

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE 2.7 “BOARDS, COMMITTEES AND COMMISSIONS,” DIVISION 10 “TAX INCREMENT REINVESTMENT ZONE BOARD,” SECTIONS 2.07.281 “ORGANIZATION AND PROCEDURE”, 2.07.282 “QUALIFICATIONS” AND 2.07.283 “TERMS” BY RESTATING SAID SECTIONS IN THEIR ENTIRETY TO PROVIDE FOR A TAX INCREMENT REINVESTMENT ZONE BOARD OF TWELVE BOARD MEMBERS; PROVIDING FOR QUALIFICATIONS OF BOARD MEMBERS; ADDING A NEW SECTION 2.07.292 PROVIDING FOR CONFLICTS OF INTEREST; REMOVING CHAPTER 2 “ADMINISTRATION,” ARTICLE 2.7 “BOARDS, COMMITTEES AND COMMISSIONS,” DIVISION 11 IN ITS ENTIRETY, THUS ELIMINATING THE DOWNTOWN DEVELOPMENT COMMISSION; RATIFYING OTHER ACTIONS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council for the City of San Angelo adopted an ordinance on December 19, 2006, creating a tax increment reinvestment zone, “Reinvestment Zone Number One, City of San Angelo” to preserve the near and long term integrity of the economic and social investment in the designated area and needed to encourage additional new projects within the designated area; and,

WHEREAS, the City of San Angelo draws upon its citizens for their experience, knowledge and expertise to serve as volunteers on a number of boards and commissions; and,

WHEREAS, the City Council has determined that it is in the public’s interest to have adequate representation from all single member districts of the city in the overall appointment process and has adopted by resolution a uniform policy for appointment of City advisory boards and commissions by single member district; and,

WHEREAS, the City Council finds that an appointment process with respect to members of the Tax Increment Reinvestment Zone Board similar to its uniform policy for the appointment of members of advisory boards and commissions would serve the best interest of the public; and,

WHEREAS, the duties required of the Downtown Development Commission have been fulfilled; and,

WHEREAS, the Tax Increment Reinvestment Zone and the Downtown Development Commission have overlapping areas of oversight with common goals:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS:

Section 1. Chapter 2 “Administration,” Article 2.7 “Boards, Committees and Commissions,” Division 10, “Tax Increment Reinvestment Zone Board, Section 2.07.281 “Organization and Procedure”, is amended by restating said section in its entirety to read as follows:

“Section 2.07.281 Organization and Procedure

There is hereby created within the city a tax increment reinvestment zone board that consists of nine (9) regular board members to be filled by nomination and appointment as follows:

- (1) One (1) board seat shall be appointed by city council from a nomination of the mayor;
- (2) Each of six board member seats shall be appointed by city council, designated for city council single member districts one through six respectively, from nomination of each council member representing each designated single member district;
- (3) Two (2) board member seats shall be appointed by the County Commissioners Court, Tom Green County;

In addition, there shall be five (5) non-voting, ex-officio members who will attend and participate in an advisory capacity. Each one of the five will be a representative of each of the following organizations: San Angelo Chamber of Commerce, Downtown San Angelo, San Angelo Independent School District, Goodfellow Air Force Base, and Angelo State University.”

Section 2. Chapter 2 “Administration,” Article 2.7 “Boards, Committees and Commissions,” Division 10, “Tax Increment Reinvestment Zone Board, Section 2.07.282 “Qualifications,” is amended by restating said section in its entirety to read as follows:

“Section 2.07.282 Qualifications

All regular and alternate board members shall be at least eighteen (18) years of age and a resident of Tom Green County. Any regular board member who ceases to possess such qualifications shall automatically be deemed to have vacated his or her membership on the board.

Appointees of council members representing Single Member Districts (SMDs) two, three, and four shall live, work and/or own property within the TIRZ – North. Appointees of council members representing Single Member Districts (SMDs) one, five, and six shall live, work and/or own property within the TIRZ – South.”

Section 3. Chapter 2 “Administration,” Article 2.7 “Boards, Committees and Commissions,” Division 10, “Tax Increment Reinvestment Zone Board”, Section 2.07.283 “Terms,” is amended by restating said section in its entirety to read as follows:

“Section 2.07.283 Terms

- (1) Of the initial board member appointments by city council after the effective date of the ordinance, four (4) shall be for a two (2) year term, and three (3) shall be for a three (3) year term. Of the initial board member appointments by the county commissioners’ court after the effective date of this ordinance, one (1) shall be for a two (2) year term, and one (1) shall be for a three (3) year term.

- (2) All appointments for regular members made after the initial appointments shall be for a term of two (2) years, except vacancies for unexpired terms, which shall be filled for the remainder of the unexpired term, thereby maintaining staggered terms. Ex-officio members will not have terms or term limitations.
- (3) No individual may serve more than three, full consecutive board member terms, except after one full year from the date of last service as a board member.”

