

# Bandera Appraisal Review Board Hearing Procedures 2025

The Bandera County Appraisal Review Board (ARB) is appointed to act independently of the appraisal district to make fair and impartial determinations. The Board of Directors of the appraisal district have no authority over how the ARB conducts its business and are prohibited from communicating with the ARB concerning matters that could be the subject of hearings. The ARB is a decision-making body that has as its sole function the determination of statutorily authorized protests, motions to correct and challenges brought by property owners and taxing units. The ARB only has the authority specifically given by statute.

All meetings of the Bandera County Appraisal Review Board will be open to the public and fall under the Open Meetings Act unless otherwise required by law.

## I. ARB Membership {Tax Code Section 5.103(b), (12), (15), and (16)}

### 1. Administration of ARB Appointments

ARB members have no statutory role in the process for the administration of applications or requests for appointments for membership on the ARB. If an individual is contacted by an ARB member regarding requesting an appointment to the ARB, the member must direct the individual to the person designated to receive applications or requests for ARB appointment.

### 2. Conflicts of Interest

Each ARB member must ensure that he or she does not have a conflict of interest that results in ineligibility to serve on the ARB or that restricts or prohibits the ARB member's participation in ARB activities, such as participation in the determination of a taxpayer protest. An ARB member must promptly report any conflict of interest to the ARB chair in addition to any other individual or entity as required by law. The chair must ensure prompt notification of reported conflicts of interest to the appropriate individuals.

If an ARB member discovers before or during a protest hearing that a conflict of interest exists, the member cannot participate in a protest hearing. If the conflict exists due to provisions of the Local Government Code Chapter 171, the member must file an affidavit and must be filed with the ARB secretary. The ARB member must file the affidavit as soon as the conflict is identified, even if it requires a delay in the conduct of hearing. If the conflict arises from Tax Code Section 41.69, the ARB member does not have to file an affidavit but must recuse himself or herself immediately from the hearing and report the conflict to the ARB chair or secretary.

ARB members must remember that while Local Government Code Chapter 171 addresses matters of "substantial interest," Tax Code Section 41.69 applies to any protest in which an ARB member has an interest (i.e., Tax Code Section 41.69 does not require the interest to be substantial). While a **conflict of interest under Local Government Code Chapter 171** may not prohibit an ARB member from participation in a protest, Tax Code Section 41.69 may still prohibit participation. If an ARB member has a question as to whether he or she has a conflict of interest that might prohibit his or her involvement, the member must immediately contact the ARB chair to address the matter.

In the recusal process, the ARB member cannot hear the protest, deliberate on the protest or vote on the matter that is the subject of the protest.

### 3. Ex Parte and Other Prohibited Communications

ARB members must not engage in prohibited ex parte or other communications. If one or more individuals approach the ARB member and appear to engage or attempt to engage in a prohibited communication, the ARB member must immediately remove himself or herself from the conversation.

## • ARB Duties {Tax Code Section 5.103(b) (1), (5), and (6)}

## **1. Statutory Duties of an ARB**

Each ARB member must ensure that he or she understands the statutory duties of the ARB and complies with all statutory requirements in performing statutory duties as an ARB member. Tax Code Section 41.01 addresses the duties of the ARB and the actions they are authorized to make.

## **2. Notices Required under the Property Tax Code**

Each ARB member must obtain and maintain familiarity with the property tax notices required under the Tax Code. If an ARB member believes that any required notice is not being provided or does not meet the requirements of applicable law, the ARB member must promptly notify the ARB chair. The ARB chair must investigate each report and take appropriate action to correct all verified problems.

## **3. Determination of Good Cause under Tax Code Section 41.44(b)**

“Good cause” for filing late protest is not defined in Tax Code Section 41.44 (b). Claims of good cause for late-filed protests must be carefully considered. The standards in making determinations of good cause under Tax Code Section 41.44(b) must be uniformly applied. The ARB should give due consideration to good cause claims in a manner that properly respects the rights of the property owners and their agents while not undermining or contravening laws related to filling deadlines or the orderly and expeditious fulfillment of ARB duties.

