

# **Guidelines**



## **Community Redevelopment Agency Use of Tax Increment Funding Guidelines**

### **I. Purpose**

The purpose of these guidelines is to:

- A. Guide Community Redevelopment Agency (CRA), the Bahama Village Redevelopment Advisory Committee (BVRAC), City staff and other advisory groups in preparing analysis and recommendations regarding the appropriation and use of tax increment funds for the CRA, including:
  - Private Sector funding requests
  - Non-Profit funding requests
  - Public Funding requests
  - Program Funding request
- B. Provide a framework within which the CRA can evaluate and compare proposed appropriation and uses of tax increment funds;
- C. Inform the community of the City's positions on the use of tax increment funding and the process through which decisions regarding the use of this tool are made; and
- D. Inform applicants regarding anticipated procedures and expectation funding is awarded.

### **II. Redevelopment Plan Implementation**

- A. Implement community redevelopment that meets and furthers the objectives of, and are consistent with the principles and goals in the amended and restated Community Redevelopment Plan (the Plan) adopted by the City Commission on January 5, 2010. The plan is available on the Planning Department webpage at [www.keywestcity.com](http://www.keywestcity.com) or at the [CRA link](#).

### **III. Review Process**

Application review is expected to follow the following steps:

- A. Staff will review the applications to determine if they are complete and notify the applicant of any deficiencies in the application and provide a timeframe within which deficiencies can be resolved.
- B. Bahama Village Redevelopment Advisory Board (for projects within the Bahama Village subarea) will allow applicants to make short presentations and evaluate each project based on the established criteria and recommend projects for funding.
- C. Recommended awards will be forwarded to the CRA and City Commission for review and approval.

### **IV. Procedures**

The following is an outline of procedures required to be followed by an Owner (defined as any group, organization, person etc.) once awarded an appropriation of Tax Increment Funding by the CRA. Please note that the applicant is responsible for paying all permit application and issuance fees, including impact and licensing fees, associated with the proposed development.

Before any funding each applicant will be required to provide federal and state tax identification numbers (or a social security number if the applicant is an individual without a tax I.D. number). Please note that a restrictive covenant may be required by the City of Key West for your project.

The applicant is expected to follow and meet the schedule submitted with the project application for each of the applicable steps described below. Failure to adhere to the schedule may jeopardize funding, and staff reserves the right to bring projects which do not meet the schedule back to the CRA for reconsideration.

#### **A. General Conditions**

- City Staff briefs Owner on process and procedures.
- Owner briefs City Staff on project scope, schedule and other critical aspects.
- All capital projects should involve an Architect/Engineer – City Staff to determine exceptions, when applicable.
- All payments to Architect/Engineer, General Contractor and Others will be direct and made by City.
- City and Owner execute agreement regarding use of funds which contain acknowledgement of process and potential for reversion of funds.

**B. Construction Projects:** If Applicant is proposing a Construction or Restoration Project, the following procedures are relevant:

## **1. Owner Selects Architect/Engineer if Applicable**

- All capital projects will require engagement of Architect/Engineer.
  - Florida Licensed
  - Local Architect/Engineer with restoration experience preferred.
- Owner and Architect/Engineer develop fee structure. Fee(s) shall be in accordance with the Fee Guide Calculator, as published by the State of Florida Department of Management Services.
- Written Agreement required.
- City will review selection of Architect/Engineer and resulting Agreement for reasonableness and completeness.
- Owner and Architect/Engineer enter into Agreement.
- Owner will review and recommend to City for payment all Requests for Payment from Architect/Engineer.

## **2. Architect/Engineer Responsibilities if Applicable**

- Develop plans and/or specifications.
  - Based on Desires of Owner and Consistent with approved project.
- Determines if estimated cost is within appropriation approved by City Commission - if not inform City Staff.
- Secures all necessary local, state and federal approvals and permits.
- Contractor Selection.
  - Encourage competition to the maximum extent possible.
  - Develop solicitation and bidding documents, if necessary.
  - Encourage General Contractors to use Bahama Village resources to the maximum extent possible.
  - Collects bids and makes award recommendation to Owner and City Staff.
- Owner and General Contractor will enter into written Agreement – assistance provided by Architect/Engineer.
  - City will review selection of General Contractor and resulting Agreement for reasonableness and completeness
- Prior to issuance of a Notice to Proceed, Architect/Engineer shall confirm Contractor/Vendor is in good standing and a General Liability Insurance certificate should be received from each contractor/subcontractor naming the City as additional insured as well as the Owner
- Issue Notice to Proceed
- Monitor Progress of Work until Completion.
- Review and approve all Contractor and “Others” Payment Requests.
- Architect/Engineer shall ensure partial and final releases are secured from all contractors and subcontractors.

**3. Other Actions**

- City Staff to report on project progress to Commission or Committee

**C. Programs:** If the project is a program, the following procedures apply:

**1. General Conditions**

- City Staff briefs Recipient on Process and Procedures.
- Recipient briefs City Staff on program scope, goals and other critical aspects.
- Funds will be disbursed on a reimbursement basis. Frequency of reimbursement to be determined by Staff based on program characteristics.
- City and Recipient execute an agreement regarding use of appropriated funds which contain acknowledgement of process and potential for reversion of funds or discontinuance of future funding.

**2. Recipient Responsibilities**

- Establish or demonstrate the existence of an accounting system for the program which is transparent, single purpose and auditable.
- Prior to initial reimbursement Recipient develops and provides to City Staff a 12 month budget detailing the anticipated expenses to be reimbursed.
- Reimbursement requests for labor and operating expenses should have sufficient narrative detail to demonstrate support and connection with program objectives.
- City will be assured by the recipient, and may request documentation to support, that all payroll taxes and/or 1099s have been submitted to the correct agencies in an accurate and timely manner.
- Provide in conjunction with the reimbursement request a report to Staff outlining program accomplishments for the reimbursement period and a summary accounting of program revenues and expenses for the reimbursement period and a total summary accounting for the program period covered by the TIF appropriation. Such a report will reflect "other" revenues and expenses of the program which were not covered by the annual budget.
- Additionally, such a report will demonstrate compliance on any unique conditions placed on the appropriation by the BVRAC or by the Key West City Commission. Such report will be made available to the BVRAC if applicable.

- Recipient will notify City Manager immediately of any operational, financial or legal issues which could impact prior or future funding of the program.
- Recipient will make a presentation to the BVRAC if within the Bahama Village Subarea, no less than quarterly, of the accomplishments and future plans of the program.

### **3. City's Responsibilities**

- City Staff will make itself available to answer any questions the Recipient may have concerning the Recipient's responsibilities.
- City Staff will process reimbursement requests within 10 workdays provided all required documentation is provided. Realizing cash flow is critical to the Recipient, Staff will make effort to release reimbursements prior to 10 workdays, however there may be times in which 10 workdays will be required.
- City Staff will notify the BVRAC or City Commission immediately of any operational, financial or legal issues of the program which could impact prior or future funding of the program.