

ORDINANCE NO. 23- 5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, APPROVING THE CREATION OF A REDEVELOPMENT TRUST FUND BY THE CITY OF CLEARWATER FOR THE NORTH GREENWOOD COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE APPROPRIATION OF TAX INCREMENT REVENUES OF THE COUNTY TO SAID REDEVELOPMENT TRUST FUND; PROVIDING FOR THE DURATION OF THE TAX INCREMENT FINANCING; PROVIDING FOR A MID-TERM ASSESSMENT INCLUDING THE POTENTIAL TO SHORTEN THE DURATION AND REDUCE TAX INCREMENT FUNDING; PROVIDING CRITERIA FOR REVIEW FOR CONTINUED FUNDING; PROVIDING FOR CONSTRUCTION, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature duly enacted Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or "Act") establishing the conditions and procedures for the establishment of community redevelopment areas and agencies; and

WHEREAS, all powers arising through the Act were conferred 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, Pinellas County, Florida (the "County") and the City of Clearwater, Florida ("Clearwater") mutually desire to increase the ad valorem tax base of the County and the City; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida (the "Board"), by its Resolution No. 81-466 dated June 30, 1981, delegated to the City Council of the City of Clearwater, Florida, the power and authority to conduct redevelopment activities as defined in the Redevelopment Act; and

WHEREAS, the Clearwater City Council, by its Resolution No. 81-68 dated August 6, 1981, declared the Clearwater City Council to be the Community Redevelopment Agency; and

WHEREAS, the City Council of the City of Clearwater (the "Clearwater City Council") adopted Resolution No. 20-52 on October 14, 2020, finding that specific conditions of blight existed in the North Greenwood area of the City, and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area would serve and protect the public health, safety, morals, and welfare of its residents; and

WHEREAS, the Board adopted Resolution No. 21-30 on May 11, 2021, making a Finding of Necessity, declaring the need to establish a North Greenwood Community Redevelopment Area, and delegating redevelopment authority and powers conferred upon Pinellas County by Chapter 163, Part III, Florida Statutes (the "Act") to the City of Clearwater; and

WHEREAS, the Clearwater City Council adopted Resolution No. 23-01 on January 21, 2023, adopting the North Greenwood Community Redevelopment Area Plan pursuant to the Act (the "Plan"); and

WHEREAS, the Board and Clearwater City Council both agree to the establishment of a tax increment financing ("TIF") district and redevelopment trust fund within the North Greenwood Community Redevelopment Area; and

WHEREAS, the Clearwater City Council adopted Ordinance No. 9642-23 on February 2, 2023, establishing a Redevelopment Trust Fund to finance community redevelopment projects within the North Greenwood Community Redevelopment Area pursuant to the Plan;

NOW, THEREFORE, IN REGULAR SESSION DULY ASSEMBLED ON THIS 23rd OF May, 2023, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA as follows:

SECTION 1. The title of Sec. 38-62, Article III, of the Pinellas County Code is amended to "Downtown Clearwater Community Redevelopment Area for the City of Clearwater."

SECTION 2. Sec. 38-75, Article III, Community Redevelopment, is hereby created in the Pinellas County Code to read as follows:

Sec. 38-75. North Greenwood Community Redevelopment Area for the City of Clearwater

- (a) The creation of the North Greenwood Community Redevelopment Area trust fund (fund) by the City of Clearwater, Florida, is hereby approved.
- (b) The county will annually pay into the fund a sum equal to the increment in the income, process, revenues and funds of the county derived from or held in connection with community redevelopment project area, for the use of Clearwater's Community Redevelopment Agency in its undertaking and carrying out of the community redevelopment plan. The increment will be determined and appropriated annually and will be that amount equal to 95 percent of the difference between:
 - (1) The amount of ad valorem taxes levied each year by or for the county, exclusive of any amount from debt service millage, on taxable real property contained within the geographic boundaries of the redevelopment area as defined in the adopted North Greenwood Community Redevelopment Area Plan; 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 the county, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the above-referenced 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 No. 9642-23 of the City of Clearwater, providing for funding the redevelopment trust fund described above.
- (c) In calculating the increment, the amount of ad valorem taxes levied based on the countywide debt service on county bonds will be totally excluded from the calculation. All increments in this amount will continue to be used for its voter-approved purpose and

will not be appropriated in any part to the fund. Any adjustments made in the appropriation will be based upon the final extended tax roll. In no year will the county obligation to the fund exceed the amount of that year's tax increment as defined by this ordinance.

- (d) The county's annual contribution to the trust fund will not exceed that of the city in any given year for reasons including, but not limited to, future millage rate changes and local exemptions.
- (e) Nothing in this section requires the City of Clearwater or the City of Clearwater's Community Redevelopment Agency to issue bonds or incur loans or other indebtedness as a condition precedent to the county depositing into the fund the amounts set forth in subsection (b) hereof. No bonds or indebtedness secured or supported by the county's tax increment may be issued without advance approval by the county. Beginning with the tenth year after the date of sale of the initial bonding on indebtedness, if any, no new sale of bonds or indebtedness supported by the county's tax increment may occur nor may existing indebtedness so supported by refunded without advance approval of the board of county commissioners. The county's increment contributions are to be accounted for as separate revenue within the fund but may be combined with other revenues for the purpose of paying debt service.
- (f) Duration of the fund. The county will annually appropriate to the fund the tax increment due the fund at the beginning of the county fiscal year. However, the fund will receive the tax increment only if and when such taxes are collected. The county's obligation to annually appropriate to the fund will commence immediately upon the effective date of this Ordinance and continue for 20 years from the effective date of said ordinance.
- (g) Midpoint review in 2033.
 - (1) With the adoption of the North Greenwood Community Redevelopment Area Plan the City of Clearwater committed to specific expenditures towards county priorities as identified in the county's Community Redevelopment Area Policy (Resolution No. 21-48). Notwithstanding the established duration of the fund, the county may review its tax increment contribution to the fund during the 2033 calendar year, 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, provided that there will be no reduction in the dedication of tax increment revenues for as long as there are unpaid loans, advances or indebtedness that were approved in advance by the county and secured by the county's tax increment revenues. The midpoint review will, in addition to other considerations, assess overall progress and alignment between the percentage of tax increment funding dollars budgeted for county priorities — which determined the priority match—and the percentage of dollars actually expended on county priorities. Based on the midpoint review, the county may continue, reduce, or eliminate its contribution, at its sole discretion. Any reduction or elimination in county funding may require the city to seek alternative or additional funding sources for the redevelopment plan and projects.
 - (2) Redevelopment conditions for midpoint 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. Performance criteria include, but are not limited to, the following:

- a. Performance of TIF revenues. Review how the annual TIF revenues collected compare to the estimated revenues, as measured based on collected TIF revenues as reported by the property appraiser and tax collector, during the review period.
 - b. Implementation of the 2023 North Greenwood Community Redevelopment Area Plan, City of Clearwater Ordinance No. 23-01 as subsequently amended or superseded (plan). Review what progress has been achieved in implementing the use of TIF revenues in support of the projects, goals, and objectives of the plan during the review period, including verifying that appropriate progress has been made toward completion of identified county projects, and that the Community Redevelopment Agency has spent at least 75% of funds committed toward county priorities for the review period.
 - c. Effectiveness of plan at mitigating blighting influence, including a review of changes in the assessed value of properties and aesthetic conditions of property in the area.
- (3) The city will submit a report to the county addressing the above criteria, as well as additional data requested by the county to perform the review, no later than July 1, 2033. Notification of any additional data requested by the county will be submitted to the city at least 30 days prior to that date.
 - (4) The board of county commissioners will complete its review prior to December 31, 2033, and will notify the city in writing by December 31, 2033, if it intends to eliminate or reduce the amount and/or duration of the county's tax increment contributions. In the absence of such notification, the contribution will continue as provided.
 - (5) 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. If the board intends to eliminate or reduce its contribution of TIF revenues, the reduction will not take effect until the budget year following any such elimination/reduction.
- (h) Copies of audit reports required by F.S. § 163.387(8) will be provided to the board of county commissioners each fiscal year by the Community Redevelopment Agency.

SECTION 3. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding will not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4. Construction. This ordinance being for a public purpose and for the welfare of the citizens of Pinellas County, Florida, will be liberally construed to effectuate its purpose.

SECTION 5. Areas Embraced. The provisions of this ordinance shall apply within the geographical boundaries the community redevelopment area.

SECTION 6. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such

intentions.

SECTION 7. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance will be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance will become effective upon filing of the ordinance with the Department of State.

Commissioner Latvala offered the foregoing Ordinance and moved for its adoption, which was seconded by Commissioner Flowers, and upon the roll call, the vote was

AYES: Peters, Eggers, Flowers, Justice, Latvala, and Scott.

NAYES: None.

ABSENT AND NOT VOTING: Long.

APPROVED AS TO FORM

By: Amanda S. Coffey
Office of the County Attorney