CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS

CC: 7C
Amend No. _____

Date prepared: 08/26/20008 **Council Meeting Date:** 10/07/2008

TO: Carl Swenson, City Manager

FROM: Steve Prokopek, Economic Development Director

PREPARED BY: Steve Bleyer, Economic Development Analyst

SUBJECT: Intergovernmental Agreement for Western Maricopa Enterprise Zone

RECOMMENDATION: Adopt a resolution authorizing the application for the creation of an Enterprise Zone; establishing the boundaries of the Enterprise Zone and authorize the City Manager to enter into an intergovernmental agreement with Maricopa County and other municipalities to establish the Enterprise Zone Commission.

SUMMARY: The primary goal of the Arizona Enterprise Zone Program is to improve the economies of distressed areas in the state. The program does this by enhancing opportunities for private investment in certain areas that are called enterprise zones. The state and local communities provide incentives to encourage investment in these areas that will foster potential job growth. This in turn follows City Council's recommendations and determination of job creation within our community.

In 1989, the Arizona House and Senate adopted legislation to set up an enterprise zone program for the State of Arizona. Over the years, the program has been extended three times and modified repeatedly.

The Western Maricopa Enterprise Zone was established by state legislation on January 1, 1994 for a period of five years with reauthorization in 1999. In 2004, a new zone was established with new boundaries. The existing zone expires in January 2009. The application for the new Western Maricopa Enterprise Zone is due on October 31, 2008.

The boundary for the new zone includes the cities and towns of Avondale, Buckeye, El Mirage, Gila Bend, Glendale, Goodyear, Guadalupe, Peoria, Phoenix, Surprise, Tolleson, Wickenburg, Youngtown, the Gila River Indian Community and the County of Maricopa.

CITY CLERK USE ONLY:

- ☐ **Consent Agenda**
- ☐ **Carry Over to Date:**_____
- ☐ **Approved**
- ☐ **Unfinished Business (Date heard previous:**_____**)**
- ☐ **New Business**
- ☐ **Public Hearing: No Action Taken**

ORD. #_____ **RES. #** 08-138
LCON# 18408 **LIC. #**_____
Action Date:

REV. 07/05

RESOLUTION NO. 08-138

A RESOLUTION OF THE COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AUTHORIZING THE APPLICATION FOR RENEWAL OF AN ENTERPRISE ZONE; ESTABLISHING THE BOUNDARIES OF THE ENTERPRISE ZONE; AND AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY AND OTHER POLITICAL SUBDIVISIONS OF THIS STATE AND INDIAN NATIONS TO ESTABLISH THE ENTERPRISE ZONE COMMISSION.

WHEREAS, the City of Peoria, the Cities and Towns of Avondale, Buckeye, El Mirage, Gila Bend, Glendale, Goodyear, Guadalupe, Phoenix, Surprise, Tolleson, Wickenburg, Youngtown, and the Gila River Indian Community and the County of Maricopa supports and has, or will agree to the designation of a State Enterprise Zone within their boundaries; and

WHEREAS, the Western Maricopa Enterprise Zone includes part or all of the incorporated Cities and Towns of Avondale, Buckeye, El Mirage, Gila Bend., Glendale, Goodyear, Guadalupe. Peoria, Phoenix, Surprise. Tolleson, Youngtown, and Wickenburg each a municipal corporation, and the County of Maricopa, a political jurisdiction of the State of Arizona, and the Gila River Indian Community, a recognized indian nation, and,

WHEREAS, A.R.S. Sec. 41-1522 provides that if the proposed enterprise zone includes part or all of one or more incorporated cities and towns, as well as part or all of the unincorporated portions of the county and/or an indian nation, a joint commission shall be established through an Intergovernmental Agreement under A.R. S. 11 -951, et seq. Title 11, Chapter 7, Article 3; and,

WHEREAS, it is possible that the County. one or more of the governmental entities contemplated as being included within the Western Maricopa Enterprise Zone may decline to have all or part of the territory within such a jurisdiction included within the Western Maricopa Enterprise Zone depicted on Exhibit A.

