

APPRAISAL REVIEW BOARD OF GRAYSON COUNTY PROCEDURES AND RULES

A majority of the members of the Appraisal Review Board of Grayson County (hereinafter the "ARB") has adopted the following procedures, policies and rules for its operations. These procedures, policies and rules for operation supplement and are subject to: the Texas Property Tax Code (hereinafter the "Property Tax Code"), other statutes and codes applicable to the ARB, including without limitation the Texas Open Meetings Act and the Texas Open Records Act (Public Information Act), rules adopted by the Comptroller of Public Accounts of the State of Texas (hereinafter the "Comptroller") under the authority of the Property Tax Code, including the Model Hearing Procedures for Appraisal Review Boards (hereinafter the "Model Procedures"), and the Appraisal Review Board Manual published by the Comptroller. The ARB may amend or repeal these procedures, policies and rules as deemed necessary, after notice of a meeting to each current member of the ARB regarding any proposed amendments or repeals, upon compliance with any notice or posting requirements of the Open Meetings Act regarding any meeting of the ARB, and upon a vote of the majority of the members present at the meeting regarding any proposed amendments or repeals. To the extent of any conflict between these rules and procedures and the Model Procedures, the Model Procedures shall control. The Model Procedures are available at the offices of the Grayson Central Appraisal District and online at www.graysonappraisal.org.

I. QUALIFICATIONS TO SERVE

- A. Subject to § 6.41(e), the local administrative district judge shall appoint all members to the ARB for staggered two-year terms.
- B. To be eligible to serve as a member of the ARB, an individual must meet, at the time of taking office and all times during his or her term of office, all of the eligibility requirements of Subchapter C of Chapter 6 of the Property Tax Code, including without limitation, the requirements set forth in §§ 6.41 and 6.412 of the Property Tax Code, and all other eligibility requirements of all other applicable laws.
- C. A member of the ARB may be removed by the local administrative district judge. Grounds for removal include all grounds permitted by law, including without limitation, the grounds set forth in § 6.41(f) of the Property Tax Code.

II. OFFICERS

- A. Officers of the ARB shall be a Chairperson and a Secretary.
- B. The appraisal district's Board of Directors shall select the Chairperson and the Secretary from among the members of the ARB by resolution. The appraisal district's Board of Directors will endeavor to select as Chairperson of the ARB a member, if any, who has a background in law and property appraisal.
- C. The officers of the ARB will be elected annually and as soon as possible after the appointment of new members.
- D. The Chairperson will preside over the meetings of the Board and perform all other responsibilities required by these rules or required by all other applicable laws. The Chairperson may delegate any of these responsibilities to members of the appraisal staff provided to the ARB by the Chief Appraiser of the appraisal district for that purpose.
- E. The Secretary shall be responsible for overseeing the keeping of minutes or recordings of all ARB meetings, for ensuring that meetings are posted, for overseeing the keeping of all records of the ARB, and for determining that all notices required to be sent by the ARB are sent. The Secretary may delegate any of these clerical responsibilities to members of the appraisal staff provided to the ARB by the Chief Appraiser of appraisal district for that purpose. The Secretary will perform such other responsibilities as these rules and the law requires.
- F. The Secretary will perform the duties of the Chairperson in his/her absence and assist the Chairperson in the performance of his/her duties at the Chairperson's request. In the event that both the Chairperson and Secretary are absent from a called meeting, then the full ARB members will elect an acting chairman from its membership by the majority of those present at the meeting.

III. MEETINGS

- A. Robert's Rules of Order, Newly Revised, will govern the conduct of all meetings of the ARB (other than in a hearing under Chapter 25 or Chapter 41 of the Property Tax Code). Where Robert's Rules of Order, Newly Revised, subject to the Model Procedures is in conflict with the procedures, policies and rules of the ARB, the procedures, policies and rules of the ARB will control.
- B. A person chairing the ARB or a panel of the ARB may vote or make motions on any matter.
- C. The ARB shall meet to examine the appraisal records within ten (10) days after the date the appraisal district's Chief Appraiser submits the appraisal records to the ARB.
- D. The ARB may meet at any time at the call of the Chairperson. A majority of the ARB may also call

- a meeting at any time.
 - E. The ARB will keep minutes or a recording of all its meetings including hearings under Chapter 25 and Chapter 41 of the Property Tax Code. The minutes or the recording will constitute the record of the meetings of the ARB.
 - F. The Chairperson shall schedule all hearings for the full ARB or a panel of the ARB. The Chairperson may delegate the clerical responsibility to schedule hearings to members of the appraisal staff provided to the ARB by the Chief Appraiser of the appraisal district for that purpose.
 - G. The Board will adopt a policy regarding evening and/or weekend hearings on property owner protests and motions each year.
 - H. The ARB will collectively review its procedures, policies and rules during the first scheduled meeting following the appointment of members to their terms.
 - I. The ARB will endeavor to annually review and update its procedures, policies and rules.
 - a. The Chairperson may delegate the responsibility to annually review and update its procedures, policies and rules to members of the appraisal staff provided to the ARB by the Chief Appraiser of the appraisal district for that purpose.
 - b. The Chairperson may also delegate the responsibility to annually review and update its procedures, policies and rules to legal counsel for the ARB, as authorized by the appraisal district's budget and upon approval by the appraisal district's Board of Directors.
- IV. QUORUM
A majority of the members of the ARB constitutes a quorum.
- V. STAFF/PERSONNEL
The ARB will be provided legal counsel of the ARB's choosing.
- VI. SPECIAL PROVISIONS GOVERNING TAXING UNIT CHALLENGES
- A. All members of the ARB must be present for a hearing on any taxing unit challenges. The ARB shall conduct hearings on taxing unit challenges in the same manner as hearings on property owner protests, except the ARB shall not use a panel of members to hear taxing unit challenges.
 - B. The ARB must hear a challenge if the taxing unit initiating the challenge timely files a challenge petition. Challenge petitions must be filed before June 1 or within 15 days after the date that the appraisal records are submitted to the ARB, whichever is later. The ARB may hear a challenge petition filed after the deadline, but only if it is filed before the ARB approves the appraisal records and only if a hearing can be scheduled before the ARB approves the appraisal records.
 - C. Any taxing unit in which the property at issue is taxable is entitled to appear and offer evidence or argument at the hearing on a challenge.
 - D. The determination of a challenge must be made by written order of the ARB. The ARB may make a determination at the conclusion of the hearing or at a subsequent meeting for which the decision is posted as an agenda item.
- VII. HEARING RULES FOR PROPERTY OWNER PROTESTS AND MOTIONS
- A. CAUSE NUMBERS
 - a. All matters scheduled for hearings will be assigned a cause number to identify the case during the proceedings of the ARB.
 - B. COPIES OF HEARING RULES
 - a. Copies of the ARB's procedures and rules shall be delivered to a protesting property owner not later than the 10th day before the date the hearing on the protest or motion begins and may be delivered with the notice of the hearing required under Property Tax Code § 41.46(a).
 - b. Copies of the ARB's procedures and rules shall be posted in a prominent place in each room in which the ARB or a panel holds hearings.
 - C. ROLE OF CHAIRPERSON
 - a. The Chairperson shall preside over all hearings of property owners' protests before the ARB. The Chairperson may delegate the responsibility to the Secretary or other ARB members as needed. The Chairperson may vote or make motions in any matter before the ARB.
 - D. USE OF PANELS
 - a. The ARB may sit in panels of at least three (3) members to hear property owner protests and motions.
 - b. A quorum of the hearing panel shall be a majority of the number of members fixed by statute. If a hearing panel consists of a quorum of two members and the panel's recommendations is split, then the protest or motion will be sent back to a hearing panel of

three members for a new hearing. The new panel shall not contain any members from the original hearing panel.

- c. The determination of a protest or motion by a three-member panel must be approved by a quorum of the full membership of the ARB. If the recommendation of a panel is not accepted by a quorum of the full membership of the ARB, the ARB may refer the matter for rehearing to a panel composed of members who did not hear the original hearing or, the full membership of the ARB may determine the protest, excluding any ARB members that participated in the original three-member panel. The ARB shall provide and deliver adequate notice of any new hearing to all parties.

E. **PANEL ASSIGNMENTS**

Protests shall be randomly assigned to panels, except that the ARB may consider the type of property subject to the protest or the ground of the protest for the protest of using the expertise of a particular panel in hearing protests regarding particular types or property based on particular grounds. Membership on a panel shall not be determined based on a member's voting record in previous protests. If a protest is scheduled to be heard by a particular panel, the protest may not be reassigned to another panel without the consent of the property owner or designated agent. If the appraisal review board has cause to reassign a protest to another panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another panel. For each panel selected, the Chairperson will designate one member to serve as alternate Chairperson for the panel and one member to serve as alternate Secretary for the panel. The Chairperson of the ARB, or the alternate, in his/her absence, shall preside over the hearings and exercise the authority of the Chairperson of the ARB with respect to the hearing.

