



# AGENDA

Orange County Government • Board of County Commissioners • 201 South Rosalind Avenue  
County Commission Chambers • 1st Floor • County Administration Center  
[www.OrangeCountyFL.net](http://www.OrangeCountyFL.net)

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**MEETING STARTS AT 2:00 p.m.**

**July 26, 2007 Agenda**

## **WORKSESSION/PUBLIC HEARING**

1. Approval of Interlocal Agreement Among the City of Orlando, City of Orlando Community Redevelopment Agency and Orange County regarding the Performing Arts Center, Events Center and Citrus Bowl, with such approval subject to and conditional upon subsequent approval of an Ordinance amending the Tourist Development Plan.
2. Approval of an Ordinance amending the Tourist Development Plan to provide additional funding to the Orlando/Orange County Convention & Visitors Bureau, Inc.; for the NBC Action Sports Tour X-Games in Orlando for Fiscal Years 2006/2007, 2007/2008 and 2008/2009 and to authorize the use of Tourist Development Tax Revenues to fund construction of a performing arts center and the expansion of the Florida Citrus Bowl.

## **ADJOURN AS THE BOARD OF COUNTY COMMISSIONERS AND RECONVENE AS THE ORANGE COUNTY COMMUNITY REDEVELOPMENT AUTHORITY:**

1. Approval of Acknowledgement and Consent to Expansion of boundaries of the Downtown Redevelopment Area within the boundaries of the Orange County Redevelopment Area along the right of way of Church Street as set forth in the Interlocal Agreement among the City of Orlando, City of Orlando Community Redevelopment Agency and Orange County.



Interoffice Memorandum

July 20, 2007

To: Mayor Richard T. Crotty  
-AND-  
Board of County Commissioners

From: Sharon Donoghue, Deputy County Administrator *Sharon Donoghue*

Subject: PUBLIC HEARING – July 26, 2007  
Community Venues

Three weeks ago the Board received preliminary copies of the Interlocal Agreement and related documents regarding the Community Venues. At that time, the documents were in substantially final form and the intent was to give the Board as much time as possible to review the documents. The attached documents are the final versions with the last few changes negotiated between the staffs of the County, City and Comptroller. The only changes are to the Interlocal Agreement and Exhibit C. The few "blacklined" changes in the Interlocal Agreement from the previous version provided to the Board are identified with strikethroughs for deletions and underlining for insertions. Those few changes are explained in the attached "summary of changes" spreadsheet. Following the spreadsheet is a list of the documents you will find in the binder accompanying this memo.

At the July 26, 2007 BCC meeting, the Board will be asked to make decisions affecting the Community Venues. The BCC meeting has been advertised as a public hearing because one of the actions involves approval of an ordinance to amend the TDT Plan. At the close of the public hearing on July 26, 2007, staff is recommending that the Board first address the approval of the Interlocal Agreement before the vote on the TDT Plan Amendment Ordinance. This recommendation by staff is in recognition of the fact that the Interlocal Agreement is an integral part of Board approval of the amendment to the TDT Plan. It is our opinion that the Interlocal Agreement should be discussed and taken up for approval first realizing that such approval is subject to, and contingent upon, the subsequent approval vote of the TDT Plan Amendment Ordinance. Conversely, the Board may choose to approve both the Interlocal Agreement and the TDT Plan Amendment with a single motion and vote. As we have informed you before, the TDT Plan Amendment Ordinance needs a super majority vote of the BCC, while the Interlocal Agreement is by simple majority.

At the conclusion of the public hearing on the TDT Plan Amendment, if the Board approves the community venues, it should then adjourn and reconvene as the Orange County Community Redevelopment Authority. As you are aware, the Board is the governing board for this Community Redevelopment Authority which encompasses the Orange Blossom Trail area. Board action, sitting as the Redevelopment Authority, is needed in order to consent to the expansion of the City's Downtown CRA across the boundaries of the County's CRA along the Church street right-of-way in order to encompass the Citrus Bowl.

County staff is currently scheduled to brief each County Commissioner about the documents and the financial arrangements. If you have any questions, we can discuss these subjects during the briefing or you can call me at any time.

