

**TOWN OF CARLTON LANDING
REGULAR MEETING OF THE CARLTON LANDING ECONOMIC DEVELOPMENT
TRUST**

Location: 10B Boulevard, Carlton Landing, Oklahoma, also known as
the Carlton Landing Academy Cafeteria
Saturday; April 15, 2023; 8:00 a.m.

NOTICE AND AGENDA

1. Call to Order
2. Roll Call

Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Trust member requesting further information *on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.*

3. Approval of Minutes:
 - a. Regular Meeting of the CL Economic Development Trust on March 18, 2023
4. Acknowledge receipt of Claims and Purchase Orders Report
5. Items Removed from Consent Agenda.
6. Consider, discuss, and possibly vote to amend, revise, approve or deny changes to the Community Center Project and location, partnership with Carlton Landing Academy, and provide direction to staff or take any other appropriate action.
Exhibit: Nature Center Site Plan, Nature Center Concept Plan
7. Consider, discuss, and possibly vote to amend, revise, approve or deny recommendation of TIF Committee for project funding for Nature Center Facility Site Preparation and Engineering for \$200,000.00 or take any other appropriate action.
Exhibit: Nature Center - Clearing Exhibit,
8. Consider, discuss, and possibly vote to amend, revise, approve, or deny a Resolution concerning Extension Stephens Road Project, authorizing award of contracts, payments and the signature of all related documents or take any other appropriate action.
Exhibit: Resolution - Stephens Road, Memo re Public Competitive Bidding Act (E 03-30-23)
9. Consider, discuss, and possibly vote to amend revise, approve or deny CLEDT Budget Fiscal Year 22-23 Amendment #2, or take any other appropriate action.

Exhibit: **FY 22-23 BUDGET CLEDT AMENDMENT #2 4-15-2023, TIF Committee Project Report 2-3-23**

10. Reports

- a. Financial Reports **Statement of Revenue and Expenditures - CLEDT March 2023; Payments Journal - CLEDT March 2023; Income Statement - CLEDT March 2023**
- b. Town Administrator Report
- c. Legal Reports, Comments, and Recommendations to the Governing Body

11. Recognize Citizens wishing to comment on non-Agenda Items

Under Oklahoma Law, Trustees are prohibited from discussing or taking any action on items not on today's agenda. Citizens wishing to address the Board on items not on the agenda are required to sign-up no later than five (5) minutes prior to the scheduled start time of the meeting. The sign-in sheet will contain space for citizens name, address, phone number, and topic to discuss. In this way, staff will be able to follow-up on any issues presented, if necessary. Citizens will be provided three (3) minutes.

8. Comments and questions by Governing Body members regarding items for future consideration.

9. Adjournment

I certify that the foregoing Notice and Agenda was posted in prominent view at 10B Boulevard, Carlton Landing, Oklahoma, also known as "Academy Cafeteria" At 4:00 PM on the ____th day of April 2023, being at least 24 hours prior to the Regular Meeting described above.

Signature of Person Posting the Agenda

Greg Buckley
Printed Name of Person Posting the Agenda

Agenda Regular Meeting of the CLEDT
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**TOWN OF CARLTON LANDING
REGULAR MEETING OF THE CARLTON LANDING ECONOMIC DEVELOPMENT
TRUST**

Location: 10B Boulevard, Carlton Landing, Oklahoma, also known as
the Carlton Landing Academy Cafeteria
Saturday; March 18, 2023; 8:00 a.m.

MINUTES

1. Call to Order

The meeting was called to order at 8:02 a.m. with Mayor Chinnici presiding.

2. Roll Call

PRESENT: Joanne Chinnici
Mary Myrick
Kris Brule'
Chuck Mai
Clay Chapman

ABSENT: None

Consent Items

3. Approval of Minutes:

- a. Regular Meeting of the CL Economic Development Trust on February 18, 2023

4. Acknowledge receipt of Claims and Purchase Orders Report

MOTION: A Motion was made by Mai and seconded by Brule' to accept the consent agenda as presented.

AYE:

Mary Myrick
Joanne Chinnici
Kris Brule'
Chuck Mai
Clay Chapman

NAY: None

5. Items Removed from Consent Agenda.

6. Reports

- a. Financial Reports (See Attachments)
- b. Town Administrator Report (See Attachment)

- c. Legal Reports, Comments, and Recommendations to the Governing Body
None

- 7. Recognize Citizens wishing to comment on non-Agenda Items
None

- 8. Comments and questions by Governing Body members regarding items for future consideration. None

- 9. Adjournment

There being no further business, a motion was made and seconded to adjourn the meeting at 8:04 a.m., March 18, 2023.

Mayor

Attest:

Town Clerk

3/15/2023
10:12 AM

CLEDT
Bank Register
2/1/2023 to 2/28/2023

Page 1 of 1

Transaction Date	Transaction Number	Name / Description	Deposit Date	Deposit Number	Receipts & Credits	Checks & Payments	Balance
1040 BOK 3649 TIF Increment							
		Beginning Balance			0.00	0.00	1,060,555.01
2/24/2023	EFT	Town of Carlton Landing			0.00	12,775.01	1,047,780.00
2/28/2023					0.00	2.00	1,047,778.00
1040 BOK 3649 TIF Increment Totals					\$0.00	\$12,777.01	\$1,047,778.00
1070 BOK - Rev Bond 2019							
		Beginning Balance			0.00	0.00	5,202.29
1070 BOK - Rev Bond 2019 Totals					\$0.00	\$0.00	\$5,202.29
1080 BOK 3045 Rev Bond 2020							
		Beginning Balance			0.00	0.00	25,708.25
2/28/2023	R-00122	BOK Financial			100.54	0.00	25,808.79
1080 BOK 3045 Rev Bond 2020 Totals					\$100.54	\$0.00	\$25,808.79
1090 BOK 4044 Rev Bond 2021							
		Beginning Balance			0.00	0.00	1,148,783.28
2/28/2023	R-00121	BOK Financial			3,692.27	0.00	1,152,475.55
1090 BOK 4044 Rev Bond 2021 Totals					\$3,692.27	\$0.00	\$1,152,475.55
1095 BOK 2039 Rev Bond 2022							
		Beginning Balance			0.00	0.00	1,331,318.90
2/28/2023	R-00120	BOK Financial			4,134.48	0.00	1,335,453.38
1095 BOK 2039 Rev Bond 2022 Totals					\$4,134.48	\$0.00	\$1,335,453.38
Report Totals					\$7,927.29	\$12,777.01	\$3,566,718.01
Records included in total = 10							

Report Options
Trans Date: 2/1/2023 to 2/28/2023
Fund: CLEDT
Display Notation: No

CLEDT
Income Statement
2/1/2023 to 2/28/2023

		Feb 2023
		Feb 2023
		Actual
Revenue		
Other Revenue		
Interest Income		7,927.29
Revenue		\$7,927.29
Gross Profit		\$7,927.29
Expenses		
Debt Service		
Interest Expense		2.00
Transfers Out		
Transfer OUT to General Fund		12,775.01
Expenses		\$12,777.01
Income (Loss) From Operations		(\$4,849.72)
Net Income (Loss)		(\$4,849.72)

Report Options

Period: 2/1/2023 to 2/28/2023
Display Level: Level 3 Accounts
Display Account Categories: Yes
Display Subtotals: None
Reporting Method: Accrual
Fund: CLEDT
Include Accounts: Accounts With Activity

3/15/2023
10:04 AM

CLEDT
Payments Journal (Summary)
2/1/2023 to 2/28/2023

Page 1 of 1

Check Date	Check / Reference #	Payee	Amount
1040 BOK 3649 TIF Increment			
2/24/2023	EFT	Town of Carlton Landing	12,775.01
2/28/2023			2.00
1040 BOK 3649 TIF Increment Totals			\$12,777.01

Report Options

Check Date: 2/1/2023 to 2/28/2023

Display Notation: No

Fund: CLEDT

DRAFT

CLEDT
Statement of Revenue and Expenditures

Acct	Current Period Feb 2023 Feb 2023 Actual	Year-To-Date Jul 2022 Feb 2023 Actual	Annual Budget Jul 2022 Jun 2023	Annual Budget Jul 2022 Jun 2023 Variance	Jul 2022 Jun 2023 Percent of Budget
Revenue & Expenditures					
Revenue					
Non-Departmental Revenues					
3999 Fund Balance Carryover	0.00	0.00	1,135,000.00	1,135,000.00	0.0%
4050 Tax Increment from County	0.00	768,060.37	800,000.00	31,939.63	96.0%
4350 Revenue Bond (TIF)	0.00	1,330,000.00	1,385,000.00	55,000.00	96.0%
4400 Interest Income	7,927.29	24,063.26	0.00	(24,063.26)	0.0%
Non-Departmental Revenues Totals	\$7,927.29	\$2,122,123.63	\$3,320,000.00	\$1,197,876.37	
Revenue	\$7,927.29	\$2,122,123.63	\$3,320,000.00	\$1,197,876.37	
Gross Profit	\$7,927.29	\$2,122,123.63	\$3,320,000.00	\$0.00	
Expenses					
General Government					
8100 2018 Revenue Bond	0.00	0.00	210,375.00	210,375.00	0.0%
8101 2018B Revenue Bond	0.00	0.00	119,100.00	119,100.00	0.0%
8102 2019 Revenue Bond	0.00	1,500.00	187,275.00	185,775.00	0.8%
8103 2020 Revenue Bond	0.00	1,500.00	84,450.00	82,950.00	1.8%
8104 2021 Revenue Bond	0.00	1,500.00	165,360.36	163,860.36	0.9%
8400 Bond Origination Fees	0.00	0.00	54,000.00	54,000.00	0.0%
8500 Interest Expense	2.00	132,332.28	0.00	(132,332.28)	0.0%
9500 Transfer OUT to General Fund	12,775.01	75,761.45	0.00	(75,761.45)	0.0%
General Government Totals	\$12,777.01	\$212,593.73	\$820,560.36	\$607,966.63	
TIF Projects					
7131 2019 Rev Bond- Comm Cntr	0.00	1,768.25	0.00	(1,768.25)	0.0%
7133 2019 Rev Bond - Trail Develop	0.00	0.00	25,000.00	25,000.00	0.0%
7150 2020 Bond - Pavilion	0.00	825.00	0.00	(825.00)	0.0%
7153 2020 Rev Bond- Alley Improv	0.00	6,062.19	0.00	(6,062.19)	0.0%
7160 2021 Rev Bond-Community	0.00	0.00	35,000.00	35,000.00	0.0%
7161 2021 Rev Bond- Stephens Road	0.00	83,443.78	750,000.00	666,556.22	11.1%
7163 2021 Rev Bond-Alley Imp	0.00	40,288.19	781,000.00	740,711.81	5.2%
TIF Projects Totals	\$0.00	\$132,387.41	\$1,591,000.00	\$1,458,612.59	
Expenses	\$12,777.01	\$344,981.14	\$2,411,560.36	\$2,066,579.22	
Revenue Less Expenditures	(\$4,849.72)	\$1,777,142.49	\$908,439.64	\$0.00	
Net Change in Fund Balance	(\$4,849.72)	\$1,777,142.49	\$908,439.64	\$0.00	
Fund Balances					
Beginning Fund Balance	957,986.05	(824,006.16)	0.00	0.00	0.0%

Town Administrator's Report March 18, 2023

- Alley Phase II and Block 10 Parking Lot –There was a pre-construction meeting with Freese and Nichols, H&G Paving and Mike Kerney (Project Manager) on March 3, 2023. H&G Paving as provided Notice of Award and Notice to Proceed. H&G Paving is scheduled to mobilize and start Monday, March 20, 2023. I reached out and provided notice to the School, Meeting House and HOA of contractor start date. The initial tentative schedule is subject to change as contractor mobilizes on sight.

