

ORDINANCE NO. 2018- 56

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE GOLDEN GATE CITY ECONOMIC DEVELOPMENT ZONE; PROVIDING FOR THE CALCULATION OF AN ANNUAL TAX INCREMENT AMOUNT WITHIN THIS DEVELOPMENT ZONE; CREATING AN ECONOMIC DEVELOPMENT TRUST FUND FOR THIS DEVELOPMENT ZONE FOR THE TRANSFER AND MAINTENANCE OF SUCH TAX INCREMENT AMOUNTS; AUTHORIZING THE PLEDGE AND APPROPRIATION OF ECONOMIC DEVELOPMENT TRUST FUNDS; SETTING FORTH THE ECONOMIC DEVELOPMENT PLAN FOR THIS DEVELOPMENT ZONE; CREATING AND SETTING FORTH THE DUTIES OF THE GOLDEN GATE CITY ECONOMIC DEVELOPMENT ADVISORY BOARD; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in addition to its broad home rule powers, Collier County is expressly authorized under Section 125.045, Florida Statutes, to “expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community;” and

WHEREAS, Collier County previously adopted Ordinance No. 2010-20 providing for the creation of Innovation Zones, specifically finding as follows:

“It is the policy of the Board to promote economic growth which results in high wage jobs and helps diversify the economy of Collier County. To further this policy, it is the intent of the Board to create a dedicated source of revenue to fund an economic development program and to advance economic development initiatives in zones of geographic concentration within the unincorporated areas of the County. These zones, to be called Innovation Zones, will be designated by the Board from time to time through the implementation of Economic Development Plans adopted by resolution for each Innovation Zone;” and

WHEREAS, there is a compelling need for redevelopment within the commercial areas of Golden Gate City, whose specific needs require an approach that is substantially similar to, but not identical with, Innovation Zones as contemplated in Ordinance No. 2010-20; and

WHEREAS, recognizing the need to spur economic development in Golden Gate City, Collier County has already taken over the water and sewer service for Golden Gate City in part to provide commercial property owners a solution to development constraints caused by limited service; and

WHEREAS, Collier County wishes to continue to provide enhanced opportunities for economic development and redevelopment within the existing commercial areas within Golden Gate City.

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

Section One: Definitions and Findings

This Ordinance is intended to be a companion ordinance to Ordinance No. 2010-20, known as the Collier County Innovation Zone Ordinance. Accordingly, the Board of County Commissioners hereby adopts in full the definitions and findings set forth in Ordinance 2010-20, except for the Base Year Assessment Roll, which is defined below, and as modified hereby incorporates such definitions and findings as if specifically set forth below.

Section Two. Creation of the Golden Gate City Economic Development Zone.

The Board of County Commissioners hereby creates the Golden Gate City Economic Development Zone, which shall constitute the entirety of Golden Gate City, as graphically described in Exhibit A.

Section Three. Initial Tax Increment Year and Percentage.

For purposes of establishing the Base Year Assessment Roll, the base year shall be the last Collier County Real Property Assessment Roll certified by the Property Appraiser for the County Fiscal Year beginning October 1, 2015. Tax increments shall commence to be deposited into the Trust Fund with the County Fiscal Year commencing on October 1, 2019, and funding shall continue through September 30, 2029, unless extended by majority vote of the Board by Resolution. The amount of the tax increment to be deposited into the Trust Fund shall be equal to 100% of the amount based on the formula set forth in Section 4(B) of Collier County Ordinance No. 2010-20.

Section Four: Creation of an Economic Trust Fund.

The County hereby creates the Golden Gate City Economic Development Zone Trust Fund. The tax increment shall be deposited into the trust fund and the trust fund proceeds shall be utilized to implement the Economic Development Plan set forth in Section Five. The Trust Fund corpus will not exceed One Million Dollars (\$1,000,000) in any single fiscal year and is subject to annual appropriation by the County. Up to 5% of the Trust Corpus shall be reserved as an annual administrative fee for the County. Upon termination of the Trust Fund any unspent and unencumbered proceeds shall revert to the County's General Fund.

Section Five: Adoption of the Economic Development Plan.

