

Meeting Date
March 7, 2017



Add On	
AGENDA	
Section	New Business
Item No.	V I F 2

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Resolution modifying delegation of community redevelopment agency powers to municipalities in Brevard County; placing a moratorium on new debt
DEPT/OFFICE:	District 5 Commission Office

Requested Action:

It is requested that the Board of County Commissioners authorizes Resolution 2017- ___ modifying delegation of community redevelopment agency powers to municipalities in Brevard County

Summary Explanation & Background:

This resolution would place a moratorium upon and temporarily revokes the authority of any municipal community redevelopment agency (CRA) created by an effected municipality, to incur any new debt from any person, private entity or public entity unless or until the municipality which created the community redevelopment agency and its CRA have entered into an interlocal agreement with the County determining (a) what, if any, County increment revenues will be appropriated and paid to that municipal community redevelopment agency's redevelopment trust fund and/or (b) an agreed upon expiration date for making such payments of County increment revenues.

Clerk to the Board instruction:

Exhibits Attached:

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

County Manager	Deputy County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
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Tammy.Rowe@brevardclerk.us

March 8, 2017

MEMORANDUM

TO: Commissioner Kristine Isnardi, District 5

RE: Item VI.F.2., Resolution Modifying Delegation of Community Redevelopment Agency Powers to Municipalities in Brevard County, and Placing a Moratorium on New Debt

The Board of County Commissioners, in regular session on March 7, 2017, denied a request for a resolution modifying delegation of Community Redevelopment Agency (CRA) powers to municipalities in Brevard County, and placing a moratorium on new debt.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Manager
County Attorney

Lewis, Sally A

From: Isnardi, Kristine
Sent: Monday, February 27, 2017 8:13 AM
To: Lewis, Sally A
Subject: RE: Agenda Item

You should have received this item with the Resolution. Please let me know if you have any questions.
Kristine

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On Mon, Feb 27, 2017 at 8:11 AM -0500, "Lewis, Sally A" <Sally.Lewis@brevardfl.gov> wrote:

That is fine.

Sally Lewis
2725 Judge Fran Jamieson Way
Viera, Fl. 32940
321-633-2010
Sally.lewis@brevardcounty.us
Sally.lewis@brevardfl.gov

Under Florida law, all correspondence sent to the County Manager's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail or your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Isnardi, Kristine
Sent: Friday, February 24, 2017 2:32 PM
To: Lewis, Sally A
Subject: Agenda Item

Hi Sally,

I have an item for the next BOCC meeting. I was hoping to get that to you today, but I have to complete that form that is included that explains the item from the D5 office. The resolution is complete, but the office is moving (as we speak) to the Palm Bay office. Is it OK if I get this to you over the weekend? I can work on this at home, so you would have it waiting for you when you return Monday morning. I apologize for the delay.

Kristine

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RESOLUTION NO. 2017-__

A RESOLUTION MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO MUNICIPALITIES IN BREVARD COUNTY; PLACING A MORATORIUM ON NEW DEBT; PROVIDING FOR AUTHORITY; PROVIDING FOR RENEWAL AND TERMINATION OF THE MORATORIUM; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body of Brevard County (hereafter referred to as “the County”) the electors of which adopted a home rule charter in 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 to the governing body of a municipality within the boundaries of that municipality; and

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

WHEREAS, Fla. Stat. Ann. § 163.362(10), provides a time certain for completing all redevelopment financed by increment revenues, such time certain to occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1); and

WHEREAS, Fla. Stat. Ann. § 163.362(10), provides that for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted; and

WHEREAS, Fla. Stat. Ann. §163.387(2)(a) provides that upon the adoption of an ordinance providing for funding of the redevelopment trust fund, each taxing authority shall, by January 1 of each year, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum that is no less than the increment accruing to such taxing authority; and

WHEREAS, Fla. Stat. Ann. §163.387(2)(a) provides that if a community redevelopment plan is amended or modified pursuant to s. 163.361(1), each taxing authority shall make the annual appropriation of its revenue increment for a period not to exceed 30 years after the date

the governing body amends the plan but no later than 60 years after the fiscal year in which the plan was initially approved or adopted; and

WHEREAS, Fla. Stat. Ann. §163.387(2)(a) provides that for any agency created on or after July 1, 2002, each taxing authority shall make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the initial community redevelopment plan is approved or adopted; 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 the best fiscal interest of the public to prevent any further loss of county increment revenues that may be caused by the expiration of increment appropriations for CRAs in the County; and

WHEREAS, the County Commission desires to discuss an interlocal agreement with each CRA and municipality which has created that CRA on issues such as funding and expiration dates; and

WHEREAS, it is the desire of the County Commission to maintain the status quo with regard to CRA debt pending reaching an increment interlocal agreement with municipalities to which the authority to create a CRA has been delegated by the County;

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 County.

2. The community redevelopment powers of those Brevard County municipalities to which the County has delegated Part III, chapter 163 powers to create CRAs (hereafter collectively called "the affected municipalities"), and the redevelopment powers of any CRA that the municipality has created are both modified and restricted by the provisions of paragraph 3 of this resolution.

3. As of the date of adoption of this resolution and for a period of six months thereafter, the County Commission places a moratorium upon and temporarily revokes the authority of any municipal community redevelopment agency created by an affected municipality to incur any new debt from any person, private entity or public entity unless or until the municipality which created the community redevelopment agency and its CRA have entered into an interlocal agreement with the County determining (a) what, if any, County increment revenues will be appropriated and paid to that municipal community redevelopment agency's redevelopment trust fund and/or (b) an agreed upon expiration date for making such payments of County increment revenues.

For the purposes of this resolution, the term "new debt" includes (1) any extension, renewal, modification, novation, refinancing, rollover of, or future advance relating to any municipal community redevelopment agency debt existing on the date of adoption of this resolution and (2) any borrowing between a CRA and the creating municipality.

4. The moratorium provided for in this resolution shall be automatically renewed for consecutive six month periods for any municipality or CRA that does not enter into an increment interlocal agreement approved by resolution of the County Commission.

5. 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
(as approved by the Board on _____, 2017)

Attest:

Scott Ellis, Clerk