

**ORDINANCE NO. 5455**

**AN ORDINANCE TO ESTABLISH THE PROCESS FOR APPROVAL OF TAX INCREMENT FINANCING DISTRICTS AND PROJECT PLANS BY ADDING CHAPTER 3.26 TO THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City has adopted a process for reviewing request for the creation of tax increment financing districts; and

WHEREAS, a committee was appointed to review the current process and to make recommendations for revisions; and

WHEREAS, the Rapid City Common Council has received and considered the recommendations of the review committee and determined that it is in the best interest of the City of Rapid City to establish certain aspects of the tax increment district review process by ordinance.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that a new Chapter be added to Title 3 of the Rapid City Municipal Code designated Chapter 3.26 which shall read as follows:

**3.26.010 Tax Increment Financing District Project Review Committee created.**

There is hereby created a Tax Increment Financing District Project Review Committee which shall consist of the following members: Two (2) City Council members appointed by the Mayor and approved by the Council; two (2) Planning Commission members appointed by the Mayor and approved by the Council; a representative of the Economic Development Partnership appointed by the Rapid City Economic Development Partnership Board; a representative of the Rapid City Area School District appointed by the School Board president; and a representative of the Pennington County Board of Commissioners appointed by the Board of Commissioners. Members of the Committee shall serve indefinite terms and may be replaced at any time by the appointing authority.

**3.26.020 Purpose.**

The Tax Increment Financing District Project Review Committee shall consider all initial requests for the creation of tax increment financing districts or tax increment financing district project plans and shall consider all requests for the amendment of any existing tax increment financing district or project plan.

**3.26.030 Process.**

A. An applicant for a tax increment financing district shall submit to the Growth Management Director a completed application form, together with all information that may be required by the Rapid City Common Council. In addition, the applicant must pay to the City an application fee of One Thousand Dollars (\$1,000.00) for each request for creation of a tax

increment financing district or for any amendment to an existing tax increment financing district or project plan.

B. Upon receipt of a completed application, all the information required by the Rapid City Common Council, and payment of the application fee, the Growth Management Department will schedule a meeting of the Tax Increment Financing District Project Review Committee within thirty (30) days.

### **3.26.040 Hearing by the Tax Increment Financing District Project Review Committee.**

The Tax Increment Financing District Project Review Committee shall meet at the scheduled time and hear the request for the creation or amendment of the tax increment financing district or project plan. The meeting shall be a public meeting with minutes taken. The meeting shall be noticed in the same manner as regular City Council meetings, and a public comment period shall be allowed on each application. The Committee shall have the right to limit the amount of time it allots for each speaker during the public comment period, but shall not impose an unduly burdensome time limit.

### **3.26.050 Recommendation.**

A. The Tax Increment Financing District Project Review Committee shall either approve or deny the request. If the Committee approves the request, documents to implement the recommendation will be prepared by the staff and will be forwarded, along with the Committee's recommendation, to the Planning Commission for a public hearing and consideration.

B. If the Tax Increment Financing District Project Review Committee denies the request, the applicant may appeal the decision to the Planning Commission. Any appeal must be filed within seven (7) days of the action by the Tax Increment Financing District Project Review Committee. The appeal must be in writing, directed to the Growth Management Director indicating the applicant's intention to appeal. The appeal shall be presented to the Planning Commission at its next regular meeting that is at least seven (7) days following the date the appeal is received by the Growth Management Director. The Planning Commission may uphold the denial of the application by the Tax Increment Financing District Project Review Committee or may direct that documents to implement the Committee's recommendation be prepared and that the statutory notifications be made for a public hearing and consideration by the Planning Commission.

### **3.26.060 Recommendation for approval forwarded to the City Council.**

Recommendation for approval by the Planning Commission shall be forwarded to the City Council. Upon receipt of a recommendation for approval, the City Council shall set a public hearing and provide public notice thereof. The City Council shall refer the application to the Legal and Finance Committee for review and recommendation. The Legal and Finance Committee shall deliver the item to the City Council with or without recommendation on the date set by the City Council for the public hearing.

**3.26.070 Action by the City Council.**

Following the public hearing, the City Council may approve, reject, or amend any request for the creation or alteration of a tax increment financing district or project plan.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: