

RESOLUTION NO. ____

RESOLUTION DECLARING THE INTENT TO CONSIDER APPROVAL OF A PROJECT PLAN AND CREATION OF ONE OR MORE TAX INCENTIVE DISTRICTS UNDER THE LOCAL DEVELOPMENT ACT; DIRECTING PREPARATION OF A PROJECT PLAN; APPOINTING A REVIEW COMMITTEE; DIRECTING THE REVIEW COMMITTEE TO MAKE FINDINGS AS TO ELIGIBILITY AND FINANCIAL IMPACT, IF ANY, ON AFFECTED TAXING JURISDICTIONS AND BUSINESS ACTIVITIES WITHIN THE DISTRICTS; DIRECTING THE REVIEW COMMITTEE TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT AND PROJECT PLAN

WHEREAS, it is an objective of the Muskogee County, Oklahoma to promote economic development within its boundaries in order to attract major investment, enhance the tax base, stimulate economic growth, and improve the quality of life in and around the County; and

WHEREAS, the Board of County Commissioners of Muskogee County, Oklahoma ("Board of County Commissioners") is considering stimulating private investment in a multi-phased development of one or more data center facilities ("Project") on approximately 319 acres of land generally located north of West 123rd Street South, south of West 113th Street South, west of South 174th Street West, and east of South Hwy 72 ("Project Site"); and

WHEREAS, in order to promote economic development, it is necessary and desirable to establish a legal framework and funding mechanism to provide public assistance to support the Project, and

WHEREAS, the Local Development Act, 62 O.S. § 850, *et seq.*, was passed by the Oklahoma Legislature to implement Section 6C of Article X of the Oklahoma Constitution, which empowers the governing bodies of cities, towns, and counties to approve project plans and provide incentives, exemptions, and other forms of tax relief to further economic development efforts; and

WHEREAS, the economic viability of the Project likely depends upon the utilization of ad valorem property tax exemptions; and

WHEREAS, the Board of County Commissioners, as the governing body of Muskogee County, is empowered to approve a project plan and create tax incentive districts to advance economic development in the County; and

WHEREAS, the Center for Economic Development Law has been engaged by Muskogee County to evaluate the eligibility and feasibility of the Project; and

WHEREAS, without the adoption of a project plan, the establishment of one or more incentive districts, and other authorizations provided for in the Local Development Act, the potential economic growth brought by the proposed Project would be difficult or impossible; and

WHEREAS, the Local Development Act provides for the appointment of a Review Committee to review and make a recommendation concerning the proposed districts, plan, or project, to consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed districts, and to consider and determine whether the proposed plan and project will have a financial impact on any affected taxing jurisdiction within the proposed districts and to report its findings and make its recommendations to the governing body; and

WHEREAS, the Local Development Act provides that the membership of the Review Committee shall consist of the following: a representative of the governing body, who shall serve as chairperson of the Review Committee; a representative of the planning commission, if any, having jurisdiction over the proposed districts; a representative designated by each taxing jurisdiction within the proposed districts whose ad valorem taxes might be impacted by the plan; and three members representing the public at large, at least one of whom is a representative of the business community in the County selected by the other Review Committee members from a list of seven names submitted by the chairperson of the Review Committee; and

WHEREAS, there is no planning commission with jurisdiction over the proposed districts; and

WHEREAS, the relevant taxing jurisdictions potentially impacted and included in the proposed Muskogee County Economic Development Project Plan would be Muskogee County, the Muskogee County Health Department, Muskogee County Emergency Medical Service, the Eastern Oklahoma District Library System, Indian Capital Technology Center District No. 4, and Midway Independent School District No. I-27.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Muskogee County, Oklahoma:

Section 1. The Board of County Commissioners intends to consider approval of a project plan and the creation of one or more incentive districts to facilitate and support the viability of the Project and hereby directs the Center for Economic Development Law to prepare a proposed project plan for consideration in accordance with the Local Development Act.

Section 2. The Chairman of the Board of County Commissioners and the Center for Economic Development Law are authorized and directed to assist in the process of consideration of a proposed project plan.

Section 3. A Review Committee is hereby appointed whose membership shall consist of the following: one representative of Muskogee County, who shall serve as the chairperson; one representative designated by the Muskogee County Health Department; one representative designated by the Muskogee County Emergency Medical Service; one representative designated by the Eastern Oklahoma District Library System; one representative designated by Indian Capital Technology Center District No. 4; one representative designated by Midway Independent School District No. I-27; and three members representing the public at large, at least one of

whom is a representative of the business community in the County selected by the other Review Committee members from a list of seven names submitted by the chairperson.

Section 4. Commissioner Payne shall serve as representative of the Board of County Commissioners, and, as chairman of the Review Committee, shall submit a list of seven names of possible persons to serve as committee members representing the public at large from which list three persons shall be selected by the other Review Committee members, at least one of whom is a representative of the business community in Muskogee County.

Section 5. The Chairman of the Review Committee is hereby directed to request each of the potentially affected taxing entities to designate a representative to serve on the Review Committee.

Section 6. The Review Committee, once fully appointed, shall convene to: (a) review and make a recommendation concerning the proposed incentive districts, project plan or project, (b) consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed incentive districts, (c) consider and determine whether the proposed plan and project will have a financial impact on any taxing jurisdictions and business activities within the proposed incentive districts, and (d) report its findings and recommendations to the Board of County Commissioners.

ADOPTED this 31st day of March, 2025, by the Board of County Commissioners of Muskogee County.

[Signature]
Chairman

ATTEST:

[Signature]
County Clerk



31st day of March 2025
Chairman [Signature]
Member [Signature]
Member [Signature]
Attest [Signature]
County Clerk

Approved as to form and legality this 31 of March, 2025.

[Signature]
General Counsel for Muskogee County

E-MAILED
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Payne