

**AN ORDINANCE OF THE CITY OF WARRENTON, MISSOURI, ESTABLISHING AN ADMINISTRATIVE REVIEW PROCEDURE FOR REIMBURSEMENT FROM THE CITY'S SPECIAL ALLOCATION FUNDS**

WHEREAS, the Board of Aldermen of the City of Warrenton, Missouri (the "City") created the Tax Increment Financing Commission of the City of Warrenton, Missouri (the "TIF Commission") and empowered the TIF Commission to exercise those powers and fulfill such duties as are required or authorized for the TIF Commission under the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "TIF Act"); and,

WHEREAS, pursuant to the TIF Act, the City is required to collect and deposit in the Special Allocation Fund payments in lieu of taxes and economic activity taxes and other revenues in segregated accounts for each redevelopment project area approved by the City; and,

WHEREAS, pursuant to the TIF Act, redevelopment project costs are subject to reimbursement from the Special Allocation Fund; and,

WHEREAS, pursuant to Section 99.848 of the Revised Statutes of Missouri, any district providing emergency services pursuant to chapter 190 or 321 is entitled to reimbursement from the Special Allocation Fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment.

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARRENTON MISSOURI, AS FOLLOWS:**

**SECTION I:** The above recitals are true, correct and incorporated herein by this reference.

**SECTION II:** Chapter 150 of the City's Municipal Code titled "Revenues" is hereby amended by the addition of the following words and phrases:

**Article III. Tax Increment Financing**

**Section 150.100 Administrative Review Procedure for Reimbursement Requests from the City's Special Allocation Fund**

**A. Definitions:**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them meaning they have in common usage and to

give this ordinance its most reasonable application. These definitions apply only to this ordinance.

(a) Applicant: any person, organization or district seeking reimbursement from the City's Special Allocation Fund established pursuant to Sections 99.800 to 99.865 of the Revised Statutes of the State of Missouri, as amended.

(b) Special Allocation Fund: the fund of the City of Warrenton which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasure of the City of Warrenton into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account.

(c) TIF Act: Sections 99.800 to 99.865 of the Revised Statutes of the State of Missouri, as amended.

B. In the absence of a written agreement with the City, the following procedure shall apply to an Applicant seeking reimbursement from the City's Special Allocation Fund established and maintained pursuant to the TIF Act:

1. Any Applicant seeking reimbursement may submit to the City annually a notarized affidavit of reimbursable costs which includes a detailed listing by vendor and amount accompanied by invoices, receipts or other supporting documentation that will demonstrate to the City's satisfaction that any cost has been incurred and qualifies for reimbursement pursuant to the TIF Act. Notwithstanding any provision herein to the contrary, the Applicant will not be entitled to reimbursement if the Applicant has not paid to the City any amounts then due to the City, including but not limited to payments in lieu of taxes or economic activity tax revenues payable to the Special Allocation Fund.

2. The Director of Operations/Finance Officer shall notify the Applicant in writing within 30 days after the submission of all required documentation of its approval or disapproval of the costs identified in the submission. If the Director of Operations/Finance Officer determines that any cost identified in the submission is not eligible for reimbursement under the TIF Act, the Director of Operations/Finance Officer shall notify the Applicant in writing within 30 days after the submission, identifying the ineligible cost and basis for determining the cost to be ineligible. The Applicant shall have the right to identify and substitute other reimbursable costs for reimbursement, which shall include a supplemental notarized affidavit requesting reimbursement.

3. If the Director of Operations/Finance Officer fails to approve or disapprove the submission or resubmission within 30 days of receipt of all required documentation, the submission or resubmission shall be forwarded to the Board of Aldermen for consideration and hearing, as set forth below:

A. *Hearing Date.* The Board of Aldermen shall set a time to review the submission or resubmission as soon as reasonably practical and shall provide public notice of such meeting.

B. *Hearing requirements.* Unless the requirements herein are waived by Applicant, each hearing shall provide a record of the proceedings (by audio, video, stenographic, or other reliable means of recording capable of transcription) and shall permit the parties to introduce evidence under oath, and shall provide for cross-examination, when requested. The formal hearing requirements herein shall be deemed waived if not affirmatively requested by petitioner in its submission or resubmission. The Board shall hear and consider the evidence related to and submitted by the Applicant, the City or other interested parties in the discretion of the Board.

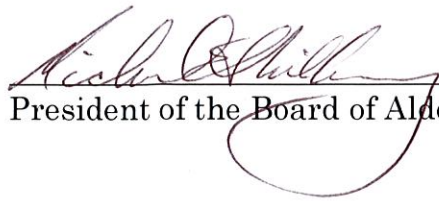
C. *Time for Decision.* If the Board fails to hear and decide the submission or resubmission within twenty-one (21) days after receipt from the Director of Operations/Finance Officer, the submission or resubmission shall be deemed denied; provided however, the Board may extend the time to reach a decision, not exceeding an additional one hundred twenty (120) days following the receipt of the information required pursuant to this Chapter, if prior to the expiration of the twenty-one (21) day period, the Board notifies the Applicant, in writing, of such extension. No decision shall become final for purposes of judicial review of the action subject to review until the effective date of the Board's action on the submission or resubmission, or upon expiration of the review period after the submission or resubmission is filed with the Board.

SECTION III. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION IV. This Ordinance shall take effect and be in full force from and after passage and approval thereof.

SECTION V. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or in violation of state law, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Warrenton hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unlawful or unconstitutional.

READ TWO TIMES AND PASSED by the Board of Aldermen of the City of Warrenton, Missouri, this 19th day of September, 2017.

  
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President of the Board of Aldermen

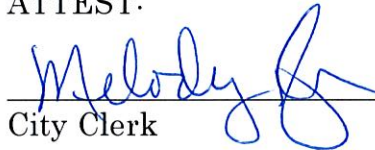
ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR of the City of Warrenton, Missouri, this 19th day of September, 2017.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk