

Chapter 3.26
ECONOMIC DEVELOPMENT INCENTIVE FUND

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3.26.010 Establishment and purpose.

A. There is established a special fund to be known as the economic development fund ("EDF"). The purpose of said fund shall be to provide funds from the city to further the economic development goals of the city by providing financial assistance to projects attracting enterprises that City Council determines will further the accomplishment of the city's economic goals. The economic development goals of the program include efforts to expand the city's tax base, promote development that will enhance the physical and economic environment of the city, provide permanent jobs and skilled labor availability, services, and products within the city thereby improving employment opportunities for the residents of the City of Lakewood, foster revitalization of physically deteriorating areas, promote development that will have a net positive impact on city revenues, and produce a positive impact upon the community as a whole.

B. The granting of financial assistance is determined to be a public purpose. Specifically, such assistance protects the public welfare by promoting and fostering the growth of the city's economic base which in turn has positive effects by generating jobs, increasing the tax base, services and products produced by the private sector, encouraging and providing for the vitality of residential areas and of commercial and industrial businesses within the city, as well as providing increased opportunities for employment for the residents of the city and enabling the city to carry forward its functions in the preservation of the health, safety and welfare of the citizens and residents of the city, all of which have a net positive impact on city revenues, and, in general, improve the quality of life in the city.

C. The City Council specifically finds and determines that creation of the economic development fund is consistent with the city's powers as a home rule municipal corporation and that exercise of said powers in the manner set forth herein is in furtherance of the public health, safety and welfare. Notwithstanding any provisions hereof, the city shall never be a joint venture in any private entity or activity which participates in the economic development fund, and the city shall never be liable or responsible for any debt or obligation of any participant in the economic development fund. The City Council finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Lakewood, that it is promulgated for the health, safety and welfare of the public, and that the ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained. (*Ord. O-89-58 § 1, 1989; Ord. O-85-54 § 1 (part), 1985*).

3.26.020 Definitions.

For the purpose of this chapter, the following words and terms shall be defined as follows:

"City Engineer" means the City Engineer, or his designee.

"City Manager" means the City Manager, or his designee.

"Department of Economic Development" means the department of the city created to assist the City Council and the City Manager to develop and implement programs for the promotions of economic development in the city.

"Fund" means the economic development fund created herein. (*Ord. O-89-58 § 2, 1989; Ord. O-85-54 § 1 (part), 1985*).

3.26.030 Funding.

A. The fund shall be funded by transfer of revenues derived from the tax levied on hotel and motel accommodations within the city.

B. The fund may also be supplementally funded by City Council at its discretion. (*Ord. O-89-58 § 3, 1989; Ord. O-85-54 § 1 (part), 1985*).

3.26.040 Authorized expenditures.

A. Money from the fund shall be used to provide financial assistance to business enterprises located or to be located within the corporate limits of the City of Lakewood, whose proposals for financial assistance have been approved by the City Council.

B. Such assistance shall be granted under such terms and conditions as may be authorized by the City Council, pursuant to procedures described in Section 3.26.050 herein.

C. For projects which involve the construction of physical public improvements, the amount of financial assistance shall be related to the costs of constructing public improvements as determined necessary pursuant to Chapter 14.13 of the Lakewood Municipal Code, to support the development project the applicant is undertaking. The city may pay for all, or only a portion, of said public improvements, at its complete discretion. The maximum amount of financial assistance, however, shall be less than or equal to the estimate of the cost of public improvements, said estimate to be provided by a professional engineer registered in the State of Colorado, retained by the applicant and satisfactory to the City Engineer.

D. For projects which involve the revitalizations of physically deteriorating areas, the amount of financial assistance shall be related to the actual costs of renovation and enhancement. The city may provide financial assistance for some or all of said costs at its complete discretion. The maximum amount of financial assistance, however, shall be less than or equal to the estimate of such actual costs, said estimate to be provided by a professional engineer registered in the State of Colorado, retained by the applicant and satisfactory to the City Engineer.

E. For projects described in Sections 3.26.040(C) and (D), moneys from the fund shall be strictly limited to uses which are public or public-related in nature. For purposes of the fund, public or public-related purposes shall mean public improvements, including but not limited to streets, sidewalks, curbs, gutters, pedestrian malls, street lights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, restrooms, information booths, public meeting facilities, and all necessary, incidental, and appurtenant structures and improvements, together with the relocation and improvement of existing utility lines, and any other improvements of a similar nature which are specifically approved by the City Council upon the City Council's finding that said improvements are public or public-related improvements.

F. For projects which involve the creation of new jobs for the residents of the city through relocation of new businesses or industries or the expansion of existing firms, the amount of financial assistance shall be related to the actual costs of job-specific, start-up training programs necessary to provide job applicants

with the specific job skills appropriate to the newly created employment opportunities. The city may provide financial assistance for some or all of said costs at its complete discretion. The maximum amount of financial assistance, however, shall be less than or equal to the verification of such actual costs, said verification to be determined by guidelines promulgated by the City Manager.

G. Money from the fund shall be used to support operations and staff salaries for the Office of Economic Development under an operational budget and guidelines promulgated by the City Manager and approved by the City Council in the manner for budgetary approval provided in the municipal code.

H. The City Council may authorize expenditures from the fund for the promotion of tourism and other services or programs related to attracting visitors to the City of Lakewood.

I. The City Council may, in its discretion, accomplish the purposes outlined in this chapter in cooperation with other local, state or federal entities or agencies through direct or participatory funding mechanisms approved by the City Council.

J. In addition to the projects specifically identified in this chapter, the City Council may authorize expenditures from the fund for projects which, in its judgment, advance the economic development goals of the city. Such projects may include, but are not limited to, economic studies, engineering studies, studies concerning the design and construction of public and public-related improvements and studies and activities related to the promotion of tourism and attraction of new businesses and industries into the city. (*Ord. O-89-58 § 4, 1989; Ord. O-87-78 § 1, 1987; Ord. O-87-65 § 1, 1987; Ord. O-85-54 § 1 (part), 1985*).

3.26.050 Procedural rules and regulations.

The following procedure shall be followed in considering requests for assistance from the fund:

A. The City Manager shall analyze the request for conformance with the criteria established pursuant to this chapter.

B. The City Manager shall forward the request to the City Council together with a recommendation regarding financial assistance for the project, which shall include suggested terms of participation.

C. The City Council may subsequently direct the City Manager to develop an agreement between the applicant and the city or a cooperating local, state or federal entity or agency which embodies such terms and conditions as the City Council deems appropriate for the disbursement of moneys from the fund.

D. The Council may authorize, by resolution, the City Manager to execute such agreement on behalf of the city.

E. The City Manager is authorized to promulgate administrative regulations to implement provisions contained herein applicable to the economic development fund. (*Ord. O-89-58 § 5, 1989; Ord. O-85-54 § 1 (part), 1985*).

F. This procedure shall not be applicable if the City Council has previously budgeted and appropriated funds for programs or expenditures for the purposes described in this Chapter 3.26, nor shall it be applicable to the grant of assistance or refunds in accordance with Section 3.01.085 or the waiver or reduction of fees in accordance with Section 14.02.040A.3 of the Lakewood Municipal Code. (*Ord. O-98-33 § 2, 1998*).

3.26.060 Criteria.

In addition to criteria established elsewhere in this chapter, all requests for assistance from the fund shall be evaluated according to criteria related to the city's economic development goals as promulgated by the City Manager. (*Ord. O-89-58 § 6, 1989; Ord. O-85-54 § 1 (part), 1985*).