



**AGENDA REPORT**  
**August 6, 2019**

**Revocation of Authority: Bayfront CRA, District 3**

---

**SUBJECT:**

Revocation of Authority: Palm Bay Bayfront CRA

**DEPT/OFFICE:**

District 3

**REQUESTED ACTION:**

Passage of attached resolution

**SUMMARY EXPLANATION and BACKGROUND:**

On March 12<sup>th</sup>, 2019, Commissioner Lober brought forward a measure revoking specified delegations of authority of certain CRAs. Included in this list was the Palm Bay Bayfront CRA.

Over time, the City of Palm Bay has made numerous assertions for their plans for the CRA to a variety of County officials. This included, for example, transitioning from utilizing the CRA altogether in favor of a Business Tax District.

Palm Bay has reversed again, and now indicates its intention to keep its CRA active until its current sunset date. Yet, it has structured their debt such that it is projected to be paid early.

The County has overwhelming critical fiscal needs, and it cannot stand idly by while a municipality and its CRA are noncommittal, and perhaps even misleading, on expenditures of County TIF revenue.

Therefore, an amended form of the resolution proposed by Commissioner Lober is being brought for reconsideration only as it relates to the Bayfront CRA.

**ATTACHMENTS:**

**Description**

- **Bayfront CRA Resolution**



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

August 7, 2019

**M E M O R A N D U M**

**TO:** Frank Abbate, County Manager

**RE:** Item J.7., Resolution for Revocation of Authority for Bayfront Community Redevelopment Agency (CRA)

The Board of County Commissioners, in regular session on August 6, 2019, adopted Resolution No. 19-125, revoking authorization to issue bonds, pledge funds, incur debt, obtain loans, and limiting other financial activities for those certain municipalities and CRA's; and approved the addition of a sunset clause of October 8, 2019. Enclosed is a fully-executed Resolution.

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: Finance  
Budget

**RESOLUTION NO. 2019-125**

**A RESOLUTION MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO THE CITY OF PALM BAY IN BREVARD COUNTY IN RESOLUTION 99-111; 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 the City of Palm Bay.

**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 the City of Palm Bay and the Bayfront Community Redevelopment agency 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 City of Palm Bay and Bayfront Community Redevelopment Agency have certain powers revoked as of the date of adoption
  - a. The City of Palm Bay's 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 City of Palm Bay's 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 City of Palm Bay's 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.

J. W.  
C. W.

4. The affected municipality, community redevelopment agency, and affected delegations of power are as listed below:

City of Palm Bay – Bayfront Community Redevelopment District	Brevard County Resolution 99-111, dated May 4, 1999
--	---

5. 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.

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

**DONE AND ADOPTED**, this 6 day of Aug., 2019, in Regular Session by the Board of County Commissioners, Brevard County, Florida.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Scott Ellis, Clerk

By:   
\_\_\_\_\_  
Kristine Isnardi, Chair

(as approved by the Board on Aug. 6, 2019)

OITD

RESOLUTION NO. 2019-\_\_

**A RESOLUTION MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO THE CITY OF PALM BAY IN BREVARD COUNTY IN RESOLUTION 99-111; 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

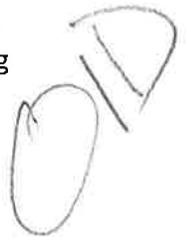
**WHEREAS**, the Board of County Commissioners finds that it is necessary for the protection of the fiscal interests of the public to revoke specific portions of its delegation of powers to the City of Palm Bay.

**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 the City of Palm Bay and the Bayfront Community Redevelopment agency 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 City of Palm Bay and Bayfront Community Redevelopment Agency have certain powers revoked as of the date of adoption
  - a. The City of Palm Bay's 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 City of Palm Bay's 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 City of Palm Bay's 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

J.T.  
11

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 Resolution 99-111.



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

City of Palm Bay – Bayfront Community Redevelopment District	Brevard County Resolution 99-111, dated May 4, 1999

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 \_\_\_ day of \_\_\_\_\_, 2019, in Regular Session by the Board of County Commissioners, Brevard County, Florida.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_  
Kristine Isnardi, Chair

\_\_\_\_\_  
Scott Ellis, Clerk

(as approved by the Board on \_\_\_\_\_, 2019)

J.P.  
9/8

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 Resolution 99-111.

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

City of Palm Bay – Bayfront Community Redevelopment District	Brevard County Resolution 99-111, dated May 4, 1999

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 \_\_\_ day of \_\_\_\_\_, 2019, in Regular Session by the Board of County Commissioners, Brevard County, Florida.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_  
Kristine Isnardi, Chair

\_\_\_\_\_  
Scott Ellis, Clerk

(as approved by the Board on \_\_\_\_\_, 2019)