

Springfield Land Clearance for Redevelopment Authority

Tuesday, January 9, 2018

4:00-5:00 p.m. - Busch Municipal Building, 2nd Floor West Conference Room

1. Call To Order

2. Roll Call

3. Approval Of Minutes

3.I. Minutes - November 7, 2017

Documents:

[MINUTES LCRA NOV 7 2017.PDF](#)

4. New Business

5. Other Business

5.I. Report/Discussion On The Proposed Workable Program For The City Of Springfield

5.II. Workable Program Explanation

Documents:

[WORKABLE PROGRAM_EXP.PDF](#)

5.III. Workable Program Ordinance

Documents:

[WORKABLE PROGRAM_ORD.PDF](#)

6. Adjourn

Springfield Land Clearance for Redevelopment Authority
Tuesday, November 7, 2017 at 4:00 PM
Conference Room 2-West, Busch Municipal Building

Minutes

1. Call to Order

2. Roll Call

Present: Ryan Cosby, Allen Grymes, Steve Jackson, and Ron Tappan

Others Present: Mike Burkhart, VE Design Group; Skip Liebman

Staff: Sarah Kerner, Matt Schaefer, Bill Weaver, Tom Rykowski, and Judy White

3. Approval of Minutes

Ron Tappan made a motion to approve the minutes from October 3, 2017.

Allen Grymes seconded the motion. Motion approved (4-0)

4. New Business

- a. Request for Real Property Tax Abatement for Redevelopment Project located inside the Downtown Redevelopment Area at 426 South Jefferson Avenue; Castlebay Real Estate Holdings No. 6, LLC, applicant. Resolution No. 2017-3246

Ryan Cosby made a motion to approve the Property Tax Abatement for Redevelopment Project located inside the Downtown Redevelopment Area at 426 South Jefferson Avenue. Allen Grymes seconded the motion.

Ron Tappan recused himself due to conflict of interest

5. Other Business

- a. Report/discussion on the proposed Workable Program for the City of Springfield

Sarah Kerner gave an update on the progress of the Workable Program

- b. 2016 Springfield Land Clearance for Redevelopment Authority Annual Report

Matt Schaefer presented an overview of the annual report for 2016. The annual report can be viewed on the LCRA page of the City's website in the Document Library section.

6. Adjourn

EXPLANATION TO COUNCIL BILL 2018-_____

FILED: 01-09-18

ORIGINATING DEPARTMENT: Planning and Development Department

PURPOSE: Amending the Springfield City Code, Chapter 40, Article II, 'Chapter 353 – Urban Redevelopment,' by repealing Article II and enacting in lieu thereof a new Article II and Article III; amending Chapter 2, 'Administration,' Article IV, 'Boards, Commissions and Committees,' Division 5, 'Tax Abatement and Tax Increment Financing Advisory Commission,' by repealing Division 5 and enacting a new Division in lieu thereof; for the purpose of adopting, and updating, various code provisions related to tax abatement administration and to adopt a Workable Program for the City. (Finance and Administration Committee, Land Clearance for Redevelopment Authority and Staff recommend approval.)

BACKGROUND INFORMATION: A Workable Program is defined in the LCRA Act as "an official plan of action, as it exists from time to time, for effectively dealing with the problem in insanitary, blighted, deteriorated or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life, for utilizing appropriate private and public resources to eliminate and prevent the development or spread of insanitary, blighted, deteriorated or deteriorating areas, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, insanitary, deteriorated and deteriorating areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program." Sec. 99.320(23), RSMo.

The LCRA Act authorizes the preparation of a Workable Program for the City as a whole. Sec. 99.420(5), RSMo. All Redevelopment Plans submitted to City Council for approval must comply with the Workable Program. Sec. 99.320(20), RSMo.

This bill establishes a Workable Program for Springfield, and amends other provisions of the City Code related to tax abatement administration.

Supports the following Field Guide 2030 goal(s): Chapter 3, Economic Development; Objective 2b: Continue to explore creative and flexible methods to attract and retain jobs and business investment in the community; and Objective 7a, Continue the use of incentives such as low-interest loans and property tax abatement to advance the revitalization of center city.

REMARKS: This Workable Program is intended to establish a framework for the City of Springfield to evaluate property tax abatement requests under the LCRA Law, Sec. 99.300-715, RSMo. It includes essential elements such as a but-for test, requiring

verification of blight in legacy blighted areas, as well as a Scorecard by which projects will be rated on various measures of community benefit to determine the appropriate level of abatement. A base level of abatement of 50% is established for projects meeting the But-For Test and blight verification requirements; 51-100% abatement will be available for projects depending on application of the Scorecard.

Exceptions to some of these requirements are made for Multi-Project Redevelopment Areas, which must be declared as such by Council resolution in order to be eligible for this more-flexible set of rules. The purpose of allowing such flexibility is to ensure that Tax Abatement is available for future redevelopment of an area of the City which contains widespread evidence of blighting factors, where an overall plan for redevelopment is required to address said blighting factors.

The proposed changes to City Code Chapter 2, Article IV, Division 5 remove references to Tax Abatement, since this section primarily regulates the use of TIFs in Springfield. Since the Workable Program is now the primary regulatory vehicle of LCRA Tax Abatement, provisions contained in Chapter 3, Article IV, Division 5 relating to the process of issuing Tax Abatement pursuant to the LCRA Law are no longer needed. The Workable Program will now regulate LCRA Tax Abatement administration.

In addition to the changes discussed above, part of the recodification of the Chapter 353 Urban Redevelopment Ordinance from Article II to Article III of Chapter 40 includes changes to the fee for filing a Chapter 353 application. Instead of the amount being expressly stated in the code, the language has been amended to refer to the Council approved fee study in operation at the time of application.

The Finance and Administration discussed this bill at its meetings on October 2, October 11, October 31, November 8, and December 13, 2017.

Submitted by:



Sarah Kerner, Economic Development Director

Recommended by:

Approved by:



Mary Lilly Smith, Planning Director



Greg Burris, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. _____
Filed: 01-09-18

Sponsored by: Schilling, Fulnecky,
Hosmer, and Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL: 2018-

GENERAL ORDINANCE: _____

AN ORDINANCE

AMENDING The Springfield City Code, Chapter 40, Article II, 'Chapter 353 – Urban Redevelopment,' by repealing Article II and enacting in lieu thereof a new Article II and Article III; amending Chapter 2, 'Administration,' Article IV, 'Boards, Commissions and Committees,' Division 5, 'Tax Abatement and Tax Increment Financing Advisory Commission,' by repealing Division 5 and enacting a new Division in lieu thereof; for the purpose of adopting, and updating, various code provisions related to tax abatement administration and to adopt a Workable Program for the City.

WHEREAS, the Land Clearance for Redevelopment Authority ("LCRA") Law, currently found at §§ 99.300 through 99.715 RSMo., provides the City of Springfield with the authority to offer tax abatement incentives to persons and entities who redevelop or rehabilitate blighted property in conformance with an approved Redevelopment Plan; and

WHEREAS, the LCRA Law authorizes cities to adopt a Workable Program to assist cities with, among other things, the appropriate utilization of private and public resources to eliminate and prevent the development or spread of blighted areas; and

WHEREAS, the LCRA Law further provides that Redevelopment Plans must comply with the requirements of an adopted Workable Program; and

WHEREAS, this Ordinance adopts a Workable Program to govern the use of the incentives authorized by the LCRA Law, thus amendments to various City Code provisions are required to implement this Workable Program.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – Springfield City Code, Chapter 40, Article II, 'Chapter 353 – Urban Redevelopment,' is repealed and a new Article II and Article III are enacted in lieu thereof, to read as follows:

(Note: Language to be added to existing code provisions is underlined and language being removed is ~~stricken~~.)

ARTICLE II. – WORKABLE PROGRAM.

Sec. 40-10. - Declaration of Policy.

When a developer receives real property tax abatement, as authorized by the Land Clearance for Redevelopment Authority Law, the project becomes more than a private development. It becomes a public-private partnership supported by the incremental increase in real property taxes foregone by the various taxing jurisdictions of our community. To ensure that tax dollars are supporting projects that contribute to the quality, attractiveness, and unique character of Springfield, the City Council of Springfield, Missouri hereby adopts this Workable Program to govern the use of property tax abatement authorized pursuant to the Land Clearance for Redevelopment Authority Law, to incentivize the redevelopment of blighted properties within the City.

Sec. 40-11. - Definitions.

