

Parish of Calcasieu

State of Louisiana

Ordinance

ORDINANCE NO. 3286-A

AN ORDINANCE amending the Code of Ordinances of the Parish of Calcasieu, Louisiana, to establish policies and procedures for the Enterprise Zone Program.

BE IT ORDAINED BY THE POLICE JURY OF CALCASIEU PARISH, LOUISIANA, convened in regular session on the 6th day of February, 1992, that it does hereby amend Chapter 24 - Taxation, of the Code of Ordinances of the Parish of Calcasieu, Louisiana, by including a new article therein to establish policies and procedures for the Enterprise Zone Program, which shall read as follows:

ARTICLE IV. ENTERPRISE ZONE PROGRAM

Sec. 24-124. Intent of Program

To stimulate business and industrial growth and further diversify the Parish economy by the relaxation of governmental controls, by providing assistance to businesses and industries, and by providing tax incentives in these areas.

Sec. 24-125. Program Incentives

The Enterprise Zone Program is a package of tax credits and other incentives to businesses locating in specially-designated Enterprise Zones. Enterprise Zone incentives are in addition to any other State-sponsored incentives such as the ad valorem property tax exemption on manufacturing facilities and equipment, and the cost-free employee training program. An Enterprise Zone is an officially designated area of high-unemployment, low income, and/or an area where a large number of residents are receiving some form of public assistance. Any business, except residential-type development, can qualify for Enterprise Zone tax incentives. Manufacturing plants, service industries, and commercial operations are equally eligible. Companies moving into an Enterprise Zone, and companies located in an area, at the time the region is declared an Enterprise Zone, can both qualify.

A. Tax Credits

1. A one-time tax credit of \$2,500 for each net new employee (minimum of five within the first two years of the contract period) added to the payroll. The credit may be used to satisfy State

income and corporate franchise tax obligations. If the entire credit cannot be used in the year claimed, the remainder may be applied against the income tax or franchise tax for the succeeding ten taxable years, or until the entire credit is used, whichever occurs first.

2. In lieu of the tax credit of \$2,500, aviation and aerospace industries as defined in the 3720 and 3760 SIC (Standard Industrial Code) Title, are eligible for a one-time tax credit of \$5,000 for each net new employee (minimum of five within first two years of the contract period) added to the payroll. The credit may be used to satisfy State income and corporate franchise tax obligations. If the entire credit cannot be used in the year claimed, the remainder may be applied against income tax or franchise tax for the succeeding ten years, or until the entire credit is used, whichever occurs first.

B. Rebate of Certain Sales/Use Taxes

1. Rebate of all State sales/use taxes on materials used to construct or improve a building to house the proposed project.

2. Rebate of all State sales/use taxes on machinery and equipment used in the proposed project.

3. Rebate of Parish sales/use taxes paid on materials used to construct or improve a building to house the proposed project in accordance with rules and procedures attached hereto. For the purposes of this section, sales/use tax shall mean only those taxes collected on behalf of the Calcasieu Parish Police Jury with the exception of any sales/use tax which is either encumbered toward payment of bonded indebtedness, or which is impacted by the rebate calculations prescribed under the "Rules and Procedures" section of these policies.

4. Rebate of Parish sales/use taxes paid on machinery and equipment used to construct or improve a building to house the proposed project in accordance with rules and procedures attached hereto. For the purposes of this section, sales/use tax shall mean only those taxes collected on behalf of the Calcasieu Parish Police Jury with the exception of any sales/use tax which is either encumbered toward payment of bonded indebtedness, or which is impacted by the rebate calculations prescribed under the "Rules and Procedures" section of these policies.

Sec. 24-126. Application Process

A. The Calcasieu Parish Office of Planning and Development shall determine if the proposed project is located within an existing Enterprise Zone. Applicants should be prepared to provide the appropriate property description for the proposed project as well as background information to substantiate the need. In the event the proposed project is determined to be located

outside of an existing Enterprise Zone, the applicant may wish to pursue with the Director of Planning and Development the feasibility of alternative Enterprise Zones.

B. Once the project is determined to be Enterprise Zone eligible, the applicant must immediately file an advance notification form with the State Office of Commerce and Industry.

