

CHAPTER 1

APPRAISAL REVIEW BOARD DUTIES AND ORGANIZATION

Section 1.01:

DUTIES OF THE APPRAISAL REVIEW BOARD

In the performance of their assigned duties, members of the Board should:

- 1) Apply applicable laws, rules, and guidelines under consideration;
- 2) Treat all participants in the Board's proceedings fairly, impartially, and respectfully;
- 3) Serve at the call of the Chairman as may be necessary to constitute a quorum to accomplish the Board's duties in matter and within the time prescribed by law;
- 4) Report promptly for all meetings and hearings of the Board, keep breaks and personal business to a minimum, and complete all assigned hearings before leaving for the day;
- 5) Promote an environment that is free of discrimination and unlawful harassment, including sexual harassment, verbal or physical misconduct;
- 6) Abide by and follow the Policies and Rules adopted by the Board; and
- 7) Resign from the Board if ineligible, or if unable or unwilling to abide by these Policies and Rules.

Section 1.02:

ORGANIZATION OF THE APPRAISAL REVIEW BOARD

The local administrative district judge of Fannin County is responsible for choosing the Board's Chairman and Secretary. The ARB shall elect a vice chairman from its membership each year. The vice chairman is the principal member to whom the Chairman may delegate authority. In the absence of the chairman, the vice chairman or the secretary will preside at the called meeting. In the event the chairman and the vice chairman and the secretary are absent from the called meeting, and a quorum is present, then the remaining ARB members will elect an "acting chairman" from its membership by the majority of those present. Vacancies which occur during term of office shall be filled by appointment or election (as may be required) for the unexpired remainder of the year.

Section 1.03:

MEETINGS, ATTENDANCE, AND COMPENSATION FOR SERVICE

ARB members will receive compensation for service performed in the accomplishment of their assigned and scheduled tasks. ARB members will receive compensation at the rate of \$130.00 per day. ARB members performing only a half day (four or less hours) will receive \$60.00.

CHAPTER 2

MEETING & HEARING POLICIES AND RULES

Section 2.01:

RULES OF ORDER

Meetings of the Board shall, to the greatest extent practicable, be informal. However, when necessary or desirable to facilitate the process of a meeting of the Board (other than in a hearing under Chapter 25 or 41 of the Code), the rules of order contained in Part I, Articles I through VI of De Vries, *"The New Roberts Rules of Order"* (1989) shall govern the meeting to the extent that such rules are applicable and are not inconsistent with these Policies and Rules.

Section 2.02:

HEARING PROCEDURES

a. The purpose of this section is to implement the Board's hearing procedures required by Tax Code Sections 5.103 and 41.66, including the Board's local hearing procedures. Where the Board's local hearing procedures conflict with the "Model Hearing Procedures for Appraisal Review Boards" published by the Office of the Comptroller of Public Accounts for the State of Texas (the "Comptroller"), the Comptroller's Model Hearing Procedures shall prevail.

b. The Board has adopted the Comptroller's Model Hearing Procedures for Appraisal Review Boards, a copy of which are attached hereto as Exhibit "A" and which are incorporated herein by reference, as if set forth at full length.

c. The Board has also adopted the Fannin Central Appraisal Review Board Local Hearing Procedures attached hereto as Exhibit "B" and incorporated herein by reference, as if set forth at full length.

CHAPTER 3

RECORDS

Section 3.01:

PUBLIC INFORMATION COORDINATOR

The Chief Appraiser of the Appraisal District is designated as, and shall be, the officer of the public records for the ARB for the purpose of records maintenance, retention, and purposes of the Public Information Act. Each member should sign a statement designating the Chief Appraiser as the member's public information coordinator for purposes of training under the Public Information Act.

CHAPTER 4

OTHER PROCEDURES

Section 4.01:

NOTICES OF PROTEST

Paper protests must be filed in person, through the United States mail or through a common carrier. Electronic protests may be filed using the Appraisal District's internet website. The ARB will not accept protests filed by e-mail unless an agreement exists between the Appraisal District and the property owner under §1.085 of the Tax Code. Protests may not be filed by fax.

Section 4.02:

PROTESTS FILED LATE

When a property owner files a protest after the legal deadline, but before the ARB has approved the appraisal records, the ARB will make a determination as to whether the property owner had good cause for the failure to file the protest on time. The ARB may make this determination of good cause based solely upon the property owner's written explanation of good cause prior to scheduling any hearing. Good cause refers to circumstances beyond the property owner's control. Examples of good cause include:

- 1) The property owner is on active military duty;
- 2) the property owner is in the hospital or under a doctor's care at the time the deadline expired; or
- 3) there has been a recent death in the property owner's immediate family.

Good cause, for the purpose of making this determination, is not a reason that includes:

- 1) Being out of the area;
- 2) being out of the state;
- 3) being out of the country;
- 4) or failing to recognize the deadline.

