

Mirvia
Berkeley

SEPT 29 2000

ORDINANCE NO. 2233

AN ORDINANCE OF THE CITY OF PLANTATION, PERTAINING TO THE SUBJECT OF COMMUNITY REDEVELOPMENT; AMENDING SECTION 28-4, TO SPECIFICALLY DELEGATE AND CONFER UPON THE PLANTATION COMMUNITY REDEVELOPMENT AGENCY CERTAIN POWERS TO IMPLEMENT A COMMUNITY REDEVELOPMENT PLAN PURSUANT TO CHAPTER 163, PART III, FLORIDA STATUTES, THE COMMUNITY REDEVELOPMENT ACT OF 1969, AS AMENDED; CREATING A NEW SECTION 28-6 WHICH CREATES A REDEVELOPMENT TRUST FUND, PROVIDES CERTAIN PROVISIONS FOR THE FUNDING THEREOF BY EACH TAXING AUTHORITY LEVYING AD VALOREM TAXES ON REAL PROPERTY IN THE REDEVELOPMENT AREA, PROVIDES FOR EXEMPTIONS AND DEADLINES FOR APPLICATIONS THEREFOR, PROVIDES REGULATIONS FOR AGENCY BUDGETS AND EXPENDITURES; PROVIDING OTHER MISCELLANEOUS PROVISIONS RELATING TO THE SUBJECT OF COMMUNITY REDEVELOPMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREFOR.

WHEREAS, the City of Plantation, Florida ("City"), is desirous of utilizing the community redevelopment powers specified in Part III, Chapter 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended; and,

WHEREAS, pursuant to Section 163.410, Florida Statutes, the City requested the Board of County Commissioners of Broward County, Florida ("County"), to delegate and confer upon the Governing Body of Plantation, Florida, the authority to create a Community Redevelopment Agency pursuant to the Community Redevelopment Act of 1969, as amended, for the rehabilitation, conservation, or redevelopment of a certain blighted area within the municipal jurisdiction of said City; and,

WHEREAS, the County reviewed the findings of Slum and Blight by the City and determined that in the aggregate, it met the County and State criteria for the County to delegate the authority to the City to create a Community Redevelopment Agency and to prepare a Community Redevelopment Plan; and,

WHEREAS, on August 17, 1999, the County Commission promulgated County Resolution No. 1999-1006 and delegated the authority to the City to create the Community Redevelopment Agency and to prepare a Community Redevelopment Plan ("Plan"); and,

WHEREAS, the Governing Body of the City enacted City Ordinance 2210, which confirmed and ratified its findings of slum and blight and its determination of the need for a Community Redevelopment Agency, created the Plantation Community Redevelopment Agency, organized the Community Redevelopment Agency Board, delegated to the Community Redevelopment Agency Board certain powers, and directed certain City staff and consultants to complete the preparation of a Community Redevelopment Plan; and,

WHEREAS, the Governing Body of the City promulgated City Resolution 7846, which appointed the elected officers of Plantation as the Commissioners of the Plantation Community Redevelopment Agency Board consistent with advice the City received from the Florida Office of the Attorney General on December 7, 1999; and,

WHEREAS, City staff and consultants prepared a draft Community Redevelopment Plan, which was considered and approved by the City of Plantation Comprehensive Planning Board (the local planning agency of the City of Plantation) as required by Section 163.360(4) Florida Statutes (1999) at its meeting of April 4, 2000 as being in conformity with the Comprehensive Plan of Plantation and in conformity with the development of Plantation as a whole; and,

WHEREAS, the Plantation Comprehensive Planning Board submitted its recommendations to the City Governing Body and the Agency Board of Commissioners; and,

WHEREAS, on April 12, 2000, the Plantation Community Redevelopment Agency considered and approved the prepared Community Redevelopment Plan, recommended approval of the Community Redevelopment Plan to the City's Governing Body, and submitted the prepared Plan together with any of its recommendations to the City Governing Body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the Redevelopment Area - all in accordance with Section 163.360 (4) and (5), Florida Statutes (1999); and,