C. An application and site plan must next be submitted to the Calcasieu Parish Office of Planning and Development formally requesting the Calcasieu Parish Police Jury to adopt a resolution of endorsement for Enterprise Zone Endorsement for Enterprise Zone Participation. The application form may be obtained from the Office of Planning and Development, Parish Government Building, 1015 Pithon Street, Lake Charles, Louisiana. The site plan which must be to scale shall be submitted with the official application and shall include the following:

1. Property boundaries;
2. Project location within the property boundaries;
3. Existing zoning of the site;
4. Flood plain status of the site;
5. Project name;
6. Public water district and/or public fire district, if applicable;
7. Method of sewage disposal, of applicable; and
8. Any other information specifically requested by the Director of Planning and Development.

D. A cost reimbursement charge payable to the Department of Planning and Development will be assessed to cover staff time and expenses of the administrative review and evaluation of this application in accordance with the following sliding scale:

<u>Estimated Construction Amount</u>	<u>Charge</u>
\$500,000 and below	\$ 200.00
\$500,001 - \$2,000,000	\$ 400.00
\$2,000,001 - \$10,000,000	\$ 600.00
\$10,000,001 - \$50,000,000	\$ 800.00
Over \$50,000,000	\$1,000.00

Note: This charge for reimbursement of cost, in connection with the review of the application, must be submitted with the application and is non-refundable, and is in no way a pre-condition of the Parish's authorization for tax benefits under this program.

Sec. 24-127. Review and Evaluation Process

Upon submission of a completed application as determined by the Department of Planning and Development, said office will evaluate whether the applicant

adequately addressed the following area of concern (this listing is not all inclusive, but represents a typical base format for the evaluation):

(1) What Parish roads, if any, will be utilized to provide access to the project?;

(2) What Parish drainage system, if any, will be utilized to provide drainage for this project?;

(3) Is this site within a recognized Parish Industrial Area?

(4) Will the site be buffered and landscaped to protect neighboring landowners, if necessary or determined to be applicable?;

(5) How will the total amount of investment on the project compare to the amount anticipated to be expended for Calcasieu Parish materials, supplies, equipment and/or labor?

Sec. 24-128. Rules and Procedures

A. General Rules

1. Applicants are encouraged to maintain active membership in each of the following organizations, if applicable:

(a) Local Emergency Planning Commission (LEPC);

(b) Calcasieu Parish Community Awareness Emergency Response Commission (CAER); and

(c) Southwest Louisiana Mutual Aid Association.

2. Applicant shall also provide a certification that the project has secured the necessary federal and state permits to construct the project, or in the alternative, a certification that they will be secured.

3. The State of Louisiana requires that, in order to qualify for Enterprise Zone tax incentives, a company must be located in a designated Enterprise Zone and must recruit 35% of its new or expanded work force from among residents of that Enterprise Zone or of a contiguous Enterprise Zone. These requirements apply equally to companies moving into an Enterprise Zone for the first time and to those which may have been located in an Enterprise Zone at the time it was designated as such.

At the option of the company, workers in certain other categories who are not residents of an Enterprise Zone may be included in the work force for purposes of attaining the 35% employee requirement. These alternate categories include (a) the handicapped, (b) persons receiving some form of public assistance prior to employment, and (c) those lacking in basic skills are considered unemployable by traditional standards.

4. Filing procedures and rebate must meet the requirements as established by the Calcasieu Parish Sales and Use Tax Department.

5. The company must submit an Application for Endorsement to the Parish Office of Planning and Development at least sixty (60) days prior to beginning construction of its building, or any addition or improvement thereon, or prior to purchase of the machinery or equipment to be used.

6. The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

7. Within six months after construction has been completed, the owner of the establishment shall file, on the prescribed form, an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the on-site certification of applicable improvements and/or purchases which will be conducted by the Office of Planning and Development. Upon request by the Office of Planning and Development, a map showing the as-built location of all facilities claiming rebates in the project will be submitted in order that the property claiming rebates may be clearly identifiable.

8. Any company which applies must notify the Calcasieu Parish Office of Planning and Development, in writing, if there is any change in ownership, operation or scope.

9. With regard to Section IV (A) of the Application for Endorsement, the terminology "currently under citation for a Pollution Violation" shall refer to any compliance order, notice of violation, and/or fine received from either an agency of the United States Government or the State of Louisiana that is pending, or in effect, as of the date of the Application for Endorsement.

10. In addition to these rules and procedures, the applicant must comply with all laws and regulations set forth by the State of Louisiana and the Department of Commerce and Industry, relative to Enterprise Zones.

11. Upon completion of construction or purchases approved under the Parish's Enterprise Zone Program, the company must submit an affidavit certifying the number of new permanent positions created as a result of improvements made under the Enterprise Zone Program. The Parish reserves the right to verify this number through a confidential audit of the company's employment records performed by a member of the Parish's internal audit staff.

