

NOTICE OF SPECIAL MEETING
OF THE
CHICKASHA CITY COUNCIL

In compliance with Title 25, Oklahoma Statutes, Section 301-314, the Oklahoma Open Meeting Act, including the posting of notice and agenda, be advised that the Chickasha City Council, Chickasha Municipal Authority, and Chickasha Municipal Airport Authority of the City of Chickasha, Oklahoma, will conduct a **SPECIAL MEETING ON MONDAY, OCTOBER 30, 2023, AT 6:30 PM.** Said meeting will be held in the Council Chambers, City Hall, 117 North 4th Street, Chickasha, Oklahoma.

The City of Chickasha encourages participation from all its citizens. If participation is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

All items on this agenda, including but not limited to any agenda item concerning the adoption of any ordinance, resolution, contract, agreement, or any other item of business, are subject to amendment, including additions and/or deletions. This rule will apply to every individual agenda item without exception, and without providing this same amendment language with respect to each individual agenda item. Such amendments should be rationally related to the topic of the agenda item, or the governing body will be advised to continue the item.

The governing body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the governing body may refer the matter to its City/Trust Manager, staff, attorney or to the recommending board, commission or committee.

Agenda items are attached.

I, Susan M. McDaniel, City Clerk, posted this Agenda on the official City of Chickasha bulletin board in the Municipal Building, 117 North 4th Street Chickasha, OK, 73018, which is accessible to the public twenty-four hours each day at 4:30 p.m. on Wednesday, October 25, 2023.



Susan McDaniel, CMC

Sworn to and subscribed before me on this 25th day of October 2023.

My Commission Expires: 10-1-2026



Notary Public, State of Oklahoma

CHICKASHA CITY COUNCIL

AGENDA

LOCATION OF MEETING

CITY HALL COUNCIL CHAMBERS

117 NORTH FOURTH STREET

CHICKASHA, OKLAHOMA 73018

TIME OF MEETING

6:30 PM

DATE OF MEETING

OCTOBER 30, 2023

All items on this agenda, including but not limited to any agenda item concerning the adoption of any ordinance, resolution, contract, agreement, or any other item of business, are subject to amendment, including additions and/or deletions. This rule will apply to every individual agenda item without exception, and without providing this same amendment language with respect to each individual agenda item. Such amendments should be rationally related to the topic of the agenda item, or the governing body will be advised to continue the item.

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- 1. Call to Order / Roll Call**
- 2. Council Communications.**
- 3. Discussion and Consideration**
 - a. Discussion, consideration, and possible action to approve Resolution 2023-24R; a Resolution of the City of Chickasha, Oklahoma (the "City") declaring the intent to consider approval of a project and creation of one or more Tax Increment Districts under the Local Development Act; directing the review Committee to make findings as to eligibility and financials impact, if any, on taxing jurisdictions and business activities within the District; directing the Review Committee to make a recommendation with respect to the proposed Project Plan; directing the

City of Chickasha Planning Commission to make a recommendation with respect to the proposed Project Plan; and containing other provisions relating thereto.

- b. Discussion, consideration, and possible action to approve an Agreement for Tax Increment Finance Counsel Services with the Public Finance Law Group PLLC and authorize the Mayor to execute the same.

4. Motion to Adjourn.



City of
CHICKASHA

Meeting Type: Special Council Meeting 10-30-2023

Meeting Date: 10/30/2023

Department: Administration

Agenda Item No. 3.a.

AGENDA ITEM: Discussion, consideration, and possible action to approve Resolution 2023-24R; a Resolution of the City of Chickasha, Oklahoma (the "City") declaring the intent to consider approval of a project and creation of one or more Tax Increment Districts under the Local Development Act; directing the review Committee to make findings as to eligibility and financials impact, if any, on taxing jurisdictions and business activities within the District; directing the Review Committee to make a recommendation with respect to the proposed Project Plan; directing the City of Chickasha Planning Commission to make a recommendation with respect to the proposed Project Plan; and containing other provisions relating thereto.

I. BACKGROUND/DESCRIPTION:

II. RECOMMENDED ACTION:

Approve Resolution 2023-24R as presented, and designate Chris Mosley to serve as the City Council's representative to the Review Committee.

