

PROPOSED

RESOLUTION NO. 2018-

1
2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 AUTHORIZING AN EXTENSION OF THE TERM OF THE
5 NORTHWEST DISTRICT OF THE POMPANO BEACH
6 COMMUNITY REDEVELOPMENT AGENCY;
7 AUTHORIZING THE CREATION OF THE POMPANO
8 BEACH COMMUNITY REDEVELOPMENT AGENCY AND
9 DELEGATING CERTAIN AUTHORITIES, *NUNC PRO TUNC*;
10 AUTHORIZING THE AMENDMENT OF THE
11 REDEVELOPMENT PLAN FOR THE NORTHWEST
12 DISTRICT OF THE POMPANO BEACH COMMUNITY
13 REDEVELOPMENT AGENCY; AND PROVIDING FOR
14 SEVERABILITY AND AN EFFECTIVE DATE.

15 WHEREAS, on or about October 14, 1980, through Broward County
16 Resolution No. 80-534, Broward County (the "County") delegated to the City of Pompano
17 Beach (the "City") certain authorities under the Community Redevelopment Act of 1969
18 (the "Act"), Chapter 163, Florida Statutes;

19 WHEREAS, on or about December 13, 1988, through Pompano Beach
20 Ordinance No. 89-27 and Resolution No. 89-45, the City created a Community
21 Redevelopment Agency (the "CRA") consisting of certain property in the northwest region
22 of the City (the "Northwest District");

23 WHEREAS, on or about June 13, 1989, through Broward County
24 Resolution No. 89-1893, the County delegated to the City certain additional authority
under the Act;

WHEREAS, by Interlocal Cooperation Agreement among the County, the City, and
the CRA, dated December 4, 2001, a separate region was included within the CRA

1 consisting of certain property in the eastern and beach portion of the City (the “East
2 District”);

3 WHEREAS, in 1999, following extensive discussions between the County and
4 municipalities within Broward County, the County adopted County
5 Resolution No. 99-1398, which expressly established a Broward County Administrative
6 Code provision requiring prior County approval for any modification of a redevelopment
7 plan by a community redevelopment agency where such modification involves a boundary
8 change, an extension to the term of the redevelopment plan involving the continuing
9 contribution by the taxing authorities, or a change of such magnitude as would require a
10 County or municipal land use plan amendment;

11 WHEREAS, on January 14, 2014, the County adopted County
12 Resolution No. 14-25, which expressly clarified that any delegation to any municipality or
13 other entity within Broward County was revoked to the extent inconsistent with
14 Resolution No. 99-1398, and that prior County approval was required for any modification
15 of a redevelopment plan of any community redevelopment agency where such
16 modification involves a boundary change, an extension to the term of the redevelopment
17 plan involving the continuing contribution by the taxing authorities, or a change of such
18 magnitude as would require a County or municipal land use plan amendment;

19 WHEREAS, the City and the CRA filed a lawsuit against the County in an action
20 titled *Pompano Beach Community Redevelopment Agency, et al. v. Broward County*,
21 Case No. 14-009654 (18) (Broward Cir. Ct.) (the “Litigation”), seeking a declaration as to
22 the authority of the City and the CRA to extend the term of the CRA for the Northwest
23 District;

24

1 WHEREAS, after extensive discovery and motion practice in the Litigation, the
2 Parties agreed to resolve their dispute in order to maximize the efficacy of their collective
3 tax dollars to remedy slum and blight in the Northwest District of the CRA by
4 collaboratively supporting and collectively funding specific development projects in
5 geographical areas within the City that are affected by slum and blight; and

6 WHEREAS, the Northwest District of the CRA was originally scheduled to
7 terminate on or before December 31, 2019, but the County, the City, and the CRA believe
8 that specific redevelopment projects, if implemented, will significantly reduce slum and
9 blight in the Northwest District, and the City and the CRA believe that these additional
10 projects require a longer term to complete beyond December 31, 2019, NOW,
11 THEREFORE,

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13 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
14 BROWARD COUNTY, FLORIDA:

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16 Section 1. The delegations by the Broward County Board of County
17 Commissioners (the "Board"), pursuant to Broward County Resolution Nos. 80-534 and
18 89-1893, of the following powers under the Community Redevelopment Act of 1969,
19 Sections 163.330 through 163.463, Florida Statutes, to the City Commission of the City
20 of Pompano Beach, Florida (the "City"), are hereby reaffirmed and ratified, *nunc pro tunc*:

21 (a) The power to create a community redevelopment agency;

22 (b) The power to determine an area to be a slum or blighted area, or
23 combination thereof, to designate such area for redevelopment project(s), and to hold any
24 public hearings required with respect thereto;

1 (c) The power to delegate to the community redevelopment agency created by
2 the City any authority granted herein to the City;

3 (d) The power to adopt community redevelopment plans and modify same,
4 provided that prior County approval is required for any modification of a redevelopment
5 plan of any community redevelopment agency where such modification involves a
6 boundary change, an extension to the term of the redevelopment plan involving the
7 continuing contribution by any the taxing authority, or a change of such magnitude as
8 would require a County or municipal land use plan amendment;

9 (e) All powers conferred by Section 163.370, Florida Statutes;

10 (f) All powers as to the disposal of property in community redevelopment areas
11 conferred by Section 163.380, Florida Statutes;

12 (g) The power to determine areas in which there is a shortage of housing
13 affordable to residents of low or moderate income, including the elderly; and

14 (h) The power to issue bonds pursuant to Section 163.385, Florida Statutes.
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16 Section 2. The Board hereby affirms that the Pompano Beach Community
17 Redevelopment Agency was properly created, has the specific powers delegated to it by
18 the City, and is in full force and effect.
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20 Section 3. The County hereby authorizes the City to extend, and to authorize
21 the CRA to amend the redevelopment plan to extend, the duration of the Northwest
22 District of the CRA for an additional period through and including December 31, 2040,
23 provided that in no event shall any taxing authority other than the City have any tax
24 increment financing obligation under Section 163.387, Florida Statutes, to fund or

1 otherwise appropriate any funds to the redevelopment trust fund of the CRA for the
2 Northwest District after December 31, 2019. In no event shall the duration of the
3 Northwest District of the CRA continue beyond December 31, 2040.

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5 Section 4. Nothing in this Resolution shall have any effect upon the funding
6 obligations of any entity with respect to the East District of the CRA, for which the funding
7 obligations of the County are governed by Interlocal Cooperation Agreement between the
8 County, the City, and the CRA, dated December 4, 2001.

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10 Section 5. The terms and conditions of the Interlocal Agreement Regarding the
11 City of Pompano Beach Community Redevelopment Agency, approved by the County by
12 Board action on August 14, 2018, are incorporated as if fully set forth herein.

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14 Section 6. Severability.

15 If any portion of this Resolution is determined by any court to be invalid, the invalid
16 portion will be stricken, and such striking will not affect the validity of the remainder of this
17 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
18 legally applied to any individual, group, entity, property, or circumstance, such
19 determination shall not affect the applicability of this Resolution to any other individual,
20 group, entity, property, or circumstance.

