

TCEQ Expedited Review - Developer Projects

“Certificate Justifying 60-Day Bond Application Review”

We have reviewed the attached Bond Application and conclude that it is complete and request an expedited review in accordance with § 293.42. We understand that under an expedited review the TCEQ staff will assume that we have submitted all available documentation required pursuant to the Bond Application Report Format and will not request additional information. If documentation is found to be insufficient, the application will not be expedited and a review letter will be sent. Also, we understand that we may not be notified prior to completion of the TCEQ memorandum of items excluded from funding or recommended for escrow.

A. The following executed documents are included in the attached Bond Application Report:

1. Resolution and Certificate requesting approval of bonds and any special exemptions or waivers (such as 30% developer contribution, market study, or developer interest limitations);
2. Waiver of special tax exemptions as required by § 293.59(k)(8);
3. A current market study, unless exempt or inapplicable;
4. Any other items required by § 293.43;
5. Engineer’s certificates of completion for streets in completed sections where either utilities are being funded in the bond issue or the section is included in the feasibility of the bond issue.
6. Provide a certificate stating whether the District intends for the financial feasibility of the proposed bond issue to be based on “no-growth” or “growth” projections. If based on growth, the certificate should indicate total number of ESFCs used for feasibility.

B. I have reviewed the District's current status and to the best of my knowledge the following statements are true:

1. All underground water, wastewater and drainage facilities and associated streets to be financed or necessary to serve the projected build-out to support the feasibility are 95% complete, or the District is exempt pursuant to § 293.59(k)(11) and applicable financial guarantees in compliance with Commission rules are provided. Financial guarantees are provided for the following:
2. Assessed Value necessary to meet tax rates shown in the no-growth cash flow table and all proposed exemptions is existing as documented by a certificate from the central appraisal district.
3. The District meets the applicable requirements of § 293.59(k)(6) A-E for all bond issues and § 293.59(1)(2)-(3) for second and subsequent bond issues related to completion of facilities and permits.
4. Any financial guarantees necessary for water, wastewater, and drainage facility capacities (based on the District engineer’s design criteria) have been obtained, are included in the attached Bond Application Report Format and are in compliance with Commission rules.

5. The District meets the requirements of § 293.59(k)(7) and § 293.59(l)(4) as applicable related to vertical build-out.
6. The District meets the requirements of § 293.59(k)(3)-(4) related to acceptable tax rates.
7. The District is legally authorized to issue the bonds.
8. Sections and attachments in the attached Bond Application Report Format are separated by dividers or colored paper, tabbed, and labeled.
9. If the feasibility is based on growth, the build-out schedule:
 - a. Is consistent with the growth cash flow schedule.
 - b. Specifically identifies sections where growth is projected.
 - c. Includes the number of ESFCs for non single-family projections.
 - d. Includes only projections on available lots, reserves, etc. as identified in the Land Use Table in the attached Bond Application Report Format.
10. The application meets the requirements of § 293.44 related to special considerations.
11. To the best of our knowledge and belief the bond application is complete and in substantial compliance with Commission rules except for plans and specifications for the following facilities:

The District requests that the funds for these facilities be placed in escrow until such plans and specifications are complete.

Bond Counsel as to paragraph B, lines 4, 7, and 11: _____ Date _____

Financial Advisor as to paragraph B, lines 2, 5, 6, 9a, and 11: _____ Date _____

Engineer as to paragraph A and B, lines 1, 3, 8, 9b-d, 10 and 11 _____ Date _____