

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING PINELLAS COUNTY CODE SECTION 38-61 RELATED TO THE CITY OF ST. PETERSBURG REDEVELOPMENT TRUST FUND FOR THE INTOWN REDEVELOPMENT PLAN; PROVIDING FOR A MAXIMUM PAYMENT OF COUNTY FUNDS TO THE INTOWN REDEVELOPMENT TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Legislature of Florida has enacted the Community Redevelopment Act of 1969, as amended, and codified as Part III, Chapter 163, Florida Statutes (the "Redevelopment Act"); and

WHEREAS, all powers arising through the Redevelopment Act were conferred by that Act upon counties which have adopted home rule charters, which counties in turn are authorized to delegate such powers to municipalities within their boundaries when such municipalities desire to undertake redevelopment within their respective municipal boundaries; and

WHEREAS, the BOARD, by its Ordinance No. 82-24, dated August 3, 1982, approved the Intown Redevelopment Plan submitted to the Board and the creation of the redevelopment trust fund by the CITY COUNCIL, and provided for the appropriation of tax increment revenues of the County to the redevelopment trust fund; and

WHEREAS, amendments to the Intown Redevelopment Plan approved by the Board of County Commissioners on Sept 14, 2017 established a total TIF contribution by the Parties for approved projects including cost of issuance and interest in an amount not to exceed \$190, 984, 882.; and

WHEREAS, the BOARD previously approved the Intown Redevelopment Plan in Section 1, County Ordinance 82-24; and

WHEREAS, the BOARD previously approved Ordinance 05-25 approving the issuance of bonds or other indebtedness which do not extend beyond April 7, 2020, subject to the requirements of Section (d)(2)e, not to exceed \$95.4 million for projects identified in Table 2B of the Intown Redevelopment Plan, to be repaid with tax increment revenues; and

WHEREAS, the Board previously approved in 2010 the "Second Amendment to the Interlocal Agreement between the City of St. Petersburg and Pinellas County for the Commitment of Tax Increment Revenues in the Intown Redevelopment Area" which resulted in a net increase of \$2 million to the approved project list of the Intown Redevelopment Plan, increasing the total project costs from \$95.4 million to \$97.4 million; and

WHEREAS, on June 2, 2015 the St. Petersburg City Council and Pinellas County Board of County Commissioners executed an "Interlocal Agreement between the City of St. Petersburg

and Pinellas County for Governance of the South St. Petersburg Community Redevelopment Area”, which *inter alia* specified amendments to the Intown Redevelopment Plan and related Interlocal Agreement in order to effectuate establishment of the South St. Petersburg CRA Redevelopment Trust Fund; and

WHEREAS, the City of St. Petersburg City Council approved Ordinance 192-H on September 3, 2015 approving amendments to the Intown Redevelopment Plan increasing the redevelopment program budget by \$20 million to fund improvements identified in the Downtown Waterfront Master Plan for the Pier District, updated descriptions to reflect current conditions on downtown blocks, updated maps and graphics, amended Appendix A to contain a summary of the Intown Redevelopment Plan’s legal documents, and corrected scrivener’s errors; and

WHEREAS, the City of St. Petersburg City Council approved on September 3, 2015, by Resolution 2015-398, “The Fourth Amendment to the Interlocal Agreement between the City of St. Petersburg and Pinellas County, Florida for the Commitment of Tax Increment Revenues in the Intown Community Redevelopment Area Dated April 21, 2005” decreasing Pinellas County’s annual tax increment contribution to the Intown CRA Redevelopment Trust Fund from ninety five percent (95%) to eighty-five percent (85%) beginning January 1st, 2016; and

WHEREAS, the Board approved on Sept. 10, 2015 amendments to Sec 38-61. -1982 plan and trust fund for the City of St. Petersburg reducing the County’s contribution to the Intown Redevelopment Trust Fund to eighty-five percent (85%) beginning January 1st 2016.

WHEREAS, on Sept 14, 2017, the Board approved the Amended and Re-stated Interlocal Agreement Between the City of St. Petersburg and Pinellas County Florida for the Commitment of Tax Increment Revenues in the Intown Redevelopment Area, and associated amendments to the Intown Redevelopment Plan; and

WHEREAS, the Board desires to incorporate those agreed upon changes to the Interlocal Agreement into the Sec 38-61. – 1982 plan and trust fund for the City of St. Petersburg;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY FLORIDA THAT:

SECTION 1. Pinellas County Code, Sec. 38-61 – 1982 plan and trust fund for the City of St. Petersburg, is hereby amended as follows:

Sec. 38-61. - 1982 plan and trust fund for City of St. Petersburg.

