

**CERTIFICATE OF FORMATION
OF THE
BALCONES HEIGHTS ECONOMIC DEVELOPMENT CORPORATION, TYPE B**

**ARTICLE I
ENTITY NAME**

The name of the corporation is "Balcones Heights Economic Development Corporation, Type B" (the *Corporation*).

**ARTICLE II
TYPE OF ENTITY**

The Corporation is being formed as nonprofit corporation. It is a non-stock corporation. The Corporation's duration is perpetual.

**ARTICLE III
PURPOSE – FORMATION AS DEVELOPMENT CORPORATION**

The Corporation is created pursuant to the Development Corporation Act of 1979, Chapters 501, 502 and 505 of the Local Government Code, as amended (collectively, the *Act*). The Corporation shall have all the powers and duties of a corporation created under the Act as a Type B Corporation. The Corporation is organized exclusively for the purpose of benefiting the City of Balcones Heights (the *City*) by use of the powers granted to the Corporation under the Act to encourage employment and the public welfare. The Corporation may finance, issue bonds, develop, assist and undertake promotions, programs and any projects that are consistent with the purposes and duties provided in the Act.

**ARTICLE IV
MEMBERSHIP**

The Corporation shall have no members.

**ARTICLE V
REGISTERED OFFICE AND AGENT**

The street address of the initial registered office of the Corporation is 3300 Hillcrest, Balcones Heights, TX 78201, which is located in the City, and the name of the initial registered agent at such address is Mr. David J. Harris.

**ARTICLE VI
BOARD OF DIRECTORS**

The affairs of the Corporation shall be managed by the Board, which shall be composed of seven members, appointed by the Governing Body of the City. Each of such directors shall serve two-year terms and shall serve at the pleasure of the governing body of the City. No more than four (4) of the seven (7) directors may be City employees or City Council members. All directors must be residents of Bexar County, Texas. The names and mailing address of the initial Board of Directors are as follows:

<u>Names</u>	<u>Addresses</u>
Suzanne de Leon	3300 Hillcrest Dr. Balcones Heights, TX 78201
Miguel Valverde	3300 Hillcrest Dr. Balcones Heights, TX 78201
Gloria Cantu	3300 Hillcrest Dr. Balcones Heights, TX 78201
Stephen Lara	3300 Hillcrest Dr. Balcones Heights, TX 78201
Madeline Slay	3300 Hillcrest Dr. Balcones Heights, TX 78201
Melissa Aguillon	3300 Hillcrest Dr. Balcones Heights, TX 78201
Scott Rauch	3300 Hillcrest Dr. Balcones Heights, TX 78201

ARTICLE VII ORGANIZERS

The names and street addresses of the organizers are:

<u>Names</u>	<u>Addresses</u>
David J. Harris	3300 Hillcrest Balcones Heights, TX 78201
Clayton Binford	112 E. Pecan St., 1310 San Antonio, Texas 78205
Orlando Juarez, Jr.	112 E. Pecan St., 1310 San Antonio, Texas 78205

ARTICLE VIII NONPROFIT NATURE OF CORPORATION

No dividends shall ever be paid by the Corporation and no part of its net income or earnings shall inure to the benefit or be distributable to any individual, firm, or corporation, provided that, in the event the Board of Directors of the Corporation shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the Corporation, then any net earnings of the Corporation thereafter accruing may be paid to the City. No substantial part of the activities of the Corporation shall consist of attempting to influence legislation nor shall the Corporation participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Nor shall the Corporation engage in any activities that are unlawful under applicable federal, state or local laws.

ARTICLE IX
NONDISCRIMINATION

The Corporation shall not discriminate against any person because of race, creed, color, nationality, sex or place of origin.

ARTICLE X
APPROVAL BY CITY

The governing body of the City has, by resolution, specifically authorized the Corporation to act on the City's behalf to further the public purposes stated in the resolution and in this Certificate of Formation. The City's governing body has approved this Certificate of Formation.

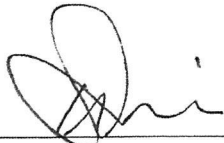
ARTICLE XI
DISSOLUTION

Upon dissolution of the Corporation, title to or other interest in any real or personal property then owned by the Corporation shall vest in the City except and unless as authorized by the City.

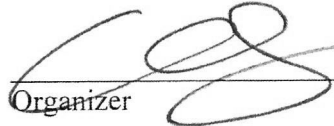
DATED this 26th day of April, 2021.

* * *

IN WITNESS WHEREOF, we have hereunto set our hands this the 26th day of April, 2021.


Organizer


Organizer


Organizer

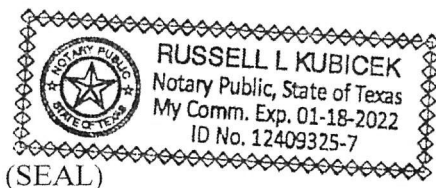
THE STATE OF TEXAS


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COUNTY OF BEXAR

I, the undersigned, a Notary Public of the State of Texas, do hereby certify that on this the 26th day of April, 2021, David J. Harris, Clayton Binford, and Orlando Juarez, Jr., who each being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the date and year above written.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:

01-18-2022