

ORDINANCE NO. 1099

AN ORDINANCE OF THE CITY OF MARIANNA, FLORIDA, ESTABLISHING A REDEVELOPMENT TRUST FUND FOR THE WEST END REDEVELOPMENT AREA; PROVIDING FOR ADMINISTRATION OF THE REDEVELOPMENT TRUST FUND; DETERMINING THE TAX INCREMENT TO BE DEPOSITED IN THE REDEVELOPMENT TRUST FUND; ESTABLISHING THE BASE YEAR FOR DETERMINING THE ASSESSED VALUE OF PROPERTY IN THE COMMUNITY REDEVELOPMENT AREA FOR TAX INCREMENT PURPOSES; PROVIDING FOR THE ANNUAL APPROPRIATIONS OF THE TAX INCREMENT BY TAXING AUTHORITIES IN THE WEST END REDEVELOPMENT AREA; PROVIDING THAT THE MARIANNA COMMUNITY REDEVELOPMENT AGENCY SHALL BE THE TRUSTEE OF THE REDEVELOPMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 2, 2020, the City Commission of the City of Marianna, Florida (the "City") adopted Resolution No. 2020-11 which determined that the West End Redevelopment Area described therein is a "blighted area" within the meaning of Chapter 163, Part III, Florida Statutes (the "Act"); designated the West End Redevelopment Area as appropriate for community redevelopment; declared certain Findings of Necessity as required by the Act; provided that the Marianna Community Redevelopment Agency (the "Agency") shall exercise redevelopment powers in accordance with the Redevelopment Act to address the conditions of blight in the West End Redevelopment Area; and directed the creation of a community redevelopment plan; and

WHEREAS, by resolution adopted on December 1, 2020, the City Commission adopted that certain West End Redevelopment Plan dated October 2020 (as may be amended from time to time, the "Plan"); and

WHEREAS, in order to implement community redevelopment within the West End Redevelopment Area, it is necessary that a redevelopment trust fund be established and created for such area as provided in Section 163.387, Florida Statutes; and

WHEREAS, notice of the City Commission's intention to create a redevelopment trust fund has been published in a local newspaper of general circulation and mailed to all "taxing authorities" (as that term is hereinafter defined) in accordance with Section 163.346, Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF MARIANNA, FLORIDA, AS FOLLOWS:

Section 1. Authority. The City Commission of the City has the authority to adopt this Ordinance pursuant to the Constitution of the State of Florida, the Act and in particular Section 163.387 thereof, and Chapter 166, Florida Statutes.

Section 2. Establishment of Trust Fund. There is hereby established and created, in accordance with the provisions of the Act, a community redevelopment trust fund for the West End Redevelopment Area (the "West End Trust Fund"). The West End Trust Fund shall be utilized and expended for the purposes of "community redevelopment" (as defined in Section 163.340(9), Florida Statutes) in the West End Redevelopment Area, in accordance with the Act and the Plan.

Section 3. Expenditure of Funds. The monies allocated to and deposited into the West End Trust Fund shall be used to finance community redevelopment within the West End Redevelopment Area. The Agency shall utilize the funds and revenues paid into and earned by the West End Trust Fund for community redevelopment purposes as provided in the Plan and as permitted by law. The West End Trust Fund shall exist for the duration of the community redevelopment undertaken by the Agency pursuant to the Plan, to the fullest extent permitted by the Act. Monies shall be held in the West End Trust Fund by the City, for and on behalf of the Agency, and disbursed from the West End Trust Fund as provided by the Agency and the Act.

Section 4. Tax Increment. There shall be paid into the West End Trust Fund each year by each of the "taxing authorities", as that term is defined in Section 163.340(24), Florida Statutes, except for those public bodies exempted from such requirement by Section 163.387(2)(c), Florida Statutes, levying ad valorem taxes within the West End Redevelopment Area, a sum equal to ninety-five percent (95%) of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance this Ordinance and the Act (such annual sum being hereinafter referred to as the "tax increment").