III. FISCAL INFORMATION -

IV. FUND INFORMATION:

Dept. Director:	Fund	Account	Amount
	(To)		
	FUND	ACCOUNT	AMOUNT
Meeting Date: October 30, 2023	(From)		

V. ATTACHMENTS:

1. Res. 2023-24R Resolution intent 2023-10-30

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 CITY COUNCIL OF THE CITY OF CHICKASHA, OKLAHOMA, MET IN REGULAR SESSION ON THE 30th DAY OF OCTOBER, 2023, AT 6:30 O'CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by title by the City Clerk. Councilmember _____ moved passage of the Resolution and Councilmember _____ 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:

RESOLUTION 2023-24R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICKASHA, OKLAHOMA (THE "CITY"); DECLARING THE INTENT TO CONSIDER APPROVAL OF A PROJECT AND CREATION OF ONE OR MORE TAX INCREMENT 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 TAXING JURISDICTIONS AND BUSINESS ACTIVITIES WITHIN THE TAX INCREMENT DISTRICT; DIRECTING THE REVIEW COMMITTEE TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT PLAN; DIRECTING THE CITY OF CHICKASHA PLANNING COMMISSION TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT PLAN; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

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

WHEREAS, the City aspires to attract and retain business interests with the potential to invest in retail, commercial, industrial, and/or residential facilities within the City, subject to certain conditions including economic development incentives and financing; and

WHEREAS, the Local Development Act, Title 62, Oklahoma Statutes Section 850 *et seq.* (the “Local Development Act”), 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 apportion tax increments to help finance the public costs of economic development; and

WHEREAS, the proposed project depends upon the utilization of tax increment financing to help finance the project costs; and

WHEREAS, it is desirable to direct the City staff to prepare a proposed project plan for consideration; and

WHEREAS, the City Council, as the governing body of the City, is empowered to approve the creation of a tax increment district to further the public purpose of economic development within the City; and

WHEREAS, the Local Development Act provides for the appointment of a Review Committee to review and make recommendations concerning the proposed district, plan, or project, to consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed district, and to consider and determine whether the proposed plan and project will have a financial impact on any taxing jurisdiction and business activities within the proposed district 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; a representative of the planning commission having jurisdiction over the proposed district; a representative designated by each taxing jurisdiction within the proposed district whose ad valorem taxes might be impacted by the plan; and three members representing the public at-large and selected by the other committee members from a list of seven names submitted by the chairperson of the review committee; and

WHEREAS, it is appropriate and desirable to appoint a Review Committee to consider and make recommendations on a proposed project plan; and

WHEREAS, the City desires to direct the Review Committee and the City of Chickasha Planning Commission (the “Planning Commission”) to consider a proposed new tax increment district.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHICKASHA, OKLAHOMA:

SECTION 1. INTENT. The City Council intends to consider approval of a project(s) and creation of one or more tax increment districts to facilitate the financing of eligible project costs of a project(s); and hereby directs preparation of a project plan by City staff, to be submitted for consideration in accordance with the Local Development Act. The City Clerk is further directed to facilitate the scheduling and notice of required public hearings pursuant to the Local Development Act.

SECTION 2. ESTABLISHMENT OF REVIEW COMMITTEE. A Review Committee is hereby appointed whose membership shall consist of the following: one representative of the City Council, who shall be chairperson; one representative of the Planning Commission; one representative designated by Grady County; one representative designated by Grady County Health Department; one representative designated by Chickasha Independent School District No. 1 of Grady County; one representative designated by Canadian Valley Technology Center Vo-Tech District No. 6; one representative designated by Grady County EMS District No. 1; and three representatives of the public at large, who shall be selected from a list of seven names submitted by the representative of the City Council, as chairperson of the Review Committee, by the other Review Committee members, provided, one of the at large representatives shall be a representative of the business community in the City, and shall also be either a retailer or a representative of a retail organization. The City Council hereby designates _____ to serve as Chairperson and representative of the City Council. The City Council hereby designates _____ (as Chairman of the Planning Commission) or their designee to serve as representative of the Planning Commission.