**ACTION REQUESTED:**

1. Approval of Interlocal Agreement Among the City of Orlando, City of Orlando Community Redevelopment Agency and Orange County regarding the Performing Arts Center, Events Center and Citrus Bowl, with such approval subject to, and contingent upon, subsequent approval of an Ordinance amending the Tourist Development Plan.
2. Approval of an Ordinance amending the Tourist Development Plan to provide additional funding to the Orlando/Orange County Convention & Visitors Bureau, Inc.; for the NBC Action Sports Tour X-Games in Orlando for Fiscal Years 2006/2007, 2007/2008 and 2008/2009 and to authorize the use of Tourist Development Tax Revenues to fund construction of a performing arts center and the expansion and renovation of the Florida Citrus Bowl.

**ADJOURN AS THE BOARD OF COUNTY COMMISSIONERS AND  
RECONVENE AS THE ORANGE COUNTY COMMUNITY  
REDEVELOPMENT AUTHORITY:**

1. Approval of Acknowledgement and Consent to Expansion of boundaries of the Downtown Redevelopment Area within the boundaries of the Orange County Redevelopment Area along the right of way of Church Street as set forth in the Interlocal Agreement among the City of Orlando, City of Orlando Community Redevelopment Agency and Orange County.

SD/jw

Attachments

c: Martha O. Haynie, Orange County Comptroller  
Ajit Lalchandani, County Administrator  
Tom Drage, County Attorney

Summary of Changes to the Interlocal Agreement	
Location:	Change Made:
Definitions	the addition of "CRA Obligations" and "CRA Reserve" definitions necessitated by revisions to Sections 3.2.8 and 6.3.2.
Section 3.2.5	Clarification on tax-exemption language on bonds.
Section 3.2.6 & Section 6.2.1	Additional statutory citation on the permitted uses for TDT.
Section 3.2.8	At City request, restated "at the earliest opportunity" with more specific duties and dates. The City sought to avoid the inference that they would, for example, be forced to undertake a risky and unwelcome refinancing just to meet the perceived obligation to retire debt "at the earliest opportunity", irrespective of economic benefits.
Section 3.2.13 & 14	Legal clarification on use of bond proceeds.
Section 5.3.2	Mutually accepted clarification on the order of the flow of funds pertaining to the reimbursement of prior year debt service paid from other sources for both senior lien bonds and subordinate bonds (needed to be stated in two places).
Section 5.4.4	Legal clarification that Magic payment will not be reimbursed.
Section 5.4.7	Legal clarification on Magic payment value in City/Magic Agreement.
Section 6.3.2	Legal clarification about refilling bond reserve accounts.
Section 6.8	County consents to expanding the Downtown CRA through the County OBT CRA to include the Citrus Bowl for financing purposes. City has already taken steps to seek such County approval under Florida Statutes (see County CRA document on Page 45).
Section 9.3 & 9.4	Audit language provisions agreed between City and Comptroller audit staff.
Section 9.15	Legal clarification on repayment sources available for investors.
Page 45	Acknowledgement and Consent by County OBT CRA (see 6.8).

**Note:**

The changes in Exhibit C to the City Finance Plan are related only to those few items with "{bracketed}" language on pages 8, 10, and 11 in the preliminary version previously distributed.

The agreements between the City and each of the three venue developers (Magic, OPAC and FCS) are not changed at this time. However, those agreements and the development and financial terms contained therein are an important complement to, and are included by reference in, the Interlocal.

