
**TULSA DEVELOPMENT AUTHORITY BOARD MEETING
STAFF REPORT**

MEETING DATE: April 5, 2018
TO: Chairman and Board Members
FROM: Office of Tulsa Development Authority
SUBJECT: Professional Services for the creation and drafting of economic development strategies, one or more project Plans and associated Tax Increment Finance (TIF) District

Background:

Owner:	Tulsa Development Authority
Developer:	Tulsa Development Authority
Engineer:	N/A
Location:	North of the Inner Dispersal Loop to East 56 th Street North, between North Martin Luther King, Jr. Blvd. and North Harvard Avenue, Tulsa, Oklahoma
Size of Tract:	N/A
Number of Lots:	N/A
Development Area:	N/A
Fair Market Value:	N/A
Executive Director:	O.C. Walker

Relevant Info: On February 1, 2018, the TDA Board of Commissioner's reviewed and approved Resolution No. 6416, approving retention of Special Counsel for the Tulsa Development Authority for the creation and development of North Tulsa Tax Increment Finance (TIF) District(s). This is a request to the TDA Board of Commissioner's for approval to enter into a contract for services with Leslie Batchelor and the Center for Economic Development Law, for professional services to assist TDA in the creation and drafting of economic development strategies, one or more Project Plans and Tax Increment Finance (TIF) District(s) within an area of north Tulsa located north of the Inner Dispersal Loop to East 56th Street North, between North Martin Luther King, Jr. Blvd. and North Harvard Avenue, Tulsa, Oklahoma.

At the April 5, 2018 Regular meeting a presentation will be made regarding the Legal and Policy Consideration for Potential Use of Tax increment Financing as a Revitalization and Economic Development Tool for north Tulsa. Following the TDA Regular meeting, TDA's Executive Director and General Counsel will facilitate a site tour of the study area.

Attachments: Letter of Engagement dated March 12, 2018
Map of Study Area

Recommendations: Staff recommends this item be approved as presented

Reviewed By: O.C. Walker



CENTER FOR ECONOMIC
DEVELOPMENT LAW

James Dan Batchelor
Leslie V. Batchelor
Emily K. Pomeroy
Lisa M. Harden
Jeff Sabin

301 North Harvey, Suite 100
Oklahoma City, Oklahoma
73102-3421

405 232 4606 TELEPHONE
405 232 5010 FACSIMILE
www.econlaw.com

March 12, 2018

Mr. Jot Hartley
General Counsel
Tulsa Development Authority
177 W. Delaware Ave.
Vinita, Oklahoma 74301

RE: Economic Development Strategies Under the Local Development Act for
North Tulsa

Dear Jot:

Thank you for your call regarding a possible engagement with the Tulsa Development Authority (“TDA”) for professional services to assist with economic development strategies for North Tulsa, in particular, one or more project plans and associated tax increment financing district(s) pursuant to the Local Development Act, 62 O.S. § 850, *et seq.* (the “Act”). At your request, below is a proposed scope of services for those efforts. The purpose of this letter is to set forth an understanding regarding the services the Center for Economic Development Law (the “Firm”) would provide under this engagement. If these terms and conditions are acceptable to TDA, please arrange for execution as indicated below and return one fully executed copy to our office.

I. Assessment and Recommendation of Project Eligibility and Feasibility

As an initial matter, the Firm will make a preliminary assessment of the proposed projects, examine the potential for redevelopment of specific parcels, and determine threshold issues including whether and what tools of the Act could appropriately and effectively support such projects. The focus of this effort would be to work with you, TDA officials and staff, as well as other interested stakeholders to build on the existing development strategy for the area. This evaluation would be undertaken in order to determine whether the benefit potential and practicality appear sufficiently positive for TDA and the City to then consider adopting a Project Plan pursuant to the Act, with necessary financing mechanisms (including tax increment financing) to promote the projects. This is a critical phase and includes much of the groundwork for the subsequent phases.

Assuming the evaluation appears positive to TDA and the Firm, the Firm would then provide the following services to the extent authorized and directed by you.

II. Negotiation and Preparation of Development Agreements and Project Plan Preparation

- A. The Firm will assist in the negotiation and preparation of any development agreements between TDA or another public entity (if appropriate) and potential developers that state the conditions precedent to undertaking specific projects and receiving any public assistance, including development financing assistance from tax increment revenues.

- B. Preparation of a Project Plan to cover the area, which would be undertaken in two parts:
 - 1. Schematic Plan Development
 - i. *Area Eligibility Report* —Preparation of an eligibility report, relying on information from staff and local and state agencies to evaluate the eligibility of the area.

