



AGENDA REPORT
May 21, 2019

**Approval of Resolution and Interlocal Agreement to Dissolve Space Coast
Infrastructure Agency**

SUBJECT:

Approval of Resolution and Interlocal Agreement to Dissolve Space Coast Infrastructure Agency

FISCAL IMPACT:

Upon dissolution, \$12,427.76 will be deposited in the County General Fund.

DEPT/OFFICE:

Budget

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve the attached resolution and Interlocal Agreement to dissolve the Space Coast Infrastructure Agency.

SUMMARY EXPLANATION and BACKGROUND:

Pursuant to section 163.01(7), Florida Statutes, the Brevard County Board of County Commissioners (the Board) and the North Brevard Economic Development District (the District) created the Space Coast Infrastructure Agency (the Agency) in 2012 in order to facilitate bonding \$38,655,000 in infrastructure improvement revenue bonds to speed up road improvement work on portions of I-95. The Florida Department of Transportation repaid the bonds annually as funds were allocated to the project. The interstate project is complete, the bonds have been paid, and Berens-Tate Consulting Group completed its arbitrage rebate reports. No further accounting or filing is required. The Agency has no other projects. US Bank closed the bond account and returned \$12,427.76 in residual funds to the Brevard County Budget Office. In order to deposit the funds into the County General Fund, the Agency must be dissolved. The board members terms are all expired, so the Agency does not have a board that can dissolve the agency. In accordance with the Agency Charter, the Agency may also be dissolved upon approval of each Agency member. The Board and the District are the only members. On April 12, 2019, the North Brevard Economic Development District voted unanimously to dissolve the Agency. The signed District Resolution and Interlocal agreement are attached. Request the Board vote to dissolve the Agency, authorizing the Chair to sign the attached Board Resolution and the Interlocal Agreement. Request the Board further authorize the County Manager, or his designee, to sign any additional documentation that may be required to complete the dissolution and deposit the check.

CLERK TO THE BOARD INSTRUCTIONS:

Provide signed copy of adopted resolution and interlocal agreement to Budget and CAO, Amendment to the Interlocal must be filed with the Clerk of

Court.

ATTACHMENTS:

Description

- ▣ **Resolution BOCC Dissolve Space Coast Infrastructure Agency**
- ▣ **Resolution District Dissolve Space Coast Infrastructure Agency**
- ▣ **Amendment to Interlocal Agreement**



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

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Tammy.Rowe@brevardclerk.us

May 22, 2019

M E M O R A N D U M

TO: Jill Hayes, Budget Office Director

RE: Item F.26., Resolution and Interlocal Agreement to Dissolve Space Coast Infrastructure Agency

The Board of County Commissioners, in regular session on May 21, 2019, adopted Resolution No. 19-091; and approved the Interlocal Agreement to dissolve the Space Coast Infrastructure Agency. Enclosed is a fully-executed Resolution and a fully-executed Interlocal Agreement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encls. (2)

cc: Finance

RESOLUTION NO. 19-091

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING AN AMENDMENT TO THE SPACE COAST INFRASTRUCTURE AGENCY INTERLOCAL AGREEMENT IN ORDER TO DISSOLVE THE AGENCY IN AN ORDERLY MANNER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the COUNTY and the DISTRICT entered into an interlocal agreement in 2012 to create the Space Coast Infrastructure Agency pursuant to Section 163.01(7), Florida Statutes in order to facilitate the financing of capital projects; and

WHEREAS, the only current members of the Space Coast Infrastructure Agency are the COUNTY and the DISTRICT; and

WHEREAS, all the obligations of the Space Coast Infrastructure Agency have been fulfilled as of June 18, 2018, and no indebtedness remains; and

WHEREAS, the section 2.09 of the Space Coast Infrastructure Agency's Charter allows the Agency to be dissolved in a manner consistent with Chapter 189, Florida Statutes, and

WHEREAS, dissolution of an Agency in the same manner in which it was created is consistent with Chapter 189, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT, AS FOLLOWS:

Section 1: RECITALS. The foregoing recitals are true and incorporated by reference as findings.

Section 2. DISSOLUTION. The Chair of the Brevard County Board of County Commissioners is authorized and directed to execute the amendment to the Space Coast Infrastructure Agency Interlocal Agreement (Charter Agreement) to provide for an orderly dissolution of the Agency. Further, the Brevard County Manager, or his designee, is authorized to sign any additional documentation that may be required to complete the dissolution and deposit the check.

Section 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 4. EFFECTIVE DATE. This Resolution shall take effect on the date of adoption.

DONE AND ADOPTED, this 21 day of May, 2019, in Regular Session by the Brevard County Board of County Commissioners, Brevard County, Florida.

Attest:



Scott Ellis, Clerk

**BREVARD COUNTY BOARD OF COUNTY
COMMISSIONERS**

By: 

Bryan A. Lober Vice Chair

(as approved by the Board on May 21, 2019)

**AMENDMENT TO INTERLOCAL AGREEMENT
PROVIDING FOR DISSOLUTION OF
THE SPACE COAST INFRASTRUCTURE AGENCY**

THIS AMENDMENT TO INTERLOCAL AGREEMENT RELATING TO THE ESTABLISHMENT OF THE SPACE COAST INFRASTRUCTURE AGENCY, dated April 20, 2012, is entered into the 21 day of MAY, 2019, by and between the following Parties: the NORTH BREVARD DEVELOPMENT DISTRICT (hereinafter called "the DISTRICT"), a dependent special district created by the Brevard County Board of County Commissioners, and BREVARD COUNTY, a political subdivision of the State of Florida, in its own name), 2725 Judge Fran Jamieson Way, Viera, Florida 32940 (hereinafter called "the COUNTY").

RECITALS:

WHEREAS, the COUNTY and the DISTRICT entered into an interlocal agreement in 2012 to create the Space Coast Infrastructure Agency pursuant to Section 163.01(7), Florida Statutes in order to facilitate the financing of capital projects; and

WHEREAS, the only current members of the Space Coast Infrastructure Agency are the COUNTY and the DISTRICT; and

WHEREAS, all the obligations of the Space Coast Infrastructure Agency have been fulfilled as of June 18, 2018, and no indebtedness remains; and

WHEREAS, the section 2.09 of the Space Coast Infrastructure Agency's Charter allows the Agency to be dissolved in a manner consistent with Chapter 189, Florida Statutes, and

WHEREAS, dissolution of an Agency in the same manner in which it was created is consistent with Chapter 189, Florida Statutes.

NOW, THEREFORE, the parties mutually agree and find as follows:

1. Recitations. The foregoing recitations are true and correct and by this reference incorporated to this interlocal agreement.
2. Authority. This agreement is being entered into under the authority vested in the parties by Section 163.01(7), Florida Statutes.

3. Dissolution. The Parties, and sole members of the Agency, agree that the Space Coast Infrastructure Agency is dissolved.

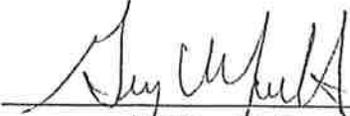
4. Dissolution Plan. Consistent with Chapter 189, Florida Statutes, the Space Coast Infrastructure Agency shall transfer the title to all property, including monetary property, to Brevard County, which is the local general purpose government, and Brevard County shall assume all of the Agency's indebtedness. The Agency will cooperate with Brevard County in any final required accounting of funds.

5. Conflict. This agreement supersedes all prior agreements. The validity, construction and enforcement of and the remedies under this agreement shall be governed in accordance with the laws of the State of Florida, and venue of any proceeding shall be Brevard County, Florida. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

6. Effective Date. This Agreement shall take effect on the date that the last Party executes this Agreement below, and in accord with section 163.01(11), the interlocal agreement is filed with the clerk of the circuit court where the Parties are located.

IN WITNESS WHEREOF, the parties have caused this agreement to be signed.

**NORTH BREVARD DEVELOPMENT
DISTRICT ("DISTRICT")**

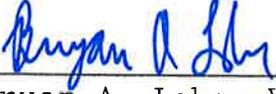
BY: 
George Mikitarian, Chair
(as approved by the Board on April 12, 2019)

ATTEST:



Scott Ellis, Clerk

BREVARD COUNTY

By: 
Bryan A. Lober Vice Chair
(as approved by the Board on 5/21/19 2019)

RESOLUTION NO. 19-~~001~~

A RESOLUTION OF THE NORTH BREVARD ECONOMIC DEVELOPMENT DISTRICT AUTHORIZING AN AMENDMENT TO THE SPACE COAST INFRASTRUCTURE AGENCY INTERLOCAL AGREEMENT IN ORDER TO DISSOLVE THE AGENCY IN AN ORDERLY MANNER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the COUNTY and the DISTRICT entered into an interlocal agreement in 2012 to create the Space Coast Infrastructure Agency pursuant to Section 163.01(7), Florida Statutes in order to facilitate the financing of capital projects; and

WHEREAS, the only current members of the Space Coast Infrastructure Agency are the COUNTY and the DISTRICT; and

WHEREAS, all the obligations of the Space Coast Infrastructure Agency have been fulfilled as of June 18, 2018, and no indebtedness remains; and

WHEREAS, the section 2.09 of the Space Coast Infrastructure Agency's Charter allows the Agency to be dissolved in a manner consistent with Chapter 189, Florida Statutes, and

WHEREAS, dissolution of an Agency in the same manner in which it was created is consistent with Chapter 189, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT, AS FOLLOWS:

Section 1: RECITALS. The foregoing recitals are true and incorporated by reference as findings.

Section 2. DISSOLUTION. The Chairman of the District is authorized and directed to execute the amendment to the Space Coast Infrastructure Agency Interlocal Agreement (Charter Agreement) to provide for an orderly dissolution of the Agency.

Section 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and

such holding shall not affect the validity of the remaining portion of this Resolution.

Section 4. EFFECTIVE DATE. This Resolution shall take effect on the date of adoption.

DONE AND ADOPTED, this 2nd day of April, 2019, in Regular Session by the North Brevard Economic Development District, Brevard County, Florida.

NORTH BREVARD DEVELOPMENT DISTRICT
OF BREVARD COUNTY, FLORIDA

By: 
George Mikitarian, Chair

(as approved by the Board on April 12, 2019)