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**CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, ARIZONA
ATTN: CITY CLERK**

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CAPTION HEADING:

**Resolution No. 2061
Adopting the City of San Luis Economic Development Incentive Policy**

RECEIVED

MAR - 5 2019

*Office of the City Clerk
City of San Luis, Arizona*



Resolution

NO. 2061

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, ADOPTING THE CITY OF SAN LUIS ECONOMIC DEVELOPMENT INCENTIVE POLICY.

WHEREAS, the Mayor and City Council of the City of San Luis ("City") seek to adopt a comprehensive policy to enhance its economic development efforts; and

WHEREAS, the Economic Development Incentive Policy provides a framework for the City's financial investment towards the attraction and expansion of targeted industries and commercial developments within the City; and

WHEREAS, any agreement between the City and an applicant pursuant to this policy shall ensure that the public interest is protected and that a public benefit is received in exchange for any public funds or services invested by the City to stimulate economic development in the City;

THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of San Luis, Arizona, County of Yuma that the attached document titled "Economic Development Incentive Policy" is here by approved and adopted.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona, County of Yuma this 23rd day of January, 2019.


Gerardo Sanchez, Mayor

ATTEST:


Sonia Cornelio, City Clerk

APPROVED AS TO FORM:


Kay Marion Macuil, City Attorney



CITY OF SAN LUIS ARIZONA



INDUSTRIAL ECONOMIC DEVELOPMENT INCENTIVE POLICY

January 2019

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Introduction

The industrial economic development incentive policy provides a framework for the City of San Luis financial investment towards the attraction, retention and expansion of targeted industries within the City of San Luis. The policy will stimulate the local economy by providing employment opportunities, expand the tax base required to provide essential public services, diversify the local economy, and expand the economic base of the City. The incentive policy contains specific criteria and procedures necessary to effectively and fairly administer the economic development incentives and financial investment. This policy is in accordance with the Economic Development Element of the General Plan which states that the city will develop programs to support existing and future local employers.

Vision

The City of San Luis vision is to improve the overall quality of life and ensure community sustainability by attracting new businesses, retaining or expanding existing businesses, and improving the opportunity for people to have quality jobs.

Purpose

The purpose of the policy is to establish a framework for the regulation and coordination of economic development financial investment and to create a return on investment analysis on each project as required by A.R.S. § 9-500.11 or A.R.S §42-6206 in order to assist with the creation and retention of jobs, and otherwise improve or enhance the economic welfare of the residents of the City of San Luis.

The appropriate purpose and use of incentives is to broaden and diversify the economic base of the City of San Luis by assisting targeted industries, to support the recruitment and expansion of businesses that create and/or retain job opportunities for the citizens of San Luis, to improve economically distressed areas, and promote the economic growth and welfare of the community.

The City of San Luis can provide financial assistance through a variety of incentives as authorized under the State of Arizona Revised Statutes. There is no vested “right” to any assistance under this policy. The incentives are anticipated to raise more revenue for the City of San Luis than the amount of the incentive provided within the duration of a development agreement. For retail sales tax incentives and Government Property Lease Excise (“GPLET”) incentives, the fiscal impact will be verified by an independent third party consultant before the city enters into a development agreement. The policy is intended to complement other government incentive programs.

Eligible Activities

To conform with the City of San Luis economic development goals and objectives, the City of San Luis will adhere to the following eligible activities:

- Eligible activities that retain, expand, or attract targeted industries providing: (1) high-wage, quality jobs; and/ or (2) significant capital investment and new wealth to the community.
- Eligible activities in the following industries: tradable goods and services, food technology and agribusiness, aviation and defense testing, renewable energy, maquila, industrial manufacturing and logistics and distribution.
- Eligible activities that foster targeted start up and expanding businesses.
- Eligible activities for the redevelopment of vacant and under-utilized industrial properties that are designated by the City Council as a redevelopment area.
- Eligible activities that broaden and diversify the economic base of the community.

Policy Considerations

- A. No incentive shall be granted if the incentive would create, in the judgement of the City Council, an unfair advantage for one business over another competing business within the City of San Luis.
- B. No incentive will be granted if the company is not in good standing with respect to the State of Arizona, or any public agency thereof, or has not met their obligations as a business in the City of San Luis.
- C. The project should demonstrate that the incentive is essential to the City's ability to favorably compete with other cities or towns to attract a targeted project that creates jobs, to retain jobs that may relocate elsewhere, or to assist in the expansion of jobs by a local company that would not otherwise occur in the City of San Luis.
- D. A business must be current in its payment of ad valorem property taxes and/or excise taxes to be considered for any public incentive.
- E. No incentive will be granted if the project would result in degradation to the environment in the City of San Luis or would pose a significant risk of an environmental hazard.
- F. In addition to the above criteria, in making a decision to approve or disapprove an incentive, the City Council will consider the following criteria:
 - a. The result of the economic impact analysis must show a positive net new or expanded revenue impact to the City.
 - b. The utilization of labor force from San Luis residents.
 - c. The potential for future expansion and additional job creation.
 - d. The compatibility of business location with land use and development plans.

Incentives

The City of San Luis will provide assistance to facilitate private development where the project would be improbable without public support. In the case of retail sales tax incentives and GPLET incentives, the City must show a benefit to the City in order to initiate the incentive. The following economic development investment tools are available for use by the City of San Luis for those projects that meet the eligibility criteria listed above. The type and number of tools to be used are the sole discretion of the City of San Luis Council. An investment from the City of San Luis does not preclude other state and county incentives. The economic incentives available are as follow:

City of San Luis Economic Development Fund: The City of San Luis created an economic development fund to assist businesses in the creation or retention of jobs or otherwise improve or enhance the economic welfare of the residents of San Luis. The minimum project qualifications for consideration under the development fund are listed below:

| Category Consideration | Minimum Requirement |
|-------------------------------|---|
| Capital Investment | \$500,000 in building, plant and/or equipment during the first year following approval of incentive. |
| Jobs created | Requirement per new full time permanent job as stated below |
| Average salary | Yuma County Median Wage (updated annually). |
| Employee Benefits | The business must offer an employee health plan where the employer pays at least 65% of the employee only premium. |
| Family Benefits | The business must offer group health insurance to the employee and dependents at the employee cost. |
| Targeted industries | Tradable goods and services, food technology and agribusiness, aviation and defense testing, maquila, industrial manufacturing, logistics and distribution. |
| Redevelopment projects | Defined as projects that will economically reposition unused or underutilized properties or buildings. |

The City may provide a performance based incentive payment to qualifying companies that have created new full time permanent positions paying the County median wage. As of January-December 2019, the County median wage would be \$13.80 according to the Arizona Department of Administration; OES. The County median wage will be adjusted on an annual basis based on the Arizona Department of Administration estimates.

- A net new job is a full time position which did not exist in the City of San Luis in the 12 months prior to application for assistance. The position must exist for a minimum period of 12 months after operations begin and the compensation must include the employer payment of 65% of the employee only health insurance premium and the availability of coverage for dependents. Full time is defined by 2080 hours per annum.
- Projects will be scored on a point system taking in consideration jobs, wages, and benefits. Incentives will be based upon the total score multiplied by \$1,000 per qualified jobs created.
- If a Project merits a performance based incentive payment, the City and the developer must enter into a Development Agreement that imposes obligations on the Developer to meet certain standards to receive the payments. For example, the Development Agreement could provide that the right to receive incentive payments is lost if certain employment benchmarks are not met by a certain date.

| San Luis Direct Employee Value System | | | | | |
|---------------------------------------|--------|---|--------|--|--------|
| Net New Direct Employees | Points | Wage as percent of Current County Median Wage | Points | Percentage of Health Benefits Paid by Employer | Points |
| >100 | 1 | >140% | 1 | >75% | 1 |
| 50-99 | 0.8 | 130-139% | 0.8 | 74-65% | 0.8 |
| 37-49 | 0.6 | 120-129% | 0.6 | 64-50% | 0.6 |
| 25-36 | 0.4 | 110-119% | 0.4 | 49-40% | 0.4 |
| 10-25 | .2 | 100-109% | 0.2 | 39-30% | 0.2 |
| <10 | .1 | <190% | 0.1 | <30% | 0.1 |

City Direct Investment: Provides reimbursement payment to private companies for a variety of capital or operating expenditures such as:

- City own tenant building improvements
- Waiver of building permit and inspection fees
- Waiver of plan review fees
- Construction sales tax reimbursement
- Sales tax rebates: rebate of a portion of sales tax collected by the retailer over a specific period of time, provided the requirements of A.R.S. § 9-500.11 are satisfied.
- Public infrastructure- Relief of the costs of public infrastructure requirements and City may apply for federal and state grant funds which may be available if deemed appropriate.
- Other fees to attract both capital investment and high quality jobs in targeted industries.

Foreign Trade Zone: Merchandise can be brought duty-free into a designated Foreign Trade Zone (FTZ) for purposes of storing, repacking, display, assembly or manufacturing. Imports may be landed and stored without full custom formalities. Arizona is the only state that provides an 80 percent reduction in real and personal property taxes for companies qualifying for Foreign Trade Zone.

Opportunity Zones: The law allows investors to defer (up to 9 years) paying tax on gains if those gains are invested in Qualified Opportunity Funds that in turn invest in economically distressed communities. San Luis has two opportunity zones designations.

Virtual Building: The virtual building program allows for a company to submit full building plans that have been developed and engineered to meet the standard specifications and allow a company to pull building permits for construction upon the review and approval of the local governing body. The City of San Luis will defer collecting permit review fees until after the building has been constructed, but prior to the City issuing the Certificate of Occupancy for the building.

San Luis Industrial Development Authority Bonds: Development Authority issued bonds are conduit financing for an eligible project to assist a private developer or business in facility creation or expansion. Liability of the bonds is solely that of the developer or business. Conduit feature is used to obtain access to capital at competitive interest rates. Fees may apply.

Application Process

The incentives described above will be available on a case-by-case basis to new or existing companies engaged in one or more of the activities described above. The economic incentive review process is as follow:

1. Applicant must submit a Request for Financial Assistance Form (RFAF) and provide a project narrative to include details of the overall project and highlight the benefits that the project will bring to the city.
2. The RFAF will be reviewed by the Economic Development Manager pursuant to the incentive guidelines. If the project is determined to be an eligible project with sufficient public benefit based on the minimum project qualification criteria, the applicant will meet with the Economic Development Manager to discuss the overall project and process of application.
3. The Economic Development Manager will make a recommendation to the City Manager for consideration and will begin to negotiate the project. The negotiation process includes, but not limited, to the following:
 - a. The City will conduct a full review of the company to assure that it can meet its performance requirements.
 - b. Project budget and timeframes will be reviewed.
 - c. Conceptual site and/or building plans will be reviewed.
 - d. On and off site infrastructure will be reviewed.
 - e. Zoning, entitlements, tenant's improvements, and infrastructure will be evaluated.

- f. The applicant may be required to submit an economic analysis of the project. The economic analysis must be performed by an accredited firm approved by the city. For GPLET and retail tax incentives, additional third party assessments will be required. The applicant may be required to submit documentation including, but not limited to, total investment, projected budget, expected revenues, total number of jobs to be created, timeframes, or other documentation as requested by the City.
 - g. The city's return on investment, project compliance with Arizona law applicable to economic development incentives, and total public investment will be determined.
 - h. The project will be reviewed by the San Luis City Council for preliminary approval. Presentation of an incentive request to the City Council and/or preliminary approval does not guarantee award of an economic incentive.
4. If the project receives preliminary approval, it will continue to move forward through the application process. The City and applicant will negotiate the terms of the development agreement. If the City and applicant cannot agree on the terms of the agreement, the applicant will be asked to revise its original proposal for consideration or the proposal will be terminated.
 5. At a successful conclusion of negotiations, the development agreement will be introduced to the City Council at a public meeting to be considered for approval.
 6. If the City Council approves the development agreement, it will be done via a resolution confirming that the project will benefit the public interest and promote the public welfare of the citizens of the City of San Luis.
 7. No economic incentive award is final or legally binding until full execution of a development agreement approved by City Council and executed by applicant.
 8. All economic incentives or commitments included in any incentive agreement by City Council are subject to funding being budgeted and does not constitute a multi-year fiscal obligation, unless otherwise stated in the development agreement.

