAM (MAP)

At least once every two years, PTAD must review each appraisal district's governance, taxpayer assistance and the operating and appraisal standards, procedures and methodology to determine compliance with generally accepted standards, procedures and methodology.<sup>570</sup> After consultation with the Property Tax Administration Advisory Board, the Comptroller's office by rule may establish procedures and standards for conducting and scoring the review.<sup>571</sup>

In conducting the review, the Comptroller's office is entitled to access to all appraisal district records and reports, to copy or print these materials and to the assistance of the appraisal district's officers and employees.<sup>572</sup>

At the conclusion of the review, the Comptroller's office must, in writing, notify the appraisal district of its performance in the review.<sup>573</sup> If there is a finding of non-compliance with generally accepted standards, procedures and methodology, or certain Comptroller-issued manuals, the Comptroller's office must deliver a

report that details the findings and recommendations for improvement to the following:

- the appraisal district's chief appraiser and board of directors; and
- the superintendent and board of trustees of each school district participating in the appraisal district.<sup>574</sup>

If an appraisal district fails to comply with the report's recommendations and the Comptroller's office finds that the appraisal district board of directors failed to take remedial action reasonably designed to ensure substantial compliance with each report recommendation before the first anniversary of the date the report was issued, the Comptroller's office must notify TDLR.<sup>575</sup> TDLR must take action necessary to ensure that the recommendations in the report are implemented as soon as practicable.<sup>576</sup> If TDLR takes action, then before Feb. 1 of the year following the year in which action is taken, TDLR must, with the assistance of the Comptroller's office, determine whether the recommendations in the most recent report have been substantially implemented.<sup>577</sup> TDLR must notify the appraisal district's chief appraiser and the board of directors in writing of the determination.<sup>578</sup>

Comptroller Rule 9.301 provides procedures and standards for the reviews and additional MAP information is available at [comptroller.texas.gov/taxes/property-tax/map/index.php](https://comptroller.texas.gov/taxes/property-tax/map/index.php).

<sup>569</sup> *Tex. Tax Code §§5.03, 5.10, 5.102, 5.12 and Tex. Gov't Code §403.302*

<sup>570</sup> *Tex. Tax Code §5.102(a)*

<sup>571</sup> *Tex. Tax Code §5.102(a-2)*

<sup>572</sup> *Tex. Tax Code §5.102(b)*

<sup>573</sup> *Tex. Tax Code §5.102(c)*

<sup>574</sup> *Tex. Tax Code §5.102(c)*

<sup>575</sup> *Tex. Tax Code §5.102(d)*

<sup>576</sup> *Tex. Tax Code §5.102(d)*

<sup>577</sup> *Tex. Tax Code §5.102(e)*

<sup>578</sup> *Tex. Tax Code §5.102(e)*

## SCHOOL DISTRICT PROPERTY VALUE STUDY (SDPVS)

Government Code Section 403.302 requires the Comptroller's office to conduct a study to determine the total taxable value of all property in each school district at least once every two years. This study is referred to as the School District Property Value Study (SDPVS).

The purpose of the SDPVS is to help ensure equitable distribution of state funding for public education. Texas funds public education through state and local funds. Local funding comes from property taxes.<sup>579</sup> The chief appraiser of each appraisal district determines local property values and school districts set tax rates that determine the amount of local tax revenue. Texas bases state funding, in part, on the total taxable property value within each school district, as determined by the SDPVS.

By law, taxable value equals the market value of all taxable property in a district, minus certain exemptions and deductions such as state-mandated homestead and disabled veteran exemptions as well as value limitations.<sup>580</sup> Deductions are made for reinvestment zones, freeport exemptions, productivity appraisal of qualified agricultural lands, the school tax ceiling for homeowners age 65 and older or disabled and other state-mandated exemptions.<sup>581</sup>

To estimate a school district's taxable value, the Government Code requires the Comptroller's office to do the following:

- use generally accepted sampling, standard valuation, statistical compilation and analysis techniques;
- ensure that different levels of appraisal on sold and unsold property do not adversely affect the accuracy of the study and that different levels of appraisal resulting from protests to the ARB on the grounds of market or appraised value or unequal appraisal (Tax

Code Sections 41.41(a)(1) or (2)) are appropriately adjusted in the study; and

- test the validity of taxable values and presume that appraisal roll values represent taxable value when local value is determined to be valid.<sup>582</sup>

The Comptroller's office tests the taxable values the appraisal district assigns to each property category by constructing a statistical margin of error around the estimate of value for selected property categories in each school district.<sup>583</sup> The Comptroller's office considers values valid, or acceptable, when they are within the margin of error.<sup>584</sup> The Comptroller's office considers values outside this margin of error invalid.<sup>585</sup> If, in the preliminary certification of the SDPVS, a school district's local value as determined by the appraisal district is invalid, the commissioner of education is required to send notification to the school district. The notice must include an estimate of the impact that a final invalid finding would have on the school district's finances and any right of recourse available to the school district.

The commissioner, with the assistance of the Comptroller's office, provides copies of the notice to the board of directors of each applicable appraisal district.<sup>586</sup>

If a school district's locally appraised value (local value) is valid, the Comptroller's office certifies the local value to the commissioner of education.<sup>587</sup> If the local value is invalid, the Comptroller's office certifies the state value, unless the school district's value is higher than the acceptable range or the school district is eligible for a grace period (a period during which state law allows local value to be used even though the school district's property values are not at market value).<sup>588</sup>

<sup>582</sup> *Tex. Gov't Code §403.302(b) and (c)*

<sup>583</sup> *Tex. Gov't Code §403.302(c)*

<sup>584</sup> *Tex. Gov't Code §403.302(c)*

<sup>585</sup> *Tex. Gov't Code §403.302(c)*

<sup>586</sup> *Tex. Educ. Code §48.014(b) and (d)*

<sup>587</sup> *Tex. Gov't Code §403.302(c)*

<sup>588</sup> *Tex. Gov't Code §§403.302(c) and 403.3011(2)*

<sup>579</sup> *Tex. Gov't Code §403.301*

<sup>580</sup> *Tex. Gov't Code §403.302(d)*

<sup>581</sup> *Tex. Gov't Code §403.302(d)*

If, in the final certification of the SDPVS, a school district's local value as determined by the appraisal district is invalid, the Comptroller's office is required to send a notification to the board of directors. The board of directors is required to hold a public meeting to discuss the notification.<sup>589</sup>

The Education Code provides how the commissioner of education uses the findings of the SDPVS to determine state aid in school funding.

Additional information regarding the SDPVS is available at: [comptroller.texas.gov/taxes/property-tax/pvs/index.php](http://comptroller.texas.gov/taxes/property-tax/pvs/index.php).

## TARGETED APPRAISAL REVIEW PROGRAM (TARP)

If the Comptroller's office determines a school district's local values to be invalid for three consecutive years, the Government Code requires the Comptroller's office to perform an additional review of the appraisal district. The additional review is targeted and requires the Comptroller's office to provide recommendations to the appraisal district regarding appraisal standards, procedures, and methodologies.

If an appraisal district fails to comply with the report's recommendations and the Comptroller's office finds that the appraisal district board of directors failed to take remedial action reasonably designed to ensure substantial compliance with each recommendation before the first anniversary of the date the recommendations were made, the Comptroller's office must notify TDLR. TDLR must take action necessary to ensure that the recommendations in the report are implemented as soon as practicable. Before Feb. 1 of the year following the year in which TDLR takes action, TDLR must, with the assistance of the Comptroller's office, determine whether the recommendations have been substantially implemented. If it is determined that the recommendations have not been substantially

<sup>589</sup> *Tex. Gov't Code §403.302(k)*

implemented, the board of directors is required to consider whether the failure to implement the recommendations was under the chief appraiser's control and whether the chief appraiser is able to adequately perform his or her duties.<sup>590</sup>

## PERFORMANCE AUDITS

The Comptroller's office must perform performance audits of appraisal districts that fail to meet specified standards for two consecutive studies conducted by the Comptroller's office under Tax Code Section 5.10.<sup>591</sup> Existence of any one of the following conditions for two consecutive years triggers an audit:

- the overall median level of appraisal for all properties in the appraisal district is less than 0.75 as determined in the Comptroller's study;
- the coefficient of dispersion around the median of the overall property sample is greater than 0.30; or
- the difference between median levels of appraisal for any two property classes is greater than 0.45.<sup>592</sup>

Under certain circumstances, the Comptroller's office must also complete an audit if a majority of participating taxing units or a majority of voting taxing units submit a written request to the Comptroller's office for a performance audit or an audit of only one or more particular matters.<sup>593</sup>

Additionally, owners of at least 10 percent of accounts or parcels of property in a single class can petition for a performance audit (but only if the class makes up at least 5 percent of the total property value in the district).<sup>594</sup> Further, on written request, property owners may request an audit if the owners represent not less than 10 percent of the appraised value of all the property in the appraisal

<sup>590</sup> *Tex. Gov't Code §403.302(k-1)*

<sup>591</sup> *Tex. Tax Code §5.12(a)*

<sup>592</sup> *Tex. Tax Code §5.12(a)*

<sup>593</sup> *Tex. Tax Code §5.12(b)*

<sup>594</sup> *Tex. Tax Code §5.12(c)*

district belonging to a single class of property if that property class makes up at least 5 percent of the appraisal district's total property value.<sup>595</sup>

Taxing units and property owners may not request an audit if, for the last two SDPVS under Tax Code Section 5.10:

- the overall median of appraisal for all of the appraisal district's property is more than 0.90 and less than 1.10;
- the coefficient of dispersion for the overall property sample in the study is less than 0.15; and
- the difference between the highest and lowest median appraisal levels for the various property classes is less than 0.20.<sup>596</sup>

A request for an appraisal district performance audit may not be made:

- during the two years immediately following the publication of the second of two consecutive studies according to which the Comptroller's office is required to conduct an audit of the appraisal district;
- during the year immediately following the date the results of an audit of the appraisal district conducted by the Comptroller's office are reported to the chief appraiser of the appraisal district; or
- during a year in which the Comptroller's office is conducting a MAP review of the appraisal district under Tax Code Section 5.102.<sup>597</sup>

Appraisal districts must bear the cost of audits triggered by study results or triggered by a taxing unit request for an audit.<sup>598</sup> The cost of a taxpayer-requested audit is borne by the requesting taxpayers.<sup>599</sup> However, the appraisal district must reimburse the cost of a taxpayer-requested audit if the audit's results show that the median

level of appraisal for a class of property exceeds 1.10 or the median level of appraisal for one property class varies by at least 10 percent from the overall median level of property in the appraisal district.<sup>600</sup>

The Comptroller's office must report the results of the audit in writing to the governing body of each participating taxing unit, the chief appraiser and to the presiding officer of the appraisal district board of directors.<sup>601</sup> If it is a taxpayer-requested audit, the Comptroller's office must also provide a report to a representative of the property owners who requested the audit.<sup>602</sup>

## APPRAISAL DISTRICT RATIO STUDY (ADRS)

Tax Code Section 5.10 requires the Comptroller's office to conduct a ratio study to measure the performance of each appraisal district in Texas at least once every two years and to publish the results. The purpose of the Appraisal District Ratio Study (ADRS) is to measure the uniformity and median level of appraisals performed by an appraisal district within each major property category. To conduct the ADRS, the Comptroller's office applies appropriate standard statistical analysis techniques to data collected through the SDPVS required by Government Code Section 403.302. The level of appraisal shows whether the appraisal district has appraised properties at 100 percent of the legally required level — normally the market value. The uniformity of appraisal indicates how much the market value percentage varies from property to property.

<sup>595</sup> *Tex. Tax Code §5.12(c)*

<sup>596</sup> *Tex. Tax Code §5.12(d)*

<sup>597</sup> *Tex. Tax Code §5.12(e)*

<sup>598</sup> *Tex. Tax Code §5.13(g)*

<sup>599</sup> *Tex. Tax Code §5.13(g)*

<sup>600</sup> *Tex. Tax Code §5.13(g)*

<sup>601</sup> *Tex. Tax Code §5.13(f)*

<sup>602</sup> *Tex. Tax Code §5.13(f)*

For more information, visit our website:

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