NOW. THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA as follows:

SECTION 1. That the formation of an Enterprise Zone under the provisions of A.R.S. Sec. 41-1521. *et seq.* be and the same is herewith authorized and approved for the area designated in Section 2 of this resolution. subject. however, to any modification referred to in Section 7 of this Resolution.

SECTION 2. That the Zone Boundaries of the Enterprise Zone herein Shall be as such boundaries are set forth in Exhibit A attached hereto and incorporated herein by reference thereto and wherein there shall be included the incorporated area of the City of Peoria, Maricopa County, Arizona.

SECTION 3. The Mayor shall appoint one of the Council Members or another individual as representative of the Mayor and Council of the City of Peoria to serve on the Western Maricopa Enterprise Zone Commission.

SECTION 4. That this governmental entity enters into an intergovernmental agreement in the form attached hereto as Exhibit B with participating communities and the County of Maricopa for the purpose of establishing the Enterprise Zone within the Zone Boundaries and to establish a commission under Title 7. Artide 3.

SECTION 5. That the Western Maricopa Enterprise Zone Commission is hereby authorized to submit an application on behalf of such Enterprise Zone Commission and on behalf of the participating governmental entities and the County of Maricopa for the proposed zone within the Zone Boundaries.

SECTION 6. That the proposed Zone as presently configured will satisfy the size, population and poverty requirements established by the Arizona Department of Commerce.

SECTION 7. If the intergovernmental agreement referred to as Exhibit B is not executed by sufficient parties or the map of the proposed Enterprise Zone is changed so as to fail to meet the size, population and poverty requirements established by A.R.S. Sec. 41-1523, the Mayors and Councils' and the Board of Supervisors actions and the Indian Community Board action taken by this Resolution shall be deemed withdrawn.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona, his 7^{m} day of October, 2008.

Date Signed:_____ _____

Bob Barrett, Mayor

ATTEST:

_____
Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

The benefit for the community will increase investments in enterprise zones which tend to strengthen property values (or keep property values from falling) and encourage job creation to promote the vitality of the local economies. There is a direct benefit to businesses within the zone, but also there is a requirement that a percentage of employees must live within the zone, so it also benefits citizens with opportunities for employment.

There are no costs associated with the approval of the resolution and the corresponding Intergovernmental Agreement. However, Western Maricopa Enterprise Zone commission has contracted with WESTMARC to be the zone administrators. The cost of the annual contract is divided evenly between all the communities participating in the zone. This year's cost is budgeted through Economic Development and it will be $1,315.

ATTACHMENT:

Resolution
IGA – Intergovernmental Agreement
Enterprise Zone maps

INTERGOVERNMENTAL AGREEMENT
AMONG
THE GOVERNMENTAL ENTITIES OF AVONDALE, BUCKEYE, EL MIRAGE, GILA BEND, GLENDALE, GOODYEAR, GUADALUPE, PEORIA, PHOENIX, SURPRISE, TOLLESON, WICKENBURG, YOUNGTOWN
AND
THE GILA RIVER INDIAN COMMUNITY AND THE COUNTY OF MARICOPA

This Intergovernmental Agreement (hereinafter "Agreement") among the Cities/Towns of Avondale, Buckeye, El Mirage, Gila Bend, Glendale, Goodyear, Guadalupe, Peoria, Phoenix, Surprise, Tolleson, Wickenburg, Youngtown each a municipal corporation, and the Gila River Indian Community and the County of Maricopa, a political subdivision of the State of Arizona, is entered into this 31st day of October, 2008.

