

RESOLUTION NO. 63-2008

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, COCHISE COUNTY, ARIZONA, SUPPORTING THE ESTABLISHMENT OF A REGIONAL ENTERPRISE ZONE WITHIN COCHISE COUNTY, APPROVING AN ENTERPRISE ZONE COMMISSION TO EXPLORE THE POSSIBILITY OF CREATING A REGIONAL ENTERPRISE ZONE WITHIN COCHISE COUNTY ARIZONA.

WHEREAS, the City of Benson supports the establishment of an Enterprise Zone Commission to explore the possibility of creating a regional Enterprise Zone within Cochise County, Arizona; and

WHEREAS, A.R.S. § 41-1522(1) provides that an Enterprise Zone Commission is authorized to identify areas of the County that potentially qualify as enterprise zones and may apply for designation as an enterprise zone; and

WHEREAS, A.R.S. § 41-1522 (B) (4) provides that if the proposed zone is located in both an incorporated city and in an unincorporated area of the county, the Board of Supervisors and the governing body of the city or town shall jointly establish a commission by Intergovernmental Agreement under Title 11, Chapter 7, Article 3; and

WHEREAS, A.R.S. § 11-951, et seq., allows the City of Benson to enter into agreements with other governmental entities regarding joint exercise of powers they hold in common; and

WHEREAS, Cochise County has drafted an Intergovernmental Agreement, attached hereto as Exhibit A and incorporated herein by this reference, to establish a regional enterprise zone within Cochise County; and

WHEREAS, the Mayor and Council of the City of Benson have reviewed the terms and conditions of the Intergovernmental Agreement and determined that approval of the Intergovernmental Agreement is in the best interests of the City and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA AS FOLLOWS:

1. The Mayor is authorized to enter into an intergovernmental agreement with Cochise County to establish an Enterprise Zone commission, which shall consist of representatives from the Board of Supervisors and a representative from the City.
2. The authority of the City's representative shall be limited to the tasks of identifying areas of the county that potentially qualify as enterprise zones, provide planning, community relations and promotion of the zone, and reporting the results of such tasks to the City Council
3. The Mayor is authorized to appoint the City's representative to the Enterprise Zone Commission.

4. The City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, this 24th day of November, 2008.



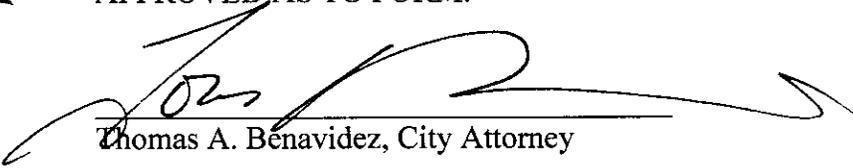
Mark M. Fenn, Mayor

ATTEST:



Vicki L. Vivian, City Clerk

APPROVED AS TO FORM:



Thomas A. Benavidez, City Attorney

**INTERGOVERNMENTAL AGREEMENT
FOR THE ESTABLISHMENT OF AN ENTERPRISE ZONE COMMISSION**

This Agreement is entered into between Cochise County, a body politic, hereinafter referred to as "County" and the City of Benson, a municipal corporation hereinafter "Benson," the City of Bisbee, a municipal corporation, hereinafter "Bisbee," the City of Douglas, a municipal corporation, hereinafter "Douglas," the City of Huachuca City, hereinafter "Huachuca City," The City of Sierra Vista, a municipal corporation hereinafter "Sierra Vista," the City of Tombstone, hereinafter "Tombstone," and the City of Willcox, a municipal corporation, hereinafter "Willcox."

WHEREAS, the County and the above-referenced municipal corporations are authorized to propose the establishment of an enterprise zone pursuant to A.R.S. sec. 41-1521 et. seq.; and

WHEREAS, an application has been submitted, with the approval of the seven participating municipalities, for enterprise zone designation for an area including the above-referenced municipal corporations and a substantial portion of the unincorporated area of Cochise County, as delineated in "Attachment A" in accordance with the Arizona Department of Commerce Guidelines for Establishing an Arizona Enterprise Zone; and

WHEREAS, the governing bodies of the County and each municipal corporation believe that formation of an enterprise zone is in the best interests of the residents of Cochise County and will provide positive economic development within Cochise County; and

