

CITY OF ABILENE, TEXAS

ORDINANCE NO. 14-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING ORDINANCE NO. 58-2022 CONCERNING TAX INCREMENT REINVESTMENT ZONE NUMBER THREE, CITY OF ABILENE, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, BY AMENDING THE COMPOSITION OF THE BOARD OF DIRECTORS

WHEREAS, the City of Abilene, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous geographic area that is in the corporate limits of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, on November 17, 2023, the City Council of the City of Abilene, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 58-2022 designating a contiguous geographic area within the City as a Reinvestment Zone Number Three, City of Abilene, Texas; and

WHEREAS, the City of Abilene Ordinance No. 58-2022 sets forth a Board of Directors for the Zone composed of seven (7) members appointed by the Mayor and confirmed by City Council; and

WHEREAS, the City Council of the City of Abilene, Texas, now desires to amend Reinvestment Zone Number Three, City of Abilene, Texas, Ordinance No. 58-2022 by reducing the number of board members appointed by the Mayor and confirmed by the City Council to five (5) members.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, THAT:

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That Section 4 of Ordinance No. 58-2022 shall be amended to read as follows:

That a board of directors for the Zone ("Board") is hereby created. The Board shall consist of five (5) members appointed by the Mayor and approved by the City Council per Section 311.009 of the Texas Tax Code. Additionally, each taxing unit that levies taxes within the Zone and chooses to contribute all or part of the tax increment produced by the unit into the tax increment fund may appoint one member of the board. The number of directors on the Board of Directors shall be increased by one for each taxing unit that appoints a director to the board; provided, that the maximum number of directors shall not exceed fifteen (15).

The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare and adopt a project plan and a reinvestment zone financing plan for the Zone and submit such plans to the City Council for its approval. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws. Notwithstanding anything to the contrary herein, the Board shall not be authorized to (i) issues bonds; (ii) impose taxes or fees; (iii) exercise the power of eminent domain, or (iv) give final approval to the Zone's project plan and financing plan.


SECTION 3. That Ordinance No. 58-2022, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

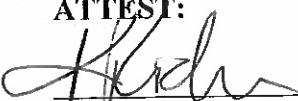
PASSED AND APPROVED ON this 23rd day of March 2023.

CITY OF ABILENE




Anthony Williams, Mayor

ATTEST:




Kaitlin Richardson
Deputy City Secretary

APPROVED AS TO FORM:



Stanley Smith
City Attorney

APPROVED AS TO CONTENT:



Robert Hanna
City Manager