## **III. ARB Hearings (formal hearings, not informal meetings between property owners and appraisal district staff) [Tax Code Section 5.103(b) (3), (4), (7), and (14)]**

### **1. Scheduling Hearings Generally**

The ARB must schedule a hearing when a timely notice of protest is filed and, in doing so, the appraisal district can provide the ARB with clerical assistance.

A person leasing property who is contractually obligated to reimburse the property owner for taxes imposed on the property is entitled to protest before the ARB the appraised value of the property if the property owner does not file a protest relating to the property. Under Tax Code Section 41.413, the lessee can designate another person to act as an agent with the same authority and limitations as an agent designated under Tax Code 1.111. Designated agents have the same authority and are subject to the same limitations as agents designated by property owners.

All Appraisal Review Board hearings will be conducted in the boardroom of the Bandera Central Appraisal District located at 1206 Main Street, Bandera, Texas. In person hearing will be heard on a first come first served basis within the scheduled time. Property owners who sign in 15 minutes past their scheduled time will not be heard.

For ARB teleconference hearings please call promptly at the time identified on your NOTICE OF PROTEST HEARING. If you do not call in at your scheduled time, the hearing might still be started by the ARB. If you have not called in before the ARB convenes the hearing, the ARB will start and conduct the hearing as an appearance by Affidavit. You will **not** be entitled to a rescheduled hearing.

ARB hearings will follow Robert’s Rules of Order except as otherwise provided in these procedures. All parties will be asked to take an oath promising the accuracy of the party’s testimony along with an affidavit stating there has been no ex parte communications prior to the hearing. If a member of the board cannot sign the ex parte affidavit, he/she must remove themselves from the hearing. If this removal causes a lack of a quorum, the hearing must be rescheduled. Only the property owner, owner’s agent, Chief Appraiser or his representative or sworn witnesses may speak to the board.

Each hearing shall last 15 minutes unless the board determines more time is needed. Once all evidence has been presented, the board may ask questions of either party. All board members, including the chair, may make motions and vote on hearings.

## **1. Scheduling Hearings for Property Owners, Agents and Qualifying Lessees**

Pursuant to Tax Code section 41.66(i), the ARB must schedule hearing requests filed by property owners or their designated agents under Tax Code Section 1.111 for a specific time and date. The ARB can schedule more than one protest hearing at the same time and date; however, the property owner or agent could request to postpone a hearing if it is not started by an ARB panel or the full ARB within two hours of the scheduled hearing time. The postponement request must contain the mailing address and email address of the person requesting the postponement. The ARB must respond in writing or by email to the postponement request not later than the 7<sup>th</sup> day after the date of receipt of the request.

## **2. Scheduling Hearings for Multiple Accounts**

If requested by a property owner or the designated agent, the ARB must schedule consecutive hearings on the same day on protest concerning up to 20 designated properties. The request must meet all requirements of Tax Code 41.66(j), including the required statement in boldfaced type: “request for same day protest hearings.” A property owner or designated agent can file more than one such request in the same year. Also, pursuant to Tax Code Section 41.66 (j), the ARB may schedule protest hearings 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 ARB’s customary scheduling. The ARB may follow the practices customarily used in the scheduling of hearings under 41.66(j).

## **3. ARB Panel Assignments (Tax Code Section 41.33 (k)(k-1) and 41.45(d)(d-1)**

Pursuant to Tax Code Section 41.66(k) and (k-1), if an ARB sits in panels as authorized by Tax Code Section 41.45(d) and (d-1), it must randomly assign protests. Except for panels established under Tax Code 6.425. the ARB with or without clerical assistance from the appraisal district staff, may consider the property type or the protest grounds in order to assign the protest to a panel with members who have particular experience.

