

RESOLUTION NO. 21-

**RESOLUTION OF THE CITY COUNCIL OF LAWTON AUTHORIZING
PERFORMANCE AND ALLOCATION OF REPSONSIBILITIES FOR
IMPLEMENTATION OF THE STEDI PROJECT PLAN**

WHEREAS, on November 26, 2019, the City Council of the City of Lawton adopted the Non-Retail Business Economic Development Assistance Policy, Council Policy 1-11 (“Policy”) for the attraction, evaluation, and public support for investment and development of non-retail businesses in the community; and

WHEREAS, the City Council of the City of Lawton (“City Council”) adopted the Skills Training, Education, Development and Investment (STEDI) Project Plan (“Project Plan”) on December 10, 2019, in order to provide legal authorization and potential financial support for approved public and private expenditures in connection with the City’s approved Policy; and

WHEREAS, the City of Lawton (“City”) has authorized the Lawton Economic Development Corporation (LEDC) by written agreement to encourage, recruit, evaluate, and make recommendations regarding non-retail business investment and development prospects; and

WHEREAS, the City has delegated certain responsibilities to LEDA to assume certain financial and administrative responsibilities in connection with the approved Project Plan; and

WHEREAS, the City Council has reserved to itself the final responsibility of approving development and public financial agreements in connection with the implementation of the Project Plan; and

WHEREAS, the City Council deems it appropriate and desirable, and in the public interest, to authorize and allocate implementation responsibilities as set forth in this Implementation Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAWTON, OKLAHOMA:

1. PURPOSE OF THIS IMPLEMENTATION RESOLUTION.

1.1. The purpose of this Implementation Resolution is to allocate responsibilities, provide for clear direction, prescribe financial priorities, and clarify roles in order to maximize the potential success of the City’s strategy for encouraging investment and development in non-retail business enterprises and thereby generate corresponding benefits in terms of employment, economic opportunity, and the general health and prosperity of the community.

2. **ALLOCATION OF RESPONSIBILITIES.**

2.1. **LEDC.** It shall be the responsibility of LEDC to:

- Promote Lawton and recruit/evaluate non-retail business investment and development prospects.
- Assist prospects with completing an application for economic development assistance from the City using the State of Oklahoma's application form.
- Evaluate each application using the criteria contained in City of Lawton Policy 1 – 11, Non-Retail Business Economic Development Assistance Policy.
- Obtain and evaluate a REMI analysis for each proposed development.
- Contact the Deputy City Manager/Executive Director of LEDA regarding each proposed development, providing a copy of each REMI impact analysis, who will consult with Development/Tax Increment Financing Counsel of the City and LEDA, to begin an initial analysis of the financial implications to the City of each proposed non-retail business development.
- Negotiate and have prepared a term sheet or Memorandum of Understanding (MOU) on eligible projects to be considered by the Mayor//or his designee containing preliminary terms including, but not limited to, (1) type(s) and amount of incentives sought by the applicant, (2) public infrastructure needed in support of the project, (3) timing and conditions of receipt of incentives, (4) number of new jobs and annual payroll/benefit packages, (5) total new capital investment, (6) contributions to local sales, use, and ad valorem taxes, etc.
- Submit the economic development assistance application of each prospect and accompanying term sheet or MOU with LEDC's recommendations to LEDA and the City to fulfill their respective roles set forth in this Implementation Resolution.
- Contact the Mayor/, or his designee when each prospect has firmly committed to negotiating and executing a final Conditional Development Agreement (CDA), to initiate the process of preparing a proposed CDA by the City's Development/Tax Increment Financing Counsel in coordination with the Deputy City Manager/LEDA Executive Director and LEDC Counsel.

2.2. **LEDA.** It shall be the responsibility of LEDA, upon submission by LEDC of each economic development assistance application and accompanying MOU with LEDC's recommendations, to analyze the financial implications to the City of each proposed non-retail business development, review the appropriateness of public financial support and proposed project expenditures, and recommend terms of a conditional development agreement for its initial approval subject to final approval by the City Council.

2.3. **City of Lawton.** The City shall consider and approve, as it deems appropriate, all agreements for proposed project developments, agreements for project improvements, agreements for implementation services (including legal services and consultants), any debt financing arrangements, and budgetary allocations.

2.4. **Confidentiality.** Confidentiality is often a critical aspect of the economic development process. All parties to this agreement shall from time to time, be required to sign a Confidentiality Agreement prior to discussion of items considered confidential by the development prospect.

3. EXECUTIVE GUIDANCE AND DIRECTION.

3.1. The Mayor of the City shall preside over the executive guidance group, which shall consist of the Mayor, his designee, the Chairman of LEDC or his designee, and the Chairman of LEDA or his designee assisted by their respective designees of each entity. From time to time, as appropriate, the group of executives shall consult with each other and provide guidance and coordination on the activities, responsibilities, and priorities of the City, LEDC, and LEDA.

4. FINANCIAL PRIORITIES. In connection with the allocation of tax increment revenues to pay authorized project costs, priorities for allocation and payment shall be the following, in numerical order:

- 4.1. Payment of (a) debt service obligations, if any, and (b) payment obligations pursuant to development agreements.
- 4.2. Repayment of implementation costs advanced by the City, if any.
- 4.3. Payment of current costs to obtain project development and investment commitments, if any.
- 4.4. Payment of authorized and continuing administrative cost allocations, if any.
- 4.5. Payment of other authorized and incurred project costs (including payment of infrastructure development costs on qualifying projects) as may be deemed appropriate.

5. LEGAL ASSISTANCE.

5.1. **Development Legal Assistance.** Legal assistance with respect to prospective development projects and ongoing tax increment revenue related matters shall be provided by development counsel engaged pursuant to agreements approved by LEDA and the City along with counsel for LEDC in accordance with the respective roles and responsibilities of each entity set forth in this Implementation Resolution. Development counsel's involvement in Project Plan implementation activities on behalf of LEDA and the City shall be initiated on such development prospects as are directed by the Mayor of the City.

In order to maximize effectiveness and minimize costs, implementation steps to be taken should include:

- A. By LEDC counsel, initial review and analysis of prospective development proposal, including, amount of capital investment, number and quality of jobs created, amount of assistance requested, and eligibility of project.
- B. By all counsel and Deputy City Manager/Executive Director of LEDA, review of REMI report.
- C. By LEDA/City counsel, analysis of tax increment revenue the proposed project will generate and the financial impact of the project on the community and affected taxing jurisdictions.
- D. By LEDC counsel, preparation of a term sheet or MOU outlining the terms of a conditional development agreement.
- E. By LEDA/City counsel, preparation and approval of a final conditional development agreement between the prospective developer, the City and LEDA.
- F. By LEDA/City counsel, meetings and/or conferences with City officials, Oklahoma Department of Commerce, and others as appropriate to ensure a mutual and complete understanding of the development proposal.

5.2 Public Legal Assistance Legal assistance for ongoing operational; and agenda matters in support of prospective development projects shall be provided by the City Attorney's office. Nothing in this Implementation Resolution shall be construed to abridge, abrogate or impede the City Attorney's office from asserting itself in any matter that it deems appropriate to protect the City of Lawton's interest, including directing assistance by City staff and development counsel, where appropriate and desirable. The City Attorney's office is directed and authorized to direct and coordinate all legal services in support of the Project Plan.

ADOPTED by the Council and **SIGNED** by the Mayor of the City of Lawton this ____ day of _____, 2021.

Mayor

Attest:

City Clerk

APPROVED as to form and legality this ____ day of _____, 2021.

City Attorney

