



**AGENDA REPORT
March 12, 2019**

**Resolution revoking delegation of authority to specified Community
Redevelopment Agencies to limit certain financial activities, District 2**

SUBJECT:

Resolution modifying delegation of Community Redevelopment Agency Powers to certain Municipalities for a period of six months to revoke municipal authority, and hence Community Redevelopment Agency authority, to issue bonds, pledge funds, incur debt, obtain loans, and to limit other financial activities.

DEPT/OFFICE:

District 2

REQUESTED ACTION:

It is requested that the Board approve the attached Resolution.

SUMMARY EXPLANATION and BACKGROUND:

Multiple Community Redevelopment Agencies in Brevard County municipalities were created pursuant to a conditional delegation of County authority to the municipalities after the Brevard County Charter was adopted. The County may revoke the authority delegated to these municipalities at any time the Board deems that it is necessary for the protection of the health, safety, welfare or fiscal interests of the public or the redevelopment area. Brevard County has entered into Interlocal Agreements with various cities and the financial concerns raised regarding those community redevelopment issues have been addressed. However, as to the Community Redevelopment Agencies in cities or municipalities where the County and the municipality have not executed an interlocal agreement, the County's concern for the health, safety, welfare and fiscal interests of the public remain. Accordingly, the County seeks to revoke certain delegations of authority to those municipalities for six months to limit the community redevelopment agencies ability to make certain financial transactions.

The affected municipalities, community redevelopment agencies, and affected delegations of power are as listed below:

City of Cocoa – U.S.1 Corridor Community Redevelopment Agency	Brevard County Resolution 97-160, dated August 19, 1997
City of Cocoa – Diamond Square Community Redevelopment Agency	Brevard County Resolution 97-161, dated August 19, 1997

City of Rockledge – City of Rockledge Community Redevelopment Agency	Brevard County Resolution 01-419, dated December 11, 2001
City of Palm Bay – Bayfront Community Redevelopment District	Brevard County Resolution 99-111, dated May 4, 1999
City of Melbourne – Olde Eau Gallie Riverfront Community Redevelopment Agency	Brevard County Resolution 2000-249, dated August 29, 2000

ATTACHMENTS:

Description

- **Resolution modifying Delegation of CRA powers**



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

March 13, 2019

M E M O R A N D U M

TO: Bryan Lober, Commissioner District 2

RE: Item J.1., Resolution Modifying Delegation of Authority to Specified Community Redevelopment Agencies to Limit Certain Financial Activities

The Board of County Commissioners, in regular session on March 12, 2019, adopted Resolution No. 19-033, modifying the delegation of Community Redevelopment Agency (CRA) Powers to municipalities in Brevard County in Resolution Nos. 97-160, 97-161, 01-419, 99-111, and 00-249, for a period of six months, revoking authorization to issue bonds, pledge funds, incur debt, obtain loans, and limiting other financial activities for the City of Melbourne – Olde Eau Gallie Riverfront CRA; and approved striking through the City of Cocoa - U.S.1 Corridor CRA, City of Cocoa - Diamond Square CRA, City of Rockledge - City of Rockledge CRA, and City of Palm Bay - Bayfront Community Redevelopment District as listed in the Resolution. Enclosed is a fully-executed Resolution for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Commissioners 1, 3, 4, & 5
County Manager
County Attorney
Budget
Finance

RESOLUTION NO. 2019-033

A RESOLUTION MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO MUNICIPALITIES IN BREVARD COUNTY IN RESOLUTIONS 97-160, 97-161, 01-419, 99-111, AND 2000-249; FOR A PERIOD OF SIX MONTHS, REVOKING AUTHORIZATION TO ISSUE BONDS, PLEDGE FUNDS, INCUR DEBT, OBTAIN LOANS, AND LIMITING OTHER FINANCIAL ACTIVITIES FOR THOSE CERTAIN MUNICIPALITIES AND COMMUNITY REDEVELOPMENT AGENCIES; PROVIDING FOR SEVERABILITY; 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, which became effective January 1, 1995; and

WHEREAS, section 163.410, Florida Statutes 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, the County has, by a Resolution pursuant to section 163.410, Florida Statutes, delegated authority to multiple municipalities to create community redevelopment agencies; and

WHEREAS, the County provided for a conditional delegation of powers to the municipalities, reserving the right to either revoke the delegation of authority to the municipalities or to designate itself as the redevelopment agency at any time that the Board deems that it is necessary for the protection of the health, safety, welfare or fiscal interests of the public or the redevelopment area;

WHEREAS, the County made an statement in the delegation that if the County revoked powers or substituted itself as the board, it would (1) not impair any contract made by the Community Redevelopment Agency prior to the time when the County exercised or took such action; or (2) not affect the obligation of the Community Redevelopment Agency to raise revenue through tax increment financing or other charges in the amounts necessary to comply with the Community Redevelopment Agency's obligations in respect to outstanding bonds or other evidences of indebtedness; or (3) not affect the obligation of the Community Redevelopment Agency under any outstanding bond, bond anticipation note, tax anticipation note, or other evidences of indebtedness; and

WHEREAS, the County further stated that if it revoked powers or substituted itself as the board, it shall take all necessary or appropriate action to protect the interests of any holders of bonds issued by the Community Redevelopment Agency; and

WHEREAS, the County further stated that if it revoked powers or substitutes itself as the board, the County shall consider, upon request from the Community Redevelopment Agency,

the adoption of such resolutions as may be necessary from time to time for the Community Redevelopment Agency to issue bonds or other evidences of indebtedness;

WHEREAS, Brevard County has critical funding needs for many County purposes including, but not limited to, improving infrastructure to improve transportation and prevention of pollution of the Indian River Lagoon; and

WHEREAS, the Board of County Commissioners finds that it is necessary for the protection of the fiscal interests of the public to revoke specific portions of its delegation of powers to certain municipalities.