Tax Code section 41.45(b-4) allows a property owner to request that a single-member panel conduct the protest hearing. The property owner must submit the request not later than the 10<sup>th</sup> day before the hearing date in writing on the notice of protest or by written submission. If the ARB does not accept the recommendations made by the single-panel member, the ARB can determine the protest or refer it for rehearing to a single-member panel composed of someone who did not hear the original protest.

Tax Code Section 41.66(k-1) allows a property owner or agent to request a special ARB panel to hear a complex property protest if in a county with a population of 1.2 million or more. The owner or agent must consent to a special panel reassignment and may request a postponement if they disagree with the reassignment.

Once a protest is scheduled for a specific panel, the ARB cannot reassign it to another panel without the consent of the property owner or a designated agent. If the ARB reassigns a protest to another panel, the owner or designated agent may agree to the reassignment or request a postponement of the hearing. The ARB must postpone the hearing if requested in this situation. Pursuant Tax Code Section 41.66(k), “(a) change of members of a panel because of 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.”

## **4. Guidelines for Administering One Person Panels in Taxpayer Protest Hearings Brought Before the Bandera County Appraisal Review Board (ARB)**

- a. Pursuant to the amendments to the Tax Code made by the Texas legislature in 2021, the following administrative procedures have been adopted by the Bandera County (ARB)
- b. Tax Code 41.44(d) now provides that a notice of protest form (as promulgated by the Comptroller) must permit the property owner to optionally request that the protest be heard by a single-member panel as authorized by 41.45(b-4). The ARB shall make the forms readily available and deliver one to a property owner on request.
- c. The ARB shall sit in a single-member panel to conduct a protest hearing under this section if the property

owner requests that the hearing be conducted by a single-member panel:

- (1) In the notice of protest: or
- (2) In writing submitted to the ARB not later than the 10<sup>th</sup> day before the date of the hearing.
- d. The recommendation of the single-member panel regarding the protest determination shall be presented for the approval to the full ARB as soon as practicable. If the recommendation of a single-member panel is not accepted by the full ARB board, the ARB shall proceed as provided in 41.45(b-5).
- e. Not later than June 15<sup>th</sup> of each year, the presiding officer of the ARB shall determine in a public meeting whether any ARB members are uncomfortable with serving, or consider themselves unqualified (e.g., first year ARB with no prior experience) to serve, on a single-member panel.
- f. The secretary of the ARB shall develop a roster of ARB members who agree to serve on a single panel: the secretary may delegate this duty.
- g. The roster shall list ARB members who agree to serve on single-member panels in alphabetical order, and single-members will be selected as their alphabetical turn arises.
- h. In the sole discretion of the presiding officer, an eligible member may be skipped over for good cause.
- i. ARB members who must recuse themselves from serving on a given single-member panel should be chosen for the next single-member panel appointment that arises.
- j. The ARB will make every effort to accommodate all property owners who seek to protest to a single-member panel, but scheduling issues may arise if the ARB's docket is full.
- k. Property owners who prior to the protest have timely indicated that they wish to proceed before a single-member panel, but after the single-member protest is scheduled, or even at the time of protest called to be heard, change their mind (or indicate confusion regarding the original election of a single-member panel) will be allowed to protest before a regular-size panel that day if scheduling does not impact the ARB's timing regarding certification of the appraisal records. In the latter case, the property owner may be required to appear before a single-member panel, as originally requested.
- l. Property owners who failed to timely request a single-member panel and were originally assigned to appear before a regular-size panel, will be accommodated and shall not be unreasonably denied.

## **5. Postponements under Tax Code Section 41.45(e))**

A property owner who is not represented by an agent under Tax Code Section 1.111 is entitled to one postponement of a hearing without showing cause. The property owner must request postponement in writing, including by e-mail, telephone, or in person to the ARB, an ARB panel, or the ARB chair. If the requested hearing postponement is scheduled to occur before the next regular meeting of the ARB, the chair or the chair's representative may act on the request for postponement without the necessity of action by the full ARB. Unless the postponed hearing date and time are agreed to by the ARB chair or the chair's representative, the property owner, and the chief appraiser, the ARB cannot postpone the hearing to a date less than five or more than 30 days after the date scheduled for the hearing when the postponement is sought.

