

**Ordinance No. 5914**

**ORDINANCE AMENDING PROVISIONS CONCERNING TAX INCREMENT FINANCING DISTRICT REVIEW PROCESS FOUND IN CHAPTER 3.26 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted the provisions in Chapter 3.26 concerning the Tax Increment Financing District Review process; and

WHEREAS, the City wishes to update the membership of the Tax Increment Financing District Project Review Committee to increase the number of representatives from the Pennington County Board of Commissioners, and to decrease the number of Planning Commission members; and

WHEREAS, the City wishes to clarify that members of the Tax Increment Financing District Project Review Committee will serve one year terms; and

WHEREAS, the City wishes to relocate the amount of the fee for tax increment financing district applications to a resolution in which the Common Council will set the fee.

**NOW THEREFORE, BE IT ORDAINED** by the City of Rapid City that Chapter 3.26 of the Rapid City Municipal Code is hereby amended as follows:

**CHAPTER 3.26: TAX INCREMENT FINANCING DISTRICT REVIEW PROCESS**

Section

- 3.26.010 Tax Increment Financing District Project Review Committee created.
- 3.26.020 Purpose.
- 3.26.030 Process.
- 3.26.040 Hearing by the Tax Increment Financing District Project Review Committee.
- 3.26.050 Recommendation.
- 3.26.060 Recommendation for approval forwarded to the City Council.
- 3.26.070 Action by the City Council.

**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: The City Council leadership will be responsible for forwarding the name of two City Council members to be approved by a majority vote of the City Council; ~~2 City Council members appointed by the Mayor and approved by the Council;~~ 2 One Planning Commission members appointed by the Mayor and ~~approved~~ confirmed by the City Council; ~~a~~One representative of the Economic Development Partnership appointed by the Rapid City Economic Development Partnership Board; ~~a~~One representative of the Rapid City Area School District appointed by the School Board president; and ~~a~~ Two representatives of the Pennington County Board of Commissioners appointed by the Board of Commissioners.

Members of the Committee shall serve one indefinite year 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.

### **3.26.30 Process.**

A. An applicant for a tax increment financing district shall submit to the Community Planning & Development Services Department ~~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 \$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. The fee amount shall be set by City Council by resolution.

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~~ Community Planning & Development Services Department will schedule a meeting of the Tax Increment Financing District Project Review Committee within 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.

### **3.26.50 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 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 Community Planning & Development Services 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 7 days following the date the appeal is received by the Growth Management Community Planning & Development Services 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 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:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: