

## **EXECUTIVE SUMMARY**

**Review two TDC grant applications for FY 12 previously considered at the May 27, 2011 TDC meeting.**

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**OBJECTIVE:** Consider funding alternatives for Friends of Rookery Bay, Inc. and United Arts Council of Collier County.

**CONSIDERATIONS:** At the May 27, 2011 TDC meeting there was discussion regarding the source of funding for the following grant applicants:

1. Friends of Rookery Bay, Inc., a Florida 501 (C) (3) corporation applied for a Category C-2 TDC grant to promote the Rookery Bay Environmental Learning Center. The recommendation from the Grant Review Committee was to fund \$40,000 from Category C-2 (Fund 193). The County Attorney's Office subsequently reviewed funding eligibility for the Friends of Rookery Bay to determine if the organization was eligible to request and receive funds on behalf of Rookery Bay. The County Attorney has indicated that the Tourist Tax Ordinance would need to be amended to accommodate funding the Friends of Rookery Bay grant request out of Category C-2, but that the Friends of Rookery Bay, Inc. was eligible for funding as a TDC Category B marketing grant out of Tourism Promotion Fund 184.

An amendment to the County Tourist Tax Ordinance 2005-43 will take several months to accomplish, and may not be completed by the end of fiscal year 2011. An alternative would be to fund this request as a Category B grant. Staff has amended some line items in the Tourism Department FY 12 budget request to the BCC to accommodate funding for Friends of Rookery Bay as a Category B grant in Tourism Promotion Fund 184.

2. United Arts Council of Collier County requested funding in the amount of \$24,000 to produce and print 10 editions of its cultural arts calendar. The TDC recommended that this project be funded as a regular tourism marketing project and not as a Category B grant. Staff has subsequently amended the FY 12 Tourism Department budget request to the BCC to accommodate funding this project as a regular tourism marketing project, and not as a Category B grant.

**FISCAL IMPACT:** Funding for both Friends of Rookery Bay, Inc. at \$40,000 as a Category B grant and United Arts Council at \$24,000 as a tourism marketing project can be funded in Tourism Promotion Fund 184 as part of the requested FY 12 Tourism Department budget.

**RECOMMENDATION:** Review funding alternatives for Friends of Rookery Bay at \$40,000 and United Arts Council at \$24,000 and recommend staff action for both requests.

**SUBMITTED BY:** Jack Wert, Tourism Director

OFFICE OF THE COUNTY ATTORNEY  
MEMORANDUM

**TO:** Commissioner Georgia Hiller, Chairman, Tourist Development Council  
Tourist Development Council Members

**CC:** Jack Wert, Director, Tourism  
Jeffrey A. Klatzkow, County Attorney

**FROM:** Colleen M. Greene, Assistant County Attorney *CMG*

**DATE:** June 6, 2011

**RE:** **Funding Eligibility for the Friends of Rookery Bay**

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At the May 27, 2011 Tourist Development Council ("TDC") meeting, Commissioner Hiller inquired whether the Friends of Rookery Bay qualified to receive grant funding under Category C-2, Non-County Owned Museums. At the time, I opined that the group was eligible for funding. I have subsequently researched this issue and discussed it with the County Attorney. After reviewing both the statute and legislative history, it is my opinion the intent of the County Ordinance was to fund County, not-for-profit, and municipal museums. As such, at this time, the Friends of Rookery Bay are not eligible for Category C-2 funding; however, the group is eligible for Category B funding "promotion and advertising."

Collier County first added Category C funding on or about September 10, 1996, for County owned museums in Ordinance No. 96-54, with the following language:

"Category C – To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate or promote one or more County owned museums."

At the time, Section 125.0104(5)(a)1 provided:

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums, or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public....(emphasis added.)

The language in the statute remains the same today.

Clearly in 1996, the Board intent was to fund County owned museums. Subsequently, the Board amended the Ordinance to include museums that are owned and operated by not-for-profit organizations and open to the public. (Ordinance No. 98-95). In 2005, this section was amended again to include municipal owned museums. (Ord. No. 2005-18).

Based on the County's legislative history it appears that the County intended to fund County (Category C-1), not-for-profit, and municipal owned museums (Category C-2), and to exclude all other publically owned museums.

Based on the above, absent an Ordinance amendment, the Friends of Rookery Bay are not eligible for Category C-2 funding; however, the Friends group is eligible for funding under Category B "promotion and advertisement."

This issue and funding award should be re-addressed at the next regularly scheduled TDC meeting.