

RESOLUTION NO. 45-2003

A CONCURRENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AND THE COMMISSIONERS COURT OF TAYLOR COUNTY, TEXAS CREATING THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT; APPOINTING THE INITIAL BOARD OF DIRECTORS AND ORDERING OTHER MATTERS RELATED THERETO.

WHEREAS, the City Council of the City of Abilene, Texas (the "City"), and the Commissioners Court of Taylor County, Texas (the "County") desire to pass a concurrent Resolution to create a venue district as provided in Chapter 335 of the Texas Local Government Code, and as amended (the "Act");

WHEREAS, the City and the County have created a Venue District to plan, acquire, establish, develop, construct and renovate one or more venue projects as described in the Act;

WHEREAS, the City and the County have determined and hereby do determine that this is a concurrent Resolution within the meaning of the Act to read and provide as set out herein; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

SECTION 1. That the Abilene-Taylor County Events Venue District (the "District") is hereby created and that the boundaries of the District shall be and hereby are determined to be coextensive with the combined boundaries of the City and the County.

SECTION 2. That the District shall be governed by a Board of Directors (the "Board") which shall consist of five (5) directors. The Board members shall be appointed by the Mayor of the City and by the County Judge of the County, with the Mayor appointing two (2) members of the Board and the County Judge appointing two (2) members of the Board, with the fifth board member being a joint appointment made by the Mayor and County Judge. The directors of the District shall serve staggered two-year terms, may be removed by the appointing Mayor or

County Judge, as applicable, at any time and without cause as provided in the Act. Successor directors shall be appointed in the same manner as the original appointees. The County Judge and the Mayor shall each appoint at least one (1) director for an initial one-year term. All directors shall be persons who are residents of the appointing political subdivision and shall meet the other qualifications prescribed by the Act. It is the desire of the City and County that the Mayor and County Judge be members of the board of directors at all times.

SECTION 3. The initial Board shall consist of Grady Barr and Kay Alexander, who were appointed by the Mayor of the City and George Newman and Stan Egger who were appointed by the County Judge of the County. David Polnick is the joint appointee of the Mayor and Judge. Stan Egger and David Polnick shall serve initial one-year terms.

SECTION 4. The District shall conduct its meetings as prescribed by the Act.

SECTION 5. Grady Barr is hereby appointed the presiding officer of the District and shall be the President of the Board until a successor qualified to serve is elected by a majority vote of the total number of members of the Board. The Board shall designate from its members a secretary and such other officers as the Board considers necessary.

SECTION 6. The Board shall adopt bylaws of the District specifying other organization, operative and other matters as the Board may deem appropriate and which are consistent with the provisions of this concurrent Resolution and the Act. The District is authorized to issue bonds or other obligations as provided in the Act but only as approved by the City Council of the City and the Commissioners Court of the County which approval shall be in the form of a concurrent Resolution of the City and the County. The City and County hereby give their consent for the District to seek approval for a hotel/motel tax to support the District's objectives.

SECTION 7. If the District is authorized to issue bonds or other obligations by the voters within the District as provided in the Act, the District shall be authorized to pledge to the payment of such bonds or other obligations revenues to be received from the hotel occupancy tax if such tax is approved by the voters within the District in accordance with the provisions of the Act and all revenues received by the District from its activities.


SECTION 8. This concurrent Resolution may only be amended by another concurrent Resolution adopted by the City Council of the City and the Commissioners Court of the County.


SECTION 9. If any section, paragraph, clause or provision of this concurrent Resolution 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 the Resolution.

SECTION 10. This concurrent Resolution may be executed in counterparts, and when duly passed by the City and the County and separate counterparts are duly executed by the City and the County, the concurrent Resolution shall be in full force and effect.

Approved this 13<sup>th</sup> day of November, A.D., 2003.

ATTEST:

  
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Jo Moore  
City Secretary

  
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Grady Barr  
Mayor

APPROVED:

  
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Sharon E. Hicks  
City Attorney