As used in this Article, the following terms shall mean:

- (a) “But-for Test,” a finding by City Council that a Project, or Projects, described in a Redevelopment Plan would not occur, or would not be financially feasible if Tax Abatement is not provided.
- (b) “LCRA,” the duly authorized Land Clearance for Redevelopment Authority of Springfield, Missouri.
- (c) “LCRA Law,” those sections of Missouri statutes contained within §§ 99.300 through 99.715 RSMo.
- (d) “Project,” shall have the same meaning as “Land Clearance Project,” as defined by § 99.320.10 RSMo.
- (e) “Redevelopment Agreement,” shall mean any agreement approved by City Council in connection with approval of a Redevelopment Plan.
- (f) “Redevelopment Plan,” shall have the same meaning as “Redevelopment Plan” and “Urban Renewal Plan” as provided for in the LCRA Law.
- (g) “Tax Abatement,” an abatement, authorized pursuant to the LCRA Law, of the increase in ad valorem taxes on real property related to a Project.
- (h) “Tax Abatement Scorecard,” shall mean the City Council approved formula for computing the amount of Tax Abatement to be granted in connection with a Project.

in addition to the minimum abatement amount as described in section 40-15.

Sec. 40-12. - Applicability of this Article.

Redevelopment Plans, and any Amended Redevelopment Plans, prepared and submitted pursuant to the LCRA Law shall comply with the provisions contained in this Article, in addition to any other requirements imposed by law. No Redevelopment Plan shall be approved unless the provisions of this Article have been complied with. The provisions of this Article shall not apply to any Redevelopment Plan application submitted to the City prior to October 16, 2017.

Sec. 40-13. - Redevelopment Plans, finding of financial need required, application process, notifications required.

(a) Required findings for City Council approval of a Redevelopment Plan.

- (1) The City Council shall only approve a Redevelopment Plan if it has been sufficiently demonstrated to the City Council that the But-for Test has been satisfied.
- (2) In the case of a new or amended Redevelopment Plan proposed in an existing blighted area, the City Council shall only approve a Redevelopment Plan if the requirements of Section 40-16 have been met.

(b) Application process, required documents, supporting information.

- (1) Before the approval of a Redevelopment Plan, the Applicant shall submit an application, along with the Redevelopment Plan, that shall include an analysis of the Project or Projects contemplated within said Redevelopment Plan as required by this Article.
- (2) The Applicant shall submit with their Application a project budget which shall contain sufficient information to enable the City Council to make the required finding contained in section 40-13(a)(1). The project budget shall include a reasonably detailed description of all financial commitments and shall evidence the degree of financing for the Project from all funding sources.
- (3) The Application shall contain pro forma financial statements and tax impact analysis for the Project, with and without the minimum Tax Abatement as described in Section 40-15, showing the impact to each political subdivision which levies any ad valorem real property tax on any property subject to the proposed Redevelopment Plan.
- (4) The Application shall also contain a reasonably detailed development schedule for the Project.

(5) The Application shall be supported by local market data from a qualified third-party.

(c) Additional required contents of Redevelopment Plan.

(1) In addition to the requirements contained in this Article, and the LCRA Law, all Redevelopment Plans shall include:

- a. Specific reference to the Redevelopment Agreement which must be executed by the Applicant and the City prior to application for a Certificate of Qualification for Tax Abatement, issued pursuant to the LCRA Law and this Article, in connection with the Project.
- b. The Redevelopment Plan shall contain a statement that the provisions of the Redevelopment Agreement are essential provisions of the Redevelopment Plan and that any violation of the terms of the Redevelopment Agreement shall also constitute a violation of the Redevelopment Plan.

(d) Notification to property owners, registered neighborhood organizations, and political subdivisions.

(1) Notice shall be given to each person or entity having a property interest of record within 500 feet of the area subject to the proposed Redevelopment Plan, to any registered neighborhood organization within whose boundaries the Project is located, and to each political subdivision which levies any ad valorem real property tax on any property subject to the proposed Redevelopment Plan at least ten-days prior to the City Council's first public hearing on the proposed Redevelopment Plan. Such notice shall be in writing and mailed by regular United States mail, postage prepaid.

(2) Any notice required by this section shall state the reason for the notice and the time, date, and place of the public hearing. The notice shall provide a general boundary description of the area within the Redevelopment Plan; the nature of the development; and in the notice to political subdivisions only, a written statement of the projected financial impact on ad valorem tax collection that any tax abatement associated with the Redevelopment Plan will have on such political subdivisions.

Sec. 40-14. – Redevelopment Agreement – required to be executed, provisions included therein to be considered part of the Redevelopment Plan.

(a) Prior to applying to the LCRA for a Certificate of Qualification for Tax Abatement, the applicant shall execute a Redevelopment Agreement with the City, which has been approved by Council concurrent with the Redevelopment Plan. Said agreement shall contain, at least, the following provisions:

- (1) A mechanism for imposing and administering annual Payments in Lieu of Taxes (PILOTs) to implement the level of Tax Abatement authorized by the City Council;
- (2) A termination clause which states that in the event of a breach of the Redevelopment Agreement or the Redevelopment Plan, that the City shall promptly notify the Greene County Assessor of said breach and, should for any reason the Tax Abatement not be revoked thereafter, that the City is entitled to damages from the breaching party in an amount equal to all ad valorem taxes which would have been assessed subsequent to the date of the breach and otherwise be payable with respect to the property had the LCRA not issued a Certificate of Qualification for Tax Abatement for the Project. Said clause shall contain a notice and opportunity to cure before its provisions are acted upon.
- (3) Provisions by which subsequent purchasers of property within the Redevelopment Area are bound by the provisions of the Redevelopment Agreement and Redevelopment Plan for the duration of any Tax Abatement authorized in connection with said Redevelopment Plan; and
- (4) That the terms of the Redevelopment Agreement shall be considered essential terms of the approved Redevelopment Plan and that any violation of the Redevelopment Agreement shall constitute a violation of the Redevelopment Plan.

Sec. 40-15. – Amount of Abatement – how determined, provisions related thereto, payments in lieu of taxes – required.

(a) Amount of Abatement.

- (1) The minimum level of authorized Tax Abatement for Projects with an approved Redevelopment Plan shall be 50 percent.
 - (2) The City Council is hereby authorized to increase the level of Tax Abatement for a Project within an approved Redevelopment Plan up to 100 percent utilizing Council's approved Tax Abatement Scorecard. The Tax Abatement Scorecard shall be adopted by the City Council and a copy of same shall be retained on file with the Department of Planning and Development.
- (b) If the Tax Abatement amount is less than 100 percent, pursuant to an approved Redevelopment Agreement, the remainder of the Tax Abatement amount shall be collected by the City on an annual basis as Payments in Lieu of Taxes (PILOTs).
- (1) Any PILOTs paid to the City, and any non-PILOT damages paid to the City as a result of a breach of the Redevelopment Agreement or Redevelopment Plan, shall be retained by the City and utilized as a Shared Success Fund for targeted

economic development projects and/or expenses in connection with addressing blight remediation, assistance to homeowners, and/or dangerous buildings.

Sec. 40-16. – Legacy Blighted Areas.

(a) If a Redevelopment Plan is proposed for an area that was declared blighted by City Council more than twenty-four (24) months prior to the approval of said Redevelopment Plan, the Applicant shall provide either:

(1) An updated blight study, or other evidence that the area still exhibits the blighting factors that existed at the time it was declared a blighted area; or

(2) A new blight study showing that sufficient blighting factors exist to support a finding that the area meets the definition of a blighted area, per the LCRA Law.

Sec. 40-17. – Review by the LCRA.

Prior to City Council action regarding a proposed Redevelopment Plan, the LCRA shall first make a recommendation to the City Council regarding an applicant's Redevelopment Plan. Part of the LCRA's recommendation shall be a determination of whether the provisions of this Article have been complied with.

Sec. 40-18. – Annual Reporting – Compliance.

During the period a Project is eligible for Tax Abatement, the City shall annually review conformance of all approved Projects with each Project's respective Redevelopment Plan, Redevelopment Agreement, and this Article, and such review shall be completed no later than March 31. In the event a Project is found non-compliant with the terms of an applicable Redevelopment Plan, Redevelopment Agreement, or this Article, the City shall enforce the terms of the Redevelopment Agreement.

Sec. 40-19. – Multi-Project Redevelopment Plans.

(a) The purpose of this section is to allow flexibility regarding the applicability of this Article, to ensure that Tax Abatement is available for future redevelopment of an area of the City which contains widespread evidence of blighting factors, where an overall plan for redevelopment is required to address said blighting factors.

(b) City Council, by resolution, shall have the authority to designate and declare that a Redevelopment Plan qualifies as a Multi-Project Redevelopment Plan.

(c) For purposes of this Section 40-19, factors that Council shall consider when designating a Redevelopment Plan as a Multi-Project Redevelopment Plan shall include:

- (1) Size of the redevelopment area;
 - (2) If land assemblage is required;
 - (3) Whether the entire scope of the potential redevelopment projects within the Redevelopment Area is known at the time of application;
 - (4) Whether the Redevelopment Plan was initiated by the City to facilitate redevelopment in an area; and
 - (5) Whether there are multiple land owners of discrete parcels or properties within the Redevelopment Area.
- (d) Any Multi-Project Redevelopment Plan or Project submitted in accordance with such Redevelopment Plan shall be exempt from the requirements of this Article except for the following provisions:
- (1) Section 40-13(d), provided that the statement of projected tax impact described in 40-13(d)(2) shall not be required;
 - (2) Section 40-16; and
 - (3) This section 40-19.
- (e) The Special Ordinance approving a Multi-Project Redevelopment Plan shall be effective for up to five years, after which the designation shall cease to be in effect and the Redevelopment Plan shall be void, unless the previous designation is extended by a subsequent resolution of Council prior to the Plan's expiration.

~~ARTICLE II. - CHAPTER 353—URBAN REDEVELOPMENT~~

ARTICLE III. - CHAPTER 353—URBAN REDEVELOPMENT

Sec. 40-31. - Title of article.

This article shall be known and may be cited and referred to as the Chapter 353 Urban Redevelopment Ordinance.

Sec. 40-32. - Findings; purpose of article.

The purpose of this chapter is to provide for the redevelopment of a blighted area through the clearance, replanning, reconstruction or rehabilitation of such area and for the provision of industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto as authorized and defined by RSMo ch. 353.

A "blighted area" is any portion of the city which the city council determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, has become an economic and social liability and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

An "area" is that portion of the city which the city council has found to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this chapter. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.

Sec. 40-33. - Acceptance of state enabling act.

The provisions of the Urban Redevelopment Corporations Law, found at RSMo ch. 353, are hereby accepted and shall apply to all persons and corporations operating under this article, insofar as such provisions may be applicable thereto.

Sec. 40-34. - Definitions.

The words, terms and phrases used in this article shall have the meanings ascribed to them in the Urban Redevelopment Corporations Law, if so defined therein.

Sec. 40-35. - Redevelopment proposals.

- (a) *Procedures.* The city manager or his designee shall establish requirements for applications for redevelopment under this article as well as procedures for the processing and approval/disapproval of such applications which shall be filed with the city clerk.
- (b) *Additional rules.* The city manager or his designee shall further be empowered to make and adopt such rules and regulations necessary and proper to effectuate the purposes of this article which rules and regulations shall be filed with the city clerk.
- (c) *Adoption of fees; payment of fees.* The proponent of any application under this chapter shall file with the city a deposit ~~\$1,000.00~~ in accordance with the City's then-applicable fee study at the time the application is filed which is intended to cover the reasonable cost of the examining, inspection and supervisory services required under this article. If the cost of the work exceeds ~~\$1,000.00~~ the amount specified in the City's then-applicable fee study, the additional costs shall be charged to and paid by the proponents of the redevelopment plan.

Sec. 40-36. - Supporting evidence of blight.

- (a) *Blight study.* Any application for approval of a redevelopment plan shall include evidence that the area is a blighted area as defined by RSMo 353.020(2) and section 40-32, and such blight study shall meet the requirements of any procedures established under subsection 40-35(a).
- (b) *Review by city council.* The city council shall analyze the blight studies required in this section, along with other evidence, and determine if the area is a blighted area.

Sec. 40-37. - Notification of property owners.

The city manager or his designee shall adopt regulations which provide for notice of the redevelopment plan and city council public hearing to each person or entity having a property interest of record in the proposed redevelopment area.

Sec. 40-38. - Notice to political subdivisions of proposed redevelopment plan.

- (a) *Notice required.* In addition to the notification requirements of section 40-37, a ten-day written notice shall be given to each political subdivision having boundaries for ad valorem real estate taxation purposes which include any portion of the real property to be affected within the area which is the subject of the redevelopment plan prior to the city council public hearing on the tax abatement.
- (b) *Method of notice.* Any notice required by this section shall be in writing and mailed in the regular United States mail, postage prepaid.
- (c) *Contents of notice.* Any notice required by this section shall state the reason for the notice and the time, date and place of the public hearing. The notice shall provide a general boundary description of the area within the redevelopment plan; the nature of the development; and a written statement of the impact on ad valorem taxes any tax abatement will have on such political subdivisions as required by RSMo 353.110.3.

Sec. 40-39. - Required findings and declarations in any ordinance approving redevelopment plan.

In any ordinance approving a redevelopment plan, the council shall make the following findings and declarations:

- (1) That the area included within a redevelopment plan is a blighted area, and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for the public convenience and necessity.
- (2) That, if a corporation seeks to acquire all or any part of the real property

within a blighted area by exercise of the power of eminent domain, such acquisition by the exercise of the power of eminent domain is for a public purpose.

Sec. 40-40. - Tax relief for redevelopment corporations.

In any ordinance approving a redevelopment plan, the council shall make its determination regarding the amount of tax exemption or abatement to which the real property acquired by the redevelopment corporation will be entitled. Such tax exemption or abatement shall not exceed the maximum amount authorized in RSMo 353.110.

Section 2 – Springfield City Code, Chapter 2, Division 5, ‘Tax Abatement and Tax Increment Financing Advisory Commission,’ is repealed and a new Division 5 is enacted in lieu thereof, to read as follows:

(Note: Language to be added is underlined and language being removed is ~~stricken~~.)

~~DIVISION 5. - TAX ABATEMENT AND TAX INCREMENT FINANCING ADVISORY COMMISSION~~

Sec. 2-241. – Established; membership.

- (a) The city council hereby creates a ~~tax abatement and~~ tax increment financing advisory commission to be appointed as follows:
- (1) 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 districts.
 - (2) Two members shall be appointed by the chief elected officer of Greene County, with the advice and consent of the majority of the county commission.
 - (3) One member shall be appointed, in a manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the city council.
 - (4) Six members shall be appointed by the mayor, with the consent of the majority of the city council. Of the six members appointed by the city, one member shall be from the Springfield/Greene County Library Board, one member shall be from the city council, and ~~three~~ four members shall be from the public at large.
- (b) The members who are appointed by the school boards, Greene County, and the other taxing districts shall 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. If the members representing school districts, Greene County, and the 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. Thereafter, the commission shall consist of the six members appointed by the city, except that members representing school boards, Greene County, 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. If any school district or, Greene County, or any other taxing jurisdiction fails to appoint members of the commission within 30 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. Of the members first appointed by the city, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the city shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as the original appointments.

Sec. 2-242. – Duties; procedures.

(a) *Tax increment financing.* On tax increment financing questions, the commission established by this division shall be subject to the following:

- (1) The commission shall hold public hearings and provide notice pursuant to RSMo 99.825—99.830.
- (2) The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within 30 days following completion of the hearing on any such plan, project or designation, and shall make recommendations to the city council within 90 days of the hearing referred to in RSMo 99.825 concerning the adoption of, or amendment to, redevelopment plans and redevelopment projects and the designation of redevelopment areas.
- (3) The director of the department of planning and development or his designee shall act as the board secretary. The commission shall elect from one of its members a chairperson to preside at the meeting and a vice-chairperson to preside in the absence of the chairperson.
- (4) The director of the department of planning and development shall provide the commission with information concerning tax increment financing questions prior to the city council authorizing tax increment financing. The commission shall advise the city council concerning tax increment financing issues. Final

approval of plans and projects and the designation of the redevelopment area for tax increment financing purposes shall be in the city council.

- (5) The commission shall convene on call from the chairperson or from the secretary to consider advising the city council about tax increment financing questions.

~~(b) *Tax abatement.* The commission also shall advise the city council about tax abatement issues prior to the city council taking action on a request for tax abatement.~~

Section 3 – City Council hereby adopts the Tax Abatement Scorecard attached hereto as “Exhibit A” which is incorporated herein by this reference. This document shall be considered the Council-approved Scorecard required by Section 40-15.

Section 4 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 5 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 6 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: _____, Assistant City Attorney

Approved for Council action: _____, City Manager