

3. Ordinance 2024-14, amending the Code of Ordinances, Chapter 52, Bayfront Community Redevelopment Agency, by repealing the Chapter in its entirety, final reading.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Ibis Berardi, Community & Economic Development Acting Director

**DATE:** April 4, 2024

**RE:** Ordinance 2024-14, amending the Code of Ordinances, Chapter 52, Bayfront Community Redevelopment Agency, by repealing the Chapter in its entirety, final reading.

### SUMMARY:

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

In 1994 the City of Palm Bay completed a "Finding of Necessity" study identifying the area of slum and blight. The City then created the Bayfront Community Redevelopment Agency (BCRA) pursuant to City Resolution 99-20 and approved the Bayfront Community Redevelopment District (BCRD) 2024 Plan after Brevard County delegated its authority under Chapter 163, Part III, Florida Statutes, as set forth in County Resolution 99-11. A tax increment redevelopment trust fund was created (Agency Tax Increment Fund) pursuant to section 163.387, Florida Statutes under City Ordinance 99-19.

The mission of the Bayfront CRA was to remove and reduce blight in the District, facilitate economic renewal and attract new capital investment. On October 8, 2019, the Brevard County Board of County Commissioners adopted Resolution 2019-198 modifying the delegation of the powers of the City of Palm Bay, revoking the City's authorization to issue bonds, pledge funds, incur debt, obtain loans, and limiting all other financial activities of the BCRA.

The BCRA shall cease to exist as a Community Redevelopment Agency pursuant to Part III, Chapter 163, Florida Statutes, after twenty-five (25) years from the date of Brevard County's Resolution No. 99-111 (enacted May 4, 1999), unless extended by the Board of County Commissioners.

The official date of sunset of the BCRA will be May 4, 2024.

**REQUESTING DEPARTMENTS:**

Community & Economic Development

**FISCAL IMPACT:**

Any remaining funds in the Bayfront CRA at the time of sunset will be transferred into the General Funds of the City of Palm Bay and Brevard County following the end of the Fiscal Year 2024, in accordance with the Interlocal Agreement between the Bayfront CRA, City of Palm Bay, and Brevard County dated October 8, 2019.

**STAFF RECOMMENDATION:**

Motion to approve an Ordinance 2024-14 amending the Code of Ordinances, Chapter 52, Bayfront Community Redevelopment District, by repealing the Chapter in its entirety with an effective date of May 5, 2024.

**ATTACHMENTS:**

1. Ordinance 2024-14

## ORDINANCE 2024-14

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 52, BOARDS, SUBCHAPTER 'BAYFRONT COMMUNITY REDEVELOPMENT AGENCY', BY REPEALING THE SUBCHAPTER IN ITS ENTIRETY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR DELETION FROM THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 52, Boards, Subchapter 'Bayfront Community Redevelopment Agency', is hereby repealed in its entirety.

### ~~"BAYFRONT COMMUNITY REDEVELOPMENT AGENCY~~

#### ~~§ 52.001 ADOPTION OF COMMUNITY REDEVELOPMENT ACT.~~

~~The City Council hereby adopts in its entirety Fla. Stat. Ch. 163, Part III, Community Redevelopment, and subsequent amendments thereto, known as the "Community Redevelopment Act of 1969."~~

#### ~~§ 52.002 BOARD OF COMMISSIONERS.~~

~~(A) The Bayfront Community Redevelopment Agency, created pursuant to Ordinance No. 2000-39, shall be governed by a Board of Commissioners composed of seven (7) voting members, consisting of the five (5) current elected members of the City Council and two (2) additional persons appointed by the Council in accordance with Fla. Stat. Ch. 163, Part III.~~

~~(B) The initial terms of office of the two (2) additional Commissioners appointed by the Council shall be two (2) and four (4) years respectively. After the expiration of the above initial terms, all appointments shall be made for a term of four (4) years.~~

~~(C) Commissioners shall receive no compensation for services, but are entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties.~~

#### ~~§ 52.003 BY LAWS.~~

~~(A) The City Council hereby establishes the by-laws of the Bayfront Community Redevelopment Agency which, by this reference, is incorporated herein and made an integral part hereof as if fully set forth herein.~~

