

RESOLUTION # _____

CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF GLEN ROSE, TEXAS, ESTABLISHING A PROGRAM FOR ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR REPEALING, SEVERABILITY AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose (City) is a Type A General Law municipality;

WHEREAS, Chapter 380 of the Texas Local Government Code (TLGC) authorizes a municipality to make a grant or gift of public monies or public services to promote state or local economic development and to stimulate business and commercial activity in the municipality;

WHEREAS, the economic development programs included in Chapter 380 of the TLGC are authorized by Section 52-a of Article 3 of the Texas Constitution which states that, “Notwithstanding any other provision of this constitution, the legislature may provide for the creation of programs and the making of loans and grants of public money, other than money otherwise dedicated by this constitution to use for a different purpose, for the public purposes of development and diversification of the economy of the state, the elimination of unemployment or underemployment in the state, the stimulation of agricultural innovation, the fostering of the growth of enterprises based on agriculture, or the development or expansion of transportation or commerce in the state”;

WHEREAS, the City actively promotes economic development and seeks to stimulate business and commercial activity in the City in order to better the quality of life for its citizens;

WHEREAS, the City desires to provide a long-term significant positive impact on its community and to utilize the local workforce to the maximum extent feasible;

WHEREAS, the City desires to use economic development programs as an effective tool for the enhancement and expansion of the City's commercial, economic, and employment base for the long term best interest and benefit to the City; and,

WHEREAS, the City Council finds that a public purpose will be served by the expenditure of public funds or the provision of public services by reducing or eliminating unemployment or underemployment or otherwise developing or diversifying the City's economy.

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

SECTION 1 (Of 11)
INCORPORATION OF RECITALS

All of the above recitals are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2 (Of 11)
CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM ESTABLISHED

The City of Glen Rose (City) does, hereby, establish a Chapter 380 Economic Development Program (Program) and will consider providing economic development incentives as authorized by Chapter 380 of the Texas Local Government Code to expand the local economy by promoting and encouraging development and redevelopment projects that enhance the City's economic base and diversify and expand job opportunities or by promoting and encouraging projects that create additional revenue for the City without substantially increasing the demand on City services or infrastructure. The ultimate goal and public purpose of the Program is to protect and enhance the City's fiscal ability to provide high quality municipal services for the safety, comfort, and enjoyment of Glen Rose residents.

All Program applications shall be considered on a case-by-case basis.

Nothing herein shall imply or suggest that the City is under any obligation to provide incentives to any applicant.

SECTION 3 (Of 11)
INCENTIVES OFFERED

Through an economic development incentive agreement (Agreement) initiated under the Program, the City may provide loans or grants to a commercial enterprise in a lump sum or

through installments. Additionally, incentives may be offered in other forms (i.e. services, tax or fee rebates, etc...) as deemed appropriate and approved by the City Council.

SECTION 4 (Of 11)
ELIGIBILITY REQUIREMENTS

To be eligible to be considered for an Agreement, a landowner must propose a project which through investment or annexation should:

- A. Increase the value of the landowner's buildings or fixed assets located within the City;
or,
- B. Increase employment within the City; or,
- C. Increase the City's sales tax revenue; and,
- D. Not result in any unreasonable aesthetic and/or environmental concerns or give adverse impacts to adjacent properties; and,
- E. Not result in any violation of the laws of the United States, the State of Texas or ordinances of the City.

A project involving construction shall not be eligible for incentives under the Program if a building permit has been issued or if construction has already begun.

SECTION 5 (Of 11)
ADDITIONAL FACTORS FOR CONSIDERATION

Additional factors which may be considered by the City Council in determining whether to authorize an Agreement under the Program are:

- A. The number and types of jobs to be created or retained;
- B. The financial capacity of the applicant to undertake and complete the proposed project;
- C. Other incentive programs for which the applicant has applied or is qualified;
- D. The market conditions and growth potential for the business activity,
- E. The financial resources currently available to the City for economic development incentives;
- F. Whether or not the Agreement facilitates strategic annexations; and,
- G. Any other factors the City Council finds helpful and relevant to accomplishing the City's economic development objectives.

SECTION 6 (Of 11)
APPLICATION PROCESS

- A. To be considered for an Agreement, a landowner must submit an application on City-provided forms. At its discretion, the City Council may establish an application fee. Fees shall be waived for applications submitted at the behest of the City.
- B. Once the application has been submitted, City staff shall review the application and may request additional information from the applicant to help determine whether or not the proposal meets the Program's eligibility requirements.
- C. The application shall not be forwarded to the City Council for consideration unless City staff determine the proposal complies with the program's eligibility requirements and deems the application to be administratively complete.
- D. The City Council may consider and take action on the proposal as it deems appropriate. Nothing in the Program's policies and procedures and nothing in the application form and process shall create any property, contract, or other legal right in any person to have the City Council consider or grant incentives.

SECTION 7 (Of 11)
AGREEMENT TERMS

An Agreement established under this Program must include:

- A. A timetable and list of the kind of improvements or development included in the Agreement;
- B. A complete description of the location of the proposed projects;
- C. A timetable and list of the kind and amount of property values, revenues, incomes or other public benefits to be provided under the Agreement;
- D. A provision establishing the duration of the Agreement;
- E. A provision identifying the method for calculating and source of funding for any grant, loan or other incentives provided in the Agreement;
- F. A provision providing a tangible means for measuring whether the applicant and other responsible parties have met their obligations under the Agreement;
- G. A provision providing for access to and authorizing inspection of the property and applicant's pertinent business records by municipal employees in order to determine compliance with the Agreement;
- H. A provision for cancellation of the Agreement and/or nonpayment of incentives if the Program is determined to not be in compliance with the Agreement;
- I. A provision for recapturing City funds granted or loaned, or for recapturing the value of other public assets granted or loaned, if the applicant does not meet its duties and

- obligations under the terms of the Agreement;
- J. A provision that allows assignment of the Agreement with prior written approval of the City Council, or without the prior written approval of the City Council provided that:
 - 1. All rights, duties, obligations and liabilities under the Agreement are assigned from the assignor to the assignee; and,
 - 2. The assignment is made subject and subordinate to the Agreement and the Chapter 380 Economic Development Program Policies and Procedures; and,
 - 3. The assignment document is in a form and contains content acceptable to the City Attorney;
 - K. Provisions relating to administration, delinquent taxes, reporting requirements, and indemnification;
 - L. A provision that the Agreement may be amended by the parties to the Agreement by using the same procedure for approval as is required for entering into the Agreement; and,
 - M. Such other provisions as the City Council shall deem appropriate.

SECTION 8 (Of 11)
SAVINGS/REPEALING CLAUSE

All provisions of any Resolution or Ordinance in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portions of said Resolution or Ordinance shall remain in full force and effect.

SECTION 9 (Of 11)
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable, and if any section, paragraph, sentence, clause, or phrase of this Resolution shall be declared unconstitutional by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Resolution, since the same would have been enacted by the City Council without the incorporation in this Resolution of any such unconstitutional section, paragraph, sentence.

SECTION 10 (Of 11)

PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Resolution was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

**SECTION 11 (Of 11)
EFFECTIVE DATE**

This Resolution shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED ON THIS THE 24TH DAY OF AUGUST, 2021.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Stephanie Ritchie, City Secretary