

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: November 30, 2015
Item No.: 12.c

Department Approval



City Manager Approval



Item Description: Public Hearing to Consider Adopting a Resolution Creating the Economic Development Authority (EDA), and Approval of Transfer of Housing & Redevelopment Authority Powers to the EDA

BACKGROUND

At the October 26, 2015 meeting, the City Council directed staff to begin the process to create an Economic Development Authority (EDA) that would absorb as much of the Housing Redevelopment Authority (HRA) functions, assets and obligations as is legally permissible. Notice of the public hearing to establish an EDA was posted at City Hall and ran two consecutive weeks in the Roseville Review, as is required by State Statute 469.093.

In order to establish the EDA, the following process is required:

- The City Council must open a public hearing and take comment.
- After closing the public hearing, the City Council may approve an enabling resolution to create an EDA. (See Attachment A).

To transfer the programs, functions, assets and obligations, a three-step process is required:

1. The City Council approves a resolution authorizing a transfer from the HRA to the newly formed EDA.
2. The HRA meets to initiate the transfer process.
 - Originally, this was scheduled to occur on December 7th, but staff recognized that it would be more efficient to do this on the same day as the EDA organizational meeting. There will likely not be any other formal action by the HRA on that date or into the future.
3. The EDA will have its organizational meeting on January 7th to elect officers, adopt by-laws, and accept the transfer from the HRA. In addition contracts for third parties services (for an EDA Attorney and for Housing Resource Center services) will be considered by the EDA.

All documents for establishing the EDA have been drafted by Martha Ingram of Kennedy Graven.

POLICY OBJECTIVE

These actions are in accordance with the City Council's policy directions on October 26, 2015.

30 **BUDGET IMPLICATIONS**

31 Staff and legal services have been and will continue to be necessary as the City Council moves forward
32 with establishing the EDA.

33 **STAFF RECOMMENDATION**

- 34 1. Open the public hearing and take public comment.
35 2. Formally take action on the two resolutions that will create the EDA and approve the
36 organizational transfer of projects and programs of the HRA.
37

38 **REQUESTED COUNCIL ACTION**

- 39 1. Open the public hearing and take public comment.
40 2. Close the public hearing and offer a motion to approve or deny a resolution creating the
41 Roseville EDA (Attachment A).
42 3. Offer a motion to approve or deny a resolution authorizing the transfer of projects and programs
43 of the RHRA to the EDA (Attachment B).
44

Prepared by: Jeanne Kelsey, 651-792-7086

Attachments: A: Resolution enabling the creation of the Roseville EDA

B: Approve resolution of organizational matter for transferring projects and programs of the HRA

45

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 30th day of November, 2015, at 6:00 p.m.

The following members were present:

and the following were absent: .

Member introduced the following resolution and moved its adoption:

RESOLUTION No.

RESOLUTION ENABLING THE CREATION OF AN ECONOMIC DEVELOPMENT AUTHORITY IN THE CITY OF ROSEVILLE, MINNESOTA

WHEREAS, the City is authorized by Minnesota Statutes, Sections 469.090 to 469.1081 (the “EDA Act”) to establish an economic development authority to coordinate and administer economic development and redevelopment plans and programs for the City, and is authorized by Minnesota Statutes, Sections 469.001 to 469.047 (the “HRA Act”) to establish a housing and redevelopment authority to coordinate and administer housing and redevelopment plans and programs for the City; and

WHEREAS, by Resolution No. 10011 approved June 17, 2002, the City established the Housing and Redevelopment Authority in and for the City of Roseville (the “HRA”), for the purpose of coordinating and administering housing and redevelopment projects and activities in and for the City; and

WHEREAS, the City Council has now determined to establish an economic development authority pursuant to the EDA Act, and to transfer the control, authority and operation of all housing and redevelopment projects currently administered by the HRA to such newly established economic development authority; and

WHEREAS, the City Council has, in accordance with Section 469.093 of the EDA Act, provided public notice and conducted a public hearing on the date hereof, at which all persons wishing to be heard were given an opportunity to

1 express their views, concerning the establishment of an economic
2 development authority and the transfer of HRA powers;

3
4 NOW, THEREFORE, BE IT RESOLVED, that:

5
6 Section 1. Enabling Authority.

7
8 1.01. The Roseville Economic Development Authority (the “EDA”) is hereby
9 established pursuant to this Enabling Resolution.

10
11 1.02. The EDA board of commissioners shall be composed of 5 members, who
12 shall be the members of the City Council. The terms of office of the members of the
13 EDA shall coincide with their terms of office as members of the City Council.

14
15 1.03. A vacancy is created in the membership of the EDA when a City Council
16 member of the board of commissioners ends Council membership. A vacancy for this or
17 any other reason must be filled for a new term, or the balance of the unexpired term, in
18 the manner in which the original appointment was made.

19
20 1.04. A commissioner may be removed by the City Council for inefficiency,
21 neglect of duty, or misconduct in office. A commissioner shall be removed only after a
22 hearing. A copy of the charges must be given to the commissioner at least 10 days before
23 the hearing. The commissioner must be given an opportunity to be heard in person or by
24 the counsel at the hearing. When written charges have been submitted against the
25 commissioner, the City Council may temporarily suspend the commissioner. If the City
26 Council finds that those charges have not been substantiated, the commissioner shall be
27 immediately reinstated. If a commissioner is removed, a record of the proceedings
28 together with the charges and findings shall be filed in the office of the City Manager.

29
30 1.05. The City Council shall make available to the EDA such appropriations as
31 it deems fit for salaries, fees, and expenses necessary in the conduct of its work. The
32 EDA shall have authority to expend all budgeted sums so appropriated and recommend
33 the expenditures of other sums made available for its use from grants, gifts, and other
34 sources for the purposes and activities authorized by this resolution.

35
36 Section 2. Officers and Meetings.

37
38 2.01. The EDA shall elect a president, vice president, treasurer, assistant
39 treasurer, and secretary annually. A member must not serve as president and vice
40 president at the same time. The other offices may be held by the same member. The other
41 offices of the secretary and assistant treasurer need not be held by a member.

42
43 2.02. The EDA shall adopt rules and procedures not inconsistent with the
44 provisions of this Enabling Resolution or as provided in Section 469.096 of the Enabling
45 Act, and as may be necessary for the proper execution and conduct of its business. The
46 EDA shall adopt bylaws and rules to govern its procedures and for the transaction of its

1 business and shall keep a record of attendance at its meetings and/or resolutions,
2 transactions, findings, and determinations showing the vote of each member on each
3 question requiring a vote, or if absent or abstaining from voting, indicating such fact. The
4 records of the EDA shall be a public record, except for those items classified by law as
5 nonpublic data.

6
7 2.03. The EDA shall meet at least annually. Special meetings may be called by
8 the president as needed.

9
10 2.04. All administrative procedures, including contract for services, purchases
11 of supplies, and financial transactions and duties, shall be outlined in the bylaws of the
12 EDA.

13
14 Section 3. Staff.

15
16 3.01. The City Manager shall be designated as Executive Director of the EDA.

17
18 3.02. Subject to limits set by the appropriations or other funds made available,
19 the EDA may employ such staff, technicians, and experts as may be deemed proper, and
20 may incur such other expenses as may be necessary and proper for the conduct of its
21 affairs.

22
23 Section 4. Functions, Powers, and Duties.

24
25 4.01. Except as specifically limited by the provisions of Section 6 of this
26 Enabling Resolution, the EDA shall have the authority granted it pursuant to the EDA
27 Act.

28
29 4.02. The EDA may be a limited partner in a partnership whose purpose is
30 consistent with the EDA's purpose.

31
32 4.03. The EDA may issue general obligation bonds and revenue bonds when
33 authorized by the City Council and pledge as security for the bonds the full faith, credit,
34 and resources of the City or such revenues as may be generated by projects undertaken by
35 the EDA.

36
37 4.04. The EDA may cooperate with or act as agent for the federal or state
38 government or a state public body, or an agency or instrumentality of a government or
39 other public body to carry out the powers granted it by the EDA Act or any other related
40 federal, state, or local law in the area of economic development district improvement.

41
42 4.05. The EDA may annually develop and present an economic development
43 strategy and present it to the City Council for consideration and approval.

44
45 4.06. The EDA may join an official, industrial, commercial, or trade association
46 or other organization concerned with such purposes, hold reception of officials who may

1 contribute to advancing the City and its economic development, and carry out other
2 appropriate public relations activities to promote the city and its economic development.

3
4 4.07. The EDA may perform such other duties which may be lawfully assigned
5 to it by the City.

6
7 All city employees shall, upon request and within a reasonable time, furnish the EDA or
8 its employees or agents such available records or information as may be required in its
9 work. The EDA or its employees or agents may, in the performance of official duties,
10 enter upon lands and make examinations or surveys in the same manner as other
11 authorized City agents or employees and shall have such other powers as are required for
12 the performance of official functions in carrying out the purposes of this resolution.

13
14 Section 5. Limitations of Power.

15
16 5.01. The following limits apply to the EDA and its operation:

17
18 (a) The sale of bonds or other obligations of the EDA must be
19 approved by the City Council.

20
21 (b) The EDA must follow the budget process for City departments in
22 accordance with City policies, ordinances, and resolutions and the City charter.

23
24 (c) Development and redevelopment actions of the EDA must be in
25 conformity to the City comprehensive plan and official controls implementing the
26 comprehensive plan.

27
28 (d) The EDA must submit its plans for development and
29 redevelopment to the City Council for approval in accordance with City planning
30 procedures and laws.

31
32 (e) Except when previously pledged by the EDA, the City Council
33 may, by resolution, require the EDA to transfer any portion of the reserves
34 generated by activities of the EDA that the City Council determines are not
35 necessary for the successful operation of the EDA to the debt service funds of the
36 city to be used solely to reduce tax levies for bonded indebtedness of the City.

37
38 (f) The administrative structure and management practices and
39 policies of the EDA must be approved by the City Council.

40
41 (g) The EDA shall submit all planned activities for influencing the
42 action of any other governmental agency, subdivision, or body to the City Council
43 for approval.

44
45 5.02. The EDA may exercise all the powers under the EDA Act, including, but
46 not limited to, the following:

1 (a) all powers under the HRA Act.

2
3 (b) all powers of a city under Minnesota Statutes, Section 469.124 to
4 469.134.

5
6 (c) all powers and duties of a redevelopment agency under Minnesota
7 Statutes, Sections 469.152 to 469.165 for a purpose in the HRA Act or the EDA
8 Act, and all powers and duties in the HRA Act and the EDA Act for a purpose in
9 Minnesota Statutes, Sections 469.152 to 469.165.

10
11 (d) the authority to acquire property, exercise the right of eminent
12 domain; make contracts for the purpose of redevelopment and economic
13 development; serve as a limited partner in a partnership whose purpose is
14 consistent with the EDA's purpose; buy supplies and materials needed to carry
15 out development within the EDA Act; and operate and maintain public parking
16 facilities.

17
18 (e) the authority to issue bonds in accordance with the EDA Act and
19 the HRA Act.

20
21 (f) the authority to levy special benefit taxes in accordance with
22 Section 469.033, subdivision 6 of the HRA Act in order to pay or finance public
23 redevelopment costs (as defined in the HRA Act), subject to approval by the City
24 Council in accordance with Section 469.033, subdivision 6.

25
26 (g) all powers under Minnesota Statutes, Sections 469.474 to 469.179.

27
28 5.03. As provided in the EDA Act, it is the intention of the City Council that
29 nothing in this resolution nor any activities of the EDA are to be construed to impair the
30 obligations of the City or HRA under any of their contracts or to affect in any detrimental
31 manner the rights and privileges of a holder of a bond or other obligation heretofore
32 issued by the City or the HRA.

33
34 Section 6. Implementation.

35
36 6.01. The City Council will from time to time and at the appropriate time adopt
37 such ordinances and resolutions as are required and permitted by the EDA Act to give
38 full effect to this resolution.

39
40 6.02. The Mayor, the City Administrator, and other appropriate City officials
41 are authorized and directed to take the actions and execute and deliver the documents
42 necessary to give full effect to this resolution.

43
44 6.03. Nothing in this resolution is intended to prevent the City from modifying
45 this Enabling Resolution to impose new or different limitations on the EDA as authorized
46 by the EDA Act.

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The motion for the adoption of the foregoing resolution was duly seconded by Member

, and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same: none.

WHEREUPON said resolution was declared duly passed and adopted.