Without limit, the ARB must postpone a hearing if the property owner or designated agent shows good cause, as defined in Tax Code Section 41.45(e-2). The property owner or designated agent must request the postponement in writing, including by e-mail, telephone or in person to the ARB, an ARB panel, or the ARB chair.

If the postponed hearing is rescheduled to occur before the next regular meeting of the ARB, the chair or the chair's representative can act on the postponement request without the necessity of action by the full ARB. Unless the postponed hearing date and time are agreed to by the ARB chair or the chair's representative, the property owner, the chief appraiser, the ARB cannot postpone the hearing date less than five or more than 30 days after the date scheduled for the hearing when postponement is sought.

Without limit, the ARB must postpone a hearing if the chief appraiser consents to the postponement. The Chief Appraiser must request the postponement in writing, including by e-mail, telephone, or in person to the ARB, or the ARB panel, or ARB chair. If the postponed hearing is rescheduled to occur before the next regular meeting of the ARB, the chair or the chair's representative can act on the postponement request without the necessity of action by the full ARB. Unless the postponed hearing date and time are agreed to by the ARB chair or the chair's representative, the property owner, and the chief appraiser, the hearing cannot postpone a hearing to a date less

than five or more than 30 days after the date scheduled for the hearing when the postponement is sought.

The postponement request must contain the mailing address and email address of the person requesting the postponement. The ARB must respond in writing or by email to the postponement request no later than the 7<sup>th</sup> day after the date of the receipt of the request.

## **6. Postponements under Tax Code Section 41.45(e-1)**

A property owner's agent who fails to appear at the hearing is entitled to a new hearing if the property owner or owner's agent files, not later than the fourth day after the date the hearing occurred, a written statement with the ARB showing good cause, as defined in Tax Code Section 41.45(e-2), for the failure to appear and requesting a new hearing.

The postponement request must contain the mailing address and the email address of the person requesting the postponement. The ARB must respond in writing or by email to the postponement request no later than the 7<sup>th</sup> day after the date of the request.

## **7. Postponements under Tax Code Section 41.45(g)**

The ARB must postpone a hearing to a later date if:

- a. The property owner or owner's agent is also scheduled to appear at an ARB protest hearing in another appraisal district.
- b. The other scheduled ARB protest hearing is scheduled to occur on the same date as the hearing set by the ARB.
- c. The hearing notice delivered to the property owner or the owner's agent by the other ARB bears an earlier postmark than the hearing notice delivered by the ARB or, if the postmark is identical, the property owner or agent has not requested a postponement of the other hearing; and
- d. The property owner or the owner's agent includes with the postponement request a copy of the notice of hearing delivered to the property owner or owner's agent by the other ARB.

## **8. Postponements under Tax code Section 41.66(h)**

The ARB must postpone a hearing (one time only) if the property owner or the designated agent requests additional time to prepare for the hearing and establishes that the chief appraiser failed to comply with Tax Code Section 41.461. The postponement request must contain the mailing address and email address of the person requesting the postponement. The ARB must respond in writing or by email to the postponement request not later than the 7<sup>th</sup> day after the date of receipt of the request.

## **9. Postponements under Tax Code Section 41.66(i)**

The ARB must schedule protest hearings filed by property owner's or their designated agents under Tax Code Section 1.111 for a specific time and date. The ARB can schedule more than one protest hearing at the same time and date; however, a property owner or agent can request to postpone a hearing if it is not started by the ARB panel or the full ARB within two hours of the scheduled hearing time. The postponement request must contain the mailing address and email address of the person requesting the postponement. The ARB must respond in writing or by email to the postponement request not later than the 7<sup>th</sup> day after the date of the receipt of the request.