ORDINANCE NO. 2007-\_\_\_\_\_

AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 25-140 OF THE ORANGE COUNTY CODE ("THE TOURIST DEVELOPMENT PLAN") TO PROVIDE ADDITIONAL FUNDING TO THE ORLANDO/ORANGE COUNTY CONVENTION & VISITORS BUREAU, INC.; TO THE CENTRAL FLORIDA SPORTS COMMISSION FOR THE NBC ACTION SPORTS TOUR X-GAMES IN ORLANDO IN FISCAL YEARS 2006/2007, 2007/2008 AND 2008/2009; TO AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX REVENUES TO FUND THE CONSTRUCTION OF A PERFORMING ARTS CENTER AND THE EXPANSION OF THE FLORIDA CITRUS BOWL STADIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in recent years the Board has annually provided a fixed amount of four million dollars per fiscal year in additional funding to the Orlando/Orange County Convention and Visitors Bureau, Inc. pursuant to Section 25-140 of the Orange County Code (the Tourist Development Plan); and

WHEREAS, the Board now desires to continue such annual additional funding to the Orlando/Orange County Convention and Visitors Bureau, Inc., exclusively for the purpose of tourism advertising campaigns directed by the Bureau; and

WHEREAS, on September 28, 2004, the Board of County Commissioners approved Ordinance No. 2004-13, which provided funding in 2005 and 2006 to the Central Florida Sports Commission, Inc. from tourist development tax revenues to defray expenses of promoting and hosting the NBC Action Sports Tour Extreme Sports X-Games held in Orlando; and

WHEREAS, the Board of County Commissioners now desires to provide additional funding during fiscal years 2006/2007, 2007/2008 and 2008/2009, from reserve funds, for the staging and promotion of the X-Games at the Amway Arena in Orlando; and

WHEREAS, Orange County, Florida ("County"), the City of Orlando, Florida ("City") and the City of Orlando, Florida Community Redevelopment Agency ("Agency") have determined that it is in the best interests of the community to construct a new performing arts center ("Performing Arts Center") and a new community events center (the "Events Center") and to expand and renovate the existing Florida Citrus Bowl Stadium ("Citrus Bowl" and together with the Performing Arts Center and Events Center, the "Community Venues"); and

WHEREAS, pursuant to the Florida Interlocal Cooperation Act of 1969 ("Cooperation Act"), the County has determined to enter into an Interlocal Agreement between the County, the City and the Agency (the "Interlocal Agreement") to make the most efficient use of their

50 respective powers, resources and capabilities by enabling them to cooperate on the basis of  
52 mutual advantage and thereby to provide the resources in the manner that will allow for the  
54 efficient acquisition, construction, financing and operation of the Performing Arts Center, Events  
Center and Citrus Bowl without costly duplication of governmental oversight, management and  
services; and

56 **WHEREAS**, the financing of the construction of the Community Venues will require a  
58 combination of public funds from the State of Florida, the County, the City and the Agency as  
well as private contributions; and

60 **WHEREAS**, the County currently collects the tourist development taxes authorized by  
62 Section 125.0104(3)(c), (d), and (m), Florida Statutes ("Tourist Development Taxes"), the fifth  
64 cent tourist development tax authorized by Section 125.0104(3)(l), Florida Statutes ("Fifth Cent  
TDT"), as well as the tourist development tax authorized by Section 125.0104(3)(n), Florida  
Statutes ("Sixth Cent TDT"); and

66 **WHEREAS**, the County has issued and currently has outstanding multiple series of its  
68 Tourist Development Tax Revenue Bonds and Tourist Development Tax Refunding Bonds  
(collectively, "County TDT Bonds") which are secured by the Tourist Development Taxes and  
the Fifth Cent TDT; and

70 **WHEREAS**, the use of Tourist Development Taxes, Fifth Cent TDT and Sixth Cent  
72 TDT are limited by Florida Statutes and will be further restricted as set forth in the Interlocal  
Agreement to be approved by the Board concurrently with the adoption of this ordinance; and

74 **WHEREAS**, the County intends, by the adoption of this amendment to the Tourist  
76 Development Plan, to authorize the payment of certain excess Tourist Development Taxes, to the  
extent they are available, to the City, the Agency or its designee(s) to fund the construction of the  
78 Performing Arts Center and the expansion of the Citrus Bowl pursuant to the terms of the  
Interlocal Agreement; and

80 **WHEREAS**, the Interlocal Agreement contains a formula for determining in each fiscal  
82 year whether, and to what extent, excess Tourist Development Taxes are available for payment  
under such Interlocal Agreement after payment of all County TDT Bonds and other existing  
84 authorized expenses payable from Tourist Development Taxes and such excess Tourist  
Development Taxes are defined therein as "Contract TDT Revenues"; and

