

ORDINANCE NO. 18-49

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 of County Commissioners ("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 of St. Petersburg City Council ("City Council"), and provided for the appropriation of tax increment revenues of the County to the redevelopment trust fund; 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, 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 City Council and the Board 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 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 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 1, 2016; and

**WHEREAS**, the Board approved on Sept. 10, 2015 amendments to Pinellas County Code Section 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 1, 2016; and

**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**, amendments to the Intown Redevelopment Plan approved by the Board 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 adopted Ordinance 18-07 on January 23, 2018 incorporating those agreed upon changes to the Interlocal Agreement into the Pinellas County Code Section 38-61. – 1982 plan and trust fund for the City of St. Petersburg; and

**WHEREAS**, the City Council approved amendments to the Intown Redevelopment Plan by adoption of Ordinance 333-H on August 2, 2018 and requested review and approval by the Board with associated revisions to the Amended and Re-stated Interlocal Agreement between the City and the County; and

**WHEREAS**, the Board approved Resolution 18-59 adopting requested changes to the Intown Redevelopment Plan and associated amendments to the Interlocal Agreement on September 13, 2018; and

**WHEREAS**, the changes to the Interlocal Agreement approved by the Board on September 13, 2018 require associated changes to Pinellas County Code Section 38-61, governing the Intown Redevelopment Trust Fund.

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

**SECTION 1.** Pinellas County Code Section 38-61 – 1982 plan and trust fund for the City of St. Petersburg, is hereby amended to read, 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 eighty-five percent (85%) of the difference between paragraphs (b)(1) and (b)(2) below, reducing to seventy-five percent (75%) on October 1, 2018, and further reducing to fifty percent (50%) on October 1, 2022:
  - (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 No. 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.
- (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 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). 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) For projects approved prior to September 30, 2018, 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 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 \$190,984,882.00. For projects approved on or after October 1, 2018, the total contributions to the fund by the County will be based upon percentage contributions in Sec. 38-61(b) above but shall not exceed \$108,100,000.
- (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. 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.
- (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 re-lettered 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