

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** April 9, 2024  
**PUBLIC HEARING:** April 23, 2024

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Karina Brasgalla, (915) 212-0094

**DISTRICT(S) AFFECTED:** 8

**STRATEGIC GOAL:** Goal 1 - Create an Environment Conducive to Strong, Sustainable Economic Development.

**SUBJECT:**

An ordinance amending Ordinance No. 016528 to modify requirements for membership on the Board of Directors of the Tax Reinvestment Zone Number Five, City of El Paso, Texas.

**BACKGROUND / DISCUSSION:**

The proposed ordinance would modify the creation ordinance for Tax Increment Reinvestment Zone #5 (TIRZ #5) to amend the authority of the Board of Directors to reflect it's advisory role to City Council.

The Board shall make recommendations to the City Council concerning the administration of the Fund. The Board may adopt a preliminary project plan and reinvestment zone financing plan for the Zone and submit such plans to the City Council for approval. The Board may prepare, implement, and monitor such project plans for the Zone, as the City Council considers advisable.

**PRIOR COUNCIL ACTION:**

On February 13, 2024, City Council made a motion requesting that the creation ordinance be modified to reflect the advisory limitations on the TIRZ #5 Board of Directors.

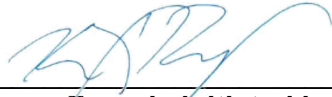
**AMOUNT AND SOURCE OF FUNDING:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

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

**AN ORDINANCE AMENDING ORDINANCE NO. 016528 TO MODIFY REQUIREMENTS FOR MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE TAX REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS.**

**WHEREAS**, by Ordinance No. 016528, adopted December 19, 2006, the City of El Paso City Council designated Tax Increment Reinvestment Zone Number Five ("the Zone") pursuant to the Tax Increment Financing Act, Chapter 311, Texas Tax Code (the "Act"), establishing the boundaries of the Zone; creating a Board of Directors (the "Board"); providing an effective and termination date for the Zone; and containing other provisions related thereto; and

**WHEREAS**, Ordinance No. 016528 has been amended multiple times since its enactment, including by Ordinances Nos. 016803 and 016804 on December 18, 2007; by Ordinance No. 017821 on July 17, 2012; by Ordinance No. 017861 on August 28, 2012; and by Ordinance No. 018049 on July 30, 2013 and by Ordinance No. 018911 on March 5, 2019; and

**WHEREAS**, on February 13, 2024, the City Council voted to modify the Board duties and responsibilities to be consistent with other advisory boards;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

1. That Section 4 of Ordinance No. 016528 is hereby replaced in its entirety to read as follows:

There is hereby created a Board of Directors for the Zone (the "Board"), with all the rights powers and duties as provided by the Act to such Boards or by action of the Council. The Board shall make recommendations to the City Council concerning the administration of the Fund. The Board may adopt a preliminary project plan and reinvestment zone financing plan for the Zone and submit such plans to the City Council for approval. The Board may prepare, implement, and monitor such project plans for the Zone, as the City Council considers advisable.

Pursuant to Section 311.009 (a) of the Act, the City declares that the Board shall consist of nine (9) members appointed by the Mayor with the approval of the City Council. Each year, the Mayor, with the approval of the City Council, shall appoint one member of the Board to serve as chair for a term of one year consistent with Section 311.009 (f) of the Act. The Board. may elect a vice-chair and such other officers as the Board considers appropriate.

Additionally, each Taxing Unit that levies real property taxes in the Zone may appoint one member of the Board if the Taxing Unit contributes all or part of the tax increment produced by the Unit into the Zone's tax increment

fund. The number of directors on the Board shall be increased by one for each Taxing Unit that appoints a director to the Board, provided that the maximum number of directors shall not exceed fifteen (15).

All persons appointed must meet the eligibility requirements of Section 311.009(e)(1) of the Act, as amended, to serve as members of the Board. Board members representing the City shall be appointed by the Mayor with the approval of Council; preference for City appointees shall be given to individuals who possess some or all of the following characteristics:

- (a) Experience in at least one of the following areas: arts, real estate, retail, housing, finance, historic preservation, construction, development, or El Paso history;
- (b) Knowledge of downtown El Paso;
- (c) Geographic diversity (through the City of El Paso);
- (d) Cultural diversity;
- (e) Moral and ethical character;
- (f) Integrity;
- (g) High performance standards;
- (h) Availability;
- (i) Strong desire for public service, but not an elected official.

Members of the Board are appointed for terms of two years. City-appointed members shall serve staggered terms. During the initial year of the Board, or should there ever be a vacancy of the entire Board, five members of the Board shall be appointed for two-year terms, and four members of the Board shall be appointed for one-year terms. Thereafter, all terms shall be two years. A vacancy on the Board is filled for the unexpired term by appointment of the Taxing Unit that appointed the director who served in the vacant position. Upon expiration of a term, replacements to the Board shall be appointed for a two-year term, in the same manner as originally appointed.

2. Except as expressly herein amended, Ordinance No. 016528 shall remain in full force and effect.

*[Signatures begins on the following page]*

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024

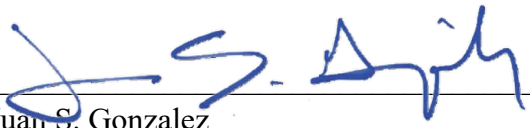
**CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
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Karina Bragalla, Interim Director  
Economic & International Development