ORDINANCE NO. 2003-256

AN ORDINANCE OF THE CITY OF DENTON, TEXAS ESTABLISHING AN ECONOMIC DEVELOPMENT PARTNERSHIP BOARD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of City of Denton, Texas has determined that it is beneficial and in the public interest to establish an Economic Development Partnership Board to provide economic development policy guidance for the City; NOW, THEREFORE;

THE COUNCIL OF THE CITY OF DENTON, TEXAS HERBY ORDAINS:

SECTION 1. **Findings.**

The findings contained in the preamble of this ordinance are incorporated into the body of this Ordinance.

SECTION 2. The Code of Ordinances of the City of Denton is hereby amended to add Article IX of Chapter 2 to read as follows:

ARTICLE IX. ECONOMIC DEVELOPMENT PARTNERSHIP BOARD

Sec. 2-251. Creation, Members, Qualifications, and Tenure.

A. There is hereby created a City of Denton board entitled the Denton Economic Development Partnership Board (the "Board"). The Board shall consist of seven members. The board members shall be appointed for two-year terms except that four members shall only serve a one-year term for their first term. Thereafter, four members shall be appointed for a two-year term in the even numbered years and three members shall be appointed for a two-year term in the odd numbered years. No member shall serve more than three consecutive terms except for the President of the University of North Texas ("UNT"), or his designee, who may serve unlimited terms.

B. The Board members shall be appointed by the City Council and shall serve at the City Council's pleasure. To aid the City Council in making appointments to the Board the City Council will appoint two City Council members and one Chamber of Commerce ("Chamber") member to act as a nominating committee (the "Committee"). The Committee members are qualified for appointment to the Board. The City Manager and President of the Chamber will serve as ad hoc non-voting members of the Committee. The Committee will solicit nominations, contact nominees to relate duties and responsibilities and to confirm willingness to serve. The Board will solicit recommendations from the Chamber Board of Directors and the President of UNT. After evaluating the recommended nominees the Committee will present to the City Council a slate of Board nominees for City Council approval.

C. Notwithstanding anything contained herein to the contrary the membership make-up of the Board shall consist of the following

1. Two members of the Board shall be City Council members at the time of their appointment to their original term. They may serve out all three terms, even if they are no longer members of the City Council after the original appointment as long as they continuously serve throughout the three terms. They must be residents of the City of Denton.

2. Two members of the Board shall be members of the Chamber Board of Directors ("Chamber Board") at the time of their appointment to their original term. They may serve out all three terms, even if they are no longer members of the Chamber Board after the original appointment as long as they continuously serve throughout the three terms. They must reside or work in the City of Denton. The Chamber Board will recommend the two nominees for consideration by the Committee and approval by the City Council.

3. Two members will be, or be employed by, a top twenty City of Denton ad valorem or sales tax payer. Such members must reside or work in the City of Denton.

4. One member will be the President of UNT or a UNT faculty or staff member designated by the President. Such member need not reside in the City of Denton and is not restricted to the three term limits. However, such member must be appointed by the City Council for each term.

D. The Board shall elect its chairperson and vice-chairperson from among its members who shall serve for one-year terms or until his or her successor is elected or qualified. The Board may remove and re-elect a chairperson or vice-chairperson at anytime with an affirmative vote of at least five members.

E. The Denton City Manager and the Chamber President shall be ex-officio members of the Board.

F. Board members shall serve without compensation. Board members may be allowed out-of-pocket expenses for activities performed in furtherance of their duties to the Board. Such expenses must be pre-approved by the City Manager if paid for out of City funds, or the Chamber President if paid for out of Chamber funds.

Sec. 2-252. Meetings.

The Board shall meet on a regular basis and no less than on a quarterly basis. Monthly meetings are encouraged. The chairperson, vice-chairperson or any three Board members may call any regular or special meeting. Notice of the meetings shall be posted and conducted in accordance with the Texas Open Meetings law, being Chapter 551 of the Government Code, as amended. A majority of the qualified voting members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board. The act of a majority of the qualified voting members of the Board present at a meeting at which a quorum is present shall be the act of the Board.

Sec. 2-253. Rules of Procedure.

The Board shall adopt rules of procedure governing the operation of the Board incorporating Sections 2, 3, 5, and 7 of City Council Rules of Procedure insofar as it is possible.

Sec. 2-254. Duties and Responsibilities of the Board.

The role of the Board is to provide economic development policy guidance. The Board may make recommendations to the City Council and Chamber. The Boards duties include:

A. The Board will implement Denton's Economic Development Action Plan which includes the implementation of specific projects. The Board may create committees or task forces consisting of Board members and/or non-Board members to assist with the implementation of projects or activities. Committee task force chairpersons shall be appointed by the Board and will serve at the pleasure of the Board.

B. The Board will be responsible for designing economic development incentive policies and recommending those policies to the City Council for adoption. These policies may include tax ,abatement, Chapter 380 agreements, infrastructure assistance, etc. In making any recommendations the Board shall comply with applicable law. It will be the Board's responsibility to review policies of other cities and to be informed as to legislative changes affecting state and local incentive programs.

C. The Board shall act as the recommending body to the City Council for specific project economic development incentives authorized by law, including without limitation tax abatements and incentives authorized under Chapter 312 of the Tax Code, economic development agreements authorized under Chapter 380 of the Local Government Code, and public improvement districts authorized under Chapter 372 of the Local

Government Code. However, utility incentives based on thresholds, such as the Electric Utility Industrial Development Rider and the Water/Wastewater Plan Line Extension may be made without Board review or recommendation. Nothing herein shall be construed so as to invalidate an economic development incentive authorized by the City Council or Chamber that did not receive a recommendation from the Board.

D. The Board will review and recommend both the City and Chamber annual economic development budgets. These recommendations will be made to the City Manager and Chamber President for inclusion in the overall City and Chamber budgets.

E. The Board will review and recommend the annual work plans for the City and Chamber economic development programs. Work plans must be consistent with the annual budgets.

SECTION 3. This ordinance supercedes any provision in any City ordinance that is conflict with this ordinance including without limitation Section 2-61 of the Code of Ordinances of the City of Denton.

SECTION 4. The Economic Development Partnership Board replaces the Joint Committee on Tax Abatement (the " Joint Committee") and shall exercise all of the rights and duties of the Joint Committee. The Joint Committee is hereby dissolved to be effective from and after the appointment of the Board members, and they are qualified to serve (the "Effective Date"). This shall not effect the validity of any action taken by the Joint Committee prior to the Effective Date.

SECTION 5. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 19th day of August, 2003.

Euline Brock
EULINE BROCK, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: Jennifer Walters

APPROVED AS TO LEGAL FORM:
HERBERT L. PROUTY, CITY ATTORNEY

BY: _____