WHEREAS, A.R.S. Secs. 41-1521, et seq., provides for the creation of enterprise zones; and

WHEREAS, this program's intent is to improve economically-depressed sections of municipalities and rural areas through the development of job creating land uses and the inducement of capital investment; and

WHEREAS, A.R.S. Sec. 41-1522 provides that if the proposed enterprise zone includes part or all of one or more incorporated cities or towns, as well as part or all of the unincorporated portions of the county, the governing body of the involved jurisdictions shall establish a joint commission through an Intergovernmental Agreement under A.R.S. Secs. 11-951, et seq.; and

WHEREAS, the Councils of the Cities/Towns of Avondale, Buckeye, El Mirage, Gila Bend, Glendale, Goodyear, Guadalupe, Peoria, Phoenix, Surprise, Tolleson, Wickenburg, Youngtown and the Gila River Indian Community and the Board of Supervisors of the County of Maricopa desire to form such an Enterprise Zone Commission and each of said entities has adopted an appropriate resolution to create the Enterprise Zone Commission.

NOW, THEREFORE, in consideration of the mutual premises, covenants and undertakings as more particularly set forth below, the parties do hereby agree as follows:

1. The Enterprise Zone Commission provided for in A.R.S. Section 41-1522 (the "Commission") shall consist of one member designated by each of the undersigned jurisdictions which has a current population of up to 50,000 residents. Additional members may be added per jurisdiction for populations exceeding 50,000. Population determinations will be made based upon the most recent U.S. Census. If a jurisdiction has the right to additional members it may choose to have one member on the Commission exercise the vote of any additional members it may be authorized. The term "population" in the context used herein refers to the current number of residents in the area of the jurisdiction within the designated enterprise zone.

2. The members of the Commission shall be duly elected or appointed representatives from the following political jurisdictions:

LCON18408

City of Avondale
Town of Buckeye
City of El Mirage
Town of Gila Bend
Gila River Indian Community
City of Glendale
City of Goodyear
Town of Guadalupe
City of Peoria
City of Phoenix
City of Surprise
City of Tolleson
Town of Wickenburg
Town of Youngtown
Maricopa County

3. The Chairman of the Commission shall be elected by the members of the Commission.

4. The Zone Administrator shall be appointed by the Commission.

5. This Agreement shall extend for the length of the approval of the zone by the State of Arizona Department of Commerce, unless and for such other period for which the enterprise zone is renewed for consecutive five-year terms as authorized by A.R.S. Sec. 41-1524(C).

6. The purpose of this Agreement is to carry out the legislative intent expressed in A.R.S. Secs. 41-1521, et seq.

7. This cooperative undertaking shall be financed by utilizing the existing staff resources of the Cities/Towns of Avondale, Buckeye, El Mirage, Gila Bend, Glendale, Goodyear, Guadalupe, Peoria, Phoenix, Surprise, Tolleson, Wickenburg, Youngtown and the Gila River Indian Community and the County of Maricopa and such additional financing by the parties as may be agreed upon in the future. The administration of funds shall rest with a committee of the Commission appointed by the Chairperson, headed by the Secretary/Treasurer of the Commission, and assisted by the Zone Administrator. The Zone Administrator will serve as the Commission's fiscal agent.

8. This Agreement is subject to the provisions of A.R.S. Sec. 38-511.

9. The proposed zone encompasses the area identified by the map attached hereto as **Exhibit A** and any approved extensions or deletions to its territory granted by the Arizona Department of Commerce.

10. The Chairman and Zone Administrator are hereby authorized to sign any necessary or desirable documents required to carry out the purpose and intent of this Agreement and A.R.S. Secs. 41-1521, et seq.

11. This Agreement shall be effective as of this 31st day of October, 2008.

CITY OF PEORIA, an Arizona
municipal corporation

_____

Mayor

ATTEST:

