

Meeting Date
February 21, 2017



AGENDA	
Section	New Business
Item No.	VI.F.1.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Resolution: Modifying delegation of community redevelopment agency powers to municipalities.
DEPT/OFFICE:	District 3 Commission Office

Requested Action:

It is requested that the Board of County Commissioners authorize Resolution No. 2017-____ modifying delegation of community redevelopment agency powers to municipalities.

Summary Explanation & Background:

Brevard has critical funding needs for several county purposes. 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.

This resolution modifies the delegation of community redevelopment agency powers to municipalities in Brevard County; Placing a moratorium on CRA plan amendments and boundary expansions; providing for authority; providing for renewal and termination of the moratorium; providing for an effective date.

Exhibits Attached:

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager		Department Director / Extension Commissioner, District 3					
Stockton Whitten	Assistant County Manager							



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February 22, 2017

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.F.1., Resolution Modifying Delegation of Community Redevelopment Agency Powers to Municipalities

The Board of County Commissioners, in regular session on February 21, 2017, tabled the resolution modifying delegation of the Community Redevelopment Agency (CRA) powers to municipalities to the April 13, 2017, CRA Workshop at 1:00 p.m.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

cc: Each Commissioner

RESOLUTION NO. 2017-

A RESOLUTION MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO MUNICIPALITIES IN BREVARD COUNTY; PLACING A MORATORIUM ON CRA PLAN AMENDMENTS AND BOUNDARY EXPANSIONS; 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 pending the negotiation of an interlocal agreement with the municipalities to which CRA powers have 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, the County Commission revokes the authority of any affected municipalities and their respective CRAs to amend any CRA plan or to expand the boundaries of the CRA 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.

4. This resolution shall remain in effect until any affected municipality and its CRA have entered 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 21 day of February, 2017

BREVARD COUNTY, through its Board of County Commissioners

By: _____
Curt Smith, Chairman
(as approved by the Board on Feb. 21, 2017)

Attest:

Scott Ellis, Clerk