

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF BAY CITY, TEXAS, APPROVING AN AMENDED PROJECT AND FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, BAY CITY, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE

WHEREAS, Bay City, 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 noncontiguous 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, the City Council desires to promote the development of a certain noncontiguous geographic area in the City (the "Zone"), through the expansion of a reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code; and

WHEREAS, on November 19, 2015, the City Council of Bay City, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 1556 designating a contiguous geographic area within the City as a Reinvestment Zone Number One, Bay City, Texas (the “Original Boundaries”); and

WHEREAS, pursuant to Ordinance No. 1567, the City amended Ordinance No. 1556 to extend the time to appoint the Board of Directors; and

WHEREAS, on January 26, 2017, the City Council of Bay City, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 1588 approving the Project and Financing Plan for Reinvestment Zone Number One, Bay City, Texas which details the project costs eligible for reimbursement; and

WHEREAS, on February 22, 2022, the City Council of Bay City, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 1684 amending Reinvestment Zone Number One, Bay City, Texas (the “Zone”) to expand the boundaries; and

WHEREAS, the City Council of Bay City, Texas, pursuant to Chapter 311 of the Texas Tax Code, now desires to amend the Project Plan to reflect the expanded boundaries for Reinvestment Zone Number One, Bay City, Texas (the “Zone”); and

WHEREAS, as authorized by Section 311.011(e), and 311.008, of the Act, on March 8, 2022, the Board reviewed the Plan, the Amended Project and Financing Plan in Exhibit “A”, and recommended that the Plan, as amended, be approved by the City Council:

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

SECTION 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2. FINDINGS.

That the City Council hereby makes the following findings of fact:

- i. That the Plan, as amended, includes all information required by Sections 311.011(b) and (c) of the Act.
- ii. That the Plan, as amended, is feasible and the amended project plan conforms to the City’s master plan.
- iii. That consistent with Section 311.011(e) of the Act, a public hearing was held prior to the adoption of the Ordinance on February 22, 2022, because the Plan, as amended, does (i) reduce or increase the geographic area of the Zone; (ii) increase or decrease the tax increment to be contributed by a taxing unit; (iii) increase the total estimated project costs; or (iv) designate additional property in the Zone to be acquired by the City.

SECTION 3. APPROVAL OF AMENDED PLAN.

That based on the findings set forth in Section 2 of this Ordinance, the Plan, as amended in Exhibit “A” is hereby approved.

SECTION 4. DELIVERY OF AMENDED PLANS TO TAXING ENTITIES.

That Bay City, is hereby directed to provide a copy of the Plan, as amended, to the governing body of each taxing unit that taxes real property located in the zone.

SECTION 5. SEVERABILITY CLAUSE.

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 hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 7. EFFECTIVE DATE.

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 _____ day of March 2022.

Robert K. Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson
City Secretary

Anne Marie Odefey
City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Robert K. Nelson Mayor	_____	_____	_____
Floyce Brown	_____	_____	_____
James Folse	_____	_____	_____
Bradley Westmoreland	_____	_____	_____
Becca Sitz	_____	_____	_____
Jason Childers, Mayor Pro Tem	_____	_____	_____

EXHIBIT A

Amended Project and Financing Plan