

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE BOARD OF COUNTY COMMISSIONERS OF MUSKOGEE COUNTY, OKLAHOMA, MET IN REGULAR SESSION ON THE 29<sup>TH</sup> DAY OF APRIL, 2024, AT 9:00 O'CLOCK A.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following Resolution was introduced and caused to be read by Title by the County Clerk. Commissioner Wyslop moved passage of the Resolution and Commissioner Payne seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

[TIF Resolution No. 2024-4 begins on following page]

**TIF RESOLUTION NO. 2024-4 AS ADOPTED AND APPROVED BY  
THE BOARD OF COUNTY COMMISSIONERS OF  
MUSKOGEE COUNTY, OKLAHOMA  
ON APRIL 29, 2024**

A RESOLUTION IN SUPPORT OF THE SOUTHSIDE INDUSTRIAL PARK ECONOMIC DEVELOPMENT PROJECT PLAN; APPROVING AND AUTHORIZING THE APPORTIONMENT OF COUNTY SALES TAX INCREMENTS WITHIN INCREMENT DISTRICT NO. 6, CITY OF MUSKOGEE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, by statewide vote, the people of the State of Oklahoma adopted Article 10, §6C as an amendment to the Constitution of the State of Oklahoma to allow the Legislature to authorize cities, towns and counties to use local taxes for specific public investments, for assistance in development financing and as a revenue source for other public entities in the area, and to direct the apportionment of local taxes to plan, finance and carry out development of areas determined by the governing body of the city, town or county to be unproductive, undeveloped, underdeveloped or blighted; and

WHEREAS, the Legislature has enacted the Local Development Act, 62 Okla. Stat. §850, *et seq.* (the “Local Development Act”), for purpose of furthering the provisions of Article 10, §6C of the Oklahoma Constitution; and

WHEREAS, the City of Muskogee, Oklahoma (the “City”), is working to promote economic development within the City, in order to provide increased opportunity for residents of the area and to improve the overall standard of living; and

WHEREAS, the City has attracted business interests with the potential to invest in an industrial development project within the City, subject to certain conditions including economic development incentives and financing; and

WHEREAS, the Southside Industrial Park Economic Development Project Plan (the “SSSIP Project Plan”) supports the achievement of the economic development objectives of the City to develop an underdeveloped area to serve as a catalyst for retaining and expanding employment in the area, attract major investment in the area, preserve and enhance the tax base and encourage investment, development and economic growth which would otherwise be difficult or impossible without the TIF Projects (as defined in the SSIP Project Plan) and the apportionment of sales and use taxes, and ad valorem taxes from within the City Increment District (as defined below); and

WHEREAS, the SSIP Project Plan calls for the creation of Increment District No. 6, City of Muskogee (the “City Increment District”); and

WHEREAS, the City Increment District contemplates that a portion of the incremental sales and use tax revenue derived from the levy of sales tax by the County and generated within the City Increment District shall be utilized for payment of Project Costs described in the SSIP Project Plan; and

WHEREAS, the County has heretofore approved its Resolution creating Increment District No. 2, Muskogee County (the “County Increment District”) and adopting the John T. Griffin Industrial Park (Project Bifrost) Economic Development Project Plan (the “JTG Project Plan”); and

WHEREAS, the County and the City have jointly undertaken the consideration of the City Increment District and the County Increment District, and have identified certain TIF Projects to be eligible for payment from the TIF Revenues derived from both the City Increment District and the County Increment District; and

WHEREAS, the County finds that the County’s participation in the SSIP Project Plan will enhance the probability of success of the JTG Project Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MUSKOGEE COUNTY, OKLAHOMA:

Section 1. SSIP Project Plan. The County hereby expresses its support of the SSIP Project Plan as presented by the City. Further, the County finds that approval of the SSIP Project Plan is likely to significantly benefit contiguous or nearby enterprise zone census tracts, and therefore the the County Sales Tax Increment Revenues (as defined herein) shall be eligible for the state local government matching payment authorized pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.*

Section 2. Apportionment of County Sales Tax Increments.

