

RESOLUTION NO. 2016 - 28

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA ESTABLISHING FINDINGS; ESTABLISHING POLICY FOR PUBLIC TOURISM INFRASTRUCTURE PROJECT GRANTS AND OTHER ADMINISTRATIVE CHANGES; PROVIDING A FORMAL PROCESS FOR THE SELECTION AND MONITORING OF PUBLIC TOURISM INFRASTRUCTURE PROJECT GRANTS; RESCINDING RESOLUTION 2009-34; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the provisions of Section 125.0104, Florida Statutes, authorizes the Flagler County Board of County Commissioners (the Board) to impose Tourist Development Taxes ("TDT") in amounts specified therein; and

WHEREAS, the Board of County Commissioners desires to adopt formal policies which provide for the selection and monitoring of public tourism infrastructure project grants awarded from the proceeds generated from the TDT Capital Projects Account; and

WHEREAS, on July 15, 2009, the Board approved Resolution 2009-34 for the Public Tourism Infrastructure Project Grant Policy that allowed a program for Cities to obtain TDC funding, where previously there was not such an opportunity; and

WHEREAS, other non-profits such as the Flagler Auditorium and Flagler Playhouse have received large Tourist Development Council (TDC) grants under different grant programs leaving some larger non-profit projects unassisted; and

WHEREAS, there are larger County projects the County may need to pursue and finance to create more publically owned County tourism venues outside of the existing categories of funding; and

WHEREAS, the Board, in concert with the TDC, feels it is in the County's best interest to establish formal policies related to the selection and monitoring of public tourism infrastructure project grants.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Flagler County, Florida, as follows.

1. **Title.** This Resolution shall be known as the Flagler County Tourist Development Tax Public Tourism Infrastructure Project Grant Policy.
2. **Rescind.** This Resolution hereby rescinds and replaces Resolution 2009-34.

3. Allocation of Amounts Available in the Flagler County Tourist Development Tax Capital Projects Fund (Fund 109). To the extent that funds within Fund 109 are available or will be generated in the future and said funding has not been previously committed for other purposes, the Board may annually appropriate funds for public tourism infrastructure projects, subject to the limitations herein.

4. Consideration of Funding Requests. All funding requests for public tourism infrastructure projects, including, but not limited to, requests from not-for-profit organizations, shall be reviewed by the County staff to ensure that each request meets the grant criteria herein prior to consideration by the TDC.

5. Infrastructure Grants, Maximum Award and Period.

A. Public Tourism Infrastructure Projects Awards to a Local Government Organization (City, County, Flagler County Schools).

- i. Maximum of \$ 150,000 per project; and
- ii. No more than two (2) public tourism infrastructure projects will be funded to the same organization within a five (5) fiscal year period (for clarity, this shall apply from fiscal year 2009 forward); and
- iii. Public tourism infrastructure projects will be evaluated based on criteria listed in Section 6, herein.

B. Public Tourism Infrastructure Projects Awards to Not-for-profit Organizations.

- i. Maximum Award of \$5,000 per project; and
- ii. No more than one (1) public tourism infrastructure project will be funded to an organization at any one time; and
- iii. Maximum of two (2) projects will be awarded every ten (10) years per organization (for clarity, this shall apply from fiscal year 2009 forward); and
- iv. Not-for-profit tourism infrastructure project requests will be evaluated using the criteria outlined in Section 6, herein, to the extent applicable.

C. One Time Awards to Not-for-profit Organizations for Large Tourism Infrastructure Projects.

- i. Maximum Award of \$150,000 per project for both The Palm Coast Arts Foundation Town Center Amphitheater Project and Florida Agricultural Museum Exhibit Display Building(s) and Restroom Project; and
- ii. These two Projects shall be submitted to the TDC using the application form for grants under Section 5.A above to include addressing the Section 6 evaluation criteria. Following the TDC action, said applications shall be forwarded onto the Board of County Commissioners for final approval.

D. Other Large County Tourism Infrastructure Projects. The Board of County Commissioners in its discretion may choose to seek funding to undertake larger County tourism infrastructure projects that create venues/facilities that do not fall within the grant categories outlined above. These types of facilities may be subject to longer term financing for repayment and will be owned, and possibly managed, by the County. There is no maximum award limit for this grant category.

6. Evaluation Criteria. Applications on forms developed by the Tourism Development Office (TDO) must be completed by applicants and provided by the TDO. They must contain the following information, at a minimum, for evaluation:

A. Tourism Related Activity –

- i. Applicant's activity serves to attract out-of-county visitors and potentially generating hotel/motel/resort/RV/campground rentals/short term vacation rentals, as further clarified in Section 8 herein.
- ii. Applicant's activity demonstrates a willingness to work with the TDO as a bookable County venue.

