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| Meeting Date |
| February 7, 2017 |



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| AGENDA | |
| Section | NEW BUSINESS |
| Item No. | VI F 3 |

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

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| SUBJECT: | Resolution: Modifying delegation of Community Redevelopment Agency powers to municipalities in Brevard County. |
| DEPT/OFFICE: | County Commissioner Curt Smith, District 4 |

Requested Action:

NOTICE:

It is not the request of Commissioner Smith to pass this resolution without full vetting and discussion of all stakeholders. However, without a resolution of action, any discussion will be in the abstract. It is the wish that this item, and any other item concerning CRAs, be tabled until a time certain sometime after all parties have an opportunity to comment.

Summary Explanation & Background:

Brevard County currently has a backlog of unfunded transportation projects in the amount of \$560,886,889.

The County's total ad valorem tax revenue contribution to existing Community Redevelopment Agencies throughout the County will be approximately \$4.6 million for FY 2016-2017.

Commissioner Smith understands and agrees with the concept of CRAs. However, he believes the resulting outcome should be a return on investment to the county. The priorities of our transportation needs outweigh the needs of our contribution to the CRAs.

Fiscal Impact: Approximately \$4.6 million of a recurring fund that can be applied to our transportation needs.

Staff Contacts: Pat Woodard, District 4 Commission Office, 633-2044.

Exhibits Attached: Resolution No. 2017-XX and BOCC General Fund CRA Payments

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

| | | |
|------------------|--------------------------|-----------------------------------------------|
| County Manager | Deputy County Manager | Department Director / Extension |
| Stockton Whitten | Assistant County Manager | Curt Smith, County Commissioner District 4 |



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February 8, 2017

M E M O R A N D U M

TO: Stockton Whitten, County Manager

RE: Item VI.F.3., Resolution Modifying Delegation of Community Redevelopment Agency (CRA) Powers to Municipalities in Brevard County

The Board of County Commissioners, in regular session on February 7, 2017, reached consensus for the topic of the April 13, 2017, Workshop Meeting, scheduled at 1:00 p.m., to be Community Redevelopment Agencies (CRAs).

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: Each Commissioner
County Attorney
SCGTV Director

RESOLUTION NO. 2017-__

A RESOLUTION MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO MUNICIPALITIES IN BREVARD COUNTY; DIRECTING THE COUNTY BUDGET OFFICER AND CLERK FINANCE DIRECTOR TO CEASE APPROPRIATING OR PAYING ANY COMMUNITY INCREMENT REVENUES INTO ANY MUNICIPAL COMMUNITY REDEVELOPMENT AGENCY REDEVELOPMENT TRUST FUND IN SPECIFIED CIRCUMSTANCES; RESTRICTING POWERS TO COLLECT OR EXPEND COUNTY INCREMENT REVENUES; RESTRICTING POWERS TO INCUR NEW DEBT; PROVIDING FOR AUTHORITY; 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 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;

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 delegated by County Commission resolution to the specific Brevard County municipalities listed in Exhibit A are modified and restricted by the provisions of paragraphs 3, 4, and 5 of this resolution.
3. Unless a municipality which created a community redevelopment and the community redevelopment agency created by that municipality have entered into an interlocal agreement with the County determining what, if any, increment revenues will be appropriated and paid to that municipal community redevelopment agency's redevelopment trust fund, the County Manager, the County Budget Officer and the Clerk's Finance Director are hereby ordered to cease appropriating and paying into any municipal community redevelopment agency redevelopment trust fund any increment revenues accruing to the County, a County MSTU, any special district dependent to the County or any other taxing authority related to or created by the County (collectively called "County increment revenues") at the earliest of the following times:
 - a. immediately and all subsequent years if such County taxing authority or authorities have paid increment revenues into such redevelopment trust fund for a period of at least 30 years after the date of adoption by the community redevelopment agency of a community redevelopment agency plan and no plan amendment has been adopted by the agency within that 30 year period; or
 - b. immediately and all subsequent years if the community redevelopment plan for a municipal community redevelopment agency has been amended and the County taxing authority or authorities have paid increment revenues into such redevelopment trust fund for a period of at least 30 years after the date of adoption by a community redevelopment agency of the latest amendment to its community redevelopment plan; or
 - c. if that agency was created on or after July 1, 2002, 40 years after the County taxing authority or authorities began paying increment revenues into a municipal community redevelopment trust fund and all subsequent years; or
 - d. if a municipal community redevelopment agency has existing debt, at the conclusion of the fiscal year in which that debt matures and all subsequent years; or
 - e. immediately and all subsequent years, if a municipal community redevelopment agency has no existing debt.

Neither a municipality nor any community redevelopment agency the municipality has created shall have the power to collect or expend County increment revenues once the County appropriation of County increment revenues has ceased in accordance with the provisions of this resolution.

In no event shall any payment of County increment revenues be made into any municipal community redevelopment agency redevelopment trust for more than 60 years after the fiscal year in which a community redevelopment plan was initially approved or adopted by a municipality.

For the purposes of this resolution the term "debt" includes any loan; note; promise to pay; lease purchase agreement; installment sales contract; financing contract; commercial paper; or any other instrument of indebtedness, however named, pledging increment revenues to the payment thereof.

4. As of the date of adoption of this resolution, the County revokes the authority of any municipal community redevelopment agency to incur any new debt from any person, private entity or public entity unless the municipality which created the agency and the agency have entered into an interlocal agreement with the County determining what, if any, County increment revenues will be appropriated and paid to that municipal community redevelopment agency's redevelopment trust fund.

For the purposes of this resolution, the term "new debt" includes 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.

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

| BOCC General Fund CRA Payments (year indicated is fiscal year) | | | | |
|-----------------------------------------------------------------------|----------------------------------------------------|--------------------|--------------------|--------------------|
| Established Year | Agency | 2015 | 2016 | 2017 |
| 1982 | Titusville Downtown Area (A1) | \$269,287 | \$280,157 | \$288,138 |
| 2007 | U.S. 1 Corridor Community Redev Area - 2007 | \$0 | \$0 | \$0 |
| 1981 | Cocoa Downtown Unit I - D1 | \$425,529 | \$429,567 | \$450,316 |
| 1988 | Merritt Island Redevelopment (B1) | \$652,594 | \$665,127 | \$712,637 |
| 1990 | Merritt Island Redevelopment (B2) | \$94,841 | \$100,813 | \$112,032 |
| 1997 | Cocoa Downtown Unit II - D2 | \$30,259 | \$35,065 | \$45,660 |
| 1997 | Cocoa Downtown Unit III - D3 | \$28,792 | \$35,517 | \$52,058 |
| 2005 | Merritt Island Redevelopment (B3) | \$0 | \$0 | \$0 |
| 2015 | Merritt Island Redevelopment (B4) | \$0 | \$9,587 | \$84,663 |
| 2011 | Downtown Cocoa Beach Commun Redevop Agcy | \$45,810 | \$86,219 | \$133,564 |
| 2012 | Cape Canaveral Redevelopment Agency | \$70,810 | \$154,892 | \$265,198 |
| 1982 | Melbourne Downtown - Unit I (K1) | \$333,447 | \$337,191 | \$338,825 |
| 1998 | Palm Bay Downtown Area (U1) | \$213,989 | \$230,786 | \$270,524 |
| 2005 | Melbourne Downtown - (K7) | \$39,503 | \$52,837 | \$63,873 |
| 2001 | Rockledge Downtown Area - E1 | \$412,222 | \$442,152 | \$519,646 |
| 2001 | Satellite Beach Downtown Area (M1) | \$424,265 | \$476,070 | \$525,458 |
| 2003 | Palm Shores Area - J1 | \$84,542 | \$103,885 | \$113,560 |
| 1997 | Melbourne Babcock St - Unit II (K2) | \$251,237 | \$276,079 | \$318,120 |
| 2000 | Melbourne Eau Gallie Area - Unit III (K3) | \$80,468 | \$85,422 | \$93,930 |
| 2001 | Melbourne Babcock St - Unit II (K4) | \$59 | \$1,213 | \$3,860 |
| 2004 | Melbourne Babcock St - Unit II (K5) | \$490 | \$479 | \$0 |
| 2005 | Melbourne Eau Gallie Area - (K6) | \$2,369 | \$15,326 | \$29,538 |
| 2015 | Melbourne Olde Eau Gallie Riverfront CRA Expansion | \$0 | \$0 | \$0 |
| 2011 | West Melbourne Joint CRA | \$59,133 | \$104,183 | \$199,062 |
| | | | | |
| | Totals | \$3,519,646 | \$3,922,567 | \$4,620,662 |