

Subject: TIF Clarification Question for Gilmore-Bell Attorney

From: Heather Cole <heather.cole@como.gov>

To: Andrew Beverley <andrew.beverley@columbiabancshares.com>, Andy Waters <awaters36@gmail.com>, Christine King <chking@cpsk12.org>, "Ernie Wren, III" <erniewren@gmail.com>, Heather Cole <Heather.Cole@como.gov>, Helen Wade <hwade@cpsk12.org>, "John G. Clark" <jgclark@mchsi.com>, June Pitchford <jpitchford@boonecountymo.org>, Ken Pearson <Kmpearson11@gmail.com>, Lynn Cannon <LMCANNON@gocolumbiamo.com>, Maria Oropallo <maria.oropallo@gmail.com>, Martin Ghafoori <ghafoorim@stifel.com>, Melissa Carr <mcarr@dbrl.org>, Michael Kelly <michael.kelly@lssliving.org>, Nancy Thompson <Nancy.Thompson@como.gov>, Paul Cushing <pcushing@cpsk12.org>, "Tony St. Romaine" <Tony.St.Romaine@como.gov>

Time: Tuesday, October 10, 2017 7:34:01 AM GMT-06:00

Good morning all,

Please see Ms. Pitchford's email and question below. The response I received from Mr. Grimm is as follows:

Section 99.810 requires the governing body of the City to find that the "redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing."

We believe the test is not whether the specific redevelopment projects described in the redevelopment project would be undertaken. Rather, we believe the test is whether material development would occur that would cure the "blight" or "conservation area" conditions described in the redevelopment plan.

Please let me know if you have any further questions.

Thanks,

Heather Cole

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----- Forwarded message -----

From: **June Pitchford** <JPitchford@boonecountymo.org>

Date: Sat, Oct 7, 2017 at 10:41 AM

Subject: TIF Clarification Question for Gilmore-Bell Attorney

To: Heather Cole <heather.cole@como.gov>

Cc: "Ernie Wren, III" <erniewren@gmail.com>

Ms. Cole:

The purpose of this email is to submit a request for written legal clarification regarding the "but-for" test. Given that the "but-for" test is one of the required findings for the TIF Commission, I respectfully request that the question and the written legal response be provided to TIF Commission members as soon as possible.

Request:

Please clarify the but-for test that applies to TIFs in RSMo Sec. 99.810.1(1). Comments made during TIF Commission meetings and at the recent public hearing appear to convey that the “but-for” test is satisfied if the proposal for a second tower of the Broadway Hotel would not proceed “but-for” TIF approval. The statute, though, seems to require a finding that NO development of any sort would reasonably be expected to occur on this subject property (the redevelopment area) absent TIF.

Please clarify which of these two interpretations is correct in your legal opinion.

Thank you,

June

June E. Pitchford, CPA | Boone County Auditor | [801 E. Walnut, Rm 304 | Columbia, MO 65201](https://www.boonecountymo.org/801-E-Walnut-Rm-304-Columbia-MO-65201)
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