

RESOLUTION 2002 - 47

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; CONFIRMING THE GOVERNING BODY'S AUTHORITY TO GRANT AN EXEMPTION IN ITS SOLE DISCRETION, AND ESTABLISHING A PROCEDURE BY WHICH A SPECIAL DISTRICT MAY SUBMIT A WRITTEN REQUEST TO BE EXEMPTED FROM DEPOSITING AD VALOREM REVENUE TO FUND A COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO SECTION 163.387, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, St. Johns County has created the West Augustine Community Redevelopment Agency to address the blighted condition of that area and to further the public good; and

WHEREAS, other community redevelopment agencies may be created in the future pursuant to Florida law; and

WHEREAS, pursuant to Section 163.387, Florida Statutes, the local governing body may grant an exemption to a special district from the funding requirements of community redevelopment agencies; and

WHEREAS, the County may grant such an exemption either in its sole discretion or in response to the request of the special district; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, as follows:

1. The aforementioned recitals are hereby incorporated by reference and adopted as findings of fact and conclusions of law.
2. Upon receipt of a written request by a special district for exemption from funding the activities of the community redevelopment agency through its ad valorem taxes, the Board of County Commission shall hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having general circulation in St. Johns County. The notice shall describe the time, date, place, and purpose of the hearing and shall identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption.

3. Pursuant to Section 163.387 (2)(d)(2), Florida Statutes, in deciding whether to grant or deny a special district's request for exemption, the Board of County Commissioners shall consider the following criteria:
 - a) Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.
 - b) The fiscal and operational impact on the community redevelopment agency.
 - c) The fiscal and operational impact on the special district.
 - d) The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on the specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.
 - e) The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.
 - f) The benefit of the activities of the special district to the approved community redevelopment plan.
 - g) The benefit of the activities of the special district to the area of operation of the local governing body that created the community redevelopment agency.
4. If the County grants the request for an exemption, the County and the special district shall enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.
5. If the County denies the request for an exemption, the County shall provide the special district with a written analysis specifying the rationale for such denial. Such written analysis may be in the form of an ordinance, resolution, motion, findings, minutes, or otherwise on the record of the proceedings. This written analysis must include, but is not limited to, the following information:
 - a) A separate, detailed examination of each consideration listed in subparagraph 3, hereinabove.
 - b) Specific examples of how the approved community redevelopment plan will benefit, and has already benefited, the purpose for which the special district was created.
6. The decision to either grant or deny an exemption shall be made within 120 days after the date the written request was submitted to the local governing body pursuant to the procedures established herein.
7. This Resolution shall take effect immediately upon passage by the Board of County Commissioners of St. Johns County.

PASSED AND ADOPTED this 26th day of March, 2002.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

RENDITION DATE 3-28-02

By: Marc Jacalone
Marc Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia A. Gandy Deputy Clerk

