

RESOLUTION NO. 12-064R

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY RELATING TO THE DELEGATION OF POWERS TO CREATE AND MAINTAIN A COMMUNITY REDEVELOPMENT AGENCY, MAKING FINDINGS; AUTHORIZING THE CREATION OF THE KISSIMMEE VINE STREET COMMUNITY REDEVELOPMENT AGENCY, DELEGATING CERTAIN POWERS; PROVIDING FOR THE REPEAL OF CERTAIN INCONSISTENT RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida law empowers municipalities and counties to create a Community Redevelopment Agency to improve blighted and slum areas within the community and to alleviate the conditions created by said areas, and;

WHEREAS, Part III, Chapter 163, Florida Statutes, set forth a procedure for the creation and operation of a Community redevelopment Agency, and;

WHEREAS, Section 163.410, Florida Statutes, which is a part of Part III, Chapter 163, Florida Statutes, states in pertinent part that:

163.410 Exercise of power 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 any 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 municipality. Such a delegation 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 (emphasis supplied);

WHEREAS, effective October 21, 1991, Osceola County became a charter county of the State of Florida, and;

WHEREAS, the City Commission of the City of Kissimmee, Florida (hereinafter the City) has requested that the Board of County Commissioners of Osceola County (hereinafter the

Board) delegate certain powers to the City of Kissimmee, Florida City Commission to create and operate a new Community Redevelopment Agency, and;

WHEREAS, said Agency is known as the Vine Street Community Redevelopment Agency (Vine Street CRA), and;

WHEREAS, the general boundaries of the aforesaid Community Redevelopment Agency, is general described in Attachment A, attached hereto and incorporated herein by reference, and;

WHEREAS, the Board of County Commissioners of Osceola County has reviewed the request of the Kissimmee City Commission to delegate certain powers provided in Part III, Chapter 163, Florida Statutes, and to create the Vine Street CRA, and;

WHEREAS, the Board of County Commissioners of Osceola County finds that the delegation of said powers set forth in Part III, Chapter 163, Florida Statutes, to create and operate the Vine Street CRA will promote the public health, safety, welfare, economic order, and aesthetics, of the community.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Osceola County, Florida:

SECTION 1. STATUTORY DELEGATION OF COMMUNITY REDEVELOPMENT POWERS.

Pursuant to Section 163.410, Florida Statutes and subject to the conditions set forth in Section 3, below, the Board of County Commissioners of Osceola County hereby delegates all powers under Part III, Chapter 163, Florida Statutes, to the City Commission of the City of Kissimmee, Florida, to create, operate, and maintain the Vine Street Community Redevelopment Agency within the boundaries set forth above, subject to adjustment. Said powers shall include but not be limited to:

- (a) The power to rename or designate the name of said Community Redevelopment Agency;
- (b) The power to conduct surveys or other boundary examinations to adjust or otherwise modify the boundaries of the Community redevelopment Agency;
- (c) The power to organize and operate a Community redevelopment Agency; so generally described and specified in either Sections 163.356 or 163.357, Florida Statutes;
- (d) The power to give public notice, from time to time, as specified in Part III, Chapter 163, Florida Statutes;
- (e) The power to make a finding of necessity, as specified in Section 163.355, Florida Statutes;

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

(g) The power to grant final approval to a community redevelopment plan and modifications thereof;

(h) The power to authorize the issuance of, and the power to issue, redevelopment revenue bonds, all set forth in Section 163.385, Florida Statutes;

(i) The power to approve the acquisition, demolition, removal, or disposal of property as provided in Section 163.370(3), Florida Statutes, and the power to assume the responsibility to bear loss as provided herein;

(j) The power to prepare a community redevelopment plan and modifications thereof, all pursuant to Sections 163.360, 163.361, 163.362, Florida Statutes;

(k) The power to prepare and give approval to a neighborhood and community-wide plan (and modifications) thereof, pursuant to Section 163.365, Florida Statutes;

(l) The power to conduct eminent domain or otherwise dispose of property as limited by Section 163.370, Florida Statutes;

(m) The power to create, operate and maintain a redevelopment trust fund pursuant to Sections 163.387, Florida Statutes, and for the purposes set forth in said section;

(n) The power to make and execute contracts and other instruments necessary or convenient to the exercise of the powers under Part III, Chapter 163, Florida Statutes;

(o) The power to disseminate slum clearance and community redevelopment information;

(p) The power to undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include acquisition of a slum area or a blighted area of a portion thereof, demolition and removal of buildings and improvements, installation, construction, or reconstruction of public infrastructure and the carrying out of other community redevelopment objectives, all as provided for in Section 163.370, Florida Statutes;

(q) The power to dispose of any properties acquired in the community redevelopment area at their fair value for uses in accordance with the community redevelopment plan;

(r) The power to provide, or to arrange or contract and to agree to any conditions that it deems reasonable and appropriate which are attached to Federal financial assistance and

imposed pursuant to Federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of the community redevelopment and related activities and to fulfill such of conditions as it deems reasonable and appropriate;

(s) Within the community redevelopment area, the power:

(1) To the extent authorized by law to enter into buildings or property in the community redevelopment area in order to make inspections, surveys, appraisals, sounding or test borings and to obtain an order for this purpose from the court of competent jurisdiction in the event entry is denied or resisted;

(2) To acquire by purchase, lease, option, gift, grant, bequest, devise, or otherwise any real property (or personal property for its administrative purposes) together with any improvements thereon;

(3) To hold, improve, clear, or prepare for development of any such property;

(4) To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property;

(5) To insure or provide for the insurance of any real or personal property or operations against any risk or hazards, including the power to pay premiums on any such insurance;

(6) To the extent authorized by law, to enter into any contracts necessary to effectuate the purposes of Part III, Section 163, Florida Statutes, and

(7) To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment for purposes by the Community Redevelopment Agency and as a result of such requests for proposals to advertise for the disposition of such real property to private persons pursuant to Section 163.380, Florida Statutes, prior to acquisition of such real property by the Community Redevelopment Agency;

(t) The power to invest in any community redevelopment fund held in reserve for sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as may have been issued pursuant to Section 163.385, Florida Statutes, at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed for purchase being cancelled;

(u) The power to borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal government or the

state, county, or other public body or from any sources public, or private, for the purposes of Part III, Chapter 163, Florida Statutes, and to give such security as may be required and to enter and carry out contracts or agreements in connection therewith, and to include in any contracts for financial assistance with the Federal for or with respect to community redevelopment and related activities such conditions and powers pursuant to Federal law as Osceola County or the City of Kissimmee deems reasonable and appropriate which are not inconsistent with the purposes of this Part III, Chapter 163, Florida Statutes;

(v) Within the City to make or have made all surveys and plans necessary to the carrying out of the purposes of this part, to contract with any person, public or private, in making and carrying out such plans, and to accept or approve, modify and amend such plans, with plans that include the plants specified in Section 163.370, Subsection (12) (h) 1-3, Florida Statutes;

(w) The power to develop, test and report methods and techniques, and carry out demonstrations and other activities for the prevention and the elimination of slums and other blight and developing and demonstrating new or improved means of providing housing for families and persons of low income;

(x) The power to apply for, accept and utilize grants or funds from the Federal government for such purposes;

(y) The power to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, non-profit organizations, and others) displaced from the community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal government;

(z) The power to appropriate such funds and make such expenditures as are necessary to carry out the purposes of Part III, Chapter 163, Florida Statutes, to zone or rezone any part of the municipality or make exceptions from building regulations, and to enter into agreements with a housing authority, which agreements may extend over a period, notwithstanding any provision or rule of law to the contrary, with respect to any action to be taken by the City of Kissimmee pursuant to any of the powers granted by Part III, Chapter 163, Florida Statutes;

(aa) The power to close or vacate, or replan streets, sidewalks, way, or other places and to plan or replan any part of the City of Kissimmee;

(bb) The power to organize, coordinate, and direct the administration of the provisions of Part III, Chapter 163, Florida Statutes, as they may apply to the City of Kissimmee in order that the objective of remedying slum and blighted areas and preventing the causes

thereof within the City of Kissimmee may be most effectively promoted and achieved and to establish such new office or offices of the City or to reorganize existing offices in order to carry out such purposes most effectively;

(cc) The power to exercise all or any part or combination of the powers herein granted or to elect to have such powers exercised by the Community Redevelopment Agency; and

(dd) With the approval of the City Commission of Kissimmee, the Community Redevelopment Agency may, prior to the approval of the community redevelopment plan or approval of any modification for the said plan, acquire real property in the community redevelopment area, demolish and renew any structures on the property, and pay all costs related to the acquisition, demolition, or removal thereof, including any administrative or relocation expenses, provided that the Community Redevelopment Agency assumes the responsibility to bear any loss that may arise as a result of the exercise of authority under Section 163.370 (3), Florida Statutes, in the event that the real property is not made part of the community redevelopment area.

SECTION 2. FURTHER AUTHORITY AND ETHICS. The delegation of powers herein to the City Commission of the City of Kissimmee, Florida, shall also include the power for the City Commission to empower the Vine Street CRA, to conduct any activities pursuant to Part III, Chapter 163, Florida Statutes, which a Community Redevelopment Agency would otherwise be empowered to exercise or conduct pursuant to said statutes. Provided, however, that the authority to have final approval and undertake activities specified in Sections 1 (f), (g), (h), (i) and (l) of this Resolution shall inure in the Kissimmee City Commission, and may not be delegated to the Kissimmee Community Redevelopment, except that the City Commission may grant to the Vine Street CRA the authorization to issue redevelopment revenue bonds, as set forth in Section 163.386, Florida Statutes. Further, said delegation of powers is limited to be conducted only within the incorporated areas of the City. The officers, employee, and commissioners of the Vine Street CRA shall be subject to the Code of Ethics, as set forth in Part III, Chapter 112, Florida Statutes and further explained in Section 163.367, Florida Statutes.

SECTION 3. CONDITIONS. The delegation of powers set forth in this Resolution is conditioned upon the following conditions:

(A) Beginning with Fiscal Year 2017-2018 and each year thereafter, the City and the Community Redevelopment Agency will not expend in any one Community Redevelopment Agency fiscal year more than 15% of the tax increment revenues raised pursuant to Section 163.387, Florida Statutes, 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. Allocation 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 15% cap. However, based on a finding of the Kissimmee Vine Street CRA Board, that in any given year, it is necessary to expend more than 15% on administrative expenses, the County agrees to allow such a finding with the understanding that any administrative expenses in excess of 15% of the tax increment revenues raised shall only be paid from the City of Kissimmee's tax increment and not the County's tax increment.

- (B) The County and the City of Kissimmee will at some future date negotiate an Interlocal Agreement as an amendment to this Resolution 12-064R and Delegation of Authority under Sections 163.387 and 163.410, Florida Statutes, that will provide a formula. Until such Interlocal Agreement is agreed upon and signed by the parties thereto, the City of Kissimmee will be precluded from adopting the required Redevelopment Trust Fund as specified in Section 163.387, F.S., and further precluded from creating a tax roll for the Vine Street CRA and calculating and assessing a TIF.
- (C) The Board of County Commissioners reserves the right to revoke the City's right to collect any tax increment from Osceola County for the Vine Street Community Redevelopment Agency, where the City redevelopment agency fails to perform its duties and responsibilities as provided under Part III Chapter 163, Florida Statutes and such non-performance requires that the Board of County Commissioners review such non-performance and make findings that it is necessary for the protection of the health, safety, welfare, or fiscal interests of the public or the redevelopment area that the County take appropriate action. The Board shall give the City 30 days' notice of such findings and allow the City to respond in writing within the 30 day timeframe from the date of Board action. The Board will then review any response submitted by the City and hold a joint meeting with the City, if so requested, before rendering a final decision.

Notwithstanding the foregoing, no such revocation of the City's right to collect any tax increment from Osceola County, shall (1) impair any contract made by the Community Redevelopment Agency prior to the time when the Board shall have exercised or taken such action; or (2) affect the obligation of the Community Redevelopment Agency to raise revenue through increment tax financing or other charges in the amount necessary to comply with the Community Redevelopment Agency's obligations in respect of any outstanding bonds or other evidences of indebtedness; or (3) affect the obligation of the Community Redevelopment Agency under any outstanding bond, bond anticipation note, tax anticipation note, or other evidences of indebtedness. In the event that the Board of County Commissioners revokes the City's right to collect any tax increment from Osceola County, the Board of County Commissioners shall take all necessary or

appropriate action to protect the interests of any holders of bonds issued by the Community Redevelopment Agency. At any time that the City's Community Redevelopment Agency shall request, the Board of County Commissioners will consider 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.

(D) Unless extended by further resolution of the County Commission, the delegation of authority provided for this resolution shall terminate 30 years from the date of the creation of the Community Redevelopment Agency, and the Vine Street CRA shall cease to exist as a community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes, after 30 years from said date.

SECTION 4. **SEVERABILITY CLAUSE.** In the event that any term, provision, clause, sentence or section of this Resolution shall be held by a court of competent jurisdiction to be partially or wholly enforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 5. **RESOLUTIONS IN CONFLICT.** All resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 6. **EFFECTIVE DATE.**

This Resolution shall be in force and take effect immediately upon its passage and adoption.

DONE AND ADOPTED this 11th day of June, 2012.



OSCEOLA COUNTY, FLORIDA

By:

Chairman/Vice-Chairman

Board of County Commissioners

ATTEST:

Clerk/Deputy Clerk to the Board

(SEAL)

EXHIBIT A

General Boundaries for the Kissimmee Vine Street CRA