

RESOLUTION NO. R-2017-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, NOMINATING SANDERSON FARMS, INC. (PROCESSING DIVISION) TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS A DOUBLE JUMBO ENTERPRISE PROJECT ("PROJECT") UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT"); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on August 25, 2010, the City of Tyler, Texas (the "City") previously passed Ordinance No. O-2010-89 electing to participate in the Texas Enterprise Zone Program, and the local incentives available under this resolution are the same on this date as were outlined in Ordinance No. O-2010-89; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Sanderson Farms, Inc. (Processing Division) has applied to the City for designation as a double jumbo enterprise project; and

WHEREAS, the Office of the Governor Economic Development and Tourism (EDT) through the Economic Development Bank will consider Sanderson Farms, Inc. (Processing Division) as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones, to Veterans, and to economically disadvantaged individuals; and

WHEREAS, the City finds that Sanderson Farms, Inc. (Processing Division) meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds: (1) Sanderson Farms, Inc. (Processing Division) is a "qualified business" under Section 2303.402 of the Act since it is engaged in the active conduct of a trade or business at a qualified business site not located in an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees are residents of an enterprise zone or Veterans, or economically disadvantaged individuals; (2) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and (3) The designation of Sanderson Farms, Inc. (Processing Division) as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area; and

WHEREAS, the City finds that Sanderson Farms, Inc. (Processing Division) meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will retain a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Sanderson Farms, Inc. (Processing Division) as an enterprise project pursuant to the Act;

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

SECTION 1: THAT the findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted and in effect.

SECTION 2: THAT the City finds that Sanderson Farms, Inc. (Processing Division) meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

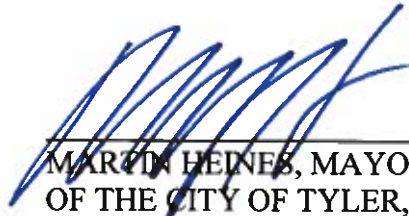
- (a) Sanderson Farms, Inc. (Processing Division) is a "qualified business", as defined in Section 2303.402 of the Act, since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body's jurisdiction and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, or Veterans, or economically disadvantaged individuals; and
- (b) There has been and will continue to be a high level of cooperation between public, private and neighborhood entities in the area; and
- (c) The designation of Sanderson Farms, Inc. (Processing Division) as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

SECTION 3: THAT the City nominates Sanderson Farms, Inc. (Processing Division) to the State of Texas for a Double Jumbo Enterprise status.

SECTION 4: THAT the enterprise project shall take effect on the date of designation of the enterprise project by the EDT and terminate five (5) years after the date of designation.

SECTION 5: THAT this Resolution shall become effective upon its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL this 8th day of November, 2017.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

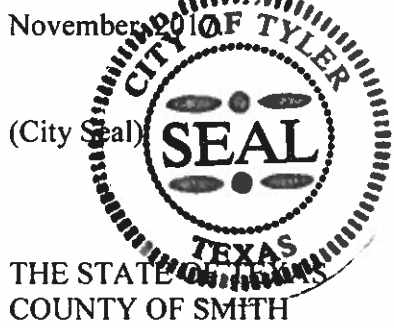

CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

THE STATE OF TEXAS
COUNTY OF SMITH

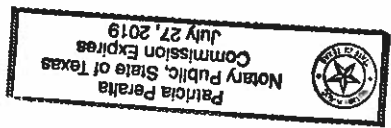
I, CASSANDRA BRAGER, City Clerk of the City of Tyler, Texas do hereby certify that the above and foregoing is a true and correct copy of Resolution Number R-2017-46 passed by the City of Tyler City Council on this 8th day of November, 2017.



Cassandra Brager
Cassandra Brager
City Clerk

BEFORE ME, the undersigned authority, on this day personally appeared Cassandra Brager, City Clerk of the City of Tyler, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this 9th day of February, 2017. 2018 ^{AD}



(Notary Seal)

[Signature]
Notary Public, State of Texas

My commission expires: 7/27/19