



WEBER COUNTY
COMMUNITY REINVESTMENT AREA POLICY:
Participation and Creation

1. PURPOSE

This policy outlines the process for Weber County (the “County”) to determine whether, and to what extent, the County will participate in or support the creation of a Community Reinvestment Area (CRA), including allowing a community reinvestment agency (an “Agency”) to receive a portion of the County’s tax increment for the benefit of a project area.

2. POLICY

A. Weber County’s Intent

The County intends to provide a standardized procedure to process, evaluate, and make recommendations on all requests for County tax increment financing (“TIF”) in any project area.

B. Policy as a Prerequisite to Commission Consideration

The Weber County Commission (“Commission”) will not consider an Agency’s request for TIF or the creation of a CRA until the process established by this policy is completed. After this process is completed, the Commission has full discretion to further negotiate and agree to provide TIF to the requesting Agency.

C. Economic Development Finance Committee

The County has created an Economic Development Finance Committee (the “Committee”) to evaluate various economic incentives for potential projects within the County and make recommendations to the Commission.

The Committee shall initially evaluate each request for TIF in accordance with this policy and provide a recommendation to the Commission on whether, and to what extent, the County should provide TIF to the requesting Agency.

D. Governing Laws and Definition of Terms

This policy is subject to the requirements of the Community Reinvestment Agency Act in Title 17C of Utah Code Annotated, as amended (the “CRA Act”) and the Interlocal Cooperation Act in Title 11, Chapter 13 of Utah Code Annotated, as amended (the “Interlocal Act”). If any provision of this policy conflicts with a provision of the CRA Act or the Interlocal Act, the respective provision of the CRA Act or the Interlocal Act controls.

A term used in this policy shall mean the same as that term is defined in the CRA Act or, as applicable, the Interlocal Act. For instance, the term ‘project area’, as used in this policy, means the same as that term is defined in Chapter 1, Section 102(46) of the CRA Act.



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3. PROCEDURE FOR PETITIONING COUNTY PARTICIPATION IN A CRA

An Agency submitting a request for County TIF shall adhere to the following procedure:

A. TIF Application Form

The Agency shall submit to the County Economic Development Director (the “Director”):

- a. a completed Application for Participation and Policy Acknowledgement form summarizing the Agency’s request;
- b. a copy of the Agency’s approved project area plan and budget or its most current version if not yet approved by the Agency; and
- c. a projection of County TIF at 0 percent (a “but for” test), 25 percent, and 50 percent for a 15-year collection period.

The project area plan and budget must include all requirements outlined in the CRA Act.

After receiving an Agency’s application, the Director will contact the Agency and confirm whether the application contains the documentation required under this policy. The Director may request additional documentation for review and may arrange a meeting with Agency representatives to discuss, in concept, the proposed use of County TIF.

The Director shall convene the Committee after receiving a completed application for the purpose of evaluating the request for County TIF.

B. Economic Finance Committee Evaluation

The Committee shall conduct an evaluation of each application for County TIF. The Committee shall consider whether, and to what extent, the project area plan:

- a. Serves a public purpose in County;
- b. Produces a public benefit for the County, such as a benefit to the County’s economic activity and tax base or the creation or expansion of public infrastructure;
- c. Is economically sound and feasible;
- d. **Conforms to the Weber County general plans and economic strategies; and**
- e. Promotes the public peace, health, safety, and welfare of Weber County.

The Committee may identify and evaluate more specific factors to further inform or emphasize one or more of the considerations listed above. The Committee may also invite representatives from the Agency to attend portions of the evaluation and provide additional information.

After completing the evaluation, the Committee shall prepare a written recommendation to the Commission recommending at what level, if any, the County should provide TIF to the requesting agency. The



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Committee's recommendation should be supported by findings and references to the considerations identified in this policy.

The Committee will not recommend County TIF that exceeds 50% for 15 years unless the Committee finds that the proposed project will create a significant public infrastructure or county economic benefit.

C. Initial Commission Review of a Request for County TIF

After the Committee submits its recommendation to the Commission, the Commission will hold a work meeting to review and discuss the Agency's request for County TIF. The requesting Agency is strongly encouraged to attend this meeting.

During the Commission's initial review, the Commission will not take any action on the Agency's request. Instead, the Commission may:

- a. instruct the Director to negotiate the terms of an interlocal agreement for the requested County TIF and provide direction for essential terms of the agreement;
 - b. instruct the Director or the Committee to engage in further evaluations and report back to the Commission; or
 - c. take no further action on the Agency's request.

D. Interlocal Agreement for County TIF

If the Commission instructs the Director to negotiate the terms of an interlocal agreement for County TIF, the Director shall work with the Agency and the Weber County Attorney's Office to produce an interlocal agreement with terms that meet the expectations of the Commission. The Director shall then make arrangements for the final draft of the interlocal agreement to be scheduled for a vote at a regularly scheduled Commission meeting.

Before the Commission takes action on an interlocal agreement for County TIF, the Agency must provide to the Director a copy of all participating taxing entity interlocal agreements for the project area. The Commission will not take action on a proposed interlocal agreement for County TIF unless all other participating taxing entities commit to participate as shown in the project area plan and budget.