## **10. Postponements under Tax Code Section 41.66(k) (k-1)**

Once the ARB schedules a hearing by a specific panel, the ARB can reassign it to another panel without the consent of the property owner or designated agent. If the ARB reassigns a protest to another panel, a property owner or designated agent may agree to reassignment or request that a hearing postponement. The ARB must postpone the hearing on that request. A change of panel members because of a conflict of interest, illness, or inability to continue

participating in hearings for the remainder of the day does not constitute panel reassignment.

A property owner or agent must consent to a special panel ARB hearing reassignment or request a postponement if they disagree with the reassignment. A change of special panel members because of conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute a special panel hearing reassignment.

The postponement request must contain the mailing address and email address of the person requesting the postponement. The ARB must respond in writing or email to the postponement request not later than the 7<sup>th</sup> day after the date of receipt of the request.

**1Conduct of ARB Hearings (formal hearings, not informal meetings between property owners and appraisal district staff) {Tax Code Section 5.103(b) (2), (9), and (10)}**

**1. Conducting Hearings Open to the Public**

This introductory statement must be read at the beginning of each hearing:

**We are the appraisal review board that will be hearing your protest today. We are not employees of the appraisal district. We are appointed to perform an independent review of your protest. You may complete a survey regarding your experience today.[Provide instructions on how to fill out the survey]. The survey is voluntary. You also have the right to appeal our decision. We will provide the appeal information to you with our determination.**

The ARB or ARB panel does not have to read the statement above if the owner or agent has previously appeared before the ARB or any ARB panel for the ARB for that county that same day.

ARB should conduct most protest hearings in the following order:

- 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), the parties must provide all written and electronic material that has not been provided.
- c. State that the ARB members who are considering the protest have not communicated with anyone about the protest and have signed an affidavit 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 hold 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.
- g. Ask the property owner to decide if he or she wishes to present their evidence and argument before or after appraisal district.
- h. If the property owner or agent present his/her case first, he/she shall present evidence (documents and/or testimony). If witnesses are present, the property owner or agent can examine the witnesses as part of the presentation of evidence. At the end of the presentation, or agent must state an opinion of the property's value (if applicable).
- i. Next, the appraisal district representative may cross-examine the property owner, the agent, or representative and/ or witnesses.
- j. If the property owner or agent presented his/her case first, the appraisal district representative will present evidence (documents and/or testimony) next. If witnesses are present, the appraisal district representative can examine the witnesses as part of the presentation of evidence. At the end of the presentation, the appraisal district representative must state an opinion of property's value (if applicable).
- k. Then, the property owner or agent may cross-examine the appraisal district representative and/or witnesses.
- l. The parties cannot examine or cross-examine the ARB members.

- m. The party presenting its case first can offer rebuttal evidence (additional evidence to refute evidence presented by the other party).
- n. The other party can then offer rebuttal evidence.
- o. The party presenting its case first must make its closing argument and state the ARB determination being sought.
- p. The party presenting its case second must make its closing argument and state the ARB determination being sought.
- q. The ARB or panel must state that the hearing is closed.
- r. The ARB or panel must deliberate orally. No notes, text messages, or other form of communication are permitted.
- s. The ARB or panel chairman must 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 protested. The ARB must take a vote and record a designated appraisal district staff person or ARB must record it. The parties must make separate motions and the ARB determinations must make separate determinations for each protested issue (i.e., excessive appraisal and unequal appraisal must have separate ARB motions and determinations).

Single-member panels must make a recommendation on each motion submitted under protest; however, the ARB will ultimately accept the panel's determination, make its own on the protest, or refer the matter for rehearing to a single-member panel composed of someone who did not hear the original protest.

Special panels appointed in certain counties must make a recommendation on each motion submitted under protest, however, the ARB will ultimately accept the panel's determination or refer the matter for rehearing to another special panel composed of members who did not hear the original protest. If ARB does not have at least three other special panel members available, the ARB may make the determination.