(a) The County hereby approves the apportionment of fifty percent (50%) of the incremental County sales and use tax revenue derived from the construction of the Project (as described in the SSIP Project Plan) within the City Increment District (collectively referred to herein as the “County Sales Tax Increment Revenues”, as more fully described in the SSIP Project Plan), resulting from the levy of County sales tax, all in the manner as more fully described in the SSIP Project Plan; provided, however, the County Sales Tax Increment Revenues shall only pertain to construction and other capital investment related expenditures within the boundaries of the City Increment District, and shall not include any sales and use tax derived from retail sales. Said apportionment shall be based on the applicable sales tax rate levied for the County. As of the date of the SSIP Project Plan, the County levies a total of sixty-five hundredths of one percent (0.625%) of sales tax pursuant to Resolutions of the County dated September 6, 2005, and April 10, 2017.

(b) This approval constitutes the written consent of the County required pursuant to Section 861(A)(2)(c) of the Local Development Act, and such consent shall extend from the date of creation of the City Increment District by the City until the Expiration Date of the City Increment District (as defined in the SSIP Project Plan), such Expiration Date to be not later than December 31, 2041. The prospective apportionment of the County Sales Tax Increment Revenues contemplated herein is expressly authorized by Article 10 Section 6C(B) of the Constitution of the State of Oklahoma.

(c) During the term of the City Increment District, County Sales Tax Increment Revenues derived from the levy of County sales tax shall be utilized only for the payment of authorized Project Costs described in the SSIP Project Plan, and upon the Expiration Date, any remaining County Sales Tax Increment Revenues derived from the levy of County sales tax shall be immediately transferred by the City to the County to be available for any lawful purpose.

(d) The City shall provide a monthly calculation of the County Sales Tax Increment Revenues derived from the levy of County sales tax upon the receipt of funds and supporting information from the Oklahoma Tax Commission, and the County shall promptly remit such amounts to the City for deposit in the City's Increment District No. 6 - Apportionment Fund (as described in the SSIP Project Plan) to be used exclusively for the payment of authorized Project Costs as described in the SSIP Project Plan.

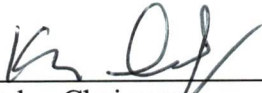
(e) Upon expiration of the City Increment District, the City shall promptly return to the County any excess County Sales Tax Increment Revenues derived from the levy of County sales tax, said amounts to be available for any lawful purpose of the County.

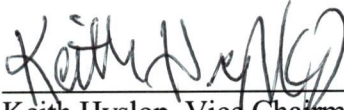
Section 3. Necessary Action. The Chairman or Vice Chairman and County Clerk or Deputy County Clerk be and hereby are authorized and empowered to execute and deliver for and on behalf of the County any and all other documents or instruments reasonably necessary to accomplish the implementation of the SSIP Project Plan, including but not limited to procedures for the calculation of the County Sales Tax Increment Revenues and the transfer thereof to the City for the purposes of the SSIP Project Plan.

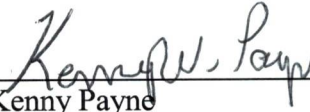
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APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF OKLAHOMA COUNTY, OKLAHOMA TO BE EFFECTIVE APRIL 29, 2024.

SIGNED THIS 29<sup>TH</sup> DAY OF APRIL, 2024.

By:   
Ken Doke, Chairman  
County Commissioner, District #1

By:   
Keith Hyslop, Vice Chairman  
County Commissioner, District #2

By:   
Kenny Payne  
County Commissioner, District #3



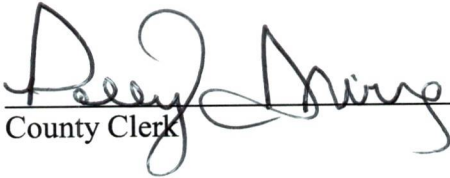
By:   
County Clerk

STATE OF OKLAHOMA    )  
  )SS  
COUNTY OF MUSKOGEE )

I, the undersigned, County Clerk of Muskogee County, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the Board of County Commissioners of said County held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the "Open Meeting Law" was complied with for such meeting.

GIVEN UNDER MY HAND THIS 29<sup>TH</sup> DAY OF APRIL, 2024.



  
County Clerk