F. **AUTHORIZATION OF AGENTS**

- a. The ARB will receive all timely protests or motions from property owners or their authorized representatives. The ARB must accept and consider a timely motion or protest filed by a property owner's agent if an agent authorization is filed at or before the hearing on the motion or protest. Upon receipt of the protest or motion, all matters will be scheduled for a hearing before the ARB. If, in preparing for the hearing, it is identified that the tax representative/consultant purporting to act on behalf of the property owner has not filed the fiduciary authorization which establishes an agency relationship between the purposed agent and the property owner, the ARB will be so informed. The appraisal district will note on the hearing notification to the property owner, and the purported agent, that no official fiduciary authorization exists on the protest filed. The appraisal district will advise the agent in question that no authorization is on file. The agency question will be submitted to the ARB for their determination. At the time of the hearing, the ARB will first consider the question of authorization. If the tax representative/consultant cannot prove that he/she has proper authorization, then the ARB will dismiss the protest. The ARB will not hear the question of value or any other issue on the protest due to lack of proper authorization. In cases where a proper fiduciary authorization is filed prior to the ARB hearing, the ARB will find that the protest was authorized and will proceed with a determination of value or other issues.
- b. If the agent appointed by the property owner is not registered with the Texas Department of Licensing and Regulation (TDLR), as required by the Occupations Code, then the ARB will continue with the hearing. The ARB should not impede the property owner's right to a hearing on his or her protest. The ARB will report the unlicensed agent to TDLR for non-compliance.

G. **MULTIPLE HEARINGS BY ONE OWNER OR AGENT**

On the request of a property owner or a designated agent, an ARB shall schedule hearings on protests concerning up to 20 designated properties on the same day. The designated properties must be identified in the same notice of protest, and the notice must contain in boldfaced type the statement "request for same-day protest hearings." A property owner or designated agent may not file more than one request under this subsection with the ARB in the same tax year. The ARB may schedule hearings on protests concerning more than 20 properties filed by the same property owner or designated agent and may use different panels to conduct the hearings based on the board's customary scheduling. The ARB may follow the practices customarily used by the board in the scheduling of hearings under this subsection.

H. **EXCHANGE OF DOCUMENTARY EVIDENCE PRIOR TO HEARINGS** Before the hearing on a protest or motion, or immediately after the hearing begins, the Chief Appraiser, the Chief Appraiser's representative and the property owner/agent/tax consultant shall each provide the other with a copy of any written material that the party intends to offer or submit to the ARB or panel at the hearing.

I. ORDER OF THE PROCEEDINGS

- a. Commence the hearing and announce the assigned protest number, property location and owner, and other identifying information.
- b. Announce that, in accordance with Tax Code Section 41.45(h), all written material that has not been provided must be provided.
- c. State that the ARB members who are considering the protest have not communicated with anyone about the protest and have signed affidavits to that effect.
- d. Welcome the parties and remind them of the content of the hearing procedures, time limits for the hearing, and other relevant matters.
- e. Ask if any testifying witness holds a license or certificate from the Texas Appraiser Licensing and Certification Board and if the witness is appearing in that capacity.
- f. Inform witnesses that all testimony must be given under oath and swear-in all witnesses who plan to testify. Inform the property owner the CAD representatives have been previously sworn in.
- g. Unless both parties otherwise agree, the property owner (or agent, as applicable) shall present his/her case first.
- h. If the property owner or agent presents his/her case first, he/she shall present evidence (documents and/or testimony). If witnesses are present, the property owner or agent may examine the witnesses as part of the presentation of evidence. At the end of the presentation, an opinion of value (if applicable) for the property must be stated.
- i. Next, the appraisal district representative may cross-examine the property owner, the agent, or the representative and/or witnesses.
- j. If the property owner or agent presented his/her case first, the appraisal district representative shall present evidence (documents and/or testimony) next. If witnesses are present, the appraisal district representative may examine the witnesses as part of the presentation of evidence. At the end of the presentation, an opinion of value (if applicable) for the property must be stated.
- k. Then, the property owner or agent may cross-examine the appraisal district representative and/or witnesses.
- l. Members of the ARB shall not be examined or cross-examined by parties.
- m. The party presenting its case first may offer rebuttal evidence (additional evidence to refute evidence presented by the other party).
- n. The other party may then offer rebuttal evidence.
- o. The party presenting its case first shall make its closing argument and state the ARB determination being sought.
- p. The party presenting its case second shall make its closing argument and state the ARB determination being sought.
- q. The ARB or panel chairman shall state that the hearing is closed.
- r. The ARB or panel shall deliberate orally. No notes, text messages, or other form of communication are permitted between members.
- s. The ARB or panel chairman shall ask for a separate motion for each matter that was the subject of the protest hearing. The motion should include the exact value or issue to be determined. A vote shall be taken and recorded by a designated appraisal district staff person or member of the ARB assigned for this purpose. Separate motions and determinations must be made for each protested issue (i.e., excessive appraisal and unequal appraisal must have separate ARB motions and determinations).
- t. Thank the parties for their participation and announce the determination(s) of the ARB and that an order determining protest will be sent by certified mail.
- u. If computer screens are used by ARB members during ARB hearings for reviewing evidence and other information, computer screens also must be available to property owners and agents at the hearings to view the same information that is presented to the ARB members by the appraisal district staff. This requirement is met if the property owner or agent can see all information displayed on at least one computer screen in the hearing location (there is no requirement that the property owner or agent be provided a separate screen).
- v. The property owner or agent and the appraisal district representative are prohibited from debating each other. All communications must be directed to the ARB members, except for examination or cross-examination during testimony of witnesses or parties testifying at the hearing.
- w. For taxing unit challenges, motions to correct appraisal records, protests regarding exemptions, or other matters that may be the subject of ARB hearings, the ARB should follow the order of conducting hearings above, but may make exceptions for the type of hearing.
- x. Records for each ARB proceeding must be kept according to Tax Code Section 41.68 and Comptroller Rule 9.803. The secretary of the ARB is responsible for ensuring proper record keeping, maintenance, and retention.