SECTION 3. REVIEW COMMITTEE FINDING AND RECOMMENDATION. The Review Committee shall consider and determine whether the proposed plan and project(s) will have a financial impact on any taxing jurisdiction and business activities within the proposed district and shall report its findings to the City Council. Furthermore, the Review Committee shall consider and make its findings and recommendations to the City Council with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of approval of the proposed plan and project(s).

SECTION 4. PLANNING COMMISSION RECOMMENDATION. The Planning Commission shall review the proposed project plan and shall make a recommendation on the plan to the City Council.

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PASSED AND APPROVED THIS 30th DAY OF OCTOBER 2023.

CITY OF CHICKASHA, OKLAHOMA

(SEAL)
ATTEST:

By: _____
Chris Mosley, Mayor

By: _____
Susan M. McDaniel, City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF GRADY)

I, the undersigned, City Clerk of the City of Chickasha, 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 City Council of said City 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 30TH DAY OF OCTOBER, 2023.

(SEAL)

Susan M. McDaniel, City Clerk



City of
CHICKASHA

Meeting Type: Special Council Meeting 10-30-2023

Meeting Date: 10/30/2023

Department: Administration

Agenda Item No. 3.b.

AGENDA ITEM: Discussion, consideration, and possible action to approve an Agreement for Tax Increment Finance Counsel Services with the Public Finance Law Group PLLC and authorize the Mayor to execute the same.

I. BACKGROUND/DESCRIPTION:

II. RECOMMENDED ACTION:

Approve an Agreement for Tax Increment Finance Counsel Services with the Public Finance Law Group PLLC and authorize the Mayor to execute the same.

III. FISCAL INFORMATION -

IV. FUND INFORMATION:

Dept. Director:	Fund	Account	Amount
	(To)		
	FUND	ACCOUNT	AMOUNT
Meeting Date: October 30, 2023	(From)		

V. ATTACHMENTS:

- 20231011170727984



t 405.235.3413 • f 405.235.2807
5657 N. CLASSEN BOULEVARD, SUITE 100 • OKLAHOMA CITY, OK 73118

AGREEMENT FOR TAX INCREMENT FINANCE COUNSEL SERVICES

THIS AGREEMENT is entered into as of October 16, 2023, by and between THE PUBLIC FINANCE LAW GROUP PLLC (“PFLG”) and the CITY OF CHICKASHA, OKLAHOMA (the “City”), as follows:

RECITALS

WHEREAS, the City desires to engage PFLG as tax increment finance counsel (“TIF Counsel”) in connection with the establishment of a tax increment district within the City (the “Formation”) pursuant to the Local Development Act, 62 O.S. §850 *et seq.*, as amended (the “Local Development Act”); and

WHEREAS, the Formation may be desirable to support certain economic development activities within the City, specifically construction of certain retail, commercial, industrial and/or residential facilities, which will encourage commerce, the retention and expansion of employment, and generate a corresponding growth in the local tax base (collectively, the “Project”); and

WHEREAS, PFLG possesses the necessary professional capabilities and resources to provide the legal services required by City as described in this Agreement.

AGREEMENTS

1. Scope of Services.

A. *Tax Increment Finance Counsel Services.* PFLG will render the following services as TIF Counsel to the City:

- (1) Consultation with representatives of the City, including the City Manager, City Attorney, Finance Director, financing and accounting staff, financial advisors, and others, with respect to the timing, terms and legal structure of the proposed tax increment district.
- (2) Preparation of written documentation relating to formal approval and formation of a tax increment district, including, as appropriate, project plans and authorizing resolutions or ordinances.

- (3) Attendance at such meetings or hearings of the City and working group meetings or conference calls as the City may request, and assistance to the City staff in preparation of such explanations or presentations to the governing body of the City as they may request.

Additional details with respect to TIF Counsel's anticipated scope of services with respect to the Formation are provided in Exhibit A attached hereto.

PFLG and City acknowledge that the City shall be represented by The Law Firm of Amanda Mullins, PLLC (the "City Attorney") for the purpose of rendering day-to-day and ongoing general counsel legal services. PFLG shall circulate documents to and coordinate its services with City Attorney to the extent requested by the City or the City Attorney.

