

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 7900., 7901., 7902., 7903., Jackson County Code, 1984, relating to Tax Increment Financing and enacting, in lieu thereof, eleven new sections relating to the same subject.

ORDINANCE #4358, September 26, 2011

INTRODUCED BY Scott Burnett, County Legislator

WHEREAS, due to changes in Missouri law relating to tax increment financing (TIF), certain revisions to the County Code provisions are necessary to ensure that the code is consistent with state law; and,

WHEREAS, these revisions are in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Sections 7900., 7901., 7902., and 7903., Jackson County Code, 1984, are hereby repealed, and eleven new sections enacted in lieu thereof, to be known as sections 7900., 7901., 7902., 7903., 7905., 7906., 7907., 7908., 7909., 7910., and 7911., to read as follows:

7900. Tax Increment Financing Commission, Established.

[That] There [be and] is hereby created a Commission to be known as the "Tax Increment Financing Commission of Jackson County, Missouri" which Commission shall have continuous and perpetual existence unless and until terminated by action of the County Legislature. All references to the "Commission" in this Chapter 79 shall mean the "Tax Increment Financing Commission of Jackson County, Missouri".

7901. Tax Increment Financing Commission, Composition.

[That] The Tax Increment Financing Commission of Jackson County, Missouri shall be composed of [seven] nine members [to be appointed by the County Executive, subject to the disapproval of the Legislature and to serve without compensation]. Two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected school districts. One member shall be appointed, in any manner agreed upon by the affected taxing districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area. Six members shall be appointed by the County Executive, subject to the disapproval of the Legislature. All members shall serve without compensation.

7902. Tax Increment Financing Commission, Terms of Members.

[That the terms of the members shall be three (3) years except as hereinafter provided: initially three (3) members shall be appointed to terms of three (3) years; two (2) members shall be appointed to terms of two (2) years; two (2) members shall be appointed to terms of one (1) year; after the initial terms are years.]

7902.1 Of the members first appointed by the County Executive, two (2) shall be designated to serve for terms of two (2) years, two (2) shall be designated to serve for a term of three (3) years, and two (2) shall be designated to serve for a term of four (4) years from the date of such initial appointments. Thereafter, the members appointed by the County Executive shall serve for a term of four (4) years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

7902.2 At the option of the members appointed by County Executive, the members who are appointed by the school boards and other taxing districts may serve on the Commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the Commission, or for a definite term pursuant to this subsection.

7902.3 If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan, or area is approved, such term shall terminate upon final approval of the project, plan, or designation of the area by the County Legislature.

7902.4. Thereafter the Commission shall consist of the six members appointed by the County Executive, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects, or designation of a redevelopment area.

7902.5. If any school district or other taxing jurisdiction fails to appoint members of the Commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, the remaining members may proceed to exercise the power of the Commission.

7903. Tax Increment Financing Commission, Powers & Duties.

[The County Legislature does hereby authorize and approve the exercise by the Commission of all of the powers delegable under the Real Property Tax Increment Allocation Redevelopment Act and in particular those enumerated in § 99.820 thereof.]

The Tax Increment Financing Commission, subject to the approval of the County Legislature, may exercise the powers enumerated in sections 99.800 - 99.865, RSMo.

the Missouri Real Property Tax Increment Allocation Redevelopment Act, except final approval of plans, projects, and designation of redevelopment areas. The Tax Increment Financing Commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830, RSMo.

7903.1 No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

a. The Commission shall vote on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto, within thirty (30) days following completion of the hearing on any such plan, project or designation and shall make recommendations to the County Legislature within ninety (90) days of the hearing referred to in section 99.825, RSMo, concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas.

7903.2 The Commission shall meet regularly and shall adopt such rules and regulations for operation as shall enable it to maintain an orderly procedure for its

business and to effectively and efficiently exercise the powers authorized by the [statute] Act and delegated to it by the County Legislature.

7903.3 The Commission shall keep records and minutes of its meetings and shall report annually to the County Legislature respecting its activities.

7903.4 The Commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request.

7903.5 Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

7903.6 No conveyance, lease, mortgage, disposition of land or other property, acquired by the County, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the County Legislature.