86 **WHEREAS**, the County intends to contribute Contract TDT Revenues to finance up to  
88 approximately \$270 million in project costs for the Performing Arts Center and the Citrus Bowl  
pursuant to the terms of the Interlocal Agreement; and

90 **WHEREAS**, the County's authorization to contribute Contract TDT Revenues and its  
92 authorization to contribute Sixth Cent TDT Revenues pursuant to the Interlocal Agreement are  
separate and independent and this ordinance is intended solely to authorize contributions of  
94 Contract TDT Revenues pursuant to the terms and limitations set forth in the Interlocal  
Agreement.

96 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
98 **ORANGE COUNTY:**

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**Section 1. Amendment to Tourist Development Plan. The Orange County Tourist**

Development Plan set forth in Section 25-140 of the Orange County Code is hereby amended by

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the revision of the fifth and fifteenth priorities and the addition of a nineteenth priority and shall

read as follows:

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**Sec. 25-140. Tourist development plan.**

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(5) *Fifth Priority.* The fifth priority of the plan is to provide to the Orlando/Orange County Convention and Visitors Bureau, Inc.: (a) an amount of funds each year for bureau operations and marketing activities equal to the revenues attributable to the tax at a rate of one-fourth (1/4) of one (1) percent, plus (b) an additional seven hundred fifty thousand dollars (\$750,000.00), plus (c) for each of the fiscal years 1998/99 through 2002/03, additional funding in an amount not less than two million dollars (\$2,000,000.00) and not more than four million dollars (\$4,000,000.00) per fiscal year, plus (d) a one-time expenditure during fiscal year 2001/02 in the amount of one million dollars (\$1,000,000.00) to be used by the bureau for marketing activities for the purpose of promoting vehicular tourist travel to the Orange County area, plus (e) for fiscal year 2003/04 only, additional funding in an amount equal to two million dollars (\$2,000,000.00) in accordance with the terms and limitations of the 1996 Tourism Promotion Agreement, as amended, between the County and the Visitors Bureau, plus (f) an additional one-time amount of up to two million dollars (\$2,000,000.00) to be paid, subject to the same terms and limitations described in clause (e) above, after the final collections for July 2004 are known and as soon as practical after the July 2004 TDT collections are received, if, and to the extent that the ten month aggregate tourist development tax collections have exceeded eighty-five million, three hundred thousand dollars (\$85,300,000) which represents the anticipated tourist development tax budget for the ten month period beginning October 2003 through July 2004. This additional amount will be paid only if the Visitors Bureau shall have presented to the Board, and the Board shall have approved, a plan for private sector tourism-related businesses to contribute matching funds for such additional payment, plus (g) during the 2004/05 fiscal year additional funding as follows may be provided if: 1) following the final confirmation of the April 2005 collections, cumulative

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2005 TDT collections through April are in excess of \$66,800,000 then payment of up to \$2,000,000 may be made to the O/OCCVB based on amounts collected in excess of \$66,800,000, and 2) following the confirmation of the final 2005 TDT collections, TDT collections are in excess of \$108,200,000, a TDT payment will be calculated as the FY 2005 TDT in excess of \$108,200,000 up to a maximum payment of \$4,000,000; with the resulting final payment to be reduced by any TDT amounts previously paid to the O/OCCVB under condition #1 above, and 3) as an additional condition on the payment under clause 2, the O/OCCVB demonstrates to the Board of County Commissioners that satisfactory private sector matching funds have been combined in a public/private advertising effort with a measurable return on such advertising investment, plus (h) for fiscal year 2005/06 only, an additional funding in an amount up to \$4,000,000 to be paid in four equal installments at the beginning of each quarter with the first payment being made on October 1, 2005 or as soon as practical on, before or after this date, if, and to the extent that tourist development tax collections for the preceding 12 month period ending two months before each payment date equals or exceeds \$118,000,000 (the "Projected Amount"). Should collections be less than the Projected Amount, then the quarterly payment will be reduced by the difference between the Projected Amount and the actual collections. Further, any reduced payment may be added to subsequent quarterly payments to the extent that collections rebound within fiscal year 2005/06 to an amount of collections that would provide for all payments authorized to be paid under this paragraph (h) from collections exceeding the Projected Amount at the time of payment, plus (i) additional funding in the amount of four million dollars (\$4,000,000.00) for fiscal year 2006/07 only for tourism advertising campaigns, to be paid in monthly installments with the first payment being made on October 1, 2006, or as soon as practical on, before or after this date; plus (i) additional annual funding for fiscal years 2007/08 and thereafter, in the amount of four million dollars (\$4,000,000) only for tourism advertising campaigns, to be paid in monthly installments with the first payment being made on October 1, 2007, or as soon as practical before or after such date.

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- (15) *Fifteenth Priority.* The fifteenth funding priority of the plan is to provide funding during fiscal years 2004/05 and 2005/06, and subject to the terms and conditions of a



194 contract to be entered into by the County and Central  
196 Florida Sports Commission, Inc., in the amount of seventy-  
198 five thousand dollars (\$75,000.00) per fiscal year for  
200 promotion of tourism through the staging of the NBC  
202 Action Sports Tour Extreme Sports X-Games, provided  
204 such games are to be located in Orlando at the TD  
206 Waterhouse Centre. Additional funding, from reserve  
208 funds, may be granted in the amount of seventy-five  
thousand dollars (\$75,000) annually per fiscal year during  
fiscal years 2006/2007, 2007/2008 and 2008/2009, subject  
to the same terms and conditions of the Agreement between  
Orange County, Florida and Central Florida Sports  
Commission, Inc., dated December 6, 2005, as amended,  
provided such games are to be located in Orlando at the  
Amway Arena.

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210 (19) Nineteenth priority. The nineteenth priority of the plan is  
212 to provide funding, commencing on the January 15<sup>th</sup>  
214 following the fiscal year in which reserve funds sufficient  
216 to reach certain benchmarks have been accumulated, as set  
218 forth in an interlocal agreement relating to a Performing  
Arts Center, Events Center and the Citrus Bowl between  
the County, the City of Orlando and the City of Orlando  
Community Redevelopment Agency to be approved by the  
Board concurrently with the approval of this amendment  
220 (the "Interlocal Agreement") until the January 15<sup>th</sup> that is  
222 thirty years after the initial payment under this priority or  
224 such earlier date as provided for in the Interlocal  
Agreement, for certain costs associated with the  
226 construction of a new Performing Arts Center and with the  
228 renovation and expansion of the Citrus Bowl, in order to  
230 finance up to approximately \$270 million in project costs  
for the Performing Arts Center and the Citrus Bowl, all as  
232 further provided for and pursuant to the terms and  
limitations of such Interlocal Agreement. Such funding  
shall only be from excess revenues, defined as "Contract  
IDT Revenues" in the Interlocal Agreement.

234 (19) (20) Amendments to plan. The above and foregoing tourist  
236 development plan may not be amended except by ordinance  
238 enacted by an affirmative vote of a majority plus one (1)  
additional member of the board of county commissioners.

**Section 2. Severability of Provision.** If any provision of this ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other

240 provisions or applications of this ordinance which can be given effect without the invalid  
provision or application, and to that end the provisions of this ordinance are declared severable.

242 **Section 3. Codification.** The amendments to the county code set forth in Section 1  
shall be codified. No other sections or parts of sections of this ordinance shall be codified.

244 **Section 4. Effective Date.** This ordinance shall become effective pursuant to general  
law.

246 **ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007.**

248 **ORANGE COUNTY, FLORIDA**  
250 **By: Board of Orange County Commissioners**

252 **BY: \_\_\_\_\_**  
254 **Richard T. Crotty**  
**County Mayor**

256 **ATTEST: Martha O. Haynie, County Comptroller**  
**As Clerk of the Board of County Commissioners**

258 **By: \_\_\_\_\_**  
**Deputy Clerk**

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