

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON

ORDER NO. 97-6-30-1

**FILED**

JUL 17 1997

) IN THE MATTER OF ADOPTING  
) ADDITIONAL LOCAL CRITERIA  
) APPLICABLE TO THE WEST EUGENE  
) ENTERPRISE ZONE.

**COUNTY CLERK**

The Lane County Board of County Commissioners finds that:

*Peggy Hood*

A. On September 8, 1986, by Resolution No. 4001, the Eugene City Council authorized the City Manager to prepare and submit, in cooperation with Lane County, an application to the State of Oregon for designation of a West Eugene Enterprise Zone under the Oregon Enterprise Zone Act, which application was accepted and the West Eugene Enterprise Zone designated by the Governor of the State of Oregon.

B. The Eugene City Council subsequently authorized the City Manager to seek redesignation of new West Eugene Enterprise Zone boundaries in 1988 and 1994.

C. The current West Eugene Enterprise Zone will expire on June 30, 1997, and the City of Eugene has determined it will not apply to the State of Oregon for continuation of the Zone for FY98 as authorized by State statutes. Under current State statutes, companies participating in the West Eugene Enterprise Zone at the time it expires will continue to have access to exemptions (for a ten year period) on future investments after the expiration of the Zone.

D. In addition to extending the Oregon Enterprise Zone Program for an additional ten year period, the 1995 session of the Oregon Legislature amended the state statutes to allow local employment-related conditions to be added to the program's eligibility criteria.

E. The City of Eugene, through its Resolution No. 4518, has proposed the adoption of additional local criteria, which has been the subject of discussion and negotiation between the City and the County.

F. The Board of County Commissioners now specifically finds that it would be in the public interest to adopt the additional local program criteria set forth below to be used in determining exemptions for future investments made by companies participating in the West Eugene Enterprise Zone at the time it expires, and to be applicable to any pending applications, or applications filed prior to termination of the zone.

In the Matter of Adopting Additional Local Criteria Applicable to the West Eugene Enterprise Zone.  
WP ca/mi/orders/97011/T

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. Based upon the above findings, which are adopted herein, the Board of County Commissioners adopts the local criteria specified below.

2. Qualifying companies shall be required to make a public benefit contribution in an amount determined by an Enterprise Zone Committee based on the criteria specified in Section 4 of this Order. The amount of the payment shall be up to 15% of the tax exemption.

3. The Enterprise Zone Committee shall include six members: two city councilors chosen by the City Council; two county commissioners chosen by the Board of Commissioners; one additional elected official chosen by the other four members. The additional elected official shall be a member of a governing body of one of the local educational institutions (i.e., a school district or community college); and a representative from the West Eugene Enterprise Zone Businesses as mutually agreed to by the City Council of Eugene and the Lane County Board of Commissioners. The Enterprise Zone Committee shall be responsible for: (a) determining the amount of the public benefit payment based on the criteria in Section 4; and (b) determining how to allocate the funds received from the public benefit payments as provided in Section 5. In making these determinations, the Committee shall follow the procedures specified in Section 6.

4. The Enterprise Zone Committee shall base its determination on the amount of benefit payment on the following criteria:

- the extent to which the company hires from local training/referral agencies
- the extent to which the company hires persons with barriers to employment
- the extent to which the average compensation of new jobs is equal to or greater than the average county wage
- the extent to which the company dedicates funds for non-mandated training and benefits
- whether the company is utilizing a previously developed site, including expansion at an existing site, or redevelopment of an industrial or brownfield site
- the extent to which the assessed value of new investment exceeds \$500,000 per acre
- whether the company is a small and/or local business or small and/or local start-up company

5. The Enterprise Zone Committee shall allocate the funds received as a result of the public benefit payment to the city, county and local educational institutions. Not less than 40% shall be allocated to the County, and not less than 40% shall be allocated to the City. The balance shall be


allocated by the Enterprise Zone Committee among the City, County, and local educational services including 501c(3) education foundations.

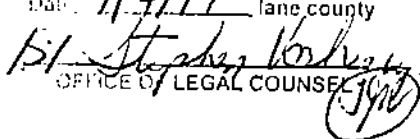
6. Following receipt of an application for the enterprise zone tax exemption, the Enterprise Zone Committee shall hold a public hearing. The purpose of the public hearing shall be to receive input about both the appropriate amount of a public benefit payment, and how the funds, if any, should be allocated among the city, county and local educational institutions. Notice of the public hearing shall be published in a newspaper of general circulation in Lane County. In addition, individual notices of the public hearing shall be provided to the local educational institutions, requesting their input. Following the public hearing, the Enterprise Zone Committee shall determine the amount of the public benefit payment, and how the funds shall be allocated. The Committee's decision shall be a recommendation forwarded to the Board of Commissioners or the City Council. In the event the Board of Commissioners or the City Council does not agree, the amount of the payment shall be the percentage recommended by the committee or 10%, whichever is less. The City Council and Board of Commissioners may by mutual agreement select a percentage different than the percentage selected by the committee so long as it is 15% or less.

These local criteria shall govern all applications for pre-certification filed by a company prior to the expiration of the zone, and all applications filed by a company participating in the West Eugene Enterprise Zone at the time the zone expires when that company seeks an exemption for future investments after expiration of the zone.

7. If any section, subsection, sentence, clause, phrase, or portion of this Order is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Adopted the 9<sup>th</sup> day of July, 1997.

  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM  
Date: 7/7/97 lane county  
  
OFFICE OF LEGAL COUNSEL