

**CITY OF SAN ANTONIO
NEIGHBORHOOD ACTION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: David D. Garza, Director, Neighborhood Action Department

SUBJECT: Appointments to Tax Increment Reinvestment Zone Board Number Five – New Horizons

DATE: May 5, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance will appoint Carlos M. Balido, Carmen P. Limon, Oscar R. Sandoval and Maricela (Mari) Tello to the Board of Directors for the Tax Increment Reinvestment Zone Number Five (5), City of San Antonio, Texas, known as New Horizons, for two-year terms beginning January 1, 2005. This ordinance will also provide for waivers, for these terms only, of Section 2-402 of the City Code regarding the process for at-large appointments for these appointees, of Section 2-404(b) of the same article regarding term limits for Carlos M. Balido, Carmen P. Limon and Maricela (Mari) Tello, and of Section 2-403(c) of the same article regarding the City residency requirement for Maricela (Mari) Tello. In addition, this ordinance will appoint Maricela (Mari) Tello as chairman for this Board of Directors for a one-year term effective January 1, 2005. Pursuant to Ordinance Number 90311, passed and approved on August 19, 1999, City Council authorized the designation of the New Horizons reinvestment zone to support new housing development on approximately 10.03 acres of land located in the west section of the City, on the corner of Hortencia and West Commerce.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This Reinvestment Zone was designated following the submission of a petition to the City by property owners in the proposed zone. Pursuant to the section of the TIF Act applicable when the Zone was created, petitioned Reinvestment Zones require a Board of Directors composed of nine (9) members.

The TIF Act prescribes that each school district or county that levies taxes on real property in the zone may appoint one member of the board if the school district or county has approved the payment of all or part of the tax increment produced by the unit. The State Senator and State Representative in whose districts the zone is located shall also be members of this Board, except

that either may designate another individual to serve in the member's place at the pleasure of the member. The remaining members of the board are appointed by the City.

In compliance with the formula for board composition in the Act, the board is composed of five (5) directors appointed by the City for two-year terms, one (1) director appointed by Bexar County, one (1) director appointed by the San Antonio Independent School District, and the two (2) respective state legislators or designees. All appointees continue to serve until reappointed or replaced by City Council action, or else removed for noncompliance by the City Clerk. All five (5) City-appointed member terms expired on September 1, 2004. While the construction on this project is completed, it is necessary to reappoint a TIRZ Board in order to approve administrative and project invoices. State law prescribes that to be eligible for appointment, a person must: "(A) be at least 18 years of age; and (B) own real property in the zone or be an employee or agent of a person that owns real property in the zone."

POLICY ANALYSIS

On December 16, 2004, City Council passed and approved Ordinance Number 100199, which governs the creation and operation of all boards and commissions created by ordinance or resolution passed by the City of San Antonio City Council. It has been the City's policy, and continues to be, that the boards and commissions policies of the City of San Antonio apply to TIRZ Boards, except as provided otherwise by state law.

Due to the unique nature of TIRZ boards, and in an effort to comply with the amended City Code, staff requests that for these terms only, these appointees to this board be exempted from Section 2-302 of the City Code, regarding the process for at-large appointees to boards and commissions, Carlos M. Balido, Carmen P. Limon and Maricela (Mari) Tello be exempted from Section 2-404(b), regarding term limits, and Maricela (Mari) Tello be exempted from Section 2-403(c), regarding the requirement that all board appointees be residents of the City.

While TIRZ Board members by state law are not City officials, it is City policy to require them to comply with the Financial Disclosure Report statement provision of the City Ethics Code. All board and commission members must file a Financial Disclosure Report with the Office of the City Clerk upon appointment, and annually thereafter, throughout the member's term and any possible holdover status. Failure to file a Financial Disclosure Report within the time required by the City Ethics Code will be considered an automatic removal.

Staff advertised for Applications for Appointment to TIRZ Boards in January 2005. Four (4) applications were received. All applicants meet Statutory requirements. The four (4) applicants include:

Applicant

Carlos M. Balido
Carmen P. Limon
Oscar R. Sandoval
Maricela (Mari) Tello

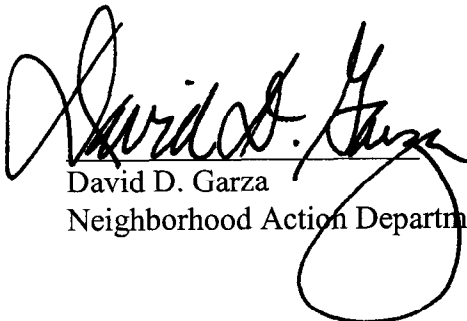
These appointments will serve a term of two years that will begin retroactively on January 1, 2005 and expire on December 31, 2006. Maricela (Mari) Tello will serve as Chairman from January 1, 2005 to December 31, 2005.


FISCAL IMPACT

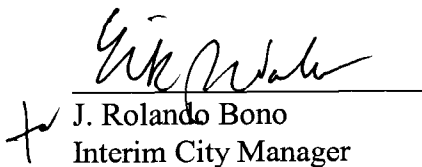
There is no fiscal impact associated with this item.

COORDINATION

This item has been coordinated with the City Attorney's Office and the City Clerk's Office.


David D. Garza
Neighborhood Action Department


Jelynn LeBlanc Burley
Assistant City Manager


J. Rolando Bono
Interim City Manager