WHEREAS, on April 26, 2000, the Governing Body of the City promulgated City Resolution No. 7893, which approved the prepared Community Redevelopment Plan, provided a legal description of the Redevelopment Area, provided specific findings incident to the Plan's approval, and directed staff to make any final revisions to the Plan as may be appropriate; and,

WHEREAS, City Resolution No. 7893 requested the Board of County Commissioners of Broward County to approve the Plan, and confirm that the City and its created Community Redevelopment Agency may exercise all powers provided for by general law so that the approved Plan may be implemented, amended as may be necessary, and carried forward to completion; and,

WHEREAS, the City prepared the Plan and the County reviewed the Plan finding it to be consistent with Part III, Ch. 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended; and,

WHEREAS, on June 27, 2000, the Board of County Commissioners of Broward County promulgated County Resolution No. 2000-910 which delegated and conferred upon the City of Plantation, Florida, all powers capable of being exercised by a community redevelopment agency pursuant to Part III, Ch. 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, except those powers specifically retained by the County as set forth in Resolution No. 2000-910; and,

WHEREAS, the Governing Body of the City of Plantation desires to delegate and confer upon the Plantation Community Redevelopment Agency certain powers to implement the approved CRA Plan, pursuant to Part III, Ch. 163, Florida Statutes, the Community Redevelopment Act of 1969, as amended, and County Resolution No. 2000-910; and

WHEREAS, the Governing Body of the City wishes to create the Community Redevelopment Trust Fund;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, FLORIDA that:

SECTION 1: Subsection 28-4(b) of the Code of Ordinances is deleted amended and new subsections 28-4(c) and (d) are enacted to read as follows:

- (b) ~~After the Redevelopment Plan is approved by Broward County's Board of County Commissioners, the Agency shall exercise all powers which are capable of being exercised and enjoyed by community redevelopment agencies as set forth in §163.340 through §163.3450, Fla. Stat. (1999), unless the Board of County Commissioners reserves any such powers to the Board of County Commissioners in its Resolution delegating permanent powers to the Agency pursuant to §163.410, Fla. Stat. (1999). Notwithstanding the foregoing, where pursuant to such statutory provisions, approval is required by the City of Plantation prior to the Agency exercising its powers, the foregoing sentence shall not be sufficient for such approval, and instead, such approval will be evidenced by an appropriate City Ordinance or Resolution. Furthermore, this delegation is not exclusive, and the City of Plantation retains the right to exercise any of the powers delegated herein, and such powers shall not be deemed to be vested exclusively in the Agency.~~

The City of Plantation hereby delegates and confers to the Plantation Community Redevelopment Agency all powers capable of being exercised by the City pursuant to County Resolution No. 2000-910 and pursuant to Ch. 163.330, et. seq., Florida Statutes, the Community Redevelopment Act of 1969, as amended, with the exception of those specified in Sec. 28-5 of

this Code and the following three (3) powers which were retained unto the County:

- (1) A boundary change to the Community Redevelopment Area.
- (2) An extension to the term of the Community Redevelopment Plan involving the continuing contribution by the taxing authorities beyond the original term.
- (3) A change to the Plan of such magnitude as would require a Broward County land use plan amendment.

(c) Subject to the foregoing limitations in Section (b) above, the powers delegated to the Agency include, but are not limited to:

- (1) All powers needed to protect and preserve and enhance the tax base, including powers to encourage private enterprise pursuant to Section 163.345, Florida Statutes (1999) and powers to levy taxes and appropriate funds to a redevelopment trust fund for the preservation and enhancement of the City's tax base and furthering the purpose of the City as contemplated by Section 163.353, Florida Statutes (1999);
- (2) The power to engage in "community redevelopment" or "redevelopment" as defined in Section 163.340(9), Florida Statutes (1999);
- (3) The power to engage in "related activities" as defined by Section 163.340(12), Florida Statutes (1999);
- (4) All powers to create, adopt, amend as necessary, and execute a workable program as contemplated by Section 163.350, Florida Statutes (1999);
- (5) The power to recommend amendments to the Community Redevelopment Plan the City, its Agency, and the County have approved;
- (6) The power to issue bonds as set forth in Section 163.385, Florida Statutes (1999);
- (7) The power to approve the acquisition, demolition, removal, or disposal of property and to assume the responsibility to bear loss;
- (8) The power to formulate, approve, modify, and execute community policing innovations;
- (9) The power to formulate, provide for, amend, and execute appropriate controls and any restrictions or covenants running with the land sold or leased for

private use for such periods of time and under such conditions as the Governing Body of the City or its Agency deems necessary to effect the purpose of Part III, Chapter 163, Florida Statutes;

