

COURT ORDER

13

ORDER NO: 2010 1333

DATE: August 24, 2010

STATE OF TEXAS §

COUNTY OF DALLAS §

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 24th day of August, 2010, on motion made by Maurine Dickey, Commissioner of District No. 1, and seconded by Kenneth A. Mayfield, Commissioner of District No. 4, the following Order was adopted:

WHEREAS, on August 17, 2010, the Dallas County Commissioners Court was briefed on a proposed policy that would govern the consideration of all Texas Enterprise Project Program nomination requests received by the County; and

WHEREAS, this policy would help ensure that nomination requests are handled consistently and that only projects of a certain type, size, and quality are nominated; and

WHEREAS, the proposed enterprise project policy is consistent with the County's strategic plan which specifically recommends that the County become the destination of choice for businesses and residents through the targeted use of tax incentives and by participating in multi-jurisdictional economic development projects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the attached enterprise project policy is adopted and that it shall govern the consideration of all Texas Enterprise Project Program nomination requests received by Dallas County.

DONE IN OPEN COURT this the 24th day of August, 2010.

Jim Foster  
Jim Foster  
County Judge

Maurine Dickey  
Maurine Dickey  
Commissioner District #1

Mike Cantrell  
Mike Cantrell  
Commissioner District #2

John Wiley Price  
John Wiley Price  
Commissioner District #3

Kenneth A. Mayfield  
Kenneth A. Mayfield  
Commissioner District #4

Recommended by: Rick Roenberg

# DALLAS COUNTY ENTERPRISE PROJECT POLICY

## I. INTRODUCTION

Under the Texas Enterprise Project Program, counties are allowed to nominate certain economic development projects to the Governor's Office for State financial assistance. However, the number of projects that a county can nominate per biennium is limited, and as the State is also limited as to how many projects it can assist, competition for the available assistance is often intense. So that Dallas County can consistently and fairly evaluate all nomination requests that it receives and so that the County can help ensure that it only nominates projects that are the most beneficial to the local economy and that are worthy of State assistance, the following policy shall govern the review of all enterprise project requests received by the County.

## II. DEFINITIONS

**Applicant:** The firm/entity that would actually be receiving assistance from the Program.

**Dallas CBD:** The area bounded by Woodall Rodgers Freeway, I-30, I-35, and I-45.

**Distressed Area:** Excluding the Dallas CBD, either a census tract whose median family income is less than or equal to 150% of the poverty level for a Dallas area family of four or the area contained within a federally or state-designated enterprise zone, empowerment zone, or enterprise community.

**Expansion/Retention Project:** An enterprise project involving the expansion of existing facilities, the construction of new buildings, the purchasing of new equipment, the leasing of additional office space, the relocation of operations, the creation of new full-time permanent jobs, and/or the retention of existing full-time permanent jobs.

**Fortune 1000 Corporate HQ Project:** An enterprise project involving the corporate headquarters of a Fortune 1000 firm. Said project must involve the principle office of the firm's chief executive officer and must be identified as the firm's corporate headquarters in its news releases, corporate reports, letterhead, website, etc.

**Investment:** Money paid to purchase, renovate, or construct capital assets or fixed assets, including, but not limited to, land, buildings, furniture, manufacturing machinery, computers, software, and other machinery and equipment. Also includes property that is leased under a capitalized lease, but not property occupied under an operating lease.

**Non-Distressed Area:** The portions of Dallas County that are not considered to be distressed under this policy.

Program: The Texas Enterprise Project Program.

State: The State of Texas.

### III. GENERAL POLICY REQUIREMENTS

All requests for project nominations must meet the terms, conditions and criteria contained within this policy if they are to be eligible for consideration. However, in no situation does meeting the terms, conditions, and criteria of this policy obligate the County to nominate a project to the State.

The County will only consider nominating a project located within a city to the State if the city supports the project and if the city either no longer has any nominating authority remaining for this biennium or it does not have the expertise to adequately review or consider a project. The County will also only consider nominating a project that involves relocating some or all of a firm's operations from one Dallas County city to another if the project has the support of the current host city. Any application/nomination fee that the State may impose for this Program must also be paid by the applicant or a party other than the County.

Nomination requests will not be considered if the applicant either is currently involved in litigation with the County or has a claim pending with the County or if the County has experienced some unsatisfactory contractual performance (including previous nominations or other economic development projects) with the applicant within the past thirty-six months.

In determining whether to nominate a project to the Program, the County will consider a number of related factors. Such factors shall include, but not be limited to, the degree to which the project surpasses the County's investment requirements, the impact on the County's tax base, the location of the proposed project, the number and the types of jobs involved, the project's impact on the surrounding area, the type and sustainability of the proposed investment, the stability of both the industry in which the applicant operates and the demand for the products/services that the firm provides, the existence of any environmental issues, the need for the requested designation, the degree to which the project utilizes or is served by alternative forms of transportation, the project's impact on the provision of County services, current economic conditions, and what will happen to the project if it is not nominated by the County and/or is not approved by the State.

A project may only be nominated by formal action of a majority of the Dallas County Commissioners Court. Because the possible nomination of a project to the Program can facilitate the selection of a specific location when other sites outside of the County are under consideration, a Court member in whose district a project could be located and the County Judge may, in some limited instances, jointly issue a non-binding letter (or instruct County staff to do so on their behalf) in which they propose supporting the possible nomination of a particular project when the magnitude of the project warrants such action and when requested by the potential applicant or its representative. Such

letters shall clearly note that they are non-binding and that the proposed nomination can only be authorized by formal action of the Commissioners Court.

#### IV. ENTERPRISE PROJECT REQUIREMENTS

For purposes of Dallas County's enterprise project policy, there are two types of projects (expansion/retention and Fortune 1000 corporate HQ) that can occur in two types of geographic areas (distressed and non-distressed).

To be eligible for nomination consideration, the average salary of the jobs associated with the proposed project must be at least 80% of the current average salary of a job in Dallas County. In addition, the project, depending upon its type and location, must have generated the following level of investment and retained/created the following number of full-time permanent jobs, all within five years of the project's nomination by the County.

#### MINIMUM GENERATION REQUIREMENTS

PROJECT TYPE	IN DISTRESSED AREA		IN NON-DISTRESSED AREA	
	JOBS	INVESTMENT	JOBS	INVESTMENT
Expansion/Retention	50	\$2.5 million	300	\$13 million
Fortune 1000 Corporate HQ	50	\$2.5 million	100	\$2.5 million

#### V. APPLICATION PROCESS

Requests for enterprise project nominations must be made in writing and submitted to the County's Director of Planning, 411 Elm Street, 3<sup>rd</sup> floor, Dallas, Texas, 75202. These requests must also be accompanied with the following information:

INFORMATION REQUIRED FOR ENTERPRISE PROJECT NOMINATIONS	
1	Name of applicant
2	Map/location of project
3	Indication of whether project is located in an enterprise zone
4	Type of designation project status desired (i.e., enterprise, double jumbo, or triple jumbo) and for what period of time
5	Discussion of how proposed project qualifies for enterprise project designation
6	Description of applicant's business/industry
7	Discussion of business activity that will be conducted within project site
8	Discussion of what proposed project involves
9	# of full-time permanent jobs to be created within five years
10	# of full-time permanent jobs to be retained within five years

11	Average salary of full-time permanent jobs associated with the project
12	Discussion of the proposed investment that will take place including the amount and the type of investment
13	Description of other operations/facilities applicant may already have in the County and the impact this project will have on them
14	Impact project will have on the County's tax base
15	Discussion of how proposed project may revitalize/affect surrounding area
16	Discussion of whether project is in proximity to DART rail station or a major hiking/biking trail
17	Schedule of how project will be annually implemented
18	Explanation of why enterprise project designation is needed/discussion of what will happen to proposed project if the project is not nominated by the County and/or approved by the State
19	Discussion of firm's expansion, relocation, and contraction history over past ten years
20	Discussion of any environmental issues
21	Copy of current EEO-1 report or a comparable workforce composition report for firm's U.S. operations
22	Name, title, mailing address, email address, and telephone number for contact person

Besides the information outlined above, the County may request additional information as needed.

So as to help facilitate the consideration of any nomination request, potential applicants are strongly encouraged to contact the County's Director of Planning & Development at (214) 653-7601 as early as possible.

## VI. REVIEW AND APPROVAL

The Dallas County Commissioners Court will review all eligible nomination requests submitted to the County and will determine whether the County nominates a specific project to the Program.