



Notice and Website Posting Requirements for Budget & Tax Rate Adoption¹

Property owners have a right to information about the taxes assessed by their local community college and to voice their opinions on the annual tax rate. The community also has an interest in how the college is spending the funds collected from taxes and other sources. To satisfy these interests, a college's budget and tax rate adoption process must be transparent and accessible to the public.

Notice and website postings required for budget and tax rate adoption are addressed in detail below, as well as referenced and summarized in the TASB Community College Services' related College eLaw [Elections and Tax](#) resources. Additional resources on this topic are TASB Policies CC(LEGAL) and CAI(LEGAL) and the Texas Comptroller's [Property Tax Assistance](#) website.

1. **Must a community college publish its no-new-revenue and voter-approval tax rate calculations online?**

Yes. A community college must calculate its no-new-revenue tax rate (NNR) and voter-approval (VATR) tax rates and related financial information on Texas Comptroller's [Form 50-856](#). The college must prominently post the completed form on the college's website by August 7 or as soon thereafter as practicable. Tex. Tax Code § 26.04(e).

In addition, the community college must post the tax rate calculation form online in an appendix to the college's budget. The chief appraiser must also post information about the estimated amount of taxes imposed on each property in the taxing district on the appraisal district's website, notify taxpayers, and continuously update the information throughout the tax rate adoption process. Tex. Tax Code §§ 26.04(e-2), (e-5), .17.

2. **Must a college publish the college's proposed or adopted budget and related financial information online?**

Yes, a community college's proposed or adopted budget for the current year must be posted on the college's website along with related financial information:

- a. The college's budget for the preceding two years.
- b. The change in the amount of the college's budget from the preceding year to the current year, by dollar amount and percentage.

¹ An electronic version of this document is available on [TASB College eLaw](#) at tasb.org/services/community-college-services/resources/tasb-college-elaw/documents/cc-notice-mtg-vote-tax-rate.pdf.

- c. The amount of property tax revenue budgeted for maintenance and operations for the preceding two years and the current year.
- d. The amount of property tax revenue budgeted for debt service for the preceding two years and the current year.
- e. The tax rate for maintenance and operations adopted by the college for the preceding two years.
- f. The tax rate for debt service adopted by the college for the preceding two years.
- g. The tax rate for maintenance and operations proposed for the current year.
- h. The tax rate for debt service proposed by the college for the current year.
- i. The college's most recent financial audit.

Tex. Tax. Code § 26.18.

Posting online the community college's tax rate calculation form, Form 50-856, and if the college's VATR is recalculated due to a disaster, supplemental Form 50-856-a, will address some of these publication requirements.

3. Must a community college provide notice of the college's proposed tax rate?

Yes, a community college must provide notice to the public of the proposed tax rate and related information prior to adopting the tax rate.

Each community college must publish a table that compares the proposed tax rate to the preceding year's rate as well as the associated taxes on the average residence homestead and the total tax levy. The table must be accompanied by prescribed statements. Tex. Tax Code § 26.062.

A sample comparison table and prescribed statements are included in Appendix A: Additional Information to Include in the Tax Rate Notice.

For purposes of this comparison table, the average taxable value of a homestead should disregard any homestead exemption available only to disabled persons, persons 65 years of age or older, or their surviving spouses. Tex. Tax Code § 26.062(h).

Each community college must satisfy additional tax rate notice requirements that vary depending on the relationship of the proposed tax rate to the NNR and VATR, and whether a public hearing is required prior to the board's adoption of the proposed rate, as described below.

4. What notice is required for tax rate adoption without a public hearing?

If a community college's proposed tax rate is below both the NNR and VATR, the community college board may adopt the tax rate at a board meeting without first conducting a public hearing. The notice of board meeting published consistent with the Texas Open Meetings Act (OMA) must contain a statement in the form shown on Appendix B: Notice of a Board Meeting to Vote on the Tax Rate. Tex. Tax Code § 26.061.

5. What notice is required for a public hearing that precedes tax rate adoption?

If a community college's proposed tax rate exceeds either the NNR or VATR, or both rates, the board must hold a public hearing on the proposed tax rate prior to adopting the rate, with at least five days' prior notice. Tex. Tax Code §§ 26.05(d), .06(a). This notice is in addition to the notice required by the OMA.

The notice must satisfy certain formatting requirements:

- a. The size of the notice must be at least one-quarter page of a standard-size or tabloid-size newspaper.
- b. The headline must be in 24-point or larger type.
- c. The notice must contain a statement specific to the proposed rate's relationship to the NNR and VATR. The Texas Comptroller has [forms](#) for each of the possible scenarios:
 1. The tax rate exceeds both NNR and VATR, [Form 50-873](#).
 2. The tax rate exceeds NNR but does not exceed VATR, [Form 50-876](#).
 3. The tax rate exceeds VATR but does not exceed NNR, [Form 50-877](#).
- d. The comparison table and accompanying statements described above must be included at the end of the notice.

Tex. Tax Code § 26.06(b)-(b-4).

6. How must a community college deliver the notice of the tax rate?

A community college must either mail the board meeting or public hearing notice to each property owner in the college's taxing district or publish it in a newspaper in a section other than the section with legal notices and classified advertisements. If published in a newspaper, the college must also post the notice prominently and continuously its website homepage from the date the notice is first published until the public hearing is concluded. Tex. Tax Code §§ 26.06(c), .061(d).

