

ORDINANCE NO. 2021-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
TOMBALL, TEXAS; CREATING THE “TAX INCREMENT  
REINVESTMENT ZONE NUMBER THREE” OVER THE AREA  
GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GRAND  
PARKWAY 99 AND ROCKY ROAD, HARRIS COUNTY, TEXAS;  
DESIGNATING THE BOUNDARIES OF THE ZONE; CREATING A  
BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX  
INCREMENT FUND FOR THE ZONE; MAKING CERTAIN FINDINGS;  
REPEALING ORDINANCES INCONSISTENT OR IN CONFLICT  
HEREIN; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING  
AN EFFECTIVE DATE.

\* \* \* \* \*

**WHEREAS**, the City Council (the “Council”) of the City of Tomball, Texas (the “City”) hereby determines that the creation of a tax increment reinvestment zone to be named the “City of Tomball Tax Increment Reinvestment Zone Number Three” (the “TIRZ No. 3”) is necessary to promote the development or redevelopment of the area generally located at the southwest corner of Grand Parkway 99 and Rocky Road in Tomball, Texas (the “Area”), with the boundaries of TIRZ No. 3 to encompass the Area, and with such boundaries being more particularly depicted and described in “Exhibit A” attached to and incorporated in this Ordinance for all purposes; and

**WHEREAS**, on November 29, 2021, after giving proper legal notice, the Council held a public hearing where all interested persons were given the opportunity to speak and present evidence for and against the creation of TIRZ No. 3; and

**WHEREAS**, the Council hereby determines that a tax increment fund for TIRZ No. 3 must be established as required by law (the “TIRZ Fund”), with the TIRZ Fund being more particularly described in “Exhibit B” attached to and incorporated in this Ordinance for all purposes; and

**WHEREAS**, the Council hereby determines that Preliminary Reinvestment Zone Project and Financing Plans must be prepared as required by law for TIRZ No. 3 (the “Preliminary Plans”), with the Preliminary Plans being included as “Exhibit D” attached to and incorporated in this Ordinance for all purposes; and

**WHEREAS**, the Council hereby determines that Area within TIRZ No. 3 meets the criteria for a tax increment reinvestment zone under Chapter 311 of the Texas Tax Code, and the Council hereby determines that proposed improvements in TIRZ No. 3 will significantly enhance the value of all taxable real property in TIRZ No. 3 and will be of general benefit to the City, and that development of the Area would not occur in the foreseeable future solely through private investment; and

**WHEREAS**, the Council hereby determines that a board of directors shall be created for the administration, management, and operation of TIRZ No. 3 and for the implementation of the project and financing plans of TIRZ No. 3 (the “Board”), with the Board being composed of five (5) members appointed by the Council in accordance with Texas Tax Code 311.009(a); and, **NOW**

RP-2022-52099

**THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**SECTION 1.** THAT the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2.** THAT as provided in Chapter 311 of the Texas Tax Code, the “Tax Increment Reinvestment Zone Number Three” (“TIRZ No. 3”) is hereby designated and established over the area described in “Exhibit A”.

**SECTION 3.** THAT the purpose of TIRZ No. 3 shall be primarily for encouraging development and construction of infrastructure.

**SECTION 4.** THAT TIRZ No. 3 shall be effective for a period of thirty (30) years or until such time as the debt is paid off, whichever is less, commencing on the date of the adoption hereof.

**SECTION 5.** THAT a tax increment fund is hereby established for TIRZ No. 3 as fully described in “Exhibit B”.

**SECTION 6.** THAT a board of directors for TIRZ No. 3 is hereby created as fully described in “Exhibit C”.

**SECTION 7.** THAT all other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

**SECTION 8.** THAT in the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance, or the application of the same, to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and, the Council, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**SECTION 9.** THAT this Ordinance shall be in full force and effect from and after its passage.

FIRST READING:

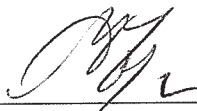
READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 29TH DAY OF NOVEMBER 2021.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>ABSENT</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

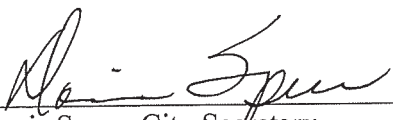
SECOND READING:

READ, PASSED, APPROVED AND ORDAINED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF DECEMBER 2021.

