

ORDINANCE 1193

AN ORDINANCE AMENDING AND READOPTING CHAPTER 3.20 (TAX ABATEMENT AGREEMENTS) OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, READOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AND DESIGNATION OF REINVESTMENT ZONES, DEFINING QUALIFYING FACILITIES, ESTABLISHING THE TERM AND LIMITS OF ABATEMENT, REQUIRING AN APPLICATION, DELEGATING ADMINISTRATIVE AND NEGOTIATION; AMENDING CHAPTER 1.12 (FEES FOR PUBLIC SERVICES); PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING FOR VARIANCES AND EXPIRATION; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City seeks to increase investment and general wealth within the City through the attraction and expansion of industry and development of industrial lands in the City; and

WHEREAS, the City desires to establish reinvestment zones for tax abatement as an incentive to attract new industry to the City and encourage major expansion of existing industries; and

WHEREAS, the City Council has previously adopted guidelines and criteria for tax abatement in accordance with Chapter 312 of the Tax Code; and

WHEREAS, the City Council desires to amend and/or readopt those guidelines in accordance with State Law.

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

**SECTION 1.
READOPTION**

That Chapter 3.20 – Tax Abatement Agreements of the Benbrook Municipal Code (1985), as amended), is hereby readopted in its entirety, except as hereby amended below.

That Chapter 3.20 is hereby amended to revise paragraph 3.20.020 – Qualifying Facilities, to read as follows:

“The City Council may enter into tax abatement agreements with landowners with projects demonstrating an increased industrial investment in buildings and fixed assets of at least \$3,000,000, or resulting in increased employment of 10 employees or more, or for hotel/motel/conference centers with an increase of at least 50 guest rooms. Increased investment or employment shall be measured against the existing assessed value of investment (as determined by the Tarrant Appraisal District) or employment (as determined from the latest employment records) at the time of the application. Qualifying industries include manufacturing, assembling, processing, fabrication, and other industries adding value to products. Administrative, research and development facilities associated with these industries are also acceptable. Retail, distribution, or office facilities are generally not acceptable unless it can be demonstrated that more than 80 percent of the revenues are derived from outside of the City limits of Benbrook. Qualifying facilities must be located within a designated reinvestment zone of the City of Benbrook and may not be located within a designated tax increment finance district.”

That Chapter 3.20 is further amended by revising paragraph 3.20.040 – Application required to read as follows:

“Each business or landowner seeking tax abatement shall submit an application to the City for the purposes of evaluating the compliance of the facility with the guidelines and criteria and for determining the benefit, if any, to the City of entering a tax abatement agreement with the applicant. The application shall be submitted to the City Manager and shall include a minimum of:

1. Name of Company
2. Name of Chief Executive Officer
3. Name of Authorized Agent for Negotiations
4. Proposed activity and investment within Benbrook.
5. Existing number of Employees located within Benbrook
6. Proposed Workforce
7. Proposed Schedule of Construction and Operation
8. Annual Financial Reports or tax returns for last three years.
9. Dun and Bradstreet number

- 10. Location of existing facilities
- 11. Feasibility study that includes an estimate of the economic effect of granting the tax abatement, including profitability of the applicant and benefits to the City.

At the request of the City Manager, the applicant shall provide additional information necessary to evaluate the legitimacy or impact of the proposed facility. This information shall remain confidential to the extent provided in Section 312.003 of the Tax Code.

The City Council may establish application fees for the submittal of applications to cover administrative and review costs.

Applications may be received at any time until construction begins.”

SECTION 2

That Chapter 1.12 – Fees for City Services of the Benbrook Municipal Code (1985), as amended), is hereby amended by amending paragraph 1.12.040 – Business Licenses, to add a new subparagraph 11 to read as follows:

“11. Tax Abatement Application \$1,000.00”

SECTION 3 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4 PUBLICATION AND EFFECTIVE DATE

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all

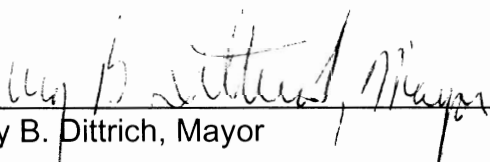
courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

The City Secretary of the City of Benbrook is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance records of the City.

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

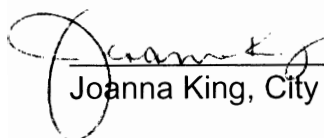
This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this 18th day of August, 2005.



Jerry B. Dittrich, Mayor

ATTEST



Joanna King, City Secretary