- 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 or email with populations greater than 120,000 where property owners can submit a written request for email delivery of the notice documents indicating that the members of the board hearing the protest signed the required affidavit.

If the ARB members use computer screens during ARB hearings for reviewing evidence and other information, the ARB must make computer screens 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 ARB provide the property owner or agent with a separate screen).

If the chief appraiser uses audiovisual equipment at a protest hearing, the appraisal district must provide equipment of the same general type, kind, and character for the use of the property owner or agent during the hearing. See section VI, other issues, for more information regarding audiovisual equipment requirements.

The property owner or agent and the appraisal district representative are prohibited from debating each other. The parties must direct all communication to the ARB members, except for examination or cross-examination during testimony of witnesses or parties testifying at the hearing.

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.

Tax Code Section 41.68 and Comptroller Rule 9.803 require that the ARB keep records for each ARB proceeding. This includes the ARB retaining evidence offered or submitted by the parties as required by Tax Code Section 41.45 and Comptroller Rules 9.803 and 9.805. The ARB secretary is responsible for ensuring proper record keeping, maintenance, and retention.

Each hearing shall be limited to fifteen (15) minutes. Any taxpayer fifteen (15) minutes late will be considered a "no show" and their hearing will be cancelled. The ARB may alter the order of the proceedings of the Board.

## **2. Conducting Hearings by Telephone Conference Call**

Tax Code Section 41.45(n) allows a property owner initiating a protest can offer evidence or argument by affidavit without physically appearing. Tax Code Section 41.45(b-1) requires a property owner to notify the ARB by written request not later than the 10<sup>th</sup> day before the date of the hearing if the property owner intends to appear remotely, a property owner must submit a written affidavit of any evidence before the hearing begins. A property owner is responsible for providing access to a hearing conducted remotely to another person the owner invites to participate in the hearing.

Tax Code section 41.45(b-2) requires the ARB to provide the telephone number for conducting the teleconference call or the URL address for conducting the videoconference (not offered in Bandera County). The ARB must hold the hearing in a location with equipment that allows all ARB members and parties to the protest in attendance to hear and see the property owner's argument.

## **3. Conducting Hearings Closed to the Public**

Tax Code Section 41.66(d) states that hearings conducted under this chapter are open to the public. Tax Code Section 41.66(d-1) allows the hearing to be closed to the public by mutual agreement between the property owner and the chief appraiser. The chief appraiser and the property owner must file a joint motion to request that a hearing be closed due to intent to disclose proprietary or confidential information that will assist the ARB in determining the protest.

The ARB or panel chair must convene the hearing as an open meeting and then announce the closed meeting in permitted by Tax Code Section 41.66(d) and (d-1). Only the parties to the protest, their witnesses and the ARB members are permitted to stay in the hearing room. The ARB must follow the same order of proceedings as for hearings open to the public.

The ARB secretary must keep a separate tape recording or written summary of testimony for the closed meeting in accordance with 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. The ARB must mark as "confidential" and maintain it as confidential in ARB records for proper handling. At the conclusion of the hearing, the ARB panel must confirm with the parties that all proprietary and confidential information has been appropriately identified by the ARB. The ARB members must maintain the confidentiality of the information and disclose only as provided by law. After deliberation, the ARB must reconvene in open meeting and vote or take final action on the protest deliberated in the closed meeting. The ARB and parties cannot mention the proprietary or confidential information during the open meeting.

## **4. Right to Examine and Cross-Examine Witnesses or Other Parties**

Tax Code Section 41.66(b) states that "each party to a hearing is entitled to offer evidence, examine or cross-examine witnesses or other parties, and present argument on the matters subject to the hearing." The ARB cannot prohibit this entitlement in any way; however, it may enforce time limits and dictate the order of ARB hearings for witness examination and cross-examination. To the extent possible, the ARB should advise the parties in advance of any time limitations the ARB intends to impose regarding the presentation of evidence.

