

**ORDINANCE NO. O-2008-63**

**AN ORDINANCE APPROVING THE APPOINTMENT OF DIRECTORS FOR POSITION NUMBERS ONE THROUGH SEVEN TO THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NO. 2, CITY OF TYLER, AND APPOINTING THE CHAIR OF THE BOARD OF DIRECTORS OF ZONE NO. 2; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO, AND AMENDING ORDINANCE NO. O-2008-38.**

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**WHEREAS**, the City Council has adopted Ordinance No. O-2008-38 designating a contiguous area within the City of Tyler as Reinvestment Zone Number Two, City of Tyler, Texas ("Zone No. 2") under the provisions of Chapter 311 of the Texas Tax Code; and

**WHEREAS**, Ordinance O-2008-38 established a Board of Directors for Zone No. 2 which shall consist of nine (9) members, being positions One (1) through Seven (7), to be nominated and appointed by the Mayor, and approved by the City Council; position No. 8 being nominated and appointed by the Tyler Junior College District, and Position No. 9 to be nominated and appointed by County of Smith, if the County approves payments of all or part of the tax increments attributable to the County; and

**WHEREAS**, the City Council hereby nominates the appointment of the duly qualified persons listed below to Positions 1 through 7 for the terms as described below and requests the consent and approval of the City Council of such appointment; and

**WHEREAS**, the City Council hereby nominates and appoints the duly qualified person listed in Position 1, Mayor Joey Seeber, to serve as Chairman of the Board of Directors for the duration of his term and requests the consent and approval of the City Council of such appointment; and

**WHEREAS**, the City desires to adjust the finding in the Ordinance No. O-2008-38 to correct the base value in the zone;

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

**Section 1. Findings**

(a) That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

(b) It is hereby found and declared that all of the nominees listed in Section 3 are either (i) qualified voters of the City or (ii) at least 18 years of age and own real property in the Zone, and /or (iii) are designated representatives of property owners in the Zone.

**Section 2. Consent To and Approval of Appointment to the Board of Directors**

That the City Council does hereby consent to and approve of the appointment to the Board of Directors of Reinvestment Zone Number Two, City of Tyler, Texas, of the duly qualified persons to Positions 1 through 7 as described:

<u>Name and Address</u>	<u>Position</u>	<u>Term Expires</u>
Mayor Joey Seeber 212 N. Bonner Tyler, TX 75702	One/Chairman	April 23, 2010
Councilman Steve Smith 212 N. Bonner Tyler, TX 75702	Two	April 23, 2009
Councilman Donald Sanders 212 N. Bonner Tyler, TX 75702	Three	April 23, 2010
Councilman Ralph Caraway 212 N. Bonner Tyler, TX 75702	Four	April 23, 2009
Councilman Chris Simons 212 N. Bonner Tyler, TX 75702	Five	April 23, 2010
Councilman Nathaniel Moran 212 N. Bonner Tyler, TX 75702	Six	April 23, 2009
Councilman Charles Alworth 212 N. Bonner Tyler, TX 75702	Seven	April 23, 2010
Regent Clint Roxburgh 1400 East Fifth Street Tyler, TX 75798	Eight Appointed by TJC	April 23, 2009
Pending Action by Smith Co. Commissioners Court	Nine Appointed by Smith Co.	April 23, 2010

**Section 3. Appointment of Chairman of the Board of Directors**

That the City Council does hereby consent to and approve of the appointment of Mayor Joey Seeber as the Chairman of the Board of Directors of the Zone, and such person to serve in such position until April 23, 2009 or until his successor is appointed and qualified.

**Section 4. Tyler Redevelopment Authority**

City Council also approves and authorizes the appointment of Directors for Positions 1 thru Nine, in the same positions and terms, as set forth in Section 2 above, who shall also serve as Directors for the Local Government Corporation created pursuant to Chapter 431 of the Texas Transportation Code (Tyler Redevelopment Authority) for the purpose of managing and implementing the TIRZ on behalf of the City, upon its creation.

**Section 5. Amendment to Ordinance No. O-2008-38**

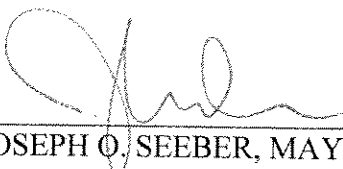
The City Council also approves an amendment to Ordinance No. O-2008-38, (Creation Ordinance), restating the Tax Increment Base of the City or any other taxing unit participating in the Zone for the Zone is \$99,613,090, the total appraised value of all real property taxable by the City or other taxing unit participating in the Zone and located in the Zone, and the sales tax base in the zone as defined by Section 311.0123 (b) of the Tax Code, determined as of January 1, 2008, the year in which the Zone was designated as a reinvestment zone (the "Tax Increment Base").

**Section 6. Open Meetings**

It is hereby found, determined and declared that a 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 rapidly 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.

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

**PASSED AND APPROVED** on the 23<sup>rd</sup> day of April, 2008.

  
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JOSEPH O. SEEBER, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

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

APPROVED:

  
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GARY C. LANDERS  
CITY ATTORNEY

