

EXECUTIVE SUMMARY

Recommend approval of proposed Amendment to Tourist Development Tax Category “A” Beach and Beach Park Facilities Funding Policy and authorize staff to proceed with amendment to County Ordinance 92-60.

OBJECTIVE: To modify the Category “A” Beach and Beach Park Facilities Funding Policy by eliminating all references to inland lakes and rivers and authorize staff to proceed with an amendment to County Ordinance 92-60.

CONSIDERATIONS: While simplifying and updating the existing policy, the Tourist Development Council suggested that the policy also be reviewed with respect to funding of inland lakes and rivers.

The only time the TDC has authorized the use of Tourist Taxes to fund inland lakes and rivers was for the \$2,000,000 Lake Trafford cleanup.

Staff is requesting the elimination of all reference to the use of inland lakes and rivers in the Tourist Development Tax Category “A” Beach and Beach Park Facilities Funding Policy to eliminate possible use of TDC beach funds on future controversial inland lakes and river projects.

This action will require an amendment to County Ordinance 92-60 as amended. This action will be submitted after review by the TDC and the CAC and proper public notification for a Public Hearing.

COUNTY ATTORNEY FINDING: The item has been submitted to the County Attorney for review. Staff is requesting approval of the proposed changes subject to a favorable finding by the County Attorney.

ADVISORY COMMITTEE RECOMMENDATIONS: This item was not presented to the CAC for approval since it deals with policy, is not technical issues and is not an item that requires coastal consideration.

FISCAL IMPACT: The proposed policy changes will clearly eliminate any funding requests or inquiries relative to Inland Lakes and Rivers, and prevent diversion of funds from Beach and Inlet activities.

GROWTH MANAGEMENT IMPACT: There is no impact to the Growth Management Plan related to this action.

RECOMMENDATION: For the Board of County Commissioners to approve the proposed Amendment to the Tourist Tax Category “A” Beach and Beach Park Facilities Funding Policy and authorize staff to proceed with amendment to County Ordinance 92-60.

PREPARED BY: Gary McAlpin

**Proposed Changes
9-19-05**

TOURIST DEVELOPMENT CATEGORY “A” FUNDING POLICY

1. Use of TDC Category “A” funds. ~~Category “A” Tourist Development Tax Funds shall be used for beach renourishment, beach maintenance, and beach park facilities including beach access acquisition.~~ **To finance beach park facilities or beach improvement, maintenance, renourishment, restoration and erosion control, including pass and inlet maintenance, shoreline protection, enhancement, cleanup to which there is public access, as these relate to the physical preservation of the beach or shoreline. (Code of Ordinances, Division 3. Sec. 126-83.)**

2. Source of other funds. Federal or State funds are desirable and should be diligently pursued.

3. Mandatory annual budget allocation of funds and maintenance of reserves.

a. Catastrophe reserves shall be accumulated in the budget with \$1M in 2004 plus \$0.5M per year thereafter (up to a maximum of \$10M). In the event of a catastrophe requiring the expenditure of all or part of these reserves, \$0.5M will continue to be set aside.

~~b. Annual monitoring and other permit compliance requirements. Beginning with FY 2005, these costs shall be cost shared (if applicable) with TDC Category “A” funds at the same percentage as the project.~~

c. b. Major renourishment reserves shall be accumulated in the budget with \$2M per year after the completion of the major renourishment project currently in planning and permitting (as of November 2003 **September 2005**; projected to start setting aside funds in FY ~~2006~~ **2007**).

d. c. Beach park facilities (including beach access property acquisition) shall be funded ~~at an average of \$2M per year. This funding allocation shall be adjusted annually in an amount equal to the percentage change in~~ **one-third of the** TDC Category “A” revenues.

e. d. Remaining funds may be used for eligible grant applications as outlined in the policy below.

4. Eligibility. Eligible beach areas qualify for Category “A” funding. An “eligible beach area” ~~has~~ is:

a. ~~At least one public access point from a public street; and~~ **Accessible to the public,**
and

b. No more than one-half mile from a public beach park facility, public access point, hotel, or motel or is a vital tourism area subject to abnormal erosion, provided that **and** if at least 80% of a beach area is classified as eligible, otherwise ineligible gaps will be deemed eligible.

~~5. Level of use. Eligible beach areas are classified according to use.~~

~~a. “High use” is an eligible beach area within one half mile of a hotel, motel, designated public parking or public shuttle drop-off point.~~

~~b. “Low use” is an eligible beach area outside the limits for high use, provided that if at least 80% of a beach area is classified as high use, low use gaps will be deemed high use.~~

~~6. Level of service. Eligible beach areas qualify for Category “A” funding based on use.~~

~~a. An eligible low use beach area qualifies for “minimum maintenance,” meaning renourishment sufficient to provide minimum shoreline protection for a projected period of five years, including maintenance, monitoring and testing on a periodic basis as needed.~~

~~——— b. An eligible high use beach area qualifies for full renourishment, meaning additional renourishment intended to enhance beach width for recreational or other public purpose.~~

~~——— c. Additional Category “A” funding may be provided for eligible low use beach areas for renourishment in addition to minimum maintenance, provided that at least 60% of the incremental cost is funded by private or other non-County sources.~~

5. Ineligible beach areas:

a Beach areas not meeting the criteria for eligibility of paragraph 4. above, are not eligible for Category “A” funding. Renourishment or maintenance of these beach areas are the responsibility of adjacent property owners.

b. An area of an ineligible beach that is subject to high erosion, with the recommendation of the Coastal Advisory Committee and determination by the Board of County Commissioners that it is in the public interest, may have erosion control structures installed, with Category “A” funding.

~~7. **6. Inlet Sand Bypassng.** The bypassing of sand across inlets may be funded by Tourist Development Tax Category “A” funding provided the Inlet Management Plan recommends the bypassing and the sand will be placed on an eligible beach. **the dredging of the pass or inlet is recommended by the Coastal Advisory Committee, meets the inlet funding policy criteria and is approved by the Board of County Commissioners as being in the public interest.** No TDC Category “A” funding will be approved for dredging non-beach compatible material **except when encountered during an approved realignment or modification to an existing approved pass/inlet dredging project and then only when recommended by the Coastal Advisory Committee, Tourist Development Council and approved by the Board of County**~~

Commissioners as being in the public interest. ~~Permit requirements, such as profile monitoring and beach tilling, will be funded the same way as the bypassing.~~

8. 7. Shore protection structures and project sponsorship. Projects, including construction and maintenance of shore protection structures (groins, jetties, breakwaters, etc.), may be funded by Category "A" funding for eligible beaches. However, 'ownership' responsibilities must rest with an entity other than "Tourist Development Taxes" – i.e. there must be a project sponsor (private interests, taxing districts, municipalities or County Departments other than those funded with Tourist Development Taxes).

9. 8. Grant Application Review. The Coastal Advisory Committee and the Parks and Recreation Advisory Board will prepare and maintain a proposed prioritized annual spending plan for the use of Tourist Development Tax Category "A" funds, with a ten year projection. The proposed plans will be submitted to the Board of County Commissioners (BCC) for their consideration and approval, via the TDC. These submissions will coincide with the annual Collier County budget cycle. The Coastal Advisory Committee will review all requests for Tourist Development Tax Category "A" funds, with the exception of County maintained beach park facilities that will be handled by the Parks and Recreation Advisory Board. Both advisory boards will make recommendations for approval, denial or modification to the BCC, via the TDC, consistent with the BCC established policy for use of these funds.