

ORDINANCE 17-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA AMENDING AND RESTATING IN TOTAL ARTICLE VI. COMMUNITY REDEVELOPMENT AGENCY OF THE CODE OF ORDINANCES; APPOINTING THE CITY COMMISSION OF THE CITY OF ALACHUA TO CONSTITUTE THE COMMUNITY REDEVELOPMENT AGENCY; INCORPORATING THE BOUNDARIES AS SET FORTH IN THE AMENDED COMMUNITY REDEVELOPMENT PLAN; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, pursuant to the Community Redevelopment Act of 1969, §163.357 Florida Statutes (the “Act”) on April 5, 1982 the City Commission adopted Ordinance No. 82-5, which was amended by Ordinance 0-98-14 and 0-98-24, establishing the membership and terms of the agency to function in the City and carry out the community redevelopment purposes of the Act; and

WHEREAS, on November 16, 1998, the City Commission adopted Ordinance 0-99-03 re-establishing the creation of the Community Redevelopment Agency; and

WHEREAS, §163.357, Florida Statutes, states the governing body may declare itself to be the community redevelopment agency, in which case all of the rights, powers, duties, privileges and immunities vested by §163.357 in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred; and

WHEREAS, the City Commission also being the Community Redevelopment Agency will streamline the functioning of the Agency;

WHEREAS, on August 13, 2013, the City Commission approved and adopted the City of Alachua Amended Redevelopment Plan in Ordinance 13 07 (“Amended Plan”); and

WHEREAS, the boundaries of the Community Redevelopment Area (the “Area”) contained in the Amended and Restated ARTICLE VI of the Code of Ordinances shall be as set forth in **APPENDIX A** to the Amended Plan, a copy of which is attached hereto as APPENDIX A.

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Findings of Fact

The above recitals are true and correct and are incorporated into this ordinance by reference.

Section 2. Amendment to Code of Ordinances

Part II, Chapter 2, Article VI of the Code of Ordinances of the City of Alachua is hereby amended and restated in total as follows:

ARTICLE VI. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-851. Community Redevelopment Agency

The City Commission of the City of Alachua shall constitute the Community Redevelopment Agency, which shall also be known and referred to as the “CRA” or “Agency”.

Sec. 2-852. Membership, Terms and Meetings

- a. Each member of the City Commission shall be a member of the CRA during his or her term of office as a member of the City Commission.
- b. The CRA shall meet quarterly and more often if deemed appropriate, including by special meeting(s).
- c. Public notice shall be provided prior to all meetings of the CRA and all meetings shall be open to the public.

Sec. 2-853. Agency Bylaws and Internal Governance

The CRA shall formulate and may amend its own rules of procedure and written bylaws. A majority of the CRA membership shall constitute a quorum, and all action shall be taken by a vote of at least a majority of the quorum present, unless in any case the bylaws shall require a larger number. The Mayor shall be the chair and the registered agent of the CRA. The Vice-Mayor shall be the Vice-Chair of the CRA.

Sec. 2-854. Bylaws and Governance

- a. The City Manager of the City of Alachua shall serve as the executive director of the CRA and may request the services of such other technical experts, agents and employees of the city as it may require; or the CRA may employ such technical experts, agents and employees as it may require and determine their qualifications, duties and compensation. For such legal service as it may require, the CRA may employ or retain its own counsel and legal staff or utilize the services of the city attorney.
- b. The CRA shall create an advisory board to represent the Community Redevelopment Area (the "Area"). The members of this advisory board shall reside or work at a business located within the Area. This board will serve in an informal advisory capacity. Spending authority will reside with the CRA. Staff support for the advisory board will be under the direction of the executive director of the CRA.
- c. The CRA shall file with the City Commission and with the auditor general on or before March 31 of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of the calendar year. At the time of filing the report, the CRA shall publish in a newspaper of general circulation in the community a

notice to the effect that the report has been filed with the city and the report is available for inspection during business hours in the office of the clerk of the City Commission.

Sec. 2-855. Community Redevelopment Plan

- a. Pursuant to §163.330 through 163-450, Florida Statutes, an area of the City has been found to be a slum or blighted area by Resolutions 82-4 and 98-46, as amended by Resolution 99 02. The area is designated as the community redevelopment area, and is legally described in the Amended Community Redevelopment Plan, incorporated by reference into Ordinance 13 07. This area was initially designated as the Community Redevelopment District by the City Commission in 1987, and its boundaries were amended by Ordinances 0-01-11 and 13 07. The base year valuations were determined for the parcels within the area in 1987. The community redevelopment area shall comprise the geographic area in which the CRA shall undertake activities for the prevention and elimination of the spread of slum and blight in accordance with § 163.330 through 163.450, Florida Statutes.
- b. The City of Alachua Amended Community Redevelopment Plan, which was approved and adopted by the City Commission on August 13, 2013 by Ordinance 13 07 (the “Amended Plan”), contains the adopted redevelopment boundaries which comprise the Community Redevelopment Area in Appendix “A” to the Amended Plan. The Amended Plan is incorporated herein by reference and Appendix “A” to the Amended Plan is attached to this Ordinance as Appendix “A”.

Sec. 2-856. Powers

The CRA shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of F.S. Ch. 163, Part III, including all powers listed in F.S. § 163.370 within the Area.

Sec. 2-857. – Redevelopment Trust Fund

- a. There is hereby established a trust fund, to be separately administered and accounted for, to be known as the Community Redevelopment Account (the “Account”).
- b. The Account shall be used for the deposit of all tax increment funds obtained by the CRA to finance or refinance community redevelopment projects within the Community Redevelopment Area and all such funds shall be used to carry out redevelopment activities included in the Amended Plan.
- c. Until all redevelopment projects included in the Plan are completed and paid for, the Account fund shall receive the annual tax increment, as hereinafter defined, from all taxing authorities except school districts and those taxing authorities listed in F.S. §163.387(2) exclusive of any debt service millage on taxable real property contained within the geographic boundaries of the Area described in attached Appendix “A”.
- d. Pursuant to F.S. §163.387, the tax increment to be allocated annually to the Account shall be 95 percent of the difference between:
 - (1) The amount of ad valorem taxes levied each year by the taxing authority, except those taxing authorities listed in F.S. §163.387(2)(e) exclusive of any debt service millage on taxable real property contained within the geographic boundaries of the Area.
 - (2) 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, except those taxing authorities listed in F.S. §163.387(2)(e) exclusive of any debt service millage on taxable real property contained within the geographic boundaries of the 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 approval of the Community Redevelopment District in 1987 and providing for the funding of the Account.

- e. The total of the assessed value of the taxable property, prior to the adoption of the Community Redevelopment Plan in 1987, was \$6,295,700.00.
- f. Until such time as the Amended Plan expires and its activities are paid for, the City shall, and all other taxing authorities except school districts are called upon to, annually appropriate to the trust fund, the tax increment described in this section for the area described in Sec. 2-855.

Secs. 2-858-2-880 Reserved

Section 3. Inclusion of the Code and Correction of Scrivener's Error

It is the intention of the City Commission of the City of Alachua, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Alachua, Florida; that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate designation to accomplish such intention; that the City Manager or designee, without public hearing, may authorize the correction of any scrivener's errors which do not affect the intent of this ordinance. A corrected copy shall be placed in the public record.

Section 4. Providing for Severability

It is the declared intent of the Alachua City Commission that, if any section, sentence, clause, phrase or provision of this ordinance is for any reason held or declared to be unconstitutional, void or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance and the remainder of this ordinance, after the exclusion of such part or parts, shall continue to be valid.

Section 5. Repealing Clause

All other ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict, including but not limited to ordinances O-99-03, O-94-14 and O-98-24, are hereby repealed.

Section 6. Effective Date

This Ordinance shall be effective upon its passage and adoption on the second and final reading.

PASSED on first reading on the 28th day of November, 2016.

PASSED and **DULY ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading on the _____ day of _____, 2016.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor

SEAL

ATTEST:

APPROVED AS TO FORM

Traci L. Gresham, City Manager/Clerk

Marian B. Rush, City Attorney