Alley Phase II and Block 10 Parking Lot Improvement Tentative

<u>Task</u>	<u>Projected Start</u>	<u>Projected Finish</u>
Mobilize	March 20, 2023	----
Parking Lot 10	March 20, 2023	April 21, 2023
Academy Lane	March 20, 2023	April 21, 2023
Park Lane - West	March 20, 2023	April 21, 2023
Park Lane -East and Part of Water Lane	March 27, 2023	April 28, 2023
Redbud Lane	April 3, 2023	May 5, 2023
Finalize	----	May 5, 2023

- Stephens Road – The Corps has provided notice of approval of the engineering plans for Stephens Road. Prior to commencement of work we need to provide an Aquatic Resource Protection Plan. This is a new requirement and we will be working with Freese and Nichols to prepare and submit the plan. I have contacted the County Commissioner, Charles Rogers, to let him know we will soon begin work on Stephens Road. We will begin working with the property owner at the end of Stephens Road to clear any encroachments from the Statutory right of way. Our goal is to have the road way cleared prior to the bat migration period, which will delay any work until after the migration period.
- Short Term Rental Ordinance – I coordinated and participated in a Task Force meeting on February 23 for discussion and possible changes to the language of the Ordinance. The Task force had good open discussion and several changes were recommended and made to the proposed Ordinance. After the Task Force meeting discussion continued and additional modifications and language clarifications occurred. Thank you for all those who gave of their time and provided input in creating the Short Term Rental Ordinance.

DRAFT

CLEDT
Bank Register
3/1/2023 to 3/31/2023

Trans. Date	Trans. Number	Dep #	Name / Description	Receipts & Credits	Checks & Payments	Balance
CLEDT						
BOK - Rev Bond 2019						
			Beginning Balance			5,202.29
			BOK - Rev Bond 2019 Totals			\$5,202.29
BOK 2039 Rev Bond 2022						
			Beginning Balance			1,335,453.38
3/31/2023	R-00125		BOK Financial	4,053.08		1,339,506.46
			BOK 2039 Rev Bond 2022 Totals	\$4,053.08		\$1,339,506.46
BOK 3045 Rev Bond 2020						
			Beginning Balance			25,808.79
3/31/2023	R-00123		BOK Financial	78.33		25,887.12
			BOK 3045 Rev Bond 2020 Totals	\$78.33		\$25,887.12
BOK 3649 TIF Increment						
			Beginning Balance			1,047,778.00
3/27/2023	EFT		Town of Carlton Landing		13,598.89	1,034,179.11
3/29/2023	EFT		BOK Financial		1,500.00	1,032,679.11
3/31/2023					2.00	1,032,677.11
			BOK 3649 TIF Increment Totals		\$15,100.89	\$1,032,677.11
BOK 4044 Rev Bond 2021						
			Beginning Balance			1,152,475.55
3/31/2023	R-00124		BOK Financial	3,518.91		1,155,994.46
			BOK 4044 Rev Bond 2021 Totals	\$3,518.91		\$1,155,994.46
			CLEDT Totals	\$7,650.32	\$15,100.89	\$3,559,267.44
			Report Totals	\$7,650.32	\$15,100.89	\$3,559,267.44
			Records included in total = 11			

Item No. _____

Date: April 15, 2023

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider, discuss, and possibly vote to amend, revise, approve or deny changes to the Community Center Project and location, partnership with Carlton Landing Academy, and provide direction to staff, or take any other appropriate action.

INITIATOR: Greg Buckley, Town Administrator

STAFF INFORMATION SOURCE: Greg Buckley, Town Administrator
Mary Myrick, Vice-Mayor

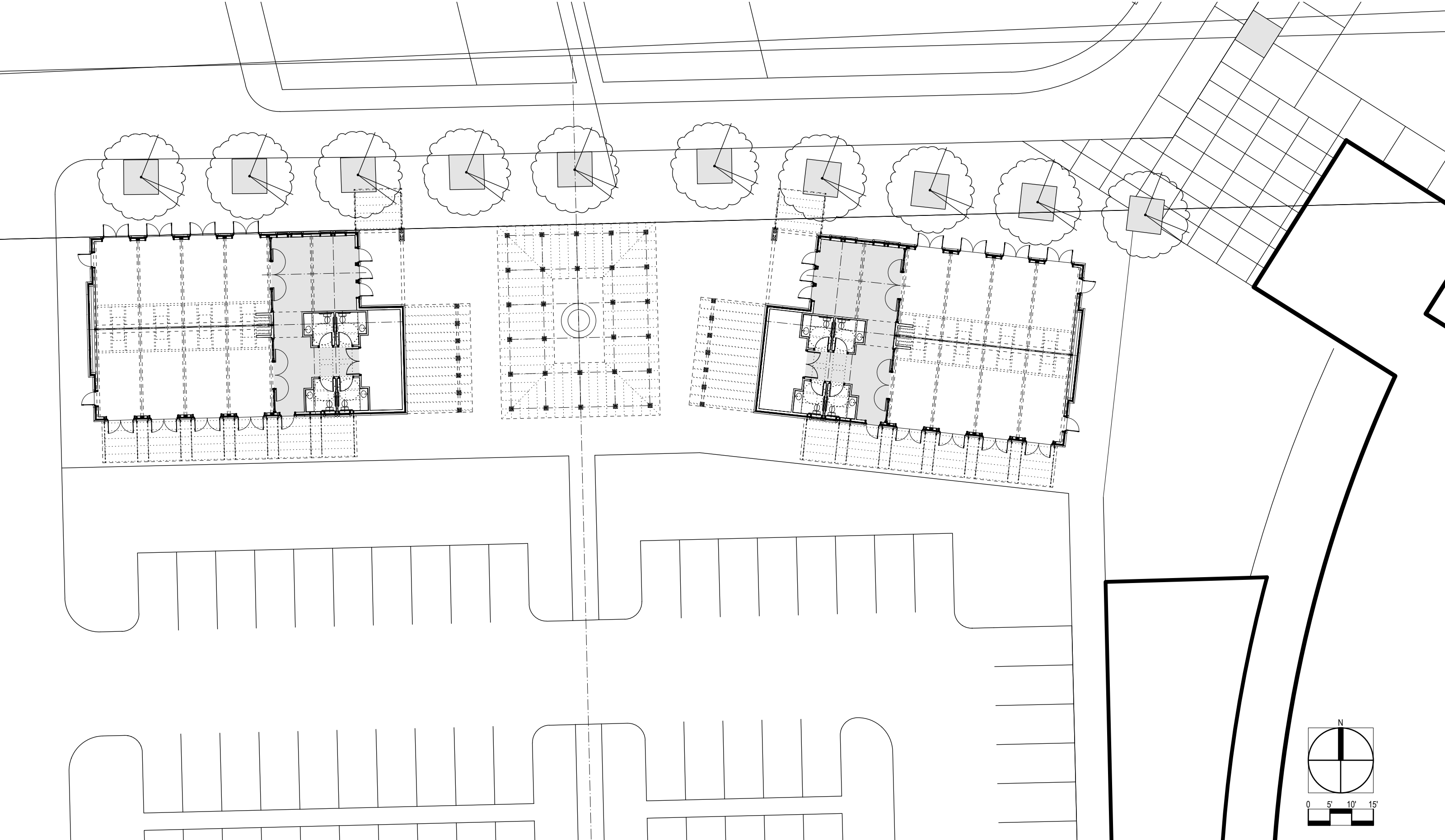
BACKGROUND: The Town, School and Developer discussed working together to partner on developing the Town Center, using the Nature Center site for community use facility, administrative offices, and school multi-use/cafeteria. The change in location of the Community Center from Water Street to the Nature Center site would address the parking concern. The Nature Center Facility would allow for a better partnership with Carlton Landing Academy on helping them meet their need for a commercial kitchen to feed the students.

The Nature Center Facility will be on Corp property and development of this area is part of the Master Lease Agreement with the Corp. In addition, these buildings will serve as the anchor for the Town Center. Another piece of the Town Center and across the Street for the Nature Center Facility is designated for commercial and retail buildings.

FUNDING: None

EXHIBITS: Nature Center Site, Nature Center Buildings

RECOMMENDED ACTION: Approve changes to the Community Center Project and location, partnership with Carlton Landing Academy, and provide direction to staff.





Item No. _____

Date: April 15, 2023

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider, discuss, and possibly vote to amend, revise, approve or deny recommendation of TIF Committee for project funding for Nature Center Facility Site Preparation and Engineering for \$200,000.00, or take any other appropriate action.

INITIATOR: Greg Buckley, Town Administrator

STAFF INFORMATION SOURCE: Greg Buckley, Town Administrator

BACKGROUND: The TIF Committee met April 7 to discuss projects, priorities, and funding. The proposed Budget Amendment is recommended by the TIF Committee to provide Funding to clear the Nature Center Site and Engineering. Clearing the Nature Center site supports developing the Nature Center for use and cooperation with the school, Town Administrative offices, and community use facility.

FUNDING: TIF

EXHIBITS: Nature Center Site Clearing

RECOMMENDED ACTION: Approve recommendation of TIF Committee for project funding for Nature Center Facility Site Preparation and Engineering for \$200,000.00

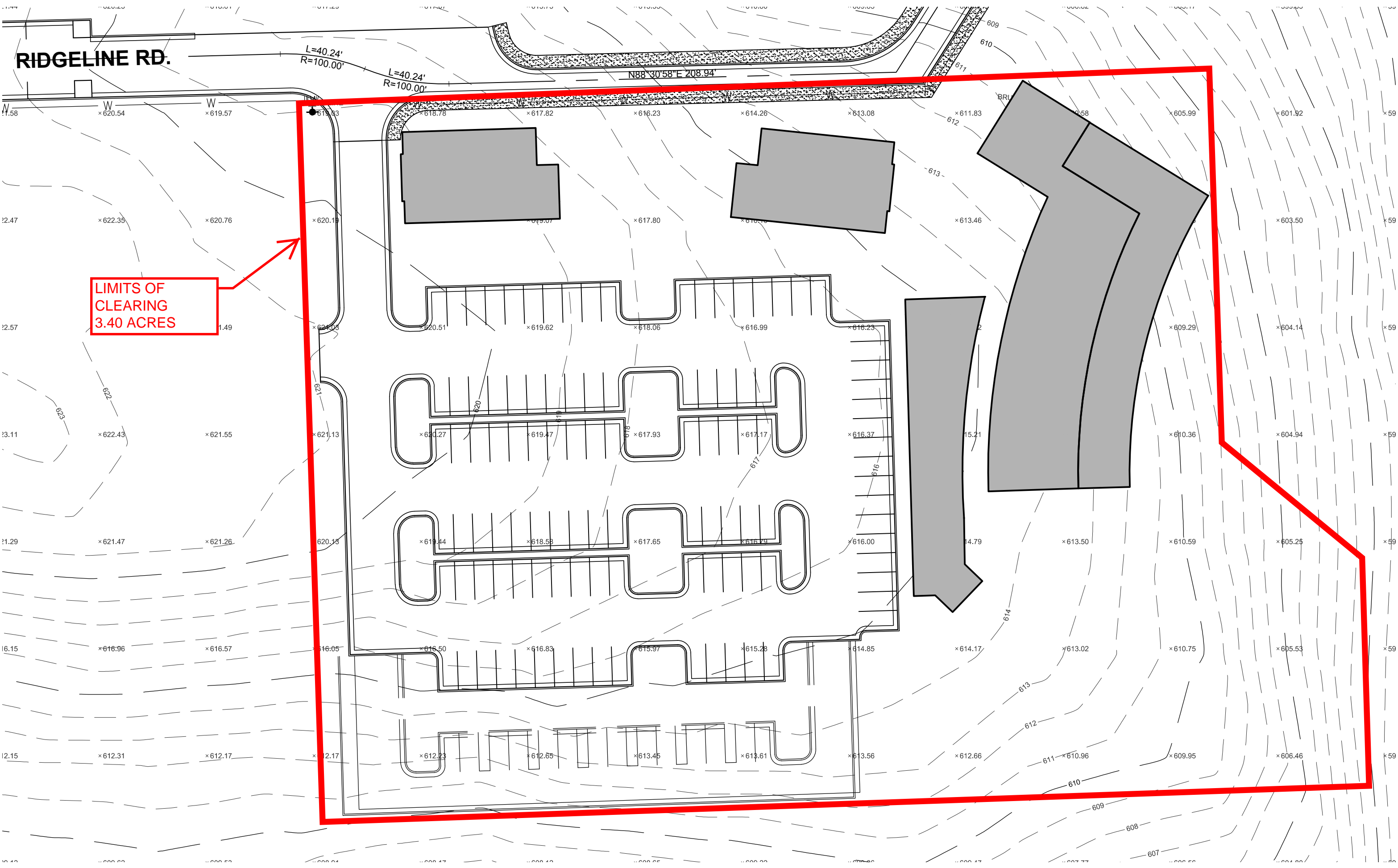
RIDGELINE RD.

L=40.24'
R=100.00'

L=40.24'
R=100.00'

N88°30'58"E 208.94'

LIMITS OF
CLEARING
3.40 ACRES



Item No. _____

Date: April 15, 2023

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider, discuss, and possibly vote to amend, revise, approve or deny a Resolution concerning Extension Stephens Road Project, authorizing award of contracts, payments and the signature of all related documents, or take any other appropriate action.

INITIATOR: Greg Buckley, Town Administrator

STAFF INFORMATION SOURCE: Greg Buckley, Town Administrator

BACKGROUND: With recent changes to the Competitive Bidding Act, Kay suggested we obtain an updated opinion from Center for Economic Development Law. They are the Law firm that drafted the original 2017 opinion letter regarding exemption to the Competitive Bidding Act. There is no fundamental change in the law which changed the Competitive Bidding Act exemption, but they did clarify the limitations for use of the exemption. The exemption is not a blanket exemption for all TIF projects if they fall within the qualifying dollar threshold. In addition, there needs to be an agreement with the Developer that outlines a financial benefit need for the project that supports the overall investment by the Developer within the TIF.

Jeff Sabin indicated an agreement was done for the Nature Center Playground. To not further delay Stephens Road by creating an Agreement and having it approved, Kay and I discussed using a Resolution that pre-authorizes awarding a contract, making payments, signing necessary documents, etc. Another City Attorney had provided me examples of resolutions other Oklahoma cities have used on projects. In essence, making the process an administrative one provided everything falls within the approved project budget, thus allowing basic decisions to be made without having to wait for a Board or Council meeting.

We believe the use of the authorization model accomplishes our desire to keep projects moving forward while still complying with Statutory requirements. Bids and quotes are obtained within a reasonable time period and provided they meet the requirements and are within funding limits can be awarded. If a change in the project occurs a decision can be made at that time to keep the project moving and not having to wait until a Board or Council Meeting.

FUNDING: None

EXHIBITS: Resolution

RECOMMENDED ACTION: Approve Resolution concerning Extension Stephens Road Project, authorizing award of contracts, payments and the signature of all related documents.

**Carlton Landing Economic Development Trust
CARLTON LANDING, OKLAHOMA**

RESOLUTION No. _____

**A RESOLUTION CONCERNING THE EXTENSION OF STEPHENS
ROAD PROJECT, AUTHORIZING THE AWARD OF CONTRACTS,
AUTHORIZING PAYMENTS AND THE SIGNATURE OF ALL RELATED
DOCUMENTS**

WHEREAS the Board approved a project for the expansion of Stephens Road.

WHEREAS, the Carlton Landing Economic Development Trust will be able to accept bids for the project and will be able to expedite the project.

WHEREAS, a budget has been approved for the project and necessary expenses;

WHEREAS, authorizing payments pursuant to the contracts is necessary to construct this project;

WHEREAS, approval of the documents associated with this project are in the best interest of the citizens of the Carlton Landing Economic Development Trust;

THEREFORE, BE IT RESOLVED by the Board of the Carlton Landing Economic Development Trust as follows:

1. The Board Chairman and/or Town Administrator are authorized to enter into contracts for the purchase of equipment and construction of the project for all amounts necessary within the budgeted funds.
2. All payments required pursuant to the contracts are authorized.
3. The Board Chairman and/or Town Administrator are authorized to sign all documents necessary to proceed with the work in a timely manner and to issue a notice to proceed upon receipt of all necessary bonds.
4. Town staff is authorized to execute any change orders necessary to complete the project within the budgeted amount.

