

ORDINANCE NO. 2017-203

AN ORDINANCE REPEALING ORDINANCE NO. 2003-258, AND SUBSEQUENT AMENDMENTS UNDER ORDINANCE NO. 2011-042, ORDINANCE NO. 2014-009, ORDINANCE NO. 2015-074, AND ORDINANCE NO. 2016-249, RELATING TO THE CREATION, APPOINTMENTS, AND DUTIES OF THE ECONOMIC DEVELOPMENT PARTNERSHIP BOARD (THE “BOARD”) AND REPLACING THESE ORDINANCES WITH THIS ORDINANCE RELATING TO THE CREATION, APPOINTMENTS, AND DUTIES OF THE ECONOMIC PARTNERSHIP BOARD IN ORDER TO CLARIFY THE QUALIFICATIONS AND LIMITATIONS OF BOARD MEMBERS; AMENDING THE DENTON CODE OF ORDINANCES, CHAPTER 2, ARTICLE IX; AND PROVIDING FOR A REPEALER AND CONFLICT CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, in 2003, the City Council of the City of Denton, Texas, determined that is was beneficial and in the public interest to establish an Economic Development Partnership Board to provide economic development policy guidance for the City and adopted Ordinance No. 2003-258 (the “Ordinance”), which ordinance was codified in the Denton Code of Ordinance, Chapter 2, Article IX; and

WHEREAS, in 2011, the City Council amended the Ordinance by adopting Ordinance No. 2011-042 in order to add two seats to the Board, consisting of an at-large position and a position for a member with general knowledge of or experience in general aviation, and to expand the duties of the Board to include branding and marketing for Denton Municipal Airport; and

WHEREAS, in 2014, the City Council amended the Ordinance by adopting Ordinance No. 2014-009 in order to add the Superintendent of the Denton Independent School District as an ad hoc non-voting member of the Board; and

WHEREAS, in 2015, the City Council amended the Ordinance by adopting Ordinance No. 2015-074 in order to add two seats to the Board, one for a representative nominated by the Denton Black Chamber of Commerce Board of Directors and one for a representative nominated by the Denton Hispanic Chamber of Commerce Board of Directors; and

WHEREAS, in 2016, the City Council amended the Ordinance by adopting Ordinance No. 2016-249 in order to add one seat to the Board for the Chancellor and President of Texas Woman’s University; and

WHEREAS, in 2017, the City Council determined that it is beneficial and in the public interest to repeal the Ordinance and subsequent amendments in order to clarify and refine the Board member qualifications, terms, duties, and responsibilities; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY 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, Chapter 2, Article IX is hereby amended by deleting it in its entirety and replacing it with the following:

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 twelve members. Six members shall be appointed for a two-year term in even-numbered years, and six members shall be appointed for a two-year term in the odd-numbered years. No member shall serve more than three consecutive terms; members who have served three consecutive terms are eligible for re-nomination after one year off the Board. The President of the University of North Texas (“UNT”) and the Chancellor of Texas Woman’s University (“TWU”) or his or her designee may serve unlimited terms but must be re-nominated upon the expiration of each term.

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 (“Committee”). The Committee members are qualified for appointment to the Board. The Committee will solicit nominations, contact nominees to relate duties and responsibilities, and to confirm willingness to serve. The Committee will solicit recommendations from the Chamber Board of Directors, the President of UNT, the President and Chancellor of TWU, the Denton Black Chamber of Commerce Board of Directors, and the Denton Hispanic Chamber of Commerce Board of Directors. If any such recommendation is not submitted, the Committee will consider the racial, ethnic, and gender diversity objectives of the City Council, as well as the knowledge, skills, and abilities of the nominees to assist in any one or all of the functions of the Board when making its nomination recommendations to the City Council. 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 makeup 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. If such a member is no longer on the City Council, their appointment to the Board is terminated and their unexpired term shall be filled by a currently serving City Council member. Such members must be residents of the City of Denton.
2. Two members of the Board shall be members of the Denton Chamber of Commerce Board of Directors (“Chamber Board”), which are nominated by the

Chamber Board, at the time of their appointment. If such a member is no longer on the Chamber Board, their appointment to the Board is terminated and their unexpired term shall be filled by a currently serving Chamber Board member. Such members must reside or work in the City of Denton.

3. Two members will be, or must be currently employed by, a top 20 City of Denton ad valorem or sales tax payer. Such members must reside or work in the City of Denton. If such a member is no longer a top 20 City of Denton taxpayer or employed by one, their appointment to the Board is terminated and their unexpired term shall be filled by a current City of Denton top 20 taxpayer or City of Denton top 20 taxpayer employee.
 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.
 5. One member will be the Chancellor and President of TWU or a TWU faculty or staff member designated by the Chancellor and President. Such member need not reside in the City of Denton.
 6. One member will have knowledge or experience in general aviation-related matters and shall have no financial interest in matters at the Denton Enterprise Airport. This member must reside or work in the City of Denton.
 7. One member will be a citizen of the City of Denton who, in the discretion of the City Council, has specific knowledge, skills, and abilities to assist in all or any one of the functions and responsibilities of the Board.
 8. One member will be nominated by the Denton Black Chamber of Commerce Board of Directors. This member must reside or work in the City of Denton.
 9. One member will be nominated by the Denton Hispanic Chamber of Commerce. This member must reside or work in the City of Denton.
 10. The City Manager, the President of the Chamber, and the Superintendent of the Denton Independent School District will serve as ad hoc ex officio (non-voting) members of the Board.
- 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 reelect a chairperson or vice-chairperson at any time with an affirmative vote of at least 10 members.

- E. 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 five Board members may call any regular or special meeting. Notice of the meetings shall be posted and the meetings shall be 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 Section 2-29 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 Board of Directors. The Board's duties include:

- A. 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 or 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 economic development incentives authorized by law for specific projects, including without limitation tax abatements and incentives authorized under Chapter 312 of the Tax Code,

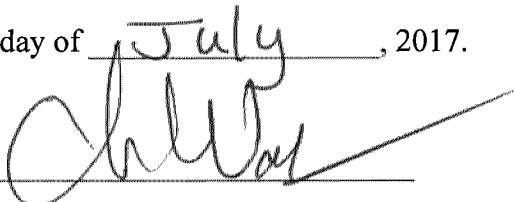
economic development agreements authorized under Chapter 380 of the Local Government Code, public improvement districts authorized under Chapter 372 of the Local Government Code, and certain Downtown Reinvestment Grants under Ordinance No. 2012-001. However, utility incentives based on thresholds, such as Denton Municipal Electric's Economic Growth 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 that did not receive a recommendation from the Board.

D. The Board will review, consider, and make recommendations to the City Council regarding marketing and branding for the Denton Enterprise Airport. The Board will review, consider, and make recommendations to the City Council regarding Denton Enterprise Airport incentive policies, as assigned by the City Council or requested by the City Manager, and will act as a recommending body to the City Council for specific airport economic development incentives, as assigned by City Council or requested by the City Manager and permitted by City and State law.”

SECTION 3. Ordinances 2003-258, 2011-042, 2014-009, 2015-074, and 2016-249 are hereby repealed and are replaced with this Ordinance provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded. This ordinance supersedes any provision in any City ordinance that is in conflict with this ordinance including without limitation any conflicting provisions of Sections 2-61 through 2-65 of the Code of Ordinances of the City of Denton.

SECTION 4. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 18 day of July, 2017.


CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: 