

RESOLUTION 2022-08-18-0036R

**AUTHORIZING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY TO AFFIRM THE CITY'S ADMINISTRATIVE AUTHORITY OVER A PROJECT AREA TO BE DESIGNATED AS A TEXAS ENTERPRISE ZONE PROJECT BY BEXAR COUNTY; APPROVING BEXAR COUNTY'S NOMINATION TO THE STATE OF TEXAS OF THE PROJECT AREA AS A TEXAS ENTERPRISE ZONE.**

\* \* \* \* \*

**WHEREAS**, Chapter 791 of the Texas Government Code authorizes the formulation of interlocal cooperation agreements between and among municipalities and counties for the performance of governmental functions; and

**WHEREAS**, Bexar County is seeking to nominate Marathon Petroleum Company, LP, which are a downstream energy company headquartered in Findlay, Ohio, with thirteen gasoline refineries in the United States, to the State as a Texas Enterprise Zone Project; and

**WHEREAS**, Texas Government Code §2303.004 requires that before a county makes a nomination of a Texas Enterprise Zone Project, the nominating county must enter into an interlocal agreement with the municipality that has jurisdiction of the territory in which the nominated project or activity will be located and that both the nominating county and municipality approve the nomination; and

**WHEREAS**, the Marathon Petroleum Company, LP, Texas Enterprise Zone Project will be located within the jurisdiction of the City of San Antonio, specifically at 19100 Ridgewood Parkway, San Antonio, Bexar County, Texas; and

**WHEREAS**, the authorization of the Interlocal Agreement and the approval of Bexar County's nomination to the State of Texas of the project area as a Texas Enterprise Zone shall not be considered a nomination from the City's allotment of designations under Section 2303.406 of the Texas Government Code; **and NOW THEREFORE:**


**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Council authorizes the City Manager or designee to execute an Interlocal Agreement with Bexar County as required by Texas Government Code §2303.004 for the nomination of Marathon Petroleum Company, LP as a Texas Enterprise Zone Project, and approves Bexar County's nomination to the State of Texas of the project area as a Texas Enterprise Zone.

**SECTION 2.** A copy of the Agreement in substantially final form is attached hereto and incorporated herein for all intents and purposes as **Exhibit I**.

**SECTION 3.** This Resolution is effective immediately upon the receipt of eight affirmative votes, otherwise, it is effective ten days after passage.

**PASSED AND APPROVED** this 18<sup>th</sup> day of August 2022.




M A Y O R  
Ron Nirenberg

**ATTEST:**



Debbie Racca-Sittre, City Clerk

**APPROVED AS TO FORM:**



Andrew Segovia, City Attorney



## City of San Antonio

### City Council Meeting August 18, 2022

19.

2022-08-11-0036R

Resolution approving an Interlocal Agreement between the City of San Antonio and Bexar County affirming the City's administrative authority over a project area in the city to be designated as a Texas Enterprise Zone (TEZ) Project by Bexar County, and approving Bexar County's nomination to the State of Texas of the Marathon Petroleum Company LP (Marathon) project area as a TEZ Project. [Alejandra Lopez, Assistant City Manager; Brenda Hicks-Sorensen, Director, Economic Development]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Rocha Garcia seconded the motion. The motion carried by the following vote:

**Aye:** Nirenberg, Bravo, McKee-Rodriguez, Rocha Garcia, Castillo, Cabello  
Havrda, Sandoval, Pelaez, Courage, Perry

**Absent:** Viagran

## **EXHIBIT 1**



STATE OF TEXAS	§	INTERLOCAL AGREEMENT
	§	FOR NOMINATING
	§	MARATHON PETROLEUM COMPANY, LP
COUNTY OF BEXAR	§	TO THE OFFICE OF THE GOVERNOR

**THIS INTERLOCAL AGREEMENT** (hereafter referred to as "the Agreement" or "this Agreement") for nominating Marathon Petroleum Company, LP ("Marathon") a Delaware Limited Partnership, authorized to do business in Texas as an Enterprise Project pursuant to nomination and application made by the County of Bexar, Texas, to the Office of the Governor. This Agreement is by and between the City of San Antonio, Texas, a Texas Home Rule Municipality (the "City") and the County of Bexar, a political subdivision of the State of Texas (the "County"), acting by and through its officers, hereto duly authorized. City and County singularly or collectively shall be referred to herein as "Party" or "the Parties." This Agreement is entered into by the City and the County pursuant to the authority granted by the provisions of the Interlocal Cooperation Act, Texas Government Code, Chapter 791. This Agreement is intended to further the purpose of the Interlocal Cooperation Act by increasing the efficiency and effectiveness of local governments.

**WITNESSETH**

**WHEREAS**, the Commissioners Court of the County previously adopted an order after a public hearing held on February 21, 2012, electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined therein; and

**WHEREAS**, the order so adopted was filed with the Bexar County Clerk and can be located at Volume 902, page 376 therein, a copy of which is attached and incorporated hereto as **Exhibit I**; and

**WHEREAS**, the nominated project or activity will be performed by Marathon located at 19100 Ridgewood Parkway, San Antonio, Bexar County, Texas; and

**WHEREAS**, the County desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises and to provide employment to residents of the County; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act (the "Act"), the nominating county must enter into an interlocal agreement with the municipality that has jurisdiction of the territory in which the nominated project or activity will be located; and

**WHEREAS**, MARATHON is a "qualified business," as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303 of the Act; and

**WHEREAS**, the City has jurisdiction of the territory in which the nominated project will be located and is the governmental body having administration authority under Section 2303.201 of the Act and both Parties approve the nomination; and

**WHEREAS**, the Parties are requesting the Office of the Governor, Economic Development and Tourism through the Economic Development Bank will consider Marathon, authorized to do business in Texas, an Enterprise Project pursuant to nomination and application made by the County;

**NOW, THEREFORE**, in consideration of the mutual covenants and agreement stated herein, the Parties agree as follows:

#### **ARTICLE I. PURPOSE**

- 1.01 The purpose of this Agreement is to comply with the legal requirements of the Act of the Texas Government Code. The City is approving the nomination of Marathon by the County as required by the Act, but is not utilizing one of its nominations to nominate Marathon.
- 1.02 The City is the governing body which has the administration authority under Section 2303.201 of the Act, which states that the governing body of an enterprise zone is the governing body of the municipality or county with jurisdiction over the area designated as an enterprise zone.
- 1.03 Both the County in which the project or activity is located, and the City in whose jurisdiction the project or activity is located approve the nomination of Marathon pursuant to Section 2303.004(c) of the Act, and said nomination is to be considered a part of County's allocated Enterprise Project designations; City is not utilizing one of its nominations to nominate Marathon.
- 1.04 The nominated project or activity will be performed by Marathon Petroleum Company, LP located at 19100 Ridgewood Parkway, San Antonio, Bexar County, Texas.

#### **ARTICLE II. TERM**

- 2.01 Except as otherwise provided herein, this Agreement shall commence upon the execution date of the last signatory party to the Agreement and shall end upon five years from the date Marathon is designated as an Enterprise Project.

### **ARTICLE III. MULTIPLE COUNTERPARTS**

3.01 This Agreement may be executed in separate identical counterparts by the Parties hereto and each counterpart, when so executed and delivered, shall constitute an original instrument and all such separate identical counterparts shall constitute but one and the same instrument.

EXECUTED IN TRIPLICATE ORIGINALS, each of which shall have the full force and effect of an original, on this \_\_\_\_ day of \_\_\_\_\_, 2022.

#### **CITY OF SAN ANTONIO, TEXAS**

By: \_\_\_\_\_  
ERIK WALSH  
City Manager

Date: \_\_\_\_\_

#### **ATTEST:**

\_\_\_\_\_  
DEBBIE RACCA-SITTRE  
City Clerk

#### **APPROVED AS TO FORM:**

\_\_\_\_\_  
ANDREW SEGOVIA  
City Attorney



## COMMISSIONERS COURT AUTHORIZATION

This Agreement was approved by Order of the Commissioners Court dated this the \_\_\_\_, day of \_\_\_\_\_ 2022 authorizing the County Judge to execute this Agreement on behalf of County.

IN WITNESS WHEREOF, this Agreement is executed in triplicate originals effective this \_day\_ of \_\_\_\_\_, 2022.

## COUNTY OF BEXAR, TEXAS

\_\_\_\_\_  
NELSON W. WOLFF  
County Judge

Date: \_\_\_\_\_

## ATTEST:

\_\_\_\_\_  
LUCY ADAME-CLARK  
County Clerk



**APPROVED AS TO LEGAL FORM:**

Criminal District Attorney  
County of Bexar, Texas

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GERARD A. CALDERON

Assistant Criminal District Attorney, Civil Section

**APPROVED AS TO FINANCIAL CONTENT:**

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LEO S. CALDERA, CIA, CGAP

County Auditor

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DAVID SMITH

County Manager

**APPROVED:**

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DEBORAH CARTER

Executive Director, Economic and Community Development

**EXHIBIT 1**  
**BEXAR COUNTY ORDER**

(ATTACHED)