This Resolution is approved in open meeting of the Board of Carlton Landing Economic Development Trust, Carlton Landing, Oklahoma, on the _____ day of _____, 2023.

BOARD OF CARLTON LANDING ECONOMIC
DEVELOPMENT TRUST,
CARLTON LANDING, OKLAHOMA

Joanne Chinnici, Chairman

ATTEST:

Jan Summers, Town Clerk

Approved as to Form:

Kay Wall, Town Attorney



MEMORANDUM LEGAL OPINION

To: Town of Carlton Landing
Carlton Landing Economic Development Trust

From: Jeff Sabin *JS*

Date: March 30, 2023
(update of Leslie V. Batchelor memorandum legal opinion originally dated November 30, 2017)

Subject: Applicability of the exception to the Public Competitive Bidding Act outlined in 61 O.S. § 127 to development financing assistance provided to developer of Carlton Landing

The Oklahoma Public Competitive Bidding Act, 61 O.S. § 101, *et seq.* (“PCBA”), requires that contracts for public improvements valued at \$100,000 or more be awarded to the lowest responsible bidder.¹ The PCBA applies to any contract for the construction of public improvements by a public entity, but not to the private development of a project under which all improvements are to be constructed by the private developer at private expense and certain improvements later dedicated to the public entity, as a condition of the development or the plat approval, for example. The PCBA lists several exceptions where the requirement to competitively bid does not apply. Ensuring compliance with any exception is critical because contracts entered into in violation of the PCBA are unlawful and subject to injunctions against performance if challenged.²

The PCBA, of course, applies to the Town of Carlton Landing (“Town”) and the Carlton Landing Economic Development Trust (“CLEDT”). A statutory exception is relevant by virtue of the Carlton Landing Economic Development Project Plan (“Project Plan”) and Increment District No. 1, Town of Carlton Landing (“Increment District”), created pursuant to the Local Development Act, 62 O.S. § 850, *et seq.* The exception applicable to the projects paid for by increment revenues collected from the Increment District so that such projects are not required to go out to bid for the construction of public improvements listed in the Project Plan, is in 61 O.S. § 127, which reads as follows:

This act shall apply to contracts made by a public entity operating pursuant to the Local Industrial Development Act or the Local Development Act **except where the public improvements, buildings, or repairs are being made or constructed as a part of an agreement to provide development financing assistance, and where the cost of such public improvements does not exceed twenty-five percent (25%) of the total amount of the estimated public and private investment being made within the related increment district.**

¹ 61 O.S. § 103.

² 61 O.S. § 122.

(emphases added). So long as the public improvements and public buildings that Humphreys Partners 2009, LLC, or any affiliated entity (collectively, “Humphreys”), will be contracting with the Town (or, more likely, with CLEDT) to construct (1) are done pursuant to an agreement to provide development financing assistance and (2) the cost of such improvements or buildings does not exceed 25% of the total estimated public and private investment proposed in the Increment District, the exception to the PCBA described in 61 O.S. § 127 should apply, and those public improvements are not required to be competitively bid.

Remaining within the explicit terms of that exception is critical if public bidding is not used. The first requirement to fall in that exception—and the only one of the two that may actually make a difference as to the exception’s applicability—is the adoption of an agreement with a developer that will provide development financing assistance.

“Development financing assistance” is not defined in state law, but in the general lexicon of economic development, it refers to the use of public sector resources to facilitate private sector investment, especially when funding gaps may exist where private capital determines that the commercial or political risks are too high to fully fund that investment. The definition of “project costs” in the Local Development Act³ draws a distinction between the provision of assistance in development financing and other potential uses of TIF for payment of capital costs, professional services, and construction costs, by listing it separately. Public expenditures (whether through TIF or other available sources⁴) for such development financing assistance is an allowable use of public funds, provided that the public entity receives adequate consideration and assurance of performance in return.⁵ Consideration and performance assurances in the context of development financing assistance are different than the fees-for-services and various surety instruments typically found in some other eligible project costs described in the Local Development Act, due to the nature of the private investment that it seeks to enable. That consideration is the private investment that the public entity believes will benefit the community. Part of that consideration may (and often does) entail obligating the developer to make certain infrastructure or other improvements which are necessary to support the private development and which will be dedicated to the public upon completion. These improvements, if constructed directly by a public entity, would be subject to all the requirements of the PCBA.) These are precisely the sort of public improvements 61 O.S. § 127 was designed to accommodate: privately constructed improvements that will be dedicated to the public but that further the goal of supporting the private development.

The second requirement of the exception in 61 O.S. § 127 will not really ever come into play. In the process of adopting the Project Plan, the Town had prepared and presented projections of the total estimated public and private investment that are anticipated to occur in the Increment District. That amount—\$900 million—is listed in Section X.A. of the Project Plan. In order for public improvements constructed by any developer to stay within this

³ See 62 O.S. § 853(14).

⁴ Not all public revenue or funding is legally available for such uses.

⁵ See *Brown v. City of Warr Acres*, 1977 OK 117.

exception requirement, the aggregate cost of those improvements must not exceed \$225,000,000 [25% of the \$900,000,000 estimated public and private investment being made within the Increment District]. **This total amount will not be reached, legally, because it exceeds the \$80,000,000 total project cost budget listed in Section VIII of the Project Plan, nor will it be reached, factually, due to the ad valorem assessment and taxation process only being capable of generating increment revenue within the Increment District (and therefore capable of being subject to a contract for development financing assistance) equal to approximately 1% of the value of the investment being added to the Increment District.** However, based on the amount of funding that may be obligated by contract, it may occasionally seem that this restriction is close to the allowable limit based on the amount of investment that has actually incurred at the time of the contract.