B. Proposed Project Information –

- i. Primary purpose of the organization, clearly stated project objectives and expected outcomes.
- ii. A detailed description of the project, including, but not limited to, activities and management structure.
- iii. A proposed timetable for implementation and completion.

- iv. A detailed budget proposal for the project, identifying any additional funding sources that will be utilized for the project.
- v. Identification of any participating organizations and outline the extent to which each organization is participating in the project.

C. Stability and Management Capacity Information –

- i. A demonstrated record or demonstrated capabilities of the organization to develop resources, effectively plan, organize and implement the proposed project.
- ii. Documentation demonstrating the organization's past success in managing similar capital projects.
- iii. Documentation providing authorization from the organization to submit the application and the name of the designated, authorized representative.
- iv. Non-Profit organizations must provide verification of Non-Profit status per IRS Code 501(c)(3).

D. Quality and Necessity of Funding the Proposed Project – The completed application must include documentation of the extent to which the project provides a program for Flagler County visitors and its residents which is of significant merit and that, without such assistance, would not take place in the County.

E. Required Match – Applicant must contribute a cash match equal to the grant amount for projects as defined in Sections 5.A and 5.B, unless a fiscal hardship can be demonstrated.

7. Reporting and Other Post-Award Requirements.

- A. Grant Recipient must complete a written final report on a form approved by the TDC, which will include expenditure documentation and other pertinent details concerning the completion of the project.
- B. For projects that are not completed within a one (1) year timeframe, the Grant Recipient must complete a written interim progress report on a form approved by the TDC, which will include the status of the project, expenditure documentation and other pertinent details concerning the project.
- C. Grant Recipients must provide a brief presentation (less than 5 minutes) to the TDC using a format prescribed by the TDC that details

the project and be available to answer any questions concerning the report and or event.

- D. Completion of a Public Tourism Infrastructure Project or a One-Time Not-for-profit Large Tourism Infrastructure Project shall include formal groundbreaking and/or ribbon cutting events through coordination with the TDO. Members of the TDC shall be invited to participate in such events.

8. Allowable Grant Projects/Expenditures. Only those projects that would generally support the growth of tourism in the County by providing funding for the expansion/enhancement of tourism infrastructure or added capacity will be awarded a grant. There are activities that expand community awareness, but which have a limited impact on tourism. The primary focus of the Tourist Development Tax Public Tourism Infrastructure Project Grant must be on the growth of tourism in the County. Some examples of projects that expand community awareness, but have limited potential to impact tourism include, but are not limited to, beautification projects, maintenance replacement, and operational costs or other.

A. Examples of Allowable Grant Projects/Expenditures, include but are not limited to:

- 1. Construction/creation of new tourism facilities.
- 2. Expansion/enlargement of an existing tourism facility's capacity for the portion related specifically to the expansion.
- 3. Modification of an existing venue/facility to make it into a tourism facility.
- 4. Restoration of a historic structure for tourism purposes.
- 5. Enhancement of a tourism facility to add capability to the facility/venue that will expand the tourism offering.

B. Examples of Non-Allowable Grant Projects/Expenditures, include but are not limited to:

- 1. Sales tax.
- 2. Resale items that will be sold for a profit.
- 3. Travel expenses.
- 4. Private entertainment, lodging, food or beverages.
- 5. Expenses incurred or obligated to prior to or after the project ended.
- 6. Advertising or promotional materials distributed after a project.
- 7. Payments for goods or services purchased for previous or other projects.
- 8. Payment for alcoholic beverages.
- 9. Advertising and promotion of projects.
- 10. Routine maintenance and operating expenses.

- 11. Any other expenses that are not allowable under Florida Statutes.
- 12. Past expenditures (i.e., prior to award of the grant by the Board).
- 13. Signage.
- 14. Normal Remodeling/repairs/maintenance.
- 15. Expenses of a similar nature as interpreted by the Tourism Development Executive Director.

9. **Severability.** If any section, subsection, sentence, clause or provision of this Resolution is held unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remainder of the Resolution.

10. **Effective Date.** This Resolution shall take effect for all funding obligations commencing with July 1, 2016.

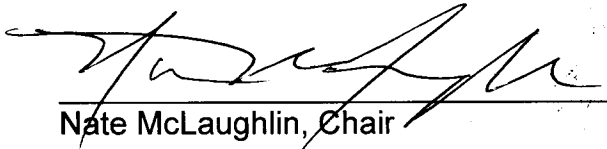
APPROVED this 20th day of June 2016 by the Board of County Commissioners, Flagler County, Florida.

**BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA**

ATTEST:



Tom Bexley, Clerk of the
Circuit Court and Comptroller



Nate McLaughlin, Chair

APPROVED AS TO FORM:



Al Hadeed, County Attorney