

ORDINANCE NO. 2024-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE ODESSA CITY CODE CHAPTER 1 "GENERAL PROVISIONS" ARTICLE 1-18 "ANNEXATIONS"; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE

WHEREAS, Chapter 43 of the Texas Local Government Code allows a home-rule municipality to annex territory; and

WHEREAS, on November 6, 2018, the creation of the Ector County Assistance District ("CAD") was approved by voters pursuant to Chapter 387 of the Texas Local Government Code; and

WHEREAS, on April 5, 2021, the Texas Attorney issued Opinion No. KP-0365 which interpreted Chapter 387 of the Texas Local Government Code and established significant additional procedures for property owners who want to have property annexed into the City if the property is located within a County Assistance District; and

WHEREAS, the City can only annex property if the Ector County Commissioners adopt a written Order or Resolution excluding the area to be annexed from the CAD; and

WHEREAS, on October 12, 2021, the Odessa City Council approved Ordinance No. 2021-36 which streamlines the annexation process for property owners who wish to have their property annexed into the City; and

WHEREAS, on January 17, 2024, the City and Ector County entered into a Memorandum of Understanding wherein, on a case-by-case basis, the City and County may elect to share the sales and use tax revenue collected from property located in the CAD that is annexed into the city limits by written agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF
ODESSA, TEXAS**

Section 1. That the Odessa City Code Chapter 1 “General Provisions” Article 1-18 “Annexations” Section 1-18- “General regulations” is hereby amended as follows:

§ 1-18-1 General regulations.

The city council has the authority to establish the boundaries for the city pursuant to the city charter and state law. However, before the city manager or his designee is authorized to accept an application for the annexation of property into the city of any property located in the county, the applicant shall submit a certified copy of a written order or resolution approved by the county commissioners court that the county will either (i) exclude the property from the county assistance district, or (ii) agree to enter into a written tax sharing agreement with the city. The written order or resolution must also contain language that the county assistance district has no outstanding bonds payable wholly or partly from sales and use taxes and the exclusion of the property or written tax sharing agreement does not or will not impair any outstanding district debt or contractual obligation.

Section 2. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That this ordinance, since it does not impose any penalty or fine, shall go into effect following adoption on second approval as provided by City Charter Sections 61 and 65, without the need for publication.

The foregoing ordinance was first approved on the 26th day of March, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

The foregoing ordinance was adopted on second and final approval on the 9th day of April, A.D., 2024, by the following vote:

Mark Matta	ABSENT
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

Approved this the 9th day of April, A.D., 2024.

Javier Joven, Mayor

ATTEST:

Norma Aguilar, City Secretary

APPROVED AS TO FORM:

Daniel C. Jones, City Attorney