_____

City Clerk

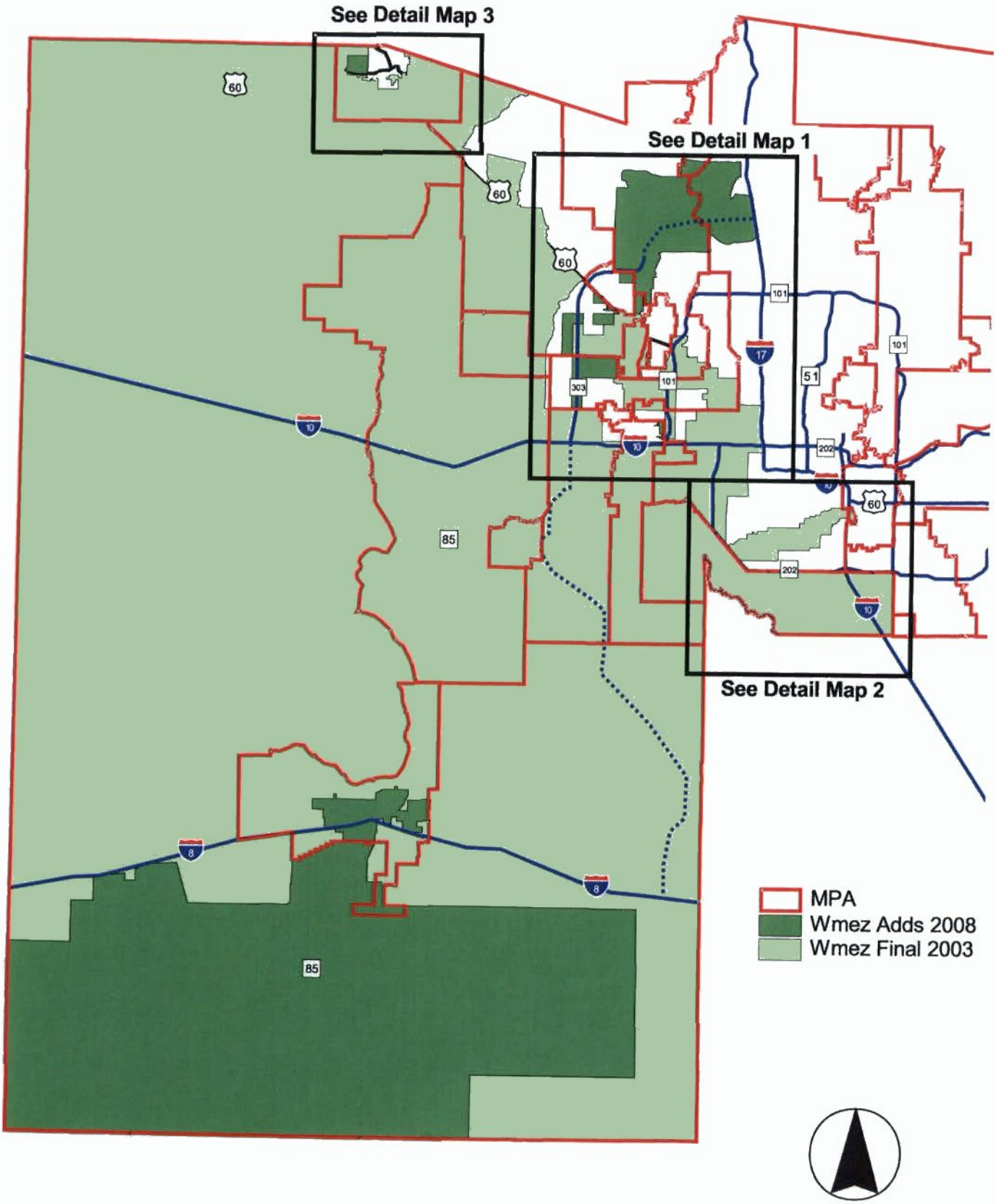
In accordance with the requirements of ARIZ. REV. STAT. § 41-1954 and ARIZ. REV. STAT. § 11-952(D), the undersigned attorney acknowledges (i) that he has reviewed the Agreement on behalf of the City of Peoria and (ii) that, as to the City of Peoria only, has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

