

ORDINANCE NO. 91-45

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, FINDING AND DETERMINING THAT THE RELOCATION OF PGA TOUR PRODUCTIONS TO ST. JOHNS COUNTY, FLORIDA AND THE CONSTRUCTION AND OPERATION OF THE PGA TOUR GOLF HALL OF FAME PROJECT WITHIN ST. JOHNS COUNTY GREATLY BENEFIT THE CITIZENS OF ST. JOHNS COUNTY AND THAT THE EXPENDITURE OF COUNTY FUNDS TO ENCOURAGE SUCH RELOCATION, CONSTRUCTION AND OPERATION CONSTITUTES A COUNTY PURPOSE; MAKING OTHER FINDINGS; AUTHORIZING THE COUNTY'S EXECUTION OF A TOURISM DEVELOPMENT AGREEMENT (THE "AGREEMENT") BY AND BETWEEN THE COUNTY AND PGA TOUR, INC.; WAIVING THE PROVISIONS OF THE COUNTY'S PURCHASING POLICY AS IT MAY APPLY TO THE AGREEMENT; PROVIDING FOR APPROPRIATION AND EXPENDITURE OF COUNTY FUNDS PERTAINING TO THE AGREEMENT; AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS; PROVIDING GENERAL AUTHORITY, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. The Board of County Commissioners of St. Johns County, Florida, (the "Board") hereby finds, determines and acknowledges that:

(a) Article VIII, Section 1, of the Constitution of the State of Florida and Chapter 125, Florida Statutes, bestow upon the Board all powers of local self-government to perform county functions and to render services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of county ordinances; and

(b) The tourism industry, among others, is vital to the economy of St. Johns County, Florida (the "County") and to the welfare of the County and should be enhanced and expanded to improve the competitive position of the County and to enhance the quality of life of its people; and

(c) There is a need to enhance tourist activity in the County by attracting enterprises conducive to tourist development in order to provide a stronger, more balanced and stable economy in the County while providing for the health, safety and welfare of County citizens; and

(d) It is necessary for the public health, safety, economy and/or general welfare of the County and its citizens that provision be made for the promotion of tourism to the County and advertising of the County and for financing the costs of such undertakings; and

(e) The Board desires to promote and advertise the County for the purpose of attracting tourists and new residents; and

(f) Attracting tourists and new residents to the County is of economic and other benefit to the citizens of the County; and

(g) PGA TOUR, Inc. (the "TOUR") has facilities to promote and advertise the County; and

(h) It is necessary and in the public interest and constitutes a valid County purpose to facilitate projects which entice and promote tourism and the tourism industry in St. Johns County; and

(i) The establishment of the PGA TOUR Hall of Fame in St. Johns County and the relocation of PGA TOUR Productions to St. Johns County will promote and expand tourism in St. Johns County, provide significant tourism income to the County, and advance and promote the County purposes set forth above; and

(j) The relocation of PGA TOUR Productions to the County and the construction within St. Johns County of the PGA TOUR Hall of Fame will greatly benefit the citizens and economy of St. Johns County and will contribute toward improving the quality of life in the County; and

(k) Property development in areas adjacent to and including the PGA TOUR Hall of Fame project will be accelerated thus directly impacting on and adding construction employment, permanent employment and property tax increases to the area; and

(l) The execution of a Tourism Development Agreement obligating the payment of County funds to the TOUR in exchange for the TOUR'S obligation to relocate PGA TOUR Productions to the County and to construct and operate the PGA TOUR Hall of Fame within the County and/or to promote and advertise the County either alone or jointly with the PGA TOUR hall of Fame and PGA TOUR Productions (the "Tourism Development Agreement") constitutes a valid public and County purpose.

Section 2. Authorizing Execution of a Tourism Development Agreement.

The ^{present} Chairman of the Board of County Commissioners of St. Johns County, Florida is hereby authorized to execute the Tourism Development Agreement on behalf of the County and, upon receipt of a duplicate original of the Tourism Development Agreement duly executed by the TOUR, to deliver an executed Tourism Development Agreement to the TOUR. The ^{present} Chairman shall not, however, execute the Tourism Development Agreement until its form has been approved by a resolution of the Board.

Section 3. Waiving Purchasing Policy. In so far as the Tourism Development Agreement may require the County to purchase the promotional and advertising services of the TOUR, all provisions of the County Purchasing Policy are hereby waived in relation thereto.

Section 4. Appropriation. Expenditure of the funds necessary for the implementation and fulfillment of the obligations of the County under the Tourism Development Agreement in such manner and from such sources as may be provided in the Tourism Development Agreement is hereby approved.

Section 5. Approval of Related Documents. The Board of County Commissioners of St. Johns County, Florida authorizes the ^{present} Chairman to negotiate, execute and deliver, and the Clerk to attest, any and all further instruments, certificates and documents necessary or required or otherwise convenient to fulfill the obligations of the County under the Tourism Development Agreement.

Section 6. General Authority. The members, officials, attorneys, or other agents or employees of the County are hereby authorized to do all acts and things required of them by this Ordinance and the Tourism Development Agreement and to do all acts and things which are desirable and consistent with the requirements hereof and thereof for the full, punctual and complete performance of all of the terms, covenants and agreements contained herein or in the Tourism Development Agreement.

Section 7. Severability of Invalid Provisions. If any one or more of the sections, paragraphs, sentences or phrases of this Ordinance should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such section, paragraph, sentence or phrase shall be null and void and shall be deemed separate from the remaining provisions of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

PASSED by the Board of County Commissioners of St. Johns County, State of Florida this 12th day of November, 1991.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Rudolph Powell*
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: *Carl Bud Markel*
Its Clerk

Effective date: November 25, 1991

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared SHERRY L. RAUCH who on oath says that she is ACCOUNTING CLERK of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being a NOTICE OF INTENT in the matter of CONSIDER ENACTMENT OF ORDINANCE in the Court, was published in said newspaper in the issues of October 23, 1991

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me Zoe Ann Johns this 23rd day of October A.D. 19 91

Notary Public Seal 8/22/93

NOTICE OF INTENT TO CONSIDER ENACTMENT OF ORDINANCE NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON TUESDAY, NOVEMBER 12, 1991, AT 9:00 A.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 4020 LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE: AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, FINDING AND DETERMINING THAT THE RELOCATION OF PGA TOUR PRODUCTIONS TO ST. JOHNS COUNTY, FLORIDA AND THE CONSTRUCTION AND OPERATION OF THE PGA TOUR GOLF HALL OF FAME PROJECT WITHIN ST. JOHNS COUNTY GREATLY BENEFIT THE CITIZENS OF ST. JOHNS COUNTY AND THAT THE EXPENDITURE OF COUNTY FUNDS TO ENCOURAGE SUCH RELOCATION, CONSTRUCTION AND OPERATION CONSTITUTES A COUNTY PURPOSE; MAKING OTHER FINDINGS; AUTHORIZING THE COUNTY'S EXECUTION OF A TOURISM DEVELOPMENT AGREEMENT (THE "AGREEMENT") BY AND BETWEEN THE COUNTY AND PGA TOUR, INC.; WAIVING THE PROVISIONS OF THE COUNTY'S PURCHASING POLICY AS IT MAY APPLY TO THE AGREEMENT; PROVIDING FOR APPROPRIATION AND EXPENDITURE OF COUNTY FUNDS PERTAINING TO THE AGREEMENT; AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS; PROVIDING GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing. All parties having an interest in said Ordinance will be afforded an opportunity to be heard at the public hearing. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA Carl "Bud" Market, Its Clerk By Patricia DeGrande Deputy Clerk L018 Oct. 23, 1991