7903.7 The Commission may disburse surplus funds from the special allocation fund to taxing districts as follows:

- a. Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;
- b. Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;
- c. Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement.

7905. Conflicts of Interest

7905.1 If any member of the County Legislature, a member of the Commission, or an employee or consultant of the County, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or

improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the County Legislature and the County Counselor, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the County Legislature and the County Counselor and entered upon the minutes books of the County Legislature.

7905.2 If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area.

7905.3 No such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830 RSMo, whichever first occurs.

7906. Costs to Administer

Any charge for the clerk's or other official's costs in administering the redevelopment project shall be determined by the County Legislature based on a recommendation from the Commission.

7907. Public Hearings

Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the Commission shall fix a time and place for a public hearing as required by law, and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project.

7907.1 At the public hearing any interested person or affected taxing district may file with the Commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice.

7907.2 The Commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing.

7907.3 The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

7907.4 Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing.

7907.5 After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance.

7907.6 After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this

section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area.

7907.7 Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

7907.8 If, after concluding the hearing required under this Chapter, the Commission makes a recommendation pursuant to section 99.820 RSMo in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, such project, plan, designation, or amendments shall be approved only upon a two-thirds majority vote of the County Legislature.

7907.9 Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

7908. Notice

Notice of the public hearing required by section 7907. shall be given by publication and mailing.

7908.1 Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not

more than ten days prior to the hearing, in a newspaper of general circulation in the area of the proposed redevelopment.

7908.2 Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the redevelopment project or redevelopment area which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to section 99.845 RSMo.

7908.3 Such notice shall be mailed not less than ten days prior to the date set for the public hearing.

7908.4 In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

7908.5 The notices issued pursuant to this section shall include the following:

- a. The time and place of the public hearing;
- b. The general boundaries of the proposed redevelopment area or redevelopment project by street location, where possible;
- c. A statement that all interested persons shall be given an opportunity to be heard at the public hearing;

d. A description of the proposed redevelopment plan or redevelopment project and a location and time where the entire plan or project proposal may be reviewed by any interested party;

e. Such other matters as the commission may deem appropriate.

7908.6 Not less than forty-five days prior to the date set for the public hearing, the Commission shall give notice by mail as provided in section 7908.2 of this chapter to all taxing districts from which taxable property is included in the redevelopment area, redevelopment project or redevelopment plan, and in addition to the other requirements pursuant to this section, the notice shall include an invitation to each taxing district to submit comments to the Commission concerning the subject matter of the hearing prior to the date of the hearing.

7909. Redevelopment Plan

Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property

within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, RSMo, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area.

7909.1 No redevelopment plan shall be adopted by the County Legislature without findings that:

a. The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing.

b. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

c. The redevelopment plan conforms to the comprehensive plan for the development of Jackson County as a whole;

e. The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project

within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

f. A plan has been developed for relocation assistance for businesses and residences;

g. A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area.

i. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration.

ii. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the Commission to evaluate whether the project as proposed is financially feasible.

h. A finding that the plan does not include the initial development or redevelopment of any gambling establishment.

7910. Surplus Funds

7910.1 When redevelopment project costs, including, but not limited to, all Jackson County obligations financing redevelopment project costs incurred pursuant to sections 99.800 - 99.865, RSMo, have been paid, all surplus funds then remaining in the special allocation fund shall be paid by the county collector to the taxing districts in the area selected for a redevelopment project in the same manner and proportion as the most recent distribution by the collector to the affected districts of real property taxes from real property in the area selected for a redevelopment project.

7910.2 Upon the payment of all redevelopment project costs, retirement of obligations and the distribution of any excess moneys pursuant to section 99.845 and this section, the County Legislature shall adopt an ordinance dissolving the special allocation fund for the redevelopment area and terminating the designation of the redevelopment area as a redevelopment area.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM

Jay D. Holden
Chief Deputy County Counselor

W. Stephen Ryan
County Counselor

I hereby certify that the attached Ordinance, Ordinance #4358 introduced on September 26, 2011 was duly passed on October 3, 2011 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent~~s~~ 1

This Ordinance is hereby transmitted to the County Executive for his signature.

10-3-11
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4358.

10/3/2011
Date

Michael D. Sanders
Michael D. Sanders, County Executive