_____

Peoria City Attorney

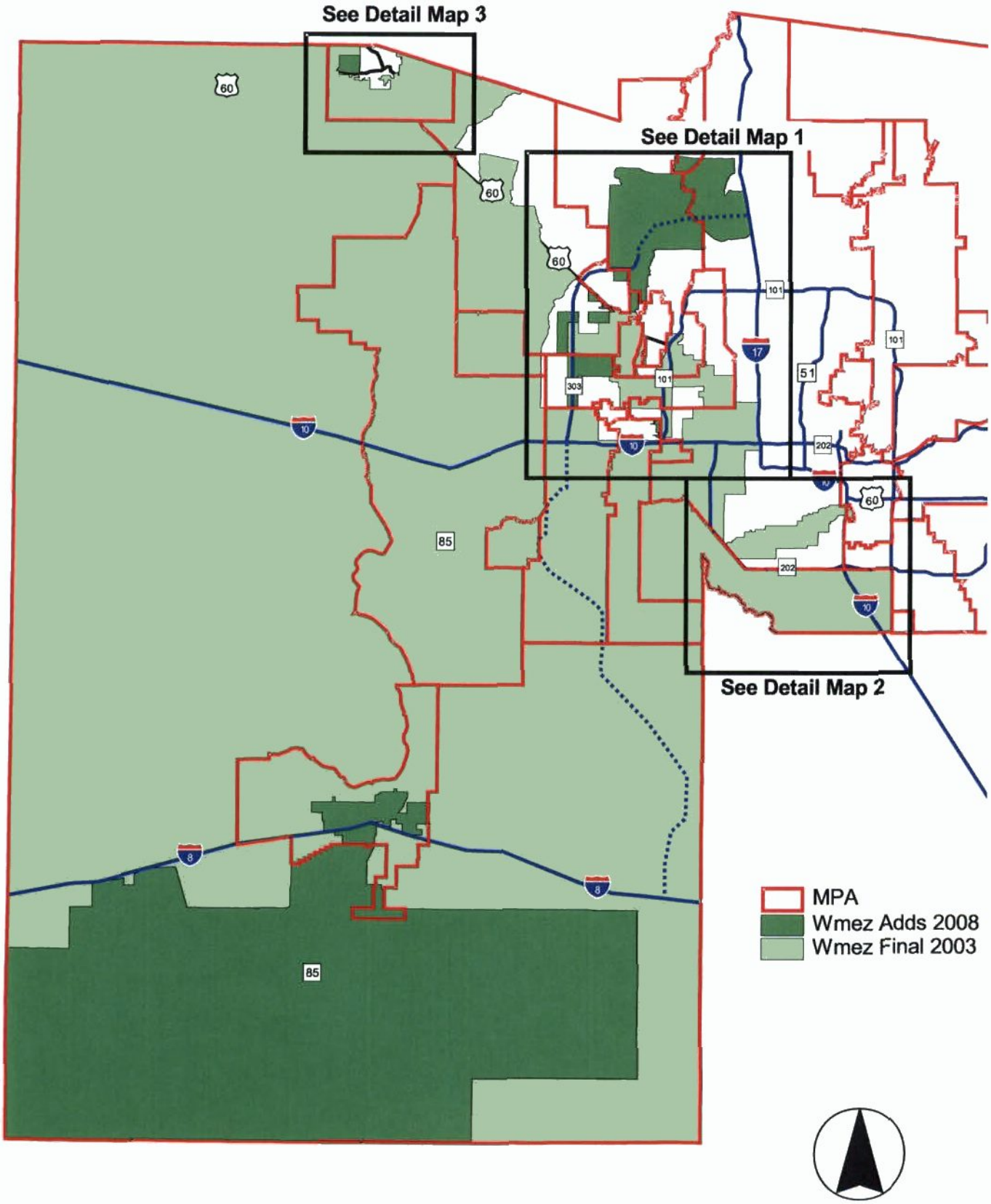
Western Maricopa Enterprise Zone
New Proposed Zone

