

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

ADD-ON

AGENDA ITEM SUMMARY

Meeting Date: December 7, 2010 [] Consent [X] Regular
[] Workshop [] Public Hearing

Department: County Administration
Submitted By: County Administration
Submitted For: Economic Development Office

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A Resolution of the Board of County Commissioners of Palm Beach County, Florida, allocating the County's Recovery Zone Economic Development Bond allocation to the Riviera Beach Community Redevelopment Agency or the City of Riviera Beach (City); and providing for an effective date.

Summary: On June 12, 2009, Palm Beach County was allocated \$35,993,000 in Economic Development Bonds through the American Recovery and Reinvestment Act. Riviera Beach Community Redevelopment Agency (CRA) has requested that the Board of County Commissioners allocate it's \$35,993,000 in Recovery Zone Economic Development Bonds to the CRA or the City for issuance in connection with the financing of capital improvements to the Riviera Beach Marina, construction of a new two-story community facility, construction of a 600 space parking garage, infrastructure improvements to Avenue "E", acquisition of land to be used for a public purpose and infrastructure improvements in connection with the renovation of Ocean Mall. **The Recovery Zone Economic Development Bonds are the sole obligation of the issuer, being the CRA or the City, and are not a financial obligation of the County. They require no guarantees of the County and are not assessed against the bonded indebtedness of the County. There is no local match required.** Countywide (PFK)

Background and Policy Issues: On February 17, 2009, the federal American Recovery and Reinvestment Act (ARRA) authorizing the issuance of Bonds was signed into law. Certain provisions of ARRA allowed state and local governments to issue Build America Bonds, which are debt instruments that receive a federal interest subsidy. Included in the legislation were Recovery Zone Economic Development Bonds, which are Build America Bonds with a larger federal subsidy. These bonds were specifically created to foster economic development in distressed areas. On January 26, 2010 the Board of County Commissioners adopted a Resolution (R-2010-0148) designating the entire geographic area of Palm Beach County as a Recovery Zone. Recovery Zone Economic Development Bonds must be used to finance "recovery zone property" in a recovery zone. These bonds were specifically created to foster economic development in distressed areas and must be issued before December 31, 2010.

Attachments:

- 1. Resolution
- 2. Letter of Request

Recommended by: [Signature] 12-2-2010
Economic Development Director Date

Approved by: [Signature] 12-2-2010
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (PBC)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match (PBC)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	*See below	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____

Budget Account No: Fund _____ Agency _____ Org. _____ Object _____

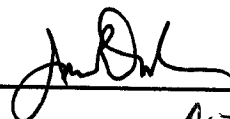
B. Recommended Sources of Funds/Summary of Fiscal Impact:

* No fiscal impact is associated with the approval of this Resolution.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:



 OFMB
 ACJ
 12/3/2010
 4D
 12/3/10



 Contract Development and Control

B. Legal Sufficiency:



 Sr. Assistant County Attorney
 12/3/10

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ALLOCATING THE COUNTY'S RECOVERY ZONE ECONOMIC DEVELOPMENT BOND ALLOCATION TO THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY OR THE CITY OF RIVIERA BEACH (CITY); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the federal American Recovery and Reinvestment Tax Act of 2009 (the "Stimulus Act") provides, among other things, federal income tax incentives for obligations issued to finance qualified economic development purposes, including expenditures for public infrastructure and construction of public facilities, within a recovery zone ("Recovery Zone Economic Development Bonds"); and

WHEREAS, pursuant to the Stimulus Act, the Palm Beach County, Florida (the "County") has received an allocation of the national Recovery Zone Economic Development Bond limitation in the amount of \$35,993,000 (the "Allocation"), which Allocation is based on the proportion that the County's employment decline bears to the aggregate of the 2008 employment declines for all the counties and certain large municipalities in the State; and

