

**RESOLUTION NO. 22-R-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS NOMINATING AN ENTERPRISE ZONE PROJECT UNDER THE PROVISIONS ESTABLISHED IN STATE LAW AND CHAPTER 21 OF THE CODE OF THE CITY OF SCHERTZ; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Schertz, Texas (the "City") has previously adopted guidelines and regulations for community development and established the Schertz Economic Development Corporation to accomplish said public purpose; and,

**WHEREAS**, the City has previously passed Ordinance No. 22-M-06 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 22-M-06;

**WHEREAS**, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider Sysco USA I, Inc. (Sysco) as an enterprise project pursuant to a nomination and an application made by the City;

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Sysco has applied to the City for designation as an enterprise project;

**WHEREAS**, before nominating a project or activity of a qualified business in Schertz for designation as an enterprise project, the City Council of the City of Schertz must hold a public hearing and, by resolution, must identify and summarize briefly any local incentives available; and,

**WHEREAS**, the City Council held a public hearing on February 8, 2022 at which interested persons were allowed to speak and present evidence for or against the City's participation in the program and the nomination of Sysco as an enterprise project; and

**WHEREAS**, the City Council hereby finds that the nomination and support of Sysco as an enterprise project is in the best interest of the community and would enhance and further the community development of Schertz, and further finds that Sysco meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act for the reasons set forth below.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

**Section 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 2.** The City finds that Sysco meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- a. Sysco is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- b. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
- c. The designation of Sysco as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**Section 3.** The City finds that Sysco meets the criteria for tax relief and other incentives adopted by the City and nominates Sysco for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability.

**Section 4.** All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

**Section 5.** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 6.** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

**Section 7.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND ADOPTED** on this 8<sup>th</sup> day of February 2022.

**CITY OF SCHERTZ, TEXAS**

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**Mayor Ralph Gutierrez**

**ATTEST:**

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**City Secretary Brenda Dennis**