- (10) The power to formulate, provide for, amend, and execute a neighborhood redevelopment plan for the Community Redevelopment Area, together with any adjoining areas having specially related problems, which may be of such scope that redevelopment activities may have to be carried out in stages;
- (11) All powers exercisable by a County or municipality as set forth in Section 163.370, Florida Statutes (1999);
- (12) The power to acquire by condemnation, eminent domain, or otherwise, any interest in real property which the City deems necessary for, or in connection with, community redevelopment and related activities under Part III, Ch. 163, Florida Statutes (1999);
- (13) The power to sell, lease, dispose of, or otherwise transfer real property or any interest therein and to exercise all other powers set forth in Section 163.380, Florida Statutes (1999);
- (14) The power to establish, maintain, receive, and collect funds for, and spend funds in a Redevelopment Trust Fund as provided for in Section 163.387, Florida Statutes (1999), and to grant exemptions for special districts as provided for by such section; and,
- (15) All powers of cooperation set forth in Section 163.400, Florida Statutes (1999).

Where references are made to a codified statutory provision, such references shall be construed to include its successor or amended versions in the future.

- (d) Notwithstanding the foregoing, where pursuant to statutory or City Code provisions, approval is required by the City of Plantation prior to the Agency exercising its powers, the foregoing subsections shall not be sufficient for such approval, and instead, such approval shall be evidenced by a specific City Resolution (or Ordinance). Furthermore, the aforesaid delegation is not exclusive, and the City of Plantation retains the right to exercise any of the powers delegated herein, and such powers shall not be deemed to be vested exclusively in the Agency.

SECTION 2: There is hereby created a new Section 28-6 which shall read as follows:

Sec. 28-6. The Redevelopment Trust Fund.

- (a) There is hereby established and created in accordance with the provisions of §163.387, Fla. Stat. (1999) a Redevelopment Trust Fund, which Trust Fund shall be funded for the duration of the Community Redevelopment Plan, as same may be amended.
- (b) The funds allocated to, and deposited into the Redevelopment Trust Fund shall be deemed appropriated to the Community Redevelopment Agency to finance or refinance any community redevelopment it undertakes pursuant to the Community Redevelopment Plan, as same may be amended. The Agency shall utilize the funds and revenues paid into and earned by the Redevelopment Trust Fund for all and every community redevelopment purpose as contained in the Plan for redevelopment and as provided by law and this Code.
- (c) The annual funding of the Redevelopment Trust Fund shall be in an amount not less than that increment and the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment. Such increment shall be determined annually and shall be that amount equal to ninety-five percent (95%) of the difference between:
- i. the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the community redevelopment area; and,
 - ii. 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 each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this Ordinance.
- (d) Each taxing authority shall, by January 1st of each year, appropriate to the Trust Fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed thirty (30) years) a sum that is no less than the increment as defined and determined in subsection (c) above accruing to such taxing authority. If the Community Redevelopment Plan is amended or modified, each such taxing authority shall make the annual appropriation for a period not to exceed thirty (30) years after the date the Plan amendment becomes effective.