In performing legal services under this Agreement, PFLG shall be entitled to rely on the accuracy and completeness of information provided and certifications made by, and opinions provided by counsel to, City, property owners and other parties and consultants, without independent investigation or verification.

PFLG's services are limited to those specifically set forth above. PFLG's scope of services do not include any services with respect to any real estate transactions in connection with the tax increment district. Furthermore, the scope of services do not contemplate representation with respect to any financing completed in connection with any improvements contemplated within the tax increment district. Any such representation, if necessary, will be provided at additional cost as agreed to at such later date. PFLG's services do not include representation of City or any other party to the Formation or the Project in any litigation or other legal or administrative proceeding involving the Formation, the Project, or any other matter. PFLG's services also do not include any responsibility for compliance with state blue sky, environmental, land use, real estate or similar laws or for title to or perfection of security interests in real or personal property. PFLG's services do not include any financial advice or analysis. PFLG will not be responsible for the services performed or acts or omissions of any other participant. Also, PFLG's services will not extend past the date of Formation unless otherwise agreed to in writing.

B. Term of Agreement. This Agreement shall be effective from the date of execution through June 30, 2024, and shall be automatically renewed for additional one-year periods on July 1 of each year unless terminated pursuant to Section 2.D. herein.

2. Compensation and Reimbursements.

A. Compensation for Tax Increment Finance Counsel Services. For services as TIF Counsel to the City, PFLG shall be paid the following fees:

- a. \$30,000.00 shall be non-contingent and due and payable on the 1st of each month in the amount of \$10,000.00 for three months beginning November 1, 2023 (provided, however, the balance of this portion of the fee shall be immediately due upon formal action by the City Council of the City with respect to the establishment of the tax increment district or upon termination or discontinuance of the formation process); and

b. \$20,000.00 shall be contingent upon and immediately due following formal action by the City Council of the City with respect to the establishment of the tax increment district (i.e., the Formation); and

c. PFLG shall be compensated at an hourly rate of \$345 per hour for any services rendered (at the direction of the City Manager) following the Formation with respect to the drafting and approval of any economic development agreement(s) with a developer(s) pertaining to the Formation.

B. *Expenses.* PFLG shall also be paid a fixed amount of \$3,000.00 to cover expenses and transcript production and distribution, provided, that any filing, publication, recording or printing costs or similar third party costs required in connection with the Formation shall be paid directly by the City, but if paid by PFLG on behalf of the City, shall be reimbursed to PFLG on demand.

C. *Payment.* Fees and expenses shall be payable by City at the time of Formation, except as provided in subparagraph (A) above.

D. *Termination of Agreement and Legal Services.* This Agreement and all legal services to be rendered under it may be terminated at any time by written notice from either party, with or without cause. In that event, all finished and unfinished documents prepared for adoption or execution by City, shall, at the option of City, become its property and shall be delivered to it or to any party it may designate; provided that PFLG shall have no liability whatsoever for any subsequent use of such documents. In the event of termination by City, PFLG shall be paid for all satisfactory work, unless the termination is made for cause, in which event compensation, if any, shall be adjusted in the light of the particular facts and circumstances involved in the termination. If not sooner terminated as aforesaid, this Agreement and all legal services to be rendered under it shall terminate upon the establishment of the tax increment district and successful execution of an economic development agreement(s) with a developer(s); provided that City shall remain liable for any unpaid compensation or reimbursement due under Section 2 hereof. Upon termination, PFLG shall have no future duty of any kind to or with respect to the Formation or the City.

3. **Nature of Engagement; Relationships With Other Parties.**

The role of TIF Counsel, generally, is to prepare or review the procedures and documentation relating to the establishment of a tax increment financing district pursuant to the Local Development Act. In performing its services in connection with the Formation, PFLG will act as special counsel to the City with respect to the Formation; i.e., PFLG will assist the City Attorney in representing City but only with respect to the Formation, in a manner not inconsistent with the role of TIF Counsel described above.

The City acknowledges that PFLG regularly performs legal services for many private and public entities in connection with a wide variety of matters. For example, PFLG has represented, is representing or may in the future represent other public entities, underwriters, trustees, rating agencies, insurers, credit enhancement providers, lenders, contractors, suppliers, financial and other consultants/advisors, accountants, investment providers/brokers, providers/brokers of

derivative products and others who may have a role or interest in the Formation or the Project or that may be involved with or adverse to City in this or some other matter. PFLG agrees not to represent any such entity in connection with the Formation, during the term of this Agreement, without the consent of the City. Given the special, limited role of TIF Counsel described above, the City acknowledges that no conflict of interest exists or would exist, and waives any conflict of interest that might appear actually or potentially to exist, now or in the future, by virtue of this Agreement or any such other attorney-client relationship that PFLG may have had, have or enter into, and City specifically consents to any and all such relationships.

4. Limitation of Rights to Parties; Successor and Assigns.

Nothing in this Agreement or in any of the documents contemplated hereby, expressed or implied, is intended or shall be construed to give any person other than City and PFLG any legal or equitable right or claim under or in respect of this Agreement, and this Agreement shall inure to the sole and exclusive benefit of City and PFLG.

PFLG may not assign its obligations under this Agreement without written consent of City except to a successor partnership or corporation to which all or substantially all of the assets and operations of PFLG are transferred. City may assign its rights and obligations under this Agreement to (but only to) any other public entity that completes the Formation. City shall not otherwise assign its rights and obligations under this Agreement without written consent of PFLG. All references to PFLG and City in this Agreement shall be deemed to refer to any such successor of PFLG and to any such assignee of City and shall bind and inure to the benefit of such successor and assignee whether so expressed or not.

5. Counterparts.

This Agreement may be executed in any number of counterparts and each counterpart shall for all purposes be deemed to be an original, and all such counterparts shall together constitute but one and the same Agreement.

6. Notices.

Any and all notice pertaining to this Agreement shall be sent by U.S. Postal Service, first class, postage prepaid to:

PFLG:

The Public Finance Law Group PLLC
5657 N. Classen Boulevard, Suite 100
Oklahoma City, OK 73118
Attention: Nathan D. Ellis, Esq.

CITY:

City of Chickasha, Oklahoma
117 North 4th Street
Chickasha, OK 73018
Attention: City Manager

[Remainder of Page Left Blank Intentionally]

City and PFLG have executed this Agreement by their duly authorized representatives as of the date provided above.

THE PUBLIC FINANCE LAW GROUP PLLC

By: _____
Nathan D. Ellis

CITY OF CHICKASHA, OKLAHOMA

By: _____
Title: Mayor
Date: October 16, 2023

EXHIBIT A

PROPOSED SCOPE OF SERVICES FORMATION OF TAX INCREMENT DISTRICT

Initial Feasibility Assessment

- Provide consultation with respect to a preliminary review and evaluation of the potential benefits and practicality of the formation of a tax increment or incentive district.

Project Plan Preparation

- Provide legal advice and consultation in development, drafting, and presentation of a project plan. A project plan generally includes the following elements:
 - Proposed district boundaries and improvements, including area eligibility determination
 - Estimated project costs, financing timeline, and assessment of financial impact
 - Existing and proposed maps of district
 - Proposed zoning, master plan, and ordinance changes
 - Designation of governmental entities and officials responsible for implementation
- Provide assistance in negotiation (as requested) and draft for approval an economic development agreement with each proposed business development entity

Official Review and Public Participation

- Provide legal advice and consultation with respect to procedures and actions for formal consideration of a tax increment or incentive district including:
 - Resolution initiating formal consideration and approval process and establishing a review committee
 - Presentations and/or attendance (as requested) at meetings with individuals, groups, and public bodies
 - Preparation of appropriate documents for review committee and planning commission consideration
 - Preparation of notices with respect to public meetings
 - Preparation of appropriate documents for formal approval and formation of district, including municipal ordinance

Implementation

- Preparation of appropriate documents for formal approval pertaining to an economic development agreement(s) with appropriate parties as contemplated by the Project Plan.
- Provide legal advice and consultation with respect to notices and communication with affected taxing jurisdictions; formulation of operating procedures and guidelines to assist the county assessor and county treasurer in the operation of the district.