If the community college will be holding the public hearing, the college must also prominently and continuously post the public hearing notice on its home page for at least seven days immediately before the public hearing and at least seven days immediately before the date of the vote. The college must request that a free access television station, if available, carry a 60-second notice of the public hearing at least five times a day between the hours of 7 a.m. and 9 p.m. for at least seven days immediately before the public hearing and at least seven days immediately before the date of the vote. Tex. Tax Code § 26.065(b)-(c).

7. What are the consequences of failure to meet the notice and website posting requirements?

A community college that fails to meet the notice and website posting requirements may be subject to an injunction or a required tax rate reduction.

Injunction Restraining Collection of Taxes: A taxpayer is entitled to an injunction restraining a community college from collecting taxes if the website posting requirements or other tax rate notice procedures are not met. The action to enjoin the collection of taxes must be filed by the 15th day after the board's adoption of the tax rate, and it is a defense that failure to comply was in good faith, or was due to mechanical or electrical failure (e.g., the college's computer server failed) or circumstances beyond the college's control. Tex. Tax Code §§ 26.05(e), .065(f).

Reduction of Tax Rate: A community college board must reduce the tax rate set under law or by the voters to the lower of the NNR or VATR, and may not adopt a higher rate, unless it first complies with the public hearing notice and related requirements described by Texas Tax Code section 26.06. Tex. Tax Code § 26.05(d).

8. Where can I get more information about notice and website posting requirements?

Community college representatives may contact TASB Community College Services at 800.580.1488 or colleges@tasb.org. Additional information is also available from the [Texas Comptroller](https://www.tasb.org/) or the college's local counsel.

Appendix

- A. Additional Information to Include in the Tax Rate Notice
- B. Notice of a Board Meeting to Vote on the Tax Rate

For more information on community college law topics,
visit TASB College eLaw online at colleges.tasb.org/elaw.

This document is provided for educational purposes and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.

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Appendix A Additional Information to Include in the Tax Rate Notice

[Note: Include this form with the public hearing notices described by Texas Tax Code section 26.06(b-1)-(b-3) or the board meeting notice described by Texas Tax Code section 26.061, as applicable.]

The following table compares the taxes imposed on the average residence homestead by _____ (name of college) last year to the taxes proposed to be imposed on the average residence homestead by _____ (name of college) this year:

	[Preceding Tax Year]	[Current Tax Year]	Change
Total Tax Rate (per \$100 of value)	[Adopted Tax Rate for Preceding Year]	[Proposed Tax Rate for Current Year]	[Increase/Decrease] of [Nominal Change] per \$100, or [Percent Change]%
Average Homestead Taxable Value*	[Average for Preceding Year]	[Average for Current Year]	[Increase/Decrease] of [Percent Change]
Tax on Average Homestead*	[Tax Amt for Preceding Year]	[Proposed Tax Amt for Current Year]	[Increase/Decrease] of [Nominal Change] per \$100, or [Percent Change]%
Total Tax Levy on All Properties	[Tax Levy for Preceding Year]	[Proposed Tax Levy for Current Year]	[Increase/Decrease] of [Nominal Change] per \$100, or [Percent Change]%

[Note: Include the following statement if the tax assessor for the taxing unit maintains an Internet website. Tex. Tax Code § 26.062(a)(3)(A).]

For assistance with tax calculations, please contact the tax assessor for _____ (name of college) at _____ (telephone number) or _____ (email address), or visit _____ (Internet website address) for more information.

[Note: Include the following statement if the tax assessor for the taxing unit does not maintain an Internet website. Tex. Tax Code § 26.062(a)(3)(B).]

For assistance with tax calculations, please contact the tax assessor for _____ (name of college) at _____ (telephone number) or _____ (email address).

* In calculating the average taxable value of a homestead, disregard any homestead exemption available only to disabled persons, persons 65 years of age or older, or their surviving spouses. Tex. Tax Code § 26.062(h).



Appendix B Notice of a Board Meeting to Vote on the Tax Rate

[Note: Include this form with the notice of a board meeting described by Texas Tax Code section 26.061]

NOTICE OF MEETING TO VOTE ON TAX RATE

PROPOSED TAX RATE \$_____ per \$100

NO-NEW-REVENUE TAX RATE \$_____ per \$100

VOTER-APPROVAL TAX RATE \$_____ per \$100

The no-new-revenue tax rate is the tax rate for the _____ (*current tax year*) tax year that will raise the same amount of property tax revenue for _____ (*name of college*) from the same properties in both the _____ (*preceding tax year*) tax year and the _____ (*current tax year*) tax year.

The voter-approval tax rate is the highest tax rate that _____ (*name of college*) may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is not greater than the no-new-revenue tax rate. This means that _____ (*name of college*) is not proposing to increase property taxes for the _____ (*current tax year*) tax year.

A public meeting to vote on the proposed tax rate will be held on _____ (*date and time*) at _____ (*meeting place*).

The proposed tax rate is also not greater than the voter-approval tax rate. As a result, _____ (*name of college*) is not required to hold an election to seek voter approval of the rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the _____ (*name of governing body*) of _____ (*name of college*) at their offices or by attending the public meeting mentioned above.

Your taxes owed under any of the above rates can be calculated as follows:

Property tax amount = tax rate x taxable value of your property/100

(Names of all members of the governing body, showing how each voted on the proposed tax rate or, if one or more were absent, indicating the absences.)

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.”