WHEREAS, Arizona statute requires that if an 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 respective governing bodies shall establish a joint Enterprise Zone Commission to administer and manage the Enterprise Zone and to appoint an Enterprise Zone Administrator; and said Enterprise Zone Commission may consist of representatives from the Board of Supervisors of the County and the City Councils, based upon the relative population of incorporated and unincorporated areas within the proposed enterprise zone; and

WHEREAS, the County and each municipal corporation are authorized to enter into an Intergovernmental Agreement pursuant to A.R.S. sec. 11-951 et. seq.; and

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. An Enterprise Zone Commission is hereby established, consisting of two members from the County, and one member each from Benson, Bisbee, Douglas, Huachuca City, Sierra Vista, Tombstone, and Willcox, each of whom shall be appointed by the respective governing body. The Enterprise Zone Commission shall appoint a Zone Administrator. Each Commission member shall be a voting member of the Enterprise Commission. The Commission is a public body for the purposes of title 38, chapter 3, article 8. The Enterprise Commission shall perform those duties required under A.R.S. sec. 41-1522, as adopted or hereafter amended, including but not limited to:
 - a. Selecting a Chairman and Vice Chairman from its members;
 - b. Meeting at least semi-annually and at other times on the call of the Chairman;
 - c. Providing for planning, community relations and promotion of the zone among interested parties in the county;
 - d. Applying for and receiving gifts, loans and other monies from any private source;

- e. Making an annual report to the Arizona Department of Commerce on the development of the zone.
2. This agreement shall be in full force and effect until the termination date established by the Arizona Department of Commerce for the Enterprise Zone, which by statute shall not exceed 5 years from the date of designation. During the last year of designation, the Commission may apply to renew the enterprise zone, unless the governing body of any of the parties to the Agreement provides written notice of intent to terminate the designation prior to renewal by the Department of Commerce. This Agreement shall be automatically terminated should the Department of Commerce fail to certify the requested area in Attachment A as an Enterprise Zone.
3. The County shall provide incidental administrative support for the Enterprise Zone. No financial commitment shall be required of any of the parties to this Agreement unless specifically approved by the applicable governing body.
4. All parties agree that the Commission does not have the authority to approve any particular proposed development or to amend or supersede land use and other health, safety and general welfare regulations of general applicability, as adopted by any particular jurisdiction. Any such necessary approvals and any amendments, exemptions or exceptions that may be requested by any particular business will require the express approval of that particular jurisdiction.
5. All parties are hereby placed on notice that this Agreement is subject to cancellation, pursuant to the provisions of A.R.S. sec. 38-511, incorporated herein by reference, with the same force and effect as if given in full text.
6. This Agreement shall become effective upon execution and recording pursuant to the provisions of A.R.S. sec. 11-952(G).

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands the day and year written.

County of Cochise:

Richard Searle, Chairman
Cochise County Board of Supervisors

Date

INTERGOVERNMENTAL AGREEMENT DETERMINATION

RE: INTERGOVERNMENTAL AGREEMENT FOR THE ESTABLISHMENT OF AN ENTERPRISE ZONE COMMISSION

The attached agreement, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Deputy County Attorney who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to Cochise County.

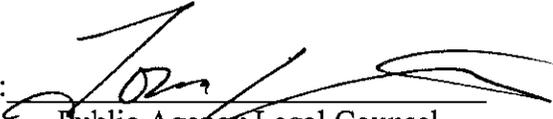
Approved as to form this ____ day of _____, 2008.

Edward Rheinheimer
Cochise County Attorney

By: _____
Deputy County Attorney

In accordance with A.R.S. § 11-952 this agreement has been reviewed by the undersigned who has determined that this agreement is in appropriate form and within the powers and authority granted to the public body or bodies identified below.

This 24th day of November, 2008.

By: 
Public Agency Legal Counsel

City of Benson
Name of Public Bod(ies)

INTERGOVERNMENTAL AGREEMENT
FOR THE ESTABLISHMENT OF AN ENTERPRISE ZONE
COMMISSION

Attachment "A"

The proposed zone size is approximately 5,891 square miles and the boundary consists of 2000 Census Tracts 1 through 13, Block Groups 1 and 3 of Census Tract 17, and Block Group 1 of Census Tract 21.

Proposed Enterprise Zone Cochise County, Arizona

-  Proposed Enterprise Zone
-  2000 Census Tract Boundary
-  City Limits

