

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2020-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS, CREATING PLACES AND STAGGERING THE TERMS OF THE BOARDS OF DIRECTORS FOR THE ZONES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dripping Springs, Texas (the “City”), pursuant to the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code (hereinafter referred to as the “Act”), has designated a geographic area within the City as tax increment reinvestment zones; and

WHEREAS, the City Council desires to promote the development of certain geographic areas in the City; and

WHEREAS, the City Council believes it is in the best interest of the City and the Zones to have staggered terms for the members of the Boards; and

WHEREAS, the City has taken all actions required to create the Zone including, but not limited to, the Act, the Texas Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone.

NOW THEREFORE, BE IT ORDAINED by the City of Dripping Springs:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

SECTION 2. ENACTMENT

Title 1, Article 2.04 of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with *Exhibit A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

SECTION 3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 10th day of November, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

EXHIBIT "A"

City of Dripping Springs

CODE OF ORDINANCES

TITLE 1: GENERAL ORDINANCES

CHAPTER 2: GENERAL PROVISIONS

ARTICLE 2.04: BOARDS, COMMISSIONS AND COMMITTEES

Division 8. Tax Increment Reinvestment Zone Board, TIRZ No. 1

Sec. 2.04.221 Organization and procedure

(a) There is hereby created within the city a tax increment reinvestment zone board that consists of seven (7) regular board members to be ~~filled by nomination and appointment~~ appointed by place as follows:

(1) City council appointment of places one (1) through five (5) at-large members; and

(2) County commissioners court appointment of places six (6) and seven (7).

~~(3) Five (5) board seats shall be appointed by city council;~~

~~(4) Two (2) board member seats shall be appointed by the county commissioners court;~~

(b) Board member seats appointed by the county commissioners court are contingent on the county's participation in the tax increment reinvestment zone. If the county does not participate, or ceases participation, in the tax increment reinvestment zone, the board member seats in subsection (a)(2) above shall be filled by city council.

Sec. 2.04.222 Qualifications

All regular board members shall be at least eighteen (18) years of age and a resident of the county. Any regular board member who ceases to possess such qualifications shall automatically be deemed to have vacated their membership on the board.

Sec. 2.04.223 Terms

(a) Beginning January 1, 2021 members shall initially serve staggering terms with even numbered places serving a two (2) year term and odd numbered places serving a one (1) year term, after which all places shall serve a two (2) year term. For members appointed by City Council, when appointed for each term, the City Council will determine which member will be in each place. For members appointed by the County, the County will determine which member is in each place.

(b) Vacancies on the board may be filled by appointment of the city council for the unexpired term.

~~(c) Initial board member appointments by city council and the county commissioners court after the effective date of this section shall be for a two (2) year term.~~

~~(d) 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.~~

Sec. 2.04.224 Duties

Division 9. Tax Increment Reinvestment Zone Board, TIRZ No. 2

Sec. 2.04.261 Organization and procedure

(c) There is hereby created within the city a tax increment reinvestment zone board that consists of seven (7) regular board members to be ~~filled by nomination and appointment appointed by place~~ as follows:

(5) City council appointment of places one (1) through five (5) at-large members; and

(6) County commissioners court appointment of places six (6) and seven (7).

~~(7) Five (5) board seats shall be appointed by city council;~~

~~(8) Two (2) board member seats shall be appointed by the county commissioners court;~~

(b) Board member seats appointed by the county commissioners court are contingent on the county's participation in the tax increment reinvestment zone. If the county does not participate, or ceases participation, in the tax increment reinvestment zone, the board member seats in subsection (a)(2) above shall be filled by city council.

Sec. 2.04.262 Qualifications

All regular board members shall be at least eighteen (18) years of age and a resident of the county. Any regular board member who ceases to possess such qualifications shall automatically be deemed to have vacated their membership on the board.

Sec. 2.04.263 Terms

(a) Beginning January 1, 2021 members shall initially serve staggering terms with even numbered places serving a two (2) year term and odd numbered places serving a one (1) year term, after which all places shall serve a two (2) year term. For members appointed by City Council, then appointed for each term, the City Council will determine which member will be in each place. For members appointed by the County, the County will determine which member is in each place.

(b) Vacancies on the board may be filled by appointment of the city council for the unexpired term.

~~(c) Initial board member appointments by city council and the county commissioners court after the effective date of this section shall be for a two (2) year term.~~

~~(d) 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.~~