B. Rebate Calculations

1. The Calcasieu Parish Police Jury will rebate the Parish sales/use tax paid by the participating company in accordance with the following computation (rebate amount shall be the lesser of):

Actual Sales/Use Tax paid on Project

OR

The sum of \$2,500 rebate per new permanent job created up to 10 jobs

The sum of \$2,000 rebate per new permanent job created for the next 40 jobs

The sum of \$1,500 rebate per new permanent job created for next 50 jobs

The sum of \$1,000 rebate per new permanent job created over 100 jobs.

2. Notwithstanding the above computations, in no case will the rebate of sales/use taxes be less than 25% of the total net verifiable sales/use tax paid to the Calcasieu Parish Police Jury for applicable expenses of the approved project.

3. Likewise, under no circumstances will the Calcasieu Parish Police Jury rebate more sales/use tax to any business than the amount of verifiable sales/use tax paid by such business less the collection charges levied by the Calcasieu Parish School System.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon its adoption.

BE IT FURTHER ORDAINED that any action, resolution, ordinance, or part thereof, if conflict herewith, is hereby repealed.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

THUS DONE AND PASSED on the date above inscribed.

/s/ Charles S. Liggio, Sr.
Charles S. Liggio, Sr., President

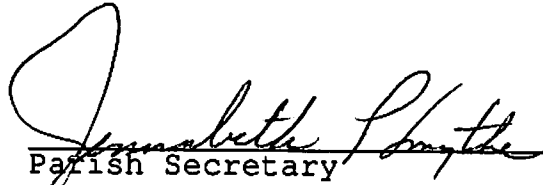
ATTEST:

/s/ Jennabeth P. Smythe
Jennabeth P. Smythe, Secretary

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CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Police Jury of Calcasieu Parish, Louisiana, convened in regular session on the 6th day of February, 1992.


Parish Secretary

Parish of  Calcasieu
State of Louisiana
Ordinance

ORDINANCE NO. 3291

AN ORDINANCE amending Ordinance No. 3286-A and Chapter 24, Article IV. Enterprise Zone Program, of the Code of Ordinances of the Parish of Calcasieu, Louisiana.

BE IT ORDAINED BY THE POLICE JURY OF CALCASIEU PARISH, LOUISIANA, convened in regular session on the 20th day of February, 1992, that it does hereby amend Chapter 24, Article IV. Enterprise Zone Program, Sec. 24-128. Rules and Procedures, A. General Rules, "6.", to read as follows:

6. The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins which, in either case, shall be no later than one year from the date of the enactment of the enterprise zone endorsement resolution for the project. Any project exceeding the one year from the date of endorsement to "beginning of construction" shall be required to reapply to the Police Jury for reactivation of the enterprise zone endorsement resolution.

BE IT FURTHER ORDAINED that Sec. 24-128. Rules and Procedures, A. General Rules, is hereby amended by adding the following paragraph to the provisions thereof:

12. The Office of Planning and Development is hereby further authorized to implement technical amendments to the application for enterprise zone endorsement and to make necessary administrative judgments relative to the Parish Enterprise Zone Program policies in order to carry out the general intent and purposes of this program.

BE IT FURTHER ORDAINED that Sec. 24-128. Rules and Procedures, is hereby amended by including the following subsection to the provisions thereof:

C. Interim Rebate Request

1. Upon submission of interim rebate request by a participating business, twenty-five (25%) of the net verifiable sales tax on such interim request will be rebated by the Parish within 45 days of receipt by the Parish of approved request from the Calcasieu Parish School Board.

2. At conclusion of the project, an audit will be performed by the Calcasieu Parish Police Jury's Finance Division verifying the number of new jobs created, and final payment will be made in accordance with calculations called for by Sec. 24-128. Rules and Procedures, B (1).

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon its adoption.

BE IT FURTHER ORDAINED that any action, resolution, ordinance, or part thereof, if conflict herewith, is hereby repealed.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

THUS DONE AND PASSED on the date above inscribed.

/s/ Charles S. Liggio, Sr.
Charles S. Liggio, Sr., President

ATTEST:

/s/ Jennabeth P. Smythe
Jennabeth P. Smythe, Secretary

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CERTIFICATE

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Police Jury of Calcasieu Parish, Louisiana, convened in regular session on the 20th day of February, 1992.

Jennabeth P. Smythe
Parish Secretary

Parish of Calcasieu State of Louisiana

ORDINANCE NO. 3629

AN ORDINANCE amending Article IV. Enterprise Zone Programs of Chapter 24 - Taxation, of the Code of Ordinances of the Parish of Calcasieu, Louisiana, relative to the enterprise zone program.

BE IT ORDAINED BY THE POLICE JURY OF CALCASIEU PARISH, LOUISIANA, convened in regular session on the 2nd day of March 1995, that it does hereby amend Chapter 24 - Taxation, Article IV. Enterprise Zone Programs, Sec. 24-145. Rules and Procedures, of the Code of Ordinances of the Parish of Calcasieu, Louisiana, as follows:

SECTION 1. Sec. 24-145. Rules and procedures, (a) General rules, paragraph (7), is hereby amended to read as follows:

- (7) Within six (6) months after construction has been completed, the owner of the establishment shall file, on the prescribed form, an affidavit of final cost showing complete cost of the project, together with a fee of one hundred (\$100.00) for the on-site certification of applicable improvements and/or purchases which will be conducted by the office of planning and development. The affidavit of final cost shall include a breakdown of total cost by contractor and subcontractor. Each contractor and/or subcontractor must be identified by both name and parish sales tax registration number. Upon request by the office of planning and development, a map showing the as-built location of all facilities claiming rebates in the project will be submitted in order that the property claiming rebates may be clearly identifiable.

SECTION 2. Sec. 24-145. Rules and procedures, is hereby amended by adding the following paragraph under (a) General Rules:

- (13) Any contractor and/or sub-contractor performing work on behalf of a parish-endorsed enterprise zone applicant shall register their contracts, prior to initiating construction, with the central parishwide collection agency for sales tax of Calcasieu Parish.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon adoption.

BE IT FURTHER ORDAINED that any ordinance or parts of any ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

This ordinance was adopted on the 2nd day of March, 1995.

/s/ Ray Campbell
Ray Campbell, President

/s/ S. Mark McMurry
S. Mark McMurry, Administrator &
Ex-Officio Secretary

CERTIFICATE

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of an ordinance, adopted by the Police Jury of Calcasieu Parish, Louisiana, convened in regular session on the 2nd day of March, 1995.

Parish Secretary

PARISH OF  CALCASIEU
State of Louisiana

ORDINANCE

ORDINANCE NO. 3967

AN ORDINANCE amending Article IV. Enterprise Zone Program of Chapter 24 - Taxation, of the Code of Ordinances of the Parish of Calcasieu, Louisiana.

BE IT ORDAINED BY THE POLICE JURY OF CALCASIEU PARISH, LOUISIANA, convened in regular session on the 2nd day of April, 1998, that it does hereby amend Article IV. Enterprise Zone Program of Chapter 24 - Taxation, of the Code of Ordinances of the Parish of Calcasieu, Louisiana, as follows:

SECTION 1. Subsection (1) *Tax credits*, of Sec. 24-142. Program Incentives, is amended to read as follows:

(1) *Tax credits*.

- a. A one-time tax credit of \$2,500 for each net new employee (minimum of five within the first 24 months of the effective date of the contract or the number of new jobs created must be a minimum of ten percent of the present workforce, whichever is less) added to the payroll. The credit may be used to satisfy state income and corporate franchise tax obligations. If the entire credit cannot be used in the year claimed, the remainder may be applied against the income tax or franchise tax for the succeeding ten taxable years, or until the entire credit is used, whichever occurs first.
- b. In lieu of the tax credit of \$2,500, aviation and aerospace industries as defined in the 3720 and 3760 SIC (Standard Industrial Code) Title, are eligible for a one-time tax credit of \$5,000 for each net new employee (minimum of five within the first 24 months of the effective date of the contract or the number of new jobs created must be a minimum of ten percent of the present workforce, whichever is less) added to the payroll. The credit may be used to satisfy state income and corporate franchise tax obligations. If the entire credit cannot be used in the year claimed, the remainder may be applied against income tax or franchise tax for the succeeding ten years, or until the entire credit is used, whichever occurs first.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon adoption.

BE IT FURTHER ORDAINED that any ordinance or parts of any ordinance in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

THUS PASSED AND ADOPTED on the date above inscribed.

/s/ Sandra J. Treme, President

/s/ S. Mark McMurry, Administrator &
Ex-Officio Secretary

* * * * *

CERTIFICATE

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of an ordinance, adopted by the Police Jury of Calcasieu Parish, Louisiana, convened in regular session on the 2nd day of April, 1998.

Parish Secretary