- (e) Any taxing authority that does not pay the increment to the Trust Fund by January 1st shall pay to the Trust Fund an amount equal to five percent (5%) of the amount of the increment and shall pay interest on the amount of the increment equal to one percent (1%) for each month the increment is outstanding.
- (f) As used in this Chapter, the words "taxing authority" shall mean the state, Broward County, the City of Plantation, and any other authority, special district as defined in §165.031(3), Fla. Stat. (1999), or other public body of the state except a school district, which levies ad valorem taxes on real property located within the geographic boundary of the community redevelopment area. The following public bodies or taxing authorities are exempt from the requirements of this section:
- i. The Gateway 7 Development District, a local government neighborhood improvement district created prior to July 1, 1993.
 - ii. The South Florida Water Management District, a water management district created pursuant to §373.09, Fla. Stat., prior to July 1, 1993.
 - iii. The School Board of Broward County, Florida.
- (g) A special district that levies ad valorem taxes within the community redevelopment area may, in writing filed with the City Clerk of the City of Plantation, Florida, receive an exemption to the requirements of this section. Any special district wishing to submit a request for an exemption must file its written request with the City Clerk within one hundred twenty (120) days after the effective date of this Ordinance. In deciding whether to deny or grant a special district's request for exemption, the Governing Body of Plantation shall consider:
- i. any additional revenue sources of the Community Redevelopment Agency which could be used in lieu of the special district's tax increment.
 - ii. the fiscal and operational impact on the Community Redevelopment Agency.
 - iii. the fiscal and operational impact on the special district.
 - iv. the benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific

projects contained in the approved Community Redevelopment Plan for the designated community redevelopment area.

v. the impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.

vi. the benefit of the activities of the special district to the approved Community Redevelopment Plan.

vii. the benefit of the activities of the special district to the area of operation of the City of Plantation

(h) The City of Plantation shall hold a public hearing on the special district's request for an exemption after public notice of the hearing is published in a newspaper having a general circulation in Broward County. The notice must describe the time, date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the Plan and the impact of the Plan on the special district that requested the exemption. The special district requesting the exemption shall prepare the advertisement with the assistance of the City, and shall pay for same.

(i) If the City Governing Body grants an exemption, it and the special district shall enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.

(j) If the City Governing Body denies a request for the exemption by a special district, the City Governing Body shall provide the special district with a written analysis specifying the rationale for the denial. This written analysis shall include, but is not required to be limited to, the following information:

i. a separate, detailed examination of each consideration listed in subsection (g) above.

ii. specific examples of how the approved Community Redevelopment Plan will benefit, and has already benefited, the purpose for which the special district was created.

The decision to either deny or grant an exemption must be made by the City Governing Body within one hundred twenty (120) days after the written request was submitted.

- (k) Notwithstanding the provisions of the subsections above, the obligation of the City of Plantation to fund the Redevelopment Trust Fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a Community Redevelopment Agency incurred as a result of redevelopment in a community redevelopment area have been paid.
- (l) Any revenue bonds and notes of any issue authorized and issued pursuant to Part III, Chapter 163, Florida Statutes, and this Chapter 28 shall, unless otherwise specifically provided, be payable solely out of revenues pledged to and received by the Plantation Community Redevelopment Agency and deposited to its Redevelopment Trust Fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the Redevelopment Trust Fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes. Revenue bonds issued under the provisions of the Chapter 28 and Part III, Chapter 163, Florida Statutes, shall not be deemed to constitute a debt, liability, or obligation of the City of Plantation, Broward County, the State of Florida, or any taxing authority making payments to the Redevelopment Trust Fund, or a pledge of the faith and credit of the City of Plantation, the State of Florida, Broward County, or any other of such taxing authorities, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the Community Redevelopment Agency shall not be obligated to pay the same or the interest thereon except from the revenues of the Community Redevelopment Agency held for that purpose and that neither the faith and credit nor the taxing power of the City of Plantation, Broward County, the State of Florida, or any other taxing authority making payments to the Redevelopment Trust Fund, are pledged to the payment of the principal of or the interest on, such bonds.
- (m) Monies in the Redevelopment Trust Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in a Community Redevelopment Agency pursuant to an approved Plan:
- i. administrative and overhead expenses necessary or incidental to the implementation of a Community Redevelopment Plan adopted by the Agency.

- ii. expenses of redevelopment planning, surveys, and financial analyzes, including the reimbursement of the Governing Body or the Community Redevelopment Agency for such expenses incurred before the Redevelopment Plan was approved and adopted.
 - iii. the acquisition of real property in the redevelopment area.
 - iv. the clearance and preparation of any redevelopment area for redevelopment and the relocation of site occupants as provided for in §163.370, Fla. Stat.
 - v. the repayment of interest and principal or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.
 - vi. all expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of Agency bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the Ordinance or Resolution authorizing such bonds, notes, or other form of indebtedness.
 - vii. the development of affordable housing within the area.
 - viii. the development of community policing innovations.
- (n) On the last day of the fiscal year of the Community Redevelopment Agency, any money which remains in the Trust Fund after payment of expenses pursuant to subsection (m) above for such year, shall be:
- i. returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Trust Fund by all taxing authorities within the redevelopment area for that year;
 - ii. used to reduce the amount of any indebtedness to which increment revenues are pledged;
 - iii. deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or,
 - iv. appropriated to a specific redevelopment project pursuant to a Community Redevelopment Plan which project will be completed within three (3) years of the date of such appropriation.

- (o) The Plantation Community Redevelopment Agency shall provide for an independent financial audit of the Trust Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Trust Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Plantation Community Redevelopment Agency shall provide a copy of the report to each taxing authority.
- (p) The Plantation Community Redevelopment Agency fiscal year shall commence on October 1st of each calendar year and shall end on September 30th of the following calendar year. The budget shall be approved by Resolution of the Agency. The budget shall regulate the expenditures of the Agency, and the Agency shall make no expenditures or contract for expenditures in any fiscal year, except in pursuance of budgeted appropriations. This subsection shall provide supplemental regulations to Agency expenditures that apply to a budget. The budgets will from time to time be amended at the fund level by the Resolution approving the weekly expenditures report, and the actual fiscal year-end budgets will be finally reflected in the annual report entitled "General Purpose Financial Statements and Other Schedules". The estimated budgeted appropriations which are approved in any budget may change during the fiscal year based upon actual conditions and, as provided in the preceding sentence, the estimated revenue budget and estimated appropriation budget amounts may be periodically modified by Agency Resolutions when approving the weekly bill list and shall be reflected in the end of the fiscal year "General Purpose Financial Statements and Other Schedules" report. In the unlikely event that the Agency expenditure exceeds the initial estimated budgeted appropriations with interim amendments made by the approval of the weekly expenditure report, the budget, as amended, shall be further amended as soon as possible so as to reflect suitable estimated appropriations for such expenditures; provided that the budget as finally reflected in such General Purpose Financial Statements, shall reflect fund amounts and budgeted appropriations sufficient to cover (offset) all authorized expenditures in such fiscal year. Furthermore, the Agency capital project funds shall be budgeted on a year-to-year basis as opposed to a project-life basis.
- (q) The same rules that apply to the City as set forth in the following Plantation City Code sections shall apply to the Agency's operations, except that the words "City" as used therein shall mean "Agency", and the

words "City Council" shall mean "Board of Commissioners of the Agency":

- i. Chapter 2, Article IX, Division 2 of this Code pertaining to competitive bids, bid protests, and bid appeals;
- ii. Sec. 2-268 concerning the payment of money;
- iii. Sec. 2-270 concerning the application of deposits; and,
- iv. Sec. 2-271 regarding the imposition, collection, or remittance of fees, surcharges, etc.

SECTION 3: Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 4: This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor.

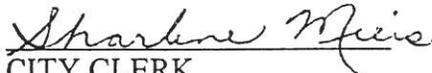
PASSED ON FIRST READING by the City Council this 13th day of September, 2000.

PASSED AND ADOPTED ON SECOND READING by the City Council this 27th day of September, 2000.

SIGNED by the Mayor this 28th day of September, 2000.


MAYOR

ATTEST


CITY CLERK

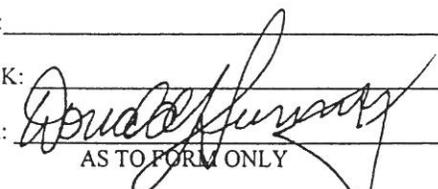
APPROVED

DATE

REQUESTED BY: _____

DEPT. OK: _____

ADMIN. OK: _____

ATTY. OK:  _____

AS TO FORM ONLY