J. CONDUCTING HEARINGS CLOSED TO THE PUBLIC

- a. A joint motion by the chief appraiser and the property owner is required to request that the hearing be closed due to intent to disclose proprietary or confidential information that will assist the ARB in determining the protest.
- b. The ARB or panel chairman shall convene the hearing as an open meeting and then announce that the meeting will be closed to the public as permitted by Tax Code Sections 41.66(d) and (d-l). Only the parties to the protest, their witnesses, and the ARB members are permitted to stay in the hearing room. The same order of proceedings as for hearings open to the public should be followed.
- c. The secretary of the ARB is responsible for ensuring that a separate tape recording or written summary of testimony is kept for the closed meeting in accordance with the provisions of Comptroller Rule 9.803 generally. The proprietary or confidential evidence presented at the hearing giving rise to the closed hearing is confidential according to Tax Code Section 22.27 and shall be marked as "confidential" and maintained as confidential in the ARB records for proper handling. At the conclusion of the hearing, the ARB panel shall confirm with the parties that all proprietary and confidential information has been appropriately identified by the ARB. The confidentiality of the information must be maintained by the ARB members and disclosed only as provided by law.
- d. After deliberation, the ARB shall reconvene in open meeting and vote or take final action on the protest deliberated in the closed meeting. There must be no mention of the proprietary or confidential information during the open meeting.

K. FURTHER PROCEEDINGS

If the ARB should determine that further evidence is required in order to make a decision, the ARB may schedule a continuation of the hearing at a later date and inform the parties of the rescheduled hearing date (however, 15 days notice shall not be required).

L. TIME LIMITS FOR HEARINGS

- a. A hearing shall be limited to 15 minutes per cause number for residential property and business personal property. Commercial hearings shall be limited to 30 minutes per cause number. The ARB or a panel shall endeavor to strictly enforce these time limits, but they may waive these time limits at their discretion.
- b. The ARB or a panel will allow the protesting party/agent for a residential property or business personal property five (5) to seven (7) minutes to present their evidence and information and then allow the Chief Appraiser or the Chief Appraiser's representative the same amount of time. The ARB or a panel may offer each party the opportunity to rebut any statements or testimony presented by the other party.
- c. The ARB or a panel will allow the protesting party/agent for a commercial property ten (10) to twelve (12) minutes to present their evidence and information and then allow the Chief Appraiser or the Chief Appraiser's representative the same amount of time. The ARB or a panel may offer each party the opportunity to rebut any statements or testimony presented by the other party.

M. TESTIMONY AND EXAMINATION OF WITNESSES

- a. RELEVANCE
 - i. The ARB or a panel may disregard irrelevant testimony and may instruct a witness to confine his/her testimony to matters relevant to the issues before the ARB or a panel.
- b. QUESTIONS BY ARB MEMBERS
 - i. Any ARB member hearing the case may question any witness testifying before the ARB or a panel and may question any of the parties appearing before the ARB or a panel.
- c. FORM OF TESTIMONY
 - i. Testimony by any witness before the ARB or a panel may be in narrative form or by questioning of a witness.
- d. REBUTTAL
 - i. The ARB or a panel may permit rebuttal of witnesses or parties by the representative of the opposing party when requested to do so. The ARB or a panel shall limit such rebuttal to matters that are relevant to the subject of the hearing and shall not permit questions that are abusive or personal. All rebuttal must be completed within the time limits for the hearing.

