

RESOLUTION NO. 1155

A RESOLUTION ESTABLISHING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM IN THE CITY OF WAXAHACHIE; PROVIDING GENERAL CRITERIA FOR DETERMINING THE AMOUNT OF A LOAN OR GRANT; PROVIDING FOR AN APPLICATION PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie desires to establish and provide for a program under Chapter 380 of the Texas Local Government Code that will promote economic development in the City; and

WHEREAS, such a program will benefit the citizens of the City by creating new jobs and stimulating business and commercial activity in the City; and

WHEREAS, the City Council has determined that it is appropriate to establish general criteria for the granting of economic incentives under the program and a procedure for making application for such incentives;

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

SECTION 1.

Establishment of Chapter 380 Economic Development Program

- (a) The City Council hereby establishes a City of Waxahachie Chapter 380 Economic Development Program ("Program") pursuant to Chapter 380 of the Texas Local Government Code. Under the Program, the City will consider granting economic incentives to encourage business and commercial enterprises to locate and operate their businesses within the City.
- (b) Each application will be reviewed individually and a decision will be made based upon:
 - (1) the amount of tax revenues the City expects to be generated by the operation of the commercial enterprise; and
 - (2) the extent of economic enhancement and stimulation that the City will derive from location and/or operation of the commercial enterprise's business; and
 - (3) the number and quality of new employment opportunities which the City expects will result, directly and indirectly, from the operation of the commercial enterprise; and
 - (4) the availability and priority of funding and resources the City currently has to participate in an incentive program.

SECTION 2.

Application Procedures

Commercial enterprises with an interest in participation in the Program shall submit an application to the City of Waxahachie Economic Development Director that shall include all information requested by the City staff, including a detailed plan describing:

1. **BACKGROUND** - the applicant's company official name and contact information; brief history of business; last three years operating expenses and revenues; as well as current debt level being carried; current employee count and average wage;
2. **OPERATIONS** - a description of the applicant's current operations and the economic benefits that the City will derive from operation (or expansion) of the commercial enterprise's business in the City;
3. **REQUEST**- the proposed economic incentives being requested from the City; and

4. **BENEFIT** - the role of the City economic incentives in the success of the applicant's enterprise, expansion, or relocation plans;

The City reserves the right to waive any of these requirements or require additional information at its discretion.

The application submission shall be reviewed and given consideration by the Economic Development Commission. Said committee shall make recommendation of approval or denial to the City Council. The Commission may, after consideration of the request, alter the value, terms, or nature of incentives as a part of its recommendation. An affirmative recommendation will result in consideration by the City Council at the next possible City Council meeting. An application receiving denial recommendation from the Economic Development Commission shall not be forwarded to the City Council for consideration unless requested by the applicant.

SECTION 3.

Incentives

As incentives to business enterprises, the City may provide economic development loans or grants to the commercial enterprise in a lump sum or through installments. Additionally, incentives may be offered in other forms (i.e. services, tax or fee rebates, abatements, etc.) as deemed appropriate and approved by City Council.

SECTION 4.

Procedures, Criteria and Limitations on Payments

The nature and procedure for implementation of an economic development incentive will be developed based upon the merits of the individual project. In determining what, if any, incentives to provide, the City Council will consider to what extent such incentives are necessary to attract or assist such commercial enterprise, what type of incentive would provide the City with the most benefit for the cost and meet the needs of the commercial enterprise, the economic benefit that the City will derive from operation of the commercial enterprise's business in the City, the City's budgetary limitations, and the amount of any financial participation by the commercial enterprise. Nothing within these procedures shall imply or suggest that Waxahachie is under any obligation to provide any incentive to an applicant as it reserves the right to decline to participate in the program with any commercial enterprise.

SECTION 5.

Economic Development Agreement

The incentives provided will be reflected in an Economic Development Program Agreement between the City and the commercial enterprise. The Agreement will specify:

- (a) The amount, character and type of the incentives to be paid or provided to the commercial enterprise, and the terms, limitations and qualifications thereon.
- (b) Such terms and conditions as the City Council determines are necessary to insure that the incentives will be used for purposes intended and will stimulate business and commercial activity in the City consistent with the objectives and purposes of Chapter 380 of the Texas Local Government Code.
- (c) Any status or performance reporting of the project, as a condition of the incentive or as deemed appropriate.
- (d) The nature, level and timing of participation or performance by the commercial enterprise.
- (e) The recapture of all incentive value provided in the event of default by the party to the Agreement.

SECTION 6.

Effective Date

This resolution shall take effect immediately from and after its adoption, and it is accordingly so resolved.

Passed and approved this 15th day of August, 2011.



N. D. Jordan
MAYOR

CITY SECRETARY

SAMPLE