WHEREAS, the Stimulus Act provides that Recovery Zone Economic Development Bonds issued pursuant to the Allocation must be issued before January 1, 2011; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (the "Board"), by Resolution No. R-2010-0148 adopted on January 26, 2010, has designated the entire geographic area of the County, including the area within the corporate limits of the City of Riviera Beach, Florida, which lies entirely within the County, as a recovery zone for purposes of the Stimulus Act; and

WHEREAS, the County has received a formal allocation request from the Riviera Beach Community Redevelopment Agency (the "CRA") to enable the CRA or the City to issue Recovery Zone Economic Development Bonds for construction of improvements of public infrastructure and public facilities and related projects (the "Project"); now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

Section 1. Authority. This Resolution (hereinafter called the "Resolution") is adopted pursuant to the provisions of the Florida Constitution and Chapter 125, Florida Statutes, and other applicable provisions of law.

Section 2. Allocation to Community Redevelopment Agency or the City. The Board hereby allocates \$35,993,000 of the County's allocation of the national Recovery Zone Economic Development Bond Allocation to the CRA or the City to enable the CRA or the City to undertake and finance the Project which will enable economic development within the community redevelopment area or the City, which lies entirely within the County, and hereby further authorizes the CRA or the City to issue Recovery Zone Economic Development Bonds utilizing up to \$35,993,000 of the County's Recovery Zone Economic Development Bond Allocation.

Section 3. Authorization of Additional Action. The County Administrator is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, or approval on behalf of the County with respect to the Recovery Zone and the Allocation as the County is required to make or give under the Stimulus Act for the purpose of assuring, enhancing or protecting favorable tax treatment or status of any Recovery Zone Economic Development Bonds to be issued by the CRA or the City, pursuant to the aforesaid allocation from the County to the CRA or the City, or activities to be financed by such Recovery Zone Economic Development Bonds or assisting in compliance with requirements for that purpose, which action shall be in writing and signed by the County Administrator; and (b) to take any and all other actions, cooperate in every way with the CRA or the City, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the intended status of the Recovery Zone and any Recovery Zone Economic Development Bonds issued by the CRA or the City pursuant to the aforesaid allocation by the County.

Section 4. Severability. If any one or more of the provisions of this Resolution shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, but this Resolution shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 5. Repealing Clause. All resolutions or orders and parts thereof in conflict herewith to the extent of such conflicts, are hereby superseded and repealed.

Section 6. Effective Date. This Resolution is effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____ who moved for its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-
Commissioner Shelley Vana, Vice Chair	-
Commissioner Paulette Burdick	-
Commissioner Steven L. Abrams	-
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20__.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Paul F. J.
County Attorney

Bryant Miller Olive

Attorneys at Law
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2 South Biscayne Boulevard
Suite 1480
Miami, FL 33131
Tel 305.374.7349
Fax 305.374.0895
www.bmolaw.com

November 16, 2010

Shannon LaRocque
Assistant County Administrator
Palm Beach County
301 N. Olive Avenue
West Palm Beach, Florida 33401

Re: Request for Reallocation – Recovery Zone Bonds
Riviera Beach Community Redevelopment Agency

Dear Ms. LaRocque:

We are serving as bond counsel to the Riviera Beach Community Redevelopment Agency (the "CRA") who will issue bonds in connection with the financing of capital improvements to the Riviera Beach Marina, construction of a new two-story community facility, construction of a 600 space parking garage, infrastructure improvements to Avenue "E", acquisition of land to be used for a public purpose, and infrastructure improvements in connection with the renovation of Ocean Mall (collectively, the "2010 Project"). The CRA is requesting the Board of County Commissioners of Palm Beach County, Florida reallocate its \$35,993,000 of Recovery Zone Economic Development Bonds allocation to the CRA. Based upon certain representations of the CRA with respect to the 2010 Project, the 2010 Project is eligible to be financed with Recovery Zone Economic Development Bonds and such Recovery Zone Economic Development Bonds are expected to be issued prior to January 1, 2011.

If you have any questions concerning the matters addressed herein, please call JoLinda Herring at (305) 374-7349.

Very truly yours,

BRYANT MILLER OLIVE P.A.

Bryant Miller Olive P.A.