This determination is to be determined by the ARB in its sole discretion. If the ARB determines good cause exists, a protest filed after the legal deadline, but before the ARB has approved the appraisal records shall be scheduled for a hearing.

Section 4.03:

PROTESTED PROPERTY IDENTIFICATION

Property being protested must be sufficiently identified before the ARB will consider the protest as valid and schedule a hearing before the ARB. Each property protested should contain one of three methods of property identification. Those are:

- 1) Property Address;
- 2) legal description;
- 3) or any of the Appraisal District Account Numbers (the 13-digit geo reference number or the property ID number shown on the Notice of Appraised Value).

If the protest does not clearly and properly identify the property, the ARB will dismiss the protest and it will not be scheduled an additional hearing.

CHAPTER 5

PUBLIC RELATIONS

Section 5.01:

All contacts on matters and actions of the ARB by the news media will be referred and directed to the Chairman of the ARB on behalf of the ARB.

CHAPTER 6

RECOMMENDED DOCUMENTATION

Section 6.01:

The Board hereby adopts the following Standards of Documentation which set forth examples of the types of data property owners, agents, tax consultants and all other parties appearing before the Board should consider presenting at a hearing. These Standards of Documentation are intended to identify examples of the data that are typically the best available information concerning the market value of various types of property that can be protested. The types of data identified on the forms are recommendations, not requirements, not intended to be exhaustive or exclusive. Individual protests may vary as to the kind of documentation that is available and appropriate.

Market Value of Residential Real Estate or Open Land:

A signed and dated closing statement including the description of the property under protest;

A copy of the dated sales contract – in some cases, the volume and page reference to the deed information may be required.

Comparable Sales Information:

Property Address of Each Property;

Sales Date of Each Property;

Sales Price of Each property;

Grantor & Grantee;

Optional: Deed Reference by Volume and Page

Optional: Method Financing

Source of Sales Information;

Date and Reason for Sale;

Appraisal of Subject Property.

Physical, Functional or Economic Obsolescence:

Although this may be documented in many ways, the best documents are usually estimates for repairs from contractors, or photographs of physical problems. Photographs should show the property as well as the damaged areas. A copy of each document presented will be entered and retained as evidence in the hearing. Photographs need to be authenticated by the property owner or a witness identifying it as the property subject to protest.

Business Personal Property Information:

CPA Statements;

Balance Sheets;

IRS Returns;

Bookkeeping account records, journals, ledgers, and inventories showing both the acquisition data and purchase price;

Receipts, invoices, or leases pertaining to the property in question;

A statement of general accounting policy and procedures - especially concerning the capitalization policies and the basis for any depreciation. The statement will also address inventory methods, and if the physical inventory equals book inventory.

Commercial Real Estate:

(Sales)

Closing Statement – signed and dated, includes a description of the property being transferred and the volume and page of the deed of record if sold during the last 36 months. Same is applicable for a Sales Contract.

Basis of Sale – sale being based on actual income and expense data, Pro-forma income and expense data, etc. Appraisal – if an appraisal was made for any purpose, submit a complete copy of the appraisal report. In some cases, a survey may be required.

Commercial Real Estate:

(Income)

Previous year rent roll, rent summary and income statement (typically, 3 years of data should be provided if available).

Documentation of leasing offering rates, lease concessions, effective lease rates and current historical occupancy as of January 1 of the current year. Explanation of line items may be required.

(Cost)

Construction contracts signed and dated, including a detailed description of the work to be performed. Financial Records may be required. Documentation must reflect all soft costs, and IRS Records may be required.

(Market Approach)

Independent Fee Appraisal – should have a complete copy of the appraisal report including sales and photographs of the comparable properties. Details should include property description, year built, date of contract, sales price, financing, information source, grantor and grantee and the basis for sale.

Agricultural:

Documentation to show agricultural use would include signed copies of lease information where a dollar amount in exchange for land usage is provided and the agricultural activities are stated. Receipts for items such as insecticide, fertilizer, herbicide, or other chemical application costs would be reasonable documentation. IRS Schedule F or similar would also verify SOME use but provides no link to a specific property. Having a FARM NUMBER is not adequate documentation as it does nothing to offer the degree of intensity is or has been met.

The Agricultural History requirement on the Application for Open Space 1-d-1 Agricultural Special Appraisal Application is a CONSTITUTIONAL REQUIREMENT and cannot be arbitrarily waived. The applicant must satisfy the ARB that this requirement has been met by documentation and evidence.

CHAPTER 7

ADOPTION

Section 7.01:

THE FOREGOING POLICIES AND RULES ARE HERBY ADOPTED BY THE FANNIN CENTRAL APPRAISAL REVIEW BOARD EFFECTIVE ON THE 6th DAY OF MAY, 2022.

CHAIRPERSON

MEMBER

SECRETARY

MEMBER

MEMBER