

RESOLUTION NO. 775

RESOLUTION DECLARING THE INTENT OF THE CLINTON CITY COUNCIL TO CONSIDER THE DESIGNATION OF A PORTION OF THE CITY AS A "STATUTORY REINVESTMENT AREA" AND TO CONSIDER CREATION OF A RELATED "TAX INCREMENT DISTRICT" PURSUANT TO OKLAHOMA LAW; CREATING THE CITY OF CLINTON LOCAL DEVELOPMENT ACT REVIEW COMMITTEE (THE "REVIEW COMMITTEE"); DETERMINING MEMBERSHIP OF THE REVIEW COMMITTEE; DESIGNATING MANNER AND TERM OF APPOINTMENT OF COMMITTEE MEMBERS; PROVIDING FOR MEETINGS OF THE REVIEW COMMITTEE; ESTABLISHING OFFICERS; DETERMINING VOTING RIGHTS AND QUORUM; DIRECTING THE REVIEW COMMITTEE TO CONSIDER PROPOSED PROJECT PLANS AND TO MAKE ANY FINDINGS AND RECOMMENDATIONS REQUIRED BY LAW; DIRECTING THE PLANNING AND ZONING BOARD OF THE CITY OF CLINTON TO CONSIDER PROPOSED PROJECT PLANS AND MAKE ANY RECOMMENDATIONS REQUIRED BY LAW; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, Section 6C of the Oklahoma Constitution, along with provisions of the Oklahoma Local Development Act, Title 62, Section 850 et seq. of the Oklahoma Statutes, as amended (hereinafter, the "Local Development Act"), authorizes cities, towns and counties to adopt incentives for the development or redevelopment of specified areas lying within such cities, towns and counties, and empowers the governing bodies of cities, towns or counties to apportion tax increments to help finance the public costs of such development or redevelopment; and

WHEREAS, the Clinton City Council, as the governing body of the City, is authorized by the Local Development Act to create a tax increment district to further the public purposes of economic and community development in Clinton; and

WHEREAS, to assist the Clinton City Council in considering the creation of a tax increment district, the Local Development Act requires that the governing body of the City appoint a review committee to review and make recommendations and findings concerning the proposed district; and

WHEREAS, in order to meet the requirements of the Local Development Act, the Clinton City Council hereby finds it desirable to establish said review committee by resolution and to specify therein the procedures for determining its membership and its manner of operation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLINTON, OKLAHOMA, AS FOLLOWS:

SECTION 1. Declaring the Intent of the Clinton City Council to Consider the Designation of a Portion of the City As a “Tax Increment District” Pursuant to Oklahoma Law. The City Council hereby finds that there exists within the corporate limits of the City of Clinton: (1) areas which have been designated as an “enterprise zone” by the Oklahoma Department of Commerce pursuant to the provisions of Title 62, Section 690.3 of the Oklahoma Statutes, or (2) areas which may require public improvements: (i) to reverse economic stagnation or decline; (ii) to serve as a catalyst for retaining or expanding employment; (iii) to attract major investment in the area; and (iv) to preserve or enhance the tax base of such area. Accordingly, the City Council hereby states its intention to consider the designation of such area as a “tax increment district”, pursuant to the provisions of the Local Development Act.

SECTION 2. Creation of the City of Clinton Local Development Act Review Committee. There is hereby created a committee to be known as the “City of Clinton Local Development Act Review Committee” (hereinafter, the “Review Committee”), which committee is authorized to exercise, on behalf of the City of Clinton, those powers and duties specified in the Local Development Act.

SECTION 3. Determining Membership of the Review Committee. The Review Committee shall be composed of those persons duly appointed as set forth herein, as representatives of the following entities:

- (i) A representative of the City Council for the City of Clinton;
- (ii) A representative of the Planning and Zoning for the City of Clinton;
- (iii) A representative of each taxing jurisdiction within the City of Clinton in which all or a portion of any such tax incentive or tax increment district might be located, specifically:
 - (a) Custer County;
 - (b) Custer County Health Department;
 - (c) Independent School District Number 99, Custer County, Oklahoma (“Clinton Public Schools”);
 - (d) Vocational-Technical School District No. 12, (“Western Technology Center”);
 - (e) Western Plains Library System District; and
- (iv) Three members representing the public-at-large.

In the event that provisions of the Local Development Act relating to the composition of review committees are hereafter amended to alter the composition of such committees, the provisions of this resolution shall be deemed amended to the extent necessary to comply with state law.

SECTION 4. Designating Manner and Term of Appointment of Committee Members. The members of the Review Committee shall be selected in the following manner for the period or term set forth herein:

1. Governing Body Representative: The Mayor of the City shall nominate a current member of the City Council of the City to serve, with the approval of the City Council, as the representative of the governing body of the City on the Review Committee. Such person shall serve as a member of the Review Committee until he or she resigns, dies or ceases to be a member of the Clinton City Council or until such time as a new representative is nominated by the Mayor and approved by the City Council.

