

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY OF BALCONES HEIGHTS, TEXAS CREATING A TYPE B ECONOMIC DEVELOPMENT CORPORATION IN THE CITY OF BALCONES HEIGHTS; APPROVING THE CORPORATION'S CERTIFICATE OF FORMATION; AND PROVIDING FOR A SEVERABILITY CLAUSE, OPEN MEETING CLAUSE, AN EFFECTIVE DATE, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Balcones Heights (the "City") is authorized to create an economic development corporation (the "Corporation") that is organized exclusively for the purpose of benefiting the City by promoting economic development for the City, including without limitation promoting industrial, manufacturing, commercial, retail and residential development to promote and encourage employment and the public welfare, both within the City limits and areas outside of the City limits which contribute to the economic welfare of the City; and

WHEREAS, the City Council of the City has received a written application (the "Application") signed by at least three qualified voters of the City, requesting that the City: (1) find the creation of the Corporation to be advisable, and (2) authorize the creation of the Corporation to act on behalf of the City (and approve the certificate of formation proposed to be used in organizing the Corporation); and

WHEREAS, the City desires to create the Corporation pursuant to Chapters 501 and 505 of the Local Government Code, as amended (collectively, the "Act"); and

WHEREAS, the City Council of the City hereby finds and determines that the creation of the Corporation should be approved and authorized and the Corporations' Certificate of Formation be approved.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, TEXAS:

SECTION. I

The City Council hereby finds and determines that the Application is in proper form and substance and that it has been signed by at least three natural persons, each of whom is at least 18 years of age, and each of whom is a qualified voter of the City. The City Council hereby finds and determines that the creation of the Corporation is advisable, and hereby approves and authorizes the creation of the Corporation. The Corporation shall have all the powers and duties of a corporation created under the Act.

SECTION II. Certificate of Formation

The Certificate of Formation of the Corporation attached hereto as Exhibit A and incorporated herein by reference as a part hereof for all purposes, is hereby approved and the City Council hereby authorizes the filing of the Certificate of Formation with the Secretary of State of Texas.

SECTION III. Severability Clause

The provisions of this resolution are severable, and if any sentence, section, or other parts of this resolution should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Open Meeting Clause

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this resolution and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

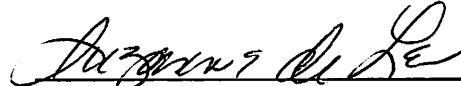
SECTION V. Effective Date

This resolution shall take effect and be in force from and after its passage.

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PASSED and ADOPTED on this the **22nd** day of **March 2021**.

CITY OF BALCONES HEIGHTS, TEXAS

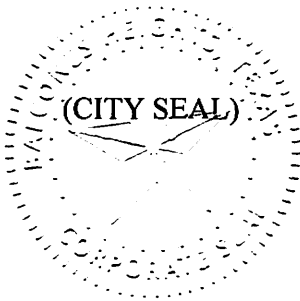


Suzanne de Leon, Mayor

ATTEST:



Delia R. Sanchez, City Secretary



1957-1958

1957-1958

1957-1958



Exhibit A

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 duration is perpetual.

ARTICLE III

PURPOSE – FORMATION AS DEVELOPMENT CORPORATION

The Corporation is created pursuant to Chapters 501 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>
<u>Suzanne deLeon</u>	<u>3300 Hillcrest Dr.</u>
<u>Miguel Valverde</u>	<u>Balcones Heights, TX 78201</u>
<u>Gloria Carter</u>	_____
<u>Stephen Lara</u>	_____
<u>Madelie Slay</u>	_____
<u>Melissa Agullon</u>	_____
<u>Scott Rauch</u>	_____

**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 22nd day of March, 2021.

* * *

IN WITNESS WHEREOF, we have hereunto set our hands this the ____ day of _____, 2021.

Organizer

Organizer

Organizer

THE STATE OF TEXAS

§
§

COUNTY OF BEXAR

I, the undersigned, a Notary Public of the State of Texas, do hereby certify that on this the ____ day of _____, 2021 _____, _____, and _____, 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

(SEAL)

My Commission Expires:
