



Legislation Text

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[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230524

Sponsor: Mayor Quinton Lucas

Amending Chapter 74, Code of Ordinances of the Kansas City, Missouri, Kansas City Redevelopment Ordinance, by repealing Section 74-54, Establishment of the commission, and enacting in lieu thereof a new section of like number and subject matter, repealing Section 74-57, Delegation of Authority, and repealing Section 74-58, Meetings; rules and regulations, and enacting in lieu thereof a new section of like number and subject matter, entitled “Administrative commission,” for the purpose of delegating certain rights, duties and obligations to the Tax Increment Financing Administrative Commission.

WHEREAS, pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the “Act”), the City Council of Kansas City, Missouri by Ordinance No. 54556 passed on November 24, 1982, and thereafter amended in certain respects by Committee Substitute for Ordinance No. 911076, As Amended, passed on August 29, 1991, Ordinance No. 100089, As Amended, passed on January 28, 2010, Ordinance No. 130986, passed on December 19, 2013, Committee Substitute for Ordinance No. 140823, as amended, created the Tax Increment Financing Commission of Kansas City, Missouri (the “Commission”); and

WHEREAS, the City has delegated to the Commission all powers delegable under the Act, except the powers to grant final approval of tax increment financing plans, projects and designation of redevelopment areas, which powers are reserved to the Council; and

WHEREAS, the City further created an “Administrative Commission” to 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 and delegated to it by the Council, which do not relate to specific plans, projects or amendments thereto; and

WHEREAS, the Administrative Commission is comprised of Six representatives to be appointed by the City; Two representatives of the counties in which the City is situated, selected in any manner agreed upon by the counties; Two School district representatives of the school districts in which the City is situated, selected in any manner agreed upon by the affected school districts; and One taxing district representative of the other taxing districts in which the City is situated, selected in any manner agreed upon by the affected taxing districts; and

WHEREAS, the City wishes to ensure efficient and equitable administration across TIF projects and plans, throughout the City; and

WHEREAS, the City desires to delegate to the Administrative Commission all powers delegable under the Real Property Tax Increment Allocation Redevelopment Act and in particular the powers enumerated in RSMo § 99.820.1, which relate to the administration of redevelopment plans and redevelopment projects, and

the designation of redevelopment areas located within the boundaries of Kansas City, Missouri (except final approval of plans, projects and designation of redevelopment areas, which is reserved to the Council); NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 74-54, Establishment of the commission, is hereby repealed in its entirety and a new section of like number and subject matter is enacted in lieu thereof, to read as follows:

Sec. 74-54. Establishment of the commission.

That there be a tax increment financing commission of Kansas City, Missouri, (the "commission), on which the school district representatives, the county representatives and the taxing districts representative shall be appointed and serve as provided for by the Property Tax Increment Allocation Redevelopment Act (the "Act") to consider for recommendation to the council approval of redevelopment plans and redevelopment projects, the designation of redevelopment areas within their specific jurisdictions, as well as all amendments thereto, within their specific jurisdictions. While the members of the commission appointed by the mayor may give the school districts, the counties and the other taxing districts the option of either designating their school district representatives, the county representatives and taxing districts Representative for a term of a period of time or designating the terms of their school district representatives, county representatives and taxing districts representative to coincide with the commission's consideration of specific redevelopment plans, redevelopment projects and redevelopment areas within their specific jurisdictions, which terms shall then terminate upon the city's final approval of the corresponding redevelopment plan, redevelopment project or designation of a redevelopment area; the council recommends the members of the commission appointed by the mayor give such options to the appointing authority of the respective representatives. Such county representatives, school district representatives and taxing districts representative will serve on the commission to consider amendments to a redevelopment plan, redevelopment project or designation of redevelopment area within their specific jurisdictions.

Section 2. That Section 74-57, Delegation of Authority, is hereby repealed in its entirety.

Section 3. That Section 74-58, Meetings; rules and regulations, is hereby repealed in its entirety and a new section of like number and subject matter entitled "Administrative commission" is enacted in lieu thereof, to read as follows:

Sec. 74-58. Administrative commission.

(a) The Council delegates all of the powers delegable under the Act, in particular the powers enumerated in RSMo § 99.820.1, including but not limited to, the approval of agreements to implement redevelopment plans and redevelopment projects, certification of redevelopment project costs identified in tax increment financing plans, and processing the reimbursement of the same, for all plans and projects in Kansas City, Missouri, to the Administrative Commission, along with the authority to oversee those matters which do not relate to specific plans and projects. The Administrative Commission shall not consider recommendations to the Council regarding redevelopment plans and redevelopment projects and the designation of redevelopment areas.

(b) The Administrative 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 and delegated to it by the Council, including but not limited to, the adoption of bylaws.

(c) The Administrative Commission shall be comprised of:

- (1) The six representatives appointed by the City to the TIF commission pursuant to code section 74-52 ;
- (2) Two representatives of the counties in which the City is situated, selected in any manner agreed upon by the counties;
- (3) Two School district representatives of the school districts in which the City is situated, selected in any manner agreed upon by the affected school districts;
- (4) One taxing district representative of the other taxing districts in which the City is situated, selected in any manner agreed upon by the affected taxing districts.

(d) Notwithstanding anything to the contrary herein, any development agreement, however denominated, or amendment thereto, executed by the Administrative Commission, after the effective date of Committee Substitute for Ordinance No. 140823, shall contain therein a provision allowing the Administrative Commission to assign and the city to assume, at the city's sole election, in whole or in such parts as the city shall elect, the rights, duties, interests and obligations of the Administrative Commission thereunder, and the Administrative Commission shall execute such documentation as may reasonably be required for such purposes. The failure of any development agreement, however denominated, to incorporate the requirements of this section or previously codified section 74-57 shall not preclude any assignment or assumption as the requirements of this section shall be deemed incorporated by operation of law and shall supplant any provision to the contrary.

Approved as to form:

Emalea Black
Associate City Attorney