## **5. Party's Right to Appear by an Agent**

The designation of an agent made by Tax Code Section 1.111(b) requires written authorization on a form prescribed by the Comptroller and signed by the owner, a property manager authorized to act on behalf of the owner other than the person being designated as agent, and must clearly indicate that the person is authorized to act on behalf of the property owner in property tax matters relating to the property or the property owner. The designation may authorize the agent to represent the owner in all property tax matters or in specific property tax matters as identified in the designation.

## **6. Protest by Person Leasing Property**

A person leasing property who is contractually obligated to reimburse the property owner for taxes imposed on the property can file a protest if the property owner does not and to designate, under Tax Code Section 41.413, another person to act as his/her agent with the same authority and limitations as an agent designated under Tax Code Section 1.111.

## **7. Evidence Considerations**

**[Tax Code section 5.103(8), (11), and (13)]**

### **A. A Party's Right to Offer Evidence and Argument**

The ARB may not prohibit a party's right to offer evidence and argument but may enforce time limits and dictate the order of ARB hearings. To the extent possible, the ARB should advise the parties in advance of any time limitations the ARB has determined to impose regarding the presentation of evidence and argument. The ARB should, schedule permitting, provide as much time as possible to each party to a hearing to fully present evidence and offer argument.

### **B. Evidence Permitted**

A property owner or agent is permitted to present evidence in an electronic format during the hearing; however, they must provide a copy of that same evidence (prior to the protest hearing or immediately after the protest hearing begins). The property owner or agent's evidence may be produced either in print or in electronic format so that the evidence may be retained by the ARB. If the evidence is produced in electronic format, it must be given to the ARB on a compact disc (CD) or a USB flash drive (i.e., thumb or jump drive, USB, or memory stick). All data must be in PDF format. All CD's, USB flash drives, thumb or jump drives must be identified with account number and docket information. (Please note that CD's USB flash drives, or jump drives will not be returned, but become the property of the ARB). The ARB cannot and will not accept any copies of electronic evidence by email during a protest hearing nor will such evidence be downloaded to a computer from any device by the BCAD appraiser before or during a protest hearing. The ARB will not accept any data or photos on a personal mobile phone. The ARB shall receive and review all evidence presented and thereafter determine its weight during deliberation.

### **C. Prohibition of Consideration of Information Not Provided at the ARB Hearing Tax Code Section 41.66(e)**

In a protest hearing, the ARB cannot consider any appraisal district information on a protest that was not presented to the ARB during the protest hearing. In order for the ARB to consider any appraisal district record (i.e., appraisal roll history, appraisal cards) one of the parties must present it as evidence (e.g., chief appraiser, appraisal district representative, property owner, agent, or witness) at the protest hearing.

### **D. Exclusion of Evidence Required by Tax Code Section 41.67(d), (e)**

If it is established during a protest hearing that protesting party previously requested information under Tax Code Section 41.461 and that the opposing party did not deliver the information to the protesting party at least 14 days before the scheduled or postponed hearing, (The Tax Code generally says that a document is delivered when it is placed in the mail) The opposing party cannot use or offer the requested information not made available in any form as evidence in the hearing. The ARB must exclude evidence under Tax Code Section 41.67(d) only if evidence presented at the hearing establishes that:

1. The information sought to be excluded as evidence was not delivered at least 14 days before the hearing; and
2. the information sought to be excluded as evidence was previously requested by the protesting party.

**Tax Code Section 41.67(e) Prohibits the chief appraiser from offering evidence at a hearing in support of a modification or denial of an exemption of application unless:**

- a. The chief appraiser provided the reasoning for the modification or denial to the property owner in writing no later than the 14<sup>th</sup> day before the hearing date; and
- b. Evidence establishes that the additional reason was not known by the chief appraiser at the time the chief appraiser delivered the original notice of modification or denial.

## **E. Other Issues {Tax Code Section 5.103(17)}**

### **1. Compliance with the Law, Integrity, and Impartiality**

ARB members must comply with the law and always act in a manner that promotes public confidence in the integrity and impartiality of the ARB.

### **2. Patience and Courtesy**

ARB members must be patient, dignified, and courteous to parties appearing before the ARB.

### **3. Bias or Prejudice**

ARB members must perform their ARB duties without bias or prejudice.

### **4. Confidential Information**

ARB must not disclose or use confidential information acquired in the performance of ARB duties for any purpose unrelated to ARB duties.

### **5. Required Contents That Vary by ARB**

ARB model hearing procedures must comply with Comptroller Rule 9.805 concerning ARB evidence exchange and retention and audiovisual equipment requirements. The rule requires that the ARB procedures include specific items may vary by ARB. The rule addresses:

- The manner and form, including security requirements, in which a person must provide the other party with evidentiary materials the person intends to offer or submit to the ARB for consideration at the hearing on a small, portable, electronic device.
- How to retain the evidence as part of the ARB hearing record.
- The audiovisual equipment provided by an appraisal district, if any, for use by a property owner or the property owner's agent.

**This section of the ARB's hearing procedures addresses each item required in Comptroller Rule 9.805:**

Any evidence that the property owner wishes to present must be capable of being kept in the ARB records. No evidence will be accepted that may not be retained. All electronic evidence must be submitted to the ARB Coordinator prior to the hearing. Evidentiary materials produced on a portable electronic device shall be saved in a file format type and downloaded to a cd or USB thumb drive. **No cell phones will be accepted.**

The appraisal district and the property owner or the owner's agent may agree to exchange evidence in a manner other than provided in appraisal review board hearing procedures so long as a copy of the evidence may be retained in the records of the appraisal review board.

If the operation of equipment at the hearing requires access to and connection with the internet for the presentation, the parties must provide their own internet connection and access through their own service provider. The property owner and the owner's agent may not access the appraisal district office's network or internet connection or any of the appraisal district office's technology or equipment other than that made available under this section and described in the appraisal review board hearing procedures no phone photos will be accepted.

## 6. Disruptive Conduct

The panel chair may direct the removal of any person who engages in any disruptive behavior or interferes in the conduct of the hearing.

## 7. Handicap Accessibility / Request for Interpreter

Any non-English speaking person, or any person who has a physical, mental, or developmental disability desiring to appear before the ARB must file a written request to the ARB Chairman, indicating any special assistance or arrangement needed to make a presentation, as well as a name, address, and phone number for contact purposes. The chief appraiser shall make every effort to provide the specific services needed by the requestor, by coordination with the Texas Department of Assistive and Rehabilitative Services, the United Way, and any other public and private agencies with regional offices to search for equipment or interpreters to provide improved access to the ARB for the purpose of holding a hearing.

The above rules were adopted by the majority vote of the Appraisal Review Board of Bandera County, Texas.



Chairperson



Date

Bill Cox	Chairman
Brendia Bennett	Secretary
James MacMillan	Member
Phillip Shaffer	Member

The comptroller's office provides an electronic survey for you to offer feedback about your experience with the Appraisal Review Board. It may be accessed at the appraisal district office or at [www.surveymonkey.com/r/surveyarb](http://www.surveymonkey.com/r/surveyarb)

Additional Appraisal Review Board Information:

Texas Comptroller of Public Accounts  
PO Box 13528, Capital Station  
Austin, Texas 78711-3528  
1-800-252-9191  
[www.comptroller.texas.gov/](http://www.comptroller.texas.gov/)

Bandera Central Appraisal District  
PO Box 1119  
Bandera, Texas 78003  
830-796-3039  
[www.bancad.org/](http://www.bancad.org/)

Attorney General of Texas Open Meetings Act  
[www.oag.state.tx.us/open/publications\\_og.shtml](http://www.oag.state.tx.us/open/publications_og.shtml)

Attorney General of Texas Public Information Act  
[www.texasattorneygeneral.gov/open/publications\\_og.shtml](http://www.texasattorneygeneral.gov/open/publications_og.shtml)