 - ii. *Financial Impact Report* —Determination and evaluation of financial impacts, including estimated increment and indirect benefits.

 - iii. Basic framework of the Project Plan, including:
 - a. Project area;
 - b. Size and content of increment district(s);
 - c. Project objectives;
 - d. Principal project actions;
 - e. Preliminary budget; and
 - f. Strategic sequencing.

 - 2. Final Draft Project Plan and Increment District(s)
 - i. Preparation of complete eligibility report;

 - ii. Preparation of complete financial impact report;

 - iii. Preparation of complete project plan and increment district provisions; and

 - iv. Final editing before release for public consideration and approval.

III. Official Review and Public Hearings

This phase will consist of legal advice and consultation with respect to procedures and actions for formal consideration of the proposed Project Plan, including:

- A. Resolution of City Council initiating formal consideration and approval process and establishing review committee;
- B. Presentations to individuals, groups, and public bodies on the proposed Project Plan;
- C. Attendance and presentations at review committee meetings;
- D. Preparation of documents for review committee consideration;
- E. Planning commission presentation and approval documents; and
- F. Presentation at two public City Council hearings on consideration and adoption of the proposed Project Plan.

IV. Implementation

Following adoption of the Project Plan and associated increment district(s), it is vitally important that the implementation steps, procedures, legal auditing, and follow-up assistance take place in order to maximize the achievement of project objectives and to minimize the difficulties of implementation. These steps would generally consist of:

- A. Negotiation and preparation of any additional development agreements;
- B. Advice on administration and financing;
- C. Coordination with involved public officials and entities;
- D. Preparation of implementation checklist; procedural manual, forms, and official action documents; and
- E. Assistance in financial reporting.

The Firm recommends scoping this on-going work separately upon the completion of the approval process for the Project Plan.

Based on our March 7 work session, in which we discussed an initial proposal to cover a substantial area of North Tulsa with several TIF districts under one project plan, we believe we can establish a good system for information gathering, productive work sessions, and clear communications, which would enable us to complete the scope of work described in Sections I, II, and III above for a cost not to exceed \$90,000.00, for the Firm's actual time and expenses

under the current fee schedule, attached as Attachment A. This assumes that the work begins in April and proceeds in a focused manner towards completion of the approval process no later than October, and it assumes that we attend and make presentations at only the essential public meetings (estimating eight total: three Review Committee meetings, two City Council meetings, one INCOG meeting, and two TDA meetings combined with staff work sessions). We would combine these trips with other business in Tulsa as much as possible and would complete as much work by telephone, email, and other means whenever we can. We are sensitive to the cost constraints of our clients and strive to deliver the highest quality legal work as efficiently as possible.

General Provisions

Our Firm will submit monthly statements of the services performed, including the date, the professional performing the work, and a general description of the service, along with a statement of expenses and reimbursements claimed. We will also provide such additional supporting documentation as may be reasonably requested. We expect payment within 30 days, absent special circumstances. This engagement may be terminated by either party upon 10 days' prior written notice without liability except for payments due for services rendered and delivery of appropriate documentation in connection with services performed.

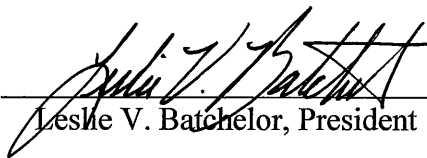
Our mission as a law firm is to assist communities in achieving their economic development objectives, and we look forward to assisting the Tulsa Development Authority.

By our signature below, we are agreeing to this engagement. If you approve, please execute your acceptance in the space provided and return one original to our office.

Very truly yours,

CENTER FOR ECONOMIC DEVELOPMENT LAW

BY: _____


Leslie V. Batchelor, President

ACCEPTED THIS ____ DAY OF _____, 2018.

TULSA DEVELOPMENT AUTHORITY

BY: _____

CENTER FOR ECONOMIC DEVELOPMENT LAW
2018 SCHEDULE OF PROFESSIONAL FEES

ATTORNEYS:

Principals	\$300.00
Dan Batchelor	
Leslie V. Batchelor	
Partners	\$275.00
Emily K. Pomeroy	
Lisa M. Harden	
Associates	\$250.00
Jeff Sabin	

OTHER LEGAL AND DEVELOPMENT PROFESSIONALS:

Development/Planning Consultant	\$200.00
Ian Colgan, AICP	
Financial Analyst/Planner	\$150.00
Cameron H. Brewer	
Senior Legal Assistant	\$ 95.00
Law Clerk/Legal Intern	\$ 95.00
Legal Assistant	\$ 55.00
Administrative Assistant	\$ 45.00

Reimbursement of actual and reasonable expenses.