

Cameron County Commissioners' Court Agenda Request Form

2022 Q 07038

No. 4-E

Date: July 20, 2022 Meeting Date Request: July 26, 2022
 Deadline for Action: July 26, 2022 Contact Person: Mark Yates
 Department: Economic Development & Community Affairs Phone: 956-544-0828 Fax: 956-544-0891
 Department Head Name: Mark Yates Signature: Mark Yates

Caption: (Action)

DISCUSSION AND APPROVAL OF AN ORDER OF THE CAMERON COUNTY COMMISSIONERS COURT OF TEXAS TO DESIGNATE A CAMERON COUNTY TAX INCREMENT REINVESTMENT ZONE PURSUANT TO THE TEXAS TAX INCREMENT FINANCING ACT AND THE TEXAS STATE CONSTITUTION AND TO DO ALL THINGS REASONABLE AND NECESSARY TO IMPLEMENT THE PURPOSE AND INTENT OF FORMING THE TAX INCREMENT REINVESTMENT ZONE PROPERLY AND ADEQUATELY.

Background: *(Briefly summarize your request, if needed use separate sheet(s) or attach supporting documentation).*

Cameron County has advertised on April 17, 2022, providing Notice to the public that the County intends to hold a public hearing regarding the creation of a Tax Increment Re-Investment Zone. A map and listing of properties is attached. If such TIRZ is approved the TIRZ will be labeled CCTIRZ#1. The November 2021 Elections Proposition 2, was " Authorizing counties to use certain tax increment financing (HJR 99, 2021) **Proposition 2 would grant counties the authority to issue bonds to fund the development of transportation and infrastructure projects in blighted areas.** It would also disallow counties from using more than 65% of any increased revenues for debt repayment or fund the construction, acquisition, operation, or maintenance of a toll road. The proposition was approved by a 63 to 37 % margin.

PLEASE FILL IN ALL BLANKS WITH REQUIRED INITIALS AND FISCAL DATA INFORMATION OR PLACE N/A IF IS NOT APPLICABLE:

County Judge N/A Auditor LX Budget AM Legal 9 Human Resources N/A Purchasing N/A
 1295 Form N/A

Fiscal Data:

Dept. Name: _____ Fund No. _____ Department: Yes ___ No ___ Amt. Expended : \$ _____
 Funds Available: Yes ___ No ___ General: Yes ___ No ___ Impact on afuture budget: Yes ___ No ___
 Grant: Yes ___ No ___

Comments:

Action taken by Commissioners' Court

Approved _____ Tabled _____ Denied _____ Motion made by _____ Seconded _____ Vote _____

County Judge's Office
 Received by:
 Teresa Loza
 7/21/2022 10:39 a.m.

COUNTY OF CAMERON §

STATE OF TEXAS §

ORDER NUMBER _____

AN ORDER OF THE CAMERON COUNTY COMMISSIONERS COURT OF TEXAS TO DESIGNATE A CAMERON COUNTY TAX INCREMENT REINVESTMENT ZONE PURSUANT TO THE TEXAS TAX INCREMENT FINANCING ACT AND THE TEXAS STATE CONSTITUTION AND TO DO ALL THINGS REASONABLE AND NECESSARY TO IMPLEMENT THE PURPOSE AND INTENT OF FORMING THE TAX INCREMENT REINVESTMENT ZONE PROPERLY AND ADEQUATELY.

WHEREAS on September 29, 2020, by Resolution NO. 2020R09073, Cameron County Commissioners Court authorized Cameron County and its professional administrative staff to take and prepare to take, in collaboration with others, a number of actions deemed by the Commissioners Court to be in the best interests of the health, safety, and dignity of citizens, residents, and visitors of Cameron County. Said Resolution is graphically summarized in **Exhibit A** attached hereto and incorporated herein. In furtherance of said Resolution, actions, and many related matters of public record, as herein referenced, this Order is entered.

WHEREAS on or about October 29, 2020, Cameron County of Texas and the Cameron County Regional Mobility Authority, each formally approved and entered into the "First Amendment to the Cameron County and Cameron County Regional Mobility Authority (RMA) Interlocal Agreement to Participate in Transportation Reinvestment Zone Number Six, Cameron County," wherein the parties authorized the pursuit of developing, financing and constructing "Additional Projects" to those for which they have already contracted. The "First Amendment" and "Additional Projects" are graphically summarized in **Exhibit B** attached hereto and incorporated herein; and

WHEREAS pursuant to the Texas Tax Increment Financing Act codified in the Texas Tax Code- Chapter 311, as amended, the County has the statutory authority to designate an area within the County as a tax increment reinvestment zone ("*County TIRZ*"), provided the County makes certain findings with regard to the land area and improvements subject to the *County TIRZ*; and

WHEREAS pursuant to the Texas State Constitution, as amended, Cameron County is advised and believes it has the constitutional authority to designate an area within the County and a city as a tax increment reinvestment zone and to avail of the benefits of the Texas Tax Increment Financing Act by making use of the tax increment generated in a TIRZ by pledging it as a source of repayment of obligations incurred by the County for the cost of certain authorized improvements made and constructed in the *County TIRZ* properly formed; and

WHEREAS on or about December 10, 2019, the City of Brownsville ("City") formed a Tax Increment Reinvestment Zone ("*City Downtown TIRZ #3*"). On or about December 17, 2019, the City of Brownsville formally notified and invited Cameron County to participate in the *City Downtown TIRZ #3* managerially and economically; and

WHEREAS in response to the City's invitation to participate managerially and economically, Cameron County requested that the City enlarge the boundaries of the *City Downtown TIRZ #3* to include certain identified properties, most significantly but not exclusively, the properties fronting the Rio Grande between the Gateway International Bridge and the B & M Bridge and extending from the Rio Grande waterway to Sam Perl Blvd (a/k/a E.12th Street); and

WHEREAS additionally, in response to the City's invitation to the County to participate managerially and economically, the County requested that the City and County jointly continue to pursue the inventive and consequential "Riverfront Development & Lower-Railyard Revitalization Project" (a/k/a & hereinafter sometimes referred to as *Rio Grande Esplanade*) in the *City Downtown TIRZ #3* and that neither party confuse or complicate the multiyear-multiparty process in which the City has been an active and instrumental participant which has achieved significant milestones that are of public record; and

WHEREAS further in response to the City's invitation to the County to participate managerially and economically, the County requested the City join Cameron County in continuing to pursue the *Rio Grande Esplanade* by jointly petitioning the State of Texas to economically participate in the pursuit of the *Rio Grande Esplanade* by pledging the State's share of the tax increment generated from the *City Downtown TIRZ#3* pursuant to well established economic redevelopment programs, in particular, Texas Tax Code §§351 & 352; and

WHEREAS in response to Cameron County's three requests of the City, the City agreed to participate with the County in petitioning the State of Texas to financially participate in the multiyear-multiparty *Rio Grande Esplanade*. On April 29, 2021, the City and County demonstrated their agreement by publicly appearing and testifying at Senate hearings petitioning the State to financially participate in the pursuit of the Riverfront Development, including a Kris Kristofferson Cultural District (a/k/a *Rio Grande Esplanade*) by the State reinvesting the State's share of the tax increment generated by the *Rio Grande Esplanade and Qualified Hotel Project*. The results of which are of public record and graphically summarized in **Exhibit C** attached hereto and incorporated herein; and

WHEREAS, in addition to the City publicly petitioning the State to economically participate in the *Rio Grande Esplanade*, the City offered to the County for County to "take the lead" in pursuing the *Rio Grande Esplanade*, which is also published on the record. The County finds that the City's offer is not unintelligent for at least four reasons: (i) the County's and RMA's above-referenced authorizations and agreements graphically summarized in **Exhibits A and B**, (ii) the County's currently active remodel and expansion of the Gateway International Bridge with agencies of the US Federal Government, (iii) the RMA's and the County's extensive experience with the United States Federal Agencies and State Agencies, and (iv) the fact that the current County Judge has developed command of the multiyear-multiparty process given that he was the City's Mayor when the inventive and consequential process commenced. Thus, Cameron County accepted the City's offer. Thereby giving rise to this Order and the actions contemplated to result herefrom; and

WHEREAS to fulfill the pledges made by the City to the State of Texas, The United States of America, and other entities referenced herein, and to effectuate the agreement between the City and Cameron County for the County to “take the lead” in pursuing the *Rio Grande Esplanade*, Cameron County is compelled to form a tax increment reinvestment zone. The land area recommended to be included in the contemplated tax increment reinvestment zone is graphically illustrated with the specific land parcels listed in **Exhibit D**- County TIRZ #1 attached hereto and incorporated herein; and

WHEREAS to fulfill the pledges made by the City to the State of Texas, The United States of America, and other entities referenced herein, and to effectuate the agreement between the City and Cameron County for the County to “take the lead” in pursuing the *Rio Grande Esplanade*, the City of Brownsville is compelled to simultaneously adjust the boundaries of the *City Downtown TIRZ#3* by reducing the land area thereof, thereby emancipating certain land parcels from it, which allows said parcels to be included in the *County TIRZ #1*. The City Downtown TIRZ#3 with the adjusted boundary and a schedule of the emancipated parcels is graphically illustrated in **Exhibit E**-City Downtown TIRZ #3 attached hereto and incorporated herein; and

WHEREAS immediately upon the formation of the *County TIRZ #1*, the County expects to comply with the Tax Increment Reinvestment Act by sending a formal written notice to all taxing units deriving tax revenue from the property and business operations located in the *County TIRZ #1* of the County’s general plans and invite each taxing unit, including the City of Brownsville, to participate in the *County TIRZ #1* economically and managerially. Each taxing unit is expected to respond by formally notifying the County if the invited taxing unit wants to participate in the tax increment financing plan economically and managerially and to what extent, if any; and

WHEREAS in furtherance of said intentions, pledges, agreements, and this Order, Cameron County published on April 17, 2022, in *The Brownsville Herald* a notice of a public hearing to be held on April 26, 2022, to discuss the County’s intent to form a tax increment reinvestment zone and to prepare to avail of the benefits of the Tax Increment Financing Act for the purpose of facilitating the pursuit of the *Rio Grande Esplanade* in cooperation with the United States of America acting through certain of its agencies and with the advice and consultation of a certain experienced private sector developer who heretofore has been intimately involved with instigating and working all aspects of the predevelopment activities to effectuate the *Rio Grande Esplanade* and who has expressed a willingness to continue to advise, consult and provide services to the County, the City, the United States of Americas, and other government agencies and private sector entities in pursuit of the *Rio Grande Esplanade*; and

WHEREAS Cameron County held a public hearing on April 26, 2022, wherein interested persons were allowed to speak in favor of or against the formation of the proposed tax increment reinvestment zone and to avail of the benefits of the Texas Tax Increment Financing Act; and

WHEREAS, in the public hearing held on April 26, 2022, Cameron County, through its Economic Development Director presented information, evidence, and a recommendation that Cameron County form the contemplated tax increment reinvestment zone and prepare to avail of the benefits of the Texas Tax Increment Financing Act with the collaboration and assistance of the United States of America, other government agencies and the above referenced private sector

developer to advance the predevelopment work previously commenced and, which is of public record; and

WHEREAS, in the public hearing, Cameron County provided an extensive opportunity for interested persons to publicly comment on the County's intent, purpose, recommendations, and action plans, as presented by the County's Economic Development Director. Cameron County received no comments against the intent, purpose, recommendations, or action plans. Cameron County received into the public record several comments in favor of the County's intent, purpose, recommendations, and action plans, which included comments from the following persons:

- i. The private property owners of those properties fronting the Rio Grande between the Gateway International Bridge and the B & M Bridge and extending from the Rio Grande waterway to Sam Perl Blvd (a/k/a E. 12th Street), each of whom, similar to the County, had previously petitioned the City to include their properties in the *City Downtown TIRZ#3*; and
- ii. The Brownsville City Attorney, who is now retired but while serving as the City Attorney, was intimately involved in the predevelopment activities in pursuit of the *Rio Grande Esplanade*, including advising the City's Planning Directors, Administrative staff, City consultants, the City's Elected Officials, and who was instrumental in securing the written authorizations of US Federal Agencies and the Order of the US Federal Court to proceed with the pursuit of the *Rio Grande Esplanade*, which necessarily included the contractual promises of the US Federal Agencies to convey their fee interests in certain specified real property and to exchange other real property interests with the local government agencies, private property owners, and who advised in effectuating the exchange of real property interests between the Brownsville Port District, Union Pacific Railroad, and the City of Brownsville to further facilitate the programing for the *Rio Grande Esplanade*; and
- iii. A private citizen who is an active participant in the community with extensive experience in the local commercial banking business, the downtown restaurant business, and the County's Affordable Housing Programs; and
- iv. A private citizen who is an active member of the community with extensive experience in philanthropy, arts & cultural events, and who is a gubernatorial appointee to the Board of the Texas Commission on the Arts, and who engages in promoting significant friendly cross-border cultural activities; and
- v. a representative of the private sector developer designated by the City as the City's Exclusive Developer of the "Riverfront Development & Lower Railyard Revitalization Project" (a/k/a Rio Grande Esplanade), who has led the Development Team in pursuit of the *Rio Grande Esplanade*, and who has directly interfaced with the above referenced private property owners, the above referenced City Attorney, City Planning Directors, City Administrative staff and Elected Officials, the US Federal Agencies, the Brownsville Port District, the Union Pacific Railroad, the State Elected Officials, and State Administrative staff, and the necessary private sector third parties deemed essential to produce the *Rio Grande Esplanade*, wherein he pledged to continue to make available to the County, the City and the US Federal Agencies the experience and skilled services of the Development Team in pursuit of the Riverfront Development & Lower Railyard Revitalization Project" (a/k/a *Rio Grande Esplanade*).

A public report of the County hearing was published in *The Brownsville Herald* the following day, a copy of which is shown in **Exhibit F** attached hereto and incorporated herein, together with a second article published in *The Brownsville Herald* on January 28th, 2020, wherein a US Border expert, Mr. Alan Bersin, a former US Attorney under Presidents Clinton and Obama met at the Rio Grande Riverfront with County Officials, City Officials, property owners and knowledgeable local civic leaders and offered his comments in favor of continuing to pursue the *Rio Grande Esplanade*; and

WHEREAS, through this Order, other Resolutions, and several deliberate actions consistent therewith, Cameron County has taken all necessary and reasonable steps to comply with the Texas Tax Increment Financing Act to form the recommended tax increment reinvestment zone by undertaking a number of investigations and supporting activities, including preparing a general tax increment financing plan and starting to prepare a specific tax increment financing program to avail of the benefits of the Texas Tax Increment Financing Act to facilitate the production of the *Rio Grande Esplanade*.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF CAMERON COUNTY TEXAS:

Section 1. Findings.

(a) That the above recitals and additional findings herein contained are hereby found and declared to be of public record and based on information and belief are deemed true and correct and are adopted as a part of this Order for all purposes;

(b) That the authorizations herein and the actions contemplated to result herefrom are consistent with the public record consisting of a number of designations, actions, and agreements of the United States of America, acting through a number of authorized agencies; (i) The US State Department, (ii) the International Boundary and Water Commission-US Section, (iii) the Department of Homeland Security, (iv) the US Border Patrol, (v) the US Commerce Department and (vi) the Executive Order of the President of the United States wherein he designated the specific reach of the Rio Grande, which is the subject of this Order, as an "*American Heritage River*," thereby encouraging locally-driven initiatives to economically and culturally develop the Rio Grande Riverfront and whereby the Executive Order provides the locally-driven development efforts with unique benefits, privileges, and rights, as graphically summarized in **Exhibit G** attached hereto and incorporated herein; and

(c) That the authorizations herein and the actions contemplated to result herefrom are consistent with a matter of public record, i.e. the US Federal Court Order in Civil Action No. B-08-427 which contains a number of representations, pledges, actions, and authorizations among the parties thereto, the City of Brownsville, and the United States of America acting through specific federal agencies- the Department of Homeland Security, The US Border Patrol, and the US Justice Department, among others; and

(d) That the authorizations herein and the actions contemplated to result herefrom are consistent with matters on the public record, which contain a number of resolutions, authorizations, designations, actions, and representations of the City of Brownsville in pursuit of the required authorizations from the United States of America, Brownsville Port District, Union Pacific

Railroad, Cameron County, and the reports, studies, analyses, and actions of the private sector developer designated by the City of Brownsville as the Exclusive Developer for the Riverfront Development-Lower Railyard Revitalization Project (a/k/a Rio Grande Esplanade) which are graphically summarized in **Exhibit H** attached hereto and incorporated herein; and

(e) That the authorizations herein and the actions contemplated to result herefrom are consistent with the actions of the City of Brownsville, Union Pacific Railroad, and the Port of Brownsville, whereby the Port of Brownsville waived its rights to ownership in the Union Pacific Railyard in downtown Brownsville (often referred to as the Amigoland Railyard) to make way for the "Downtown Brownsville Revitalization Project" (a/k/a Rio Grande Esplanade) after the City specifically requested its Exclusive Developer to assist the City in securing the Port's waiver to "*facilitate the conveyance of the subject property to the City of Brownsville so that said property may become available for the benefit of the Revitalization Project pursuant to the MOU in general, and in particular, pursuant to the Disposition Development Agreement pending between us.*" After which the Port extended a full-throated endorsement of the Rio Grande Riverfront Project by opining that the Project "*will have long-lasting positive impacts stimulating private sector investment and job creation...that will transform downtown Brownsville and the surrounding area into a commercial and cultural center of economic activity.*" The City's and Port's purposeful actions and endorsements are graphically summarized in **Exhibit I- Port of Brownsville Takes Act To Help Make Happen Rio Grande Riverfront-Lower Railyard Revitalization Project- Graphically Summarized** attached hereto and incorporated herein; and

(f) That the authorizations herein and the actions contemplated to result herefrom are consistent with a number of actions, agreements, authorizations, and petitions made to government agencies by the private property owners of those properties fronting the Rio Grande between the Gateway International Bridge and the B & M Bridge and extending from the Rio Grande waterway to Sam Perl Blvd (a/k/a E. 12th Street), including their formal petition to Cameron County to form a River Levee Improvement District pursuant to Texas Water Code 57 ("*Riverfront Property Owners' Petition*") to reclaim the value of their property by putting their property in a position to be able to comply with the above-referenced designations, authorizations, actions, and agreements of the United States of America acting through US Federal Agencies & Departments, the Order of the US Federal Court, the State of Texas, the City of Brownsville, the Brownsville Port District, the Union Pacific Railroad, among other participating entities and persons, all orchestrated and coordinated to effectuate the *Rio Grande Esplanade*, as is generally described in the City's Comprehensive Plan- Chp 9- Downtown Revitalization and other more precise programmatic studies developed and submitted to the property owners and government agencies by certain persons and entities engaged by the City of Brownsville for the purposes contemplated by this Order. **Exhibit J- Riverfront Property Owners' Petition** attached hereto and incorporated herein, graphically summarizes the commitment of the Riverfront Property Owners' to facilitate the Rio Grande Esplanade; and

(g) That the authorizations herein and the actions contemplated to result herefrom are *not* inconsistent with the contemplated remodel and expansion of the Gateway International Bridge currently underway by Cameron County, in association and cooperation with the US Federal Government, specifically the General Services Administration and the Department of Homeland Security as graphically summarized in **Exhibit K** attached hereto and incorporated herein. Cameron County expects the authorizations herein and the actions contemplated to result herefrom to lead to multiple opportunities to significantly enhance and augment the remodel and expansion

of the Gateway International Bridge into an Iconic National Monument and Tourist Attraction, as well as, a state-of-art people-friendly transportation infrastructure system; and

(h) That the authorizations herein and the actions contemplated to result herefrom, including the contemplated construction of multiple public and private improvements are consistent with the statutory regulations of Texas Tax Codes 311, 351, 352, 354, Texas Water Code 57, Local Government Code 380, 381, among others. The contemplated public and private improvements once constructed are expected to enhance the value of the taxable real property in the tax increment reinvestment zone designated by this Order and the improvements and operations thereof portend to benefit the health and welfare of the citizens, residents, and visitors of Cameron County; and

(i) That the authorizations herein and the actions contemplated to result herefrom are consistent with a variety of activities of the State of Texas as previously referenced and graphically summarized, and like all matters previously commenced in pursuit of the Rio Grande Esplanade, additional processing is required immediately after this Order and the associated stipulated actions are effectuated and published in the public record; and

(j) Cameron County Commissioners Court takes notice that the Texas Tax Increment Financing Act Section 311.005 attached hereto in Exhibit L and incorporated herein, stipulates the criteria for designating a reinvestment zone. Cameron County finds that the land and improvements within the zone designated by this Order are found to meet the statutory criteria in general and specifically as follows:

1) A substantial portion of the property within the designated reinvestment zone is predominantly open, undeveloped, and underdeveloped because of obsolete platting, deteriorated structures, and site improvements, as graphically illustrated in Exhibit M, attached hereto and incorporated herein;

2) The existing conditions of the land parcels and land improvements within the designated reinvestment zone substantially arrest and impair the sound growth of Cameron County;

3) The existing conditions of the land parcels and improvements retard the provision of housing accommodations;

4) The existing conditions of the improvements, especially the 20 ft high Border Barrier, constitute an economic and social liability and are a menace to public health, safety, morals, and welfare; specifically because of the following existing conditions:

- i. a substantial amount of the existing undeveloped and underdevelopment land pose a safety risk;
- ii. the existing conditions of the public sidewalks and street layouts are predominately defective and inadequate for modern urban living;
- iii. the existing conditions of the land parcel configuration have faulty layouts in relation to size, adequacy, accessibility, and usefulness;
- iv. existing conditions are unsanitary and unsafe conditions;

(5) The existing conditions and the continuing deterioration of the land area and improvements cannot be improved or reversed without the benefits of the purposeful planning, resourcefulness, and substantial capital investment of the private sector with experience in urban

redevelopment in the unique bi-national region in which the designated reinvestment zone is located; and

Section 2. County Order Designating a Tax Increment Reinvestment Zone.

Cameron County Commissioners Court takes notice that the Texas Tax Increment Financing Act Section 311.004 attached hereto in **Exhibit N** and incorporated herein, stipulates the contents of the County Order that designates a reinvestment zone.

Cameron County, acting consistently with and pursuant to the findings herein, the Texas Tax Increment Financing Act, and based on information and belief the Texas Constitution, and in compliance with Texas Tax Code 311.004, issues the following Order:

- (1) Cameron County hereby designates the tax increment reinvestment zone of the land area precisely illustrated with the schedule of land parcels included therein in **Exhibit D** attached hereto and incorporated herein;
- (2) Cameron County hereby creates a board of directors for the tax increment reinvestment zone created and designated by this Order, pursuant to Section 311.009, which provides guidance for the Composition of the Board, attached hereto in **Exhibit O** and incorporated herein, with the Board Members and Board protocols set forth below;
- (3) The designation of the tax increment reinvestment zone shall take effect immediately upon the passing of this Order;
- (4) The term of the tax increment reinvestment zone is thirty (30) years;
- (5) The date of termination is December 31, 2053;
- (6) The formal name of the zone designated by this Order is, "***Reinvestment Zone Number One Cameron County***" The authorized abbreviation is "***Cameron County TIRZ #1;***"
- (7) Cameron County Commissioners Court hereby establishes a "tax increment fund" specifically identified, as "***Cameron County TIRZ Fund #1,***" and directs the County Treasurer to set up the bank account, identify it on the County Financial Books and Records (e.g. on the Balance Sheet and Operating Statements) and prepare to collect and pay into the Cameron County TIRZ Fund #1 an amount equal to the tax increment produced by Cameron County, less the sum of property taxes produced from the tax increments that are, by contract executed before the designation of Cameron County TIRZ #1;
- (8) Consistent with and in furtherance of the findings made herein, Cameron County Commissioners Court specifically finds the expected improvements constructed and operated in the zone will significantly enhance the value of all the taxable real property in the zone and will be of general benefit to the County;
- (9) Consistent with and in furtherance of the findings made herein, Cameron County Commissioners Court specifically finds that the land area within the designated zone meets the criteria outlined in Section 311.005 of the Texas Tax Increment Financing Act.
- (10) Cameron County Commissioners Court takes notice that this Order, the authorizations herein, and the actions contemplated to result herefrom carry an extensive time horizon as graphically summarized in **Exhibit P-** Processing Schedule & Regulatory Compliance Checklist attached hereto and incorporated herein. Pursuant to the currently contemplated schedule the Commissioners Court directs and authorizes the

offices of the County Administrator to establish and implement new administrative procedures to maintain County Compliance with the Texas Tax Increment Financing Act during the thirty-year term of the Cameron County TIRZ #1 formed through this Order, by assigning responsibilities to the offices and personnel therein of the Legal Division, Economic Development Department, County Treasurer, among others, to assure that Cameron County maintains compliance with the Texas Tax Increment Financing Act Chapters 311.001 through 311.0125, as it may be amended from time to time. The Commissioners Court expects and recommends that the Court be timely informed in advance of matters that are required to be undertaken and that reports of the results of the actions undertaken be timely submitted by those assigned the various responsibilities to maintain compliance.

Section 3. Composition and Operations of the Board of Directors Section 311.009

Cameron County Commissioners Court takes notice that the Texas Tax Increment Financing Act Section 311.009, attached in the above-referenced **Exhibit N** provides guidance on the composition and operation of the Board of Directors of the *County TIRZ#1*. Pursuant to said statute and by this Order, the Board of Directors shall be composed and operate as follows:

- (a) The Board shall have up to 15 Board Members;
- (b) Each taxing unit that levies a tax in *Cameron County TIRZ#1* and which elects to and notifies Cameron County of its intent to pay into the *Cameron County TIRZ#1 Fund* its share of the tax increment generated from the private investment in the Zone shall be entitled to appoint a board member or it may waive that right.
- (c) Cameron County Commissioners Court shall appoint all board members to seats not filled by other taxing units by soliciting volunteers from the general public and vetting their qualifications to determine which can be expected to provide good judgment in the exercise of the Board duties.
- (d) Each Board Member shall be appointed for a term of two years. However, the terms of the board members may be staggered among them as the Commission Court may decide.
- (e) Each Board member shall meet the qualifications stipulated in the Tax Increment Financing Act Section 311.009 (c).
- (f) As part of the continuing compliance requirements, annually, Cameron County Commissioners Court shall designate one of the Board Members as the Chairman of the Board who shall serve as such for a one-year. The term always starts on the first day of the calendar year, January 1.
- (g) Once the Board of Directors is composed and the members appointed, they as a group may elect a vice-chair and/ or other officers as it considers appropriate.
- (h) A member of the Board of Directors is not deemed a public official by virtue of merely sitting on the Board of *Cameron County TIRZ#*.
- (i) The Board of Directors shall have the powers and duties as stipulated by the Commissioners Court from time to time, as outlined below.


Section 4. Powers and Duties of the Board of Directors Section 311.010

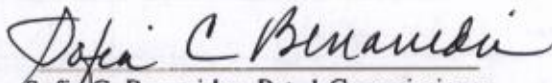
Cameron County Commissioners Court takes notice that the Texas Tax Increment Financing Act Section 311.010 attached hereto in **Exhibit Q-** Powers & Duties of Board incorporated herein, provides guidance on the powers and duties of the Board of Directors of *County TIRZ #1*. Pursuant to said statute and by this Order, the Board of Directors appointed to County TIRZ#1 from time to time, shall have the following powers and duties:

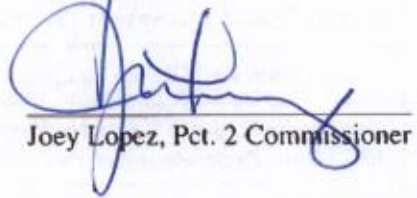
- (a) The Board of Directors shall make recommendations to the County with respect to the overall administration, management, or operation of County TIRZ#1 and the specific implementation of the project plan as it is developed over time.
- (b) The Board of Directors shall make recommendations to the County with respect to the expected land uses and the conditions, restrictions, or covenants that run with the land designed to facilitate the leasing, financing, construction, and operation of the contemplated mix of land uses;
- (c) The Board of Directors shall make recommendations to the County with respect to the expected use of tax increment revenue in the *County TIRZ #1 Fund* to pay any project costs that benefit the reinvestment zone, including those items of costs stipulated in Section 311.010.
- (d) The Board of Directors shall make recommendations to the County with respect to the implementation of the project plan, including the Tax Increment Financing Agreement to achieve the stated purposes.
- (e) The Board of directors may establish and recommend to the County provisions for the administration of one or more programs for the public purposes of developing and diversifying the economy of the zone, eliminating unemployment and underemployment in the zone, and developing or expanding transportation, business, and commercial activity in the zone, including programs to make grants and loans from the tax increment fund of the zone in an aggregate amount not to exceed the amount of the tax increment produced by the County and paid into the *County TIRZ #1 Fund* for activities that benefit the zone and stimulate business and commercial activity in the zone.
- (f) The Board of Directors shall exercise those duties and powers delegated or assigned to it, from time to time, by the Cameron County Commissioners Court as provided by Section 311.010 of the Tax Increment Financing Act.

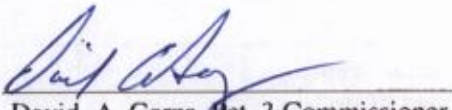
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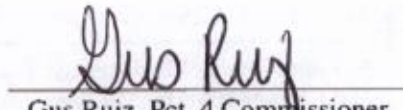
APPROVED THIS 26th DAY OF JULY 2022, BY THE COMMISSIONERS COURT OF CAMERON COUNTY, TEXAS.


Eddie Trevino, Jr., County Judge


Sofia C. Benavides, Pct. 1 Commissioner


Joey Lopez, Pct. 2 Commissioner


David A. Garza, Pct. 3 Commissioner

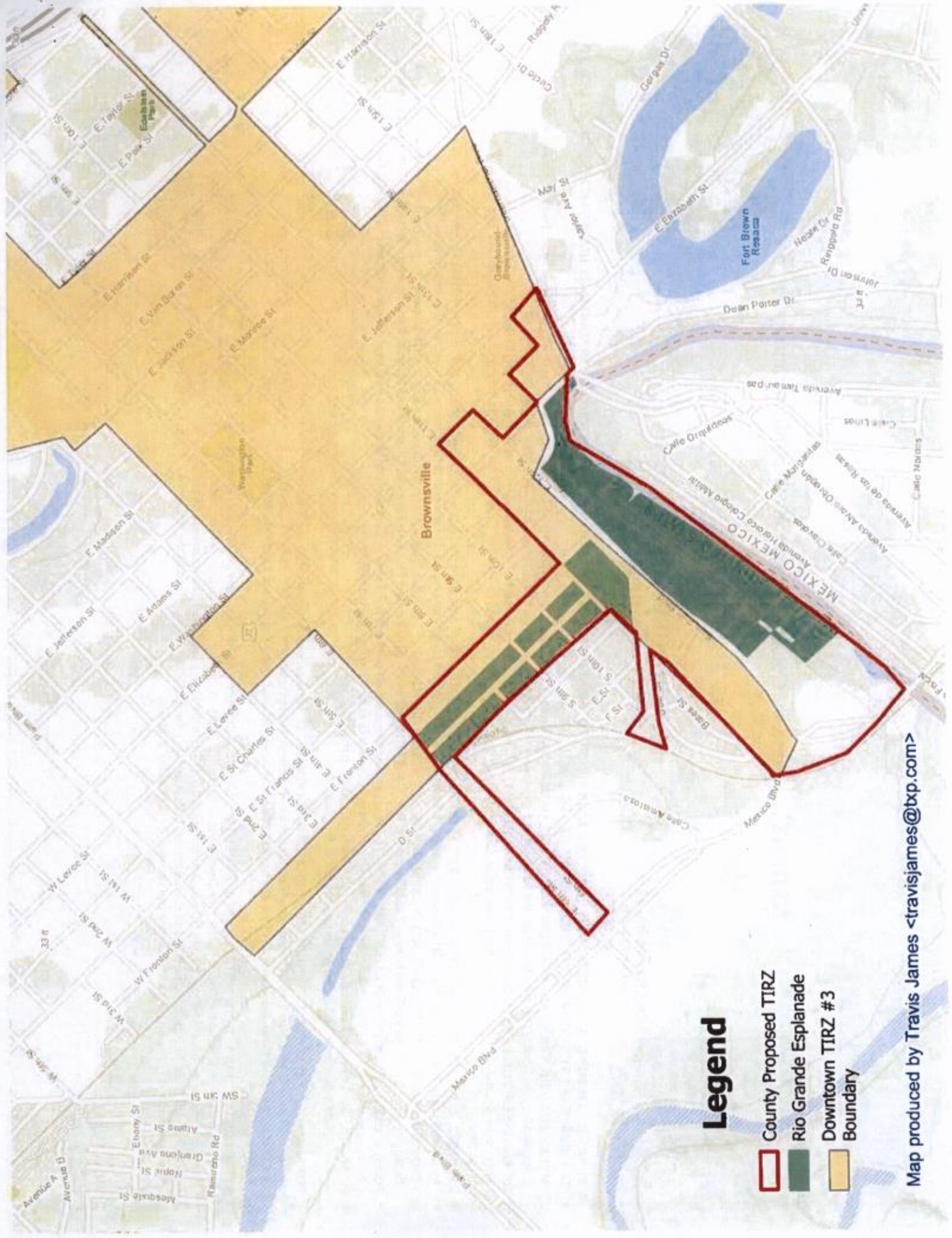

Gus Ruiz, Pct. 4 Commissioner

Attest: 
Sylvia Garza Perez, County Clerk



Attachments – Schedule of Exhibits

June 21, 2022 Cameron County Order Number <u>XX</u> Schedule of Exhibits		Page Number in Order	Page Number in Exhibits Package
Schedule of Exhibits			
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Legend

- County Proposed TIRZ
- Rio Grande Esplanade
- Downtown TIRZ #3
- Boundary

Map produced by Travis James <travisjames@btp.com>



Eddie Treviño Jr.
Cameron County Judge

EXHIBIT A- Cameron County Resolution- Graphic Summary



RESOLUTION NO. 2020R09073

BE IT RESOLVED THAT THE CAMERON COUNTY COMMISSIONERS CONVENED TO TAKE THE FOLLOWING ACTIONS AT ITS MEETING DULY NOTICED AND CALLED TO ORDER PURSUANT TO GOVERNMENT CODE §551.041 ET SEC.

1. **IMPLEMENT THE TERMS OF THE FEDERAL COURT ORDER-** To Remove the Existing Border Barrier and Adjust the Land Parcel Boundaries & Land Titles to Facilitate the Financing and Construction of the Locally Driven Initiative- The *Rio Grande Esplanade-* to Economically Revitalize the Unproductive Rio Grande Riverfront Properties.
2. **RE-ENGINEER THE LEVEES RUNNING BETWEEN THE TWO BRIDGES-** To Implement the U.S.-Mexico Agreement to Remove the Existing Dual Earthen Levees and Adjust the Land Parcel Boundaries & Land Titles to Facilitate the Financing and Construction of the Locally Driven Initiative-The *Rio Grande Esplanade-* to Economically Revitalize the Unproductive Rio Grande Riverfront Properties.
3. **REMODEL & MODERNIZE THE GATEWAY INTERNATIONAL BRIDGE COMPLEX-** To Improve the Health, Safety And Security of Pedestrians Travelling through our Binational Ports of Entry by Expanding the Transportation Bridge Infrastructure to Include a Pedestrian Footbridge that is an Iconic National Monument to the Historic Connection of Commerce and Culture.
4. **FORM & USE A TAX INCREMENT REINVESTMENT ZONE-** To Eliminate Physical & Economic Blight Along and Near the Rio Grande Riverfront between the Two Bridges by Creating and Participating in a Tax Increment Reinvestment Zone Pursuant to Tax Code §311 et sec. and avail of the Benefits of the Financial Programs and Personal Knowhow used at the Rio Tijuana Port of Entry.
5. **FORM & USE A LEVEE IMPROVEMENT DISTRICT-** To Develop and Construct the Fortified River Levee as Contemplated and Authorized by the Three Programs of the U.S. Government:
 - + The American Heritage River Program for Economic Development of the Rio Grande Riverfront & Port of Entry
 - + The DHS Border Barrier Removal Contract & Federal Judicial Order Program;
 - + The U.S.-MX Border & River Management Agreement & Program.
6. **FORM & USE THE STATE TAX INCREMENT SHARING PROGRAM-** To Instigate and Participate with the State of Texas in a newly formed State Hotel-Tourism Qualified Project Tax Increment Financing Project Area to Facilitate Financing & Construction of the Hotel Rio Grande Cultural District Featuring Kris Kristofferson Legacy Gallery and Open-Air Events Park
7. **USE THE SAME FINANCING MECHANISM & EXPERTISE USED AT OTHER FEDERAL PORTS OF ENTRY RIO TIJUANA-** to Compel the Private Sector Developer-Investor to Provide 100% of the Capital Funding Upfront and to Construct the County's Facilities and for it to Expect Reimbursement Only From the Newly Generated Tax Increment, as and when Collected from the Business Operations of the Completed Project and only for the Actual Known Costs of the Approved State Qualified and Public Improvements Owned and Operated by the County &/or City.

COMMISSIONERS' COURT OF CAMERON COUNTY, TEXAS
Eddie Treviño Jr.
EDDIE TREVINO, JR.
COUNTY JUDGE

John C. Brumby
JOHN C. BRUMBY
COMMISSIONER PRINCIPAL

Joe Alvarez
JOE ALVAREZ
COMMISSIONER PRINCIPAL

Sylvia Giza-Pose
SYLVIA GIZA-POSE
COMMISSIONER PRINCIPAL

DAVID A. GARZA
COMMISSIONER PRINCIPAL

Gus Ritz
GUS RITZ
COMMISSIONER PRINCIPAL





Eddie Treviño Jr.
Cameron County Judge

Exhibit B- Cameron County & CCRMA First Amendment to Interlocal Agreement for Additional Projects- Graphic Summary



Pete Sepulveda Jr.
CAO County +
Ex. Dir. RMA

First Amendment to the Cameron County, Texas And Cameron County Regional Mobility Authority Interlocal Agreement to Participate In Transportation Reinvestment Zone No. Six. County Of Cameron

WHEREAS, in accordance with Article IX of the Agreement, the CCRMA and the County wish to amend the Agreement to specifically include the Additional Projects as well as provide for the automatic inclusion of subsequent transportation projects within the Zone provided that such projects are first the subject of an interlocal agreement, or other applicable written agreement, between the CCRMA and the County.

1... In keeping with the CCRMA's statutory purpose and the expertise that it brings to the, planning, development, and implementation of transportation infrastructure projects, the CCRMA shall be in charge of and agrees to diligently administer the day-to-day affairs of, exercise the day-to-day control over, and otherwise attend to the administrative needs of the "Additional Projects."

- Brownsville: Gateway Intl. Pedestrian Bridge & Support Structure
- Brownsville: Realignment of International Blvd. Improvements on E. 6th, 7th, 10th, 11th, 12th Streets
- Brownsville: New Boulevard from Sam Perl Blvd to Palm Blvd.
- Brownsville: Gateway Bridge to B&M Bridge- Roads, Hike & Bike Trails and Parking Garages

CAMERON COUNTY, TEXAS

By:

Eddie Treviño, Jr.
Cameron County Judge

11/11/11

CAMERON COUNTY REGIONAL
MOBILITY AUTHORITY

By:

Frank Parker, Jr.
Chairman of the Board

Graphic Summary of Additional Projects in the TRZ Number 6

1. CCRMA & TRZ #6 are Formed to Program, Finance & Construct Large-Scale Infrastructure Projects.
2. CCRMA is Experienced in Programming, Financing and Constructing Infrastructure In, On and Along the Rio Grande- e.g. Bridges, Bulkheads, Levees, etc.
3. CCRMA is Experienced in Coordinating Programming & Construction Activities with the USA Federal Agencies.
4. CCRMA is Experienced in Coordinating Programming & Construction Activities with USA Counterparts in Mexico, and it is Authorized to Perform Certain Services in Mexico Associated with Rio Grande Bridge Crossings and Ports of Entries.
5. CCRMA & Cameron County have Identified the Following Additional Transportation Projects and Resolved they be Undertaken by Cameron County & CCRMA and TRZ#6.
 - Gateway International Pedestrian Bridge & Support Structures
 - Realignment of International Blvd.
 - Improvements on E. 6th & E. 7th (green line) and E. 10th, 11th, 12th
 - A New Blvd from Sam Perl Blvd to Palm Blvd (green line)
 - Gateway Bridge to B&M Bridge- Roads, Hike & Bike Trails, and Parking Garages.

LAND ANALYSIS SUMMARY - Gross Acres: 225. That Includes R-O-W & Tax-Exempt Properties.



FINANCING STRUCTURE #3

Cameron County TRZ #6 & U.S. Border Infrastructure Appropriations

Cameron County Has Commenced the Capture & Collection of Tax Increment Pursuant to its TRZ #6 and Gateway Bridge is Scheduled For U.S. Appropriations 2020-2021

Cameron County, its affiliates Cameron County Regional Mobility Authority (CCRMA) & Cameron County TRZ No. Six Reinvestment Zone (TRZ#6) have formally designated the Grand Gateway, its appurtenances & ancillary facilities, as Authorized Additional Projects.

The Gateway International Bridge, an Authorized Additional Project, is included in the \$2.8 Billion U.S. Border Infrastructure & Ports-of-Entry Bill Appropriated by Congress for Fiscal Yr. 2020-2021.

Cameron County and affiliates are prepared to develop, construct and finance the remodel and expansion of their Authorized Additional Projects. The County's Legal and Economic Development Departments are prepared to support the undertaking and CCRMA's authorized activities on the other side of the River, if any.

The County's private sector partner, LandGrant Development, is prepared to proceed to participate in the development, construction and financing of the remodel and expansion of the Authorized Additional Projects and to incorporate it in the Hotel Rio Grande and Riverview Park.

Together the Local Public-Private Partnership Team expects to build an Iconic National Monument.

The Grand Gateway, formally known as, the Gateway International Bridge, is in the reach of the River that has served for centuries as our primary connection of commerce and culture with Matamoros and many other communities in Texas and Tamaulipas.

The Grand Gateway on the Rio Grande...
... soon to be as well known and as well visited as the Golden Gate Bridge and the Brooklyn Bridge!





Exhibit C- State Action at the 87th Legislative Session- Graphic Summary

**Senator Eddie Lucio Jr.
Acts To Further Facilitate the Rio Grande Esplanade
by Bringing About Legislation and Compelling his Colleagues to Vote in Favor of State
Financial Participation With the County and City**

Senator Eddie Lucio, Jr. District 27
Full Texas Senate- Voted for Approval- 28 to 2
Unanimous Approval Voted by the Senate Committee on Natural Resources and Economic Development
Unanimous Approval Voted by House of Representatives Committee on Ways and Means
Legislative Counsel and Executive Branch Budget Policy & Planning- Participated in Preparing Acceptable Approving
Language

Senator Eddie Lucio Jr. and the State of Texas Facilitated the \$300 Million Private Investment to Develop & Construct the Rio Grande Hotel-Tourism State Qualified Tax Increment Financing Project by Voting in Favor of Legislation to Pledge the State's Financial Participation in the Project by Sharing the State's Tax Increment Generated from the Project.

VIP's Present to Support Senator Lucio's Call to Action and Facilitation:
County Judge E. Treviño + County CAO P. Sepulveda + County Counsel J. Gonzales
Brownsville City Manager Noel Bernal Publicly Testifying in Support
Texas Hotel & Lodging Association Publicly Testifying in Support



Exhibit D- County TIRZ #1

Image 1- County TIRZ #1 Boundary. The Image illustrates the Land Area included in the County TIRZ #1- Formally known as the Tax Increment Reinvestment Zone Number One, Cameron County.

Also illustrated is the Gateway International Bridge which is owned by Cameron County and is expected to be modernized and expanded as part of the Economic & Cultural Redevelopment Program in Cooperation with the Agencies of the US Federal Government.



In 2019- US State Dept Opened
a New \$200 Million Jr. Embassy

Exhibit D- County TIRZ #1

Image 2- Schedule of Land Parcels. The Charts identify the exact parcels included in the County TIRZ #1.

Group 1 Parcels	Group 2 Parcels	Group 3 Parcels
On Riverfront- Gateway Bridge to B&M Bridge	On Sam Perl Blvd.- E St Charles to Mexico Blvd	The Railyard- E. 11th to E. 4th
30353	62827	29521
30341	30346	29520
30354	30343	29529
365871	30342	29537
30250	30344	29565
30359	55598	29564
365725	38217	29575
384648	30348	29586
30358	30356	29587
369253	30365	27493
30358	30364	27414
30357	30363	27490
369351	At B&M Bridge	27422
30357	58487	27487
55531	58488	27429
365880	58489	27484
424682	30399	
30355		
365876		
383380		
30366		
365874		
30368		
30367		
30349		

Group 4 Parcels	Group 5 Parcels	Group 6 Parcels
Theater Block E. 12 th to E. 11 th & E. St Charles to E. Elizabeth	Americas Front Door State Hwy 4 to E 13 St	Warehouse District- On Fronton E. 3rd St to E 11th St
62829	27884	27483
30345	27885	27482
62828	27883	27481
62826	27881	27486
27860	27880	27485
27861	27877	27489
27862	27876	27488
27863	27876	27492
27858	27886	27491
27857	27886	29585
27856	27888	29584
27855	27887	29583
27854		29582
27853		29560
		29536
		29519
		29518
		29517

**Exhibit D- County TIRZ #1
with City Downtown TIRZ #3
with adjusted boundaries.**

Image 3-The Rio Grande Alliance.
The Image illustrates the Cooperation
between the City and the County. The
Orange Line illustrates County TIRZ #1
and the
Turquoise Line illustrates the City
Downtown TIRZ #3 with its adjusted
boundaries as of June/July 2022

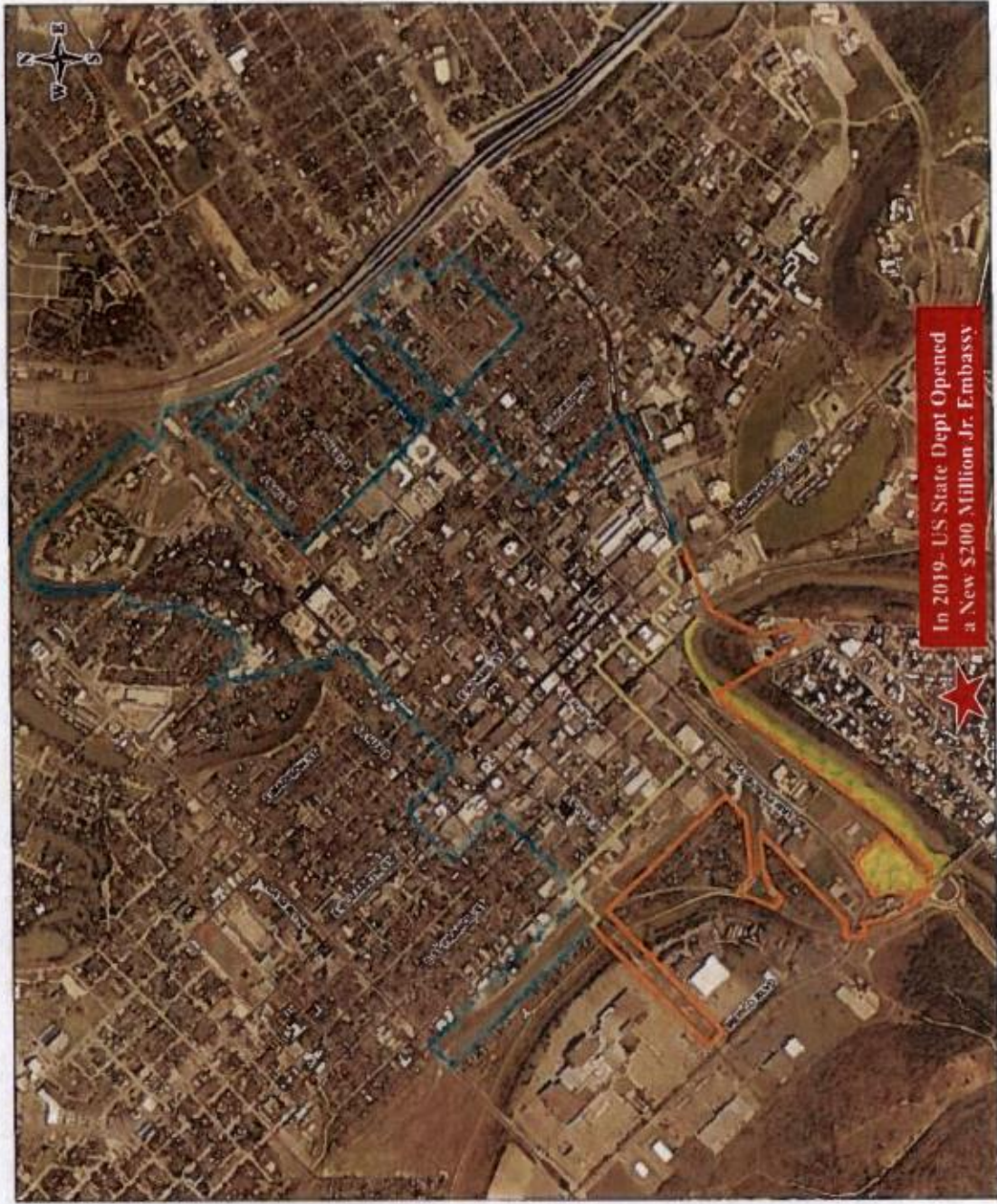


Exhibit D- County TIRZ # 1-

Image 4- Economic & Cultural Redevelopment Area- The Image and Charts illustrate the Area and the key business elements of the economic underwriting developed by the City's selected Exclusive Developer in collaboration with the City's Representatives and the Representatives of the DHS, IBWC, Port District, etc.



Designated Areas Illustrated & Quantified	
Color Key	Designated Area
<i>Painted Yellow</i>	USA Restricted Areas
<i>Painted Red</i>	Grand Gateway Bridge Redevelopment Investment Area
	Economic & Cultural Redevelopment Investment Area
Cameron County TIRZ #1- Consideration One	
<i>Opaque Red Area Includes Three Major Elements</i>	Grand Gateway Bridge Redevelopment Area (\$100 MM Public Investment Area)
	Revitalization Project Area (\$300 MM Private Investment Area)
	Texas State Hotel-Tourism Qualified Project (Supporting the <i>Hotel Rio Grande</i>)
	Ac
	18
	10
	84
	10
	44
	32

The Real Estate within Cameron County TIRZ #1 should Accommodate the "Conditional Agreements" that Drive the Land Uses and Economic Underwriting - e.g.

- Kris Kristofferson- Multiple Venues
- Ross Dress for Less- new modernized & upgraded unit
- Enhancement & Animation of the Historical Marker of the Chisholm Trailhead + Riverboat Landing + Historical Connection of Commerce & Culture
- Conclerge Service Center w/ Business Cross Promotions Program
- Transportation Center
- The Grande Gateway- an Ionic Nation Landmark & Monument

Exhibit D County TIRZ #1-

Image 5- Public TIRZ Improvements- The Image and Charts illustrate the Public Improvements to be undertaken and the Public Agencies involved.

1. Removal of Obsolete Plotting Caused by Government Land Restrictions ("The Soft Improvements").
 2. Identify the Subterranean and Surface Improvements Constructed in the Public Rights-of-Way ("The Hard Public Improvements").
- County TIRZ#1 is underwritten to generate more than enough *Tax Increment* for the *TIF Repayment Agreement*, so long as the expected participating taxing units pledge the appropriate types and amounts of *Tax Increment* generated from the County TIRZ#1. The insertion of the County and the RMA are a healthy addition to the Development Team, given their skill sets, authority, and experience with Federal and State Agencies.



Designated Areas Illustrated & Quantified

Color Key	Designated Area	Ac
Painted Yellow	USA Restricted Areas	18
Painted Red	Grand Gateway Bridge Redevelopment Investment Area	10
	Economic & Cultural Redevelopment Investment Area	94
Cameron County TIRZ #1- Is Basis of Public Financing Piece- TIF Statutes		
Emphasized as Opaque Red	Grand Gateway Bridge Redevelopment Area (\$100 MM Public Investment Area)	10
	Revitalization Project Area (\$300 MM Private Investment Area)	44
Highlighted as Transparent Red	Texas State Hotel-Tourism Qualified Project Accessed Renewing Tax Code 351 (Supporting <i>Hotel Rio Grande</i>)	32

Cameron County TIRZ #1 + Levee Improvement District + Federal Agreements & Designations + Federal & Local Authorizations

1. The knotty parcel lines outlined in green and yellow illustrate why the Public Agency Agreements & Authorizations combined with Private Agreements & River Levee Petitions provide the basis to perform first the *Soft Public Improvements* with land interests conditionally exchanged in escrow to effectuate a developable site with Marketable Title. Mostly government-owned or controlled.
2. The Federally Authorized Fortified Levee- the *Keystone Public TIRZ Improvement*- is authorized for construction at the seam of the red and yellow painted areas.
3. The more traditional *Hard Public TIRZ Improvements*- e.g. Subterranean Wet & Dry Utilities, Surface Improvements-Streets, Sidewalks, Landscaping, Traffic Controls, etc.- expect to be constructed in or near the Publics R-O-W.

**Exhibit D- City Downtown TIRZ #3
as of 2022**

***Image 6- City Downtown TIRZ #3 with
Boundary Adjustments as of June 2022.***
The Image Illustrates the City's
Commitment to the *Rio Grande Alliance* by
Passing a Resolution to Adjust the
boundaries of the *City Downtown TIRZ #3*
as the means to Accommodate the County,
the RMA, the Private Riverfront Property
Owners, the State of Texas, and several
other public and private entities, all of
whom have been relentlessly in pursuit of
the *Rio Grande Esplanade*.
For more details see Exhibit E.



Exhibit E-City Downtown TIRZ #3

Image 1- City Downtown TIRZ #3. The Image illustrates the original boundaries of the City TIRZ #3- Gray Shaded Area- as Published by the City on or about December 10, 2019.

Notably- The tan-shaded areas represent the Properties Excluded from the City's Downtown TIRZ #3, which the Private Property Owners, Cameron County, and other private entities requested to be included in the City's Downtown TIRZ #3 pursuant to Tax Code 311.007.

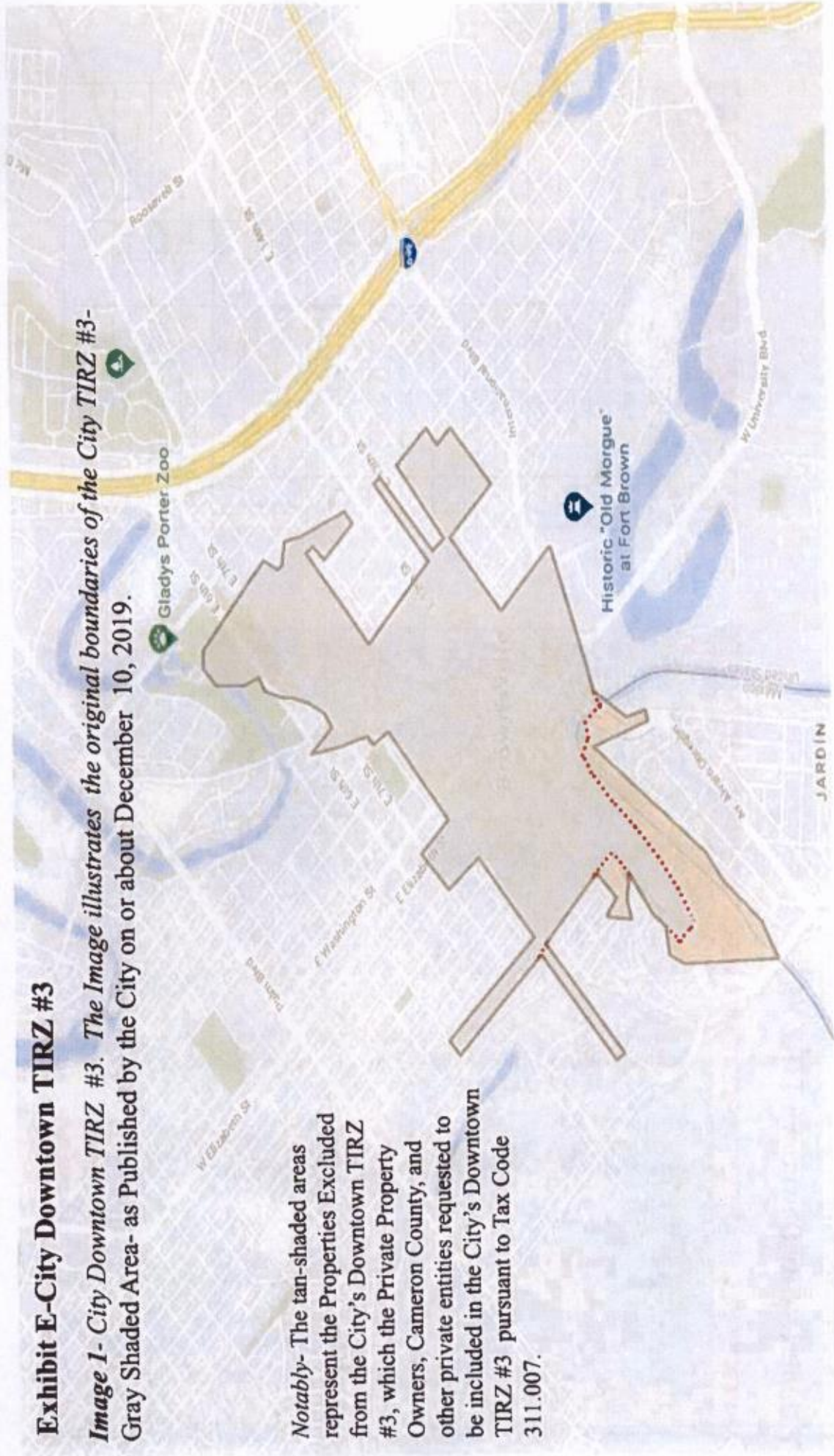


Exhibit E- City Downtown TIRZ #3

Image 2- Illustration of Land Area and Parcels Emancipated from for City Downtown TIRZ #3 resulting from the City Resolution to adjust the Boundaries.



Image 3- Schedule of Parcels Emancipated from the Downtown TIRZ #3 resulting from the City Resolution to adjust the Boundaries

	Parcels 1 st Suggested By County			Additional Parcels Suggested by City & County
1	27492	27491	27885	62825
2	30346	30363	30342	27858
3	27861	30343	29518	27857
4	27860	62828	27884	27856
5	29584	30348	27876	27855
6	29583	30356	29517	27854
7	29585	29521	27881	27853
8	29560	29564	62829	27862
9	29575	29564	30345	27863
10	29536	27493	29520	27886
11	29537	29586	27877	27888
12	29587	29564	29519	27887
13	29582	30364	30344	
14	62827	30365	55598	
15	29565	27883	27876	
16	29529	27880		

**Exhibit E- City Downtown TIRZ #3
as of 2022**

***Image 4- City Downtown TIRZ #3 with
Boundary Adjustments as of June 2022.***

The Image Illustrates the City's Commitment to the *Rio Grande Alliance* by Passing a Resolution to Adjust the boundaries of the *City Downtown TIRZ #3* as the means to Accommodate the County, the RMA, the Private Riverfront Property Owners, the State of Texas, and several other public and private entities, all of whom have been relentlessly in pursuit of the *Rio Grande Esplanade*.

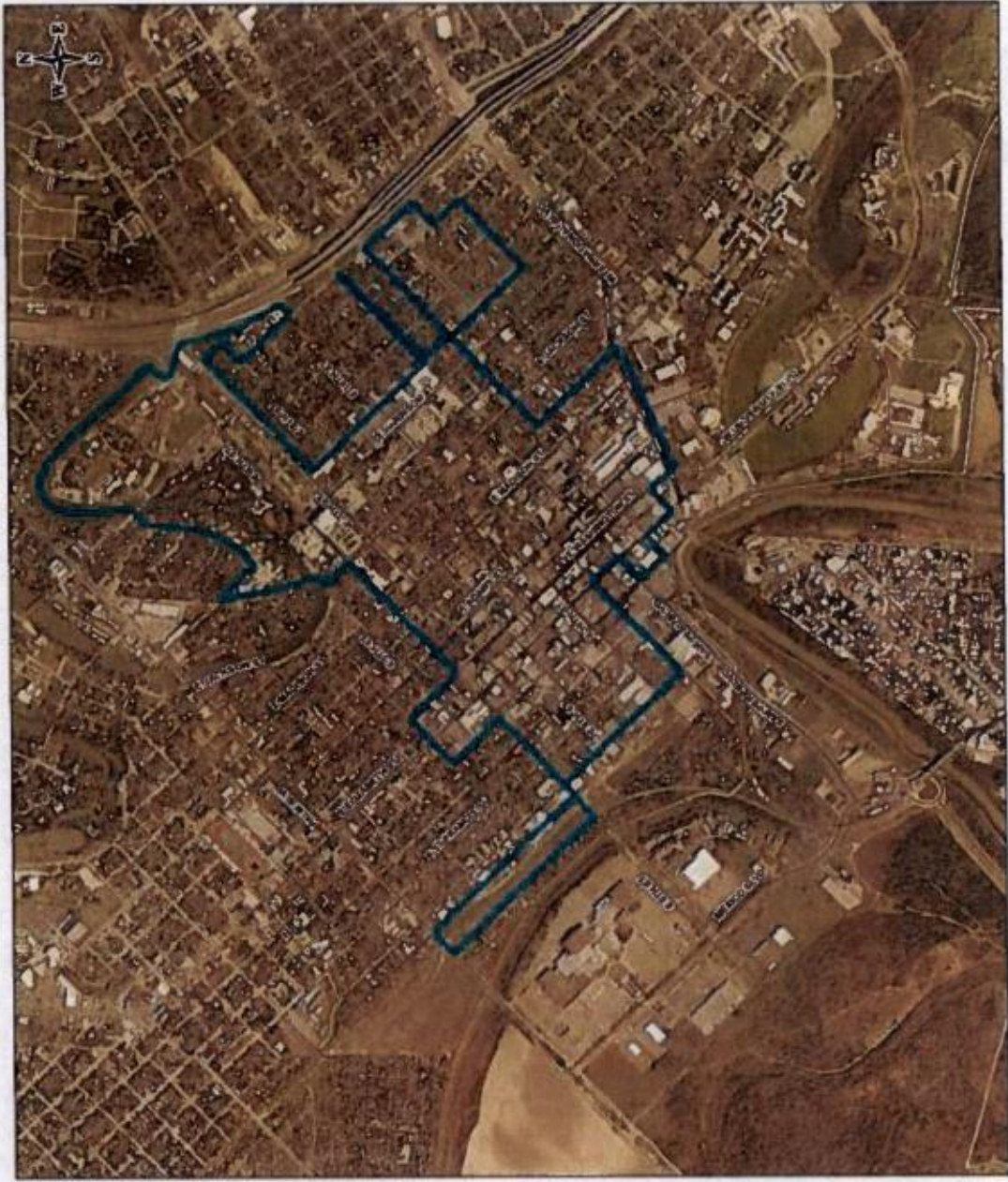


Exhibit E- City Downtown TIRZ #3 as adjusted, with County TIRZ #1.

Image 5-The Rio Grande Alliance.
The Image illustrates the Cooperation between the City and the County.
The Orange Line illustrates County TIRZ #1 and the Turquoise Line illustrates the City Downtown TIRZ #3 with its adjusted boundaries as of June/July 2022

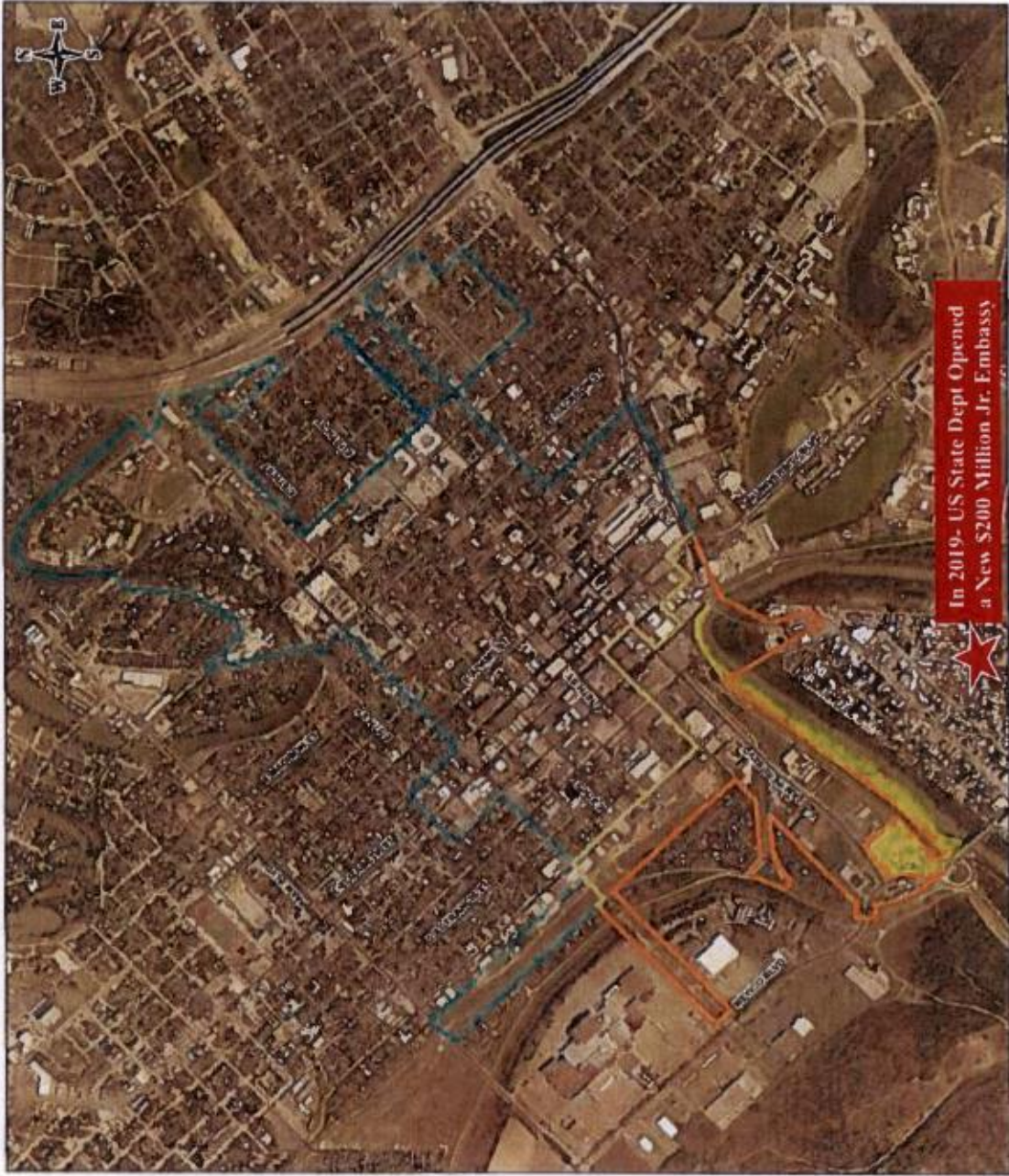


Exhibit E- County TIRZ #1

Image 6- County TIRZ #1 Boundary. The Image illustrates the Land Area included in the County TIRZ #1- Formally known as the Tax Increment Reinvestment Zone Number One, Cameron County.

Also illustrated is the Gateway International Bridge which is owned by Cameron County and is expected to be modernized and expanded as part of the Economic & Cultural Redevelopment Program in cooperation with the Agencies of the US Federal Government.

For more information see Exhibit D.



Exhibit F- Newspaper Reports-- 1. County Public Hearing, and 2. Border Expert Endorsement of Project Wednesday, April 27, 2022

County discusses TIRZ for riverfront

via Americas developer: 'finally at threshold'

BY STEVE CLARK
STAFF WRITER

The agenda of Tuesday's regular meeting of the Cameron County Commissioners Court included a public hearing on a proposal to create the Tax Increment Reinvestment Zone necessary for a Brownsville downtown riverfront redevelopment project to proceed.

The TIRZ is a tool offered by the state that reimburses developers for up-front investments in infrastructure improvements through incremental increases in property taxes once a project is complete. It serves as a mechanism for getting major projects done that might not get done otherwise.

California-based developer Sam Marasco worked with the city of Brownsville for a number of years pursuing his proposed via Americas mixed-use riverfront project, but ultimately was unable to get the city to agree to create the necessary TIRZ for the project to proceed to the next step. He had been lobbying for a TIRZ covering the riverfront between Gateway and B& M international bridge, plus some portion of former rail yard north of Sam Perl Boulevard.

In June 2020, the city informed Marasco that via Americas — officially dubbed the Riverfront and Lower Rail-yard Redevelopment Program and Project — was not feasible for various reasons, among them the fact that a necessary change to the Texas Tax Code had not yet been obtained by the developer and the necessary riverfront property not yet acquired and was pulling city staff off the project.

The county picked up the thread in an effort to move the project alive and got the city on board to the extent that City Manager Noel Bernal testified last year in support before the state senate. On Tuesday commissioners heard from a handful of speakers, including Marasco, on why they believe the idea is feasible and creation of a TIRZ warranted.

Mark Yates, the county's director of economic development and community affairs, prefaced the hearing by saying that riverfront is a "concept, not yet a project" at this point and that the undertaking is multi-layered, complex and requires planning and cooperation of many agencies.

He noted that at last year's legislative session the county had won senate approval of the necessary changes at the state level and was on the verge of winning approval in the house, with no objections from the governor's office, when unforeseen circumstances — a walkout by House Democrats to prevent passage of GOP voting legislation — threw a wrench in the works.

Yates said he thinks the county will get what it needs in the next session. Another issue that needs to be resolved, however, is overlap of the proposed Cameron County TIRZ No. 1 for the riverfront development and the city of Brownsville's already established TIRZ No. 3 downtown, he said.

John Chosy, assistant city attorney from 2007 to 2015, also spoke during the hearing, noting that he first became involved with Marasco and the riverfront project in 2007.

"I spent a lot of time working on it and it's always been really exciting to me," he said. "I think that this is a terrific project and one that's going to benefit not just the city of Brownsville but the entire county. ... (Marasco) has got everything laid out on paper, he's made his contacts, he's pretty close to ready to go, he just needs to have this TIRZ ... to get the show on the road."

Marasco, speaking last, credited Chosy for creating the "mechanics" that would allow the eventual removal of the border fence between the two bridges and replacement of the earthen levees with a concrete levee for via Americas. Marasco said moving forward with the TIRZ, plus utilization of a levee improvement district, will help make the concept/ project "bulletproof from our standpoint." "I think we're finally at the threshold of making it happen, because of the county's true leadership," he said.

Yates described Tuesday's public hearing as a "procedural step in creating the TIRZ" and said that in two weeks, for the next commissioners court regular meeting, he'll bring "resolutions, orders, boundaries and maps that create the TIRZ," at which time commissioners can vote on it, and asked commissioners for direction in ensuring he provides the proper documents.

"The time is now to move this concept forward and help it evolve into a project," Yates said.

Sam Manatt, who owns a portion of the riverfront property in question and represented other riverfront property owners during the hearing, read excerpts from a study of a riverfront development's potential impact conducted by consultant Hunter Interests Inc. and commissioned by the city 21 years ago.

BROWNSVILLE The Herald

TUESDAY, JANUARY 28, 2020

BORN ON THE FOURTH OF JULY 1892

75 CENTS



FALSE ALARMS

After multiple false alarms in recent days, Texas health officials confirmed Monday that there are no confirmed cases of the deadly coronavirus in the state.

► PAGE A4

NATION



DEVASTATING, MASSIVE FIRE

A massive fire that killed at least eight people and destroyed dozens of boats in an Alabama marina early Monday was spread so rapidly by the wind that "we didn't have time to do nothing," said one incident who survived but lost his brother in the cold water.

► PAGE A5

SCIENCE



TANGLED IN THE NET

Karin Forney still remembers when an unusual number of humpback whales started showing up in Mottery Bay a few winters ago. She could see them out her window — so close to the surf that kayakers could literally paddle up to them.

► PAGE B8

POPULAR ON THE WEB

HELICOPTER CRASH

USA legend Kobe Bryant, his 13-year-old daughter and seven others were killed in a helicopter crash on a steep hillside in dense morning fog in Southern California on Sunday, his sudden death at age 41 touching off an outpouring of grief for a star whose celebrity transcended basketball.

BrownsvilleHerald.com

AM Vol. 128 | No. 209

Good Morning!
Thank you for reading today's edition of The Brownsville Herald



'Game changer'

Border expert endorses riverfront redevelopment



PHOTOS BY STEVE CLARK/THE BROWNSVILLE HERALD

Mark Yates, left, director of the Cameron County Department of Economic Development and Community Affairs; Alan Borin, "border czar" during the Clinton administration; riverfront landowner Sam Manatt; Greater Brownsville Incentives Corporation director of business recruitment Ramiro Aleman; attorney and GBIC board member Dennis Sanchez; and Cameron County Precinct 2 Commissioner Joey Lopez discuss a proposed riverfront redevelopment project during a tour of the levee downtown and south of the border fence near Gateway International Bridge on Jan. 17.

BY STEVE CLARK
STAFF WRITER

Alan Borin, Bill Clinton's "border czar" and the person Barack Obama chose to grapple with drug-related violence along the U.S.-Mexico border, stood on the levee south of the border fence downtown, surveying the banks of the Rio Grande below and, just to the east, Gateway International Bridge.

PLEASE SEE BORDER, A8

Right: Borin, left, and Manatt are joined by local officials on the levee paralleling Sam Peril Boulevard, looking south toward the border fence.



GOP defends Trump's actions

Bolton book adds pressure for witnesses

BY ERIC TUCKER, ZOEI MILLER AND LISA HARRISON
THE ASSOCIATED PRESS

WASHINGTON

Senators faced mounting pressure Monday to summon John Bolton to testify as President Donald Trump's impeachment trial even as Trump's lawyers brushed off a series of extraordinary new allegations from Trump's former national security adviser and focused instead on disputed facts and historical arguments for acquittal.

Outside the Senate chamber, Republicans grappled with claims in a forthcoming book from Bolton that undercut a key defense argument — that Trump never tied withholding military aid to Ukraine to his demand that the country help investigate political rival Joe Biden.

In the trial itself, Trump's attorneys declared anew that no witness has testified to direct knowledge that Trump's delivery of aid was contingent on investigations into Democrats though Bolton appeared poised to say exactly that if summoned by the Senate.

"We deal with transcript evidence, we deal with publicly available information," attorney Jay Sekulow said. "We do not deal with speculation, allegations that are not based on evidentiary standards at all."

PLEASE SEE TRIAL, A8

Justices allow enforcement of new green card rule

BY MARK STRUBBERG
THE ASSOCIATED PRESS

WASHINGTON — A divided Supreme Court on Monday allowed the Trump administration to put in place a policy connecting the use of public benefits with whether immigrants could become permanent residents.

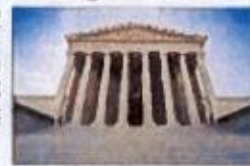
The new policy can be used to deny green cards to immigrants over their use of public benefits including Medicaid, food stamps and housing vouchers, as well as other factors.

The justices' order came by a 5-4 vote and reversed a ruling from the 2nd U.S. Circuit Court of Appeals in New York that

had kept in a place a nationwide hold on the policy following lawsuits that have been filed against it.

The court's four liberal justices, Stephen Breyer, Ruth Bader Ginsburg, Elena Kagan and Sonia Sotomayor, would have prevented the policy from taking effect.

PLEASE SEE RULING, A8



The Supreme Court in Washington is seen on June 17, 2019.

A SCOTUS APPELLATES (L) ASSOCIATED PRESS

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BORDER

FROM PAGE 1

The former federal prosecutor was joined by Ramirez Aleman, director of business recruitment for the Greater Brownsville Incentives Corporation, Cameron County Precinct 2 Commissioner Jerry Lopez, attorney and GRIC commissioner Dennis Sanchez, Mark Yates, director of the Cameron County Department of Economic Development and Community Affairs, and Sam Masaso, owner of the levee the group stood on that morning of Jan. 17. Berrin is a global fellow with the Woodrow Wilson Center for International Studies in Washington, D.C., the inaugural North American fellow for the Wilson Center's Canada and Mexico Institutes, and chairman of BorderWorks, a consulting firm specializing in border security and trade agreement, including border infrastructure projects. He was in the Rio Grande Valley to attend a retirement celebration for U.S. Border Patrol District Sector Chief Rodolfo "Rudy" Karlichik McAllen. Berrin took time out to drive to Brownsville to see

where his friend Sam Masaso hopes to build via America, a riverfront redevelopment project featuring as its principal catalyst the Rio Grande Esplanade, a 16-acre, mixed-use urban development, plus the Kris Kristofferson Cultural Center. Masaso said Brownsville city leaders initially approached him about a possible riverfront makeover, a concept contained in the 2009 Imagined Brownsville Comprehensive Development Plan, based on the success of The Shoppes at Las Americas, a Masaso development that opened in 2001 in San Ysidro, Calif., a neighborhood of San Diego across the border from Tijuana, Mexico. It was through this project that Masaso and Berrin became acquainted. "I was basically one of his early supporters on the government side in (Las Americas). It was an extraordinary development," Berrin said. Berrin said he's involved in a book project about the relationship between San Diego and Tijuana, and that the first chapter will be a look at the cross-border community created by Las Americas. Since the city of Brownsville gave Masaso

preliminary authorization to explore development of via America, well over a decade ago, he's secured commitments from the Department of Homeland Security and the International Boundary and Water Commission to cooperate with the city on the project if it chooses to move forward and certain conditions are met. Investors through Masaso's LandGrant Development company would pay 100 percent of the cost of public infrastructure improvements required for via America, and would be reimbursed through incremental increases in tax revenue generated by a riverfront Tax Incrementation Zone. A TRIZ is a mechanism for public investment by parts of a community where investment is scarce or nonexistent. The Brownsville City Commission on Dec. 3 voted to approve a downtown TRIZ to be reinvested in front between Gateway and B&M International bridges, where Rio Grande Esplanade would be built. This was despite Masaso's suggestion that the riverfront be included in the TRIZ, in order for him to approach the state about participating in Tax

Increment Financing, which he said would enhance the project's feasibility. Masaso, who led the Jan. 17 levee tour, also argued the TRIZ to include riverfront real deal and they would like to sell to LandGrant. Commissioners held the final vote Dec. 10 to approve a downtown TRIZ without riverfront property. Masaso said DHS and IBWC have committed in writing to allowing the project as long as specific "conditions precedent" are met, but that he won't be able to discover the state's conditions precedent without a TRIZ in hand, effectively blocking the next step toward determining the project's feasibility. It's normal for big development projects involving government agencies and taxing entities to establish all conditions of participation up front so the developer and city planners know what to do in terms of project specifics, Masaso said, noting that negotiating with large governmental agencies is a very slow process. Sanchez said he helped fund Brownsville's first TRIZ in 2006, in the north part of the city, but that it took three years to get it approved because city leaders were wary of being

taken advantage of. "It's part of the legitimate concern of city managers. Is this a scam? Is this the real deal? ... We finally convinced them this was a real deal and they finally passed it, and now it's showing that it works," he said. "But now we have different city administrators and here we go again." Also, in the case of via America, the proposed TRIZ is more complicated, Sanchez said. "Sam's not the only guy I know who could do it," he said. "If he can't do it, well then, it's not going to happen. But essentially that's what I think the real concern is, is just people are just unsure of what's actually happening." "That's the bottom line of any TRIZ is that it's not your money — county city whoever. We, the developer, are going to put up 100 percent of the money to make this happen. If it works, great. If it doesn't work, it's no skin off your nose. They're not asking for the city to guarantee any debt, not asking the city for any money." Deputy City Manager Helen Ramirez said the city is continuing to evaluate the information Masaso has provided on the project, and will provide an update during the Feb. 3 city commission meeting.

TRIAL

FROM PAGE 1

The legal team took turns decrying the impeachment, which accuses Trump of abusing his power by asking Ukraine's leader to help investigate Biden at the same time he was ordering that millions of dollars in aid be withheld — and then of obstructing Congress in its probe. Michael Purpur, a deputy White House counsel, argued that Trump had legitimate reasons to be concerned about corruption in Ukraine and, in any event, ultimately released the aid without the country committing to investigations the president wanted. Democrats say Trump did so only after a whistleblower submitted a complaint about the episode. Ken Starr, whose independent counsel investigation into President Bill Clinton resulted in his impeachment, Clinton was acquitted by the Senate — because what he said was an "age of impeachment." Impeachment, he said, requires both an actual crime and a "generous national consensus" that the president must go. Neither exists here, Starr said.

Impeachment "is filled with acrimony and it divides the country like nothing else," Starr said. "Those of us who lived through the Clinton impeachment understand that in a deep and personal way." The lawyers also defended the actions of Rudy Giuliani, the president's personal lawyer whose efforts pressing for the Biden investigation helped lead to the firing of the American ambassador to Ukraine. Even as defense lawyers laid out their case as planned, it was clear that Bolton's book had scrambled the debate over whether to seek witnesses. Bolton writes that Trump told him he wanted to withhold security aid from Ukraine until it helped him with investigations into Biden. Trump's legal team has repeatedly insisted otherwise, and Trump tweeted on Monday that he never told Bolton such a thing. Republican senators face a pivotal moment, and pressure is mounting for at least four to buck GOP leaders and form a bipartisan majority to force the issue. Republicans hold a 53-47 majority. "John Bolton's relevance to our decision has become increasingly clear," GOP Sen. Mitt Romney of Utah told reporters. Sen. Susan

U.S. says mystery crash in Afghanistan was U.S. Air Force plane

BY SAMI FARIZ AND RABIT THE ASSOCIATED PRESS

KABUL, Afghanistan — An American military aircraft crashed in eastern Afghanistan on Monday, the U.S. military said, adding that there were no indications so far it'd been brought down by enemy fire. The spokesman for U.S. forces in Afghanistan, Col. Sonny Leggett, said that the military plane, a Bombardier E-11A, crashed in the Ghazni province and an investigation of its causes was ongoing. Monday's plane crash is not expected to derail U.S.-Taliban peace talks if it turns out to have been an accident. The Bombardier E-11A is a U.S. Air Force electronic surveillance plane. Video from the crash site circulating on social media appeared to show its charred ruins. A Taliban spokesman and Afghan journalist affiliated with the militant group had earlier said the mystery crash was a U.S. military plane. Tariq Ghazniwal, a journalist in the area, said that he saw the burning aircraft in an exchange on Twitter, he told The Associated Press that he saw two bodies and the front of the aircraft was badly burned. He added that the aircraft's body and tail were hardly damaged. His information could not be independently verified. Ghazniwal said the crash site was about 10 kilometers (6.2 miles)

from a U.S. military base. Local Taliban have been deployed to protect the crash site, he said, and several other militants were combing the nearby village for two people they suspect may have survived the crash. The Taliban hold much of Ghazni province and have total control over the local area of the crash. Ghazniwal said the site was near a village called Sado Kheilo, in the Deh Yak district. He also said the crash occurred soon after 1 p.m. local time, but residents in the area did not report a loud crashing noise. He couldn't say whether the aircraft had been shot down but "the crash was not loud." Images on social media purportedly of the crashed plane showed an aircraft bearing U.S. Air Force markings similar to other E-11A surveillance aircraft photographed by aviation enthusiasts. Visible registration numbers on the plane also appeared to match those aircraft. The so-called Battlefield Airborne Communications Node can be carried on unmanned or crewed aircraft like the E-11A. It is used by the military to extend the range of radio signals and can be used to convert the output of one device to another, such as connecting a radio to a telephone. Colloquially referred to by the U.S. military as "Wi-Fi in the sky," the BACN system is used in areas where communications are otherwise difficult, elevating signals above obstacles like mountains. Local Taliban have been deployed to protect the crash site, he said, and several other militants were combing the nearby village for two people they suspect may have survived the crash. The Taliban hold much of Ghazni province and have total control over the local area of the crash. Ghazniwal said the site was near a village called Sado Kheilo, in the Deh Yak district. He also said the crash occurred soon after 1 p.m. local time, but residents in the area did not report a loud crashing noise. He couldn't say whether the aircraft had been shot down but "the crash was not loud." Images on social media purportedly of the crashed plane showed an aircraft bearing U.S. Air Force markings similar to other E-11A surveillance aircraft photographed by aviation enthusiasts. Visible registration numbers on the plane also appeared to match those aircraft. The so-called Battlefield Airborne Communications Node can be carried on unmanned or crewed aircraft like the E-11A. It is used by the military to extend the range of radio signals and can be used to convert the output of one device to another, such as connecting a radio to a telephone. Colloquially referred to by the U.S. military as "Wi-Fi in the sky," the BACN system is used in areas where communications are otherwise difficult,

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and if it is decided that immigrants could potentially become public charges at any point in the future, that legal residency could be denied. Roughly 544,000 people apply for green cards annually. According to the government, 382,000 are in categories that would make them subject to the new reviews. Immigrants make up a small portion of those getting public benefits, since many are ineligible to get them because of their immigration status. In a separate opinion, Justice Neil Gorsuch urged his colleagues to confront the "real problems" of so-called ostensible inaction, orders issued by a

RULING

FROM PAGE 1

Federal appeals courts in San Francisco and Richmond, Virginia, had previously overturned trial court rulings against the policy. An injunction in Illinois remains in effect, but applies only to that state. The lawsuits will continue, but immigrants applying for permanent residency cases show they wouldn't be public charges or burdens to the country. The new policy significantly expands what factors would be considered to make that determination, single judge that apply everywhere. In this case, even though the administration won rulings in two different appellate courts covering 14 states, its policy could not take effect. "What in this gamemanship and chaos can we be proud of?" Gorsuch wrote in an opinion joined by Justice Clarence Thomas. Ken Cuccinelli, the acting deputy secretary of Homeland Security, praised the high court order. "It is very clear that the U.S. Supreme Court is fed up with these national injunctions by judges who are trying to impose their policy preferences instead of enforcing the law," Cuccinelli said.

Exhibit G- Legal Authorizations to Proceed Issued by the United States of America



1. In Place- Legal Authorization to Proceed- The President of the United States in Executive Order #13061 Designated the Rio Grande an American Heritage River and Compelled every Federal Agency to cooperate and assist in the implementation of locally driven initiatives to redevelop the riverfront for the economic and cultural good of the community;



2. In Place- Legal Authorization to Proceed- The United States Department of Homeland Security has complied with Executive Order #13061 by contracting to remove its current Border Barrier and to exchange ownership and easements in certain properties to effect the economic and cultural redevelopment of the riverfront, as referenced in Federal Court Order Civil Action No. B-08-427 Document 27, executed by US District Judge Andrew Hanen, the U.S. Department of Homeland Security, the U.S. Customs & Border Protection, among others.



3. In Place- Legal Authorization to Proceed- The United States Department of State has complied with Executive Order #13061 by exchanging the Diplomatic Notes & Minutes Agreement No. 238 & No. 285 with Mexico's Ministry of External Relations, which was supported and recommended by the International Boundary and Water Commission- U.S. & Mexico Sections, pursuant to the polices and procedures of managing our respective International Boundary. The Agreements authorize the removal of the existing eroded earthen levees, the construction of a new concrete fortified flood protection levee at a new specified location and to exchange land ownership and easements in certain properties to effect the economic and cultural redevelopment of the riverfront.





**EXHIBIT H-
City Actions
Graphically
Summarized**



The City Commissioners Convened to take the Following Actions at Duly Called and Noticed Public Meetings Pursuant to Texas Government Code §551 and Article V of the City Charter.

RESOLUTIONS

- To Participate In a Feasibility Study with LandGrant Development, a California Corporation and its Texas Affiliates, By Entering Into The Memorandum of Understanding Presented and Recommended To The City by The City Attorney and The Downtown Development & Heritage Director to Evaluate the Legal, Physical and Economic Viability of a Commercial, Retail and Residential Redevelopment in the Downtown Area.
- In Consideration of The Time, Money and Expertise Expended by LandGrant Development & Affiliates in Pursuit of the "Feasibility Investigation" and the final "Feasibility Recommendation" and in consideration of the fact that the City Expects to Make Use of the Results of the Feasibility Investigation, the City Shall Exclusively Deal with LandGrant Development pursuant to the Terms of the Memorandum of Understanding.
- The City Shall Designate a City Spokesperson for the Feasibility Investigation and the City Represents to LandGrant Development & Affiliates that it May Rely on the Advice and Counsel of the City Spokesperson for day to day matters of the undertaking.
- LandGrant & Affiliates are Instructed to Use the "Waterfront" land area as a Catalyst for Development and Economic Generator including the Reconfiguration and /or Re-reuse of Hope Park as a new Gateway to a Revitalized Downtown Historic District.
- Determine and Advise How Best to Make Use of and Modify the "Federal Levee" and the "City Levee" to Facilitate the Improvement of and the Modernization of Downtown and Its Transportation System, Together with the Re-use of the Anticipated Vacation of the Railroad Lands and the Anticipated Vacation of the Largest Bus Depot at Sam Perl & St Charles.
- Determine and Advise How to Upgrade the Streets to and Around the Anticipated Vacated Railroad Yard to Improve Vehicular and Pedestrian Circulation, Including Acquiring Lands for the Construction of New Rights-of-Way.
- The City approved the "RailRoad Re-Use Plan" and the "Preliminary Feasibility Plan" for the "Downtown Revitalization Zone" defined in the Contract by the Area bounded by E. C Street and E. Fronton and further bounded by E. 4th St and Sam Perl Blvd and Further Bounded by Sam Perl and the Rio Grande River between the B& M bridge and the Gateway International Bridge.
- Establish a Tax Increment Reinvestment Zone in Downtown for the Purpose of Inducing the Private Sector Developer to Develop a Concept Plan Designed to Generate Tax Increment Revenues for the City to be Used in the Financing of the Concept Plan and Any Specific Revitalization Project Approved by the Commission
- The City Shall Undertake the Necessary Steps with All Appropriate Agencies and Parties to the Downtown Revitalization Contracts to prepare and approve a Public-Private Financing Package (PPFP) structured to support financing to develop, construct and operate the contemplated Revitalization Project.
- The Parties Shall Simultaneously Continue to work to Secure Conditional Agreements and Commitments from "Required Public Agencies," and "Necessary Private Sector Third Parties" to Complete the Feasibility Investigation, the Final Feasibility Recommendation and the Public-Private Financing Package to Realize the RailRoad Re-use Plan and the Final Feasibility Recommendation



Attest:

Estela Von Hatten
Estela Von Hatten
City Secretary



Exhibit I- Port of Brownsville Takes Act To Help Make Happen Rio Grande Riverfront-Lower Railyard Revitalization Project- Graphically Summarized



Railroad Re-Use Plan Area of Redevelopment Area of Revitalization Project

Re: Project: Downtown Brownsville Revitalization Project
Item: Union Pacific Railroad Property

Dear Mr. Marasco,

The new railroad tracks and river crossing bridge ("West Rail Relocation Project") are now complete. This is an exciting development in the Downtown Brownsville Revitalization Project. You and the City have entered several prior written agreements regarding the Brownsville Revitalization Project. It is our understanding that you are committed to fulfilling your existing obligations, as is the City.

Pursuant to the Land Swap Agreement, certain properties are to be conveyed to the City at about the time the West Rail Relocation Project is complete and UPR vacates said properties. The City, LandGrant and the Revitalization Project have relied on the timely and cost-effective implementation of the Land Swap Agreement. The mechanics of implementing the Land Swap Agreement are in need of your assistance.

Therefore, the City requests that LandGrant Development assist the City in securing Facilitation Commitments with the named public agencies and facilitate the conveyance of the subject property to the City of Brownsville so that said property may become available for the benefit of the Revitalization Project pursuant to the MOU in general, and in particular, pursuant to the Disposition Development Agreement pending between us.

The City authorizes LandGrant Development to communicate directly with UPR, the Port of Brownsville and Cameron County/Regional Mobility Authority regarding the common interests of LandGrant Development, the City of Brownsville and the Revitalization Project, and to facilitate the conveyance of that portion of the rail yard and rail line essential to the Project's economic, legal, and physical feasibility.

I appreciate your efforts and cooperation and look forward to continuing to work with you on this fantastic Project.

The City recognized the Resolution of the Dispute was Important to the Revitalization Project. The City recognized LandGrant Development had the skill and vested interests to facilitate the resolution.

Sincerely,

Charles Cabler
City Manager





Mr. Jim Hild
Union Pacific Railroad

Re: Amigoland Yard: 1982 Memorandum of Understanding

Dear Jim:

After substantial discussion among our Board, staff, and consultants, we have concluded that the Port has no interest in taking title to the Amigoland yard. The City of Brownsville has indicated that it would like to put the Amigoland yard to a use that benefits the citizens of the City of Brownsville, such as a downtown revitalization project, hike and bike trails, and public spaces. The Port certainly has no objection to the City's plans for the Amigoland Yard and would encourage Union Pacific to convey the Amigoland yard to the City so that their plans for the property can be realized.

The Port encourages Union Pacific to meet with the City to discuss the City's interest in the property and the City's plans. I am providing a copy of this letter to the City Manager, so that he knows the status of our communication.

Very truly yours,
Eduardo A. Campirano
Port Director & CEO

John Wood - a Man for All Seasons - Resolved the 10 Yr. Land Dispute
The long-running dispute among the Parties regarding the rightful Successor-in-Interest to the Railway after Union Pacific vacated was resolved in June by John Wood, then Chairman, Board of Port Commissioners, by using his well-measured moral compass to guide the disputing parties in the right direction toward community riches.

PORT
BROWNSVILLE
• WORLD CLASS •

Port Waived Its Ownership Rights in the Railway to Facilitate the Revitalization Project.
Port Issued a Full-throated Endorsement of the Revitalization Riverfront Project.

Dear Commissioner Benavides:

I was very pleased to learn of Cameron County's initiative to remodel and expand the Gateway International Bridge into The Iconic Grand Gateway on the Rio Grande with its numerous commercial and cultural elements.

The idea to re-engineer the levee adjacent to the Bridge and convert it into a fully functional flood protection system that creates the cornerstone for the Rio Grande Riverfront Project, will foster downtown revitalization. This project will have long-lasting positive impacts stimulating private sector investment and job creation.

This project will have tremendous positive impact that will transform downtown Brownsville and the surrounding area into a commercial and cultural center of economic activity. My fellow Port Commissioners applaud your efforts.

We will all benefit from the economic prosperity that will be borne by your efforts.

Sincerely,

Sergio Tito Lopez
Chairman, Board of Port Commissioners

Exhibit J- Riverfront Property Owners Petition to Cameron County to Form a River Levee Improvement District- Graphically Summarized

These Images Illustrate the Series of Ideas that Instigated & Successfully Coordinated the Real Estate Reconfiguration and Exchange of Interests therein to Remove the Border Barrier and the Double Earthen Levees, which provides the opportunity to potentially reclaim the values of the Properties diminished by government actions and inaction.

- **1st Step Illustrated- Determine & Record the Land Use Sensitivities of the USA & Mexico Regarding the Riverfront- i.e. Respect the No Go Zone., formally known as the USA & MX Restricted Use Zone (RUZ).**
- **This Mutually Agreed Upon, Formally Authorized, and Legally Defined RUZ is an Item of Record between US State Dept & IBWC with their Counterparts in Mexico.**
- **This Matter Set the Usable Boundary of the Riverfront Properties as**



Image at Left

- **2nd Step Illustrated- Determine under what terms the USA would Reconfigure its Land Parcels & Exchange Interests therein to Facilitate the Financing- Development- Construction & Operation of a New Land Use of the Riverfront Properties - then called at the time, the Riverfront Boardwalk.**
- **The Proposal Necessarily included the Removal of the Double Earthen Levees and the Border Barrier. Which also necessarily included a Replacement for each.**
- **The Yellow-Orange Dashed Line Illustrates the Agreement and the Location to Construct a modern Federal Fortified Concrete Flood Levee and Support Structure for the City's/County's Elevated Riverfront Boardwalk to support the Hotel & Bridge and other Programmed Land Uses.**
- **The "Federal Fortified Concrete Levee" and its mutually agreed upon placement, size, scope, and financing mechanisms is the KEYSTONE to Developing, Leasing, Financing and Constructing what then became known as the Riverfront Development & Revitalization Project.**

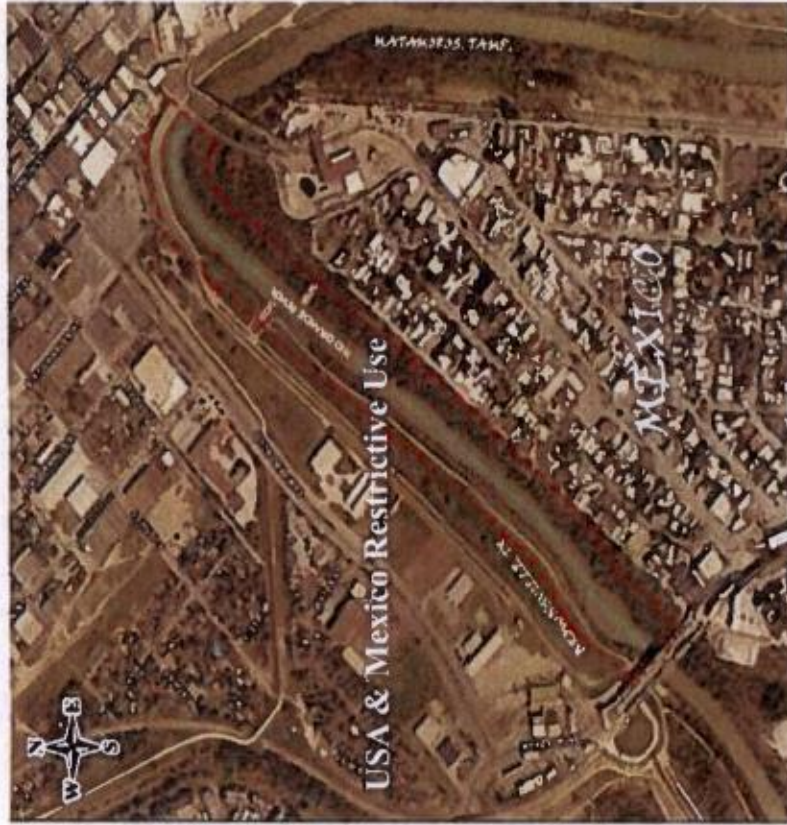




Image at Left

- The Image Illustrates the Juxtaposition of the USA-MX Restricted Use Zone to the Riverfront Development & Revitalization Project Redevelopment Area (Red Zone)
- Yellow-Red Dashed Line Illustrates the Agreed Upon Location to Construct the modern Federal Fortified Concrete Flood Levee & Support Structure for the City's/County's Elevated Riverfront Boardwalk to Support the Hotel & Bridge and other Programmed Land Uses.
- The "Fortified Concrete Levee" and its mutually agreed upon placement, size, scope and financing mechanism is the **KEYSTONE** to **Development, Leasing, Financing and Constructing the Riverfront Development & Revitalization Project**
- The Size, Location and Programmed Land Use of the Redevelopment Area Red Zone is Calculated to Generate the Requisite Amount of Commercial Business Rents and Tax Increment to meet the Terms of Use of the Federal Government and pay the Mortgage

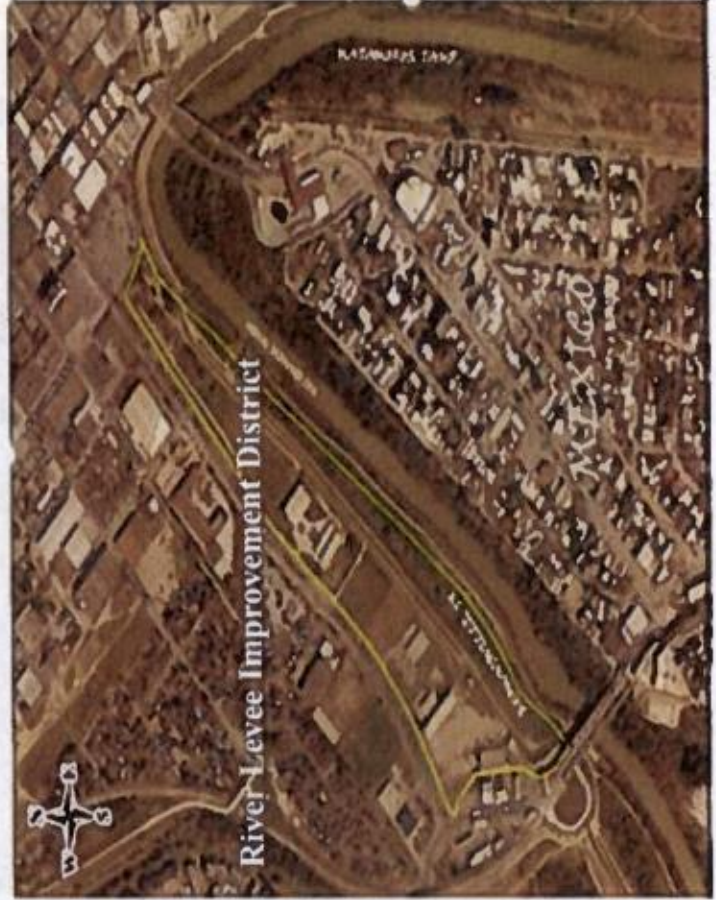


Image at Right

- The Image Illustrates the Petition of the Riverfront Property Owners to Cameron County to form the Rio Grande Levee Improvement District
- A Levee District Requested by the Property Owners, Approved by the County, Implemented by the CCRMA provides the Authority to the Participating Parties to immediately commence interfacing with the Federal Agencies to Activate and Effectuate the Items of Record.
- Commencing the process to Reconfigure the land parcels and clean-up the Property Titles to assure we can secure insurable Good & Marketable Title for Financing, Long-Term Leasing and otherwise get prepare matters for Construction is an important step at this time.

Exhibit K- Gateway International Bridge Modernization and Expansion. The Images illustrate the Design Work Currently Underway to Modernize & Expand the Bridge with US Federal Agencies and Cameron County & the RMA.

Brownsville Gateway LPOE
 (Brownsville International Law (Bill)
 (AMA, Infrastructure Investment and Jobs Act)
 Cameron County Commissioners Court
 Charles Yarn, USA Regional Border Director
 March 15, 2022

Brownsville Gateway LPOE Phasing



Brownsville Gateway LPOE Modernization



Key Points

- GSA anticipates funding to modernize and renovate the Brownsville Gateway Port of Entry.
- We need to collaborate with CBP and the Brownsville community to increase throughput, reduce air emissions, and improve public safety.
- We will explore covered walkway and the addition of modern facilities.
- We will ensure NEPA, NEPA compliance, and Environmental Justice.
- We will create small and disadvantaged business opportunities.
- We anticipate substantial risk cost reduction and project scope change.
- We need to identify any concerns before we proceed with planning.
- Please join our list of stakeholders in the project.

Exhibit L- Tax Increment Financing Act Section 311.005- Criteria for Designating a Tax Reinvestment Zone

(a) To be designated as a reinvestment zone, an area must:

(1) substantially arrest or impair the sound growth of the municipality or county designating the zone, retard the provision of housing accommodations, or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use because of the presence of:

(A) a substantial number of substandard, slum, deteriorated, or deteriorating structures;

(B) the predominance of defective or inadequate sidewalk or street layout;

(C) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(D) unsanitary or unsafe conditions;

(E) the deterioration of site or other improvements;

(F) tax or special assessment delinquency exceeding the fair value of the land;

(G) defective or unusual conditions of title;

(H) conditions that endanger life or property by fire or other cause; or

(I) structures, other than single-family residential structures, less than 10 percent of the square footage of which has been used for commercial, industrial, or residential purposes during the preceding 12 years, if the municipality has a population of 100,000 or more;

(2) be predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the municipality or county;

(3) be in a federally assisted new community located in the municipality or county or in an area immediately adjacent to a federally assisted new community; or

(4) be an area described in a petition requesting that the area be designated as a reinvestment zone if the petition is submitted to the governing body of the municipality or county by the owners of property constituting at least 50 percent of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located.

(a-1) Notwithstanding Subsection (a), if the proposed project plan for a potential zone includes the use of land in the zone in connection with the operation of an existing or proposed regional commuter or mass transit rail system, or for a structure or facility that is necessary, useful, or beneficial to such a regional rail system, the governing body of a municipality may designate an area as a reinvestment zone.

(b) In this section, "federally assisted new community" means a federally assisted area that has received or will receive assistance in the form of loan guarantees under Title X of the National Housing Act, if a portion of the federally assisted area has received grants under Section 107(a)(1) of the Housing and Community Development Act of 1974.

EXHIBIT M- Obsolete platting- The Gordian Knot on the Rio Grande Riverfront- Over decades, multiple Government Agencies imposed a complex web of legalities preventing the Riverfront from realizing its highest and best use as a Regional Asset. This web of Obsolete Platting and legal impositions must be Untangled, then Reconfigured with the necessary interests reassigned to facilitate sustainable state-of-the-art development, financing, construction, and operations.

Curing the Obsolete Platting - by instigating the Federal Authorizations + the Local Gov't Authorizations + the Developer's Tenants, Capital Funding, Construction & Operations, the Parties have programmed the means to Untangle & Reconfigure the Complexities. The Parties + Participants, DHS + IBWC + WHITE HOUSE + CITY + COUNTY + RMA + STATE + DEVELOPER, coordinated & collaborated to Structure, Authorize, Fortify, & Effectuate the Legal & Financial means to Reimagine & Redevelop Americas Front Door.

Setting the Linchpin- the under-developed properties and parcels in the *Redevelopment Area* must be Reconfigured with the Government Agencies with their interests therein reassigned pursuant to the *Binational Diplomatic Restrictive Use Zone Agreement + Temporary & Replacement Border Barrier Agreement + Dual-Use Rio Grande Federal Levee Agreement + Property Exchange Agreements + Railroad Re-Use Plan + the P3 Texas Tax Increment Financing & Joint Funding Programs of Developer-County-State-City* to facilitate the financing and development of the Rio Grande Riverfront into an Iconic + Dignified + Monumental Celebration of the Historic Connection of Commerce and Culture!

Image 1-Legal Complexities Illustrated-
Miss Configured Parcels Imposed by
Government Agencies + Obsolete Platting +
Misapplied Land Uses and Improvements
Prevent Highest & Best Use of Americas
Front Door.

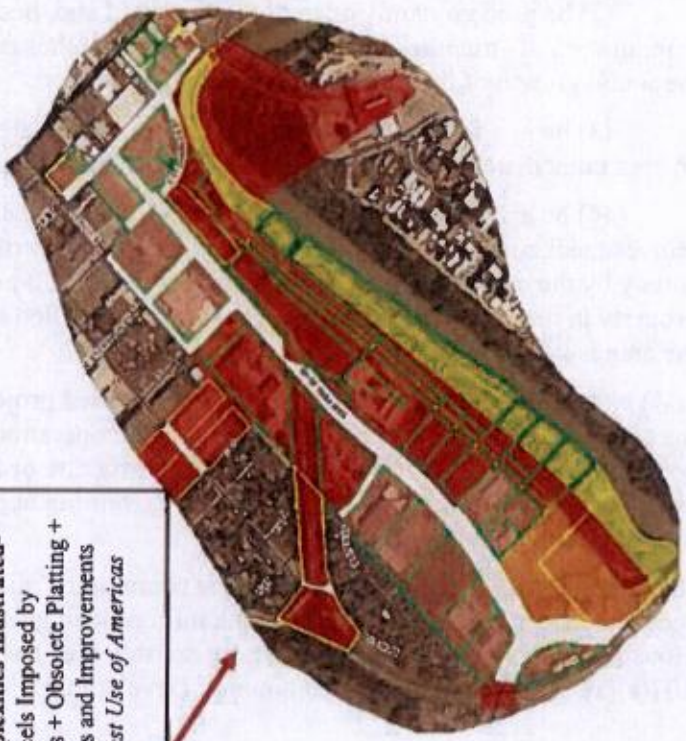


Image 2-Legal Complexities Illustrated- Miss Configured Parcels Imposed by Government Agencies + Obsolete Platting + Misapplied Land Uses and Improvements Prevent Highest & Best Use of Americas Front Door.

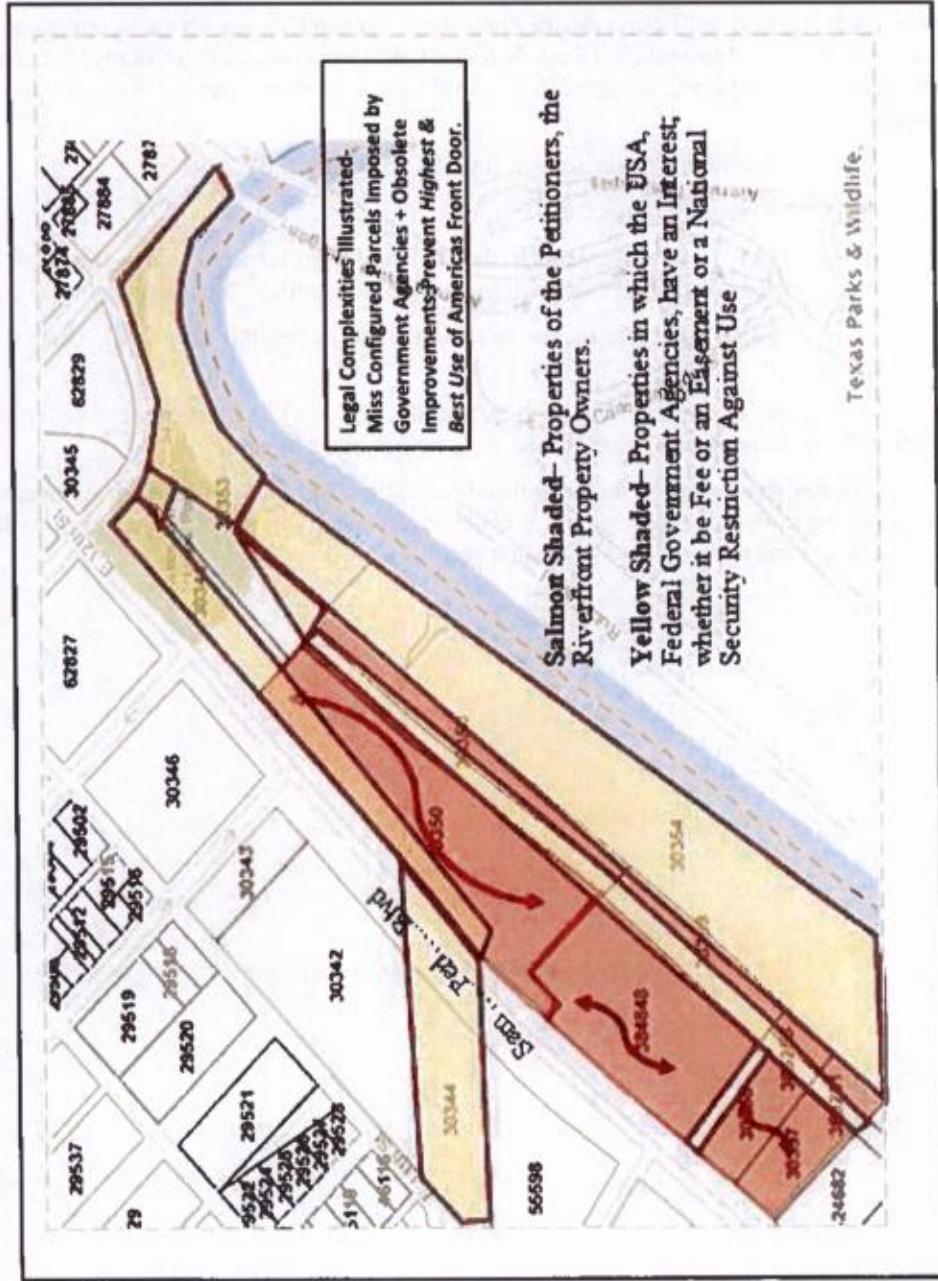


Exhibit N - Tax Increment Financing Act Section 311.004- Contents of County Order to Designating a Tax Increment Reinvestment Zone

(a) The ordinance or order designating an area as a reinvestment zone must:

- (1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;
 - (2) create a board of directors for the zone and specify the number of directors of the board as provided by Section 311.009 (Composition of Board of Directors) or 311.0091 (Composition of Board of Directors of Certain Reinvestment Zones), as applicable;
 - (3) provide that the zone take effect immediately upon passage of the ordinance or order;
 - (4) provide a date for termination of the zone;
 - (5) assign a name to the zone for identification, with the first zone created by a municipality or county designated as "Reinvestment Zone Number One, City (or Town, as applicable) of (name of municipality)," or "Reinvestment Zone Number One, (name of county) County," as applicable, and subsequently created zones assigned names in the same form numbered consecutively in the order of their creation;
 - (6) establish a tax increment fund for the zone; and
 - (7) contain findings that:
 - (A) improvements in the zone will significantly enhance the value of all the taxable real property in the zone and will be of general benefit to the municipality or county; and
 - (B) the area meets the requirements of Section 311.005 (Criteria for Reinvestment Zone).
- (b) For purposes of complying with Subsection (a)(7)(A), the ordinance or order is not required to identify the specific parcels of real property to be enhanced in value.
- (c) To designate a reinvestment zone under Section 311.005 (Criteria for Reinvestment Zone)(a)(4), the governing body of a municipality or county must specify in the ordinance or order that the reinvestment zone is designated under that section.

Exhibit O - Tax Increment Financing Act Section 311.009- Composition of Board Of Directors.

- (a) Except as provided by Subsection (b), the board of directors of a reinvestment zone consists of at least five and not more than 15 members, unless more than 15 members are required to satisfy the requirements of this subsection.
- Each taxing unit other than the municipality or county that designated the zone that levies taxes on real property in the zone may appoint one member of the board if the taxing unit has approved the payment of all or part of the tax increment produced by the unit into the tax increment fund for the zone.
 - A unit may waive its right to appoint a director.
 - The governing body of the municipality or county that designated the zone may appoint not more than 10 directors to the board; except that if there are fewer than five directors appointed by taxing units other than the municipality or county, the governing body of the municipality or county may appoint more than 10 members as long as the total membership of the board does not exceed 15.
- (b) If the zone was designated under Section 311.005- Criteria for Reinvestment Zone (a)(4), the governing body of the municipality or county that designated the zone may provide that the board of directors of the zone consists of nine members appointed as provided by this subsection unless more than nine members are required to comply with this subsection.
- Each taxing unit, other than the municipality or county that designated the zone, that levies taxes on real property in the zone may appoint one member of the board if the taxing unit has approved the payment of all or part of the tax increment produced by the unit into the tax increment fund for the zone.
 - The member of the state senate in whose district the zone is located is a member of the board, and
 - the member of the state house of representatives in whose district the zone is located is a member of the board,
 - except that either may designate another individual to serve in the member's place at the pleasure of the member.
 - If the zone is located in more than one senate or house district, this subsection applies only to the senator or representative in whose district a larger portion of the zone is located than any other senate or house district, as applicable.
 - If fewer than seven taxing units, other than the municipality or county that designated the zone, are eligible to appoint members of the board of directors of the zone, the municipality or county may appoint a number of members of the board such that the board comprises nine members.
 - If at least seven taxing units, other than the municipality or county that designated the zone, are eligible to appoint members of the board of directors of the zone, the municipality or county may appoint one member.
- (c) Members of the board are appointed for terms of two years unless longer terms are provided under Article XI, Section 11, of the Texas Constitution. **Terms of members may be staggered.**
- (d) A vacancy on the board is filled for the unexpired term by appointment of the governing body of the taxing unit that appointed the director who served in the vacant position.
- (e) To be eligible for appointment to the board by the governing body of the municipality or county that designated the zone, an individual must be at least 18 years of age and:
- (1) if the board is covered by Subsection (a):
 - (A) be a resident of the county in which the zone is located or a county adjacent to that county; or
 - (B) own real property in the zone, whether or not the individual resides in the county in which the zone is located or a county adjacent to that county;
 - Or
 - (2) if the board is covered by Subsection (b), own real property in the zone or be an employee or agent of a person that owns real property in the zone.

- (f) Each year the governing body of the municipality or county that created the zone shall appoint one member of the board to serve as chairman for a term of one year that begins on January 1 of the following year.
- The board of directors may elect a vice-chairman to preside in the absence of the chairman or when there is a vacancy in the office of the chairman.
 - The board may elect other officers as it considers appropriate.
- (g) A member of the board of directors of a reinvestment zone:
- (1) is not a public official by virtue of that position; and
 - (2) unless otherwise ineligible, may be appointed to serve concurrently on the board of directors of a local government corporation created under Subchapter D, Chapter 431 (Texas Transportation Corporation Act), Transportation Code.

Exhibit P- County TIRZ #1 Processing Schedule and Regulatory Compliance Checklist

Image 1- Current Contemplated Schedule to Process and Develop the Rio Grande Esplanade to Get to the Final Investment Funding Decision (FID) to Commence Construction as Considered by Cameron County, CCRMA and LandGrant Development

AMERICA 250 SCHEDULE



The Grand Gateway-Riverfront-Lower Railyard Revitalization Project Revised Schedule- Targeted Delivery Date - July 4th, 2026

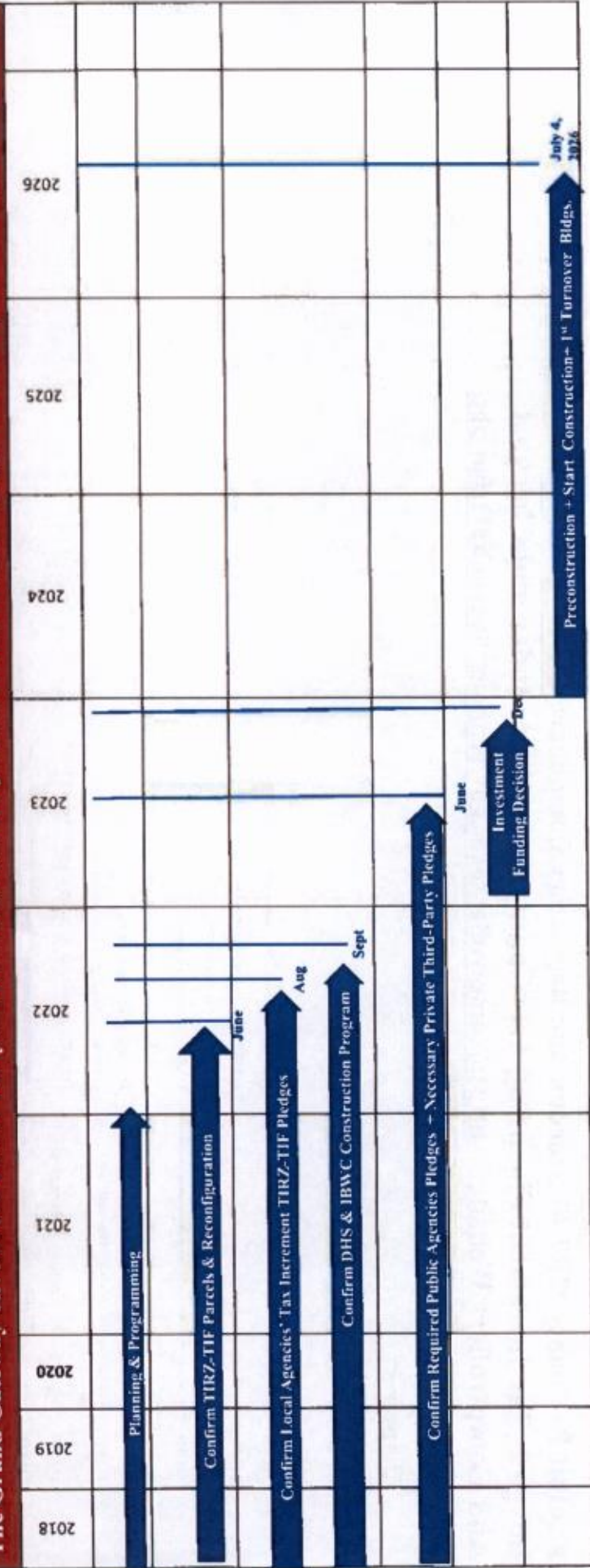


Exhibit P- County TIRZ #1 Schedule and Regulatory Compliance Checklist
Image 2- Tax Increment Financing Act- County Compliance Index and Checklist
And Comptrollers Website: <https://comptroller.texas.gov/economy/local/ch311/faq.php>

Chapter 311
Tax Increment Financing Act

Sections	Short Title	Termination of Reinvestment Zone
311.001	Definitions	Conflicts With Municipal Charter
311.002	Procedure for Creating Reinvestment Zone	Central Registry
311.003	Contents of Reinvestment Zone Ordinance or Order	State Assistance
311.004	Criteria for Reinvestment Zone	Act or Proceeding Presumed Valid
311.005	Restrictions on Composition of Reinvestment Zone	Enterprise Zone
311.006	Changing Boundaries or Term of Existing Zone	Power of Certain Municipalities
311.007	Powers of Municipality or County	Restriction on Powers of Certain Municipalities
311.008	Composition of Board of Directors	Composition of Board of Directors of Certain Reinvestment Zones
311.009	Powers and Duties of Board of Directors	Notice to State Senator and State Representative
311.010	Project and Financing Plans	Participation of Disadvantaged Businesses in Certain Zones
311.011	Determination of Amount of Tax Increment	Sales Tax Increment
311.012	Collection and Deposit of Tax Increments	Tax Abatement Agreements
311.013	Tax Increment Fund	Annual Report by Comptroller
311.014	Tax Increment Bonds and Notes	Costs Associated With Transportation or Transit Projects
311.015	Annual Report by Municipality or County	
311.016		
311.017		
311.018		
311.019		
311.020		
311.021		
311.0031		
311.0085		
311.0087		
311.0091		
311.0092		
311.0101		
311.0123		
311.0125		
311.0163		
311.01005		

Exhibit Q- Tax Increment Financing Act Sec. 311.010 Powers and Duties of Board of Directors

(a) The board of directors of a reinvestment zone shall make recommendations to the governing body of the municipality or county that created the zone concerning the administration of this chapter in the zone.

- The governing body of the county by order or resolution may authorize the TIRZ board to exercise any of the county's powers with respect to the administration, management, or operation of the reinvestment zone or the implementation of the project plan for the zone,
- except that the governing body of the county *may not authorize the board* TIRZ Board to:
 - (1) issue bonds;
 - (2) impose taxes or fees;
 - (3) exercise the power of eminent domain; or
 - (4) give final approval to the project plan.

(b) The board of directors of a reinvestment zone and the governing body of the municipality or county that creates a reinvestment zone may each enter into agreements as the board, or the governing body considers necessary or convenient to implement the project plan and reinvestment zone financing plan and achieve their purposes.

- An agreement may provide for the regulation or restriction of the use of land by imposing conditions, restrictions, or covenants that run with the land.
- An agreement may during the term of the agreement dedicate, pledge, or otherwise provide for the use of revenue in the tax increment fund to pay any project costs that benefit the reinvestment zone, including project costs relating to the cost of buildings, schools, or other educational facilities owned by or on behalf of a school district, community college district, or other political subdivision of this state, railroad or transit facilities, affordable housing, the remediation of conditions that contaminate public or private land or buildings, the preservation of the facade of a private or public building, the demolition of public or private buildings, or the construction of a road, sidewalk, or other public infrastructure in or out of the zone, including the cost of acquiring the real property necessary for the construction of the road, sidewalk, or other public infrastructure.
- An agreement may dedicate revenue from the tax increment fund to pay the costs of providing affordable housing or areas of public assembly in or out of the zone.

(c) Subject to the approval of the governing body of the municipality that created the zone, the board of a zone designated by the governing body of a municipality under Section 311.005 (Criteria for Reinvestment Zone)(a)(4) may exercise the power granted by Chapter 211 (Municipal Zoning Authority), Local Government Code, to the governing body of the municipality that created the zone to restrict the use or uses of property in the zone. The board may provide that a restriction adopted by the board continues in effect after the termination of the zone. In that event, after the termination of the zone, the restriction is treated as if it had been adopted by the governing body of the municipality.

(d) The board of directors of a reinvestment zone may exercise any power granted to a municipality or county by Section 311.008 (Powers of Municipality or County), except that:

(1) the municipality or county that created the reinvestment zone by ordinance, resolution, or order may restrict any power granted to the board by this chapter; and

(2) the board may exercise a power granted to a municipality or county under Section 311.008 (Powers of Municipality or County)(b)(2) only with the consent of the governing body of the municipality or county.

(e) After the governing body of a municipality by ordinance or the governing body of a county by order creates a reinvestment zone under this chapter, the board of directors of the zone may exercise any power granted to a board under this chapter.

(f) The board of directors of a reinvestment zone and the governing body of the municipality or county that created the zone may enter into a contract with a local government corporation or a political subdivision to manage the reinvestment zone or implement the project plan and reinvestment zone financing plan for the term of the agreement.

- In this subsection, "local government corporation" means a local government corporation created by the municipality or county under Chapter 431 (Texas Transportation Corporation Act), Transportation Code.

(g) Chapter 252 (Purchasing and Contracting Authority of Municipalities), Local Government Code, does not apply to a dedication, pledge, or other use of revenue in the tax increment fund for a reinvestment zone under Subsection (b).

(h) Subject to the approval of the governing body of the municipality or county that designated the zone, the board of directors of a reinvestment zone, as necessary or convenient to implement the project plan and reinvestment zone financing plan and achieve their purposes, may establish and provide for the administration of one or more programs for the public purposes of developing and diversifying the economy of the zone, eliminating unemployment and underemployment in the zone, and developing or expanding transportation, business, and commercial activity in the zone, including programs to make grants and loans from the tax increment fund of the zone in an aggregate amount not to exceed the amount of the tax increment produced by the municipality and paid into the tax increment fund for the zone for activities that benefit the zone and stimulate business and commercial activity in the zone.

- For purposes of this subsection, on approval of the municipality or county, the board of directors of the zone has all the powers of a municipality

under Chapter 380 (Miscellaneous Provisions Relating to Municipal Planning and Development), Local Government Code.

- The approval required by this subsection may be granted in an ordinance, in the case of a zone designated by a municipality, or in an order, in the case of a zone designated by a county, approving a project plan or reinvestment zone financing plan or approving an amendment to a project plan or reinvestment zone financing plan.

(i) The board of directors of a reinvestment zone or a local government corporation administering a reinvestment zone may contract with the municipality that created the zone to allocate from the tax increment fund for the zone an amount equal to the tax increment produced by the municipality and paid into the tax increment fund for the zone to pay the incremental costs of providing municipal services incurred as a result of the creation of the zone or the development or redevelopment of the land in the zone, regardless of whether the costs of those services are identified in the project plan or reinvestment zone financing plan for the zone.