

Ordinance No. 20-O-16

AN ORDINANCE AMENDING THE CODE OF GENERAL ORDINANCES OF THE CITY OF TALLAHASSEE, FLORIDA, CONCERNING THE CITY OF TALLAHASSEE COMMUNITY REDEVELOPMENT AGENCY; AMENDING SECTION 6-52 CONCERNING DESIGNATION OF THE BOARD OF COMMISSIONERS; AMENDING CHAPTER 6, ARTICLE III, RELATING TO THE REDEVELOPMENT TRUST FUND; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA, AS FOLLOWS:

Section 1. Section 6-52 of the Code of General Ordinances is hereby amended to read as follows:

Sec. 6-52. - Designation of agency; appointment of commissioners; appointment of agency chairman and vice-chairman.

(a) The community redevelopment agency shall be governed by a board of commissioners consisting of the mayor; and the four members of the city commission ~~and four members of the county commission~~.

~~(b) —The board of county commissioners of the county shall appoint the four members of the county commission pursuant to a procedure and for terms chosen and implemented by the board of county commissioners of the county.~~

~~(c)~~ (b) The city commission authorizes the agency to annually designate the chairman and vice-chairman of the agency.

Section 2. Chapter 6, Article III, Sections 6-91, 6-94, 6-95, 6-96, and 6-97 of the Code of General Ordinances is hereby amended to read as follows:

ARTICLE III. - COMMUNITY REDEVELOPMENT TRUST FUND

Sec. 6-91. - Established.

(a) There is hereby established and created, in accordance with the provisions of F.S. ch. 163, pt. III (the Redevelopment Act), the Greater Frenchtown/Southside Community Redevelopment Trust Fund (Greater Frenchtown/Southside Trust Fund) for the Greater Frenchtown/Southside Community Redevelopment Area, which fund shall be utilized and expended for the purpose of and in accordance with the Greater Frenchtown/Southside redevelopment plan, including any amendments or modifications thereto approved in

accordance with the Redevelopment Act, and including any community redevelopment as that term is defined in F.S. § 163.340, as may from time to time be amended, under the redevelopment plan.

(b) There is hereby established and created, in accordance with the provisions of the Redevelopment Act, the Downtown District Community Redevelopment Area Trust Fund (Downtown District Trust Fund) for the Downtown District Community Redevelopment Area (Downtown District), which fund shall be utilized and expended for the purpose of and in accordance with the Downtown District redevelopment plan, including any amendments or modifications thereto approved in accordance with the Redevelopment Act ~~and in accordance with the Interlocal Agreement between the City of Tallahassee, Leon County, and the Community Redevelopment Agency (approved June 23, 2004) regarding the creation and operations of the Downtown District and the expansion of community redevelopment areas (2004 Interlocal Agreement);~~ and including any community redevelopment as that term is defined in F.S. § 163.340, as may from time to time be amended, under the redevelopment plan.

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Sec. 6-94. - Tax increment.

(a) For the Greater Frenchtown/Southside Community Redevelopment Area, there shall be paid into the community redevelopment trust fund each year by each of the taxing authorities, ~~as that term is defined in F.S. § 163.340, levying ad valorem taxes within the community redevelopment area, as provided by the Redevelopment Act, that amount as provided by in F.S. § 163.387, as may from time to time be amended, or as otherwise provided by interlocal agreement between the City of Tallahassee, the Community Redevelopment Agency and Leon County. provided that amount equal to 95 percent of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with section 6-95 and the Redevelopment Act, based on the base year established in section 6-95.~~ Such annual amount will be known as the tax increment.

(b) ~~For the Downtown District shall be funded as follows: there shall be paid into the community redevelopment trust fund each year by each of the taxing authorities levying ad valorem taxes within the community redevelopment area, as provided by the Redevelopment Act, that amount as provided by in F.S. § 163.387, as may from time to time be amended, or as otherwise provided by interlocal agreement between the City of Tallahassee, the Community Redevelopment Agency and Leon County. Such annual amount will be known as the tax increment.~~

(1) ~~—For taxing authorities other than the city and the county, there shall be paid into the Downtown District Trust Fund each year by each of the taxing authorities, as that term is defined in F.S. § 163.340, levying ad valorem taxes within the community redevelopment area, that amount equal to 95 percent of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with section 6-95 and the Redevelopment Act, based on the base year established in section 6-95. Such annual amount will be known as the tax increment.~~

(2) —Pursuant to the 2004 Interlocal Agreement, Leon County shall pay \$15,000,000.00 and the city shall pay \$13,000,000.00, by September 30, 2005, to the Downtown District Trust Fund. If these payments are made prior to September 30, 2005, then the entity making the payment will be relieved from any future increment revenue payments required to be made to the Downtown District.

(3) —Based on the need for the funding of projects approved by the Project Review Committee and other permitted uses of Downtown District Trust Fund monies as addressed in the 2004 Interlocal Agreement, the Community Redevelopment Agency shall make written demand on the city and county for payment into the Downtown District Trust Fund of all or a portion of the outstanding balance owed, which may be due after September 30, 2005. Any such partial payment shall be in the respective percentages of the total obligation set forth above. Such payment shall be made, with accrued interest, within 180 days of notice by the Community Redevelopment Agency. The Project Review Committee shall be that committee created in the 2004 Interlocal Agreement.

(4) —In the event the Community Redevelopment Agency does not demand payment of the full agreed upon amount prior to September 30, 2005, interest on the outstanding balance will be paid into the Trust Fund on October 1 of each year in which payment is deferred, accruing at 4.50 percent or the annual Consumer Price Index rate in effect on October 1 of each year, whichever is greater.

(5) —Until the principal and all accrued interest, if any, of the agreed amounts are paid (Leon County - \$15,000,000.00; City - \$13,000,000.00), the city and Leon County shall pay annually the increment revenue to the Downtown District Trust Fund. The Community Redevelopment Agency will remit to the account designated by Leon County the increment amount attributed to the EMS Municipal Services Taxing Unit and the Indigent Health Care Municipal Services Taxing Unit collected within the Downtown District. Such remittance will be made within ten calendar days of receipt of payment by the Community Redevelopment Agency. The remaining amount contributed by each entity will be applied to the outstanding balance owed by that entity, including interest owed as described above.

(6) —Pursuant to the 2004 Interlocal Agreement, if either the city or Leon County desires to finance its required contribution or any portion thereof through the issuance of debt secured by increment revenue collected within the Downtown District, the Community Redevelopment Agency shall, upon the request of such party, authorize, approve, and execute such documents as are necessary to authorize and permit that party to issue debt and pledge the increment revenue for the repayment of that debt, including the payment of debt service and cost of issuance.

(7) —Once the total amount owed is paid off by either party, that party shall be fully relieved of any obligation to remit increment revenue to the Community Redevelopment Agency or the Downtown District Trust Fund.

Sec. 6-95. - Base year value. Reserved

(a) —For the Greater Frenchtown/Southside Community Redevelopment Area, the most recently approved tax roll prior to June 28, 2000, used in connection with the taxation of real property in the Greater Frenchtown/Southside Community Redevelopment Area

shall be the real property assessment roll of the county, reflecting the valuation of real property for purposes of ad valorem taxation as of January 1, 1999, the base year value, and submitted to the state department of revenue pursuant to F.S. § 193.1142, and all deposits into the Greater Frenchtown/Southside Trust Fund shall be in the amount of tax increment calculated as provided in section 6-96 based upon increases in valuation of taxable real property from the base year value.

(b) —For the Downtown District, the most recently approved tax roll prior to June 23, 2004, used in connection with the taxation of real property in the Downtown District shall be the real property assessment roll of the county, reflecting the valuation of real property for purposes of ad valorem taxation as of January 1, 2003, the "base year value", and submitted to the state department of revenue pursuant to F.S. § 193.1142, and all deposits into the Downtown District Trust Fund shall be in the amount of tax increment calculated as provided in section 6-96 based upon increases in valuation of taxable real property from the base year value.

Sec. 6-96. - Determination of tax increments.

The tax increment for each Community Redevelopment Area shall be determined annually by each taxing authority and shall be calculated in accordance with section 6-94 based on that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by all the taxing authorities, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of each community redevelopment area; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in each community redevelopment area as shown upon the assessment roll used in connection with the taxation of such property by each taxing authority, prior to adoption of the ordinance establishing the trust fund for each community redevelopment area, or, for properties within an expansion area, prior to adoption of the resolution providing for expansion of a community redevelopment area.

Sec. 6-97. - Annual appropriation.

~~Except as provided in section 6-94 as it relates to the Downtown District, e~~Each taxing authority shall annually appropriate to and cause to be deposited in the appropriate community redevelopment trust fund the tax increment determined pursuant to the Redevelopment Act and section 6-96 at the beginning of each fiscal year thereof as provided in the Redevelopment Act. The obligation of each taxing authority to annually appropriate the tax increment for deposit in each trust fund shall commence immediately upon adoption of the ordinance establishing the trust fund for each community redevelopment area, and continue to the extent permitted by the Redevelopment Act until all loans, advances and indebtedness, if any, and interest thereon, incurred by the redevelopment agency as a result of community redevelopment in the community redevelopment areas have been paid.

Section 3. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee Code in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

INTRODUCED in the City Commission on the 11th day of March, 2020.

PASSED by the City Commission on the 8th day of April, 2020.

CITY OF TALLAHASSEE

By: _____
John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
James O. Cooke, IV
City Treasurer-Clerk

By: _____
Cassandra K. Jackson
City Attorney