

ORDINANCE 2011-08

AN ORDINANCE CREATING THE FAIR OAKS RANCH MUNICIPAL DEVELOPMENT DISTRICT BOARD OF DIRECTORS; PROVIDING FOR THE COMPOSITION AND TERMS OF APPOINTMENT; PROVIDING FOR ANNUAL BUDGET AND AUDIT REQUIREMENTS; PROVIDING FOR THE CONTINUATION OF OTHER LAW; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Texas Local Government Code §377.021 authorizes cities to call an election on the question of creating a municipal development district for the purpose to plan, acquire, establish, develop, construct, or renovate one or more development projects beneficial to the district; and,

WHEREAS, on May 7, 2011, the City Council of the City of Fair Oaks Ranch held an election for the purpose of creating the Fair Oaks Ranch Municipal Development District (the "District") and to impose a sales and use tax rate of one-half of one percent in the district's boundaries; and,

WHEREAS, at said election a majority of the citizens voting in said election voted in favor of creating the District and to impose a sales and use tax rate of one-half of one percent in the District's boundaries ; and,

WHEREAS, the purpose of the imposition of the sales and use tax for the District is to finance development projects beneficial to the District; and the revenue from the tax imposed shall be deposited into a development project fund of the District; and,

WHEREAS, the Texas Local Government Code §377.021 provides that a municipal development district shall be governed by a board of at least four directors and provides certain parameters for the board composition and board appointment by the governing body of the municipality that created the district; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch desires to compose a Board of Directors of the District and provide for the appointment of its' directors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, THAT:

SECTION 1 CREATION OF BOARD OF DIRECTORS

A Board of Directors (the "Board") which is hereby created which shall manage and control the District. The Board shall exercise all of the powers of the District subject to the restrictions imposed by law and any duly and properly enacted by-laws adopted by the Board.

SECTION 2 COMPOSITION AND TERMS OF OFFICE

The Board shall consist of seven (7) Directors, each of whom shall be appointed by the City Council of the City by resolution. Each of the Directors shall be a resident of the City of Fair Oaks Ranch or a resident of the City of Fair Oaks Ranch's Extraterritorial Jurisdiction. Two (2) Directors shall be persons who are members of the Fair Oaks Ranch City Council and one (1) Director shall be a person who is a member of the Fair Oaks Ranch Homeowner's Board of Directors. Each Director shall be appointed to a Place as follows:

Place One - City Council Member
Place Two - City Council Member
Place Three - Member of the Fair Oaks Ranch Homeowner's Board of Directors
Place Four - At Large
Place Five - At Large
Place Six - At Large
Place Seven - At Large

Each Director shall be appointed for a two (2) year staggered term to begin on October 1 and end on September 30 of the second year. A Director shall serve until a successor is appointed.

Any Director may be removed from the Board by the City Council at any time without cause.

SECTION 3 ANNUAL BUDGET

The fiscal year of the District shall commence on October 1st of each year and end on September 30th of the following year. The Board's budget shall be approved by the Fair Oaks Ranch City Council no later than the City Council's regular September Council Meeting.

SECTION 4 ANNUAL AUDIT

The District's financial books, records, accounts, and financial statements shall be audited at least once each fiscal year by an outside, independent auditing and accounting firm at the expense of the District. A copy of the final audit shall be filed with the City Secretary no later March 30th of the following fiscal year for which the audit is performed for.

SECTION 5 CONTINUATION OF OTHER LAW

All provisions of the Code of Ordinances of the City of Fair Oaks Ranch not herein amended or repealed shall remain in full force and effect.

SECTION 6 REPEALER

All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

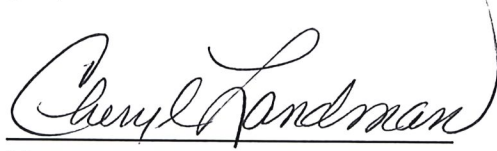
SECTION 7 SEVERABILITY

If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

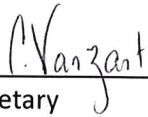
SECTION 8 EFFECTIVE DATE

THIS ordinance will take effect after its passage and approval.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF August, 2011.


Mayor

ATTEST:


City Secretary



APPROVED AS TO FORM:


City Attorney