Compliance

All economic development incentives will be formalized in written agreement between the City of San Luis and the recipient company. The recipient company will be required to meet the following performance criteria:

1. Jobs created as agreed upon.
2. Capital investment in real property or equipment as agreed upon.
3. Compliance with all applicable governmental laws, rules and regulations.
4. Compliance with other conditions imposed by the development agreement.
5. The company will provide quarterly verification of its compliance with the requirements to which it has agreed, as appropriate, by a means agreed upon between the City of San Luis and the company on a case-by-case basis to the City's Economic Development Manager.

6. The City of San Luis has the right to prorate portion of the incentives or withhold if employment benchmarks are not met by the date set in the development agreement.
7. The company must provide additional reports if required by law. For example, sales tax incentives require the City to provide a status report every two years. To accomplish that report, the City will need data from the company.
8. The City of San Luis Incentive Policy is subject to change or discontinuance at any time.

The City of San Luis reserves the right to audit a company to assure compliance with the development agreement. The City may discontinue any ongoing incentives and require the incentives already received to be repaid in full or in part, as set forth in the development agreement, if performance criteria are not met.

Conclusion

The City of San Luis Council considers requests on a case-by-case basis in accordance with the guidelines in this policy. The City Council is not obligated to make any investments. In considering whether or not to provide assistance for a project, the City will take into account assistance made by the private sources to support the project locating in the City. Businesses interested in applying for possible incentives should contact:

Contact Information

Jenny Torres
Economic Development Manager
Economic Development Division
1090 E. Union Street
P.O. Box 1170
San Luis, Arizona 85349
(928) 341-8584
(928) 341-8549
jtorres@cityofsanluis.org

APPENDICES

- 1.) Exhibit A: Request for financial assistance form (RFAF)
- 2.) Exhibit B: Incentive Scenario
- 3.) Exhibit C: Arizona Commerce Authority County Median Wage

REQUEST FOR FINANCIAL ASSISTANCE FORM

| PROJECT INFORMATION | | | | |
|--|---------------------------|-------------------------|--------------------------------|-----------|
| 1. Business Name | | 2. Date | | |
| 3. Business representative | | | | |
| 4. Primary Contact | | | | |
| 5. Telephone number | | 6. Email address | | |
| 7. Physical and mailing address | | | | |
| 8. Project Name | | 9. Project address | | |
| 10. Site acreage and square footage to be built, improved or expanded. | | | | |
| 11. Foreign Trade Zone eligible? | Yes | No | 12. Opportunity Zone eligible? | Yes No |
| 13. Industrial Development Bond eligible? | Yes | No | 14. Virtual Building eligible? | Yes No |
| 15. Is this a redevelopment project? | Yes No | | | |
| 16. Project type | New Business | Expansion | Redevelopment | |
| 17. Industry description | | | | |
| 18. Project start date | | 19. Est. Operation date | | |
| 20. Est. Total capital investment | 21. Equipment investment? | | | |
| EMPLOYMENT IMPACT | | | | |
| 22. Total number of new FTE jobs to be created | Year 1-3 | | Year 4-6 | |
| 23. Average salaries of new jobs | Year 1-3 | | Year 4-6 | |
| 24. Total number of existing jobs (if expansion) | | | | |
| 25. Average salaries of existing jobs | | | | |
| 26. Percentage of benefits paid by employer for all jobs | | | | |

| | | |
|---|-----|-------------------------------------|
| 27. Will the business offer family benefits? | Yes | No |
| FISCAL IMPACT | | |
| 28. Total real and personal property for tax purposes | | |
| 29. Anticipated direct sales tax to be generated? | | |
| 30. Utility revenues expected to be generated | | 31. Other revenues to be generated? |
| 32. Anticipated construction sales tax revenue to be generated? | | |
| 33. City Infrastructure construction require? | | |
| 34. Projected total annual operation budget for facility | | |
| COMMUNITY IMPACT | | |
| 35. Effect on project on local housing market | | |
| 36. Environmental impact of project | | |
| 37. Compatibility of project with Economic Development and City General Plan? | | |
| 38. Does the project have appropriate zoning designation? | | |
| 39. Does the project require special use permit or variance? | | |
| COMPETITIVE IMPACT | | |
| 40. Effect on existing businesses/industry | | |
| 41. Supply Chain opportunities to San Luis. | | |

A project narrative can be submitted with the request for incentive form to provide more details in answering the questions above. Submit completed form and project narrative via email to jtorres@cityofsanluis.org or mail to City of San Luis, Economic Development Division, P.O. BOX 1170, San Luis, Arizona 85349. For further information, you can contact Jenny Torres at (928) 341-8584.

Incentive Scenario

Project Details: Company A

Example: Company A will create 50 jobs with 20 jobs in the first year, 30 jobs in the second year, paid the county median wage at 100% and paid 65% of health benefits.

Company A would be eligible for a Direct Job Creation Incentive upon attainment of annual incentive targets. Each Direct New Job is worth a maximum of \$1,000 multiplied by the San Luis Employee Value System factors detailed in Table 1 below. The overall incentive formula is as follows:

$\$1,000 \times (A + B + C)/3 = (D)$ or Dollars (\$) reimbursed per employee. $\$1,000 \times D = \text{Total Incentive}$.

| Table 1: San Luis Direct Employee Value System | | | | | |
|---|---------------|--|---------------|---|---------------|
| (A) | Points | (B) | Points | (C) | Points |
| Net New Direct Employees | | Wage as a Percent of Current County Median Wage | | Percentage of Health Benefits Paid by Employer | |
| >100 | 1 | >140% | 1 | >75% | 1 |
| 50-99 | 0.8 | 130-139% | 0.8 | 74-65% | 0.8 |
| 37-49 | 0.6 | 120-129% | 0.6 | 64-50% | 0.6 |
| 25-36 | 0.4 | 110-119% | 0.4 | 49-40% | 0.4 |
| 10-25 | .2 | 100-109% | 0.2 | 39-30% | 0.2 |
| <10 | .1 | <109% | 0.1 | <30% | 0.1 |

Incentive Scenario One:

Project A= $\$1,000 \times (0.8 + .2 + 0.6)/3$ or $\$1,000 \times .54 = \540 per employee.

Table 2: Estimated Annual Incentive

| Incentive Year | Number of Employees Hired Each Year | Amount Per Employee | Total Incentive |
|-----------------------|--|----------------------------|------------------------|
| Year 1 | 20 | \$540 | \$10,800 |
| Year 2 | 30 | \$540 | \$16,200 |
| Year 3 | | | |
| Year 4 | | | |
| Totals | 50 | \$540 | \$27,000 |

**County Median Wage
for the Quality Jobs Tax Credit Program**
(Minimum wage to qualify for tax credits under the program.)

| County Median Wage for tax year beginning: | 1/1/2016 through 12/31/2016 | 1/1/2017 through 12/31/2017 | 1/1/2018 through 12/31/2018 | 1/1/2019 through 12/31/2019 |
|---|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| Apache | \$35,006 | \$34,648 | \$35,221 | \$35,282 |
| Cochise | \$35,776 | \$35,806 | \$36,427 | \$36,543 |
| Coconino | \$31,595 | \$32,012 | \$33,910 | \$32,492 |
| Gila | \$33,134 | \$32,192 | \$32,139 | \$34,404 |
| Graham | \$32,635 | \$34,262 | \$36,589 | \$35,688 |
| Greenlee | \$45,178 | \$47,340 | \$48,213 | \$50,905 |
| La Paz | \$28,080 | \$28,638 | \$25,842 | \$28,948 |
| Maricopa | \$35,256 | \$35,760 | \$36,464 | \$37,352 |
| Mohave | \$29,494 | \$29,591 | \$29,766 | \$29,961 |
| Navajo | \$31,637 | \$31,746 | \$32,634 | \$34,361 |
| Pima | \$32,510 | \$33,000 | \$33,970 | \$34,671 |
| Pinal | \$31,886 | \$32,635 | \$33,952 | \$35,477 |
| Santa Cruz | \$30,306 | \$31,703 | \$31,485 | \$32,850 |
| Yavapai | \$30,576 | \$30,916 | \$31,904 | \$32,523 |
| Yuma | \$26,125 | \$26,650 | \$27,809 | \$28,705 |

Source: Arizona Department of Administration; OES

