



CITY OF  
**REXBURG**  
*America's Family Community*

## **RESOLUTION NO. 2020 - 23**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN MADISON COUNTY, IDAHO AND THE CITY OF REXBURG, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Mayor (the “Mayor”) and City Council (“City Council”) of the city of Rexburg, Idaho (the “City”) have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the State of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

**WHEREAS**, the City Council on or about November 6, 1991, adopted and approved a resolution creating the Urban Renewal Agency of the City of Rexburg, Idaho, also known as the Rexburg Redevelopment Agency (the “Agency”) pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”), authorizing the Agency to transact business and exercise the powers granted by the Law and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”) upon making the findings of necessity required for creating the Agency;

**WHEREAS**, there are currently four existing urban renewal/revenue allocation areas in the City;

**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

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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 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 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 area and/or a 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 has undertaken the planning process during 2020;

**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;

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**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 and the City Clerk;

**WHEREAS**, the Mayor and the 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 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 the Madison County Board of County Commissioners and the City Council, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located 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's municipal boundaries and into unincorporated Madison County;

**WHEREAS**, the Madison County Board of County Commissioners adopted Ordinance No. 432, the Transfer of Powers Ordinance, on October 26, 2020, which Ordinance authorized the Chair to sign and enter into the Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Madison County and the City;

**WHEREAS**, the Mayor and City Council deem it expedient and in the best interests of the City to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code §50-2906(3)(b) between Madison County and the City, to confirm the consent of Madison County under Idaho Code §50-2018(18), and to assure compliance with the Act and Law.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, AS FOLLOWS:**

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

Section 2: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) (the "Agreement"), attached hereto as **Exhibit A**, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

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Section 3: That the Mayor is hereby authorized to sign and enter into the Agreement. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

Section 4: This Resolution shall be in full force and effect upon the execution of this Resolution by the Mayor.

**PASSED BY THE COUNCIL OF THE CITY OF REXBURG, IDAHO**, this day of November 18, 2020.

**APPROVED BY THE MAYOR OF THE CITY OF REXBURG, IDAHO**, this day of November 18, 2020.

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Jerry Merrill, Mayor

ATTEST:

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Deborah Lovejoy, City Clerk

## **Exhibit A**

### **Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b)**

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