Version #9 - 8/12/08



Western Maricopa Enterprise Zone
New Proposed Zone

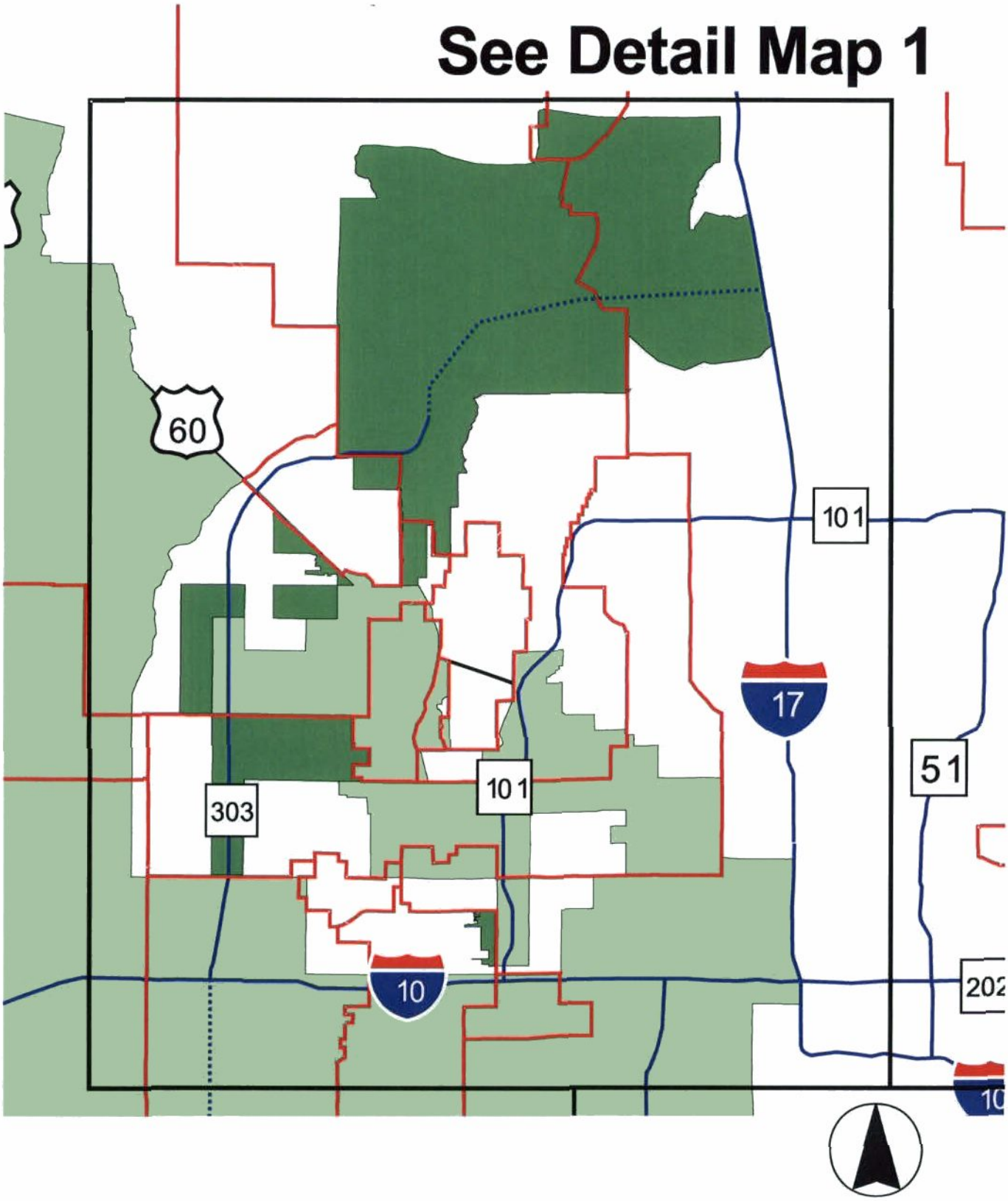
Version #9 - 8/12/08



Western Maricopa Enterprise Zone
New Proposed Zone - Detail Map 1

Version #9 - 8/12/08

