

CITY OF POST FALLS  
ORDINANCE NO. 1382

RECORDING FEE: \$0.00

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**WEST SELTICE II DISTRICT CREATED BY ORDINANCE 1089  
RECORDED AS INSTRUMENT # 2002902**

**AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO, RECITING A BRIEF HISTORY OF THE WEST SELTICE II URBAN RENEWAL PLAN APPROVED PURSUANT TO POST FALLS ORDINANCE 1089, DIRECTING TERMINATION OF THE WEST SELTICE II REVENUE ALLOCATION AREA ESTABLISHED PURSUANT TO POST FALLS ORDINANCE 1089, AUTHORIZING CITY STAFF TO TAKE ALL STEPS TO IMPLEMENT THIS ORDINANCE, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCE PROVISIONS, PROVIDING AN EFFECTIVE DATE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO**

WHEREAS, the City Council of the City of Posts Falls did establish the West Seltice II Urban Renewal Plan and its attendant revenue allocation plan by enactment of Post Falls Ordinance 1089 on November 15, 2005; and

WHEREAS, the Post Falls Urban Renewal Agency did undertake implementation of the improvements planned within the approved West Seltice II Urban Renewal Plan; and

WHEREAS, the Post Falls Urban Renewal Agency did incur certain fiscal obligations in the course of implementing said Plan; and

WHEREAS, the 2019 increment within the revenue allocation area will be sufficient to retire all outstanding obligations; and

WHEREAS, Idaho Code §50-2903(5) provides that an urban renewal agency shall “adopt a resolution advising the and notifying the local governing body, the county auditor, and the state tax commission and recommending the adoption of an ordinance for termination of the revenue allocation area by December 31 of the current year and declaring a surplus to be distributed as described in section 50-2909, Idaho Code, should a surplus be determined to exist.”; and

WHEREAS, the Post Falls Urban Renewal Agency has adopted such a resolution (2020-01) and has transmitted the resolution to the Post Falls City Council.

**NOW THEREFORE**, be it Resolved by the City Council of the City of Post Falls, Kootenai County Idaho:

**SECTION 1.** Consistent with Resolution #2020-01 of the Post Falls Urban Renewal Agency, the revenue allocation area established by Post Falls Ordinance 1089 is hereby terminated effective August 20, 2020.

**SECTION 2.** Effective upon the satisfaction of all obligations of the West Seltice II Revenue Allocation Plan, the remaining revenue allocation funds that are not needed to meet agency obligations should be distributed to affected taxing districts consistent with provisions of Idaho law.

**SECTION 3.** The administrative staff of the City of Post Falls is hereby authorized and directed to take such actions as may be necessary to implement the provisions of this ordinance and related provisions of state law.


**SECTION 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION 5.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 6.** This ordinance shall take effect and be in full force upon its passage, approval and publication according to law, subject to subsequent effective dates contained herein.

*PASSED under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Post Falls, Kootenai County, Idaho at a convened meeting of the City of Post Falls City Council held on the 21<sup>st</sup> day of April, 2020.*

Approved by the Mayor on the 21<sup>st</sup> day of April, 2020

  
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Ronald G. Jacobson, Mayor

ATTEST:

  
\_\_\_\_\_  
Shannon Howard, City Clerk



**SUMMARY OF POST FALLS ORDINANCE NO. 1382**

The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. 1382, which terminates the West Seltice II Urban Renewal Plan and Revenue Allocation Plan established by Post Falls Ordinance 1089; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of the summarized Ordinance No. 1382 is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the city clerk.



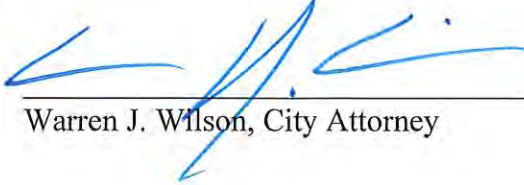
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Shannon Howard, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am the legal advisor for the City of Post Falls, Idaho. I have examined the attached summary of Post Falls Ordinance No. 1382, terminating the West Seltice II Urban Renewal Plan, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 21st day of April, 2020.



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Warren J. Wilson, City Attorney

RESOLUTION NO. 2020-01

A RESOLUTION OF THE POST FALLS URBAN RENEWAL AGENCY, MAKING FINDINGS CONCERNING THE REMAINING PROJECT OBLIGATIONS AND ESTIMATED COSTS OF THE WEST SELTICE II URBAN RENEWAL PLAN; ESTIMATING THE PROJECTED REVENUE FROM THE REVENUE ALLOCATION AREA AT TERMINATION OF THE PLAN PERIOD; RECOMMENDING TERMINATION OF SAID PLAN AND REVENUE ALLOCATION AREA AND THAT A SURPLUS BE DECLARED AND DISTRIBUTED; PROVIDING FOR SEVERABILITY, PREEMPTION AND PRECEDENCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Post Falls City Council (the City) by Ordinance No. 1089 on November 15, 2005 accepted and adopted the West Seltice II Urban Renewal Plan (the Plan) as proposed by the Post Falls Urban Renewal Agency (the Agency), created the West Seltice II Urban Renewal Plan Area (the Plan Area) and approved the West Seltice II Revenue Allocation Area (the Revenue Allocation Area);

WHEREAS, pursuant to Idaho Code Section 50-2903(5), the Agency adopted a Revenue Allocation Plan Budget for the Plan and corresponding Resolution No. 2019-05 on September 19, 2019 showing that the anticipated Agency revenues from revenue allocation financing would be sufficient to cover all estimated expenses related to the Plan by its termination date; and

WHEREAS, the Agency is required by Idaho Code Sections 50-2903(5) and 50-2909(4) to prepare for the termination of the Plan and Revenue Allocation Area no later than August 20, 2020, such date being the Plan termination date.

NOW THEREFORE, BE IT RESOLVED BY THE POST FALLS URBAN RENEWAL AGENCY AS FOLLOWS:

Section 1. That the Agency makes the following findings:

- a. That the remaining financial obligation of the Plan is \$99,291.06.
- b. That the anticipated revenues from the property tax year 2019 levy upon the increment value within the Revenue Allocation Area will be sufficient to cover the remaining obligation of \$99,291.06, and any surplus must be distributed pursuant to Idaho Code Section 50-2909(4) should a surplus be determined to exist.

c. That the property tax year 2020 increment revenues will constitute an additional surplus that also should be returned to the taxing districts pursuant to Idaho law.

d. That the West Seltice II Revenue Allocation Area should be dissolved on August 20, 2020, and the West Seltice II Urban Renewal Plan terminated as of August 20, 2020.

Section 2. The Agency does hereby request that the City adopt an Ordinance terminating the West Seltice II Revenue Allocation Area and West Seltice II Urban Renewal Plan, to be effective on August 20, 2020, and declaring that any surplus of anticipated revenues from the property tax year 2019 levy from the increment value within the Revenue Allocation Area are surplus funds that are not needed for the payment of Agency indebtedness, and should be returned to the respective taxing districts pursuant to Idaho law.

Section 3. This Resolution is hereby declared to be severable. Should any portion of this Resolution be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the Resolution before the declaration of partial invalidity. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Resolution, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding without the requirement of further action by the Agency, and any amendments to this Resolution as a result of such provision being preempted shall no longer be of any force or effect with respect to that provision.

Section 4. All Resolutions and parts of Resolutions in conflict with the provisions of this Resolution to the extent of such conflict are hereby repealed.

PASSED by the Post Falls Urban Renewal Agency and effective this 19th day of March, 2020.



Larry Carstensen, Vice-Chairman  
Post Falls Urban Renewal Agency