The primary purpose of the Golden Gate City Economic Development Zone is to attract and retain qualified targeted industry business as defined by Florida Statute 288.106 and such businesses or industries identified by the Board of County Commissioners. Trust funds may be utilized in any lawful manner, including infrastructure required to serve new target businesses or the expansion of an existing target business; payment of County Impact Fees to be paid by the new target business or the expansion of an existing target business; and payment of building permit fees or other County fees related to the construction of structures to serve the target business. In addition to this primary purpose, trust funds may be utilized in any lawful manner which the Board of County Commissioners determines fosters economic development. Payment of funds are purely discretionary, and must be approved in advance by the Board of County Commissioners. All expenses must be fully documented in a manner acceptable to the County. Priority of funding will be for the redevelopment and renewal of the commercial district along Golden Gate Parkway, as graphically represented by Exhibit A.

Section Six: Creation of Golden Gate City Economic Development Zone Advisory Board.

The Golden Gate City Economic Development Zone Advisory Board (hereinafter referred to as the Advisory Board) is hereby established.

(a) Appointment and Composition. The Advisory Board shall be composed of seven (7) members who are appointed by resolution of the Board of County Commissioners, and shall be representative of the residential, business and commercial interests of the Golden Gate City Economic Development Zone. Non-residential members of the Advisory Board need not live within Golden Gate City, and upon recommendation of the Commissioner of the District, may reside outside of Collier County. Members of the Advisory Board shall be appointed by and serve at the pleasure of the Board of County Commissioners.

(b) Terms of Office. The initial terms of office of the Advisory Board members shall be one year for three members, and two years for four members, and each appointment or re-appointment thereafter shall be for two years. Appointments to fill any vacancies on the Advisory Board shall be for the remainder of the unexpired term of office.

(c) Removal from Office. Removal of members from the Advisory Board shall be in accordance with the provisions of Collier County Ordinance No. 2001-55, as it may be amended or by its successor ordinance.

(d) Officer; Quorum; Rules of Procedure. Annually the members of the Advisory Board shall elect a chairperson and vice chairperson from among the members. The chairperson's and vice chairperson's terms shall be for one year with eligibility for re-election by the members of the Advisory Board. The presence of fifty-one percent (51%) of the current voting membership, but never less than three total, shall constitute a quorum of the Advisory Board necessary to take action and transact business. In addition, an affirmative vote of a simple majority shall be necessary in order to take official action. Furthermore, by simple majority vote, but never with less than 5 members present, the Advisory Board shall adopt rules of procedure for its meetings, and thereafter shall be governed by its Procedures, as adopted and amended from time to time, subject to the approval of the Board of County Commissioners. The Advisory Board shall keep a written record of meetings, resolutions, findings and determinations. Copies of all Advisory Board minutes, resolutions, reports and exhibits shall be submitted to the Board of County Commissioners. The Advisory Board meetings shall be open to the public and conducted in the Sunshine.

(e) Reimbursement of Expenses. Members of the Advisory Board shall serve without compensation, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of the Board of County Commissioners.

(f) Functions, Powers and Duties of the Advisory Board. The function, powers and duties of the Advisory Board shall be to aid and assist the Board of County Commissioners in carrying out the purpose of the Golden Gate City Economic Development Zone, including but not limited to advising and assisting the Board of County Commissioners in the establishment, review and enhancement of policies and programs to attract businesses or industries to the Golden Gate City Economic Development Zone, reviewing and making recommendations on applications for funding through the Trust Fund, as well as handling any matters that may be assigned by the Board of County Commissioners.

(g) Duties of the County Manager's Office. The County Manager's Office will provide such documentation, information, descriptions of procedures, secretarial support and general assistance to the Advisory Board as may be necessary for the Advisory Board to carry out its functions as set forth herein.

Section Seven: Conflict and Severability.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of the Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

Section Eight: Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and may be made a part of the Code of Laws and Ordinances of Collier County, Florida. The section of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section," "Article," or any other appropriate word.

Section Nine: Effective Date.

This Ordinance shall take effect upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 13th day of November, 2018.

ATTEST:
CRYSTAL K. KINZEL, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk

By: [Signature]
Andy Solis, Chairman

Attest as to Chairman's signature only.

Approved as to form and legality:
[Signature]
Jeffrey A. Klatzkow, County Attorney

This ordinance filed with the Secretary of State's Office the 14th day of November, 2018 and acknowledgement of that filing, received this 14th day of November 2018
By: [Signature]
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 14, 2018

Ms. Crystal K. Kinzel, Clerk
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ann Jennejohn

Dear Ms. Kinzel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2018-56, which was filed in this office on November 14, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb