

Town of Clifton Select Board Meeting
February 9, 2021
Suggested Motion and Order to Establish TIF Committee

SUGGESTED MOTION: *"I move that the Clifton Select Board adopt the proposed February 9th, 2021, Order to Establish the Town of Clifton Tax Increment Financing Committee and hereby repeal any prior order(s) establishing any similar committee."*

ORDER TO ESTABLISH THE TOWN OF CLIFTON
TAX INCREMENT FINANCING COMMITTEE

I. Purpose and Scope

The purpose of this Order is to establish in the Town of Clifton a Tax Increment Financing Committee ("TIF Committee" and "Committee") to oversee the Town's use of Tax Increment Financing to fund economic development and advise the Select Board concerning such matters. It shall be liberally construed so as to accomplish the Committee's purpose.

The Committee's authority is limited to providing oversight and recommendations. Nothing herein shall be interpreted to in any way limit the authority of the Select Board or Town Meeting.

II. Members

The TIF Committee shall consist of five (5) regular voting members. Three (3) members will be a quorum for the purpose of voting and/or conducting committee business.

Beginning immediately after this Order is enacted, and thereafter whenever there is an actual or anticipated vacancy, the Select Board or its designee shall solicit nominations for members. One (1) member must be a current member of the Select Board. One (1) member must be a current member of the Planning Board. For the remaining three (3) members, preference will be given to those with backgrounds in finance, economic development, governance, public works, planning, or similar fields. At its next regularly scheduled meeting following its solicitation of nominations, so long as it has received sufficient nominations to fill the number of vacancies, the Select Board shall appoint the members. Said membership shall be for a term of one (1) year, which may be renewed.

Following appointment of at least a quorum of members, and thereafter at the beginning of each fiscal year, the TIF Committee members shall meet and nominate a member to serve as Chairperson, Vice Chairperson, and Secretary.

The Chairperson shall preside at all Committee meetings; have authority to rule on questions of evidence and procedure, to maintain order, to determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with this Order or other laws to enable the Committee to perform its duties and conduct its affairs; set the agenda for each meeting and provide the agenda to the Town's Administrative Assistant for posting as required

by law; act or appoint a delegate to act as the Committee's liaison to the Select Board; and attend or appoint a delegate to attend the annual town meeting, special town meetings, and submit a written report of activities of the Committee to the Select Board to be included in the Annual Town Report.

The Vice Chairperson shall act in the Chairperson's absence or inability to perform the Chairperson's duties, or as delegated by the Chairperson.

The Secretary shall maintain a permanent record of all Committee meetings and all correspondence of the committee, which shall be considered a public record except as otherwise provided by law. The Secretary shall be responsible for providing the Town's Administrative Assistant said records.

III. Responsibilities of the Committee

The TIF Committee is an advisory committee to the Select Board. The responsibilities of the Committee are as follows:

- A. The Committee shall solicit from the public proposals for expenditures of TIF funds, evaluate said proposals, and make recommendations to the Select Board on how TIF funds should be allocated.
- B. The Committee shall develop for the Select Board's consideration a set of policies or guidelines concerning TIF districts/programs and credit enhancement agreements ("CEA"). Said policies should guide the Select Board and Committee on topics such as, but not limited to, the process for evaluating TIF or CEA proposals, the maximum percentage of TIF funds that may be directed to a developer pursuant to a CEA, and how TIFs and other economic development tools should be used to support investment in municipal economic development programs and activities. Any such policies or guidelines must be enacted by the Select Board and shall from time to time be reviewed by the Committee, which may propose amendments to the Select Board.
- C. If the Select Board so delegates, the Committee shall meet with proponents of new TIFs and/or CEAs, evaluate said proposals, and recommend action to the Select Board. Notwithstanding this Order or any TIF Policies or Guidelines adopted pursuant thereto, the endorsement of a TIF district/program or CEA for action by the Town Meeting is a policy decision of the Town of Clifton Select Board. The approval of a TIF district/program Application or CEA is not a right under Maine law and neither this Order nor any such TIF Guidelines create a right or entitlement for any Application.
- D. The Select Board shall consult the Committee concerning the drafting of warrant articles related to TIFs, TIF expenditures, and CEAs.
- E. The Committee shall periodically review TIF revenues and expenditures and present issues/questions to the Select Board.
- F. The Committee shall review and make recommendations to the Select Board on supplemental appropriations, expenditures, and investments of TIF funds.
- G. The Committee may investigate and propose to the Select Board for its consideration additional economic development tools and opportunities.

- H. The Committee may, when authorized by the Select Board, meet with the Town Attorney and/or a TIF consultant for advice and services related to these responsibilities.
- I. The Committee shall be provided an opportunity to present at any public hearing held pursuant to 30-A M.R.S. § 5226.

Authority & limitations - The State of Maine has instituted a Right to Know Law. The committee (and any member of the public) has the authority to request any “public” information by the Maine Freedom of Access Act. The Committee must abide by the limitations of excluded records as defined by the Maine Freedom of Access Act.

IV. Meetings

Fulfillment of the above responsibilities shall dictate the frequency of the Committee's regular meetings. Nonetheless, the Committee shall schedule at least one (1) regular meeting per year.

Special meetings may be called at the discretion of the Select Board or the Chairperson of the TIF Committee upon a request of a majority of the Committee members, provided that notice thereof shall be given to each member and to the Town Administrative Assistant at least 24 hours in advance.

Notice of all Committee meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law. No business may be conducted by the Committee except at a noticed meeting with a quorum of members present.

V. Participation and Voting

Any action of the Committee shall require the affirmative vote of a majority of its membership unless otherwise provided by law. Majority is defined as a number of members constituting more than half of the total number of members present.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chairperson for good cause shown.

Annual attendance at the meetings of this Committee is expected to be no less than 75%. If a Committee member does not attend the minimum of 75% of the meetings, the Chairman shall bring the matter to the Select Board for review and vote. The committee members are appointed by the Select Board; removal from the Committee can only be by majority vote of the Select Board.

VI. Effective Date and Amendment of Order

This Order shall be considered effective upon enactment by the Select Board and shall continue year after year unless otherwise amended or repealed.

This Ordinance may be amended at any time in writing by majority vote of the Committee after notice and a meeting on the proposed amendment and approval by the Select Board.

Approved and accepted at the February 9th 2021 Select board meeting

Nancy/Geoff 4/0