



Unified Government of Wyandotte County
and Kansas City, Kansas

Tax Increment Finance Policy

Commission Resolution:
2021-736

Adopted: 04/08/2021

I. Authority:

The Mayor and the Board of Commissioners are responsible for legislation, policy formulation, and overall direction setting of the government. This includes the approval of financial policies which establish and direct the operations of Unified Government (UG). The County Administrator is responsible for carrying out the policy directives of the UG Board of Commissioners and managing the day-to-day operations of the executive departments. This policy shall be administered on behalf of the County Administrator by the Chief Financial Officer and the Director of Economic Development.

II. Purpose:

This Tax Increment Finance (TIF) Policy is designed to create a positive business environment to stimulate economic growth and development in order to encourage capital investment, employment opportunities, and quality services for the benefit of the community. The policies and procedures outlined within this document are separate from Kansas Sales Tax Revenue (STAR) bonds.

III. Eligible Areas

- Blighted Areas (including environmentally contaminated areas and 100-year floodplains)
- Conservation Areas
- Pre-1992 Enterprise Zones
- Major Tourism Areas
- Major Commercial Entertainment and Tourism
- Buildings that are 65+ years old and any contiguous vacant or condemned lots
- Bioscience Development Area
- Intermodal Transportation Area
- Redevelopment District

IV. Scope:

This Policy shall apply to the City of Kansas City, Kansas ("City").

V. Definitions and Acronyms:

For purposes of this TIF Policy, when used in this Policy, the following words shall have the following meanings. Additional definitions may be added in exhibits to this Policy.

APPLICANT: Any person, firm, or entity making an application to receive TIF incentive.

REDIRECTION: The change in destination for new ad valorem taxes. For example, without the TIF incentive the new ad valorem taxes would go into the UG's general fund but with the TIF incentive the new funds are redirected to pay for eligible project costs for the development receiving the TIF incentive.

BOND COUNSEL: That firm or individual designated by the Unified Government to handle legal and financial matters and issues associated with the issuance of temporary notes and bonds by the Unified Government.

CAPITAL INVESTMENT: Capital investment shall include expenditures for land, buildings, or personal property subject to ad valorem taxation.

INCREMENT: The difference between the amount of ad valorem property taxes before and after a project has occurred. For example, if a parcel was being taxed at \$1,000 before a development occurred, and \$4,000 after a development occurred, there would be \$3,000 of increment.

ENVIRONMENTAL CERTIFICATION: A third party green building certification program that offers validation of a Project's green features and verifies that the building is operating the way it was designed to.

LOCAL BUSINESS ENTERPRISE or LBE: A business headquartered or that maintains a major branch that performs the significant functions of the business in Wyandotte County , or businesses of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County, Kansas.

MINORITY BUSINESS ENTERPRISE or MBE: A business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of one or more minority individuals and which business is certified as a Minority Business Enterprise under Article V of Chapter 18 of the Unified Government Code. A "minority individual " is as defined in Article V of Chapter 18 of the Unified Government Code.

VI. Policy

- A. TIF Defined -** A Tax Increment Financing (TIF) District allows the Unified Government to work with private developers to authorize redevelopment projects in blighted areas in accordance with State statutory requirements as set forth in **K.S.A 12-1770a**. TIF financing allows for a development project to access the incremental property and/or sales tax revenues generated by the project. TIF diverts all or a portion of new (incremental) local taxes created by a project which includes real property taxes, city sales tax, and county sales tax.
- B. Funding Mechanism -** TIF funding may be through developer reimbursement (“Pay as you Go”) or bond financed. Pay as you go reimbursement will occur as increment is received per terms of the development agreement whereas bond financing will require Special Obligation Revenue Bonds to be issued by the City (who will hold limited obligation). The City can provide a pledge of annual appropriation or general obligation (GO) backing.

C. Eligible Costs - TIF Districts may exist for up to twenty (20) years per project. In accordance with Kansas Laws, these funds may only be used for TIF-eligible expenses, which include but are not limited to:

1. Land Acquisition & Relocation (of families)
2. Public Improvements (curb, sidewalks, streets, lighting)
3. Site Preparation (demolition)
4. Utilities, and
5. Sanitary and Storm Sewers

D. UG Directives - To supplement the statutory guidelines, staff will also adhere to the following policy directives:

1. Feasibility Studies – shall be conducted to estimate future revenue of the project and account for market fluctuations which could negatively impact revenue generation.
2. Bonding options – the strong preference of the UG is for TIF funding to be on a Pay as you go basis. In certain circumstances special revenue funds and general obligation backing will be considered.
3. Performance measures:
 - i. Require certain conditions be met prior to approval of Project Plan.
 - ii. Require certain conditions be met prior to debt issuance or reimbursement.
4. The preference of the UG is for public financing not to exceed 20% of the project’s total costs.
5. Institute a “sunset” provision for timing between District approval and Project Plan approval.
6. As part of Development, segregate and quantify the dollar amount used for Public infrastructure improvements.
7. Separate criteria may be applied towards developers based on positive and negative reputations and track records.

E. UG Recourse Options - For TIF projects that are underperforming, the following recourse options may be considered:

1. Restart TIF
2. Refinance Bond Debt
3. Termination recommendations
4. Development Agreement shall contain non-compliance actions
5. Modify Project Plan
6. Option to take property or part of development area

VII. TIF Term and Level Directives

A. General Directive - The TIF incentive is used to fill a financial gap on a development project. As such, the amount of TIF, both percentage of redirected ad valorem taxes and duration, will be determined through a financial assessment of need.

- B. Feasibility Study/Financial Analysis** – A third party analysis shall be conducted to determine the feasibility of the project, the projected revenues, and the financial gap based on reasonable market returns for comparable projects.
- C. TIF Cap** – A maximum figure for redirected TIF dollars will be agreed upon in the development agreement. Should the project reach that dollar figure ahead of schedule, the TIF incentive will be terminated at that time.

VIII. Quality Control and Quality Assurance - Continued Compliance. Any TIF pursuant to this Policy shall be accompanied by a development agreement between the applicant and/or lessee and the Unified Government. Any TIF is subject to annual review and determination by the Unified Government County Administrator that the conditions qualifying the business for the TIF continue to exist. The Unified Government at any time may review information provided by the company, lessee, or State of Kansas, or may request additional information to determine compliance with the development agreement. If the Board of Commissioners finds that the business or Project is not in compliance, then the TIF may be modified pursuant to the development agreement or eliminated as the Board of Commissioners deems appropriate. The County Appraiser and the Board of Tax Appeals shall be notified of such action. Each development agreement shall contain a notice and waiver disclosing to each applicant that the Unified Government reserves the right to grant future incentives on comparable projects in amounts different than the TIF, exemption, or abatement granted to such applicant. Such notice and waiver shall include a provision that the applicant waives any right to request a modification or amendment of such incentive based upon such differences.

IX. Process

A. Initiation

1. Developer Initiated

- i. Developer has interest to redevelop an area
- ii. Asks City for Incentives
- iii. City may issue an RFP to redevelop the proposed area

2. City Initiated

- i. City issues RFP to redevelop an eligible area
- ii. Offers TIF of other incentives to facilitate interest

B. Process With Sample Timeline

- 1. Resolution Calling Public Hearing on Redevelopment District – Day 1
- 2. Mailed Notice to Taxing Districts – Day 5
- 3. Mailed Notices to Property Owners – Day 5
- 4. Published Notices – Day 25
- 5. Public Hearing on Redevelopment Plan – Day 35
- 6. Ordinance Approving Redevelopment District – Day 35
- 7. Redevelopment Plan prepared and submitted to City; Planning Commission finding of consistency with intent of comprehensive development plan – Day 60
- 8. Negotiation of Redevelopment Agreement – Days 60-90
- 9. City Resolution Calling Public Hearing on Redevelopment Plan – Day 70
- 10. Mailed Notices to Taxing Districts – Day 75

11. Mailed Notices to Property Owners – Day 75
12. Published Notices – Day 91
13. Public Hearing on Redevelopment Plan – Day 101
14. Ordinance Approving Redevelopment Plan and Agreement – Day 101

X. Fees

Department	Description	Fee
Finance, Legal, & Economic Development	TIF Bonds Issuance Fees	Applicants shall pay an issuance fee of (i) .400 of the first \$10 million par amount of Bonds being issued or the amount of TIF being requested, plus (ii) .250 of the par amount in excess of \$10 million but less than \$25 million of Bonds being issued or the amount of TIF being requested. (iii) .125 of the par amount in excess of \$25 million of Bonds being issued.
Finance & Economic Development	Tax Increment Financing (TIF) application fee	\$2,500
Finance & Economic Development	TIF retainer (used to pay third-party consultants for review of the application; any amount unused will be refunded to the applicant). This fund shall be continually replenished as necessary.	Minimum \$15,000 (dependent on the complexity of the project)
Finance & Economic Development	Substantial request from developer to amend TIF district	\$5,000 per request
Finance & Economic Development	Annual TIF administrative fee (City deducts fee when funds are distributed)	1% of TIF property tax increment, and 1% of sales tax increment, disbursed to applicant

Other Items: The County Administrator is authorized to establish fees ranging from \$250 to \$2,500 per request, including requests for time extensions to agreements & project plans, requests for amendments to existing agreements, and requests for estoppel certificates. The

fee will be determined by the County Administrator based on a variety of factors, including the complexity of the issue and the estimated staff time associated with the request. The Director of Economic Development is also authorized to request retainer payments to cover third-party consultant costs and review requiring significant staff time for projects where a formal application and retainer payment have not been submitted by the applicant. At the UG's discretion, retainer payments may be refunded to the applicant if no activity has occurred for the project within the past 12 months or if the project is completed.

- XI. Authority of UG Commission.** The Board of Commissioners reserves the right to deviate from this Policy, but not any procedure set forth in this Policy or any other procedural requirements of State law, when it considers such action to be of exceptional benefit to the Unified Government or extraordinary circumstances prevail that the Commission believes such deviation is in the best interests of the Unified Government.