- (a) The creation of the redevelopment trust fund by the City of St. Petersburg, Florida, for the intown redevelopment area (the "fund") is hereby approved.
- (b) The county shall annually pay to the City of St. Petersburg for deposit to the fund a sum equal to the increment in the income, proceeds, revenues, and funds of the county derived from or held in connection with the intown redevelopment area, for the use of St. Petersburg's Community Redevelopment Agency in its undertaking and carrying out of the intown

redevelopment plan. The increment shall be determined annually and shall be that amount equal to ~~95-85~~ percent of the difference between paragraphs (b)(1) and (b)(2) below:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage on existing or future bonded indebtedness, on taxable real property contained within the geographic boundaries of the intown redevelopment area; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the taxes levied each year by or for each such taxing authority, exclusive of any debt service millage on existing or future bonded indebtedness, upon the total of the assessed value of the taxable property in the intown redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each such taxing authority prior to the effective date of Ordinance 82-24 providing for the appropriation to the trust fund.
- (3) In calculating the increment, the amount of the ad valorem taxes levied based on the county-wide debt service on existing or future county bonds shall be totally excluded from the calculation. All increments in this amount shall continue to be used for its voter-approved purposes and shall not be appropriated in any part of the fund. Any adjustments made in the appropriation will be based upon the final extended tax roll.
- (4) The city and county may enter into an interlocal agreement to establish how tax increment revenues may be spent so long as those expenditures are not inconsistent with the redevelopment act.

~~(5) Beginning January 1, 2016, the increment shall be that amount equal to 85 percent of the difference between the amounts calculated in paragraphs (b)(1) and (b)(2) of above.~~

- (c) Subject to the limitations provided herein, the county shall annually budget, appropriate and pay to the fund the tax increment due the fund prior to April 1 of each taxable year. The county's obligation to annually budget and appropriate on or before October 1 and pay over to the fund by April 1 of each year shall commence immediately upon the effective date of Ordinance No. 05-25 and continue ~~until all loans, advances and indebtedness incurred as the result of the intown redevelopment plan have been paid~~ until such time as the contributions made by the Parties (Pinellas County and the City of St. Petersburg) have reached the amount set forth in (d) (1) below. The county's increment contributions are to be accounted for as a separate revenue within the fund but may be combined with other revenues for the purpose of paying debt service. In no year shall the county's obligation to the fund exceed the amount of that year's tax increment as determined in subsection (b). ~~With the exception of the financing reflected in attachment A to Ordinance No. 05-25, no new sale of bonds or indebtedness supported by tax increment revenues may occur nor may existing indebtedness so supported be refunded without approval of the board of county commissioners before 2020, except as otherwise approved as provided in subsection (d)(2)e. Said approval may be granted by resolution or interlocal agreement.~~ Furthermore, there shall be no reimbursement of city payments from any funding source to existing projects made prior to adoption of the ordinance from which this section derives. In no event shall the contribution of tax increment revenues as provided in Table 2 to the intown redevelopment plan supplant funding otherwise provided

by city, state, federal or private sources as set out in the "Other Potential Funding Sources" column to the projects in Table 2 to the intown redevelopment plan.

(d) Duration of the fund.

(1) The county's obligation to annually appropriate to the fund shall commence immediately upon the effective date of Ordinance No. 05-25 (April 7, 2005) and continue until ~~the earlier of April 7, 2032, or until all loans, advances and indebtedness incurred as the result of the plan, and approved by the board have been paid, subject to subsection (d)(2) below.~~ the total contributions made by the Parties for the Projects as set forth in the Intown Redevelopment Plan (including cost of issuance and interest on debt service) is one hundred ninety million nine hundred eighty four thousand eight hundred eighty two dollars (\$190,8984,-882.00).

(2) Fifteen-year review. Notwithstanding the duration of the fund established in subsection (d)(1), above, on or before April 7, 2020, the county may review its tax increment contribution to the fund to determine whether given the totality of the circumstances, it continues to be prudent to dedicate the county portion of the tax increment revenues at the existing level, beyond 15 years, provided that there shall be no reduction in the dedication of tax increment revenues for as long as there are unpaid loans, advances or indebtedness approved as provided herein and secured by the county's tax increment revenues. The county may continue the contribution, eliminate it or reduce it, ~~except as otherwise provided in subsection (d)(2)f.~~ Any reduction or elimination may require the city to seek additional funding sources for the redevelopment plans and projects that will be in addition to any tax increment financing.

a. Redevelopment conditions for 15-year tax increment financing (sometimes hereinafter referred to as "TIF") review. The success of the plan relies on significant private investment in residential, employment and retail uses so that the community redevelopment area is marketable. Absent realizing this investment, the plan is not succeeding. The following are the performance criteria:

1. Performance of TIF revenues.

- i. During the 15-year review period, do the annual TIF revenues collected compare to the estimated revenues.
- ii. Measures: Collected TIF revenues (per property appraiser and tax collector).

2. Implementation of intown redevelopment plan.

- i. During the 15-year review period, how has the city performed in implementing the intown redevelopment plan with particular emphasis on use of TIF funds in implementation.
- ii. Measures.
 - a. Capital projects built or substantially completed compared to the intown redevelopment projects of the intown redevelopment plan; and

CRA programs and programs outlined in the plan implementation chapter the intown redevelopment plan.

- b. Changes in employment opportunities in the intown/CRA comparing year 2005 to the year 2020.
3. Effectiveness of intown redevelopment plan at mitigating blighting influence.
 - i. During the 15-year review period, do the actions implementing the intown redevelopment plan have the desired effect of redeveloping the CRA.
 - ii. Measures.
 - a. A comparison, from the year 2005 to year 2020, of the changes in the median household income in the intown redevelopment area to the citywide median household income.
 - b. A comparison of the land-value to improvement-value in the intown redevelopment area from year 2005 to year 2020.
 - c. A comparison of the changes, from year 2005 to year 2020, in the percentage of land in the intown redevelopment area that is devoted to surface parking, or is vacant, or is otherwise underutilized.
 - d. A comparison of the percentage of deteriorated or dilapidated structures in the intown redevelopment area from the year 2005 to year 2020.
 - b. The city shall submit all data and analysis to the county as well as additional data requested by the county to perform for the 15-year review no later than October 1, 2019.
 - c. The board of county commissioners shall complete its review prior to April 7, 2020, and shall notify the city in writing by April 7, 2020, if it intends to eliminate or reduce the amount and/or duration of the county's tax increment contribution as permitted herein. In the absence of such notification, the contribution shall continue as provided herein.
 - ~~d. Notwithstanding the review provision set forth above, the city may at any time bring requests for approval of the issuance of bonds or other indebtedness pledging the county's share of tax increment revenue to the board for consideration.~~
 - ~~e. It is the intention of the city and county to complete the projects to the greatest extent possible within the 15 year review period and without incurring avoidable financing costs by utilizing the tax increment revenue stream proceeds. Notwithstanding any provision herein to the contrary, the city may incur additional debt, including any refundings thereof, beyond that reflected in Attachment A and beyond the year 2020, but not beyond 2032, without board approval, providing the following conditions, as may be supplemented by interlocal agreement between the county and city, are met:~~
 - ~~1. The county and city financial advisors agree, by written notice to the county and city that: (i) based on the historical receipt of tax increment revenues, the term of the debt is the shortest reasonable length of time to obtain debt financing to complete the~~

~~projects and ensure the payment of all indebtedness from tax increment revenues without reliance on other revenues; and (ii) the type of debt instrument proposed to finance the completion of the projects from available tax increment revenues is the most cost effective debt instrument, based upon then current market conditions; and (iii) the transaction has been structured so that the bonds or other indebtedness is callable, as is customary in the market, from tax increment revenues; and (iv) the financing has been structured to satisfy any other requirements as may be agreed to by the county and city by interlocal agreement;~~

- ~~2. If the county and city financial advisors do not agree on any matter which requires their agreement in this subsection (d)(2)e., then the county and city financial advisors shall jointly choose a third financial advisor who shall determine whether the proposed indebtedness meets the requirements of this subsection (d)(2)e. on which the financial advisors are required to agree. The third financial advisor's opinion shall be binding on the parties. If the county and city financial advisors do not agree on a third financial advisor, then either party may petition the court to determine whether the requirements of this subsection (d)(2)e. on which the financial advisors are required to agree, have been met.~~
- ~~3. The county's obligation to appropriate tax increment revenues under this section, subject to the foregoing conditions being met, shall terminate the earlier of (i) April 7, 2032, or (ii) at such time as the \$117.354 million dollars of funding required for the projects, plus related financing costs, has been repaid, and no refunding thereof shall extend the maturity beyond April 7, 2032, without board approval.~~
- ~~4. The city shall provide written notification of the terms of any financing authorized herein along with a report of the financial advisors' approvals to the board at least 30 days prior to the adoption of any ordinance or resolution by the city authorizing any such financing.~~
- ~~f. In the event the city incurs additional financing pursuant to the provisions set forth in subsection (d)(2)e. above, obligating the county's tax increment revenues beyond 2020, the provisions of subsection (d)(2)e. remain in effect and such reports shall be provided by the city; however, the county's ability to adjust the increment shall not occur to the extent that the county's share of tax increment revenues are pledged to any existing indebtedness authorized as provided in subsection (d)(2)e.~~

~~g. Any financing mechanism utilized by the city, and not meeting the conditions set forth in subsection (d)(2)e. above, which would obligate the county to tax increment contributions beyond 2020 must be approved by the board.~~

(e) Review and audit.

- (1) Copies of reports of audits required by F.S. § 163.387(8) shall be provided to the board of county commissioners each fiscal year.
- (2) Review and approve annual progress reports to be prepared by the city, with a due date coinciding with the monthly date of this section. The reports shall detail the relationship between accomplishments of the redevelopment program and those projects that are proposed in the redevelopment plan ultimately adopted by the city.

