



# **Internal Audit Department**

## **Audit Report 2014-2**

**Fee Payment Assistance Program:  
Advanced Medical Center, LLC**

**Dwight E. Brock**  
Clerk of the Circuit Court

3299 Tamiami Trail East  
Suite #402  
Naples, FL 34112-5746

[www.collierclerk.com](http://www.collierclerk.com)

**Issued: February 6, 2014**

**Prepared by:** Dale W. Phillips, Internal Audit Manager  
Patrick Blaney, Senior Internal Auditor

**Report Distribution:** Board of County Commissioners  
Leo Ochs, Jr., County Manager  
Amy Patterson, Manager, Impact Fee & Economic Development  
Jeff Klatzkow, County Attorney  
Mark Isaacson, Office of Management and Budget (OMB) Director

**Cc:** Dwight E. Brock, Clerk of the Circuit Court  
Crystal K. Kinzel, Director of Finance & Accounting

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Workpapers supporting the observations noted within this report are public record and can be made available upon request once the final audit report has been issued. The files and draft versions of audit reports remain confidential and protected from public records requests during an active audit under *Nicolai v. Baldwin (Aug. 28, 1998 DCA of FL, 5<sup>th</sup> District)* and Section 119.0713, Florida Statutes.

Internal Audit provided draft Audit Report 2014-2 to the Impact Fee Manager and to the County Attorney's Office for management response on January 23, 2014. Management and the County Attorney reviewed the draft and the County Attorney carried forward an agenda item for Board of County Commissioner's consideration – see summary Agenda item 17K2 for February 11<sup>th</sup> 2014 meeting of the Board of County Commissioners.

## Summary

Internal Audit's examination identified the following apparent contract violations of the Fee Payment Assistance Agreement between Advanced Medical Center and the Board of County Commissioners.

- Advanced Medical Center, LLC, was not the real property owner when it entered into the Fee Payment Assistance Agreement with the County.
- Ownership of the real property was transferred in a foreclosure proceeding to Capital One Bank without prior written approval of the County or repayment of the \$412,416 Fee Payment Assistance; the County's lien on the property did not trigger repayment of the Fee Payment Assistance upon the Foreclosure sale.
- The assets and business activities of Advanced Medical Center, LLC, were transferred to Advance Medical of Naples, LLC, without prior written approval from the County or repayment of the \$412,416 Fee Payment Assistance.
- Advanced Medical Center, LLC, may have breached the terms of its Fee Payment Assistance Agreement with the County.
- Advanced Medical is now subject of an eviction procedure from the building it claimed to own in the contract with the County.
- Advanced Medical Center, LLC, included two highly paid positions in its 2009 and 2010 Jobs Created Lists who were tenants of the building, not employees of Advanced Medical Center, LLC.
- Late payment of real property taxes was an apparent violation of the Fee Payment Assistance Agreement.

## Objective

The objective of the engagement was to determine whether Advanced Medical Center, LLC, remained eligible for participation in the Fee Payment Assistance Program.

## Scope

This engagement consisted of validating jobs created and their wages, including, but not limited to, the following:

- Reviewing section 125.045, Florida Statutes;
- Reviewing Collier County Ordinances 2003-61, 2004-24, 2004-45, 2005-30, 2006-36, 2008-25, and 2008-46;
- Checking the Tax Collector's records of tax payments;
- Validating payroll records from Advanced Medical Center, LLC, and Advance Medical of Naples, LLC;
- Visiting Advanced Medical Center and interviewing the Practice Administrator;
- Scheduling payroll data for all employees filling the created jobs;
- Tracing names, addresses, hire dates, job titles, and pay rates, to the personnel records of Advance Medical of Naples, LLC;
- Annualizing, averaging, and comparing pay rates of the twenty jobs to Ordinance requirements;

- Reviewing case files pertaining to foreclosure proceedings against the real property in question and eviction proceedings against Advanced Medical;
- Reviewing responses to the Public Records Request for files and emails from the County Attorney's Office; and
- Examining the Impact Fee Office's complete files on Advanced Medical Center, LLC.

Internal Audit examined 100% of applicable payroll and personnel records for Advanced Medical Center and Advance Medical of Naples. The objectives of this special request were to validate the twenty employees in the jobs created by Advanced Medical Center, and to validate the wages paid for the jobs created.

## Background

Internal Audit observed the Impact Fee & Economic Development Office's verification of jobs created in accordance with Collier County's Economic Incentive Programs to validate requests for incentives. The Fee Payment Assistance program is a performance-based Collier County initiative authorized in Board of County Commissioners (BCC) Ordinance 2003-61, as amended. It is found in Chapter 49, Article II, of the Collier County Code of Ordinances. The program pays selected impact fees for eligible development projects. Eligibility criteria include the creation of minimum numbers of new jobs at or above specific wage levels. For this project's location, program criteria call for a minimum of twenty new jobs paying at least 150% of the County's average private-sector wage. The business must also pay its tax bill in full annually on or before its due date.

Ordinance 2003-61 originally terminated this program on October 1, 2008, but on September 9, 2008, the Board of County Commissioners (BCC) enacted Ordinance 2008-46, which extended the Fee Payment Assistance Program to October 1, 2013.

Ordinance 2003-61 states that the program's purposes are to:

- 1) Provide a performance-based program offering financial relief for eligible targeted industry development or expansion projects in Collier County to mitigate the effects of rising Impact Fee rates;
- 2) Provide for the economic well being of Collier County residents by providing high-wage employment opportunities in Collier County;
- 3) Lessen the seasonal cycle of Collier County's economy; and
- 4) Encourage investment opportunities for new or existing companies thus increasing and diversifying the County's tax base.

To be eligible, businesses must apply to the County Manager prior to making the decision to locate or expand within Collier County. The Fee Payment Assistance incentive award is calculated by multiplying the total capital investment (land, building, equipment) of the expansion or relocation by the current millage rate, then multiplying by either ten (projects located in areas outside the enterprise community) or 15 (projects located within the enterprise community). This project uses the multiplier ten because it is located outside the enterprise community. The award, \$412,146.00, did not exceed the amount of impact fees due for the project, which was \$413,092.70. Payments made under this program are subject to funding availability. A project participating in Fee Payment Assistance is not eligible to participate in the property tax stimulus program or the charitable organization waiver program that may be offered by Collier County.

On May 9, 2006, the Board of County Commissioners (BCC) approved the application of Advanced Medical Center, LLC, to participate in the Fee Payment Assistance Program. The County Manager executed the BCC approved Fee Payment Assistance Agreement (OR: 4071 PG: 1371-1377) with Advanced Medical Center, LLC, on July 12, 2006. That Agreement described "a project involving the construction of a 28,100 square-foot Regional Headquarters office." The legal description for the property was included in Exhibit A to the Agreement; the property is also commonly known as the Advanced Medical building or 1250 Pine Ridge Road, Naples, Florida 34105.

The Agreement required the creation of 20 high-wage jobs by June 30, 2009, and retention of those jobs through the end of the Agreement in 2017.