MPA
Wmez Adds 2008
Wmez Final 2003



Western Maricopa Enterprise Zone
New Proposed Zone - Detail Map 2

Version #9 - 8/12/08

MPA
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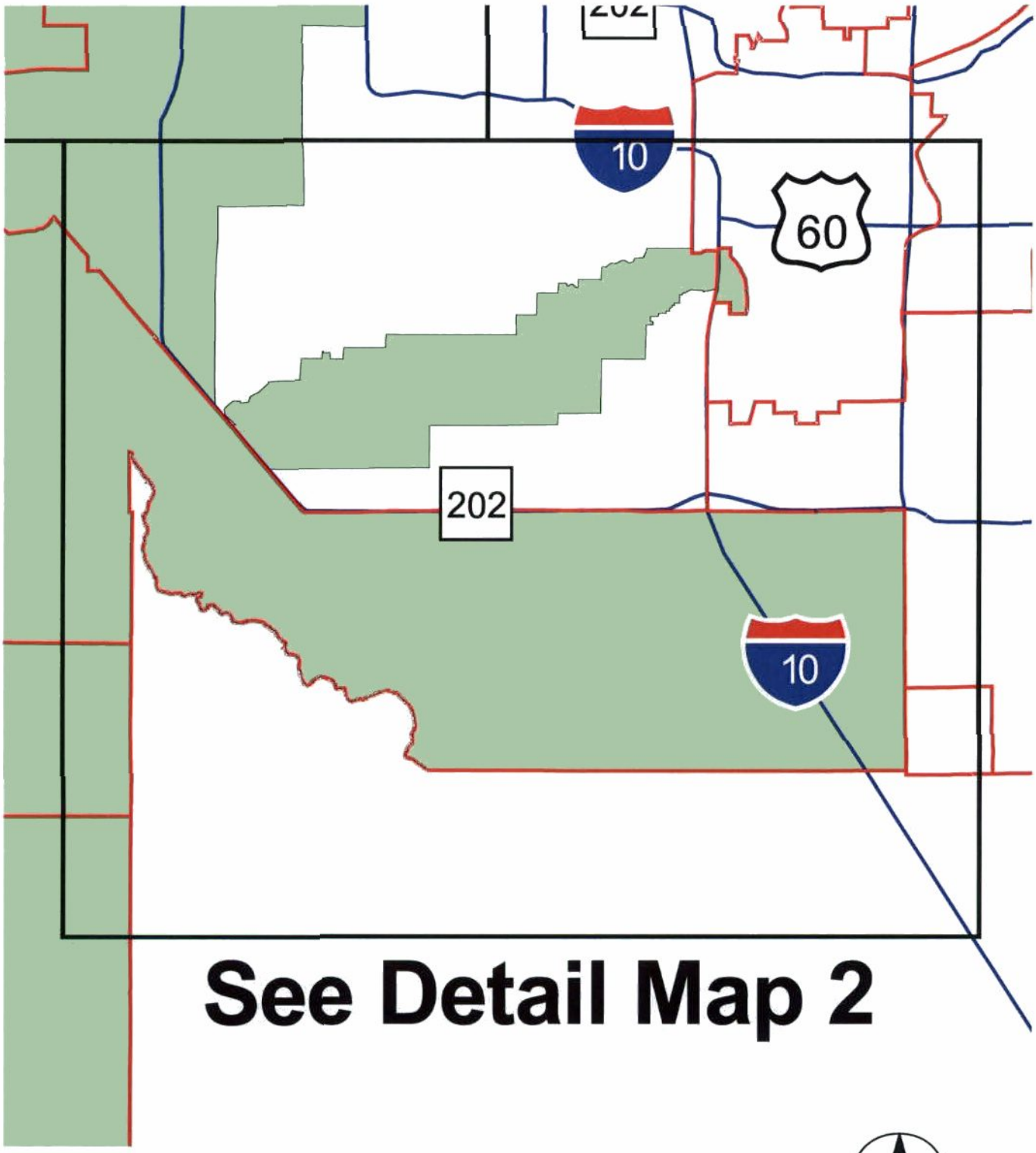