N. BURDENS OF PROOF

- a. When the ARB or a panel is considering a protest of a determination of the appraised value of property, or in the case of land, the appraised or market value of property, the appraisal district shall have the burden to establish the value of the property by a

preponderance of the evidence presented at the hearing, except in instances addressed by Property Tax Code §§ (a-1) – (a-4) in which the Chief Appraiser has the burden of proof by clear and convincing evidence. If the appraisal district fails to meet that standard, the protest shall be determined in favor of the property owner.

- b. When the ARB or a panel is considering a protest that asserts the unequal appraisal of the owner's property, the appraisal district shall have the burden to establish the value of the property by a preponderance of the evidence presented at the hearing. If the appraisal district fails to meet that standard, the protest shall be determined in favor of the property owner.
- c. A protest on the ground of unequal appraisal shall be determined in favor of the protesting party unless the appraisal district establishes:
 - i. The appraisal ratio of the property is equal to or less than the median level of appraisal of a reasonable number and representative sample of other properties in the appraisal district; or
 - ii. The appraisal ratio of the property is equal to or less than the medial level of appraisal of a sample of properties in the appraisal district consisting of a reasonable number of other properties similarly situated to, or of the same general kind or character as, the property subject to the protest; or
 - iii. The appraised value of the property is equal to or less than the median appraised value of a reasonable number of comparable properties appropriately adjusted.
- d. If a property owner fails to deliver, before the date of the hearing, a rendition statement or property report required by Chapter 22 of the Property Tax Code, or a response to a Property Tax Code § 22.07(c) request, the property owner has the burden of establishing the value of the property by a preponderance of the evidence presented at the hearing. If the property owner fails to meet that standard, the protest shall be determined in favor of the appraisal district.
- e. Property owners/agents/tax consultants will have the burden of proof regarding the eligibility for special appraisals, ownership disputes, exemptions, and other matters as set forth by any applicable laws, except as otherwise specifically provided for herein.

O. WEIGHING EVIDENCE

- a. The ARB shall consider the property owner/agent/tax consultant's evidence and weigh the appraisal district's evidence against the evidence presented by the property owner/agent/tax consultant.
- b. Evidence includes the data, schedules, formulas or other information used to establish the matter at issue.

P. RESCHEDULING AND POSTPONEMENT

- a. If a property owner has not designated an agent to represent them at their protest hearing, on request made before the date of the hearing, the owner will be entitled to have the protest hearing postponed one time to a date not less than 5 days or more than 30 days from the original hearing date unless the property owner, the Chief Appraiser and the Chairperson or his representative agree to a different date.
- b. If property owner or the property owner's agent shows good cause or the Chief Appraiser, the Chairperson or his representative and the property owner agree, the property owner may receive one or more postponements of the hearing date(s).
 - i. Good cause, as determined by the ARB, includes, but not limited to, medical emergencies, jury duty, death in immediate family and active military duty. Good cause does NOT include vacations or business trips. Documentation may be requested or required when determining good cause.
- c. A property owner may request a postponement in writing, including by facsimile or e-mail, by telephone, or in person to the full ARB, a panel, or Chairperson.
- d. Property owners will be advised of their rights to a postponement by delivering the property owner a copy of the ARB's hearing rules to a protesting property as required by these rules and other applicable laws.
- e. A property owner or a person designated by the property owner as the owner's agent to represent the owner at the hearing who fails to appear at the hearing is entitled to a new hearing if the property owner or the owner's agent files, not later than the fourth day after the date the hearing occurred, a written statement with the appraisal review board showing good cause for the failure to appear and requesting a new hearing. For the purpose of this subsection only, good cause means a reason that includes an error or mistake that was not intentional or the result of conscious indifference and will not cause undue delay or other injury to the person authorized to extend the deadline or grant a rescheduling.

