

**ORDINANCE NO. O-2014-26**

**AN ORDINANCE REVISING ORDINANCE NO. O-2013-114 APPOINTING DIRECTORS AND A CHAIRPERSON FOR THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NO. ONE (TIRZ NO. 1); SETTING FORTH OTHER PROVISIONS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has adopted Ordinance No. O-1998-100 designating a contiguous area within the City of Tyler, Texas as Reinvestment Zone Number One ("Zone No. 1") under the provisions of Chapter 311 of the Texas Tax Code; and

**WHEREAS**, the Bylaws of Zone No. 1 provide for a Board of Directors for Zone No. 1 consisting of nine (9) members serving two-year terms, six appointed by the City Council, one appointed by the governing body of Tyler Independent School District, one appointed by the governing body of Smith County, and one appointed by the governing body of Tyler Junior College District; and

**WHEREAS**, the Bylaws of Zone No. 1 provide for the Chairperson to be appointed by the City Council and to serve a term of one year; and

**WHEREAS**, Dean Cagle (Position One), Fred Carl (Position Two), and Billy Hibbs, Jr. (Position Five) have been appointed by the City Council to serve as members of the Board with terms expiring January 1, 2015; and

**WHEREAS**, Sidney Green (Position Three), Kathy Harry (Position Four), and Ed Wallace (Position Six) were appointed by the City Council to serve as members of the Board with terms that expired January 1, 2014; and

**WHEREAS**, when the Tyler City Council adopted Ordinance No. O-2013-114 to appoint Sidney Green to Position Three, Kathy Harry to Position Four, and Ed Wallace to Position Six of the Board, the intent of the City Council was to appoint said members for new terms expiring January 1, 2016 instead of January 1, 2014; and

**WHEREAS**, the City Council has determined that Sidney Green should be appointed to Position Three of the Board with a term expiring January 1, 2016, Kathy Harry should be appointed to Position Four with a term expiring January 1, 2016 and Ed Wallace should be appointed to Position Six of the Board with a term expiring January 1, 2016; and

**WHEREAS**, the City Council has determined that Dean Cagle should be appointed to continue serving as Chairman of the Board for an additional term expiring January 1, 2015; and

**WHEREAS** on December 3, 2013, Board Member Joann Hampton was appointed by Smith County to Position Seven with a term ending January 1, 2016; and

**WHEREAS**, on January 30, 2014, Board Member Sarah Van Cleef was appointed by TJC to Position Nine with a term ending January 1, 2016; and

**WHEREAS**, the City Council approves the nomination and appointment by Smith County and Tyler Junior College District of the duly qualified persons listed below to Positions 7 and 9 on the Board of Directors for Zone No. 1 for the terms described below; and

**WHEREAS**, the Tyler Independent School District Board of Trustees on December 16, 2013, waived its rights to appoint a member to the Zone No. 1 Board of Directors, and under the provisions of Chapter 311 of the Texas Tax Code, the City Council shall appoint that Director; and

**WHEREAS**, the City Council has determined that Misti Rasure should be appointed to Position Eight formerly held by the TISD-appointed Director, with a term expiring January 1, 2016; and

**WHEREAS**, the City Council approves the nomination and appointment of Misti Rasure to Position Eight with a term expiring January 1, 2016;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**That Ordinance No. 0-2013-114 is hereby amended to read as follows:**

**PART 1. Findings.** No changes...

**PART 2. Consent To and Approval of Appointment to the Board of Directors of Tax Increment Reinvestment Zone Number One (TIRZ No. 1):**

**A. Reaffirm the Previous Appointments of Board Members.**

That the City Council hereby consents to, approves and re-affirms the appointment of the following duly qualified persons to the designated Positions of the Board of Directors of Reinvestment Zone Number One, City of Tyler, Texas:

| Name             | Position                  | Term Ending |
|------------------|---------------------------|-------------|
| Dean Cagle       | One/Chairperson (City)    | 01-01-2015  |
| Fred Carl        | Two/Secretary (City)      | 01-01-2015  |
| Sidney Green     | Three (City)              | 01-01-2016  |
| Kathy Harry      | Four (City)               | 01-01-2016  |
| Billy Hibbs, Jr. | Five/Vice Chairman (City) | 01-01-2015  |
| Ed Wallace       | Six (City)                | 01-01-2016  |
| JoAnn Hampton    | Seven (County)            | 01-01-2016  |
| Sarah Van Cleef  | Nine (TJC)                | 01-01-2016  |

B. Appointment of New Board Member.

The City Council hereby appoints the following duly qualified person to Position Eight of the Board of Directors of Tax Increment Reinvestment Zone No. One, City of Tyler, Texas:

Misti Rasure

Eight (City)

01-01-2016

**PART 3.** That all other provisions of Ordinance No. 0-2013-114 not revised herein shall remain in full force and effect.

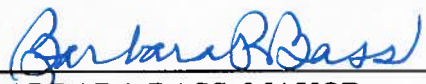
**PART 4. Open Meetings**

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 the Open Meetings Law, Texas Government Code, Ch. 551, as amended, 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.

**PART 5.** That if any provision or any section of this Ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

**PART 6.** This Ordinance shall be effective on the date of passage in accordance with the Tyler City Charter.

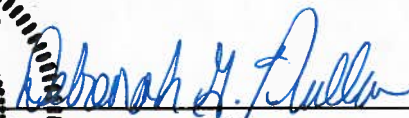
**PASSED AND APPROVED** this 26<sup>th</sup> day of March, 2014.

  
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BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK



APPROVED:  
  
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DEBORAH G. PULLUM,  
CITY ATTORNEY