


THE HOGAN LAW FIRM®*We mean businessSM***MEMORANDUM**

TO: ANDY HOUSTON 

FROM: MICHAEL J. BRANNIGAN, ESQ.
THE HOGAN LAW FIRM
AS CITY ATTORNEY FOR CRYSTAL RIVER

RE: EXTENDING THE CRA

The CRA Board and the City Manager requested a legal analysis of the statutory requirements and procedures in extending the life of the CRA district in the City. The current sunset date for the CRA is set for 2018, and the recommendation has been made to extend the CRA for an additional 25 years.

The relevant statute concerning modification to the CRA is **Florida Statute 163.361 (Modification of community redevelopment plans.)** As the title implies the statute provides the steps needed to amend or modify the plan. These include not only expanding the geographical size and/or extending the sunset date of the CRA, but also include changes to the physical boundary of the CRA by inclusion or exclusion of property and may even include the development and implementation of community policing innovations.

There are specific procedural requirements that must be strictly adhered to when attempting to modify the plan. First, there is a mandatory minimum **10** day public notice by publication requirement as well as a public hearing on any proposed modifications. Second, prior to the adoption of any expansion or extension of the plan, the modifications must be reported to each taxing authority, in writing or by oral presentation or both. As

you are aware, City Council Members sit as Crystal River's CRA Board but regardless, the CRA Board still must report to the Council, in writing, all of the proposed changes to the plan. The Board of County Commissioners would be the other taxing authority that must also be provided with the report and/or presentation.

Citrus County is not a Charter County and because of that there are additional procedures that must be followed pursuant to 163.361 (3)(b). The timeline is as follows:

1. Upon receipt of the report proposing modifications from the CRA Board, the County then has **30** days to provide notice by registered mail to the City Council and the CRA Board that the County has objections to the modifications or as the statute reads "*competing policy goals and plans for the public funds.*"
2. Assuming timely notice, the Board of County Commissioners and the City Council shall schedule a joint hearing to be co-chaired by the Chairman of the Board of County Commissioners and the Mayor with the agenda being set by the Chairman. This hearing must be held within **90** days after the County has received the proposed modification.
3. The County can propose an alternative plan in regards to the proposed modifications, but should they choose to do so, any such alternative plan must be delivered to the City Council and the CRA at least **30** days prior to the joint meeting.
4. If the County provides proper notice of their objections and the joint meeting has been properly and timely scheduled and attended, the City cannot

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proceed with adoption of the changes until at least **30** days after the joint hearing.

5. If the proposed changes include a change in the CRA boundary, there must be a supporting resolution by the City Council as required in **Florida Statutes 163.355 (Finding of necessity by county or municipality)**.
6. The County and the City, at any time during the process, may opt to utilize the dispute resolution process established in Florida Statutes 164, but such a decision is voluntary and neither party can require the other to participate.
7. There may also be additional approvals and conditions required if the proposed modifications to the CRA are made after the sale or lease of property in the CRA.
8. The City of Crystal River has the ability to extend the termination date of the CRA plan for an additional **30** years from the date the plan is modified. In order to maximize the amount of any time extension, the modifications would need to be implemented near the end of the original expiration date.

The above listed statutory requirements provide the County with notice and allow the County an advisory and collaborative role in the process of modifying the City's CRA district. As the dispute resolution alternative is purely voluntary, the City, upon compliance with the aforementioned procedures, has the ultimate decision making authority in regards to the modification of the CRA plan.