2. Planning and Zoning Board Representative: The Mayor of the City shall nominate a current member of the Planning and Zoning Board of the City to serve, with the approval of the City Council, as the representative of the Planning and Zoning Board on the Review Committee. Such person shall serve as a member of the Review Committee until he or she resigns, dies or ceases to be a member of such Board, or until such time as a new representative is nominated by the Mayor and approved by the City Council.

3. Taxing Jurisdiction Representatives: The Mayor of the City shall request that the governing bodies of each of the taxing jurisdictions listed in clause (iii) of Section 3 hereof nominate a person (who may or may not serve on the governing body of such taxing jurisdiction) to serve as that taxing jurisdiction's representative on the Review Committee. Persons so appointed as representatives of any taxing jurisdiction shall serve for a term of one year from the date of their appointment; provided, however, that, notwithstanding the expiration of such person's term of office, such representative shall continue to serve until such time as a successor has been selected and qualified. Upon the expiration of any term of office or the occurrence of any vacancy in such position, the Mayor shall request that the governing body of the vacating member's taxing jurisdiction nominate a person to serve as a representative on the Review Committee.

4. Public Representatives. At the first meeting following formation of the Review Committee, the Review Committee shall select three persons to represent the public-at-large from a list of seven persons submitted by the Chairman of the Review Committee. The persons so selected by the other members of the Review Committee shall serve for a term of one year from the date of their approval by the Review Committee; provided, however, that, notwithstanding the expiration of such person's term of office, such representative shall continue to serve until such time as a successor has been selected and qualified. Upon the expiration of the term of office or the occurrence of any vacancy, the Chairman of the Review Committee shall submit a list of seven candidates to the Review Committee at which time the Review Committee shall select a replacement for each vacant position.

SECTION 5. Providing for Meetings of the Review Committee. Meetings of the Review Committee shall be subject to the Open Meeting Act, Title 25, Sections 301 et seq. of the Oklahoma Statutes, as amended, and the Open Records Act, Title 51, Sections 24A.1 et seq. of the Oklahoma Statutes, as amended. Any information relating to the marketing plans, financial statements, trade secrets or any other proprietary information submitted to the Committee by a person or entity seeking adoption and approval of a proposed district, plan, or project may be

kept confidential to the extent allowed by law. Executive sessions may be held to discuss such information if deemed necessary by the Committee to the extent allowed by law.

SECTION 6. Establishing Officers. The representative of the Clinton City Council shall serve as Chairman of the Review Committee and shall preside at all meetings and perform such other duties as may be assigned by the Review Committee. The committee members may also select one or more of their members to be Vice-Chairman who shall act in the place of the Chairman during his or her absence or incapacity to act. The committee members shall also select a person to serve as Secretary of the Review Committee, which person may or may not be a member of the Review Committee.

SECTION 7. Determining Voting Rights and Quorum. All members of the Review Committee shall be entitled to fully participate in all meetings of the Review Committee and to cast one vote on any matter coming before the Review Committee for consideration; provided, however, that no representative of any taxing jurisdiction shall be entitled to cast a vote with regard to any finding or recommendation relating to a tax increment district unless some portion of such district is located within the boundaries of the represented taxing jurisdiction. All actions by the Review Committee pursuant to the provisions of this resolution shall be approved by the affirmative vote of a majority of the committee members entitled to vote under the provisions of this resolution.

SECTION 8. Directing the Local Development Act Review Committee to Consider Proposed Project Plans and Make Any Findings and Recommendations Required By Law. The Review Committee shall act in an advisory capacity to the City Council as authorized by the Local Development Act and shall consider and make its findings and recommendations to the City Council with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of the approval of any proposed project plans hereinafter referred to it by the Clinton City Council. The Review Committee shall also consider and determine whether any such proposed project plan will have a financial impact on any taxing jurisdiction within the proposed district and shall report its findings to the Clinton City Council. The Review Committee shall also recommend that the proposed district and project plan be approved, denied, or approved subject to conditions set forth by the Review Committee. In making such a recommendation, the Review Committee shall also consider and determine whether the proposed plan or project will have a financial impact on any taxing jurisdiction within the proposed district and shall report its findings to the City Council.

SECTION 9. Directing the Clinton City Planning and Zoning Board to Consider the Proposed Project Plan and Make Any Recommendations Required Law. The Planning and Zoning Board of the City is also hereby authorized and directed to consider any proposed project plans following the consideration of such project plan by the Review Committee and to make any recommendations to the Clinton City Council as may be required by the Local Development Act.

ADOPTED AND APPROVED the ____ day of October, 2007.

CITY COUNCIL OF THE
CITY OF CLINTON, OKLAHOMA

_____, Mayor

(SEAL)
ATTEST:

_____, City Clerk