

TOWN OF EATONVILLE COMMUNITY REDEVELOPMENT AGENCY BYLAWS

ARTICLE I – THE ORGANIZATION

- 1.1 Name.** The name of this agency is the **Town of Eatonville Community Redevelopment Agency ("CRA")**, which was created by Resolution No. 97-23 adopted by the Town of Eatonville Council on December 16, 1997 and amended by Resolution No. XX-2016 on DATE. The CRA is a dependent special district in accordance with Florida State Statutes Chapter 189.
- 1.2 Powers.** The CRA derives its powers from **Chapter 163, Part III, Florida Statutes as amended ("the Act")** and from other powers delegated to it by law.
- 1.3 Purpose.** The CRA is established to eliminate and prevent the development and spread of slum and blight as defined in the Act in the **Town of Eatonville Community Redevelopment Area ("CRA Area")** as established by Resolution No. 97-23. Further, the **Council of the Town of Eatonville ("Town Council")** has designated a redevelopment areas that are funded by Tax Increment Financing (TIF) within the CRA Area. The redevelopment area has its own **Community Redevelopment Plan ("Plan")** which has been adopted and amended from time to time by the Town Council. The purpose of the Plans is to identify policies and actions to remedy the conditions of slum and blight that have been determined to exist within the CRA Area.
- 1.4 Principal Office.** The CRA's principal office shall be at any place within the Town as the **CRA Board ("Board")** designates.
- 1.5 Documents.** The official set of CRA books and financial records shall be maintained in the Town of Eatonville's Financial Services Department. The official records, documents and minutes of the Board shall be maintained at the Town of Eatonville Clerk's Office. All CRA books, records, documents and minutes shall be open for public inspection as provided by law.
- 1.6 Operations.** Unless expressly provided otherwise by law or action of the CRA, ordinances, policies and rules of procedure for the Town of Eatonville shall apply to the CRA.

ARTICLE II – CRA BOARD

- 2.1 Members.** The Board shall consist of all members of the Town Council and two (2) appointed from the public by the Governing Body. The two (2) appointed members shall fill two seats for four (4) year terms. However, the initial term for seat one (1) shall be for a two (2) year term for the purpose of staggering the terms. Any person may be appointed to the Agency Board if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the Town of Eatonville, and is otherwise eligible for such appointment under F.S. Part III, Chapter 163.
- 2.2 Compensation.** Board members shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in discharging their duties, in accordance with the Town's reimbursement policies and the approved CRA budget.

ARTICLE III – CRA OFFICERS AND STAFF

- 3.1 Chair.** The chair shall be elected by the Town Council during the month of December. The Chair shall preside at all CRA meetings, appoint committees with approval by the Board, and perform all other duties required by the Board.
- 3.2 Vice Chair.** The vice chair shall be elected by the Town Council during the month of December. In the absence of the Chair, the Vice-Chair shall exercise all functions of the Chair.
- 3.3 Executive Director.** The CRA shall appoint an Agency Executive Director to administer its business and operations, who shall be a member of the Florida Redevelopment Association.
- 3.3.1 General.** The Executive Director shall be the chief executive officer of the Agency.
- 3.3.2 Responsibility.** shall be responsible for carrying out the policies and procedures established by the CRA. The Executive Director and shall have general supervision over, and be responsible for, the performance of the day-to-day operations of the CRA, execute all instruments in the name of the CRA, and shall have, at a minimum, quarterly meetings with the Chairman to discuss Agency administration and operations. The Executive Director shall hire and set compensation for necessary employees of the CRA, including contract employees. The Executive Director shall be responsible for preparing an annual budget, in conjunction with the Agency's financial staff, for the CRA's approval, and shall be otherwise responsible for the CRA fiscal operations. The Executive Director is empowered to execute employment agreements with such persons employed by the CRA within the pay ranges and benefits approved in the annual budget of the CRA. Nothing herein shall prohibit the CRA from using Town employees to provide services in accordance with an Inter-local agreement entered into by both parties. The Executive Director shall adhere to the applicable provisions of Florida Statutes Chapter 163, Part III.
- 3.4 General Counsel.** The CRA shall appoint General Council, who shall be a qualified member of the Florida Bar. As needed to perform legal work for the CRA, the CRA Attorney may consult with outside counsel. The CRA Attorney shall attend all meetings of the CRA and shall be responsible for the oversight of the CRA legal affairs.
- 3.5 Compensation.** Officers who are not Board members may be compensated as the Board deems appropriate. However, an officer performing CRA duties as part of employment with the Town cannot be compensated directly by the CRA, although the CRA may reimburse the Town for the cost of services provided by the officer pursuant to an Inter-local Agreement or Memorandum of Understanding between the Town and the CRA.