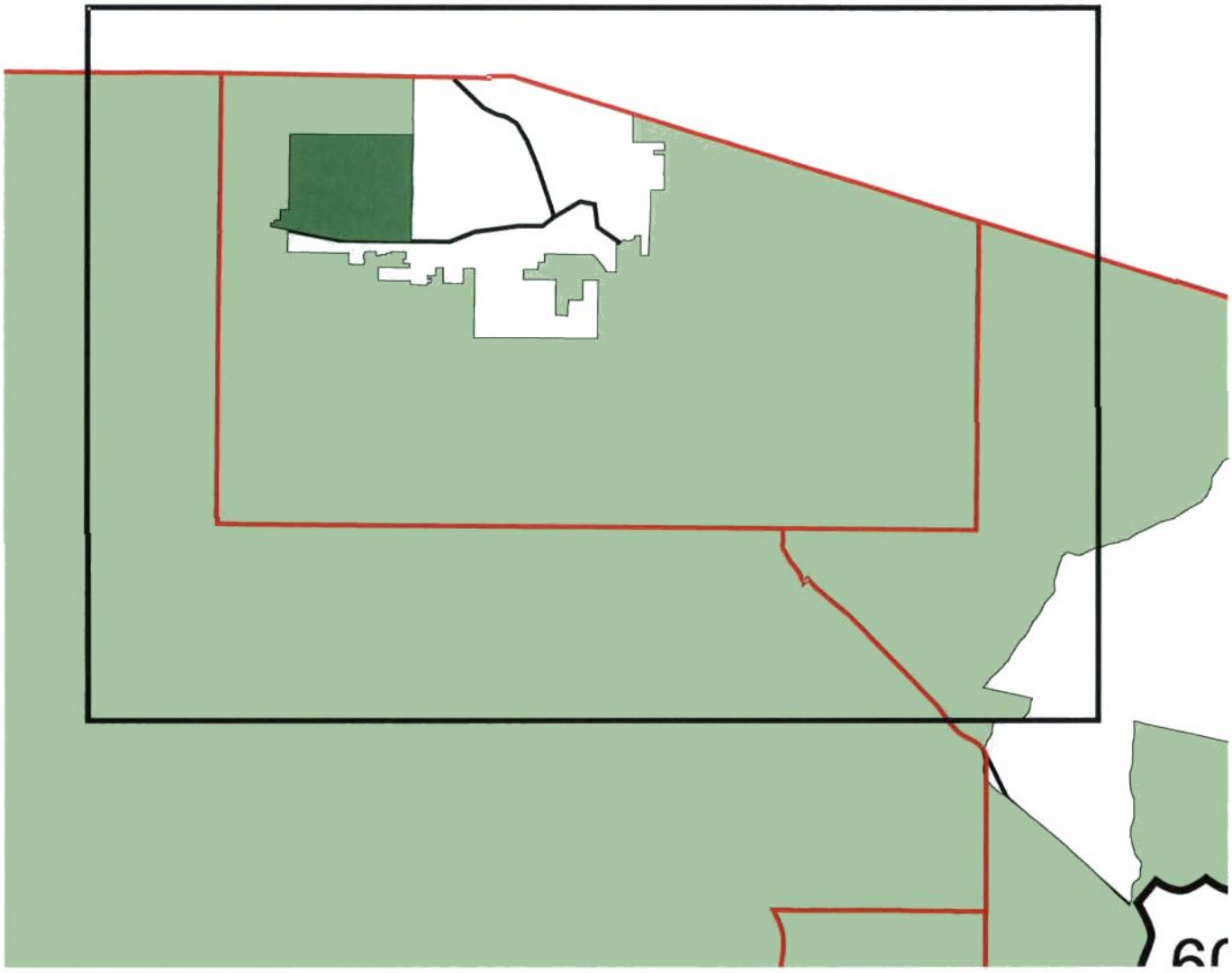
Wmez Final 2003



Western Maricopa Enterprise Zone
New Proposed Zone - Detail Map 3

Version #9 - 8/12/08

See Detail Map 3



MPA
Wmez Adds 2008
Wmez Final 2003