

Earle, Jeremy

From: Zelkowitz, Steven W. <SZelkowitz@foxrothschild.com>
Sent: Thursday, October 10, 2019 11:31 AM
To: Earle, Jeremy
Subject: Agreement with Florida International University
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Good morning Executive Director Earle,

As a follow-up to our discussion, I reviewed again Attorney General Opinion 2010-40 (AGO) relative to the proposed Agreement with Florida International University for the event in Peter Bluesten Park in connection with the South Beach Wine and Food Festival, which event will promote the HBCRA Community Redevelopment Area (CRA). In this regard, the AGO, addresses questions posed by the City of Sanford Community Redevelopment Agency relative to the use of community redevelopment funds to “stage festivals or street parties to promote tourism and economic development” and “to provide grants to entities that encourage tourism and economic development, and to provide grants to non-profit entities which provide a wide range of socially beneficial programs” The AGO basically concludes that it is permissible to use community redevelopment funds for the promotion of the CRA with respect to festivals or street parties. However, the second question is answered in the negative by stating that “grants to entities which encourage tourism and economic development, as well as to nonprofits providing socially beneficial programs would appear outside the scope of the community redevelopment act.” The Agreement with FIU is to provide services in connection with the South Beach Wine and Food Festival, which event will promote the CRA, and is not a grant. Therefore, pursuant to the AGO, the use of community redevelopment funds for the Agreement with FIU is permissible.

I have consistently provided advice to the HBCRA based upon the AGO and, in fact, was instrumental in having the HBCRA eliminate grants to nonprofits providing socially beneficial programs. Such advice is also consistent with the findings in the 2013 Final Report by the Broward County Office of the Inspector General (OIG) wherein the OIG recommended that the HBCRA re-evaluate its Community Partnership Grant program which provided grants to nonprofits providing socially beneficial programs. The then current HBCRA Board of Directors was approving approximately \$1.5 million annually to such nonprofits. This practice is non-existent today.

Please advise of any questions or comments regarding the foregoing and please share the opinion with the HBCRA Board of Directors prior to the Special Board Meeting scheduled for tomorrow afternoon.

Thank you.

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