1 *Resolution enabling the creation of an economic development authority in the City of Roseville.*
2

3 STATE OF MINNESOTA)
4) ss
5 COUNTY OF RAMSEY)
6
7

8 I, the undersigned, being the duly qualified City Manager of the City of Roseville,
9 County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared
10 the attached and foregoing extract of minutes of a regular meeting of said City Council
11 held on the 30th day of November, 2015 with the original thereof on file in my office.
12

13 WITNESS MY HAND officially as such Manager this day of , 2015.
14

15 _____
16 Patrick Trudgeon, City Manager
17
18

1 **EXTRACT OF MINUTES OF MEETING**
2 **OF THE**
3 **CITY COUNCIL OF THE CITY OF ROSEVILLE**

4
5 * * * * *

6
7 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City
8 of Roseville, County of Ramsey, Minnesota was duly held on the 30th day of November,
9 2015, at 6:00 p.m.

10
11 The following members were present:

12
13 and the following were absent: .

14
15 Member introduced the following resolution and moved its adoption:

16
17 **RESOLUTION No.**

18
19 **RESOLUTION RELATING TO THE ROSEVILLE ECONOMIC DEVELOPMENT**
20 **AUTHORITY; TRANSFERRING CERTAIN PROJECTS AND PROGRAMS TO**
21 **THAT AUTHORITY; APPROVING CERTAIN ORGANIZATIONAL MATTERS**
22

23 WHEREAS, on the date hereof, the City Council duly adopted Resolution No. __ (the
24 “Enabling Ordinance”), providing for the creation of the Roseville Economic
25 Development Authority (the “EDA”) pursuant to Minnesota Statutes,
26 Chapter 469 (the “Act”); and
27

28 WHEREAS, pursuant to the Act, the EDA is authorized to exercise all of the powers of a
29 housing and redevelopment authority; and
30

31 WHEREAS, there now exists in the City a housing and redevelopment authority (“HRA”)
32 created pursuant to the Act, and the Act authorizes the City Council to
33 transfer all projects and programs of the HRA to the EDA;
34

35 NOW, THEREFORE, BE IT RESOLVED, that
36

37 1. Pursuant to Section 469.094, Subdivision 2, of the Act, and following a duly
38 noticed public hearing held on the date hereof at which all interested persons were given the
39 opportunity to be heard, the City Council hereby transfers the control, authority and
40 operation of all “projects” as defined in the Act, and all other programs and projects of the
41 HRA, to the EDA.
42

43 2. The transfer described herein is conditioned upon acceptance by the EDA of
44 such transfer and a covenant and pledge by the EDA that the EDA is obligated to perform
45 all agreements, pledges, covenants and undertakings heretofore entered into by the HRA.

1
2 3. The City Manager is authorized and directed to transmit a certified copy of
3 this Resolution to the Executive Director of the EDA and to other governmental officers as
4 appropriate.

5
6 4. Pursuant to Section 469.100, subd. 2 of the Act, the Council directs the EDA
7 to submit the EDA's budget for each fiscal year to the City at the time designated by the City
8 Manager but no later than August 1 of each year.

9
10 5. Pursuant to Section 469.100, subd. 4 of the Act, the Council directs the EDA
11 to submit the EDA's written annual report to the City on or before the date of the EDA's
12 annual meeting. The Council directs the City Manager to specify the form of the report.

13
14 6. The Mayor, City Manager and all other officers and employees of the City
15 are authorized and directed to take whatever action and to execute and deliver such
16 documents that are necessary to give effect to this Resolution.

17
18 The motion for the adoption of the foregoing resolution was duly seconded by Member

19
20 , and upon a vote being taken thereon, the following voted in favor thereof:

21
22 and the following voted against the same: none.

23
24 WHEREUPON said resolution was declared duly passed and adopted.

1 *Resolution transferring housing and redevelopment powers to the Roseville economic development authority.*

2
3 STATE OF MINNESOTA)
4) ss
5 COUNTY OF RAMSEY)
6
7

8 I, the undersigned, being the duly qualified City Manager of the City of Roseville,
9 County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared
10 the attached and foregoing extract of minutes of a regular meeting of said City Council
11 held on the 30th day of November, 2015 with the original thereof on file in my office.
12

13 WITNESS MY HAND officially as such Manager this day of , 2015.
14

15 _____
16 Patrick Trudgeon, City Manager
17
18
19