



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Miscellaneous

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J.6.

3/23/2021

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### **Subject:**

Resolution revoking the delegation of certain community redevelopment agency powers to the City of Melbourne and the Olde Eau Gallie Community Redevelopment District

### **Fiscal Impact:**

Potential for return of a portion of tax increment redevelopment trust (TIF) funds

### **Dept/Office:**

Dist. 3

### **Requested Action:**

Board consideration and passage of attached resolution.

### **Summary Explanation and Background:**

In March, 2019, County staff contacted the City of Melbourne and representatives of the Olde Eau Gallie Community Redevelopment District (CRA) to discuss an interlocal agreement to focus CRA expenditures on transportation infrastructure improvements beneficial to county residents. Multiple conferences occurred, however, when the COVID-19 pandemic developed discussions ceased. In the last few months, negotiations were renewed. Efforts have been made to negotiate an extension of the CRA from the current termination date in 2025 to a later year, provided the CRA TIF funds are directed to a parking garage providing free parking to the public. Unfortunately, negotiations have failed to result in an interlocal agreement. Accordingly, a revocation of the authority granted to the CRA and the City of Melbourne is sought in order limit future actions and expenditures of the CRA between now and the 2025 termination date.

### **Clerk to the Board Instructions:**

N/A



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

March 24, 2021

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

**TO:** Commissioner John Tobia, District 3

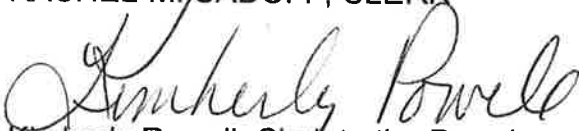
**RE:** Item J.6., Resolution Revoking the Delegation of Certain Community Redevelopment Agency (CRA) Power to the City of Melbourne and the Olde Eau Gallie CRA

The Board of County Commissioners, in regular session on March 23, 2021, authorized giving the City of Melbourne one month to come back to the Board with an interlocal agreement having a provision that all current resources go to the building of a public parking garage with approximately 250-300 spaces in the downtown Olde Eau Gallie CRA, with the public parking spaces to remain free of charge, and this is to be the only project remaining.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS**  
**RACHEL M. SADOFF, CLERK**

  
Kimberly Powell, Clerk to the Board

/ds

**cc:** County Manager  
Each Commissioner  
Finance  
Budget

**RESOLUTION NO. 2021-\_\_**

**A RESOLUTION MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO THE CITY OF MELBOURNE IN BREVARD COUNTY IN RESOLUTION 2000-249; REVOKING AUTHORIZATION TO ISSUE BONDS, PLEDGE FUNDS, INCUR DEBT, OBTAIN LOANS, AND LIMITING ABILITY TO CONTRACT, AFFIRMING EXPIRATION DATE, SOLIDIFYING BOUNDARIES FOR THE CITY OF MELBOURNE AND THE OLDE EAU GALLIE RIVERFRONT COMMUNITY REDEVELOPMENT DISTRICT; 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 the City of Melbourne to create a community redevelopment agency; and

**WHEREAS**, the County provided for a conditional delegation of powers to the City of Melbourne, reserving the right to either revoke the delegation of authority to the City 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; and

**WHEREAS**, the County stated that if it revoked powers or substituted itself as the board, it would not (1) impair any contract made by the Community Redevelopment Agency (hereinafter CRA) prior to said action; (2) affect the obligation of the CRA as to any outstanding bonds or other evidence of indebtedness and shall take all necessary or appropriate action to protect the interests of any holders of bonds issued by the CRA; and

**WHEREAS**, the County 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; and

**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 authority to the City of Melbourne.

**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 Melbourne and the Olde Eau Gallie Riverfront Community Redevelopment District and Agency and this action amends Brevard County's delegation of community redevelopment powers in Brevard County Resolution 2000-249, dated August 29, 2000.
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 Melbourne and the Olde Eau Gallie Riverfront Community Redevelopment Agency have certain powers revoked as of the date of adoption of this resolution:
  - a. The City of Melbourne's authority, and thereby the Community Redevelopment Agency's (CRA) authority, to borrow money, issue any kind of bond or refunding bonds, pledge tax increment funds to a bond, incur long-term 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.
  - b. The City of Melbourne's authority, and thereby the Community Redevelopment Agency's (CRA) authority to make, enter into, and execute contracts is revoked, with the exception of contracts necessary to meet the audit and performance accounting requirements and other requirements of Statute or the Special Districts Office of the Florida Department of Economic Opportunity.
  - c. The City of Melbourne's authority, and thereby the Community Redevelopment Agency's (CRA) authority, to modify its community redevelopment plan to expand its boundaries is revoked.
  - d. The CRA will cease to operate, and will expire on August 29, 2025 in accordance with Resolution No. 2000-249, section 3(c)(2).
  - e. The County retains all authorities not specifically delegated to the City of Melbourne in Resolutions 2000-249, and those authorities subsequently revoked.
4. 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.

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

**DONE AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2021, in Regular Session by the Board of County Commissioners, Brevard County, Florida.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_  
Rita Pritchett, Chair

\_\_\_\_\_  
Rachel Sadoff, Clerk

(as approved by the Board on \_\_\_\_\_, 2021)