

AGENDA	
Section	New Business
Item No.	VI E 1

Meeting Date
May 26, 2016



AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Discussion, re: Fiscal Year 2016/17 Budget Development
DEPT/OFFICE:	County Manager's Office

Requested Action:

It is requested that the Board of County Commissioners discuss and provide policy direction regarding development of the County Manager's Fiscal Year 2016/17 Budget Proposal.

Summary Explanation & Background:

The Board of County Commissioners, in accordance with Chapter 129 Florida Statutes, the Brevard County Charter, and the Board's Budget and Financial Policy, is responsible for establishing policy direction, review and approval of an annual budget. The Board has designated the County Manager as the County Budget Officer in accordance with the requirements of Chapter 129 and the Board's Budget and Financial Policy. As such the County Manager **"after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year."**

As preliminary property valuations have not been received, and unless otherwise directed, it is envisioned that the Fiscal Year 2016/17 budget proposal which seeks to maintain the current levels of service provided for all programs and services. To date the Board has provided the following policy direction with regards to development of the Fiscal Year 2016/2017 Budget.

- Explore the addition of a Veteran Services Officer if additional tax revenues are available
- Commissioner Smith has provided a listing of proposed budget changes
- Explore the expansion of Transit Operations if additional tax revenues are available
- Review the cost of constructing a sound barriers around the Sheriff's gun range

Clerk to the Board Instructions:

Exhibits Attached: Commissioner Smith's Listing of Proposed Budget Changes; Staff PowerPoint Presentation

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		
Stockton Whitten		Assistant County Manager						



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

May 27, 2016

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.E.1., Discussion of Fiscal Year 2016/2017 Budget Development

The Board of County Commissioners, in regular session on May 26, 2016, approved transferring Brevard Cultural Alliance Tourism funding to the Tourist Development Council in the amount of \$50,000, restricted to road maintenance; and directed staff to work with the cities to increase funding for lifeguards.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

~~Tammy~~ Rowe, Deputy Clerk



/cm

cc: Budget
Finance

Brevard County Budget & Millage Presentation

May 26, 2016

Stockton Whitten
Tom Rosenberg



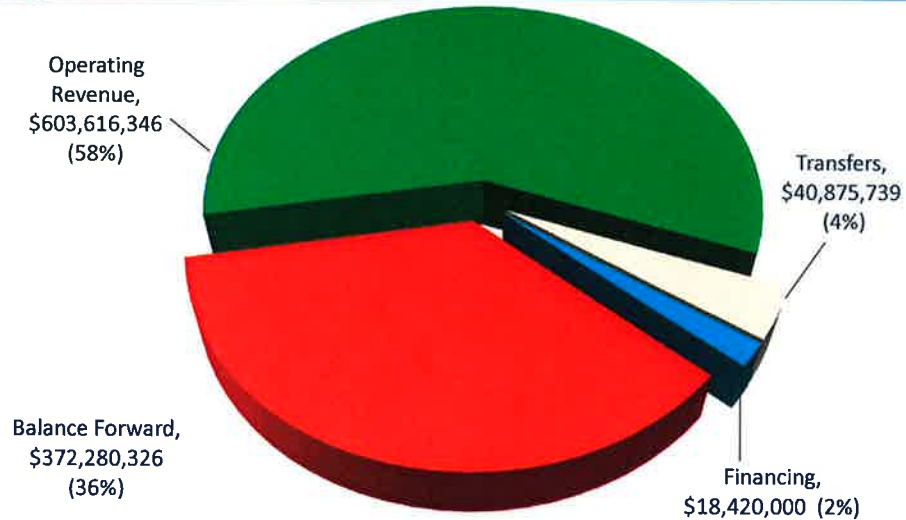
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THE FY 2015-2016 BUDGET

THE FY 2015-2016 ADOPTED BUDGET: \$1,035,192,411



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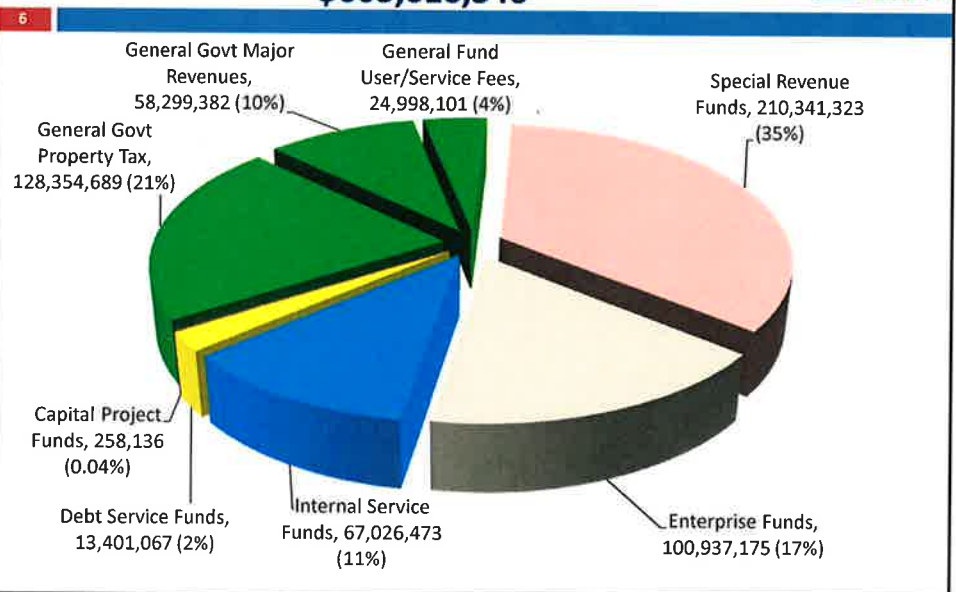
**HOW MUCH REVENUE DO WE HAVE
TO USE FOR DAY-TO-DAY
OPERATIONS?**

From The Total Budget to Operating Revenue



TOTAL BUDGET	\$1,035,192,411
BALANCE FORWARD	(\$372,280,326)
INTER/INTRA FUND TRANSFERS	(\$40,875,739)
FINANCING	<u>(\$18,420,000)</u>
OPERATING REVENUE	\$603,616,346

FY 2015-2016 Sources of Operating Revenues by Fund Group, \$603,616,346



GASB 54 Definitions



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- **Special Revenue Funds** – account for/report the proceeds of revenue sources *restricted* to expenditures for specific purposes
- **Debt Service Funds** – account for/report financial resources *restricted* for principal and interest
- **Capital Project Funds** – account for/report financial resources *restricted* to capital outlay
- **Enterprise Funds** – Proprietary fund type used for an activity for which a fee is paid for goods or services
- **Internal Service Funds** - Proprietary fund type used for an activity that provides goods or services to other depts/agencies, etc. on a cost reimbursement basis.

FY 2015-2016 Fund Allocation of Non-General Government Operating Revenues



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User/Services Fees		Special Revenue Funds	
Parks and Recreation	\$7,816,730	Public Works	\$52,257,667
Central Services	\$6,054,702	Fire Rescue	\$47,904,042
Public Works	\$6,747,688	Sheriff	\$25,986,140
Sanitation Office	\$2,052,763	Natural Resources	\$21,874,663
Natural Resources	\$1,297,208	Library Services	\$16,823,425
Emergency Management	\$1,075,988	Tourism	\$11,495,240
Planning and Development	\$1,073,830	Parks and Recreation	\$7,816,556
Other User Fee	\$1,439,476	Housing/Human Svcs	\$7,797,511
Total Dept User Fee Funds	\$24,998,101	Planning and Development	\$7,280,718
Enterprise Funds		Emergency Management	\$3,804,453
Utility Services	\$37,830,592	Court Operations	\$2,579,301
Solid Waste	\$36,704,036	Valkaria Airport	\$1,985,000
Transit Services	\$19,428,581	Space Coast Transp Planning	\$1,491,591
Golf Courses	\$2,869,661	Other Special Revenue Funds	\$1,245,016
TICO	\$2,313,197	Total Special Revenue Funds	\$210,341,323
Melbourne-Tillman	\$1,791,108	Capital Project Funds	
Total Enterprise Funds	\$100,937,175	Parks and Recreation	\$232,592
Internal Service Funds		Emergency Management	\$25,544
Employee Benefits	\$54,636,717	Capital Project Funds	\$258,136
Risk Management	\$8,891,407	Debt Services Funds	
IT Communications	\$3,498,349	Parks and Recreation	\$13,401,067
Total Internal Service Funds	\$67,026,473		



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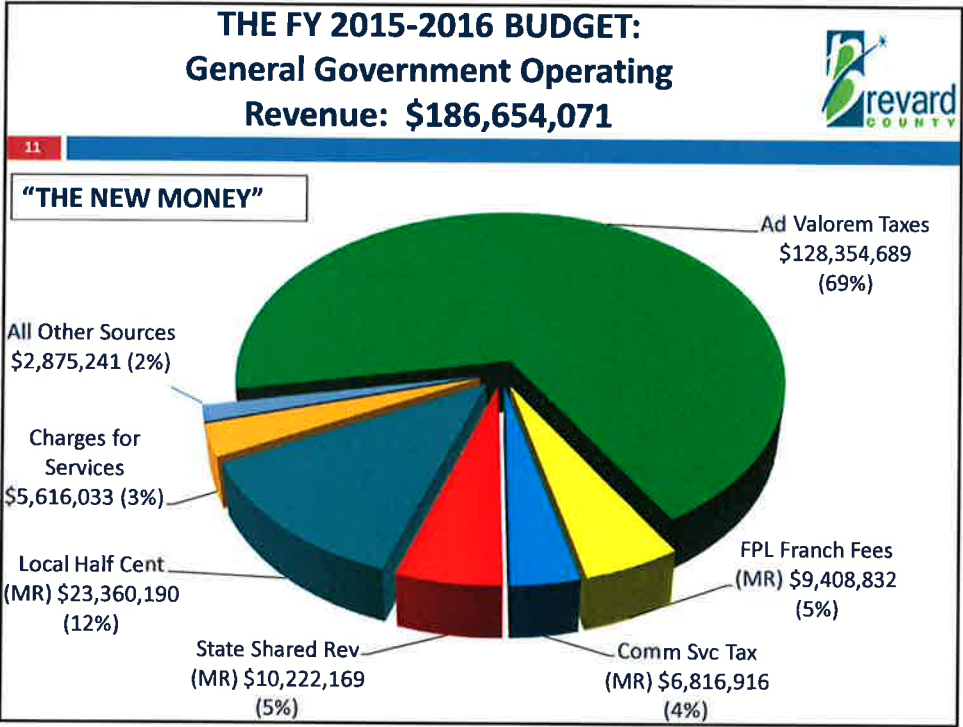
HOW MUCH GENERAL OPERATING REVENUE DO WE HAVE?

From The Total Operating Revenue to General Operating Revenue



10

OPERATING REVENUE	\$603,616,346
SPECIAL REVENUE	(\$210,341,323)
ENTERPRISE REVENUE	(\$100,937,175)
INTERNAL SERVICE REVENUE	(\$67,026,473)
USER FEES REVENUE	(\$24,998,101)
DEBT SERVICE REVENUE	(\$13,401,067)
CAPITAL PROJECTS REVENUE	(\$258,136)
GENERAL OPERATING REVENUE	\$186,654,071



HOW MUCH TOTAL GENERAL REVENUE DO WE HAVE?

From General Operating Revenue to Total General Revenue



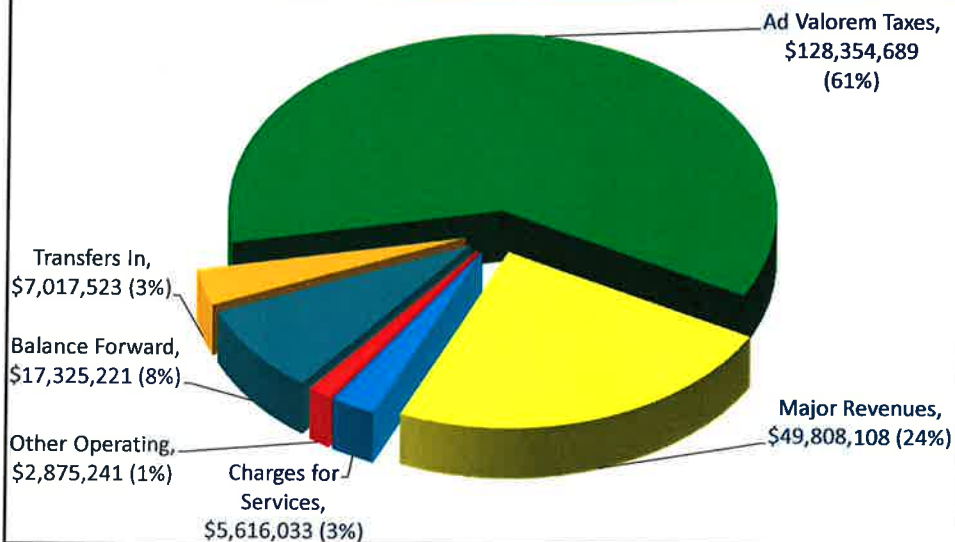
13

OPERATING REVENUE	\$186,654,071
BALANCE FORWARD	\$17,325,221
TRANSFERS IN	<u>\$7,017,523</u>
TOTAL GENERAL REVENUE	\$210,996,815


THE FY 2015-2016 BUDGET: General Gov't All Revenue: \$210,996,815



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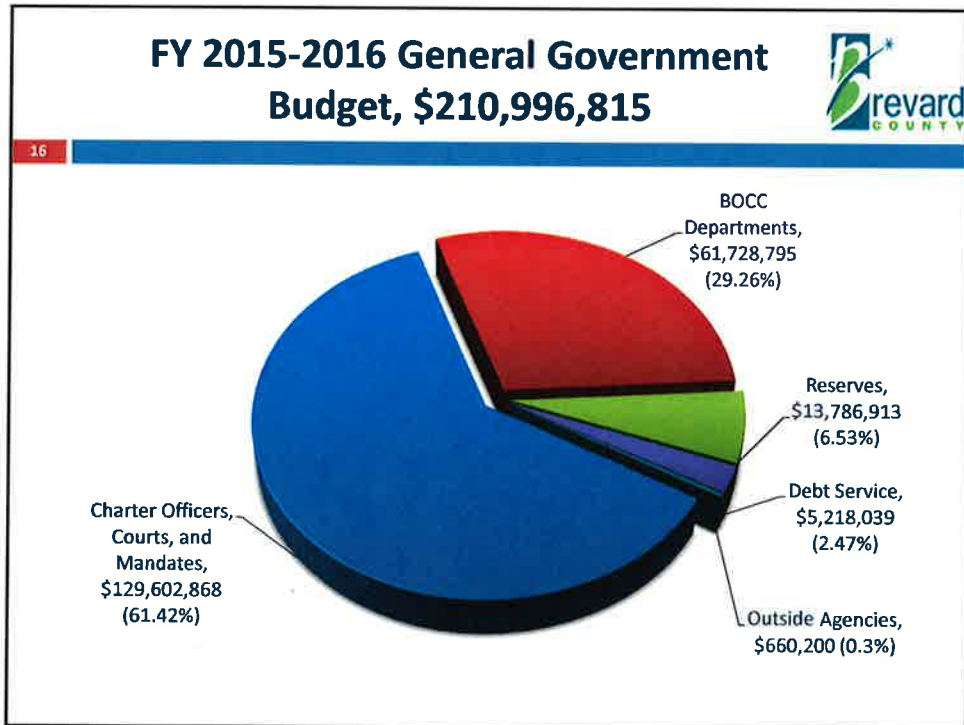


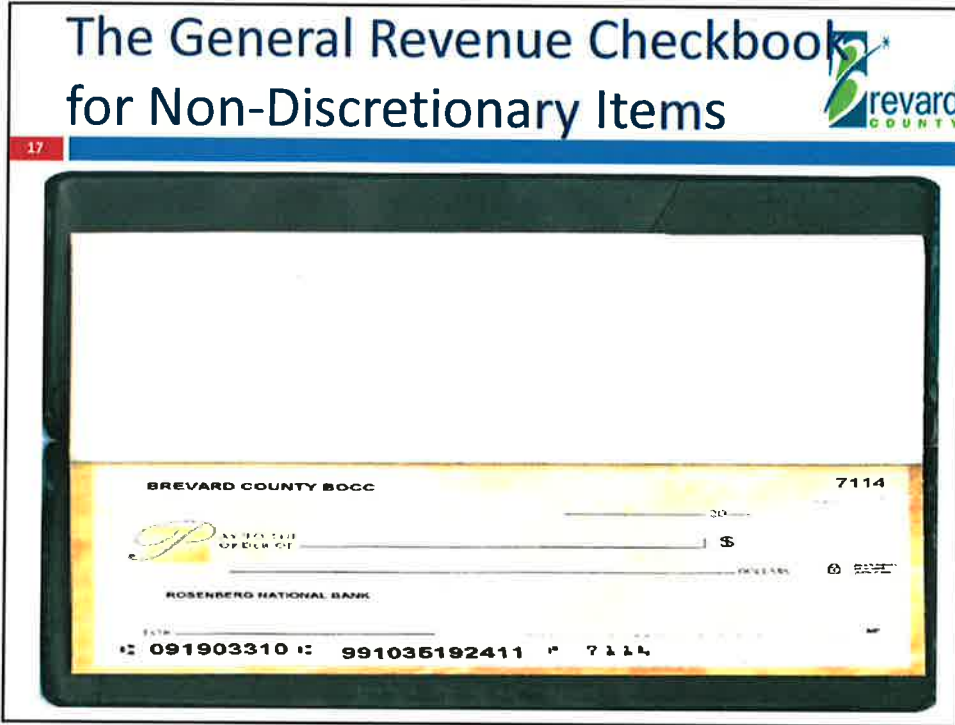
FY 2015-2016 GF BUDGET




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GF Revenue Sources:		GF Uses:	
Current Ad Valorem	\$128,354,689	Charter Officers	\$103,668,986
Prior Year Ad Valorem	\$665,000	Court Operations	\$2,584,074
Communication Svc Tax	\$6,816,916	Outside Agencies	\$660,200
FPL Franchise Fees	\$9,408,832	Mandates	\$23,349,808
State Shared Revenue	\$10,222,169	Reserves	<u>\$13,786,913</u>
Local Half Cent Sales Tax	\$23,360,190	Total GF Uses	\$144,049,981
All Other Operating Revenue	\$7,826,274	BOCC GF Supported Departments	
Balance Forward	\$17,325,221	Total Comp and Benefits	\$31,193,275
Non-Operating Revenue	<u>\$7,017,523</u>	Operating and Capital Expenses	\$30,535,520
Total General Fund Sources:	<u>\$210,996,815</u>	Debt Service	<u>\$5,218,039</u>
		Total General Fund Uses:	<u>\$210,996,815</u>






The General Revenue Checkbook for Non-Discretionary Items



18

Check Number	Date	Payer	Description	Deposit	Balance
	10/1	General Government	Balance Forward		\$17,325,221
	1/1	Various Sources	Operating Revenue	\$186,654,071	\$203,979,292
	9/30	Various Agencies	Transfers In	\$7,017,523	\$210,996,815


The General Revenue Checkbook for Non-Discretionary Items



19

Check Number	Date	Payee	Description	Withdrawal	Balance
	10/1		Previous Balance		\$210,996,815
MANDATES – MUST PAY					
1	10/1	Medicaid	F.S. 409.915; Pay or state revenue garnished	\$7,027,456	\$203,969,359
1	10/1	Property Appraiser	F.S. 192.091; Commission for schools and cities	\$5,299,405	\$198,669,954
1	10/1	Tax Collector	F.S. 192.091; Commission for schools	\$4,671,894	\$193,998,060


The General Revenue Checkbook for Non-Discretionary Items



20

Check Number	Date	Payee	Description	Withdrawal	Balance
	10/1		Previous Balance		\$193,998,060
MANDATES – MUST PAY					
1	10/1	Courts & Law Library	FL State Constitution; Article V Section 14	\$2,584,074	\$191,413,986
1	10/1	Pretrial Disposition Of Juveniles	F.S. 995.686; Pay or state Revenue garnished	\$1,768,264	\$189,645,722
1	10/1	Baker Act	F.S. 394.451; Loss of 3:1 State Match	\$1,748,507	\$187,897,215


The General Revenue Checkbook for Non-Discretionary Items



21

Check Number	Date	Payee	Description	Withdrawal	Balance
	10/1		Previous Balance		\$187,897,215
MANDATES – MUST PAY					
1	10/1	Medical Examiner	F.S. 406.08; Governor appointee	\$1,373,468	\$186,523,747
1	10/1	Comprehensive Plan	F.S. 168.3077; Foundation for development plan	\$973,968	\$185,549,779
1	10/1	All Other	ECFRPC; Child Protection, Indigent Burials, VAB, Health Care Act, Inmate Medical, Legal Aid	\$486,846	\$185,062,933


The General Revenue Checkbook for Non-Discretionary Items



22

Check Number	Date	Payee	Description	Withdrawal	Balance
	10/1		Previous Balance		\$185,062,933
CHARTER OFFICERS					
1	10/1	Sheriff - Jail	FL State Constitution Title V - Chapter 30	\$41,000,247	\$144,062,686
1	10/1	Sheriff - Law Enforcement	Const. Chapter 30 & Ordinance 96-40	\$40,650,346	\$103,412,340
1	10/1	Sheriff - Courts	FL State Constitution Title V - Chapter 30	\$6,306,250	\$97,106,090
1	10/1	Sheriff - Animal Svcs	Brev Code, Ch 14, Article II F.S. 828.27, 828.30, 828.15, 828.073	\$3,813,902	\$93,292,188


The General Revenue Checkbook for Non-Discretionary Items



23

Check Number	Date	Payee	Description	Withdrawal	Balance
	10/1		Previous Balance		\$93,292,188
CHARTER OFFICERS					
1	10/1	Supervisor of Elections	F.S. 129.202 and F.S. 98.015	\$5,245,015	\$88,047,173
1	10/1	Tax Collector	F.S. 192.091; BOCC Commission	\$2,511,670	\$85,535,503
1	10/1	Property Appraiser	F.S. 192.091; BOCC Commission	\$2,101,556	\$83,433,947
1	10/1	Clerk to the Board	F.S. 125.86	\$2,040,000	\$81,393,947

The General Revenue Checkbook for Non-Discretionary Items



24

Check Number	Date	Payee	Description	Withdrawal	Balance
	10/1		Previous Balance		\$81,393,947
OTHER OBLIGATIONS					
1	10/1	Reserves	Emergency Mitigation	\$13,786,913	\$67,607,034
1	10/1	Various	Debt Obligations	\$5,268,889	\$62,338,145
1	10/1	CRA Payments	TIF Obligations	\$3,922,567	\$58,415,578

The General Revenue Checkbook for Non-Discretionary Items




25


Check Number	Date	Payee	Description	Withdrawal	Balance
	10/1		Previous Balance		\$58,415,578
PUBLIC SAFETY, INFRASTRUCTURE, AND VETERANS SERVICES					
1	10/1	Fire Rescue	EMS	\$7,730,778	\$50,684,800
1	10/1	Public Works	Road and Bridge	\$5,852,977	\$44,831,823
1	10/1	Fire Rescue	Ocean Rescue	\$1,554,326	\$43,277,497
1	10/1	Housing & Human Svcs	School Crossing Guards	\$595,021	\$42,682,476
1	10/1	Emergency Mgmt	Emergency Operations	\$594,803	\$42,087,673
1	10/1	Housing & Human Svcs	Veterans Services	\$293,787	\$41,793,886



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***\$41,793,886 (4.04% of the total budget)
remains in the Checkbook for other
General Fund supported Programs and
Services as follows:***

Discretionary General Fund Allocations		
27		
○ Parks and Recreation -		\$12,230,872
• North	\$3,557,646	
• Central	\$4,213,257	
• South	\$4,459,969	
○ Central Services -		\$8,851,355
• Facilities	\$8,014,312	
• Asset Mgmt	\$429,892	
• Purchasing	\$407,151	

Discretionary General Fund Allocations		
28		
○ General Government -		\$4,868,193
• Contracted Svcs	\$2,449,585	
• Cost Allocation Plan Support		
• Auditing Services		
• Federal and State Lobbyists		
• Investment Advisory Services		
• Comp & Benefits	\$1,084,391	
• Annual/Sick Leave Payouts		
• Unemployment Compensation		
• Other Oper Exps	\$1,334,217	
• Property Tax Notices		
• Printing and Binding		
• Advertisements		

Discretionary General Fund Allocations



29


- | | | |
|----------|---|--------------------|
| ○ | Housing and Human Services - | \$2,571,981 |
| | <ul style="list-style-type: none"> • Comm. Resources \$1,643,972 <ul style="list-style-type: none"> • Neighborhood Strategy Planning • Commission on Aging • Together in Partnership • Brevard Homeless Coalition • Community Action Board • Comm. Impact \$928,009 <ul style="list-style-type: none"> • Security and Safety of Residents <ul style="list-style-type: none"> • Felony Probation • Juvenile Assessment Center • Specialty Courts • Assistance to Low Income Families <ul style="list-style-type: none"> • Home Energy Assistance • Family Self-Sufficiency • Emergency Services | |


Discretionary General Fund Allocations



30

- | | | |
|----------|-----------------------------------|--------------------|
| ○ | Information Technology - | \$2,270,179 |
| ○ | Transit - | \$1,705,453 |
| ○ | Commissioners - | \$1,616,327 |
| ○ | County Attorney's Office - | \$1,543,818 |
| ○ | Grant to EDC - | \$1,400,050 |
| ○ | County Manager's Office - | \$1,063,873 |
| ○ | UF/Extension Services - | \$811,828 |

Discretionary General Fund Allocations		
○ Human Resources -	\$646,823	
○ Budget Office -	\$592,337	
○ Community Based Organizations	\$510,200	
○ Natural Resources -	\$355,337	
○ Planning and Development -	\$345,205	
○ SCGTV -	\$260,055	
○ Brevard Cultural Alliance-	\$150,000	
○ Community Cultural Grants	\$100,000	
○ Arts Agency/Arts in Public Places	\$50,000	

Charter Section 2.9.3.1 – Limitations on growth in ad valorem tax revenues		
<ul style="list-style-type: none"> ➤ The Board shall not impose any ad valorem tax for county purposes or within any municipal services taxing unit, or district ➤ At a millage rate which causes the budgeted revenue to increase over the budgeted ad valorem revenue for the previous fiscal year <ul style="list-style-type: none"> ➤ By more than the lesser of: (1) three percent, or (2) the change CPI ➤ Excluding revenue change associated with new construction 		

Consumer Price Index



33

CPI: All Urban Consumers

2015: 237.017

2014: 236.736

Change: .281

Percent Change: .12%

Preliminary AV Tax Worksheet



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Tax District or Unit	FY 15-16 Budget Revenue	FY 15-16 Millages	FY 16-17 Estimated (4%) Property Value	FY 16-17 Estimated (8%) New Construction	FY 16-17 Prelim Millages	FY 16-17 Prelim Revenue
General Revenue - Countywide	\$135,110,199	4.5497	\$30,897,227,959	\$490,550,069	4.4487	\$157,183,573
Library District	\$16,699,714	0.5555	\$31,102,159,912	\$490,550,069	0.5429	\$16,885,362
Mosquito Control District	\$5,979,764	0.1995	\$31,102,159,912	\$490,550,069	0.1949	\$6,061,811
Fire Control MSTU	\$11,117,451	0.7580	\$15,241,164,123	\$299,562,740	0.7416	\$11,902,847
Recreation District #1 MSTU	\$2,714,188	0.6810	\$4,142,548,103	\$96,475,985	0.6618	\$2,741,538
Recreation Dist. #4 O & M	\$2,044,080	0.6281	\$9,976,825,909	\$58,357,093	0.6608	\$2,291,407
TICO Airport Authority	\$0	-	\$13,295,117,417	\$124,722,697	-	\$0
Law Enforcement Countywide MSTU	\$17,975,719	1.2691	\$14,290,799,845	\$206,608,605	1.2404	\$17,651,876
Road & Bridge Dist. #1 MSTU	\$1,519,590	0.5911	\$2,896,722,260	\$17,291,454	0.5336	\$1,524,347
Road & Bridge Dist. #2 MSTU	\$949,557	0.2874	\$9,492,815,120	\$27,438,025	0.2791	\$958,099
Road & Bridge Dist. #3 MSTU	\$491,292	0.3045	\$1,540,200,827	\$12,851,255	0.2957	\$455,497
Road & Bridge Dist. #4 MSTU	\$1,209,591	0.9145	\$9,980,462,861	\$199,405,218	0.9192	\$1,246,681
Road & Bridge Dist. #5 MSTU	\$521,181	0.4909	\$1,259,904,579	\$6,064,384	0.4161	\$524,246
Rd & Brdge Dist #4 MSTU N Beaches	\$148,927	0.9092	\$510,078,164	\$664,988	0.1384	\$70,595
Rd & Brdge Dist #4 MSTU MISo.	\$20,060	0.1422	\$145,811,170	\$796,100	0.1984	\$20,180
Environ. Endangered Land ('04)	\$1,625,942	0.0549	\$31,102,159,912	\$490,550,069	0.0530	\$1,648,414
PSJ/CanGroves Recreation MSTU	\$491,242	0.9568	\$1,490,866,180	\$2,699,537	0.3449	\$492,647
N. Brevard Special Recreation Dist.	\$0	-	\$2,413,995,418	\$31,464,407	-	\$0
Merritt Island Recreation MSTU	\$422,915	0.1988	\$2,761,992,681	\$19,551,952	0.1542	\$425,828
S. Brevard Special Recreation Dist.	\$9,092,881	0.1841	\$17,449,127,113	\$297,914,546	0.1806	\$9,149,567
Sub - Total Operating	\$201,409,568	6.7823			6.6341	\$204,576,457

V.E. 1
Attachment




County Attorney's Office
George Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

Inter-Office Memo

BOARD OF COUNTY COMMISSIONERS

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS

FROM: SCOTT L. KNOX, COUNTY ATTORNEY 

RE: BOARD'S ABILITY TO STOP CRA TAX INCREMENT APPROPRIATION

DATE: October 15, 2015

QUESTION 1: DOES THE BOARD OF COUNTY COMMISSIONERS HAVE THE AUTHORITY TO STOP APPROPRIATING TAX INCREMENTS OR RECAPTURE THE TAX INCREMENT FOR SPECIFIED COMMUNITY REDEVELOPMENT AGENCIES?