While there is considerable cushion within the 61 O.S. § 127 exception based on the projection listed in the Project Plan, there are several things the Town and CLEDT should do to ensure compliance with the exception and to minimize legal risks. It may be beneficial for the Town and CLEDT use competitive bidding processes where possible (and especially on larger projects). Competitive bidding takes advantage of contractors' specific expertise or experience with particular types of projects in a way that could save money. Depending on the project, it is even likely that contractors doing other work in Carlton Landing will be in an advantageous bidding position. Otherwise, to ensure compliance with the exception, it is recommended, at minimum, that the Town or CLEDT only use the PCBA exception where public improvements are being constructed as part of an agreement where development financing assistance is to be provided. For example, CLEDT has entered into a master development agreement with Humphreys Partners 2009, LLC, that obligates the developer to build out the Town according to the Town's master plan, amongst other things, and pursuant to which the developer would be entitled to development financing assistance payments to cover a part of its public infrastructure costs. Such agreements should also include a minimum amount of anticipated private investment (or include provisions for sub-agreements that lay out those obligations, as is the case with the master development agreement), in order to provide an additional layer of support for the estimated investment figure listed in the Project Plan. Making sure such contracts are entered into whenever the exception is to be applied will support the initial estimated investment figure and help any such contract withstand scrutiny if challenged. It would also be helpful to keep the TIF projections updated based on the amount of investment that actually occurs in the Increment District, to make sure the aggregate financial obligations for which the Town or CLEDT intend to be paid as part of development financing arrangements under the PCBA exception remain well within the exception.

Item No. _____

Date: April 15, 2023

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider, discuss and possibly vote to amend revise, approve or deny CLEDT Budget Fiscal Year 22-23 Amendment #2, or take any other appropriate action.

INITIATOR: Greg Buckley, Town Administrator

STAFF INFORMATION SOURCE: Greg Buckley, Town Administrator

BACKGROUND: The TIF Committee met April 7 to discuss projects, priorities, and funding. The proposed Budget Amendment is recommended by the TIF Committee to provide Funding to clear the Nature Center Site and Engineering. Clearing the Nature Center site supports developing the Nature Center for use and cooperation with the school, Town Administrative offices, and community use facility.

The Budget Amendment allocates \$200,000.00 to Nature Center Facility for Site Prep and Engineering from unallocated funds. Unallocated funds of approximately \$267,544 remain for either current projects or other approved/proposed projects.

FUNDING: None

EXHIBITS: CLEDT Budget Amendment #2, Updated Project Budget

RECOMMENDED ACTION: Approve CLEDT Budget Fiscal Year 22-23 Amendment #2.

CLEDT BUDGET AMENDMENT FORM

Fiscal Year: 22-23

Amendment #2:

<u>Fund</u>	<u>Department</u>	<u>Line Item</u>	<u>Account Code</u>	<u>Estimated Revenue</u>		<u>Expense</u>	
				<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
CLEDT	TIF Projects	Nature Center Facility Clearing	20-20-7163-00	\$	\$	\$ 556,000.00	\$

Purpose – Allocate funds for Nature Center Facility site prep and engineering.

Approved by the Carlton Landing Economic Development Trust Board of Trustees on April 15, 2023

Joanne Chinnici, Mayor

[Clerk Seal]

Dr. Jan Summers, Town Clerk

TIF Committee Project Report

<u>Funding Availability</u>	Actual					Projected				
Rev Note Year	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>Total Available Funds</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	
Note Amount	\$ 33,835.23	\$ 37,657.44	\$ 1,196,232.77	\$ 1,331,318.90	\$ 2,599,044.34	\$ 663,530.00	\$ 1,489,241.00	\$ 1,141,532.00	\$ 1,206,544.00	

<u>Funded Projects</u>	<u>Date Funded</u>	<u>Approved Project Budget</u>	<u>Projected Completion Date</u>	Projeted Funding Year
Nature Center Facilities (Concept / Com Outreach)		\$ 35,000.00		
Nature Center Facility (Site Prep/ Engineering)		\$ 200,000.00		
Stephens Road (Partial)		\$ 1,281,000.00		
Alley Improvement Phase 3		\$ 138,100.00		
Alley Improvement Phase 4		\$ 120,000.00		
Alley Improvement Redbud		\$ 120,000.00		
Block 10 Parking Lot/Area Paving		\$ 402,400.00		
Trail Development/Expansion		\$ 25,000.00		
Expand Nature Center Playground		\$ 10,000.00		
Total Funded Projects		\$ 2,331,500.00		
Unallocated Funds		\$ 267,544.34		

<u>Approved Projects</u>	<u>Date Approved</u>	<u>Proposed Project Budget</u>	<u>Projected Funding Year</u>
Marina Road - Dock Relo		\$ 1,252,169.00	
Nature Center Facility(Architect Plans, Land Prep)			
Nature Center Facility(Bld Construction)			
Nature Center Facility(FFE)			

Developer Reimburse (25% Rev Note)

<u>Proposed Projects</u>	<u>Date Submitted</u>	<u>Requested Project Budget</u>
Bathroom/Bathhouse, Util Ext.		\$ 75,000.00
Fire Station		
School Building (Multipurpose/Storm Shelter)		\$ 365,000.00
Marina Road - Phase 2 (NW Loop)		
Alley Paving Engineering		
Water Lane Paving		
Amphitheater - Clearing, grubbing,		\$ 60,000.00
Marina Phase 2 Clearing		
Marina Phase 2 Dock Expansion		145,456 - 196,416
Marina/Sports Complex Development		
South Ridgeline Parking Lot		\$ 328,000.00
Post Office (Lincoln Square)		\$ 175,000.00
Library (Lincoln Square)		\$ 175,000.00

