

**RESOLUTION R 01- 2010**

**A RESOLUTION OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY  
ADOPTING GUIDELINES FOR THE USE OF STAFF TO OFFER  
AND NEGOTIATE ECONOMIC DEVELOPMENT INCENTIVES**

**WHEREAS**, Eagle Mountain City a Municipal corporation, (hereinafter called "THE CITY") recognizes that it is necessary and for the best interests of THE CITY to relieve conditions of unemployment and to encourage the economic development of THE CITY thereby reducing the *ills* attendant upon unemployment and to provide for the increased welfare and prosperity of the residents of THE CITY; and

**WHEREAS**, The Council finds that it is in the public interest to provide criteria for offering incentives to encourage the location of new businesses within THE CITY, thereby stimulating the local economy by providing additional employment opportunities and expanding the tax base required to provide City services.

**WHEREAS**, this Resolution does not commit THE CITY to provide economic incentives in every instance, nor does it restrict THE CITY from providing additional incentives in a specific instance. Specific criteria and guidelines necessary to effectively and fairly administer economic development incentives are provided in this Resolution.

**WHEREAS**, in order to implement the public purposes set forth herein, after the required study and public hearing are completed, THE CITY may agree to offer incentives to a developer, business, or property owner for a specific project within the targeted industries identified in THE CITY's strategic plan for economic development that results in private funding and/or the creation of jobs.

**WHEREAS**, incentives may be made available by THE CITY through its municipal powers which include but not are limited to the following designations or programs under State statute or federal regulations:

- Tax Increment Financing (TIF's)
- Special Assessment Areas (SAA's)
- Utilities Concessions
- Land Concessions
- Fast-Track Permitting
- Industrial Development Bonds (IDB's)

**WHEREAS**, the targeted industries which are identified in THE CITY's strategic plan for economic development consist of:

- High Technology
- Green and Renewable Energy
- Research and Development

**WHEREAS**, it is the desire of the City Council to formally adopt this policy for use by staff when offering and negotiating economic development incentives packages subject to City Council approval, to attract high-impact companies that are part of, or directly support, THE CITY's targeted industries.

**WHEREAS**, THE CITY wishes to provide grants in accordance with these Guidelines subject to City Council approval;

**NOW THEREFORE**, be it Resolved by the City Council of Eagle Mountain City as follows:

**SECTION 1. Eligibility Requirements:** Incentives may only be offered in limited circumstances where THE CITY is seeking to attract a new company or government agency project that meets certain criteria, including being a company/agency that is part of, or supports, High Technology, Green and Renewable Energy, and/or Research and Development, whose project involves: new planned investment and real and/or personal property exceeding \$20 million; will directly create at least 50 permanent full-time equivalent (FTE) positions within two years of project completion; and will pay in excess of 1.25 times the average wage for Utah County.

**SECTION 2. Use of Funds:** Incentive funds may be used directly for the acquisition, design, construction, financing and development of public improvement, such as facilities, streets, utilities, right-of-way, and easements, or workforce training based on the proposed recipients performance of development goals. Pre-performance incentives will have covenants that will help to mitigate the risk to THE CITY.

**SECTION 3. Authorization for Use:** The Economic Development Director, under the direction of the City Administrator and in consultation with the Economic Development Board is hereby authorized to offer and negotiate economic development incentives for companies meeting the eligibility requirements set out above in Section 1. All final agreements and allocations as well as any exceptions to this policy must receive City Council approval after completion of the required study and public hearing.

**SECTION 4. Amount of Incentive Per Project:** . The total dollar amount of incentives made available for a particular project may be determined according to the illustrations in the following table:

Capital Investment	Direct Job Creation	Incentive available	Maximum incentive amount
\$20-\$30 million	50-200	Up to or equal to 1% of Company Direct Investment in Project	Up to: \$300,000
\$30-\$50 million	200-400	Up to or equal to 2% of Company Direct Investment in Project	Up to: \$1 million
\$50-\$75 million	400-600	Up to or equal to 3% of Company Direct Investment in Project	Up to: \$3 million
\$75-\$100 million	650-999	Up to or equal to 4% of Company Direct Investment in Project	Up to: \$4 million
\$100 million +	1000+	Up to or equal to 5% of Company Direct Investment in Project	Negotiable

**SECTION 5. Compliance with Utah law:** Final approval of development incentives under the guidelines established in this Resolution are subject to compliance with the provisions of Section 10-8-2, U.C.A. as amended 2009.

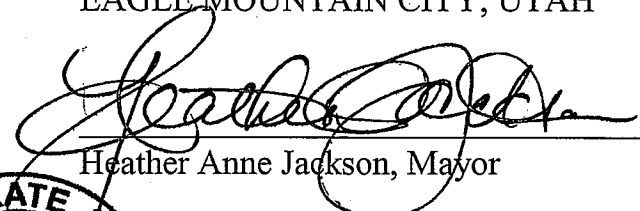
Adopted by the City Council of Eagle Mountain City on the *16<sup>th</sup> of February* 2010.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 16<sup>th</sup> day of February, 2010.

EAGLE MOUNTAIN CITY, UTAH

ATTEST:

  
Fionnuala B. Kofoed, City Recorder

  
Heather Anne Jackson, Mayor



### CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the 16<sup>th</sup> day of February, 2010.

5 voting aye 0 voting nay

  
Fionnuala B. Kofoed, City Recorder