

**CITY OF MARATHON, FLORIDA
RESOLUTION NO. 2017-06**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA CONSIDER AND ADOPT MODIFICATIONS TO POLICY WITH RESPECT TO THE UTILIZATION AND EXPENDITURE OF TDC BRICKS AND MORTAR DOLLARS PARTICULARLY RELATED TO THE CURRENT MATCH REQUIREMENTS OF BOTH MUNICIPALITIES AND NON-PROFIT APPLICANTS FOR SAID DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, F.S. 125.0104, the Local Option Tourist Development Act, provides for the establishment of a Tourist Development Tax pursuant to the Act, and

WHEREAS, Monroe County adopted an Ordinance pursuant to the Act entitled “Tourist Development Tax” (Ordinance); and

WHEREAS, under the Ordinance, Section 23-197 (a):
“ four percent of each whole and major fraction of each dollar of the total rental charged every person who rents, leases or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment motel, rooming house, tourist or trailer camp or condominium for a term of six months or less. ” and

WHEREAS, pursuant to its adopted Ordinance, the County established a Tourist Development Council (TDC), subordinate District Advisory Committees (DAC), and has completed a Tourist Development Plan as required under the Act and the Ordinance, and

WHEREAS, the adopted Ordinance provides specific requirements for the membership of both the TDC and the DACs and further provides legislative limitations for their respective authorities; and

WHEREAS, said Tourist Development Plan establishes the distribution of the four percent (4%) thus levied under the ordinance which provides as follows:

“Sec. 23-200. Tourist development plan.

(a) Authorized uses of revenue.

- (1) The first two cents of the four-cent tax shall be spent:
 - a. To promote and advertise Monroe County tourism within domestic and international markets.
 - b. To promote county festivals, tournaments, races and other tourist-related activities.
 - c. To promote county tourist-oriented cultural events such as visual and performing arts, including but not limited to theater, concerts, recitals, opera, dance, and art exhibitions.
- (2) The third cent and the fourth cent of the four-cent tax shall be spent:
 - a. 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, auditoriums, or aquariums, within the boundaries of the county or sub-county taxing district in which the tax is levied.

b. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate or promote one or more museums, zoological parks, fishing piers or nature centers which are publicly owned and operated by not-for-profit organizations and open to the public. However, these purposes may be implemented through service contracts and leases with persons who maintain and operate adequate existing facilities.

c. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar association in the county.

d. To finance beach improvement, maintenance, renourishment, restoration, and erosion control.

e. To finance fishing piers.

f. To advertise and promote the district and/or the county within domestic and international markets.

g. To promote county festivals, tournaments, races and other tourist-related activities.

h. To promote county tourist-oriented cultural events such as visual and performing arts, including but not limited to theater, concerts, recitals, opera, dance, and art exhibitions.

WHEREAS, elected officials of the City of Marathon recognize the vital, in fact, essential importance of the first two cents and a percentage of the 3rd and 4th cents utilized in the promotion of tourism in the Florida Keys; and

WHEREAS, the responsibilities of either the TDC or the DACs is, in part, the review of proposals for Destination, Turn Key, Cultural Umbrella, Fishing Umbrella events and Bricks & Mortar projects; and

WHEREAS, Bricks and Mortar project funds emanate entirely from the 3rd and 4th cents of those taxes levied under the Ordinance; and

WHEREAS, the current percentage of 3rd and 4th cent tax dollars dedicated to Bricks and Mortar projects is twenty-five percent (25%); and

WHEREAS, the City supports retaining or capping the current percentage of 3rd and 4th cent tax dollars for Bricks and Mortar project funding at twenty-five percent (25%); and

WHEREAS, the incorporated areas of Monroe County generate approximate eighty-three percent (83%) of the TDC tax revenues in the County; and

WHEREAS, unincorporated Monroe County receives Bricks & Mortar grant dollars at a rate of one hundred percent (100%) reimbursement; and

WHEREAS, as a matter of policy, other local governments, nonprofit organizations under 501 (C) of the United States Internal Revenue Code, and other businesses authorized to conduct business in the State of Florida, are only eligible for fifty percent (50%) reimbursable grants under the TDC Bricks and Mortar program; and

WHEREAS, local government jurisdictions deserve an equal and proportionate share of said tax revenues made available through Bricks and Mortar grants; and

WHEREAS, in addition, an applicant for Bricks and Mortar grant funds must be able to show the availability of one hundred percent (100%) of the requested project funding at the time of application; and

WHEREAS, nonprofit organizations under 501 (c) frequently operate at the limits of their budgets, as most are dependent on donor and grant revenues to support their efforts; and

WHEREAS, making the full amount of TDC Bricks and Mortar grant funds available “up front” is often a significant financial burden which ultimately dissuades many nonprofits from applying for these grants; and

WHEREAS, Bricks and Mortar project funds which may remain at the end of a TDC funding cycle are typically rolled over at the recommendation of the DACs into advertising and promotion efforts; and

WHEREAS, this policy operates to the detriment of the purpose for Bricks and Mortar project development; and

WHEREAS, the physical amenities and attractions provided through TDC Bricks and Mortar grant funding is as important to the TDC **concept** as the advertising and promotional component; and

WHEREAS, the Keys tourist experience is enhanced significantly by those TDC funded Keys Bricks and Mortar attractions that visitors encounter while here, determining in part whether each tourist visitor returns to the Keys for future vacations; and

WHEREAS, TDC Bricks and Mortar projects contribute significantly to the character and vitality of the Keys economic engine,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City requests that the Board of County Commissioners of Monroe County, Florida adopt the following policy revisions to the application, review, and approval of TDC Bricks and Mortar projects:

1. The percentage of 3rd and 4th cent TDC tax revenues provided to Bricks and Mortar projects shall remain at the current level of twenty-five percent (25%) adjustable only upon super majority vote of the BOCC.
2. All five municipalities and unincorporated Monroe County shall be provided seventy-five percent (75%), or an equal percentage, reimbursable funding for proposed, qualified and approved TDC Bricks and Mortar projects. This would require acceptance on the County’s part of a reduction in current funding if less than one hundred percent (100%).
3. Nonprofit 501 C organizations shall also be eligible for seventy-five percent (75%) reimbursable funding for proposed, qualified and approved TDC Bricks and Mortar projects.

4. TDC Bricks & Mortar grant funding, shall remain available for Bricks and Mortar projects exclusively and shall not be rolled over into advertising and promotion.
5. Nonprofit organizations shall be eligible for partial reimbursement of organization funds expended at the midpoint of project completion. Reimbursement should only be approved after a complete compliance review of required project elements by TDC grants managers. Implementation shall be required in a manner acceptable to the Monroe County Clerk of the Courts.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF FEBRUARY, 2017.

CITY OF MARATHON, FLORIDA

Dr. Daniel Zieg, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

David Migut, City Attorney