

**CITY OF CORINTH, TEXAS
ORDINANCE NO. 20-12-17-39**

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS AMENDING ORDINANCE NO. 19-09-05-32 BY REPEALING SECTION 4, “BOARD OF DIRECTORS” IN ITS ENTIRETY AND CREATING A NEW SECTION 4, “BOARD OF DIRECTORS” TO ADOPT NEW PROVISIONS RELATIVE TO THE COMPOSITION, DUTIES AND RESPONSIBILITIES OF THE BOARD OF DIRECTORS FOR TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO, CITY OF CORINTH, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AN AMENDMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 5, 2019, the City Council adopted Ordinance No. 19-09-05-32 creating Tax Increment Financing Reinvestment Zone Number Two, City of Corinth, Texas (the “TIRZ”); **AND**

WHEREAS, subsequent to the adoption of Ordinance No. 19-09-05-32, Denton County (“County”) and the City of Corinth (“City”) entered into discussions to negotiate an interlocal cooperation agreement providing for County participation in the TIRZ (“County Participation Agreement”); and

WHEREAS, County conditioned its’ participation in the TIRZ on the inclusion of additional representation on the Board of Directors by persons who would provide a county-wide perspective; and

WHEREAS, the City Council desires to amend Section 4, “Board of Directors” of Ordinance No. 19-09-05-32 to provide greater opportunities for County-wide representation on the Board of Directors and to reflect agreements of the parties set forth in the County Participation Agreement; and

WHEREAS, the City Council has reviewed the proposed amendments and finds that amending Ordinance No. 19-09-05-32 as set forth herein by repealing existing provisions and adopting adopt new provisions in Section 4 relating to the composition of the TIRZ Board of Directors and their responsibilities serves the interest of the City and the TIRZ and should therefore be adopted.

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

**SECTION I.
FINDINGS**

The statements and facts set forth in the Recitals of this Ordinance are true and correct.

SECTION II.
AMENDMENT

Section 4 of Ordinance No. 19-09-05-32 is hereby repealed in its entirety, and a new Section 4, "Board of Directors" is hereby adopted to be and read in its entirety as follows with all other provisions of Ordinance No. 19-09-05-32 not expressly amended hereby to remain in full force and effect:

"SECTION 4. BOARD OF DIRECTORS.

A Board of Directors for the Zone ("Board") is hereby created. The Board shall consist of six (6) members. The City shall have the right to have three (3) members on the Board and the County shall have the unequivocal right to have three (3) members in accordance with the following: (i) the County agrees to appoint one (1) member to the Board, and in accordance with Section 311.009(e)(1), may be an employee of the County as long as such employee is a resident of Denton County or an adjacent county (the "County Appointee"); and (ii) provide the names of at least two (2) nominees to fill the remaining positions on the Board, who are not required to be residents of Corinth, but are required to be residents of the county in accordance with Chapter 311 of the Texas Tax Code, and who are nominated by the County for appointment by the City to serve on the Board (the "County Nominees"). The County shall provide the City with the County Appointee and names of two (2) or more approved County Nominees to serve on the Board. Failure of the County to appoint and/or make nominations for members to the Board shall not be deemed a waiver of the County's right to make any appointment(s) and/or nomination(s) at a later date. The County agrees to appoint its County Appointee and to provide at least two (2) County Nominees at least fourteen (14) days prior to the first scheduled meeting of the Board. Additionally, should a vacancy occur in either the Board of Director seat of the County Appointee or in one (1) or more of the County Nominee seats, the County shall appoint a County Appointee and provide County Nominees within fourteen (14) days of such vacancy so that the Board may continue to operate in accordance with State law, including without limitation, the provisions of Chapter 311 of the Tax Code.

The Board shall elect a chair, vice chair and such other officers as the Board sees fit. The Board shall make recommendations to the City Council and the County Commissioners Court concerning the administration, management, and operation of the Zone. In accordance with the Act, the Board shall prepare and adopt a project plan and financing plan for the Zone and shall submit such plans to the City Council and the County Commissioners Court for approval by each. After the adoption of such project plan and financing plan for the Zone, any amendment to the project plan and financing plan that will increase the number of approved projects not included in such plans will require the additional approval of the County Commissioners Court.

The Board shall otherwise perform all duties imposed upon it by the provisions of Chapter 311 of the Texas Tax Code and all other applicable laws. Notwithstanding anything to the contrary herein, the Board shall not be authorized to: (i) issue bonds, debt

or any other obligations; (ii) impose taxes or fees; (iii) exercise the power of eminent domain; (iv) use any portion of the County's tax increment to pay any administrative costs; or (v) give final approval to the Zone's project plan and/or financing plans."

**SECTION III.
SEVERABILITY**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

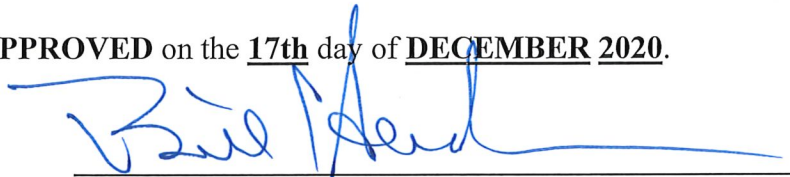
**SECTION IV.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

**SECTION V.
EFFECTIVE DATE**

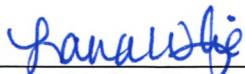
This Ordinance shall become effective upon its passage and approval.

PASSED, ADOPTED AND APPROVED on the 17th day of DECEMBER 2020.



Bill Heidemann
Mayor

ATTEST:



Lana Wylie, City Secretary

APPROVED AS TO FORM:



Patricia A. Adams, City Attorney