The Agreement also provided that the Fee Payment Assistance Program would pay Road, EMS, Correctional Facilities, General Government Buildings, and Law Enforcement impact fees totaling \$412,146.00. A refund of prepaid Transportation impact fees of \$126,742.68 was paid to Logical Investments, LLC as the owner of record of the project's real property, the property described in Exhibit A of the Agreement. Logical Investments, LLC, was not a party to the Fee Payment Assistance Agreement.

Based on the payroll records provided for this job validation, it appears that as of April 1, 2013, the assets and business activities of Advanced Medical Center, LLC, were transferred to Advance Medical of Naples, LLC, a different corporate owner.

## Observations, Recommendations & Management Response

### 1) Advanced Medical Center, LLC, was not the real property owner when it entered into the Fee Payment Assistance Agreement with the County.

The Fee Payment Assistance Agreement was between Collier County and Advanced Medical Center, LLC, which is referred to as "Property Owner" throughout the agreement. In the agreement dated July 12, 2006, it states: "3. Property Owner represents and warrants that they are the owner of record of the Property..." Exhibit A to that agreement is a legal description of the property on which the Fee Payment Assistance benefit was based. The Official Records of Collier County contradict this representation. They reflect that Logical Investments, LLC, not Advanced Medical Center, LLC, owned the property at the time of the agreement's execution. Sunbiz shows Gregory E. Leach, MD, was the manager of both LLC's in 2006. It does not indicate that Logical Investments, LLC was either a wholly- or partially-owned subsidiary of Advanced Medical Center, LLC; the only apparent affiliation is that Dr. Leach had an interest in each.

#### Recommendation:

- Based on the inaccurate representations in the Fee Payment Assistance Agreement that Advanced Medical Center, LLC, was the owner of the property, the County should determine if recovery of \$412,416 Fee Payment Assistance is warranted.
- Future economic incentive agreements should strive to correctly reflect the parties to those agreements.

### 2) Ownership of the real property was transferred in a foreclosure proceeding to Capital One Bank without prior written approval of the County or repayment of the \$412,416 Fee Payment Assistance; the County's lien on the property did not trigger repayment of the Fee Payment Assistance upon the Foreclosure sale.

The Fee Payment Assistance agreement states "4. The amount of the impact fees paid by the program will in all events become due and payable and shall be immediately re-paid to the County by the Property Owner if the Property is sold or transferred without prior written approval from the County at any time after the first certificate of occupancy has been issued for the development and prior to the 10-year obligation period...and the impact fees must be paid in full to the County."

The Circuit Court ordered a judgment of foreclosure against this property that makes no mention of the Fee Payment Assistance Agreement with the County. Capital Bank, NA, recorded the Clerk's Certificate of Title on June 4, 2013. There was no prior written approval of this sale from the County, nor was the Fee payment Assistance repaid to the County. On June 11, 2013, Capital Bank, NA, further transferred the property to Special Acquisitions IV, Inc., an apparent wholly-owned subsidiary of Capital Bank, NA.



The County's agreement with Advanced Medical Center states in paragraph 5: "The payment of impact fees via the Fee Payment Assistance Program will constitute a lien on the Property which lien may be foreclosed upon in the event of non-compliance with the requirements of this Agreement, or should any of the representations set forth in the Application be untrue or unfulfilled." This lien is not noted in the foreclosure sale documents.

**Recommendation:**

- Based on transfers of the real property (for which the Fee Payment Assistance was granted) without prior written County approval, the County should determine if recovery of the \$412,416 Fee Payment Assistance is warranted.
- BCC management should vigilantly protect the County's interests in economic incentive agreements.

**3) The assets and business activities of Advanced Medical Center, LLC, were transferred to Advance Medical of Naples, LLC, without prior written approval from the County or repayment of the \$412,416 Fee Payment Assistance.**

The Fee Payment Assistance agreement states "5. Neither the payment of impact fees nor this Agreement may be transferred, assigned, credited, or otherwise conveyed without the prior written approval from the County, which approval may be freely withheld."

As part of the validation of jobs and wages for 2012, Advanced Medical Center personnel provided two separate payroll registers. One covered employment with Advanced Medical Center, LLC, from January 1, 2012, through March 31, 2012, and the other covered employment with Advance Medical of Naples, LLC, from April 1, 2012, through December 31, 2012. The businesses' Practice Administrator stated that the assets and business activity of Advanced Medical Center, LLC, had been transferred to Advance Medical of Naples, LLC, by a sale of assets.

There was no prior written approval from the County for this transfer between corporate entities, nor were the Fee Payment Assistance funds repaid.

**Recommendation:**

- The County should monitor businesses under these programs to ensure compliance with all contract terms. Any deviations should be reported to the BCC for action.
- Based on this transfer of assets and business activities from one corporate entity to another without prior written consent from the County, the County should seek recovery of the \$412,416 Fee Payment Assistance.

**4) Advanced Medical Center, LLC, has breached the terms of its Fee Payment Assistance Agreement with the County.**

Paragraph 7 of the Agreement states "...the Agreement will be in substantial breach upon the following events... (2) upon the County Manager being informed of a material misrepresentation in the Application..."

In 2013, when Capital Bank proceeded with its foreclosure action, the County learned that Advanced Medical Center, LLC, was not the owner of the property at the time of the Application or at the execution of the Agreement. The Application stated "...Advanced Medical Center is constructing a 28,100 SF, two story Class A building." The Agreement explicitly states "...Advanced Medical Center, LLC, hereinafter referred to as "Property Owner" and further states "...Property Owner represents and warrants that they are the owner of record of the Property, and acknowledges that pursuant to the Impact Fee Ordinance owes impact fees for Road, EMS, Correctional Facilities, General Government Buildings and Law Enforcement in the total amount of \$413,092.70..."

Gregory E. Leach, MD, signed the Economic Stimulus Program Application on 4/6/06 as CEO of Advanced Medical Center, Inc. However, Advanced Medical Center, Inc., had merged into the surviving limited liability company Advanced Medical Center, LLC, effective March 9, 2006. The County Manager entered into a Fee Payment Assistance Agreement with Advanced Medical Center, LLC, on July 12, 2006.

Of the \$413,092.70 owed, \$126,742.68 had been previously paid on behalf of Logical Investments, LLC. The Agreement provided for the reimbursement of these ‘...prepaid Transportation Impact Fees in the sum \$126,742.68...’ In July 2006, pursuant to the Board of County Commissioners’ approval of the Application and the County’s execution of the Agreement, the County processed a payment request for the reimbursement of this \$126,742.68 to be repaid to Logical Investments, LLC, the true owner of the building. The County had constructive knowledge of this material misrepresentation in the Application and the Agreement as early as July 2006.

**Recommendation:**

- Based on this material misrepresentation in the application of the Agreement, the County should determine if recovery of the \$412,416 Fee Payment Assistance is warranted.

**5) Advanced Medical is now subject to an eviction procedure from the building it claimed to own in the contract with the County.**

The new owners of the building filed an eviction procedure against Advance Medical of Naples, LLC, on January 6, 2014. Internal Audit learned that Advance Medical of Naples relocated to 720 Goodlette Road N. during the week commencing January 13, 2014.

**Recommendation:**

- The County should determine if recovery of the \$412,416 Fee Payment Assistance is warranted.

**6) Advanced Medical Center, LLC, included two highly paid positions in its 2009 and 2010 Jobs Created Lists who were tenants of the building, not employees of Advanced Medical Center, LLC.**

On July 9, 2009 Advanced Medical Center’s Practice Administrator requested permission from the former Economic Development Council to include the salaries of a doctor and the practice administrator who were employed by or associated with the Joint Replacement Institute in the 2009 job validation process. These two individuals were not employees of Advanced Medical Center, LLC; the Joint Replacement Institute is another tenant in the building. According to their letter, Advanced Medical Center assisted the doctor for the Joint Replacement Institute as he moved his practice in 2008 from Lee County to Collier County by providing space, practice management and billing services. While the EDC may or may not have approved this request, their approval has not been documented. Advanced Medical Center included the two positions among the jobs created for 2009 and 2010.

This exception from or interpretation of the Agreement terms was not brought back to the County for approval. Collier County Ordinance 03-61 states: “To be considered eligible for approval under this program, a business or project must meet the criteria of one of the following categories...” Those criteria specify creating a minimum of 20 new full-time jobs paying an average wage equal to or greater than 150% of the private-sector average wage. The use of another employer’s employees to validate Jobs Creation was not granted in the Fee Payment Assistance Agreement.

**Recommendation:**

- Jobs validation should be based upon the contracted entity and its agreement with the County. Management should take care to ensure that only valid jobs are included.

## 7) Late payment of real property taxes was an apparent violation of the Fee Payment Assistance Agreement.

Section 49-24 (a) requires that “the eligible business will pay its tax bill in full to the tax collector’s office annually, on or before the date it is due.” The Tax Collector issued tax certificate #5905-12 on May 31, 2012, for the property’s unpaid 2011 property tax. This certificate was paid on March 26, 2013.

### **Recommendation:**

- All provisions of agreements should be verified for ongoing compliance, and any deviations reported to the BCC for action.

## **Conclusion**

Based on the concerns enumerated above, we believe that Advanced Medical Center has violated the terms of its Fee Payment Assistance Agreement. The Board of County Commissioners should consider seeking recovery of the \$412,416 Fee Payment Assistance.

Audits do not relieve management of their responsibilities. It is the responsibility of County management to understand and implement the proper procedural controls in order to reduce and limit the risk of fraud, error, and misappropriation of County assets/revenues. Internal Audit may recommend improvements in audit reports, but ultimately it is the duty and decision of County management to formulate processes and controls that ensure compliance with Federal Regulation, Florida Statute, County Ordinance, and County Policies and Procedures.





**Economic Stimulus Program Recommendation Form  
for**

(Name of Business)

**ADVANCED MEDICAL CENTER**

**1. Economic Stimulus Programs:**

- Broadband Infrastructure Investment**
- Fast Track Permitting**
- Fee Payment Assistance**
- Job Creation**
- Property Tax Stimulus**
- Local Match for QTI**

**2. Collier County's company location:**

- High Impact Area**
- Eastern Collier County**
- Immokalee Enterprise Community**

**3. Project qualifications:**

Number of current Collier County employees:	<u>44</u>	Avg. Wage:	<u>\$ 48,811</u>
Number of new jobs resulting from project:	<u>20</u>	Avg. Wage:	<u>\$ 55,735</u>
Total retained and new jobs:	<u>64</u>	Avg. Wage:	<u>\$ 50,974</u>

**4. Schedule of incentive funds requested (by Collier County fiscal year):**

	2006/2007	2007/2008	2008/2009	2009-2010	2010-2011	Total
Fee Payment Assistance	\$412,146	\$ 0	\$ 0	\$ 0	\$ 0	\$412,146
Broadband	\$ 0	\$ 0	\$8,300	\$8,300	\$8,400	\$25,000
<b>Total</b>	<b>\$412,146</b>	<b>\$ 0</b>	<b>\$8,300</b>	<b>\$8,300</b>	<b>\$8,400</b>	<b>\$437,146</b>

**5. Multipliers:**

NAICS Code: 621111 "Office of Physicians"  
 Earnings Multiplier: \$ 1.4010  
 Employment Multiplier: 1.7191

**Economic Development Council of Collier County Recommendation**

Prepared by: *[Signature]* 4/7/06  
 Economic Development Department Date

Approved: *[Signature]* 4/7/06  
 Economic Development Department Date

Approved: *[Signature]* 4/7/06  
 Economic Development Council of Collier County Date  
 President



**AMENDED**

**COLLIER COUNTY  
ECONOMIC STIMULUS PROGRAM  
APPLICATION  
for  
Expanding or New Businesses**

**ADVANCED MEDICAL CENTER**

Name of Business

**BUSINESS EXPANSION AND RELOCATION**

Project Title (1-5 word description)

*04. 07. 2006*

Date

**ECONOMIC DEVELOPMENT COUNCIL OF COLLIER COUNTY  
3050 NORTH HORSESHOE DRIVE, SUITE 120  
NAPLES, FLORIDA 34104  
(239) 263-8888 • FAX (239) 263-6021  
[www.eNaplesFlorida.com](http://www.eNaplesFlorida.com)**

EDC official use:  
Location:  Intermediate Enterprise Community  High Impact Area  
 Eastern Collier County

Effective December 2006

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Client Approved

*JSM* (initials)



## Client Identification

1. a) Name of Business Unit: ADVANCED MEDICAL CENTER
  - b) Mailing Address: 2171 Pine Ridge Road, Suite D
  - c) Name of Parent Company (if applicable): N/A
  - d) Primary business unit contact:  
Name: Gregory Leach Title: President and CEO  
Company: Advanced Medical Center  
Address: 2171 Pine Ridge Road, Suite D  
Phone: 239-568-7676 Fax: 239-591-8397  
Email: bonanzagreg@sprintmail.com 239-598-2589
  - e) Business unit's federal employer identification number: 65-0043540
  - f) Business unit's unemployment compensation identification number: 1181053
  - g) Business unit's Florida sales tax registration number: N/A
  - h) Business unit's Collier County occupational license number: 850522
  - i) List NAICS codes of all activities of the business unit: 821111  
Target Industry: Life Sciences; Health Care
2. a) Is the business unit minority owned:  YES  NO
  - b) If YES, explain: N/A
3. Business unit's tax year (example: Jan. 1 – Dec. 31): Jan. 01 – Dec 31

## Project Information

4. a) Is the business unit (please choose one):  
 a new business unit to Collier County  
 an expansion of an existing Collier County business unit
- If an expansion, how many employees are currently working in the expanding business unit located in Collier County? 44
- c) How many individuals are employed in ALL Florida locations? 44
  - d) How many individuals are employed in ALL domestic and International locations? 44

Effective December 2005

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Client Approved JLM (Initials)

Collier County





**5. Provide a full project description:**

Advanced Medical Center is constructing a 28,100 SF, two story class A building. Besides the building development and due to patient increasing volume and business growth we are upgrading our information and communication technology by integrating wireless networking, digital X-Ray and Electronic Medical Records to our operations.

