

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, DISSOLVING TAX INCREMENT REINVESTMENT ZONE NUMBER NINE, CITY OF EL PASO, TEXAS, AND TERMINATING THE BOARD OF DIRECTORS OF THE ZONE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of El Paso, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code (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 City Council of City of El Paso, Texas (the “City”), previously created Tax Increment Reinvestment Zone Number 9 (the “Zone”), pursuant to the authority granted by Chapter 311 of the Texas Tax Code (the “Act”); and

**WHEREAS**, the Zone was created by Ordinance No. 018680 on May 16, 2017, to promote development or redevelopment within the Zone; and

**WHEREAS**, the City previously issued Combination Tax and Revenue Certificates of Obligation (the “Obligations”) to fund projects within the Zone; and

**WHEREAS**, on June 24, 2025, the City Council approved a resolution, authorizing the defeasance and redemption of certain outstanding Obligations (“Resolution”) in accordance with the provisions of Chapter 1207 of the Texas Government Code (“Chapter 1207”), by depositing and empowering the City to deposit funds and/or securities directly with the place of payment for the Obligations, or other authorized depository, and enter into an escrow or similar agreement with such place of payment for the safekeeping, investment, reinvestment, administration, and disbursement of such deposit of funds, and such deposit, constituting the making of firm banking and financial arrangements for the discharge and full payment of the Obligations; and

**WHEREAS**, all project costs and obligations of the Zone, including the defeasance and redemption of certain outstanding Obligations, have been paid, defeased, or otherwise resolved; and

**WHEREAS**, the City Council finds that the purposes for which the Zone was created have been substantially fulfilled and/or the continuation of the Zone is no longer necessary; and

**WHEREAS**, pursuant to Section 311.017(a) of the Texas Tax Code, a municipality may dissolve a reinvestment zone by ordinance once all project costs, tax increment bonds, and interest on those bonds have been paid or the City has otherwise provided for the payment of such obligations; and

**WHEREAS**, notice of the public hearing on the dissolution of the Zone was introduced on June 24, 2025: and

**WHEREAS**, at the public hearing on July 8, 2025, interested persons were allowed to speak for or against the dissolution of the Zone; the public hearing was held in full accordance with Section 311.003(c) of the Act: and

**WHEREAS**, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on July 8, 2025; and

**WHEREAS**, the City has taken all actions required to dissolve the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, the Texas Open Meetings Act, and all other laws applicable to the creation of the Zone; and

**WHEREAS**, upon the dissolution of the Zone, a remaining balance exists in the Tax Increment Fund (“TIF”) established for the Zone, and the City Council finds its appropriate and in the public interest to reallocate a portion of such balance in the amount not to exceed \$2,300,000 to the General Fund to reimburse or fund certain eligible expenses related to improvements, operations, and maintenance of City projects within the boundaries of the former Zone.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, 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, after conducting the above-described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on the dissolution of the reinvestment zone has been properly called, held, and conducted and that notice of such hearing has been published as required by law; and
- (b) That the purposes for which the reinvestment zone was created have been substantially fulfilled and/or the continuation of the reinvestment zone is no longer necessary.

**SECTION 3. DISSOLUTION.**

The Tax Increment Reinvestment Zone Number 9, City of El Paso, Texas, is hereby dissolved effective ~~July 8, 2025~~ September 1, 2025, in accordance with Section 311.017(a) of the Texas Tax Code. All project costs and obligations of the Tax Increment Reinvestment Zone Number 9, City of El Paso, Texas, including the defeasance and redemption of certain outstanding Obligations authorized via Resolution approved by City Council on June 24, 2025, have been paid, defeased, or otherwise resolved.

**SECTION 4. TERMINATION OF BOARD.**

The Board of Directors of the Tax Increment Reinvestment Zone Number 9 is hereby disbanded and shall have no further authority or responsibility after the effective date of this Ordinance.

## **SECTION 5. DISPOSITION OF FUNDS.**

Any remaining funds in the Tax Increment Reinvestment Zone Number 9's Tax Increment Fund shall be transferred to the City of El Paso's General Fund or expended in accordance with the final project plan, as permitted by applicable law.

## **SECTION 6. REALLOCATION OF PORTION OF TIF FUNDS TO GENERAL FUND FOR CITY PROJECTS WITHIN FORMER ZONE.**

Upon dissolution of the Tax Increment Reinvestment Zone 9, the City Manager, or designee, is hereby authorized to reallocate and transfer an amount not to exceed \$2,300,000 from the remaining balance in the Tax Increment Fund to the City of El Paso's General Fund. Such funds shall be used solely for the purpose of reimbursing or funding expenses incurred by the City related to improvements, operations, or maintenance of City projects within the boundaries of the former Tax Increment Reinvestment Zone 9, and take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

## **SECTION 7. 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 of El Paso 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 8. 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 of El Paso 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 9. 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 ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_ 2025.

**CITY OF EL PASO, TEXAS:**

\_\_\_\_\_  
Renard U. Johnson  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Prine  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Oscar Gomez  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Karina Bragalla  
Director of Economic and International  
Development