

ORDINANCE NO. 2011-07-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING ORDINANCE NUMBER 2011-04-017 RELATED TO REINVESTMENT ZONE NUMBER TWO, CITY OF MCKINNEY BY DELETING CURRENT SECTION 3, "BOARD OF DIRECTORS," OF SAID ORDINANCE IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 3, ALSO ENTITLED "BOARD OF DIRECTORS"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On September 21, 2010, the City Council of McKinney, Texas ("City"), approved Ordinance Number 2010-09-035 creating the Reinvestment Zone Number Two, City of McKinney and establishing a Board of Directors for such zone (and as amended on October 19, 2010 by Ordinance Number 2010-10-041); and

WHEREAS, On April 6, 2011, the City Council adopted Ordinance Number 2011-04-017 that amended and superseded the foregoing referenced ordinances which initially established Reinvestment Zone Number Two, City of McKinney; and

WHEREAS, the McKinney City Council desires to amend Section 3 of Ordinance Number 2011-04-017 regarding the Board of Directors of Reinvestment Zone Number Two, City of McKinney by the passage of this ordinance.

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

Section 1. FINDINGS

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2. AMENDMENT TO SECTION 3 OF ORDINANCE NUMBER 2011-04-017

From and after the effective date of this Ordinance, Section 3 of Ordinance Number 2011-04-017 is hereby deleted in its entirety and replaced with a new Section 3 entitled "Board of Directors" to read as follows:

Section 3. BOARD OF DIRECTORS

- (a) There is hereby created a Board of Directors for the TIRZ, which shall consist of nine (9) members, inclusive of any members appointed by the participating taxing jurisdictions. Not less than eight (8) members shall be appointed by the City Council. City Council members shall be eligible for appointment to the Board of Directors. The City Council shall endeavor to appoint a member from the McKinney Airport Development Corporation ("MADC") to serve a board term concurrent with such member's MADC term. One (1) member may be appointed by Collin County, consistent with Section 311.009 of the Texas Tax Code, as amended. All members of the Board of Directors shall meet eligibility requirements as

set forth in Chapter 311 of the Texas Tax Code.

- (b) The directors appointed shall serve staggered two (2)-year terms. The City Council shall determine which members shall serve an initial two (2)-year term, and which members shall serve an initial one (1)-year term. All subsequent appointments shall be for staggered two (2)-year terms.
- (c) A vacancy on the Board of Directors is filled for the unexpired term by appointment of the governing body of the taxing unit that appointed the director who served in the vacant position.
- (d) Each year the City Council shall annually designate one (1) member of the Board of Directors to serve as chairman for a one (1)-year term that begins on January 1 of the following year. The Board of Directors shall elect from its members a vice chairman to preside in the absence of the chairman or when there is a vacancy in the office of chairman. The Board of Directors may elect other officers as it considers appropriate. The Chairman or designee will call a meeting of the Board of Directors as needed.
- (e) The Board of Directors shall make recommendations to the City Council concerning the administration of the TIRZ. The Board of Directors shall prepare, or cause to be prepared, and adopt a project plan and a reinvestment zone financing plan for the TIRZ as described in Section 311.011 and consistent with the preliminary project plan and preliminary financing plan attached hereto as **Exhibits B and C**, Texas Tax Code, and shall submit such plans to the City Council for its approval. The City hereby delegates to the Board of Directors all powers necessary to prepare and implement the project plan and reinvestment zone financing plan, subject to final approval thereof by the City Council, including the power to employ any consultants or enter into any reimbursement agreements payable solely from the Tax Increment Fund established pursuant to Section 6 of this Ordinance, that may be reasonably necessary or convenient to assist the Board of Directors in the preparation of the project plan and reinvestment zone financing plan and in the issuance of tax increment obligations.”

Section 3. **CONTINUED VALIDITY OF REMAINDER OF ORDINANCE NUMBER 2011-04-017**

All other provisions, terms and sections of Ordinance Number 2011-04-017, adopted by the City Council April 6, 2011, shall remain in full force and effect, and this Amendment to said Ordinance shall in no way alter,

amend or revise any other provision, term or section contained in Ordinance Number 2011-04-017.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its final passage and publication as provided by law and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE _____ DAY OF JULY, 2011.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney