

ORDINANCE NO. 15-40

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; AMENDING THE AMOUNT OF THE COUNTY'S CONTRIBUTION TO THE TAX INCREMENT BEGINNING ON JANUARY 1, 2016; CHANGING THE DATE BY WHICH THE COUNTY MUST ANNUALLY PAY THE TAX INCREMENT DUE THE REDEVELOPMENT TRUST FUND; INCREASING THE COUNTY'S OBLIGATION TO APPROPRIATE TAX INCREMENT REVENUES FOR PROJECTS IDENTIFIED IN THE INTOWN REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AMENDMENTS ARISING FROM PUBLIC INPUT AND CONSULTATION WITH RESPONSIBLE AUTHORITIES.

**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**, Pinellas County, Florida (the "County") and the City of St. Petersburg, Florida (the "City") mutually desire to increase the ad valorem tax base of the County and City; and

**WHEREAS**, the City Council of the City of St. Petersburg, Florida ("CITY COUNCIL") petitioned the Board of County Commissioners of Pinellas County, Florida, ("BOARD") for a delegation of authority and powers under the Community Redevelopment Act to accomplish redevelopment of areas in the Intown Design and Development Program areas; and

**WHEREAS**, the BOARD by its Resolution No. 81-465 dated June 30, 1981, delegated to the CITY COUNCIL, the power and authority to conduct redevelopment activities as defined in the Redevelopment Act for the Intown Design and Development Program (IDDP) and to act as the Redevelopment Agency for the IDDP; and

**WHEREAS**, the CITY COUNCIL, by its Resolution No. 81-1401 declared an area of the City described in said Resolution to be a slum or blighted area (the "Intown Redevelopment Area"); and

**WHEREAS**, the CITY COUNCIL declared itself to be a redevelopment agency to carry out the redevelopment of the area determined to be a slum or blighted area; and

**WHEREAS**, the BOARD, by its Resolution No. 81-794 dated November 17, 1981, approved the Intown Design and Development Plan for Downtown St. Petersburg; and

**WHEREAS**, by Ordinance No. 557-F the CITY COUNCIL approved on March 18, 1982, the Intown Redevelopment Plan (sometimes hereinafter referred to as the "Plan") pursuant to the Community Redevelopment Act of 1969; and

**WHEREAS**, by Ordinance No. 569-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on April 15, 1982; and

**WHEREAS**, by Ordinance No. 570-F the CITY COUNCIL established a redevelopment trust fund in accordance with the provisions of Section 163.387, Florida Statutes; 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**, the BOARD, by its Resolution No. 82-591, dated December 7, 1982, clarified the language of Resolution No. 81-465 to make clear that the CITY COUNCIL is delegated the power of eminent domain in the Intown Redevelopment Area pursuant to Chapter 163 of the Florida Statutes; and

**WHEREAS**, by Ordinance No. 622-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on January 20, 1983; and

**WHEREAS**, by Ordinance No. 641-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on March 1, 1983; and

**WHEREAS**, by Ordinance No. 654-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on May 19, 1983 that, on information and belief, was approved by the BOARD; and

**WHEREAS**, by Ordinance No. 669-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on September 1, 1983 that, on information and belief, was approved by the BOARD; and

**WHEREAS**, by Ordinance No. 725-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on March 1, 1984; and

**WHEREAS**, by Ordinance No. 735-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on April 5, 1984; and

**WHEREAS**, by Ordinance No. 746-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on May 17, 1984 that, on information and belief, was approved by the BOARD; and

**WHEREAS**, by Ordinance No. 755-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on July 19, 1984; and

**WHEREAS**, by Ordinance No. 823-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on June 6, 1985; and

**WHEREAS**, by Ordinance No. 852-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on November 21, 1985; and

**WHEREAS**, the BOARD, by its Ordinance No. 86-39, dated April 29, 1986, approved an amendment to Sections 2, 3 and 8 of Ordinance 82-24 of Pinellas County to conform with recent amendments by the Legislature of the State of Florida to Section 163.387; and

**WHEREAS**, by Ordinance No. 966-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on May 21, 1987; and

**WHEREAS**, by Ordinance No. 1054-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on October 6, 1988 that, was approved by the BOARD on March 28, 1989 by Resolution No. 89-132; and

**WHEREAS**, by Ordinance No. 1084-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on February 2, 1989; and

**WHEREAS**, by Ordinance No. 2038-F the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on February 21, 1991; and

**WHEREAS**, by Ordinance No. 31-G the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on September 17, 1992; and

**WHEREAS**, in March, 1994, the City reprinted the Intown Redevelopment Plan and all amendments made through that date; and

**WHEREAS**, by Ordinance No. 205-G the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on September 14, 1995; and

**WHEREAS**, thereafter, by Ordinance No. 261-G the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on January 13, 1997; and

**WHEREAS**, thereafter, by Ordinance No. 338-G the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on June 25, 1998; and

**WHEREAS**, thereafter, by Ordinance No. 715-G the CITY COUNCIL approved an amendment to the Intown Redevelopment Plan on February 17, 2005; and

**WHEREAS**, Ordinance No. 715-G has been submitted to the Board for approval, in addition to a composite copy of the Plan as adopted March 1982, as amended and reprinted in 1994, and amendments thereto subsequent to the reprint; and

**WHEREAS**, amendments to the Intown Redevelopment Plan establish an expiration date of April 7, 2035, and provide for the utilization of tax increment revenues ; and

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

**WHEREAS**, the BOARD approved by its Resolution 05-63, dated April 5, 2005, the Intown Redevelopment Plan as previously amended over time as set forth above; 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 2006 the “First 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 an 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 indentified 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 is scheduled to review and approve on October 15, 2015, “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 1<sup>st</sup>, 2016.

**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 percent of the difference between (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 eighty-five percent (85%) 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<sup>st</sup> 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<sup>st</sup> 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. 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 this Ordinance. 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 (2) below.
- (2) Fifteen-year review. Notwithstanding the duration of the fund established in subsection (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.

**SECTION 2. 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 shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 3. Inclusion in Code.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall 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 4. Filing of Ordinance; Effective Date.** Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall 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 shall become effective upon filing of the ordinance with the Department of State

APPROVED AS TO FORM

By:   
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Office of the County Attorney