

MADISON COUNTY, IDAHO  
ORDINANCE NO. 432

TRANSFER OF POWERS ORDINANCE:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF MADISON COUNTY, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN; PROVIDING THE CITY OF REXBURG WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE REXBURG REVENUE ALLOCATION AREA LYING WITHIN UNINCORPORATED MADISON COUNTY TO THE URBAN RENEWAL AGENCY OF REXBURG, IDAHO, ALSO KNOWN AS THE REXBURG REDEVELOPMENT AGENCY; ADOPTING THE INTERGOVERNMENTAL AGREEMENT IMPLEMENTING THIS ORDINANCE; AND AUTHORIZING THE CHAIR TO SIGN THE AGREEMENT AND SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

WHEREAS, that this Ordinance is adopted to approve and confirm the duties, roles, and responsibilities of the city of Rexburg, Idaho, the Urban Renewal Agency of Rexburg, Idaho, also known as the Rexburg Redevelopment Agency (the “Agency”), and Madison County, Idaho for that portion of the revenue allocation area, as defined and described in the proposed Urban Renewal Plan for the North Central Urban Renewal Project, lying outside the corporate boundaries of the city of Rexburg as illustrated in **Exhibit 1** and to transfer power as provided in Idaho Code Section 50-2906(3)(b) and the necessary declaration set forth in Idaho Code Section 50-2018(18);

WHEREAS, the Agency obtained The North Central Area Urban Renewal Eligibility Report, dated July 3, 2020 (the “Eligibility Report”), which examined an area of operation of the City, in an area known as the North Central Study Area, which area also included real property located within unincorporated Madison County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Eligibility Report examined certain parcels included within the boundaries of the North Highway District Project Area. Following a public hearing before the City Council, on June 17, 2020, the City Council adopted Ordinance No. 1230, deannexing certain parcels from the North Highway Project Area pursuant to the First Amendment to the Second Amended and Restated Urban Renewal Plan, North Highway Urban Renewal Project, Including South Addition (the “First Amendment to the Second Amended and Restated North Highway Plan”);

WHEREAS, the Agency Board, on July 9, 2020, adopted Resolution No. 2020-03 accepting the Eligibility Report and authorizing the Agency Chair to transmit the Eligibility Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the North Central Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Eligibility Report to the Madison County Board of County Commissioners for purposes of obtaining a resolution accepting the Eligibility Report and determining such area outside the boundaries of the city of Rexburg to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Eligibility Report was submitted to the Madison County Board of County Commissioners, and the Madison County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed North Central Study Area;

WHEREAS, the Madison County Board of County Commissioners adopted the Agency's findings concerning the proposed North Central Study Area by adopting Resolution No. 447 on July 13, 2020;

WHEREAS, the Rexburg City Council, by Resolution No. 2020-12, dated July 15, 2020, declared the North Central Study Area described in the Eligibility Report to be a deteriorated or deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project, that the Madison County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the Agency prepared the Urban Renewal Plan for the North Central Urban Renewal Project (the "North Central Plan") and the urban renewal area referred to as the North Central Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

WHEREAS, the Project Area includes parcels deannexed pursuant to the First Amendment to the Second Amended and Restated North Highway Plan;

WHEREAS, the area included in the Project Area is smaller than the area assessed in the Eligibility Report;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Project Area have been obtained by the Agency;

WHEREAS, the North Central Plan also contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board on September 24, 2020, adopted Resolution No. 2020-05 proposing and recommending the North Central Plan;

WHEREAS, the Agency, by letter of transmittal dated September 29, 2020, submitted the North Central Plan to the Mayor of the city of Rexburg and the Rexburg City Clerk;

WHEREAS, the Mayor of the city of Rexburg and the Rexburg City Clerk are taking the necessary action to process the North Central Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, appropriate notice of the North Central Plan and revenue allocation provision contained therein has been given to the affected taxing districts and the public as required by Idaho Code § 50-2906;

WHEREAS, after notice duly published, the Rexburg City Council at its regular meeting to be held on November 18, 2020, will hold a public hearing and will consider the North Central Plan as proposed;

WHEREAS, Idaho Code Section 50-2906(3)(b) contemplates an agreement between Madison County and the city of Rexburg, governing administration of a revenue allocation financing provision for any area extending beyond the city of Rexburg's municipal boundary but within unincorporated Madison County, and such agreement must be formalized by a transfer of powers ordinance adopted by the Madison County Board of County Commissioners;

WHEREAS, there are certain properties within the North Central Plan and Project Area which extend beyond the city of Rexburg's municipal boundaries and into unincorporated Madison County;

WHEREAS, the Board of County Commissioners deem it expedient and in the best interests of Madison County to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Madison County and the city of Rexburg, to confirm Madison County's consent under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO:

Section 1: That the above statements are true and correct.

Section 2: That the Board of County Commissioners, after reviewing the North Central Plan delivered to Madison County on October 16, 2020, finds: (a) the North Central Plan and Project Area is eligible under the statutory criteria and is appropriate for an urban renewal project; (b) the adjusted base assessed values of all existing revenue allocation areas within the city of Rexburg do not exceed ten percent of the current assessed taxable value of the city of Rexburg; (c) the proposed North Central Plan and Project Area is financially feasible given the assumptions used in the North Central Plan; (d) the required consents from the owners of agricultural operation lands within the proposed Project Area have been given; and (e) the city of Rexburg has the authority to proceed with the creation of the North Central Plan and Project Area after the adoption of this Ordinance by the Board of Madison County Commissioners.

Section 3: The revenue allocation proceeds from areas lying within the boundaries of the North Central Plan and Project Area shall be devoted to the statutory purposes as described in the North Central Plan and as authorized by the Urban Renewal Law of 1965, Chapter 20, Title

50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code.

Section 4: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) (the “Agreement”) (which also supports the County’s declaration as required by Idaho Code Section 50-2018(18) as also set forth in Resolution No. 447) attached hereto as **Exhibit 2**, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 5: That the Chair is hereby authorized to sign and enter into the Agreement, and to execute any further documents necessary to carry out the intent of the Board of Commissioners as expressed in this Ordinance and in the Agreement. A copy of this Ordinance and the attached Agreement shall be held on file in the office of the County Clerk.

Section 6: Repeal of Conflicting Ordinances. The provisions of any Ordinance of Madison County and any provision of the County Code which are in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 7: Severability. The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 8: Effective Date. The rule requiring an Ordinance to be read on three separate days, one of which shall be a reading in full, is dispensed with, and this Ordinance shall become effective upon its passage, approval and publication.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS,  
MADISON COUNTY, IDAHO, this \_\_\_\_day of \_\_\_\_\_, 2020.

MADISON COUNTY BOARD OF COMMISSIONERS

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Jon Weber, Chairman

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Brent Mendenhall, Member

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Todd Smith, Member

ATTEST:

ORDINANCE NO. \_\_\_\_\_ - 4

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Kim Muir, Maddison County Clerk

## **Exhibit 1**

(Map of the Project Area)

## **Exhibit 2**

(Intergovernmental Agreement re North Central Project Area)

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