- f. If a hearing for a property owner not represented by an agent is not started by the ARB panel or full ARB within two hours of the scheduled hearing time, the ARB is required to postpone the hearing, if a postponement is requested by the property owner. The request for postponement must contain the mailing address and email address of the person requesting the postponement. The ARB shall respond in writing or by email to the request for postponement not later than seven days after receipt of the request.
- Q. LATE-FILED PROTESTS
- a. The ARB must hear a protest if the party initiating the protest timely files a notice of protest pursuant to Property Tax Code 41.44.
 - b. The ARB must hear a protest when requested by a property owner that has not timely filed notice of protest only if the property owner shows good cause for the failure to file the notice on time.
 - i. Good cause, as determined by the ARB, includes, but not limited to, medical emergencies, jury duty, death in immediate family and active military duty. Good cause does NOT include vacations or business trips, and does NOT include the inadvertence of the party filing the protest. Documentation may be requested or required when determining good cause.
- R. DETERMINATIONS OF LATE-FILED PROTESTS
- a. Prior to scheduling a hearing on a property owner protest, the ARB or a panel will determine whether the protest was filed by the deadline required by law.
 - b. When a property owner files a notice of protest after the legal deadline, but before the date the ARB approves the appraisal records, the ARB will make a determination as to whether the protesting party has good cause for his/her failure to file the notice on time. The ARB may delegate this determination to a panel or committee of ARB members appointed to review late protests; however, the recommendations of this committee or panel will be reviewed and approved by a quorum of the full membership ARB. The ARB may make the determination of good cause based upon the property owner's written explanation or may schedule a hearing or meeting upon the matter for determination by the ARB.
- S. RULINGS BY THE ARB
- a. Any party to a protest hearing may request a ruling by the ARB. Such request may include, but are not restricted to the following: Requests to examine witnesses, to cross-examine witnesses, to admit evidence in written form, to limit a witness' testimony to relevant matters, take official notice of certain facts and requests for continuance of a hearing. Any ARB member hearing a matter may also request rulings from the ARB.
 - b. A formal motion is not required to request a ruling by the ARB, although a request may be made as a motion. Any request for ruling must clearly state the matter upon which the ARB is asked to rule.
 - c. The ARB shall act on any request for ruling by majority vote of those present and hearing the case. The ARB may delegate the responsibility of ruling on requests to the Chairperson conducting a hearing.
- T. ADMISSION OF DOCUMENTARY EVIDENCE
- a. Any party may submit evidence in documentary form by submitting the original document to the ARB or a panel.
 - b. Any party wishing to submit a copy of a document must request that the ARB or a panel rule that the copy is admissible.
 - c. The ARB or a panel may admit the copy into evidence when the ARB or a panel determines that the original document is not readily available.
 - d. Any evidence submitted in documentary form to the ARB or panel shall be retained by the ARB and may not be returned to the submitting party.
 - i. Any party may submit evidence in documentary form by submitting the original copy of the document to the Board. The Board will not accept or consider evidence on DVD, CD-ROM, memory cards, PCs, tablet computers, smart phones, PDAs, video recorders, projectors, digital cameras, cell phones or any other medium that cannot be retained and copied for the Board's records.
- U. STANDARDS OF DOCUMENTATION
- a. The full ARB membership adopts the following rules and procedures in order that each property owner, agent and tax consultant is treated fairly and uniformly in the ARB process. These standards are to be followed by all parties bringing protests before the ARB. The goal of the ARB is to determine all protests only on the basis of full, accurate, and complete disclosure of all pertinent facts.
 - b. The ARB or a panel will consider the sworn testimony of the property owner/agent/tax

consultant to be a true and complete disclosure of all of the facts that could be reasonably expected to have a bearing on the subject property's market value. Thus, all persons presenting protests before the ARB will be expected to be fully knowledgeable of all the above facts.

- c. If a presenter is unwilling, unprepared or otherwise fails to submit the documentation requested by the ARB or a panel, the ARB or a panel will consider issuing a subpoena for the necessary documentation before they finalize their deliberations.
- d. Copies of all information submitted by property owners or consultants, pertinent to the final value decisions, must be retained by the ARB for their records. This specifically includes maps, photographs, complete text of all appraisals performed by others, rent rolls, income and expense statements, leases, deeds, closing statements, contracts of sale, charts, diagrams, surveys, audio/visual materials, plans and drawings. In the case of business personal property, the following types of information must be retained: certified financial statements, IRS returns, CPA letter and/or appraisal. Copies of the above information must be made in advance at the owner's/agent's expense. Copies of all information presented by the Chief Appraiser or the Chief Appraiser's representative will also be made available to the ARB and retained.
- e. The full ARB membership hereby further adopts the attached forms which set forth examples of the types of data property owners, agents, tax consultants and all other parties appearing before the ARB or a panel should consider presenting at the hearing. These forms are intended to identify examples of the data that is 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 not intended to be exhaustive or exclusive.