ARTICLE IV – TOWN STAFF SUPPORT

- 4.1 Inter-local Agreement.** An Inter-local Agreement between the Town and the CRA shall provide for long term CRA use of Town staff deemed necessary to accomplish redevelopment activities in the CRA Area. The agreement shall describe the responsibilities of the Town and the CRA and show the estimated costs or the manner in which costs shall be determined.
- 4.2 Memorandum of Understanding.** To accomplish necessary, short-term, redevelopment activities not contemplated by the Inter-local Agreement, a Memorandum of Understanding between the Town and the CRA shall provide for Town staff support to the CRA for such activities. The memorandum shall describe the scope of Town staff support to the CRA and the estimated costs or the manner in which costs shall be determined.

ARTICLE V -- MEETINGS

- 5.1 Regular Meetings.** The Board shall meet regularly at least once each month at such time and place as it may prescribe, with at least 7 days' notice provided to Board members and the public. The Board shall adopt a quarterly, semiannual, or annual schedule of its regular meetings. The Agency Board shall also adopt a regular meeting schedule for the Advisory Committee. The approved schedules will be submitted to the local Governing Body. The schedules shall include the date, time, and location of each scheduled meeting and will be posted at the Town Hall.
- 5.2 Special Meetings.** Special meetings, which must be limited to the subject(s) specified on the agenda, may be called by any three Board members, the Chair or the Executive Director upon at least 72 hours' notice to Board members and the public. Agendas for special meetings shall be prepared in accordance with Sections 5.6.1 and 5.6.4 below.
- 5.3 Emergency Meetings.** For urgent matters requiring immediate Board action, emergency meetings may be called by the Chair, the Executive Director, with 24 hours' notice or as soon as practicable. Prior public notice shall not be required, but shall be provided as soon as possible if feasible. Agendas for emergency meetings shall be prepared in accordance with Sections 5.6.1 and 5.6.3 below.
- 5.4 Quorum.** The presence of a majority of the Board members shall constitute a quorum for meeting purposes. If a quorum is not present, the chair may reschedule the meeting, with notice to be given to each absent Board member.
- 5.5 Voting.** Except as otherwise provided by these bylaws, the affirmative vote of at least a majority of Board members shall be required for any Board action to be valid.
- 5.6 Agenda.** The following procedure is established for agenda preparation for regular meetings:
- 5.6.1 The agenda shall be prepared by the Chair and/or the Executive Director.
 - 5.6.2 Board members desiring agenda items shall make the request to the Executive Director at least ten days before the meeting.
 - 5.6.3 A copy of the agenda and all supporting data available shall be provided to the

Board, the CRA Attorney and the public at least five days before the meeting. In the case of a Special or Emergency Meeting the agenda and supporting data will be provided as soon as it is available.

- 5.6.4 **Agenda rule.** Except in emergency situation affecting the public health, welfare or safety, no official action may be taken by The Board on any action item unless it appears on the CRA agenda.

ARTICLE VI – FINANCIAL MANAGEMENT

- 6.1 Fiscal Year.** The CRA's fiscal year shall begin on October 1st of each year.
- 6.2 Budget.** The Executive Director shall be responsible to assure that the CRA's annual budget is prepared and completed in time for inclusion within the Town's budget. The CRA Board shall adopt the budget by Resolution and recommend it to Town Council.
- 6.3 Accounting Practices.** The CRA shall comply with all Florida Department of Financial Services uniform accounting practices and procedures for units of local government.
- 6.4 Supervision of Accounts.** The Executive Director shall be responsible for the internal supervision and control of CRA accounts. Such oversight may be delegated to Town staff under an Inter-local Agreement.
- 6.5 Annual Report.** No later than March 31st of each year, the CRA shall file with the Town Clerk a report of its activities for the preceding fiscal year, including a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of the fiscal year. At the time of filing the report, the CRA shall publish in a local newspaper of general circulation a notice that the report has been filed with the Town Clerk and is available for inspection during business hours in the Town Clerk's office.
- 6.6 Audit.** Within six months after the end of each fiscal year, an audit of the **Redevelopment Trust Funds ("Funds")** shall be conducted by an independent certified public accountant in accordance with the rules of the Florida Auditor General. The audit report shall describe for the fiscal year the amount and source of deposits into the Fund, the amount and purpose of withdrawals from the Fund, the amount of principal and interest paid on any indebtedness to which increment revenues are pledged, and the remaining amount of such indebtedness. The audit may be accomplished in conjunction with the Town's annual audit, by the same certified public accountant, with the audit report submitted to the appropriate State agencies as a single report, provided the CRA component is presented as a separate fund(s) in the report. The CRA shall provide by registered mail a copy of the audit report to each taxing authority as defined by the Act (does not include school districts), the Florida Auditor General and the Florida Department of Financial Services.
- 6.7 Expenditures.** All expenditures of CRA funds shall be in accordance with adopted procedures of the CRA and Town, adhering all applicable laws, the CRA's adopted budget as amended from time to time during the fiscal year, Fund requirements, and the Plan.

- 6.8 **Borrowing.** The affirmative vote of at least a supermajority of Board members shall be required to authorize the CRA to borrow money subject to Town Council approval by Resolution. Borrowed funds may be used only for purposes allowed by the Act and the Plan.

ARTICLE VII -- DISPOSAL OF CRA REAL PROPERTY

The sale, lease, disposal or transfer of CRA real property, or any interest therein, shall be consistent with the Act and approved by Town Council. The Board shall strive to obtain market value for the sale or lease of any CRA-owned land, or clearly state for the record the reason(s) the transaction is below market value.

ARTICLE VIII – ADVISORY COMMITTEES

- 7.1 **Power to Create.** The CRA may, by resolution, create any committee or board to act in an advisory capacity Town to the CRA as shall be deemed necessary to carry out the functions, purposes and objectives of the CRA. The resolution shall provide for an effective date. Unless otherwise delegated, by resolution, the CRA shall appoint committee members. Advisory Committee members shall not be currently serving on any other Town committees or boards. The advisory committee shall be made up of individuals meeting or exceeding the following criteria:
- a) Currently living within the town boundaries for a minimum of 5 consecutive years
 - b) Homesteading in the town
 - c) Working within the financial industry, accounting, banking
 - d) Working within the real estate, housing, construction industry
 - e) Business owner within the town boundaries
 - f) Representative from major area employer
 - g) Representative selected by CRA Board of Directors

ARTICLE IX-- AMENDMENT OF BYLAWS

Amendments to these bylaws shall require the affirmative vote of at least a majority of Board members.

Eddie Cole
Chair

Date

James Benderson
Executive Director

Date

Greg Jackson
General Council

Date

Cathy Williams
Town Clerk

Date

ARTICLE IV. COMMUNITY REDEVELOPMENT AGENCY¹

DIVISION 1. GENERALLY

Sec. 18-133. Authority.

This article is enacted pursuant to F.S. § 163.387 and other applicable provisions of law.
(Ord. No. 97-08, § 1, 12-16-1997)

Sec. 18-134. Findings.

