

RESOLUTION NO. 2010-_____

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA SETTING FORTH POLICIES REGARDING SELLING ITEMS FOR PROFIT AT CONSERVATION COLLIER SPONSORED EVENTS.

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WHEREAS, Collier County has recognized the need to plan for future growth and has initiated a long-term program, known as Conservation Collier, to acquire, protect, restore and manage environmentally sensitive lands in perpetuity and to provide public open space for the benefit of present and future generations; and

WHEREAS, the Conservation Collier Program has acquired certain lands and may periodically conduct public events at Conservation Collier Preserves; and

WHEREAS, Collier County desires to establish policies and procedures regarding sales of items at its events at Conservation Collier Preserves that will be consistent with other County policies and fair for profit and non-profit entities; and

WHEREAS, The Conservation Collier Land Acquisition Advisory Committee (CCLAAC) may, from time to time, recommend to the Board of County Commissioners policies and procedures, and other such matters as may be necessary to fulfill the purposes of Conservation Collier and have reviewed the proposed policy and does hereby recommend this to the Board of County Commissioners.

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NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE BOARD OF COUNTY COMMISSIONERS CHAMBERS AT 3301 EAST TAMiami TRAIL, NAPLES, FLORIDA, THIS _____ DAY OF _____, 2010, A.D., HAVE RESOLVED AS FOLLOWS:

That the policy and rules for sales of items and other commercial activity on Conservation Collier Preserves be established as follows.

SECTION I. PURPOSE

The purpose of this policy is to provide guidelines and to provide rules for sales of items and commercial activity conducted at public Conservation Collier Preserve sponsored events.

SECTION II. LIMITATIONS

The County Manager, or his designee, may waive enforcement or application of any of these regulations or restrictions with respect to any Conservation Collier Preserve, providing such waiver does not interfere with public safety or enjoyment. No fees may be waived. The Board of County Commissioners shall set fees and charges for all facilities and programs.

SECTION III. FINDINGS

It is found and declared that:

- (A) A written policy is needed regarding the sale of merchandise at Conservation Collier events by profit and non-profit entities.
- (B) The CCLAAC, first in subcommittee and then after discussion by the full Committee on <Date> 2010, has unanimously recommended a policy for the Conservation Collier Program regarding sales of items at its events at Conservation Collier Preserves that will be consistent with other County policies and fair for profit and non-profit entities.

SECTION IV. USER CATEGORIES – Applicable to all indoor and outdoor areas

Governmental entities are not subject to fees. All other users shall have their fees determined by the category of the entity. Note: All preserves shall remain open to the public during normal preserve hours. The two categories are:

- (A) Category 1 - Federal Income Tax Exempt Entities, Registered Charities, Civic Associations, Not-for-profit Groups:
 - 1. Federal income tax Exempt Entities
Groups that are exempt from taxation under any subsection of Section 501(c) of the Internal Revenue Code.
 - 2. Specified Sales Tax Exempt Entities
Those entities that are exempt from Florida Sales Tax pursuant to Subsection 212.08 (7), Florida Statutes such as a home for the aged, nursing home, hospice, or an organization whose primary purpose is to provide special educational, cultural, recreational or social benefits to minors, or is a religious, charitable, scientific, educational, or veterans' organization.
 - 3. Local Not-for Profit Groups or Non-Profit Groups
Entities, irrespective of tax exempt status, which are not-for-profit corporations, organizations or other not-for-profit entities that are of Collier County origin, have their principal location in Collier County, and of which fifty per cent (50%) of the group's membership are residents of Collier County, with a primary purpose to provide social services to others or to protect interests outside of the groups, such as the environment, endangered animals, disadvantaged persons, or some other similar external interest. The primary focus of these groups is outward looking and away from the personal interests of the group's members.
 - 4. Other Local Not-for-Profit Groups
Those entities, irrespective of tax exempt status, which are not-for-profit corporations, organizations, or other not-for-profit entities that are of Collier County origin, have their principal location in Collier County, and of which fifty per cent (50%) of the group's membership are residents of Collier County, but the

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groups; primary purpose is not to provide social services to individuals who are not bona fide members of the group or is not to protect interests outside of the group. This category includes property owners' associations, political groups, and all other special interest oriented teams or clubs, such as hobbyists' clubs, chess clubs, radio clubs, radio controlled planes clubs, hunters and fishermen clubs, stamp, coin, and other collectors' clubs; garden clubs, car clubs, and all other similar clubs, groups or organizations. The primary focus of these groups is inward toward the groups' members.

(B) Category II – All others

1. Each individual, group organization or entity that is not within Category I.

SECTION V. POLICY

- (A) Both Category I Users and Category II Users need to **be invited and to register** with the County Manager or his designee for approval to set up their space or area.
- (B) Both Category I Users and Category II Users are responsible for their own setup and break down of their space or area
- (C) Category I users may conduct fundraising activities and/or sell merchandise without fees at Conservation Collier Preserve events for the express purpose of fundraising for their organization.
- (D) There shall be no sale or service of alcoholic beverages during Conservation Collier sponsored events.
- (E) No representative of Category I Users and Category II Users shall expose or offer for sale, rent or trade, any article or thing, or station or place any stand, cart, or vehicle, for the transportation, sale or display of any article, merchandise, or other item without advance Conservation Collier approval within the limits of any Conservation Collier Preserves.
- (F) No representative of guest entities shall use the Conservation Collier Preserves roadways or paths, or enter any Conservation Collier Preserves, for the purpose of announcing, displaying, advertising or calling attention to any person, political party, religious institution, or meetings or assemblies thereof, or for the purpose of demonstrating, advertising or calling attention to any article or service for sale or for hire, nor shall any signs, slogans, loudspeakers or advertising display for used for such purposes unless a written permit allows such activity.
- (G) No person shall display, distribute, post, paste, glue, tack, or otherwise fix any handbill, pamphlet, circular, sign, placard or any other printed matter containing advertising within any Conservation Collier Preserves or upon and natural tree, fence or other structure.

Deleted: SECTION IV. CONCESSION FEES¶

¶ (A) For each concession both selling items for profit, a \$20.00 fee per event or 20% of gross revenues per day will be charged, whichever is greater, for each concession booth.¶

¶ (B) Concessionaires contracted by the County to serve the general public will pay a negotiated fee in lieu of the general fee schedule.¶

¶ (C) Category I users may conduct fundraising activities and/or sell merchandise without fees at Conservation Collier Preserve events for the express purpose of fundraising for their organization.¶

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SECTION IV. EFFECTIVE DATE.

This Resolution shall go into effect immediately upon its passage and adoption.

DONE AND ORDERED IN OPEN MEETING.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

This Resolution adopted this ____ day of _____, 2010 after motion, second and majority vote favoring same.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

,Deputy Clerk

By: _____
FRED W. COYLE, Chairman

Approved as to form and
legal sufficiency:

Jennifer B. White
Assistant County Attorney