

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: September 14, 2010; Public Hearing: September 21, 2010(Regular)

CONTACT PERSON NAME AND PHONE NUMBER: Kathy Dodson, (915) 541-4670

DISTRICT(S) AFFECTED: District 8

SUBJECT:

Discussion and Action on an ordinance amending ordinance No. 016528 to allow for three consecutive two-year terms of office for board members of the board of directors of the Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas. (District 8) [Planning and Economic Development Department, Kathryn B. Dodson, PhD, (915) 541-4670]

BACKGROUND / DISCUSSION:

The Ordinance creating the Reinvestment Zone and its Board does not specify that there are term limits for the Reinvestment Zone No. 5; however, a different provision of the El Paso City Code applies that in essence creates term limits for TIRZ No. 5 of two consecutive terms. All boards created by ordinance are subject to the term limitations provision contained in Section 2.04.050 of the El Paso City Code. The Tax Increment Reinvestment Zone (TIRZ No. 5) Board of Directors, at their meeting July 8, 2010, unanimously approved a motion to recommend the limit on consecutive terms of office for Board members be increased in order to encourage long-range planning and greater continuity of the Board's activities related to planning and identifying of potential zone projects. The Board requested to extend appointments for three consecutive two year terms so that board members could serve a total of six consecutive years.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

NO

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

Tax Increment Reinvestment Zone recommended unanimous approval on July 8, 2010.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 016528 TO ALLOW FOR THREE CONSECUTIVE TWO-YEAR TERMS OF OFFICE FOR BOARD MEMBERS OF THE BOARD OF DIRECTORS OF THE TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS.

WHEREAS, by City of El Paso Ordinance No. 016528, adopted December 19, 2006, later amended by Ordinances Nos. 016803 and 016804 on December 18, 2007, the City created Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas (the "Zone") in accordance with the Tax Increment Financing Act (the "Act") for the purposes of development within the Redevelopment Districts in the Downtown 2015 Plan through the use of tax increment financing; and

WHEREAS, on July 8, 2010, the Tax Increment Reinvestment Zone Number Five Board of Directors (the "Board") unanimously approved a motion to recommend to the El Paso City Council that the limit on consecutive terms of office for Board members be increased in order to encourage long-range planning and greater continuity in the Board's activities related to planning and identifying of potential Zone projects; and

WHEREAS, for the public's interest in obtaining strategic community revitalization and economic development in the Zone and more efficient administration of the Zone, the City desires to allow for three consecutive two-year terms of office for Board members of the Zone; and

WHEREAS, it is City Council's intent that this Ordinance control over the provisions contained in Section 2.040.050 of the City Code; and

WHEREAS, it is officially found and determined that the meeting at which this Ordinance was passed was open to the public and public notice of the time, place and subject of said meeting was given all as required by Chapter 551, Texas Government Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the third paragraph of Section 4. of Ordinance No. 016528 is hereby amended to read as follows:

The term of office for members appointed to the Board shall be two years. A member of the Board may serve for three consecutive two-year terms. No member of the Board shall serve more than three consecutive two-year terms, provided however that filling an unexpired term shall not be counted toward the two year-term limitation. A vacancy on the Board is filled for the unexpired term by appointment of the Taxing Unit that appointed the member who served in the vacant position.

ORDINANCE NO. _____

2. That the statements set forth in the recitals of this Ordinance are declared to be true and correct and are incorporated as part of this Ordinance.
3. That the provisions of this Ordinance are severable. If any provision of this Ordinance or the application thereof to any circumstances shall be held to be invalid or unconstitutional, the remainder of this Ordinance shall nevertheless be valid.
4. Except as expressly herein amended, Ordinance No. 016528 shall remain in full force and effect.

ADOPTED this __ day of _____, 2010.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Marie A. Taylor
Assistant City Attorney

APPROVED AS TO CONTENT:



Kathryn B. Dodson, Ph.D., Director
Planning and Economic Development Department

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