Statement of Revenue and Expenditures

Acct		Current Period	Year-To-Date	Annual Budget	Annual Budget	Jul 2022
		Mar 2023	Jul 2022	Jul 2022	Jul 2022	Jun 2023
		Mar 2023	Mar 2023	Jun 2023	Jun 2023	Percent of
		Actual	Actual		Variance	Budget
Revenue & Expenditures						
Revenue						
Non-Departmental Revenues						
3999	Fund Balance Carryover	0.00	0.00	1,135,000.00	1,135,000.00	0.0%
4050	Tax Increment from County	0.00	768,060.37	800,000.00	31,939.63	96.0%
4350	Revenue Bond (TIF)	0.00	1,330,000.00	1,385,000.00	55,000.00	96.0%
4400	Interest Income	7,650.32	31,713.58	0.00	(31,713.58)	0.0%
Non-Departmental Revenues Totals		\$7,650.32	\$2,129,773.95	\$3,320,000.00	\$1,190,226.05	
Revenue		\$7,650.32	\$2,129,773.95	\$3,320,000.00	\$1,190,226.05	
Gross Profit		\$7,650.32	\$2,129,773.95	\$3,320,000.00	\$0.00	
Expenses						
General Government						
8100	2018 Revenue Bond	0.00	0.00	210,375.00	210,375.00	0.0%
8101	2018B Revenue Bond	1,500.00	1,500.00	119,100.00	117,600.00	1.3%
8102	2019 Revenue Bond	0.00	1,500.00	187,275.00	185,775.00	0.8%
8103	2020 Revenue Bond	0.00	1,500.00	84,450.00	82,950.00	1.8%
8104	2021 Revenue Bond	0.00	1,500.00	165,360.36	163,860.36	0.9%
8400	Bond Origination Fees	0.00	0.00	54,000.00	54,000.00	0.0%
8500	Interest Expense	2.00	132,334.28	0.00	(132,334.28)	0.0%
9500	Transfer OUT to General Fund	13,598.89	89,360.34	0.00	(89,360.34)	0.0%
General Government Totals		\$15,100.89	\$227,694.62	\$820,560.36	\$592,865.74	
TIF Projects						
7131	2019 Rev Bond- Comm Cntr	0.00	1,768.25	0.00	(1,768.25)	0.0%
7133	2019 Rev Bond - Trail Develop	0.00	0.00	25,000.00	25,000.00	0.0%
7150	2020 Bond - Pavilion	0.00	825.00	0.00	(825.00)	0.0%
7153	2020 Rev Bond- Alley Improv	0.00	6,062.19	0.00	(6,062.19)	0.0%
7160	2021 Rev Bond-Community	0.00	0.00	35,000.00	35,000.00	0.0%
7161	2021 Rev Bond- Stephens Road	0.00	83,443.78	750,000.00	666,556.22	11.1%
7163	2021 Rev Bond-Alley Imp	0.00	40,288.19	781,000.00	740,711.81	5.2%
TIF Projects Totals		\$0.00	\$132,387.41	\$1,591,000.00	\$1,458,612.59	
Expenses		\$15,100.89	\$360,082.03	\$2,411,560.36	\$2,051,478.33	
Revenue Less Expenditures		(\$7,450.57)	\$1,769,691.92	\$908,439.64	\$0.00	
Net Change in Fund Balance		(\$7,450.57)	\$1,769,691.92	\$908,439.64	\$0.00	
Fund Balances						
Beginning Fund Balance		953,136.33	(824,006.16)	0.00	0.00	0.0%

CLEDT
Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Annual Budget	Jul 2022
	Mar 2023	Jul 2022	Jul 2022	Jul 2022	Jun 2023
	Mar 2023	Mar 2023	Jun 2023	Jun 2023	Percent of
	Actual	Actual		Variance	Budget
Fund Balances					
Net Change in Fund Balance	(7,450.57)	1,769,691.92	908,439.64	0.00	0.0%
Ending Fund Balance	945,685.76	945,685.76	0.00	0.00	0.0%

4/13/2023
12:24 PM

CLEDT

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Payments Journal (Summary)
3/1/2023 to 3/31/2023

Check Date	Check / Reference #	Payee	Amount
1040 BOK 3649 TIF Increment			
3/27/2023	EFT	Town of Carlton Landing	13,598.89
3/29/2023	EFT	BOK Financial	1,500.00
3/31/2023			2.00
1040 BOK 3649 TIF Increment Totals			\$15,100.89

Report Options

Check Date: 3/1/2023 to 3/31/2023

Display Notation: No

Fund: CLEDT

Income Statement
3/1/2023 to 3/31/2023

Mar 2023
Mar 2023
Actual

Revenue

Other Revenue

Interest Income	7,650.32
Revenue	\$7,650.32
Gross Profit	\$7,650.32

Expenses

Debt Service

2018B Revenue Bond	1,500.00
Interest Expense	2.00

Transfers Out

Transfer OUT to General Fund	13,598.89
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Expenses	\$15,100.89
Income (Loss) From Operations	(\$7,450.57)
Net Income (Loss)	(\$7,450.57)

Report Options

Period: 3/1/2023 to 3/31/2023
Display Level: Level 3 Accounts
Display Account Categories: Yes
Display Subtotals: None
Reporting Method: Accrual
Fund: CLEDT
Include Accounts: Accounts With Activity