Additionally, the interlocal agreement will include any requirements for adopting the project area plan and budget and reporting obligations the County Commission deems necessary or as required by existing or future laws, including:

- (a) the base taxable value;
- (b) the collection period, including anticipated trigger date;
- (c) the percentage of tax increment the agency is authorized to receive; and



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(d) the maximum cumulative dollar amount of tax increment the agency is authorized to receive from the community reinvestment project area.

Agency Reporting Requirements

An Agency that receives County TIF for a project area shall, for the duration of the tax increment collection period, submit an annual report to the County to account for all County TIF expenditures. The county may also require the Agency to produce any documentation demonstrating the progress of the project areas that are funded by County TIF.

An agency that fails to comply with the reporting requirements of this section may be subject to the penalties prescribed by the associated interlocal agreement for County TIF and may be disqualified from future County TIF opportunities.

4. PROCEDURE FOR PETITIONING TO CREATE A COUNTY PROJECT AREA

A. Petition to Create a Project Area

An owner of land within a proposed project area, or agent of the owner, must complete and submit a “Survey Area Proposal and Letter of Intent Petition Form” (“Petition”) for the proposed project area to the director of the County’s Economic Development Department (the “Director”). The Petition must be completed in the form provided by the Director.

The Petition must:

- a. contain a map of the proposed project area;
- b. list the parcel number of each parcel that is located, in whole or in part, within the boundaries of the proposed project area;
- c. describe the project for which the project area will be created;
- d. describe the proposed source of project area funds;
- e. describe the proposed use, or uses, of project area funds;
- f. identify proposed recipients of financial assistance from project area funds;
- g. describe how project area development will further the purposes of this policy and the Act;
- h. show that the proposed developments are consistent with the County’s general plan; and
- i. provide an estimated project completion timeline.

After receiving a Petition from an owner of land or an agent of the owner, the Director shall complete an initial review of the petition to confirm whether it contains the information required under this policy. The Director may decline a petition if it fails to meet the requirements of this policy and may also provide feedback to the petitioner to correct any discrepancies.



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The Director shall convene the Committee after receiving a completed Petition (or corrected Petition, if applicable) for the purpose of evaluating the proposed project area.

B. Economic Development Finance Committee Evaluation

The Committee shall evaluate each proposed project area. The evaluation shall take into account the factors described in Chapter 5, Section 108(4) of the Act. The Committee may identify and evaluate more specific factors to further inform or emphasize one or more of the factors listed in Section 108(4).

After completing the evaluation, the Committee shall prepare a written recommendation to the Agency board. The Committee may recommend that the Agency board accept, decline, or modify a proposed project area. The Committee's recommendation should be supported by findings and references to the factors identified in this policy.

C. Agency Board Review and Survey Area Resolution

After the Committee submits its recommendation or its own petition to the Agency board, the Agency board shall hold an open meeting to review and discuss the proposed project area. As part of the Agency board's review and discussion, the Agency board may:

- a. accept the proposed project area and pass a survey area resolution in accordance with Section 103(1) of the Act;
- b. decline the proposed project area;
- c. make modifications to the proposed project area;
- d. direct the Committee to engage in further evaluations and report back to the Agency board; or
- e. if applicable, require the petitioner to provide more information regarding the proposed project area.

If the Agency board passes a survey area resolution for a proposed project area, then the Director shall provide a copy of the survey area resolution and the completed Petition to each taxing entity that is proposed by petitioners to share its project area funds to the agency. The Director shall invite such taxing entities to provide feedback on their participation in the project area.

D. Creation of the Project Area Plan and Budget

After the Agency board passes a survey area resolution, the petitioner shall create the project area plan and budget at its own cost and in accordance with the Act. The Director and the Committee shall provide the petitioner with guidance in developing a plan and budget that (1) complies with the Act and agency policies, (2) promotes the County's general plan, and (3) takes into consideration the feedback, if any, from each taxing entity that is proposed to share its project area funds to the agency.



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The Committee shall submit the initial draft plan and budget to the Agency board for review before making it available to other taxing entities or the public. The Agency board shall conduct an initial evaluation of the draft plan and budget with the Committee and petitioner during an open and public work session.

After the initial evaluation is completed by the Agency board, the Director shall:

- a. Provide an opportunity for the State Board of Education and each taxing entity that levies or imposes a tax within the proposed project area to consult with the Director or the Committee regarding the proposed plan and budget;
 - b. Present the plan and budget directly to each taxing entity that is anticipated to share its project area funds to the agency; and
 - c. In accordance with Section 17C-5-204 of the Act, negotiate and execute an interlocal agreement for project area funds with each taxing entity that is anticipated to share its project area funds to the agency.
- E. Interlocal Agreements for Taxing Entities' Project Area Funds

The agency shall have full discretion to negotiate and execute an interlocal agreement with participating taxing entities pursuant to the Act. All interlocal agreements should be fully executed before the Agency begins the public hearing and noticing process for Project Area Plans and Budgets under the Act.

F. Adoption of Plan and Budget

The agency shall follow the processes established in the Act for adopting a project area plan and budget, which includes making the plan and budget available to the public, scheduling and holding public hearings, and providing adequate notice of such hearings. See Utah Code Ann. §§ 17C-5-104 (process for adopting a plan) and 17C-5-302 (process for adopting a budget).



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DATED this 1st day of October, 2021.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY:

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

James H. "Jim" Harvey, Chair

Approved as to form and legality:

Christopher Crockett
Deputy County Attorney