~~(B) The by-laws can only be amended by motion of the City Council.~~

**~~§ 52.004 DUTIES AND RESPONSIBILITIES.~~**

~~(A) All rights, powers, duties, privileges, and immunities vested in a community redevelopment agency by Fla. Stat. § 163.300, are hereby vested in the Bayfront Community Redevelopment Agency, except the following, which continue to vest in the City Council of the City of Palm Bay:~~

~~(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings required with respect thereto;~~

~~(2) The power to grant final approval to community redevelopment plans and modifications thereof;~~

~~(3) The power to authorize the issuance of revenue bonds as set forth in Fla. Stat. § 163.385, unless specifically approved by the City Council;~~

~~(4) The power to approve the acquisition, demolition, removal, or disposal of property and the power to assume the responsibility to bear loss as provided in Fla. Stat. § 163.370(3), unless specifically approved by the City Council;~~

~~(5) The power to approve the development of community policing innovations;~~

~~(6) The power of eminent domain, unless specifically approved by the City Council.~~

~~(B) The Agency shall abide by the city's procedures for the employment of all persons required to efficiently conduct the affairs of the Agency. These individuals shall be subject to the City Manager's authority to hire and fire.~~

**~~§ 52.005 LIMITATION ON EXPENDITURE OF TAX INCREMENT REVENUES.~~**

~~(A) The City Council hereby adopts and ratifies the following condition on the expenditure of tax increment revenues contained in Resolution No. 99-111 of the Brevard County, Board of County Commissioners, which delegated the powers to create and maintain a community redevelopment agency to the City of Palm Bay:~~

~~"The City and the Community Redevelopment Agency shall not expend in any one Community Redevelopment Agency fiscal year more than twenty-five~~

~~percent (25%) of the tax increment revenues raised pursuant to Fla. Stat. § 163.387, on administrative expenses. For the purpose of this condition, the term "administrative expenses" includes personnel costs (i.e., salary and fringe benefits) of Community Redevelopment Agency Staff, office equipment and supplies, operating overhead (office space electricity and utilities for office), postage, printing or copying charges, travel costs, seminar costs, and similar direct expenses of the Community Redevelopment Agency. Allocations of costs in a Community Redevelopment Agency construction or consultant contract for administrative costs of the contractor, or from the city's General Fund would not be included within the twenty-five percent (25%) cap."~~

~~(B) The Agency shall utilize Requests for Proposal for the services of counsel, subcontractors, consultants, or individuals that are necessary to efficiently conduct the affairs of the Agency. The city's Purchasing Division will assist the Agency in preparing, advertising, evaluating and selecting the appropriate counsel, subcontractor, consultant or individuals for submission to the City Council for final approval.~~

~~(C) The Agency shall utilize the temporary agency recognized by the city for the employment of clerical services or temporary labor. The city's Human Resources Department will assist the Agency in obtaining services through the temporary agency.~~

~~(D) All employment services shall be retained and terminated in accordance with the city's employment policies and procedures.~~

#### **~~§ 52.006 REVOCATION OF DELEGATION.~~**

~~As set forth in the Brevard County, Board of County Commissioners' Resolution No. 99-111, the Board of County Commissioners reserves the right to either revoke the delegation of authority to the city or to designate itself as the redevelopment agency (upon proof of non-performance) should the Board deem it necessary for the protection of the health, safety, welfare, or fiscal interests of the public or the redevelopment area.~~

#### **~~§ 52.007 DISSOLUTION.~~**

~~As provided for in the Brevard County, Board of County Commissioners' Resolution No. 99-111, the Bayfront Community Redevelopment Agency shall cease to exist after twenty-five (25) years from the enactment date of May 4, 1999, of the County's resolution, unless extended by further resolution of the County Commission."~~

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the City of Palm Bay Code of Ordinances be revised to delete the language as specified above.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect on May 5, 2024.

Read in title only at Meeting 2024-XX, held on \_\_\_\_\_, 2024; and read in title only and duly enacted at Meeting 2024-XX, held on \_\_\_\_\_, 2024.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Strikethrough words shall be deleted; highlighted words that will included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***