Section 4. Chapter 2 “Administration,” Article 2.7 “Boards, Committees and Commissions,” Division 10, “Tax Increment Reinvestment Zone Board”, Section 2.07.284 “Duties”, is amended by restating said section in its entirety to read as follows:

“Sec. 2.07.284 Duties

The TIRZ board shall act as an advisory board to the city council in the operation and administration of the TIRZ; all action by the board is subject to city council approval. The authority and responsibility of the board expressly includes:

- (1) Make recommendations to the city council regarding the administration of this division.
- (2) Make recommendations to the city council regarding agreements that are necessary or convenient to implement the project plan and reinvestment zone financing plan.
- (3) Make recommendations to the city council regarding agreements with local governments or political subdivisions for management of the zone or implementing the project plan and reinvestment zone financing plan.
- (4) Make recommendations to the city council regarding establishing and providing for the establishment of programs that:
 - (A) Develop and diversify the economy of the zone;
 - (B) Eliminate unemployment and underemployment in the zone;
 - (C) Develop or expand transportation, business and commercial activity in the zone;
 - (D) Make grants and loans; and
 - (E) Stimulate business and commercial activity in the zone.
- (5) Contract with the city regarding allocation from the tax increment fund to pay for the incremental costs of providing municipal services incurred as a result of the creation of the zone or the development or redevelopment of land within the zone.
- (6) Make recommendations to the city council regarding the expenditure of TIRZ funds related to development and redevelopment of land within the zone, in conformance with the following process:
 - (A) An affirmative recommendation to expend TIRZ funds for a project in the same area as that from which the funds are derived requires a simple majority vote of the TIRZ board members present when the matter is voted upon. The city council may approve expenditures under this subsection by a simple majority vote if such expenditure is recommended by the TIRZ board.
 - (B) An affirmative recommendation to expend TIRZ funds for a project located in the area outside that from which the funds are derived requires an affirmative vote by three-quarters of the TIRZ board members present when the matter is voted upon. The city council may only approve expenditures under this subsection when such expenditures are recommended by the

TIRZ board and with an affirmative vote of six (6) members of the city council.

- (7) Acting as the lead entity in working with other boards and commissions regarding incentives, regulations, infrastructure and all other physical and economic development decisions related to the TIRZ district.
- (8) Providing a progress report to the city council annually, or as requested by the city council.”

Section 5. Chapter 2 “Administration,” Article 2.7 “Boards, Committees and Commissions,” Division 10, “Tax Increment Reinvestment Zone Board”, Section 2.07.285 “Officers”, is amended by restating said section in its entirety to read as follows:

“Sec. 2.07.285 Officers

The city council shall appoint a chair, as established in Section 311.009.f of the Local Government Code, for a term of one year, beginning in January. The board may appoint other officers as it may establish in its bylaws.”

Section 6. Chapter 2 “Administration,” Article 2.7 “Boards, Committees and Commissions,” Division 10, “Tax Increment Reinvestment Zone Board, is amended by adding Section 2.07.292 “Conflicts of Interest,” to read as follows:

“Section 2.07.292 Conflicts of Interest

- (1) No member of the board shall participate in any case in which he or she has financial or personal interest in the property concerned, or will be directly affected by the decision, or has any other conflict of interest as defined by applicable law. The determination of “substantial” interest in a business entity, as well as rules affecting participation of board members in cases affected thereby, are described in Chapter 171 in the State of Texas Local Government Code.
- (2) No member of the San Angelo city council, or person related to a council member within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from the board during his/her tenure or for six months thereafter.
- (3) No member of the TIRZ board, or person related to a board member within the second degree by consanguinity or affinity, shall be eligible for a grant or assistance from the board during his/her tenure or for six months thereafter.
- (4) No employee of the Planning & Development Services Department, or person related to an employee or supervisor of this Department within the second degree by consanguinity or affinity, shall be eligible for assistance from the TIRZ during his/her employment or for six months thereafter.
- (5) A member may disqualify himself/herself from voting whenever any requestor, or his/her agent, has sought to influence the vote of the member in any setting, other than in the public meeting.”

Section 6. All prior actions of the tax increment reinvestment zone board; all prior actions of the city council on recommendations made to the city council by the board; and all prior actions of city staff in connection therewith are ratified and approved.

Section 7. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The city council hereby declares that it would have passed this Ordinance, and each section, paragraph, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, sentences, clauses or phrases be declared unconstitutional; or invalid.

Section 8. This Ordinance shall become effective on June 21st, 2016.

INTRODUCED on the day of _____, 2016, and finally PASSED,

APPROVED and ADOPTED on this the ____ day of _____ 2016.

ATTEST:

CITY OF SAN ANGELO

Bryan Kendrick, City Clerk

BY: _____
Dwain Morrison, Mayor

Approved as to form:

Theresa James, City Attorney