COUNCILMAN FORD	<u>Aye</u>
COUNCILMAN STOLL	<u>Aye</u>
COUNCILMAN DEGGES	<u>Aye</u>
COUNCILMAN TOWNSEND	<u>Aye</u>
COUNCILMAN KLEIN QUINN	<u>Aye</u>

  
\_\_\_\_\_  
Gretchen Fagan, Mayor

ATTEST:

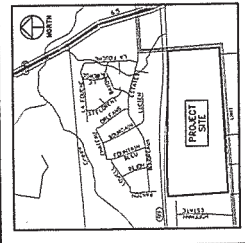
  
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Doris Speer, City Secretary

RP-2022-52099

**Exhibit A – TIRZ No. 3: Property Description**

RP-2022-52099

RP-2022-52099



CITY OF TOMBALL, HARRIS COUNTY, TEXAS  
VICINITY MAP  
SCALE: 1" = 2000'

SCHEDULE OF NOTES

- 10(a) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(b) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(c) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(d) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(e) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(f) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(g) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(h) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(i) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").
- 10(j) SUBJECT TO A PUBLIC PLANNING AGREEMENT GRANTED TO THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN") AND THE CITY OF TOMBALL, TEXAS (PROJECT SUBJECT TRACT, "PUB. PLAN").

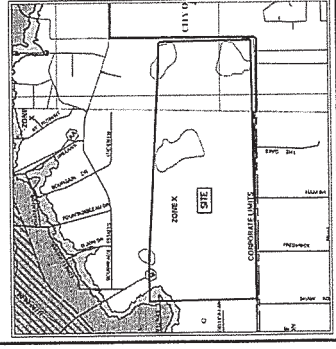
GENERAL NOTES

- 1. SURVEYORS AND ASSOCIATES ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY ANY SOURCE OTHER THAN THE SURVEYOR'S OWN FIELD MEASUREMENTS AND CALCULATIONS.
- 2. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND ADJACENT PROPERTIES TO VERIFY THE LOCATION OF THE PROPERTY AND ADJACENT PROPERTIES AS SHOWN ON THE PLAT.
- 3. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND ADJACENT PROPERTIES TO VERIFY THE LOCATION OF THE PROPERTY AND ADJACENT PROPERTIES AS SHOWN ON THE PLAT.
- 4. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND ADJACENT PROPERTIES TO VERIFY THE LOCATION OF THE PROPERTY AND ADJACENT PROPERTIES AS SHOWN ON THE PLAT.
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DESCRIPTION

THIS IS A SURVEY OF THE ALTA/NPS LAND TITLE SURVEY OF 240,076 AC. 7 TD. 457,698 SQ. FT. SITUATED IN THE AUGUSTIE BEECHAL SURVEY, ABSTRACT 21, HARRIS COUNTY, TEXAS. THE SURVEY WAS CONDUCTED BY WINDROSE LAND SURVEYING, L.P., A LIMITED LIABILITY COMPANY UNDER THE LAWS OF THE STATE OF TEXAS, ON 06/22/2021. THE SURVEY WAS COMPLETED ON 06/22/2021. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT, TITLE 10, CHAPTER 171, SUBCHAPTER A, SECTION 171.001, OF THE TEXAS NATURAL RESOURCES CODE. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT, TITLE 10, CHAPTER 171, SUBCHAPTER A, SECTION 171.001, OF THE TEXAS NATURAL RESOURCES CODE.

FLOOD INFORMATION



**FIRM FLOOD DAMAGE RISK MAP**  
HARRIS COUNTY, TEXAS  
MAP NUMBER: 15080-0001  
DATE: 05/05/2015  
SCALE: 1" = 1000'

**FIRM FLOOD DAMAGE RISK MAP**  
HARRIS COUNTY, TEXAS  
MAP NUMBER: 15080-0001  
DATE: 05/05/2015  
SCALE: 1" = 1000'

**SURVEYORS CERTIFICATION**  
TO: EXECUTIVE DIRECTOR, CITY OF TOMBALL, TEXAS  
FROM: WINDROSE LAND SURVEYING, L.P.  
DATE: 06/22/2021



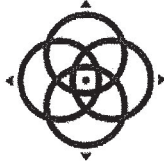
**WINDROSE**  
LAND SURVEYING, L.P.  
11111 HARRISBURG BOULEVARD, SUITE 100  
HOUSTON, TEXAS 77036-3400  
PHONE: 281-261-2222  
WWW.WINDROSELANDSURVEYING.COM

ALTA/NPS LAND TITLE SURVEY OF 240,076 AC. 7 TD. 457,698 SQ. FT. SITUATED IN THE AUGUSTIE BEECHAL SURVEY ABSTRACT 21, HARRIS COUNTY, TEXAS

DATE: 06/22/2021  
CHECKED BY: [Signature]  
DRAWN BY: [Signature]  
SHEET NO. 1 OF 2

DATE	REVISIONS	BY
07/20/2021	ADDED PERMITS / WELL LOCATIONS	MLC
08/02/2021	ADDED COMMENTS	MLC
08/02/2021	REVIEWED TITLES	MLC
10/29/2021	REVIEWED TITLES	MLC
11/09/2021	REVISED CERTIFICATION	MLC





# WINDROSE

LAND SURVEYING | PLATTING

## DESCRIPTION OF 240.075 ACRES OR 10,457,658 SQ. FT.

A TRACT OR PARCEL CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND SITUATED IN THE AUGUSTE SENERCHAL SURVEY, ABSTRACT NO. 722, HARRIS COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 314.8179 ACERS DESCRIBED IN DEED TO EXXON MOBILE CORPORATION, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. W883345, WITH SAID 240.075 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** AT A BRASS DISK FOUND ON THE NORTHWEST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF ROCKY ROAD (60 FEET WIDE) AND THE SOUTH R.O.W. LINE OF STATE HIGHWAY 99 (WIDTH VARIES) DESCRIBED IN H.C.C.F. NO. 20150158935, MARKING A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 47 DEG. 13 MIN. 03 SEC. EAST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 48.58 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST END OF SAID CUTBACK CORNER, FOR A NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, ALONG THE WEST LINE OF SAID ROCKY ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 02 DEG. 48 MIN. 39 SEC. EAST, A DISTANCE OF 69.85 FEET TO A BRASS DISK FOUND FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 87 DEG. 08 MIN. 19 SEC. EAST, A DISTANCE OF 9.43 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

SOUTH 02 DEG. 54 MIN. 51 SEC. EAST, A DISTANCE OF 1,737.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTHEAST END OF A CUTBACK CORNER LOCATED AT THE INTERSECTION OF SAID ROCKY ROAD AND THE NORTH R.O.W. LINE OF BOUDREAUX ROAD (60 FEET WIDE), MARKING THE MOST EASTERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 42 DEG. 03 MIN. 13 SEC. WEST, ALONG THE SAID CUTBACK LINE, A DISTANCE OF 21.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST END OF SAID CUTBACK MARKING A SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 1/2 INCH IRON ROD BEARS FOR REFERENCE SOUTH 30 DEG. 14 MIN. 11 SEC. WEST, A DISTANCE OF 3.93 FEET.

**THENCE**, SOUTH 87 DEG. 01 MIN. 16 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BOUDREAUX ROAD, A DISTANCE OF 5,152.11 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "TSI 5269" FOUND MARKING THE SOUTHEAST CORNER OF A CALLED 5.6619 ACRE TRACT DESCRIBED IN DEED TO COUNTY OF HARRIS, AS RECORDED UNDER H.C.C.F. NO. 20130144685, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 03 DEG. 04 MIN. 42 SEC. WEST, ALONG THE EAST LINE OF SAID CALLED 5.6619 ACRE TRACT, A DISTANCE OF 2,163.53 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID STATE HIGHWAY 99, MARKING THE NORTHEAST CORNER OF SAID CALLED 5.6619 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

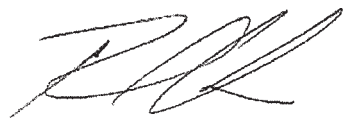
**THENCE**, ALONG THE SOUTH R.O.W. LINE OF SAID STATE HIGHWAY 99, THE FOLLOWING COURSES AND DISTANCES:

NORTH 87 DEG. 03 MIN, 20 SEC. EAST, A DISTANCE OF 269.34 FEET (CALLED 269.61') TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,259.16 FEET, A CENTRAL ANGLE OF 04 DEG. 03 MIN. 25 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 05 MIN. 02 SEC. EAST - A DISTANCE OF 797.06 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET MARKING A POINT OF TANGENCY;

SOUTH 88 DEG. 53 MIN. 15 SEC. EAST, A DISTANCE OF 3,514.68 FEET TO A BRASS DISK MARKING THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,659.16 FEET, A CENTRAL ANGLE OF 02 DEG. 44 MIN. 46 SEC., AN ARC LENGTH OF 558.81 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89 DEG. 44 MIN. 22 SEC. EAST - A DISTANCE OF 558.75 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 240.075 ACRES OR 10,457,658 SQUARE FEET OF LAND.



ROBERT KNESS  
R.P.L.S. NO. 6599  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



DATE: 7-12-2021

RP-2022-52099



**Exhibit B – TIRZ No. 3: Tax Increment Fund**

(a) A tax increment fund to be called “TIF Fund Number 3” is hereby established for TIRZ No. 3 (the “Fund”).