(a) It is hereby found and determined as follows:

- (1) On December 16, 1997 the town council adopted a resolution by which it found that within certain areas of the proposed redevelopment area, are impacted by inadequate roadway and public transportation, deterioration of site and other improvements, a diversity of ownership and faulty lot layout which substantially impair or arrest the sound growth of the municipality constituting a menace to the public health, safety, moral of the residents therein all as more particularly described in such resolution (the "redevelopment area") that the rehabilitation, conservation and redevelopment of the redevelopment area is necessary in the interest of the public health, safety, morals and welfare of the residents of the town to eliminate, remedy and prevent conditions of slum and blight; that the redevelopment area is appropriate for community redevelopment; and that there exists the need for a community redevelopment agency to function in the town to carry out the community redevelopment purposes pursuant to F.S. ch. 163, part III, (the "Act"). Such resolution also designated the redevelopment, and created the community redevelopment agency (the "agency").
 - (2) The town council by resolution duly adopted on December 16, 1997, approved a community redevelopment agency with respect to the redevelopment of the redevelopment agency.
- (b) There has been created and established a community redevelopment agency of the town pursuant to the F.S. § 163.387, and notwithstanding this article or Ordinance No. 2002-15, such agency has been and will continue to be in continuous existence as a body politic and corporate of the state and a legal entity, separate, distinct, and independent from the town council as provided in F.S. § 163.357(1)(b).

(Ord. No. 97-08, § 2, 12-16-1997; Ord. No. 2003-4, § 3, 6-3-2003)

Secs. 18-135—18-151. Reserved.

DIVISION 2. REDEVELOPMENT TRUST FUND

¹State law reference(s)—Community redevelopment, F.S. § 163.330 et seq.

Sec. 18-152. Establishment.

In accordance with F.S. § 163.387, there is hereby established a redevelopment trust fund (the "trust fund") for the community redevelopment agency. Funds allocated to and deposited into this fund shall be used by the community redevelopment agency to finance or refinance any community redevelopment the community redevelopment agency undertakes in the redevelopment area pursuant to F.S. § 163.387 et seq. and the approved community redevelopment plan, and when directly related to the financing or refinancing of redevelopment in the redevelopment area, may be expended for any purpose authorized by F.S. § 163.387 et seq.

(Ord. No. 97-08, § 3, 12-16-1997)

Sec. 18-153. Funding—Amount.

The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service mileage, on taxable real property contained within the geographical boundaries of the redevelopment area; and
- (2) 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 amount from any debt service mileage, upon the total of the assessed value of the taxable real property in the redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance from which this article is derived.

(Ord. No. 97-08, § 4, 12-16-1997)

Sec. 18-154. Same—Governing body obligation.

The obligation of the governing body to fund the redevelopment trust fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon of the community redevelopment agency incurred as a result of community redevelopment in the redevelopment area, have been paid. So long as its obligation to fund the redevelopment trust fund continues, the governing body shall take all necessary action to enforce the performance of the obligation of each taxing authority to make the annual appropriations; required by F.S. § 163.387 et seq.; provided, however, the obligation of the governing body to fund the redevelopment trust fund shall not be construed to make the town a guarantor of the obligations of other taxing authorities under this article; or F.S. § 163.387 et seq.; nor shall it be construed to require the exercise of the taxing power of the town or the payment of the redevelopment trust fund from any other funds of the town, except the incremental revenue described in section 18-153.

(Ord. No. 97-08, § 4, 12-16-1997)

Sec. 18-155. Same—Town may deposit other available funds.

The town may, at its discretion, deposit such other legally available funds into the redevelopment trust fund as may be described by resolutions adopted on or after the effective date of the ordinance from which this article is derived.

(Ord. No. 97-08, § 4, 12-16-1997)

Sec. 18-156. Same—Use of remaining funds after payment of expenses.

On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to F.S. § 163.387(6), for such year shall be:

- (1) Returned to each taxing authority which paid the increment, in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the redevelopment trust fund by all taxing authorities with respect to the redevelopment area for that year;
- (2) Used to reduce the amount of any indebtedness to which increment revenues are pledged;
- (3) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or
- (4) Appropriated to a specific redevelopment project pursuant to the approved redevelopment plan which project will be completed within three years from the date of such appropriation.

(Ord. No. 97-08, § 4, 12-16-1997)

Sec. 18-157. Audit.

The community redevelopment agency shall cause to be prepared by an independent certified public accountant, an audit of the redevelopment trust fund for each fiscal year, all as more particularly described in F.S. § 163.387(8); and shall provide a copy of the same to each taxing authority.

(Ord. No. 97-08, § 5, 12-16-1997)

Secs. 18-158—18-182. Reserved.