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.
2. This action is to impact only those municipalities and community redevelopment agencies in which (1) Brevard County has delegated the community redevelopment powers found at Part III, chapter 163 (hereafter called "the affected municipalities") to the municipality; and (2) the municipality and community redevelopment agency have not entered into an interlocal agreement with Brevard County;
3. The Board of County Commissioners finds that it is necessary for the protection of the health, safety, welfare and fiscal interests of the public that the affected municipalities have certain powers revoked. As of the date of adoption of this resolution and for a period of six months thereafter:
 - a. The affected municipalities authority, and thereby the CRA's authority, to authorize the issuance of redevelopment revenue bonds, or issue refunding bonds, or pledge tax increment funds, all as set forth in section 163.370 and 163.385, Florida Statutes, is revoked. This authority is retained by the County.
 - b. The affected municipalities authority, and thereby the CRA's authority, to borrow money, incur indebtedness, to apply for and accept advances, loans, or any other repayable financial assistance, or to give such security as may be required, is revoked. This authority is retained by the County.
 - c. The affected municipalities authority, and thereby the CRA's authority, to execute contracts and other instruments obligating the CRA to payment of tax increment funding past the end of any one fiscal year, is revoked. This authority is retained by the County.
4. For each of the affected municipalities and community redevelopment agencies that have not executed an interlocal agreement with Brevard County within six months of the

date of adoption of this resolution, the Board of County Commissioners directs the County Manager to come back to the Board with options to further protect the health, safety, welfare or fiscal interests of the public or the redevelopment area through additional actions, including but not limited to, revocation of all County powers granted to the municipality under County Resolutions 97-160, 97-161, 01-419, 99-111, and 2000-249, as applicable.

5. The affected municipalities, community redevelopment agencies, and affected delegations of power are as listed below:

City of Cocoa - U.S. 1 Corridor Community- Redevelopment Agency - - - - -	Brevard County Resolution 97-160, dated August 19, 1997
City of Cocoa - Diamond Square Community Redevelopment Agency - - - - -	Brevard County Resolution 97-161, dated August 19, 1997
City of Rockledge - City of Rockledge Community Redevelopment Agency - - - - -	Brevard County Resolution 01-419, dated December 11, 2001
City of Palm Bay - Bayfront Community - - - - - Redevelopment District - - - - -	Brevard County Resolution 99-111, dated May 4, 1999
City of Melbourne - Olde Eau Gallie Riverfront Community Redevelopment Agency	Brevard County Resolution 2000-249, dated August 29, 2000

6. 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.

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

DONE AND ADOPTED, this 12 day of March, 2019, in Regular Session by the Board of County Commissioners, Brevard County, Florida.

Attest:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Kristine Isnardi, Chair

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



City Manager's Office
65 Stone St. | Cocoa, FL 32922
Phone: (321) 433-8686 | Fax: (321) 433-8690

March 12, 2019

Commissioner Bryan A. Lober, Vice Chair
Brevard County Board of County Commissioners
Merritt Island Service Complex
2575 North Courtenay Parkway, Suite 200
Merritt Island, Florida 32953

RE: Agenda Item J. (1) – Resolution revoking delegation of authority to specified Community Redevelopment Agencies to limit certain financial activities.

Commissioner Lober:

Thank you for your time yesterday afternoon on the telephone to discuss the proposed Resolution which affects the City of Cocoa, and specifically the Diamond Square and U.S. 1 Corridor CRAs.

The City acknowledges the intent of the Resolution and has already scheduled a meeting with the County Manager and County Attorney's Office to re-initiate negotiations on the CRA Interlocal Agreements. The City and County met on at least two occasions, and County Manager Frank Abbate and I held some follow up conversations once the draft CRA ILA's were presented to the City.

Please know that neither the Diamond Square CRA or U.S. 1 Corridor CRA has sought to incur any form of debt with pledged TIF revenues since the last Brevard County BOCC Workshop regarding the CRAs. We firmly believe we can re-engage and finalize negotiations resulting in the development of ILAs related to the Diamond Square and U.S. 1 Corridor CRA's.

We will not be attending this evening's meeting as we believe the County and City are moving toward accomplishing what your resolutions proposes.

Sincerely,

John A. Titkanich, Jr., AICP, ICMA-CM
City Manager

C: Mayor and City Council
City Attorney



**John A. Titkanich, Jr.,
AICP, ICMA-CM**

City Manager

65 Stone St., Cocoa, FL 32922

(321) 433-8737 | jtitkanich@cocoafl.org

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