V. OFFICIAL NOTICE

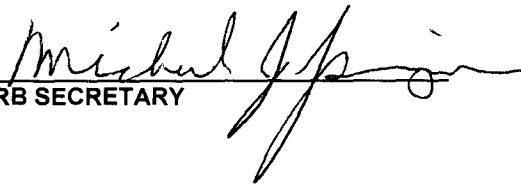
- a. Any party to a hearing or any member of the ARB hearing the case may request that the ARB take official notice of any facts, judicially cognizable by a Court. The ARB will rule on any request for official notice.
- b. When the ARB or a panel has chosen to take official notice of any fact, the ARB or a panel must afford any party the opportunity to contest the facts officially noticed. The party contesting official notice may present argument and evidence to show why the ARB or a panel should not take official notice of the matter requested.

W. ISSUANCE OF SUBPOENAS

- a. The ARB sitting as a whole or as a panel, on its own motion or at the request of a party, including without limitation the Chief Appraiser or the Chief Appraiser's representative, may subpoena witnesses, books, records, or other documents. To issue a subpoena, the ARB or a panel must conduct a hearing to determine that good cause exists for the issuance of the subpoena. All parties to be subpoenaed shall be notified of the hearing to determine good cause not later than the fifth day before the date of the hearing. The parties subject to the subpoena have the right to be heard, either in person or by sworn affidavit, at the hearing. The ARB may subpoena witnesses, books, records, or other documents of the appraisal district or of the property owner who is a party to the protest. The ARB must subpoena records of the appraisal district that are made confidential by law in order to be considered in any protest hearing.
- b. A party to a hearing or proceeding of the ARB or a panel must make a request for a subpoena in writing.
- c. The ARB or a panel shall issue a subpoena requested by a party if the requesting party shows good cause for issuing the subpoena and deposits with the ARB or a panel a sum the ARB determines is necessary to pay the costs of service and compensations of the person to whom the subpoena is directed.
- d. When a party requests a subpoena, the ARB shall determine an amount of deposit reasonably sufficient to insure payment of the costs estimated to accrue for issuance and service of the subpoena and for compensation of the individual to whom is directed.
- e. The ARB shall approve the amount of compensation for each person to whom a subpoena is directed. Each person to whom a subpoena is directed must present a written claim to the ARB for the amount of compensation to which he is entitled.
- f. Persons to whom a subpoena is directed are entitled to the following compensation:
 - i. The reasonable costs of producing any documents subpoenaed as appropriate by the ARB.
 - ii. Mileage of fifteen (15) cents per mile for going to and returning from the place of the proceedings.
 - iii. A fee of \$10.00 per day for each whole or partial day that the individual is necessarily

- present at the proceedings.
- X. AFFIDAVITS IN LIEU OF PERSONAL APPEARANCE
- Y. a. A property owner does not waive the right to appear in person at the protest hearing by submitting an affidavit to the ARB. The ARB may consider the affidavit only if the property owner does not appear at the protest hearing in person. For purposes of scheduling the hearing, the property owner shall state in the affidavit that the property owner does not intend to appear at the hearing or that the property owner intends to appear at the hearing and that the affidavit may be used only if the property owner does not appear at the hearing. If the property owner does not state in the affidavit whether the owner intends to appear at the hearing, the ARB shall consider the submission of the affidavit as an indication that the property owner does not intend to appear at the hearing. If the property owner states in the affidavit that the owner does not intend to appear at the hearing or does not state in the affidavit whether the owner intends to appear at the hearing, the ARB review board is not required to consider the affidavit at the scheduled hearing and may consider the affidavit at a hearing designated for the specific purpose of processing affidavits.
- b. An affidavit must be considered by the ARB only if:
- i. It contains statements that the evidence or argument presented in the affidavit is true and correct;
 - ii. It is attested before an officer authorized to administer oath (such as a Notary Public or Judge); and
 - iii. It is submitted to the ARB or panel hearing the protest before the hearing on the protest begins.
- Z. CHIEF APPRAISER AUTHORITY UNDER 25.25(b)
The Chief Appraiser's authority to make changes under Section 25.25(b) of the Property Tax Code is limited to five (5) years and \$50,000 per year, except in cases of multiple appraisal or a property that did not exist, in which case the authority extends up to ten (10) years.
- AA. EX PARTE CONTACTS AND CONFLICTS OF INTEREST
- a. EX PARTE CONTACTS
- i. The ARB shall not consider any appraisal district information on a protest or motion that is not presented to the ARB or a panel during the protest hearing.
 - ii. A member of the ARB may not communicate with another person concerning:
 1. the evidence, arguments, facts, merits or any other matters related to an owner's protest, except during the hearing on the protest; or
 2. a property that is the subject of the protest, except during a hearing on another protest or other proceeding before the ARB at which the property is compared to another property or used in a sample of properties.
 - iii. This section does not apply to communications between the ARB at its legal counsel.
 - iv. This section does not apply to communications involving the Chief Appraiser or another employee of the appraisal district and a member of the ARB 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 notices, and subpoenas, and the operation of the ARB.
- b. CONFLICTS OF INTEREST
- i. A member of the ARB may not participate in the determination or hearing of any protest in which he or she is interested or in which he or she is related to a party by affinity within the second degree or by consanguinity within the third degree. As soon as a conflict is identified, the member shall file an affidavit with the ARB secretary stating the nature and extent of the conflict and immediately recuse himself/herself from participation, deliberation, or vote.
- BB. RECORDS OF HEARINGS
The ARB shall keep such records of any hearing as required by law and by rule of the State Comptroller of Public Accounts

RATIFIED ON THIS THE 20th DAY OF March, 2014.


ARB SECRETARY

APPRAISAL REVIEW BOARD OF GRAYSON COUNTY
STANDARDS OF DOCUMENTATION

RESIDENTIAL REAL ESTATE
TYPE OF DATA

Sale of Subject Property

A signed and dated closing statement is required. The closing statement will include a description of the property being transferred. A copy of the sales contract and the volume and page number of the deed filing will be required in some cases.

Sales of Comparable Properties

Sales of comparable properties will include the following information, if available:

1. Property Address
2. Sales Date
3. Sales Price
4. Grantor
5. Grantee
6. Volume & Page Number
7. Financing
8. Source
9. Confirmed by
10. Appraisal of subject property, date and reason for sale

Proof of Physical,
Functional or Economic Obsolescence

This type of information can be documented in a variety of ways. The best types of documents are usually estimates for repairs from contractors and photographs of physical problems. All documentation will be signed and attested.

BUSINESS PERSONAL PROPERTY
TYPE OF DATA

The documents below may be furnished to the ARB in all business personal property cases appearing before them.

1. CPA Statements
2. Balance Sheets
3. IRS Returns
4. Bookkeeping accounts, records, journals, ledgers and inventories showing acquisition by year of purchase.
5. Receipts, invoices or leases pertaining to the property in question.
6. A statement of general accounting policy and procedures, especially concerning the capitalization policy and the basis of depreciation. The statement will also address inventory methods and if physical inventory equals book inventory.

APPRAISAL REVIEW BOARD OF GRAYSON COUNTY
STANDARDS OF DOCUMENTATION

COMMERCIAL REAL ESTATE
TYPES OF DATA/MINIMUM DATA (REQUIRED)

Sale of Subject

Closing statement - Signed and dated, includes a description of the property being transferred and volume and page, if sold during last 3 years. Sales contract - (Same as above)

Basis of sale - Sale was based on actual income and expense data, or Pro forma income and expense data, etc. Appraisal - If an appraisal was made for any purpose submits a complete copy of appraisal report. SURVEY OF THE PROPERTY MAY BE REQUIRED.

Income Approach

Previous year rent roll, rent summary and income statement (typically 3 years of data should be provided). ADDITIONAL YEARS DATA (MAY BE REQUIRED)

Documentation of lease offering rates, lease concessions, effective lease rates and current and historical occupancy, as of January 1st of the current year.
DOCUMENTED EXPLANATION OF ANY LINE ITEMS (MAY BE REQUIRED)

Cost Approach

Construction Contracts (s) - Signed and dated, includes a detailed description of the work to be performed. FINANCIAL RECORDS (MAY BE REQUIRED)

Certified A.I.A. Document G702 or equivalent, with detail. SUBCONTRACTS (MAY BE REQUIRED)

Documentation must reflect all hard and soft costs. I.R.S. RECORDS (MAY BE REQUIRED)

Market Approach

Independent Fee Appraisals - Complete copy of the appraisal report.
Confirmed sales and photographs of comparable properties the detail would include:

- | | |
|-------------------------|--|
| 1. Property Description | 8. Date of Contract |
| 2. Location | 9. Volume and Page |
| 3. Land Area | 10. Sales Price |
| 4. Building Area | 11. Financing Terms |
| 5. Year Built | 12. Basis of Sale (Actual or Pro Forma Income) |
| 6. Grantor | 13. Source |
| 7. Grantee | 14. Confirmed By** |