(b) The Fund may be divided into additional accounts and subaccounts authorized by resolution or ordinance of the City Council (the “Council”) of the City of Tomball (the “City”). The Fund shall consist of:

1. The percentage of the tax increment as defined by Section 311.012(A) of the Texas Tax Code (the “Code”), that each taxing unit which levies real property taxes in TIRZ No. 3, other than the City, has elected to dedicate to the Fund under an agreement with the City authorized by Section 311.013(f) of the Code; and,
2. Seventy-five (75%) of the City’s portion of the tax increment from TIRZ No. 3, as defined by Section 311.012(a) of the Code.

(c) The Fund shall be maintained in an account at the depository bank of the City and shall be secured in the manner prescribed by law for Texas cities. In addition, all revenues from the following sources shall be deposited into the Fund:

1. The sale of any obligations, if any, hereafter issued by the City and secured in whole or part from the tax increment of TIRZ No. 3;
2. The sale of any property acquired as part of a plan adopted by the Board of Directors of TIRZ No. 3 (the “Board”); and,
3. Other revenues dedicated to TIRZ No. 3.

(d) Prior to the termination of TIRZ No. 3, money disbursed or transferred from the Fund may be used only to pay project costs, as defined by the Code, for TIRZ No. 3, to satisfy the claims of holders of obligations for TIRZ No. 3 or other issue of obligations secured by the Fund’s proceeds, or to pay obligations incurred pursuant to agreements entered into to implement plans adopted by the Board pursuant to the Code.

RP-2022-52099

## EXHIBIT C – TIRZ No. 3 Board of Directors

### Board of Directors

A board of directors (the “Board”) is hereby created for Reinvestment Zone Three (“TIRZ No. 3”) as provided herein.

### Organization and Procedure

The Board shall consist of five (5) regular members who shall be nominated and appointed as follows:

Each taxing unit that levies taxes on real property in TIRZ No. 3 may appoint one (1) member to the Board if the taxing unit has approved the payment of all or part of the tax increment produced by the taxing unit into the tax increment fund for TIRZ No. 3. If a taxing unit chooses to not participate, then the City Council (the “Council”) of the City of Tomball (the “City”) may appoint a number of members to the Board such that the Board comprises five (5) members.

### Qualifications

All Board members shall be at least eighteen (18) years old and either: (a) be a resident of the county in which the zone is located or a county adjacent to that county; or, (b) own real property in the zone, whether or not the individual resides in the county in which the zone is located or a county adjacent to that county. Any Board member who ceases to possess such qualifications shall automatically be deemed to have vacated their membership on the Board.

### Terms

(a) Initial Board member appointments by the Council or a taxing unit shall be as follows:

1. No more than two (2) members shall be appointed for a term expiring December 31, 2022.
2. No more than three (3) members shall be appointed for a term expiring December 31, 2023.

(b) All appointments for Board members made after the initial appointments shall be for a term of two (2) years starting on January 1, except vacancies for unexpired terms, which shall be filled for the remainder of the unexpired term.

### Duties

(a) The Board shall act as an advisory board to the Council in the operation and administration of TIRZ No. 3, with all action by the Board being subject to Council approval.

(b) The authority and responsibility of the Board expressly includes:

1. Making recommendations to the Council regarding the administration of TIRZ No. 3;
2. Making recommendations to the Council regarding agreements that are necessary or convenient to implement the TIRZ No. 3 project plan and financing plan;

3. Making recommendations to the Council regarding agreements with local governments or political subdivisions for management of TIRZ No. 3;
4. Making recommendations to the Council regarding the expenditure of funds related to development and redevelopment of land within TIRZ No. 3;
5. Acting as the lead entity in working with other City boards and commissions regarding incentives, regulations, infrastructure, and all other physical and economic development decisions related to TIRZ No. 3; and,
6. Providing an annual progress report to the Council, and as requested by the Council.

### **Officers**

Each year, the Board shall recommend to the Council one (1) of its members to serve as Chairman for a term of one (1) year that begins on January 1 of the following year. The Council may accept the Board's recommendation or the Council may appoint the Chairman. The Board may elect a Vice-Chairman to preside in the absence of the Chairman or when there is a vacancy in the office of Chairman. The Board may elect other officers as it considers appropriate.

### **Bylaws**

The Board may write its own bylaws establishing its own rules for its regulation. Said bylaws and amendments thereto shall be filed with the City Secretary of the City.

### **Meetings**

(a) The Board should hold at least one (1) meeting per year. These meetings shall be open to the public and at a time and place of the Board's choosing. It may also hold such other meetings as may be necessary to accomplish the purpose of its creation. All meetings shall be public and shall conform to State law.

(b) All Board members, including the Chairperson, shall vote in matters considered by the Board.

### **Minutes**

The Board shall keep a record of its proceedings in a permanent book, and a signed copy of the minutes shall be given to the City Secretary of the City.