Section 5. Base Year. The most recent assessment roll used in connection with the taxation of property prior to the effective date of this Ordinance shall be the preliminary assessment roll of taxable real property in Jackson County, Florida, prepared by the Property Appraiser of Jackson County, Florida, and certified pursuant to Section 193.122, Florida Statutes, reflecting valuation of real property for purposes of ad valorem taxation as of January 1, 2020 (the "Base Year Value") and all deposits into the West End Trust Fund shall be in the amount of tax increment calculated as provided in Section 6 hereof based upon the increases in valuation of taxable real property in the West End Redevelopment Area, prepared by the Property Appraiser of Jackson County, Florida, filed with the Department of Revenue pursuant to Section 193.1142, Florida Statutes.

Section 6. Annual Funding. The annual funding of the West End Trust Fund shall be in an amount not less than that increment in 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:

(a) 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 West End Redevelopment Area; and

(b) 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 Base Year Value (as described in section 5); provided, however, if any such taxing authority imposes a millage rate that exceeds the millage rate imposed by the City, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate shall be calculated using the millage rate imposed by the City. Nothing shall prohibit any taxing authority from voluntarily contributing a tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the Agency.

Section 7. Duration. All taxing authorities shall annually appropriate to and cause to be deposited in the West End Trust Fund the tax increment determined pursuant to the Act and this Ordinance. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the West End Trust Fund shall commence immediately upon the effective date of this Ordinance and continue to the extent permitted by the Act so long as any indebtedness pledging "increment revenue" is to be paid and so long as the Plan is in effect.

Section 8. Separate Fund. The West End Trust Fund shall be established and maintained as a separate trust fund by the Agency so that the West End Trust Fund may be promptly and effectively administered and utilized by the Agency expeditiously and without undue delay for its statutory purpose pursuant to the Plan.

Section 9. Agency as Trustee. The governing body of the Agency shall be the trustee of the West End Trust Fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investment and proper application of all monies paid into the West End Trust Fund.

Section 10. Audits. The Agency shall ensure compliance with any audit requirements which may apply to the West End Trust Fund pursuant to Section 1673.387, Florida Statutes.

Section 11. Annual Budget. Moneys in the West Side Trust Fund may be expended for undertakings of the Agency as described in the Plan only pursuant to an annual budget adopted by the Agency and only for the purposes specified in the Act and the Plan, and such expenditures shall comply with any other requirements related to annual budgets set forth in Section 163.387, Florida Statutes. The Agency shall submit its budget to the Board of County Commissioners of Jackson County, Florida within 10 days after the adoption of such budget and submit amendments of its annual budget to the Board of County Commissioners within 10 days after the adoption date of the amended budget.

Section 12. Repeal. Any and all ordinances or parts of ordinances or in conflict herewith are hereby repealed. If any portion of this Ordinance is held to be invalid or unenforceable for any reason, such holding shall not affect the validity or enforceability of the remainder of this Ordinance, which shall remain in full force and effect.

Section 13. Certified Copies. Upon passage and adoption, the City Clerk is hereby authorized and directed to send a certified copy of this Ordinance to each of the taxing authorities and to the Property Appraiser of Jackson County, Florida.

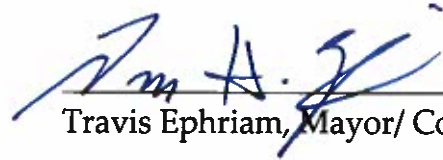
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Section 14. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

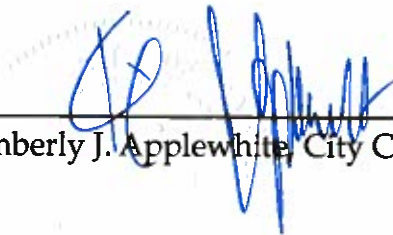
PASSED ON FIRST READING on November 3, 2020.

PASSED AND ADOPTED this 1st day of December, 2020.

CITY COMMISSION OF
MARIANNA, FLORIDA


Travis Ephriam, Mayor/ Commissioner

ATTEST:


Kimberly J. Applewhite, City Clerk