



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Unfinished Business

I.1.

11/19/2019

Subject:

Modification of Delegation of Authority: Bayfront Community Redevelopment Agency

Fiscal Impact:

The parties have agreed that the Bayfront Community Redevelopment Agency will not incur any new indebtedness pledging County tax increment funds as a source of repayment after the execution of the Interlocal agreement. Expenditures are limited to those outlined with specificity in the interlocal agreement approved by and executed by the Board of County Commissioners, the Palm Bay City Council and the Bayfront Community Redevelopment Agency. All unspent tax increment funding revenue will be distributed at the end of each fiscal year back to the County and City, based on the percentage of contributions by the City and County.

Dept/Office:

County Manager's Office

Requested Action:

Request the Board of County Commissioners approve the attached Resolution modifying the Board's delegation of authority to the City of Palm Bay and authorize the Chair to execute the Resolution.

Summary Explanation and Background:

On October 8, 2019 the Board of County Commissioners adopted Resolution No. 19-1998, revoking the Bayfront Community Redevelopment Agency's authority to issue bonds, pledge and incur debt, obtain loans, and limiting other financial activities for the City of Palm Bay and the Bayfront Community Redevelopment Agency. The Board also approved an Interlocal agreement with the City of Palm Bay and the Bayfront Community Redevelopment Agency in order to work toward assisting with the County's goal of enhancing activities related towards road maintenance, reconstruction and construction.

At its regular meeting of the Bayfront CRA held on October 22, 2019, the Bayfront Community Redevelopment Agency Board unanimously approved the Interlocal Agreement adopted by the Board of County Commissioners on October 8, 2019.

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On November 7, 2019, the Palm Bay City Council unanimously approved the Interlocal Agreement adopted by the Board of County Commissioners on October 8, 2019.

The attached Resolution modifies the revocation of powers in Resolution No. 2019-198 and modifies the redevelopment powers granted in Brevard County Resolution 99-111, dated May 4, 1999 in order to carry out the County's intent that the Bayfront Community Redevelopment Agency be permitted to carry out all activities expressly permitted in the Interlocal agreement between the parties dated October 8, 2019 and approved by all of the parties.

Clerk to the Board Instructions:

Provide signed Resolution back to County Attorney and County Manager.



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November 20, 2019

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item I.1., Modification of Delegation of Authority: Bayfront Community Redevelopment Agency (CRA)

The Board of County Commissioners, in regular session on November 19, 2019, adopted Resolution No. 19-237, modifying the Board's delegation of authority to the City of Palm Bay. 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: County Manager

RESOLUTION NO. 2019-237

A RESOLUTION MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO THE CITY OF PALM BAY IN BREVARD COUNTY IN RESOLUTION 99-111 AND RESOLUTION NO. 2019-198; PROVIDING FOR AUTHORITY TO PURCHASE CERTAIN PARCELS OF LAND AND AUTHORITY FOR EXISTING CONTRACTS; 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 Palm Bay to create a community redevelopment agency; and

WHEREAS, the County provided for a conditional delegation of powers to the City of Palm Bay, 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, and the County revoked certain powers previously delegated to the City of Palm Bay in Resolution No. 2019-198;

WHEREAS, the Board of County Commissioners approved an interlocal agreement between the County, the City of Palm Bay and the Bayfront Community Redevelopment Agency on October 8, 2019; and

WHEREAS, the Bayfront Community Redevelopment Agency approved the interlocal agreement on October 22, 2019, and the City of Palm Bay approved the interlocal agreement on November 7, 2019.

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 modifies the revocation of powers in Resolution No. 2019-198 and modifies the redevelopment powers granted in Brevard County Resolution 99-111, dated May 4, 1999.

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 County Resolution No. 2019-198, and Brevard County Resolution No. 99-111, be modified as follows:

a. Provided all Parties abide by the interlocal agreement dated October 8, 2019, County Resolution's No. 2019-198 and No. 99-111 are hereby modified to carry out the County's intent that the Bayfront Community Redevelopment Authority to permitted to carry out all activities expressly permitted in the interlocal agreement dated October 8, 2019.

b. The Bayfront Community Redevelopment Agency may expend tax increment funds to purchase no more than \$330,218.00 in land acquisitions for those properties identified in Exhibit B of the interlocal agreement. The \$330,218.00 in expenditures may include entering contracts and expending tax increment funds for services necessary to facilitate the land acquisitions, including but not limited to, contracts for brokerage services, surveying, and title services.

c. The Bayfront Community Redevelopment Agency (the "Agency") may continue to expend tax increment funds for all those activities for which they have contractual obligations in place as of the date of October 8, 2019 through the date of September 30, 2020, including any other expenditure required by Florida Statute or the Special Districts Office of the Florida Department of Economic Opportunity. This includes making payments on the 2006 Bond and any required payments under the Northshore Development Agreement. The Agency may not make any amendments to existing agreements without County approval.

d. The Bayfront Community Redevelopment Agency (the "Agency") may reimburse the City of Palm Bay for up to \$20,000 in tax increment funds in Fiscal Year 2019-2020 for administrative services the City provided to the Agency, which are necessary for the implementation of the Agency's Community Redevelopment Plan adopted by the City and the Agency.

e. Beginning October 1, 2020 until the Bayfront Community Redevelopment Agency's termination date, the Agency may only obligate tax increment funds to repay its 2006 Bond, its contractual obligations in the Northshore Development Agreement, and any other expenditures required by Statute or the Special Districts Office of the Florida Department of Economic Opportunity. Beginning October 1, 2020, the Agency may not obligate, expend or disburse any tax increment funds to reimburse the City of Palm Bay for any administrative expenses provided by the City of Palm Bay for the Bayfront Community Redevelopment Agency.

f. Should the City of Palm Bay or the Bayfront Community Redevelopment Agency violate the terms of the interlocal agreement, dated October 8, 2019, the Board of County

Commissioners reserves the right to revoke this Resolution.

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 19 day of Nov., 2019, in Regular Session by the Board of County Commissioners, Brevard County, Florida.

Attest:



Scott Ellis
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: Bryan A Lober
Chair -BRYAN ANDREW LOBER

(as approved by the Board on Nov., 19, 2019)