SHORT ANSWER: FOR SOME CRA'S, YES AND OTHERS NO.¹

Discussion

The BCC recently asked whether the County could stop appropriating tax increments for the various community redevelopment agencies in the County, including MIRA. The following discussion addresses that question.

Overview

There are currently fifteen (15) core CRAs in Brevard County, several of which have been expanded over the years (see attached Exhibit 1). Of the 15, four (Cocoa Village, Titusville, Melbourne Historic Downtown and MIRA) were created prior to July 1, 1994. Because the Board of County Commissioners authority over CRAs within cities is the result of a statute that did not apply until the date the county charter was adopted (July 1, 1994), of the four CRAs created before that date, only the Merritt Island Redevelopment Agency is subject to the jurisdiction and control of the Board of County Commissioners at this time.

Of the remaining eleven CRAs,² ten CRAs were created after July 1, 1994 by various cities and

¹ This opinion modifies and supersedes all prior opinions from this office relating to the tax increment.

one through joint action of the City of West Melbourne and the County. The ten created by the cities all involve the Board's delegation of the County's authority to create the CRA to each city, as is permitted under section 163.410, Florida Statutes.³

MIRA

The MIRA ordinance was enacted on December 9, 1991. The ordinance does not set forth a date when the tax increment will cease to be appropriated other than the following provision:

Section 7: All taxing authorities defined at § 163.340(2), Fla. Stat., shall:

a. Upon the adoption of this Ordinance providing for funding of the Redevelopment Trust Fund as herein provided, each taxing authority shall, by January 1 of each year, appropriate to such fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed thirty (30) years (*sic*) a sum which is no less than the increment as defined and determined in Section 6 of this Ordinance accruing to such taxing authority. No taxing authority is exempt from the provisions of this section.

The phrase "not to exceed thirty (30) years" is taken directly from the statute mandating appropriation of the tax increment established for a CRA, which reads as follows:

Section 163.3187(2)(a) reads as follows:

(2) (a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance providing for funding of the redevelopment trust fund as provided in this section, 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 as defined and determined in subsection (1) or paragraph (3)(b) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation 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. However, 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.

² The eleven are (Cocoa US 1 Corridor, Cocoa Diamond Square, Babcock Street, Palm Bay, Olde Eau Gallie, Rockledge, Satellite Beach, Cocoa Beach, Cape Canaveral, West Melbourne/County and Palm Shores), all created after July 1, 1994.

³ Section 163.410, Florida Statutes states, in pertinent part: "In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter."

Since the phrase “not to exceed thirty (30) years” represents a possible period of between zero and thirty years, and there is currently no debt obligating MIRA, there is nothing in the statute that prevents the Board of County Commissioners from amending the MIRA ordinance to limit the number of years the BCC is required to appropriate the tax increment for less than the full thirty year maximum currently authorized by section 7 of the MIRA ordinance and by section 163.387(2)(a), Florida Statutes. Absent such an amendment, the tax increment would continue through 2044 since the MIRA redevelopment plan was amended in 2014 and the statutory maximum number of years the increment would have to be levied is 30 years.⁴

The provisions of the redevelopment law applicable to the 2014 redevelopment plan amendment are also consistent with the Board’s ability to shorten the time frame for appropriating the tax because the “not to exceed 30 years” language is found in the third sentence of section 163.387(2)(a) which reads:

If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation 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.

This position is also buttressed by section 163.387(3)(a) from which it may be inferred that the BCC’s appropriation of the tax increment is no longer mandatory once indebtedness has been paid.

163.387 (3)(a) Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid.

Therefore, since [1] MIRA has no debt; [2] prior to July 1, 1994, section 163.356(1), Florida Statutes authorized the County Commission to create MIRA; [3] subsequent to July 1, 1994—when the county charter was enacted— section 163.410, Florida Statutes vested the County Commission with the exclusive authority to create CRAs (unless that power was delegated by the county to one or more cities); and [4] the Board is also vested with the express power to enact an ordinance limiting the number of years the County’s tax increment can be levied to between zero years and thirty years, the Board necessarily has the implied power to repeal the MIRA ordinances at this time, thereby eliminating the payment of a MIRA tax increment.

⁴ Section 163.387(2)(a) Florida Statutes reads, in relevant part. “...If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation 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...”

Alternatively, the Board could amend the MIRA ordinance and substitute itself for the MIRA board. In that circumstance, the Board would not have to spend any of the tax increment and the money would be returned to the County general fund at the end of the fiscal year.⁵

OTHER CRAs AND TAX INCREMENT FUNDED AGENCIES

County Commission's Authority to Amend Delegation Resolutions and Cease Appropriation of Tax Increments

As governing body of a charter county, the Brevard County Commission has exercised its discretion to delegate to ten city governments the authority to create community redevelopment agencies located within those cities.⁶ Such delegations of redevelopment powers are authorized by section 163.410, Florida Statutes, the relevant part of which is set forth below.

163.410 Exercise of powers in counties with home rule charters.—In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. *Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county.*

The Board's power to delegate its community redevelopment powers was implemented through delegating resolutions adopted after November 8, 1994,⁷ all of which reserve the County Commission's right to revoke delegation of authority or to replace the CRA board with the BCC if the BCC deems it necessary for the protection of the health, safety, welfare or fiscal interests of the public or the redevelopment area,⁸ although in five resolutions (Rockledge, Satellite Beach, Palm Bay, Cocoa Beach and Palm Shores) the BCC's right to replace the CRA board is limited to circumstances in which there has been "non-performance" by the CRAs in the cities to whom the county's authority is delegated. In all cases, however, no revocation or substitution for the CRA board by the County can impair the redevelopment agency's outstanding contractual or financial obligations.⁹

⁵ See section 163.387(1), Florida Statutes, which provides as follows:

"(7) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to subsection (6) for such year shall be:
(a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities for that year..."

⁶ Section 163.410, Florida Statutes

⁷ This is the date the first charter was passed in Brevard.

⁸ This revocation/replacement provision was not included in the West Melbourne CRA resolution.

⁹ Section 163.387(3)(a), Florida Statutes, which reads in relevant part:

"Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans,

The County Commission's reservation of authority to revoke some or all of the authority delegated to the cities' could be structured to restrict or prevent the use of the County's tax increment for the benefit of city CRAs. Section 163.410, Florida Statutes¹⁰ and section 163.387(3)(b)¹¹ also give the Commission the ability to impose or negotiate limits on the powers delegated to the cities and CRAs, which limits can include:

1. modifications to the CRA's authority to borrow money in the future;
2. modifications to the CRA's authority to enter into future contracts by limiting those contracts to those funded solely by the City's tax increment;
3. modifications to the CRA or City's ability to appropriate funds as it relates to the County tax increment while allowing continuation of the use of the city tax increment within the CRA;
4. modifications to the expiration (sunset) date for the CRA;
5. negotiation of an interlocal agreement regarding the County tax increment—in lieu of an earlier CRA termination date or other CRA restriction setting an early expiration date for all or a portion of the County tax increment—while allowing the City tax increment to continue.

The Board's authority to make such modifications is constrained by two factors. The Board action cannot impair any existing CRA debt or contractual obligations.¹² To the extent debt exists, the County is required to continue appropriating the County tax increment for that CRA until the debt is extinguished.¹³ However, absent a negotiated interlocal agreement that limits or restricts the amount of the County tax increment, there is nothing to prevent the County's modification of delegating resolutions by limiting or even eliminating the use of the county's tax increment revenues for purposes other than existing debt service or contractual obligations while revoking any authority to appropriate or expend county tax increment funds or to contract in the future. The interlocal agreement option would allow the cities and County to negotiate how much tax increment revenue would be returned to the County, in lieu of restrictions or an earlier

advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid."

¹⁰ 163.410 Exercise of powers in counties with home rule charters.—In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. *Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county.*

¹¹ Section 163.387(3)(b), Florida Statutes provides as follows:

(3)(b) Alternate provisions contained in an interlocal agreement between a taxing authority and the governing body that created the community redevelopment agency may supersede the provisions of this section with respect to that taxing authority.

¹² See section 163.387 (3)(a), Florida Statutes, which reads: "Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid."

¹³ See footnote 11

termination date, and such an interlocal agreement would statutorily supersede any mandatory tax increment appropriations that would normally apply to the County.¹⁴

In conjunction with revocation of future authority to contract or appropriate County increment revenues, the County could also set a CRA termination date that would end upon the date CRA debt or contractual obligations are satisfied.¹⁵

Estoppel

It is worth noting that, though the City of Titusville CRA created in 1982 is not within the jurisdiction of the County Commission, the Titusville City Attorney has delivered a letter laying out the argument that, under the legal doctrine of estoppel, the Board of County Commissioners could not modify or revoke the resolutions delegating the Board's authority to the city. This argument is based on the city's claimed reliance upon the delegation of CRA powers by undertaking financial obligations or other substantial changes in position which would make it inequitable for the Board to change the conditions of the delegating resolution. A copy of that letter is attached as Exhibit 3.

Though the letter is essentially unnecessary in view of the County's inability to affect the 1982 Titusville CRA, the letter is instructive in relation to the possible arguments that could be forthcoming from other cities were the Board to attempt to modify or revoke the delegation resolutions for the purpose of reducing or eliminating the County's tax increment.

North Brevard Development District

The North Brevard Development District is not a CRA, however, like a CRA the District is funded by a tax increment. The District, along with the Board, have committed in excess of \$16 million in incentives based on the revenues that will be generated by the County and City of Titusville tax increments payable to the District. Any change to the ordinances creating the tax increment and the District could not impair the incentive obligations that have been approved for the companies involved.

Subject to the impairment caveat, it is likely that the 31 year time limit on the District and collection of the tax increment can be changed by the Board, however, certain other changes to the ordinances creating the District and the tax increment may be necessary to accomplish that

¹⁴ See footnote 10 above.

¹⁵ Although there are limitations on the number of years a local government is required to contribute its tax increment once a redevelopment agency is created and has outstanding debt, the only statutory provision governing cessation of community redevelopment agency activities appears in the law establishing the contents of a community redevelopment plan. Section 163.362, Florida Statutes provides as follows:

“Every community redevelopment plan shall:

(10) Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall 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). However, 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.”

modification because the District covers the City of Titusville and the City Council's consent was required to establish the District at the outset.

The Board could also revoke District authority to use County tax increment revenues for payment of any future debt or contractual obligations and restrict the use of county tax increment funds to the payment of existing debt/contracts until the current debt/contractual obligations expire.

Alternatively, the Board could change the ordinance to substitute itself as the District Board, thereby controlling any future expenditure of the tax increment revenues.

Summary Spread Sheet

This office has prepared the attached spread sheet to show which of these limitations and principles can be applied for each existing CRA (Exhibit 1) and the District. A spread sheet showing the financial impact of the County tax increment on each CRA and the District has also been attached (Exhibit 2).

BOCC CRA INDEBTEDNESS AND TAX INCREMENT OPTIONS										
District	Year Established	Agency	Loan Obligation	Contract Obligation	Loan Maturity	Balance	CRA Expiration	Comment	Status	Possible County Action
1	1982	Thruville Downtown Area	171,800	171,800	2027	214,581.13	N/A		Predate County Charter	<p><u>Regulation 1. 163.30(3)(b) Interlocal agreement for reduction or elimination of County Increment</u></p> <p>1. Subject to the empowerment context, the 31 year time limit on the District and collection of the tax increment can be changed by the Board, however, certain other changes to the ordinances creating the District and the tax increment may be necessary to accomplish that modification because the District covers the City of Thruville and the City Council's consent was required to establish the District at the outset.</p> <p>2. Alternatively, the Board could revoke District authority to use County tax increment revenues for payment of any future debt or contractual obligations and restrict the use of county tax increment funds to the payment of existing debt/contracts until the current debt/contractual obligations expire.</p> <p>3. A final option is the Board can install itself as the existing District Board.</p> <p><u>No action required</u></p> <p>1. BCC can:</p> <p>(a) modify resolution to prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid;</p> <p>(b) Revoke CRA delegation</p> <p>(c) Replace CRA board (if non-performance exists) due to financial interests of public</p> <p>(d) modify resolution to reduce expiration date relative to county tax increment;</p> <p>(e) Modify or restrict ability to contract by requiring use of only city tax increment funds in future</p> <p>(f) Re-negotiate s. 163.30(3)(b) interlocal agreement for reduction or elimination of County Increment</p>
1	2012	North Brevard Economic Development Zone		36,000,000			31 yrs		Contractual obligations cannot be impaired / tax increment must be levied until contract obligations paid. Any change to the ordinances creating the tax increment and the District could not impair the incentive obligations that have been acted upon by the companies for which those incentives were approved.	
1	2007	US 1 Corridor	0				N/A	Project is completed	Discarded by Resolution	
2	2012	Cape Canaveral CRA	100,000	100,000	2023	77,000	30 yrs per County Resolution/CRA plan	General Fund loan, yearly payments of 21,013	Contractual obligations cannot be impaired / tax increment must be levied until contract obligations paid	
3	1981	Cocoa Downtown Unit 1	0	470,000	2025	470,000		Wastewater loan, first payment due 3/2016	Contractual obligations cannot be impaired / tax increment must be levied until contract obligations paid	See #7 above
2	1997	Cocoa Diamond Square	0				25 yrs per county resolution		Predate County Charter	<p><u>Regulation 1. 163.30(3)(b) Interlocal agreement for reduction or elimination of County Increment</u></p> <p>1. BCC can:</p> <p>(a) prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid;</p> <p>(b) Revoke CRA</p> <p>(c) Replace CRA board due to financial interests of public</p> <p>(d) modify delegation resolution to reduce expiration date relative to county tax increment;</p> <p>(e) Modify or restrict ability to contract by limiting to use of city tax increment funds in future</p> <p>(f) Re-negotiate s. 163.30(3)(b) interlocal agreement for reduction or elimination of County Increment</p>
2	1997	Cocoa Corridor 1	0				35 yrs per County resolution		Predate County Charter	<p><u>Regulation 1. 163.30(3)(b) Interlocal agreement for reduction or elimination of County Increment</u></p> <p>1. BCC can:</p> <p>(a) prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid;</p> <p>(b) Revoke CRA</p> <p>(c) Replace CRA board due to financial interests of public</p> <p>(d) modify delegation resolution to reduce expiration date relative to county tax increment;</p> <p>(e) Modify or restrict ability to contract by limiting to use of city tax increment funds in future</p> <p>(f) Re-negotiate s. 163.30(3)(b) interlocal agreement for reduction or elimination of County Increment</p>

District	Year Established	Agency	Loan Obligation	Contract Obligation	Loan Maturity	Balance	CEA Expiration	Comment	Notes	Possible County Action
2	2011	Cocoa Beach Downtown CEA	26400	26400		26400		first pymt due 1/2016		<p>1. BCC can:</p> <p>(a) prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid;</p> <p>(b) Revoke CEA delegation</p> <p>(c) Replace CEA board (if non-performance exists) due to financial interests of public</p> <p>(d) modify resolution to reduce expiration date relative to county tax increment;</p> <p>(e) Modify or restrict ability to contract by limiting to use of city tax increment funds in future</p> <p>(f) Re-negotiate s. 163.387(3)(b) Interlocal agreement for reduction or elimination of County increment</p>
2	1988	Merritt Island Redevelopment Agency (B1)	0	0	0	0	30 yrs	Only unincorporated area CEA under sole BCC control	Requires tax increment levy not longer than 2044 due plan amendment in 2014 under statute requiring the levy of the increment for an additional not to exceed 30 years after amendment	<p>BCC can:</p> <p>(1) take over MIRA Board and recapture tax increment at the end of each fiscal year; or</p> <p>(2) amend the MIRA ordinance to terminate the CEA at any time and end the tax increment because "not to exceed 30 year" restriction does not prohibit the creation of an earlier CEA termination date.</p>
2	1990	Merritt Island Redevelopment Agency (B2)	See 13 above	See 13 above	See 13 above	See 13 above	See 13 above	MIRA plan amended in 2014	See 13 above	See 13 above
2	2005	Merritt Island Redevelopment Agency (B3)	See 13 above	See 13 above	See 13 above	See 13 above	See 13 above	MIRA plan amended in 2014	See 13 above	See 13 above
2	2014	Merritt Island Redevelopment Agency (Expansion)	See 13 above	See 13 above	See 13 above	See 13 above	See 13 above	MIRA plan amended in 2014	See 13 above	See 13 above
3	1994	Palm Bay Downtown Area	6,000,000	6,000,000	2024	1,545,000	25 yrs per county resolution	loan taken out 2004		<p>1. BCC can:</p> <p>(a) modify resolution to prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid;</p> <p>(b) Revoke CEA delegation</p> <p>(c) Replace CEA board (if non-performance exists) due to financial interests of public</p> <p>(d) modify resolution to reduce expiration date relative to county tax increment;</p> <p>(e) Modify or restrict ability to contract by limiting to use of city tax increment funds in future</p> <p>(f) Re-negotiate s. 163.387(3)(b) Interlocal agreement for reduction or elimination of County increment</p>
3	1992	Melbourne Downtown Area (A1)							Prohibit County charter	<p>1. BCC can:</p> <p>(a) modify resolution to prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid;</p> <p>(b) Revoke CEA delegation</p> <p>(c) Replace CEA board (if non-performance exists) due to financial interests of public</p> <p>(d) modify resolution to reduce expiration date relative to county tax increment;</p> <p>(e) Modify or restrict ability to contract by limiting to use of city tax increment funds in future</p> <p>(f) Re-negotiate s. 163.387(3)(b) Interlocal agreement for reduction or elimination of County increment</p>
4	2009	Palm Shores Area (A1)	0	0	N/A	0	25 yrs per county resolution			<p>1. BCC can:</p> <p>(a) modify resolution to prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid;</p> <p>(b) Revoke CEA delegation</p> <p>(c) Replace CEA board (if non-performance exists) due to financial interests of public</p> <p>(d) modify resolution to reduce expiration date relative to county tax increment;</p> <p>(e) Modify or restrict ability to contract by limiting to use of city tax increment funds in future</p> <p>(f) Re-negotiate s. 163.387(3)(b) Interlocal agreement for reduction or elimination of County increment</p>

District	Year Established	Agency	Loan Obligation	Contract Obligation	Loan Maturity	Balance	CIA Expiration	Comment	Status	Possible County Action
4	2001	Rodcliffe Downtown Area	2,000,000	2,000,000	2027	2,000,000	25 yrs per county resolution not to exceed 30 yrs per city resolution	Barton Blvd project		<p>1. SCC can:</p> <ul style="list-style-type: none"> (a) modify resolution to prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid; (b) Revoke CIA delegation (c) Replace CIA board (if non-performance exists) due to financial interests of public; (d) modify resolution to reduce expiration date relative to county tax increment; (e) Modify or restrict ability to contract by linking to use of city tax increment funds in future (f) Re-negotiate s. 163.307(1)(b) interlocal agreement for reduction or elimination of County increment
4	2001	Satellite Beach CIA	3,096,800	3,096,800	2027	3,096,800	25 yrs per county resolution	Has a negotiated interlocal agreement re: county tax increment reimbursement		<p>1. SCC can:</p> <ul style="list-style-type: none"> (a) modify resolution to prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid; (b) Revoke CIA delegation (c) Replace CIA board (if non-performance exists) due to financial interests of public; (d) modify resolution to reduce expiration date relative to county tax increment; (e) Modify or restrict ability to contract by linking to use of city tax increment funds in future (f) Re-negotiate s. 163.307(1)(b) interlocal agreement for reduction or elimination of County increment
5	1997	Melbourne Babcock St Unit II (R2, R4, R5)	0	0	N/A		25 yrs per county resolution			<p>1. SCC can:</p> <ul style="list-style-type: none"> (a) modify resolution to prohibit any additional borrowing or extension of existing; (b) Revoke CIA delegation (c) Replace CIA board due to financial interests of public; (d) modify delegation resolution to reduce expiration date relative to county tax increment; (e) Modify or restrict ability to contract by linking to use of city tax increment funds in future (f) Re-negotiate s. 163.307(1)(b) interlocal agreement for reduction or elimination of County increment
5	2001	Melbourne Babcock St Unit II (R4)	0	0	N/A		See #23 above			See #23 above
5	2004	Melbourne Babcock St Unit II (R5)	0	0	N/A		See #21 above			See #21 above
5	2000	Melbourne Eau Gallie Area (K)	0	0	N/A	0	25 yrs per county resolution			<p>1. SCC can:</p> <ul style="list-style-type: none"> (a) modify resolution to prohibit any additional borrowing or extension of existing debt until after date county increment is no longer being paid; (b) Revoke CIA (c) Replace CIA board due to financial interests of public; (d) modify delegation resolution to reduce expiration date relative to county tax increment; (e) Modify or restrict ability to contract by linking to use of city tax increment funds in future (f) Re-negotiate s. 163.307(1)(b) interlocal agreement for reduction or elimination of County increment
5	2005	Melbourne Eau Gallie Area (K)	0	0	N/A	0	See #15 above	Met. Ord 2015-21 Oak Eau Gallie Redevelopment plan approved	Because of the 25 yr expiration in SCC delegating resolution, this CIA will still terminate in 2025 despite plan adoption in 2015	See #25 above
5	2011	West Melbourne Joint CIA					20 yrs	No revocation or substitution provided		<p>Despite the lack of a revocation or substitution provision, the SCC's authority given to delegate implies the power to modify that delegation authority. The exercise of that authority could be consistent with the options set forth in #25 above.</p>

BOCC CRA Payments

District	Established Year	Age	Agency	Base Year Value	2015 Value	% Increase	2015	
1	1	1982	33	Titusville Downtown Area (A1)	20,495,020	85,312,850	416.26%	\$269,287
2	1	2007	8	U.S. 1 Corridor Community Redev Area - 2007	10,163,000		0.00%	
3	1	2012	3	North Brevard Economic Development Zone	547,951,310	1,276,559,170	232.97%	\$3,231,392
4	2	1981	34	Cocoa Downtown Unit I - D1	26,410,420	125,796,180	476.31%	\$425,529
5	2	1988	27	Merritt Island Redevelopment (B1)	124,138,790	278,024,430	223.96%	\$652,594
6	2	1990	25	Merritt Island Redevelopment (B2)	17,082,580	40,407,000	236.54%	\$94,841
7	2	1997	18	Cocoa Downtown Unit II - D2	24,617,590	32,730,400	132.96%	\$30,259
8	2	1997	18	Cocoa Downtown Unit III - D3	66,090,850	74,308,230	112.43%	\$28,792
9	2	2005	10	Merritt Island Redevelopment (B3)	50,549,420	41,291,930	81.69%	\$0
10	2	2014	1	Merritt Island Redevelopment (Expansion)	86,165,030	88,383,220	102.57%	\$0
11	2	2011	4	Downtown Cocoa Beach Commun Redevop Agcy	119,086,930	139,034,830	116.75%	\$45,810
12	2	2012	3	Cape Canaveral Redevelopment Agency	230,897,350	266,733,600	115.52%	\$70,810
13	3	1982	33	Melbourne Downtown - Unit I (K1)	23,595,020	101,608,490	430.64%	\$333,447
14	3	1998	17	Palm Bay Downtown Area (U1)	100,372,760	153,768,150	153.20%	\$213,989
15	3	2005	10	Melbourne Downtown - (K7)	19,599,330	31,823,810	162.37%	\$39,503
16	4	2001	14	Rockledge Downtown Area - E1	145,259,660	247,557,160	170.42%	\$412,222
17	4	2001	14	Satellite Beach Downtown Area (M1)	124,686,190	234,831,182	188.34%	\$424,265
18	4	2003	12	Palm Shores Area - J1	9,181,870	33,217,050	361.77%	\$84,542
19	5	1997	18	Melbourne Babcock St - Unit II (K2)	66,708,980	130,583,370	195.75%	\$251,237
20	5	2000	15	Melbourne Eau Gallie Area - Unit III (K3)	16,958,230	36,721,700	216.54%	\$80,468
21	5	2001	14	Melbourne Babcock St - Unit II (K4)	7,579,380	7,859,990	103.70%	\$59
22	5	2004	11	Melbourne Babcock St - Unit II (K5)	311,060	421,860	135.62%	\$490
23	5	2005	10	Melbourne Eau Gallie Area - (K6)	44,041,890	47,587,790	108.05%	\$2,369
24	5	2011	4	West Melbourne Joint CRA	219,775,470	243,879,480	110.97%	\$59,133
				Totals	895,554,830	3,718,441,872	415.21%	\$6,751,038

City of Titusville

"Gateway to Nature and Space"

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Post Office Box 2806 (32781-2806)
www.titusville.com



Richard J. Brevard, County Attorney
Brevard County Attorney's Office
City Administration Center
Plant City, Florida 34614
Tel. 813.255.3300

September 25, 2015

Sent Via Email: scott.knox@brevardcounty.us

Scott Knox, County Attorney
Brevard County Attorney's Office
2725 Judge Fran Jamieson Way
Building C
Viera, FL 32940

Re: Titusville CRA

Dear Scott:

It is my understanding that the District 4 Commissioner has requested your opinion regarding the status of CRA's within the County and the Board of County Commissioner's ability to terminate CRA's.

In an effort to assist you in your analysis, I offer the following information regarding the Titusville CRA and this CRA issue for your consideration:

- Brevard County is not among the class of counties that may reduce their TIF contributions as authorized by Florida Statutes Chapter 125.011(1).
- It would likely be an impairment of contractual obligations by a county to reduce TIF payments to a municipal CRA which revenues have been pledged to the payment of debt.
- The City of Titusville and the Titusville Downtown Community Redevelopment Agency amended its Community Redevelopment Plan (CRP) by Resolution No. 18-2008 on May 27, 2008, pursuant to Chapter 163, Florida Statutes, following appropriate notices to the Board of County Commissioners of the proposed amended CRP.
- Relying upon this amended CRP the CRA has pledged its TIF funds for a project known as the US 1 Corridor Streetscape project; a pledge and commitment of 2.5 million dollars of CRA funds.
- The CRP was most recently amended pursuant to Chapter 163, Florida Statutes, by Ordinance 20-2015 on May 26, 2015.
- Chapter 163.387(2)(a) provides... "If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation for a period not to exceed 30 years after the date the governing body amends the plan." Based upon the amended CRP cited above and this statute, the County

Scott Knox, County Attorney
Brevard County Attorney's Office
September 25, 2015
Page Two

would be estopped from any rights to reduce the annual appropriation for the City of Titusville CRA.

- The City of Titusville Downtown CRA has since its early inception had outstanding indebtedness for which tax increment financing has been pledged.
- AGO 95-39 (attached) reflects "a taxing authority within a community redevelopment area is required to contribute incremental tax revenues to the redevelopment trust fund as long as there is outstanding indebtedness (not to exceed 30 years for which the revenues have been pledged)."
- The City of Titusville Downtown CRA predated Chapter 84-356 of the Laws of Florida and as such, many of the limitations on CRA's are not applicable to this CRA.

In addition, it should be noted that the County Attorney's Office, through a senior law clerk, on December 19, 2005, expressly addressed this issue and quoted from an Attorney General Opinion 95-39 and said:

"To summarize the AG's response, "as tax authority within the city's redevelopment area required to contribute incremental tax revenues to the community redevelopment trust fund, the county has no discretion to withhold incremental revenue derived from or held in connection with the undertaking and carry out of community redevelopment as long as there is any outstanding indebted (but not to exceed 30 years) for which incremental revenues have been pledged."

Accordingly, based upon the aforementioned, it is the City of Titusville's position that the County is not authorized to dissolve the Titusville CRA and must continue to contribute the payment of TIF revenue to the redevelopment trust fund.

Very truly yours,



Richard C. Broome,
City Attorney

RCB:man
Enclosure

Florida Attorney General Advisory Legal Opinion

Number: AGO 95-39

Date: June 12, 1995

Subject: Contributions/incremental tax revenues to trust fund

Mr. Thomas Gerald Holley
Washington County Attorney
Post Office Box 268
Chipley, Florida 32428

RE: COMMUNITY REDEVELOPMENT--MUNICIPALITIES--COUNTIES--TAXATION--
county may not rescind contributions of incremental tax revenues to
community redevelopment trust fund as long as there is outstanding
indebtedness for which such revenues have been pledged. ss. 163.346,
163.356, 163.358, 163.360, 163.362, and 163.387, F.S.

Dear Mr. Holley:

On behalf of the Washington County Commission, you ask substantially
the following question:

May the county rescind its annual contribution of incremental tax
revenue to the Chipley Redevelopment Agency Trust Fund?

In sum:

As a taxing authority within the city's redevelopment area required
to contribute incremental tax revenues to the community redevelopment
trust fund, the county has no discretion to withhold incremental
revenue derived from or held in connection with the undertaking and
carrying out of community redevelopment as long as there is any
outstanding indebtedness (but not to exceed 30 years) for which
incremental revenues have been pledged.

You state that the City of Chipley has created a community
redevelopment agency (CRA) and the requisite redevelopment trust fund
pursuant to Part III, Chapter 163, Florida Statutes, the "Community
Redevelopment Act of 1969" (act). The Washington County Board of
County Commissioners (board) in support of the CRA adopted an
ordinance pledging the incremental income and revenue derived by the
county from the community redevelopment project area to the CRA until
all loans, advances and indebtedness incurred by the agency have been
paid. [1]

Prior to creating a CRA, the governing body must provide public notice of its proposed action and by registered mail notify each taxing authority that levies ad valorem taxes on taxable real property within the geographic boundaries of the redevelopment area. [2] The governing body approves the redevelopment plan after holding a public hearing and making specific findings. [3]

Section 163.387, Florida Statutes, requires the establishment of a redevelopment trust fund for each community redevelopment agency created. The act states in pertinent part:

"The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part." [4] (e.s.)

By January 1 of each year each taxing authority must appropriate its share of incremental tax revenues "for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years). . . ." [5] The act exempts several entities from the incremental contribution requirements and authorizes the local governing body that creates a CRA to exempt special districts that levy ad valorem taxes within the community redevelopment area. [6] Neither of these exemptions, however, would be applicable in the instant situation.

Where the Legislature has designated the manner in which a thing is to be done, it is in effect a prohibition against its being done in any other way. [7] Moreover, when a statute enumerates exceptions to its operation, no others may be implied to be intended. [8] Thus, the act contemplates that incremental revenue contributions will be made by all taxing authorities within a community redevelopment area, except those that have been specifically exempted. The obligation to make such contributions continues so long as there is any outstanding indebtedness for which incremental revenues have been pledged, but may not exceed 30 years.

While there appears to be no discretion on the part of a taxing authority imposing ad valorem taxes within a community redevelopment area as to whether incremental revenue contributions will be made to the redevelopment trust fund, the act does provide for an annual return of unused funds to the taxing authorities in the proportion that each authority's contribution relates to the total amount paid into the trust fund. [9] Thus, in those years in which there is a lack of activity by the CRA and there is no outstanding indebtedness, the county would have its proportionate share of any unused funds returned.

A community redevelopment agency created pursuant to the act is given

public bodies or taxing authorities created prior to July 1, 1993, that are exempt from the annual appropriation of incremental tax revenues to the CRA. And see, s. 163.387(3), Fla. Stat. (1994 Supp.), authorizing the local governing body that creates a community redevelopment agency to exempt from the incremental tax contribution special districts that levy ad valorem taxes within the community redevelopment area.

[7] See, *Alsop v. Pierce*, 19 So. 2d 799, 805-806 (Fla. 1944) (where the Legislature prescribes the mode, that mode must be observed).

[8] See, *Dobbs v. Sea Isle Hotel*, 56 So. 2d 341, 342 (Fla. 1952) (where a statute sets forth exceptions, no others may be implied).

[9] See, s. 163.387(3), Fla. Stat. (1994 Supp.).

[10] See, s. 163.358(3), Fla. Stat. (1993).

Commissioner Smith's Discussion Items for Proposed Budget Changes in Support of Road Maintenance

1. CRA's
 - a. MIRA
 - i. Phased out over 2 years
 1. 1st year (50%)- \$371,530
 2. 2nd year (50%)- \$371,530
 3. After 2 years- \$743,060 (Recurring)
 - ii. Phased out over 5 years
 1. 1st year (20%) - \$148,612
 2. 2nd year (20%) - \$148,612
 3. 3rd year (20%) - \$148,612
 4. 4th year (20%) - \$148,612
 5. 5th year (20%) - \$148,612
 6. After 5 years- \$743,060 (Recurring)
 - b. Titusville – up to \$269,287* (Recurring)
 - c. Palm Bay – up to \$213,989* (Recurring)
 - d. Satellite Beach – up to \$424,265* (Recurring)
 - e. Melbourne –up to \$331,705* (Recurring)

*Possibly entering into an interlocal agreement with the CRA to establish a return of the unencumbered funds annually or using Municipal CPI indexing to adjust for inflation and dedicate to road maintenance.

2. County Parks that could be turned over to cities
 - a. Lori Wilson Park to Cocoa Beach - \$163,178 (Recurring)
 - b. Lipscomb Street Community Park to Melbourne - \$86,640 (Recurring)
 - c. Cherie Down Park to Cape Canaveral - \$33,179 (Recurring)
 - d. Cuyler Park, Mims Community Center to The Boys and Girls Club - \$319,478 (Recurring)
 - e. Palm Bay Regional Park/Aquatic Center/Senior Center
 - i. 1st year - \$138,381
 - ii. 2nd year - \$207,576
 - iii. 3rd year - \$394,133
 - iv. 4th year - \$394,133
 - v. 5th year - \$394,133
 - vi. After 5th year - \$960,929 (Recurring)
3. Joint Dispatch with Fire & Local Governments
 - a. 1st year - \$200,000
 - b. After 1st year - \$1,000,000 (Recurring)

4. Phone contract with I/P overlay – up to \$415,000 (Recurring)
5. Four day work week – Amount Unknown (Recurring)
 - a. Energy Savings/FPL Rebate – (EFSC saved \$345,000 with rebate)
 - b. Gas/Vehicle maintenance
6. Sell excess county property
 - a. Out-right sales - \$48,970 (One Time)
 - b. Bid sales - \$2,834,760 (One Time)
7. Eliminate funding for Community Based Organizations - \$510,000 (Recurring)
8. Transfer Brevard Cultural Alliance Tourism funding to the TDC - \$50,000 (Recurring)
9. Eliminate vacant positions over 90 days old funded out of the general fund if they are vacant without a purpose – Estimate \$500,000 (Recurring)
10. Contract lifeguards and/or eliminate year round lifeguards – \$900,000 (Recurring)
11. Proceeds from any future leases would go into the road maintenance fund – TBD (Recurring)
12. Reinstate the transportation impact fees (1/1/2017) to go towards the capacity expenditures to allow the current capacity funding from the general fund to go towards maintenance – Approx. \$2,000,000 (Recurring)

Staff Responses to Commissioner Smith's Proposed Budget Changes

1. CRA's

- a. MIRA
 - i. Phased out over 2 years
 - 1. 1st year (50%)- \$371,530
 - 2. 2nd year (50%)- \$371,530
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- e. Melbourne –up to \$331,705* (Recurring)

*Possibly entering into an interlocal agreement with the CRA to establish a return of the unencumbered funds annually or using Municipal CPI indexing to adjust for inflation and dedicate to road maintenance.

Staff Response:

Please see the County Attorney's memo dated October 15, 2015 at the end of this report.

2. County Parks that could be turned over to cities

- a. **Lori Wilson Park to Cocoa Beach - \$163,178 (Recurring)**
- b. **Lipscomb Street Community Park to Melbourne - \$86,640 (Recurring)**
- c. **Cherie Down Park to Cape Canaveral - \$33,179 (Recurring)**
- d. **Cuyler Park, Mims Community Center to The Boys and Girls Club - \$319,478 (Recurring)**
- e. **Palm Bay Regional Park/Aquatic Center/Senior Center**
 - i. **1st year - \$138,381**
 - ii. **2nd year - \$207,576**
 - iii. **3rd year - \$394,133**
 - iv. **4th year - \$394,133**
 - v. **5th year - \$394,133**
 - vi. **After 5th year - \$960,929 (Recurring)**

Staff Response:

- a. We are in discussions with the City of Cocoa Beach and other interested entities for the preliminary review of available and identifiable resources for the funding for master plan development for this park.

- b. We are in current discussions with City of Melbourne staff for potential conveyance. Their legal staff is reviewing.
- c. City of Cape Canaveral has requested discussions cease at this time.
- d. There have been no specific staff discussions with the Boy & Girls Club for conveyance of Cuyler Park and/or Cuyler Community Center.
- e. The conveyance was approved by the BoCC in January of 2016 and the Palm Bay City County in February of 2016.

3. Joint Dispatch with Fire & Local Governments

- a. 1st year - \$200,000
- b. After 1st year - \$1,000,000 (Recurring)

Staff Response:

Joint dispatch is included in the plans for a new EOC; however, capital outlay would be required in order to make that possible. There is not enough space at the current EOC to add more dispatchers, nor is there enough space at the current BCSO facility, or any municipal communication center. To locate the joint dispatch center elsewhere would require expenditures as listed below, to **Brevard County Emergency Management**. Many more details regarding the location, type of construction, etcetera, would be required to acquire cost estimates. There would also be additional costs to **Brevard County Fire Rescue**, as listed below, if the joint dispatch concept meant consolidation rather than collocation.

- For the 800 MHz radio system –
 - Relocation of radio consoles and backup radios
 - T-1/fiber connectivity to the radio system
 - Reconfiguration of recorders – recorders belong to 911 but currently record radio channels-PSAPs pay for radio channels, 911 still pays for licenses and 911/Admin recordings
 - Reconfiguration of the radio system
- For the 911 system –
 - Relocation of 911 equipment and servers, Fiber, ESInet, Metro E, MFN
 - Addition or expansion of dedicated telephone circuits, removal
 - Upgrade of electrical system and generator/UPS to support power load
 - Reconfiguration of the 911 phone system and network (Fiber, ESInet, Metro E, MFN)
- For Emergency Operations –
 - Relocation of NAWAS and EMnet equipment and satellite dish for County Warning Point
- For BCFR Dispatch –
 - CAD licensing for 65-70 mobile data terminals, plus recurring annual maintenance costs
- For Fire-Rescue Operations –
 - Auto-aid agreements with municipalities, including use of shared space in fire stations, due to termination of dispatch service in return

Law enforcement and fire/medical dispatchers are not interchangeable. Radio language and terminology is different, and different certifications are required, with additional certifications needed for BCFR emergency telecommunicators. Higher levels of background checks are required for law enforcement dispatchers, and access to the Florida Crime

Information Center/National Crime Information Center databases is restricted to those telecommunicators; collocation would require a physical/structural separation of the two types of dispatchers.

Consolidation signifies a communication center managed by one agency, such as the Sheriff's Office or an independent authority. In that scenario, BCFR would be the customer rather than the service provider, and would lose operational control.

4. Phone contract with I/P overlay – up to \$415,000 (Recurring)

Staff Response:

The Board of County Commissioners directed the IT Department to request proposals for a Voice over Internet Protocol (VoIP) telephone system on 26 May 2015. The agenda item is attached. Included in the agenda item was a business plan demonstrating the potential savings to implement a VoIP system in-house by IT staff that predicted \$769K by the start of Year three. This cost reduction was based on 2014 actual costs, which have been significantly reduced and also did not address General Fund reductions, which would be 52% of the savings, or \$400K. This business plan also included two full-time network technicians added to the IT budget.

The proposals for the VoIP telephone systems were received on 20 October 2015. On May 10, 2016, the VoIP RFP Selection committee unanimously voted to recommend award to Bright House Networks. The recommended solution provided by Bright House has a cost of services of \$644,298 annually, or \$1,932,894 over three years. There is also an initial capital expenditure of \$553,250 for handsets. The handsets are to be funded by an inter-departmental loan and repaid over six years.

Current yearly telephone costs are \$1.022M per year. This includes business lines, PBX costs, central office costs, alarm lines, fax lines, maintenance, and long distance.

Based upon the cost of handsets and services proposed by Bright House Networks and their proposed installation schedule of eight months, with an expected start date of 1JUL16; the following cost reductions are expected from our current annual fiscal telephone costs:

- Fiscal Year 2015-2016 Reduction \$14,594.75
- Fiscal Year 2016-2017 Reduction \$201,674.82
- Fiscal Year 2017-2018 Reduction \$279,493.99
- Fiscal Year 2018-2019 Reduction \$279,493.99

Projected cost reductions over six years are \$1,674,000.

5. Four day work week – Amount Unknown (Recurring)

- a. Energy Savings/FPL Rebate – (EFSC saved \$345,000 with rebate)
- b. Gas/Vehicle maintenance

Staff Response:

County Government offices are currently open an average of ten hours per day (7:30 a.m. until 5:30 p.m.) A four-day work week would shift utility consumption from 50 hours a week to 48 hours. As a result of the

efficiencies achieved through the 2014/15 Energy Performance contract, energy consumption is already minimized for all unoccupied spaces during working hours. Although lights and water would not be used on a fifth day there would be increased usage during the expanded work hours on the other four workdays and air-conditioning would remain on at a higher set point.

Any savings realized from a 4% reduction in business hours would be negligible and difficult to verify, and would exclude 24/7 operations such as Sheriff's Operations, Detention Center, and Fire Stations.

Vehicle Maintenance costs would be marginally reduced at best under a four-day work week schedule.

6. Sell excess county property

- a. **Out-right sales - \$48,970 (One Time)**
- b. **Bid sales - \$2,834,760 (One Time)**

Staff Response:

The properties recommended for private sale to adjacent property owners have a cumulative market value, as recorded on the Property Appraiser's website of \$48,970. Most of the parcels were acquired for unpaid taxes, and are not marketable due to being inaccessible, or unbuildable due to the soil type (wetland) or size. The properties recommended for sale by bid, after subtracting the referendum parcels, have a cumulative Property Appraiser total of \$1,015,890; however, two of those have been appraised at lower than the Appraiser's site value, lowering the value of those more desirable properties to a total of \$760,530. One listed at \$116,440 appraised for \$35,000 and will be advertised on June 2. Another listed at \$573,920 appraised for \$400,000. The County requested the appraiser re-evaluate as subdivided into two lots. Subdivided into two lots did not increase the value of the land.

7. Eliminate funding for Community Based Organizations - \$510,000 (Recurring)

Staff Response:

Based upon current year estimates, cutting CBO would result in about 17,000 residents (recurring) not receiving services. Additionally, more than \$1.2 million dollars in leveraged funds from the state and Federal government would be lost (Meals on Wheels, transportation for the disabled, senior assistance). There will also be additional impacts upon other County Departments. For example, if the Alzheimer Foundation's funding for transportation is cut (ADA required service), SCAT could be required to provide the service (for those that request it), which would mean reducing routes and/or not expanding hours and service.

8. Transfer Brevard Cultural Alliance Tourism funding to the TDC - \$50,000 (Recurring)

Staff Response:

Shifting \$50,000 in Cultural Grants from the General Fund to the TDC Cultural Events Fund (Fund 1446) would require use of Fund 1446 Restricted Reserves which is not a sustainable revenue source. Once reserves are depleted in approximately three years, the funding source would shift to Cultural Events Fund 1446 revenue which is 4% of Tourist

Development Tax (TDT) collections. TDT revenue growth will come close to covering the additional \$50,000 amount, but this still would represent a cut in Cultural Grant funds.

Also, use of TDT revenue is restricted and must have as one of its primary purposes the attraction of tourists. Only organizations and events which can demonstrate or provide evidence of promotion to tourists would be eligible for funds from the TDT. This contrasts with the unrestricted nature of the funds coming from the General Fund which can be used for any purposes including administration and other programming costs. Reviewing the list of Cultural Grant recipients from BCA, less than half of the entities are recognized as having tourism as one of their main purposes. Those are:

- Brevard Nature Alliance
- Brevard Zoo
- The Historic Cocoa Village Playhouse
- The Henegar Center
- King Center for the Arts
- Melbourne Arts Festival
- Melbourne Chamber Music
- Space Coast Arts Festival
- Space Coast Symphony
- Titusville Playhouse
- U.S. Space Walk of Fame
- Valiant Air Command

9. Eliminate vacant positions over 90 days old funded out of the general fund if they are vacant without a purpose – Estimate \$500,000 (Recurring).

Staff Response:

- *The vacancies at Public Works account for \$227,350 of the \$454,478.06 impact on the general fund for all reported vacancies over 90 days.*
- *The remaining vacancies impact on the general fund is \$227,128 after accounting for the Public Works positions referenced above.*

Several of the remaining vacancies listed herein have already been advertised and in a number of cases, interviews have been conducted and candidates have been tentatively selected subject to completion of background checks and drug screens prior to formal offers of employment being made

(continued on next page)

General Funded Vacancies As of 5/11/2016 Over 90 Days

Organizational Unit	General Funded %	General Fund \$'s	Position ID	Position	Unoccupied Since	Annual Salary
County Manager	100.00%	\$125,000.00	2624	Assistant County Manager	5/23/2015	\$ 125,000.00
Fire Rescue	100.00%	\$36,920.00	197	Fire Lieutenant/EMT	1/1/2016	\$ 36,920.00
Fire Rescue	60.00%	\$16,910.40	12687	Emergency Vehicle Dispatcher	10/8/2015	\$ 28,184.00
		\$53,830.40				
Parks & Recreation	100.00%	\$23,712.00	449	Parks Maintenance Technician	12/5/2015	\$ 23,712.00
Parks & Recreation	100.00%	\$24,585.60	15439	Recreation Leader	5/9/2015	\$ 24,585.60
		\$48,297.60				
Public Works	38.00%	\$10,931.23	1685	Traffic Systems Locator Technician	12/19/2015	\$ 28,766.40
Public Works	38.00%	\$12,670.11	313	Heavy Equipment Operator III - R & B	6/5/2010	\$ 33,342.40
Public Works	38.00%	\$10,931.23	667	Mason	5/9/2015	\$ 28,766.40
Public Works	38.00%	\$13,375.84	689	General Repair Supervisor	1/17/2015	\$ 35,199.58
Public Works	38.00%	\$13,278.72	697	Automotive Equipment Operator I	6/20/2015	\$ 34,944.00
Public Works	38.00%	\$10,931.23	800	Heavy Eqmt Oper I - PW Construction	7/25/2015	\$ 28,766.40
Public Works	38.00%	\$12,053.60	1121	Heavy Eqmt Oper II - PW Maintenance	10/24/2015	\$ 31,720.00
Public Works	38.00%	\$8,560.03	1295	Automotive Equipment Operator I	8/29/2015	\$ 22,526.40
Public Works	38.00%	\$8,560.03	1369	Automotive Equipment Operator I	8/29/2015	\$ 22,526.40
Public Works	38.00%	\$12,053.60	1721	Heavy Equipment Operator II	6/6/2015	\$ 31,720.00
Public Works	38.00%	\$8,560.03	2040	Automotive Equipment Operator I	7/5/2014	\$ 22,526.40
Public Works	38.00%	\$8,560.03	2054	Automotive Equipment Operator I	11/18/2015	\$ 22,526.40
Public Works	38.00%	\$15,254.72	2597	Construction Project Specialist	10/10/2015	\$ 40,144.00
Public Works	38.00%	\$12,053.60	3039	Heavy Eqmt Oper II - PW Constr	10/10/2015	\$ 31,720.00
Public Works	38.00%	\$12,543.65	3697	Department Records Custodian	8/22/2015	\$ 33,009.60
Public Works	38.00%	\$9,453.18	3739	General Repair Tech - PR Maintenance	8/15/2015	\$ 24,876.80
Public Works	38.00%	\$8,560.03	12202	Automotive Equipment Operator I	9/27/2014	\$ 22,526.40
Public Works	38.00%	\$9,010.56	14448	Automotive Equipment Operator II	5/23/2015	\$ 23,712.00
Public Works	38.00%	\$16,184.53	15688	ITS Systems/Traffic Mgmt Ctr Operator	8/12/2015	\$ 42,590.86
Public Works	38.00%	\$13,824.10	1760	Engineering Inspector	2/6/2016	\$ 36,379.20
		\$227,350.06				
Total General Fund Dollars		\$454,478.06				\$ 836,691.24

10. Contract lifeguards and/or eliminate year round lifeguards – \$900,000 (Recurring)

Staff Response:

Year round lifeguards were the result of Board action in 2008 in response to a series of drownings (10) at Brevard County Beaches in 2007. The drownings, mostly from rip currents, caused negative press around the country and within our own county. There has not been a drowning during business hours at a full time or seasonal tower since the board action to enhance ocean lifeguard services. Attached is the ordinance pertaining to the BOCC and Lifeguard Stations.

Sec. 262-27. -Lifeguard stations; appropriation.

- (a) The board of county commissioners of Brevard County is hereby authorized and empowered to maintain lifeguard stations and to employ lifeguards in connection therewith on or near the public beaches of Brevard County.
- (b) The board of county commissioners is hereby authorized to pay for the maintenance of said stations and to pay for said services of said lifeguards out of the general fund of the county or any other fund that may be available for such purposes. In addition thereto, the board of county commissioners may contribute such sum or sums as it may deem reasonable to any municipality within Brevard County to be spent toward the maintenance of lifeguard stations and to pay lifeguards.

(Laws of Fla. ch. 59-1106, §§ 1,2)

<http://www.reuters.com/article/us-travel-picks-beaches-idUSSP2124120080509>

http://www.news965.com/news/news/no_drownings_in_brevard_county/nx2t

Unless cities are willing to take the service on themselves in their own jurisdictions, Brevard County would have no one to contract with. Unincorporated tower locations are located in high traffic or high use beach locations. We would have to eliminate such coverage for board approved time periods.

11. Proceeds from any future leases would go into the road maintenance fund – TBD (Recurring)

Staff Response:

- 12. Reinstate the transportation impact fees (1/1/2017) to go towards the capacity expenditures to allow the current capacity funding from the general fund to go towards maintenance – Approx. \$2,000,000 (Recurring)**

Staff Response:

Based upon historic trends, staff projects the total Transportation Impact Fee revenue for the entire program (the unincorporated area and participating cities) for FY17 is \$2,625,000. Approximately 52% or \$1,365,000 is projected for the unincorporated area. Of that \$1,365,000, approximately \$949,525 will be transferred to The Viera Company for transportation impact fee credit reimbursement, leaving \$415,475 available for other projects in the unincorporated area.