

Item #: 5

Moved by: ROLAND

Prepared by: Robert B. Rolwing

Seconded by: FORD

Approved by: Robert B. Rolwing

RESOLUTION TO CAP COMMUNITY REDEVELOPMENT AGENCY TAX  
INCREMENT FINANCING AT 15 YEARS, AND TO PROHIBIT  
INCLUSION OF TAX-EXEMPT PROPERTY IN TAX INCREMENT  
FINANCING. SPONSORED BY COMMISSIONER MIKE RITZ.

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WHEREAS, The Community Redevelopment Act of 1998, Section 14(10), provides "a time certain for completing all redevelopment financed by increment revenues no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended"; and

WHEREAS, The Community Redevelopment Act of 1998, Section 20(a)(2), provides in part that, "Any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 20 years after the end of the fiscal year in which the initial community redevelopment plan was approved or adopted"; and

WHEREAS, The Community Redevelopment Act of 1998, Section 20(a)(2), further provides in part that, "Any bond, note, or other form of indebtedness pledging increment revenues to the repayment thereof shall mature no later than the end of the 30th fiscal year after the fiscal year in which increment revenues are first deposited into the redevelopment trust fund or the fiscal year in which the plan is subsequently amended"; and

WHEREAS, A municipality or County may, by court interpretation, set a more restrictive qualification for the term of the tax increment financing plan where not prohibited by state law; and

WHEREAS, This Board of Commissioners finds that extended tax increment financing plans adversely affect the tax base of the County; and

WHEREAS, This Board of Commissioners finds that setting a shorter time for completion of such financing and redevelopment is in the best interest of the fiscal health of Shelby County; and

WHEREAS, This Board of Commissioners finds that inclusion of properties in the tax increment financing district that were exempt within a two-year period prior to the creation of the district may result in an increase in funding to the tax increment financing trust fund, said increase not related to the development of the project.

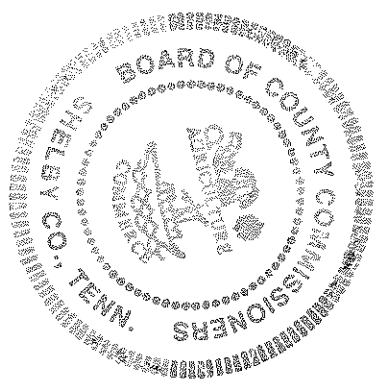
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Board of Commissioners shall not approve any plan of the Community Redevelopment Agency that calls for tax increment financing, using County property taxes, for a period in excess of 15 years after the fiscal year in which the financing is approved, and that such tax increment financing using County property taxes shall not be renewed beyond the 15-year period.

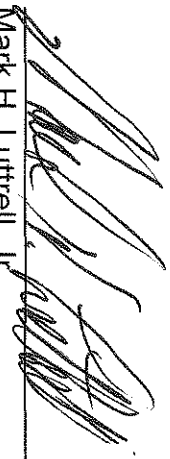
BE IT FURTHER RESOLVED, That the Board of Commissioners shall not approve a Community Redevelopment Agency plan that calls for tax increment financing, using County property taxes, that includes any project with a completion date in excess of 15 years after the fiscal year in which the financing is approved.

BE IT FURTHER RESOLVED, That any property which is tax exempt at any time within a two-year period prior to application for its inclusion in a tax increment financing project approved by the Community Redevelopment Agency and upon which developments or improvements are to be made by the developer, shall not qualify for inclusion in the tax increment financing of the project, insofar as County property taxes are involved.


BE IT FURTHER RESOLVED, That the various sections of this Resolution are severable, and that any portion declared unlawful shall be elided or treated as having been elided and shall not affect the remaining portions.

BE IT FURTHER RESOLVED, That this Resolution shall take effect in accordance with the Shelby County Charter, Article II, Section 2.06(B).



  
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Mark H. Luttrell, Jr.  
County Mayor

Date: 11-4-13

ATTEST:  
  
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Clerk of County Commission

ADOPTED: October 28, 2013