

ADD ON

Meeting Date
<b>February 7, 2017</b>



AGENDA	
Section	New Business
Item No.	<b>VI F 2</b>

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

SUBJECT:	Resolution: Revoking the authority of all Brevard County municipalities to create new community redevelopment agencies.
DEPT/OFFICE:	District 3 Commission Office

Requested Action:

It is requested that the Board of County Commissioners authorize Resolution No. 2017-\_\_\_\_ revoking the authority of all Brevard County municipalities to create new community redevelopment agencies.

Summary Explanation & Background:

A RESOLUTION REVOKING THE AUTHORITY OF ALL BREVARD COUNTY MUNICIPALITIES TO CREATE NEW COMMUNITY REDEVELOPMENT AGENCIES UNLESS SUCH A MUNICIPALITY HAS AN INTERLOCAL AGREEMENT WITH THE COUNTY ELIMINATING THE COUNTY'S REVENUE INCREMENT APPROPRIATION AND PAYMENT; PROVIDING FOR AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exhibits Attached:

Contract /Agreement (If attached): Reviewed by County Attorney    Yes     No     PR

County Manager	Assistant County Manager	Department Director / Extension Commissioner, District 3
Stockton Whitten	Assistant County Manager	



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February 8, 2017

MEMORANDUM

TO: John Tobia, District 3 Commissioner

RE: Item VI.F.2., Resolution Revoking the Authority of All Brevard County Municipalities to Create New Community Redevelopment Agencies

The Board of County Commissioners, in regular session on February 7, 2017, considered request of a resolution revoking the authority of all Brevard County municipalities to create new community redevelopment agencies, but took no formal action.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

**RESOLUTION NO. 2017-\_\_**

**A RESOLUTION REVOKING THE AUTHORITY OF ALL BREVARD COUNTY MUNICIPALITIES TO CREATE NEW COMMUNITY REDEVELOPMENT AGENCIES UNLESS SUCH A MUNICIPALITY HAS AN INTERLOCAL AGREEMENT WITH THE COUNTY ELIMINATING THE COUNTY'S REVENUE INCREMENT APPROPRIATION AND PAYMENT; PROVIDING FOR AUTHORITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is the governing body of Brevard County, the electors of which adopted a home rule charter on November 8, 1994; and

**WHEREAS**, Fla. Stat. Ann. § 163.410 provides that in any county which adopted a home rule charter, the community redevelopment powers conferred by Part III of Chapter 163, Florida Statutes, shall be exercised exclusively by the governing body of such county; and

**WHEREAS**, Fla. Stat. Ann. § 163.410 further provides that the governing body of any county which has adopted a home rule charter may, in its discretion, by resolution, delegate the exercise of the powers conferred upon the county under Part III of Chapter 163, Florida Statutes, to the governing body of a municipality within the boundaries of that municipality; and

**WHEREAS**, such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution and that any power not specifically delegated shall be reserved exclusively to the governing body of the county; and

**WHEREAS**, Fla. Stat. Ann. § 163.410 further provides that it does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter; and

**WHEREAS**, Brevard County has critical funding needs for several County purposes; and

**WHEREAS**, the County's total ad valorem tax revenue contributed to existing community redevelopment areas throughout the County will be approximately \$4.6 million for FY 2016-2017;

**WHEREAS**, the County Commission has determined that it is in the best fiscal interest of the public to prevent any further loss of County revenues that may be caused by the creation of new CRA's in the County; and

**WHEREAS**, Fla. Stat. Ann. § 163.387(3)(b) provides that "[a]lternate provisions contained in an interlocal agreement between a taxing authority and the governing body that created the community redevelopment agency may supersede the provisions of this section with respect to that taxing authority";

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:**

1. The foregoing recitals are incorporated by reference in this Resolution as findings of the Board.

2. In accordance with the authority vested in the Board of County Commissioners under Section 163.410, Florida Statutes, effective on the date of adoption of this Resolution, the County Commission hereby rescinds and revokes any and all delegation of authority by the County Commission to any municipal governing body or municipality in the County vesting that municipal governing body or municipality with the authority to create a new community redevelopment agency.

3. As of the date of adoption of this Resolution, no municipality or municipal governing body may create a new community redevelopment agency or enact any ordinance creating a redevelopment trust fund for a new redevelopment agency without:

a. pursuant to Section 163.387(3)(b), Florida Statutes, entering into an interlocal agreement with Brevard County in which the municipality and its governing body (1) waive the County's appropriation and payment of any increment accruing to the County, a County MSTU, a special district dependent to the County, or any other taxing authority related to, or created by, the County, and (2) agree that the County, a County MSTU, a special district dependent to the County, or any taxing authority related to, or created by, the County may withhold, retain, and expend for County purposes, any County increment revenues accruing to the County that would otherwise have to be appropriated and paid into a new community redevelopment agency redevelopment trust fund in accordance with the provisions of Section 163.387, Florida Statutes; as well as

b. a new Resolution from the Board of County Commissioners delegating to the municipality and its governing body the specific authority to create a new community redevelopment agency and to adopt an ordinance establishing a redevelopment trust fund for such new community redevelopment agency.

4. This resolution shall take effect on the date of adoption.

**DONE AND ADOPTED**, this \_\_\_ day of February, 2017

Brevard County, through its Board of County Commissioners

By: \_\_\_\_\_

Curt Smith, Chairman

Attest: \_\_\_\_\_

Scott Ellis, Clerk