- 6. Please check the box that best defines your project. Answer a) AND b), if applicable:**
- a)  Multi-state business enterprise      b)  Regional headquarters office  
 Multi-national business enterprise       National headquarters office  
 International headquarters office

- 7. Please estimate percentage of gross receipts or final sales resulting from this project that will be made outside of Collier County:** 0 %  
**outside of Florida:** 0 %

**8. Project employment and wages:**

- a) Has the applicant ever participated in an EDC-assisted program?  YES  NO  
 If YES, how many new and retained jobs were included in that project? 52
- b) Total number of net, new full-time equivalent Collier County jobs created by the project at the business unit indicated above: 20
- c) Are any employees being transferred from another Florida location?  YES  NO  
 If YES, how many and from where? \_\_\_\_\_
- e) **Anticipated** annualized average wage (not including benefits) of the new to Collier County jobs created by the project at the business unit: \$ 55,735
- f) Annualized average wage for existing Collier County employees: \$ 48,811  
(The wage indicated above will be used in the certification, agreement, and claim evaluation process. Cash performance bonuses and other cash payments to the employees, such as overtime, should be included.)

Annualized average value of benefits associated with each new job created by the project at the business unit: \$ 11,441

If jobs are to be phased in, provide the date when each phase of employment will be fully implemented:

Phase	Number of net, new full-time equivalent Collier County jobs created in business unit	Date by which those jobs will be created
I	10	06/30/2008
II	10	06/30/2009
III		
<b>TOTAL</b>	<b>20</b>	

- 9. a) Describe the capital investment in real and personal property:**  
 (examples: construction of new facility; remodeling of facility; upgrading, replacing or buying new equipment. Do not include the value of land purchased for construction of a new building.)

**AMENDED**

We have purchased land on Pine Ridge Road, and have been developing the land. This has entailed the demolition of four abandoned houses and filling a lake (an area where fill was once taken to build Pine Ridge Rd). So far the expenses related to the site improvement are \$1,500,000. The construction will take 12 months and the estimated costs related to the new building are approximately \$7,000,000. In addition, furnishings and equipment for the building will cost approximately \$1,000,000.

- b) List the anticipated amount (within three (3) years) and type (purchase of machinery/equipment, construction of buildings, etc.) of major capital investment to be made by the applicant in connection with this Collier County project:

Amount \$	<u>2,630,000</u>	Land (if applicable)
Amount \$	<u>7,000,000</u>	Construction/Renovations
Amount \$	_____	Manufacturing Equipment
Amount \$	<u>1,000,000</u>	Other Equipment
Total \$	<u>10,630,000</u>	

c) Estimated square feet of new or newly expanded facility: 28,100

10. Anticipated date of beginning of construction for this project: March 2006

11. Anticipated date project will be in operation: April 2007

12. Site and Contractor Information:

a) Folio Number: 68440200004, 68440160005, 68440120003, 68440080004

b) Project Street Address & Suite Number/Legal description:  
\_\_\_\_\_

c) Type of Project (circle one): Rezone Plat SDP Other Building Permit  
Owner/Developer Name: Dr. Gregory and Sally Leach

d) Owner/Developer Telephone Number: 239-566-7676  
Located on Brownfield Site or in a Brownfield Area?  YES  NO  
(if YES, please attach a copy of the official document that designated this area as a Brownfield area.)

e) Will project be locating or expanding in an Enterprise Zone?  YES  NO  
If YES, which Zone:  Immokalee  Everglades City

f) Architectural Firm: Architectural Network  
Contact: Rocco Costa  
Phone: 434-5800  
Email: rocco@archnetinc.com  
Fax: 434-0208

g) Engineering Firm: Q Grady Minor  
Contact: Norm Trebilcock  
Phone: 947-1144  
Email: NTrebilcock@qgradymenor.com  
Fax: 947-0375



**AMENDED**

h) Contractor: Don Garrett  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Fax: \_\_\_\_\_

## Project Impact Information

**13. What role will the incentive(s) play, including the Fast Track Regulatory Process Program, in the decision of the applicant to locate or expand in Collier County? (If there are other states/communities competing for this project, please list which states/communities and what incentives are being offered by those states/communities.)**

incentives will mitigate the high costs of doing business in Collier County due many well known factors as permitting costs, impact fees, lack of land availability and appropriate supply of workforce all of which entail facing overall business costs that exceed those of neighboring areas like Lee County.

incentives will mitigate the building costs as well as the challenging governmental procedures that burden any building initiative within this County.

Regardless the building development Advance Medical Center is currently making, without these incentives, the company will consider moving its business someplace else; most probably to Lee County.

**14. a) Provide a brief review of the applicant's past activities in Collier County and in other states, particularly as they relate to environmental and growth management impacts and how these have been handled. (Basically, what kind of corporate citizen has the applicant been?)**

In addition to providing family practice services AMC also provides occupational medical services to several major businesses in Collier County. Those businesses include The City of Naples, The Collier County Sheriff's department, The Collier County School system, and we provide work comp care to all NCH employees. For the Collier County residents as well as tourists convenience, the practice has extended hours (8-8 on weekdays), and it is open on Saturdays and Sundays; it is open 361 days a year. We provide progressive, practical, affordable, and convenient medical care to patients of all ages with a wide array of illnesses. We also provide Urgent Care - we have on site x-ray, lab facilities and a pharmacy on site.

In addition to running the business and working at Advanced Medical Center, Dr Leach routinely volunteers his time at the non for profit Neighborhood Health Clinic. In addition, this past summer he donated his time by providing medical care to indigent people in Burkina Faso (NW Africa) - one of the poorest countries in the world.

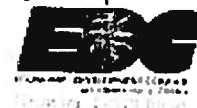
As well as holding a medical license, in 1994, while working full time at Advanced Medical Center, Dr Leach earned an MBA from the University of South Florida. He believes that good health care requires the best management possible for the benefit not only of his business but most importantly for the best interests of his customers. This is the kind of philosophy that has allowed AMC to continually grow and prosper.

Effective December 2005

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Client Approved JAM (initials)

 Collier County



**AMENDED**

b) Describe any criminal or civil fines, or penalties, and any awards. If there are none, please make this statement below.

None

c) I agree to allow the Economic Development Council of Collier County perform a Company and/or Personal Background Check.

YES       NO

You may request that your project information (including the information contained in this application) be confidential per F.S. 288.075, Confidentiality of Records.

  X        YES, we Request Confidentiality  
            NO, we do not Request Confidentiality



**Application Completed By:**

Lori Ann Martell  
(Signature)

Lori Ann Martell  
(Print or Type Name)

Practice Administrator  
(Print or Type Title)

Advanced Medical Center Inc.  
(Company)

566-7676  
(Phone Number)

566-1508  
(Fax Number)

Lmartell@advancedmedicalcenter.com  
advancedmchsd@earthlink.net  
(E-mail Address)

4/6/06  
(Date)

\_\_\_\_\_  
(Contact Person, if different)

\_\_\_\_\_  
(E-mail Address, if different)

\_\_\_\_\_  
(Address, if different)

\_\_\_\_\_  
(Phone Number, if different)

To the best of my knowledge, the information included in this application is accurate.

Gregory E. Leach  
(Signature of Authorized Officer)

Gregory E. Leach MD, MBA  
(Print or Type Name of Authorized Officer)

CEO  
(Print or Type Title of Authorized Officer)

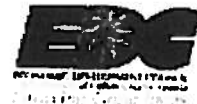
Advanced Medical Center Inc.  
(Company)

566-7676  
(Phone Number)

591-8397  
(Fax Number)

bonanzagreg@sprintmail.com  
(E-mail Address)

4/6/06  
(Date)



**AMENDED**

## **Attachment A: Roles & Responsibilities**

General Responsibilities may vary from project to project.

<i>Owner/Developer</i>	<i>Applicant</i>
<ul style="list-style-type: none"> <li>--Meet all requirements of Fast Track Regulatory Process Program</li> <li>--Site selection</li> <li>--Hire contractors, consultants, engineers, architects</li> <li>--Submit application within 60 business days of acceptance as a Fast Track project</li> <li>--Attend pre-application meeting, if possible</li> <li>--Attend meeting after 3<sup>rd</sup> rejection, if necessary and possible</li> </ul>	<ul style="list-style-type: none"> <li>--Attend pre-application meeting with sufficient plans for quality review</li> <li>--Submit complete application that meets current LDC and other code requirements</li> <li>--Submit updates after receiving rejection comments, within 20 business days</li> <li>--Attend meeting after 3<sup>rd</sup> rejection, if necessary</li> </ul>

<i>Economic Development Council of Collier County</i>	<i>Collier County Community Development and Environmental Services Division</i>
<ul style="list-style-type: none"> <li>--Attract and qualify businesses under the Fast Track program</li> <li>--Contact the Special Projects Manager as soon as a company is qualified.</li> <li>--Attend the pre-application meeting.</li> <li>--Maintain consistent contact with Special Projects Manager to ensure timeframes are being met.</li> <li>--Monthly review status of projects, particularly those with issues or potential issues</li> <li>--Attend meeting after 3<sup>rd</sup> rejection, if necessary</li> <li>--Copy all vested parties with correspondence.</li> </ul>	<ul style="list-style-type: none"> <li>--Assign Special Projects Manager                             <ul style="list-style-type: none"> <li>• Assist EDC with site selection.</li> <li>• Organize pre-app meeting</li> <li>• Lead project Team</li> <li>• Handle dispute resolution by involving appropriate decision makers</li> <li>• Shepard projects through the process from start to finish/manage project plan</li> <li>• Main point of contact for EDC, applicant and owner</li> <li>• Prepare monthly status reports/emphasis on exception or "red flag" items</li> <li>• Schedule hearings and external meetings, as required</li> <li>• Provide value-added services such as occasional site visits when under construction</li> </ul> </li> <li>--Develop project team                             <ul style="list-style-type: none"> <li>• Attend pre-application meeting</li> <li>• Review submissions within stated number of business days</li> <li>• Attend meeting after 3<sup>rd</sup> rejection, if necessary</li> <li>• Copy all vested parties with correspondence.</li> </ul> </li> </ul>

Effective December 2005

Page 10 of 12

Client Approved  (initials)

*Collier County*



**AMENDED**

## Attachment B: Potential Obstacles

There are certain known issues that can lead to a less than smooth approval process, as listed below. At the pre-application meeting (or before then if applicable) the Special Projects Manager will complete this section relative to the facts as presented at that time.

<b>Items that may cause a delay</b>	<b>Anticipated Delay and related information</b>
Requires re-zoning	_____
Site in existing PUD	_____
Site contains wetlands	_____
Site requires an Environmental Impact Statement	_____
LDC amendment required	_____
Permits from outside agency	_____
Utilities issues?	_____
Other?	_____

*Note: this list is not intended to be exhaustive of all items that may cause conflicts or delays in the approval process, but is to identify those most common and those most likely to significantly hold up the swift approval of the project.*

### Items the Developer or Applicant wishes to disclose concerning unusual requirements

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AMENDED**

## Attachment C: Proposed Timeline

(to be completed at pre-application meeting)

Task	Responsible	Target date
Pre-application meeting	Special Projects Manager	Day 1
Submit complete application (within 60 days of FT acceptance)	Applicant	Day 30
First review – SDP (15 business days)	Project team	Day 45
First re-submittal – SDP (must address all comments) (20 business days)	Applicant	Day 65
Second review – SDP (15 business days)	Project Team	
Apply for building permits		
First review – building permits (15 business days)		
First re-submittal – building permits (20 business days)		
Second review – building permits (15 business days)		
Approval – SDP		
Approval – Building permits		

We, the undersigned, fully accept our roles and responsibilities in this project and have offered all information in good faith and in an attempt to be thorough. We recognize that new information may be presented as the project moves through the review phases. We also recognize that until the review process begins it is not reasonable to identify every possible issue with a project. As any new material information is identified that may cause a change to this plan in any way, the Special Projects Manager is to be contacted to coordinate as needed.

Owner/Developer Name: \_\_\_\_\_ Date \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Date \_\_\_\_\_

EDC Representative: \_\_\_\_\_ Date \_\_\_\_\_

Collier County Special Projects Manager Name: \_\_\_\_\_ Date \_\_\_\_\_



# Exhibit B – Agreement

Prepared by:

Jeffrey A. Klatzkow  
Assistant County Attorney  
3301 Tamiami Trail East  
Naples, FL 34112

This space for recording

ATTN: DIBET BARRA

## AGREEMENT FOR FEE PAYMENT ASSISTANCE PROGRAM

This Agreement for Fee Payment Assistance for the payment of Impact Fees is entered into this 12<sup>th</sup> day of July, 2006, by and between Collier County, a political subdivision of the State of Florida, through its Board of County Commissioners, hereinafter referred to as "County," and Advanced Medical Center, LLC, hereinafter referred to as "Property Owner," collectively stated as the "Parties."

### RECITALS:

WHEREAS, Collier County Ordinance No. 2003-61, the Collier County Fee Payment Assistance Ordinance, as it may be further amended from time to time, codified in Chapter 49 of the Code of Laws and Ordinances of Collier County Florida, hereinafter referred to as the "Ordinance," provides for Fee Payment Assistance for payment of impact fees to qualifying businesses; and

WHEREAS, on April 7, 2006, the Property Owner submitted an application to be considered for the Fee Payment Assistance Program for a project involving the construction of a 28,100 square-foot Regional Headquarters office, which application proposed to create 20 new jobs in Collier County by June 30, 2009, at an average wage of \$55,735.00, which is 163% of Collier County's current average wage. A copy of this application is on file in the Impact Fee Administration office of the Operations Support and Housing Department; and

WHEREAS, the County Manager, or his designee, reviewed the application and, based on the representations therein, found that it complied with the requirements for fee assistance as outlined and set forth in the Ordinance; and

WHEREAS, based on the Property Owner's representations set forth in the Application and on recommendation from staff, the Board of County Commissioners approved Fee Payment Assistance Funds in the sum of \$412,146.00, and also approved a reimbursement of prepaid Transportation Impact Fees in the sum of \$126,742.68; and

**WHEREAS**, the Ordinance requires that the Property Owner enter into an Agreement for Fee Payment Assistance with the County, to be executed by the County Manager.

**NOW, THEREFORE**, in consideration of the foregoing Recitals, and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the Parties agree as follows:

1. The foregoing Recitals are true and correct and are incorporated by reference herein.

2. The legal description of the development (hereinafter referred to as the "Property") is attached as Exhibit "A", and is incorporated by reference herein.

3. Property Owner represents and warrants that they are the owner of record of the Property, and acknowledges that pursuant to the Impact Fee Ordinance owes impact fees for Road, EMS, Correctional Facilities, General Government Buildings and Law Enforcement in the total amount of \$413,092.70, as more specifically set forth in attached Exhibit "B", incorporated by reference herein.

4. The amount of the impact fees paid by the program will in all events become due and payable and shall be immediately re-paid to the County by the Property Owner if the Property is sold or transferred without prior written approval from the County at any time after the first certificate of occupancy has been issued for the development and prior to the 10-year obligation period, or prior to the 15-year obligation period for a project within an enterprise community, and the impact fees must be paid in full to the County. Any outstanding (i.e., as yet not repaid) impact fee amounts previously paid under this program will become due and payable and must then be immediately repaid to the County in the event of sale or transfer prior to expiration of the program obligation period. If not so repaid, the obligation will be a lien on the Property as set forth below.

5. The payment of impact fees via the Fee Payment Assistance Program will constitute a lien on the Property which lien may be foreclosed upon in the event of non-compliance with the requirements of this Agreement, or should any of the representations set forth in the Application be untrue or unfulfilled. The amount specified in this Agreement will serve as the amount of a lien against the Property. Neither the payment of impact fees nor this Agreement may be transferred, assigned, credited or otherwise conveyed without the prior written approval from the County, which approval may be freely withheld.

6. On Property Owner's request, and at the County's sole option, the County's interest may be subordinated to all first mortgages or other co-equal security interests. The County's interest will automatically be subordinate to the Property Owner's previously recorded first mortgage and/or any government funded affordable business loan such as the U.S. Small Business Administration (SBA) or the U.S. Department of Agriculture (USDA) loan.

7. By way of example and not as a limitation, this Agreement will be in substantial breach upon the following events: (1) any change in the status of the occupancy, type of business conducted, or compliance with the requirements of the Program, as set forth in either the Ordinance or this Agreement; (2) upon the County Manager being informed of a material misrepresentation in the Application; or (3) at any time during the term of this Agreement following June 30, 2009, in which the proposed development does not have 20 new jobs in Collier County at an average wage of \$55,735.00.

8. Upon the County's request, the Property Owner will provide all documentation required to verify compliance with the terms of the Ordinance or this Agreement. In the event the Property Owner is in default under this Agreement, and the default is not cured within 30 days after written notice is provided to the Property Owner, the County may bring a civil action to enforce this Agreement or declare that program's payment of the impact fees not yet recouped and previously paid under this program are thence immediately due and payable. The County is entitled to recover all fees and costs, including attorney's fees and costs, incurred by the County in enforcing this Agreement, plus interest at the then maximum statutory rate for final judgments, calculated on a calendar day basis until paid. These rights and remedies of the County are in addition to any other rights and remedies that the County may have should the Property Owner be in default or otherwise violate the terms of the Ordinance or this Agreement.

9. This Agreement will expire 10 years after the first certificate of occupancy has been issued for the development. Following this expiration, and upon satisfactory completion of all requirements of this Agreement, at Property Owner's request and sole expense, the County will record any necessary documentation evidencing same, including, but not limited to, a release of lien. The lien will not terminate except upon the recording of a release or satisfaction of lien in the public records of Collier County.

10. This Agreement will be recorded in the official records of Collier County at Property Owner's sole expense.

11. As a prerequisite to the issuance of the Building Permit(s) for the Development of the Property, a copy of this Agreement may be required to be presented to the County in order for the allocated Fee Payment Assistance funds to act as payment of impact fees, which would otherwise be required to be paid by the Property Owner.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date and year first above written.

WITNESS:

Rose Mary Claveau  
Signed  
ROSE MARY CLAVEAU  
Print Name

ADVANCED MEDICAL CENTER, LLC:

By: [Signature]  
GREGORY E. LEACH, MANAGER

WITNESS:

Lori Ann Martell  
Signed  
Lori Ann Martell  
Print Name

STATE OF FLORIDA)  
COUNTY OF COLLIER)

The foregoing Agreement was acknowledged before me this 12<sup>th</sup> day of JULY, 2006, by Gregory E. Leach, Manager of Advanced Medical Center, LLC, who is personally known to me or has produced \_\_\_\_\_ as proof of identity.

[NOTARIAL SEAL]

[Signature]  
Signature of Person Taking Acknowledgment



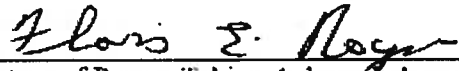
COLLIER COUNTY, FLORIDA

By:   
JAMES V. MUDD, COUNTY MANAGER

STATE OF FLORIDA)  
COUNTY OF COLLIER)


The foregoing Agreement was acknowledged before me this 12<sup>th</sup> day of July, 2006, by James V. Mudd, County Manager, on behalf of the County, who is personally known to me.

[NOTARIAL SEAL]

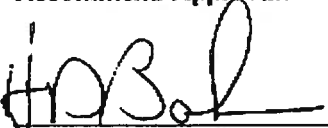
  
Signature of Person Taking Acknowledgment



Approved as to form and legal sufficiency:

  
Jeffrey A. Klatzkow  
Assistant County Attorney

Recommend Approval:

  
Denton Baker, Director  
Operations Support and Housing

**EXHIBIT "A"**  
**OWNERSHIP**  
**ADDRESS**  
**LEGAL DESCRIPTION**

**Advanced Medical Center, LLC**  
**1250 Pine Ridge Road, Naples Florida 34105**

Begin at the Southwest corner of Lot 6 Presque Isle, according to plat thereof recorded in Plat Book 4, Page 48, of the public records of Collier County, Florida; thence run North 00°06'54" East along the West line of said Lot 6, for a distance of 301.58 feet to a point on the South right of way of State Road 896; thence run North 89°47'28" East, along the South line of said State Road 896, for a distance of 330.00 feet; thence run South 00°06'54" West for a distance of 301.55 feet to a point on the North line of Sorrento Gardens Unit No. 1, as recorded in Plat Book 3, Page 71 of the public records of Collier County, Florida, also being the South line of Lot 1 of Presque Isle, according to a plat thereof recorded in Plat Book 4, Page 48, of the public records of Collier County, Florida; thence run South 89°47'07" West along said North line of said Sorrento Gardens Unit No. 1, and the South line of said Presque Isle, for a distance of 330.00 feet to the point of beginning.

Containing 99,513.4 square feet or 2.285 acres, more or less.

**Advanced Medical Center, LLC  
1250 Pine Ridge Road, Naples Florida 34105**

**EXHIBIT "B"  
IMPACT FEE BREAKDOWN**

<b>Type of Impact Fee</b>	<b>Amount Owed</b>
A. EMS Impact Fee	\$3,455.85
B. Correctional Facilities Impact Fee	\$3,270.84
C. Road Impact Fee	\$373,876.99
D. General Government Building Impact Fee	\$29,422.57
E. Law Enforcement Impact Fee	\$3,066.45
<b>TOTAL IMPACT FEES</b>	<b>\$413,092.70</b>
<b>TOTAL FEE PAYMENT ASSISTANCE</b>	<b>\$412,146.00</b>
<b>DUE FROM ADVANCED MEDICAL CENTER, LLC</b>	<b>946.70</b>

**WATER, SEWER AND FIRE IMPACT FEES TO BE PAID BY ADVANCED MEDICAL CENTER, LLC**

# Exhibit C – Reimbursement Request



## Memorandum

To: Finance Department  
From: H. Denton Baker, Director, Operations Support and Housing  
Date: July 14, 2006  
Re: Impact Fee Reimbursement—Logical Investments

OC # 732866  
7/19/06  
\$ 126,742.68

Estimated Road Impact fees in the amount of \$126,742.68 were paid by Logical Investments on March 30, 2006 on SDP-AR-8269 for a 28,054 square foot office building. An Agreement for Fee Payment Assistance has since been approved and recorded and a lien has been placed on the property. The Agreement provides for impact fee assistance in the amount of \$412,146.00. Prior to the agreement being signed and recorded, the owner paid 50% of the estimated road impact fees. The funds were deposited into the Road Impact Fee Account 333-163653-363500-313331; however, this refund is being paid from the EDC Account in the amount of \$126,742.68 where the funds were budgeted to pay for the impact fees. This refund was approved by the Board of County Commissioners on March 9, 2006, Consent Agenda Item 16.A.14. The road impact fee account remains whole, and the EDC account for this project will have a balance remaining of \$285,403.32 to apply to the additional impact fees on that will be assessed on the building permit.

AR #8269 Transaction #653396

Payee: Logical Investments LLC  
2171 Pine Ridge Road  
Naples, FL 34109-2002

<u>IMPACT FEE</u>	<u>ACCOUNT STRING</u>	<u>AMOUNT</u>
Road	001-138760-882100-00000	\$126,742.68
<b>TOTAL AMOUNT DUE:</b>		<b>\$126,742.68</b>

Please call me at 403-2333 if you should have any questions,

Authorized Signature

H. Denton Baker, Director

- Attachments:
1. Official Receipts
  2. Executive Summary
  3. Agreement for Payment Assistance Program

Permit # 200604074

AP/pdf



File # 0844000000

# Official Receipt - Collier County Board of County Commissioners

CDPR1103 - Official Receipt

Trans Number	Date	Post Date	Payment Slip Nbr
653396	3/30/2006 2:07:55 PM	3/30/2006	AR 8269

Appl Name: Q GRADY MINOR AND ASSOCIATES, PA  
Appl Stage/Status: RELEASE STAGE/PENDING  
Address: WILSON A GARCIA, PE 3800 VIA DEL REY BONITA SPRINGS FL 34134  
Proj Name: ADVANCED MEDICAL CENTER, INC  
Type: COM TAZ. 74  
Subdiv Nbr: 1464  
Project Nbr: 2004110032

Payor : LOGICAL INVESTMENTS

## Fee Information

Fee Code	Description	Gl. Account	Amount	Waived
08DEP2	DIST 2 ROAD COA DEPOSIT	33316385336350031333	\$128742.68	
Total			\$128742.68	

## Payments

Payment Code	Account/Check Number	Amount
CHECK	1053	\$128742.68

Total Cash	\$0.00
Total Non-Cash	\$128742.68
Total Paid	\$128742.68

Memo:

Cashier/location: MCCAULEYKATY / 1  
User: FLORISROGERS

Collier County Board of County Commissioners  
CD-Plus for Windows 95/NT

Printed 7/14/2006 11:22:25 AM

## EXECUTIVE SUMMARY

Recommendation that the Board of County Commissioners approve the application by Advanced Medical Center, LLC for the Advanced Broadband Infrastructure Investment Program and the Fee Payment Assistance Program and approve a reimbursement of \$126,742.68 of Transportation Impact Fees paid related to the Site Development Plan (SDP) for the specified project, in accordance with the provisions of Section 10.02.07 of the Land Development Code (LDC), which will instead be paid with budgeted Fee Payment Assistance Program funds upon the execution of a binding Fee Payment Assistance Program Agreement.

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**OBJECTIVE.** That the Board of County Commissioners (Board) approve the application by Advanced Medical Center, LLC for the Advanced Broadband Infrastructure Investment Program and the Fee Payment Assistance Program and approve a reimbursement of \$126,742.68 of Transportation Impact Fees paid related to the Site Development Plan (SDP) for the specified project, in accordance with the provisions of Section 10.02.07 of the Land Development Code (LDC), which will instead be paid with budgeted Fee Payment Assistance Program funds upon the execution of a binding Fee Payment Assistance Program Agreement. The reimbursement of previously paid Transportation Impact Fees will not be processed until the Agreement is executed and recorded and the requisite lien is placed on the property for the amount of the actual Fee Payment Assistance Program Award.

**CONSIDERATIONS:** On November 18, 2003, the Board of County Commissioners adopted Ordinance No. 2003-59, which is Chapter 49, Article V of the Collier County Code of Laws and Ordinances (Code) thereby establishing the Advanced Broadband Infrastructure Investment Program, and Ordinance No. 2003-61, which is Chapter 49, Article II of the Code, which established the Fee Payment Assistance Program. These programs are available to targeted high-wage companies that desire to relocate or expand within specified areas of Collier County and are designed to reduce the economic effects of increased development fees as well as relocation and/or expansion costs. The Programs have specific eligibility requirements including the number of full-time jobs to be created and retained, the average wage of the jobs, timing of the jobs being in place and the type of business being proposed.

On April 7, 2006, Advanced Medical Center, LLC submitted an application to be considered for the Advanced Broadband Infrastructure Investment Program and the Fee Payment Assistance Program. The project involves the construction of a 28,100 square foot Regional Headquarters office which is proposed due to an increase in patient volume and business growth. The project also includes the upgrade of the information and communication technology.

Advanced Medical Center, LLC proposes to create twenty (20) new jobs in Collier County, by June 30, 2009, at an average wage of \$55,735, which is 163% of Collier County's current average wage. The initial capital investment is approximately \$10.6 million related to the construction, land and equipment for the subject project. Based upon the above commitments, Advanced Medical Center, LLC is eligible for Fee Payment Assistance Program funds up to a maximum amount of \$412,146, not to exceed the dollar amount of the actual impact fees associated with the project. On March 30, 2006 Transportation Impact Fees in the amount of \$126,742.68 were paid for the project in accordance with Section 10.02.07 of the LDC which requires that 50% of the estimated Transportation Impact Fees be paid prior to the approval of the SDP, Final Plat or other final local development. Upon approval of the

application for the Fee Payment Assistance Program, staff will calculate the total impact fees due for the project and prepare a Fee Payment Assistance Program Agreement for payment of the impact fees, with the amount not to exceed \$412,146 or the actual amount of impact fees due for the project, whichever is less. Any impact fees due in excess of the \$412,146 will be paid by the applicant/property owner. Upon execution and recording of the agreement and filing of the requisite lien on the property, staff will prepare a request for reimbursement, in the amount of \$126,742.68, for Transportation Impact Fees that were previously remitted and are now being paid from budgeted Fee Payment Assistance Program funds.

Advanced Medical Center, LLC has also requested to participate in the Advanced Broadband Infrastructure Investment Program. The program is available to local companies either constructing a new building or renovating an existing non-residential building and upgrading it to be a "smart building", facilitating the installation of advanced broadband technology. The applicant has requested \$25,000 of incentive funds, to be paid in equal amounts of no more than \$8,400 per year, over three years. Following the installation of the system, the participating company may request the first of the authorized incentive payments. The incentive award does not provide repayment for monthly service or maintenance and may not exceed the actual cost of the installation or upgrade, or \$25,000, whichever is less.

The applicant meets all of the Advanced Broadband Infrastructure Investment Program requirements set forth by Chapter 49, Article V of the Code, and the Fee Payment Assistance Program requirements set forth by Chapter 49, Article II of the Code, as a Targeted Industry expanding within Collier County. Therefore, approval of this application will help to promote the creation and retention of jobs within the County.

**FISCAL IMPACT:**

**Broadband Infrastructure:** The applicant has requested \$25,000 of incentive funds, to be paid in equal amounts of no more than \$8,400 per year over three years. Following the installation of the system, the participating company may request the first of the authorized incentive payments. The company must submit copies of the invoices detailing the cost of the installation along with the request. The incentive award does not provide repayment for monthly service or maintenance and may not exceed the actual cost of the installation or upgrade, or \$25,000, whichever is less. Additionally, the participating company must pay their annual ad valorem property taxes to the County, in full, prior to a request for payment. This incentive award will be funded by General Fund revenue that was specifically budgeted for the adopted Broadband Infrastructure Investment Program.

⇒ **Fee Payment Assistance:** Advanced Medical Center, LLC is eligible for Fee Payment Assistance funds up to a maximum amount of \$412,146. The actual incentive award may not exceed the impact fees due and payable for the proposed development. A lien will be placed on the subject property for the dollar amount of the impact fees, which will remain on the property for the term of the agreement. At the conclusion of the agreement, if all requirements are met,

the lien will then be released from the subject property. If at any time during the term of the agreement the non-County party is not in compliance with the terms and requirements set forth by the agreement, they may be found in default and subject to default provisions set forth in Chapter 49, Article II of the Code. This incentive award will be funded by General Fund revenue that was specifically budgeted for the adopted Fee Payment Assistance Program.

The Operations Support and Housing Department of Community Development and Environmental Services Division has responsibility for job verification as well as monitoring program compliance.

The initial capital investment related to this project is estimated to be \$10,630,000 for related land, building and equipment. In addition, the creation of the twenty (20) new jobs generates a local payroll of approximately \$1.1 million annually.

**GROWTH MANAGEMENT IMPACT:** This application is consistent with the Economic Element of the Growth Management Plan, specifically Objective 1.3 that states: "Collier County will support programs which are designed to promote and encourage the recruitment of new industry as well as the expansion and retention of existing industries in order to diversify the County's economic base."

**LEGAL CONSIDERATIONS:** The Advanced Medical Center, LLC project meets all of the Advanced Broadband Infrastructure Investment Program requirements and the Fee Payment Assistance Program requirements as a Targeted Industry expanding within Collier County and is legally sufficient for Board consideration and approval.

**RECOMMENDATION:** That the Board of County Commissioners approve the application by Advanced Medical Center, LLC for the Advanced Broadband Infrastructure Investment Program and the Fee Payment Assistance Program and approve a reimbursement of \$126,742.68 of Transportation Impact Fees paid related to the SDP for the specified project, in accordance with the provisions of Section 10.02.07 of the LDC, which will instead be paid with budgeted Fee Payment Assistance Program funds upon the execution of a binding Fee Payment Assistance Program Agreement, and that the Board approve any budget amendments that may be required related to this request.

Prepared by: Amy Patterson, Impact Fee/Economic Development Manager  
Operations Support and Housing, CDES

- A. Jim Mudd Re: Post Legislative Workshop in June, 2006**
- B. Jim Mudd "Straw Ballot Referendum" item regarding roads, etc. to be placed on ballot scheduled for November, 2006**
- C. David Weigel regarding an agenda item relating to the Doerr and Nobel lawsuit - item scheduled for May 23, 2006 BCC Agenda**
- D. Mike Pettit regarding a request from the County Attorney's Office for a "Closed Session" meeting regarding: Brock vs. Ochoppee Fire District (Case No. 04941-CA) and the BCC vs. Brock (Case No. 05953-CA) – cases consolidated as Case No. 05-1506-CA**
- E. Donna Flala regarding Eagle Lakes Community Park's hosting a dancing waters interactive water play and a grand opening on May 20, 2006**
- F. Donna Flala regarding the possibility of affordable housing being built above strip malls**
- G. Commissioner Henning concerning affordable housing, agreement with North Naples Fire Department, mileage rates and a rumor regarding his plan to run for legislature**
- H. Commissioner Halas on Planning Commission's hearing decisions**

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**16. CONSENT AGENDA - All matters listed under this item are considered to be routine and action will be taken by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately.**

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**Approved and/or Adopted with changes – 5/0**

**A. COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES**

- 1) Recommendation to approve an Interlocal Agreement identifying responsibilities in a management partnership between Collier County and the City of Marco Island for the Otter Mound Preserve. As Detailed in the Executive Summary**
- 2) Recommendation to approve for recording the final plat of "Valencia Golf and Country Club Phase 2A", approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security. W/stipulations**

**May 9, 2006  
Page 9**

- 3) Recommendation to approve the Release and Satisfaction of Code Enforcement Liens for payments received.
- 4) Recommendation to approve for recording the final plat of Cabreo at Mediterra, approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.  
**W/stipulations**
- 5) Recommendation to approve final acceptance of the water utility facility for Quail Creek County Club Golf Course Maintenance Facility.  
**W/release of Utilities Performance Security Bond**
- 6) Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of "Delasol Phase One". The roadway and drainage improvements will be privately maintained.  
**Resolution 2006-112 w/release of maintenance security**
- 7) Recommendation to approve final acceptance of the water and sewer utility facilities for Veronawalk Model Center.  
**W/release of Utilities Performance Security Bond**
- 8) Recommendation to approve for recording the final plat of "Reflection Lakes at Naples Phase 2E", approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.  
**W/stipulations**
- 9) Recommendation to grant final approval of the roadway (private) and drainage improvements for the final plat of "Veronawalk Phase 1A". The roadway and drainage improvements will be privately maintained.  
**Resolution 2006-113 w/release of maintenance security**
- 10) Recommendation to approve three budget amendments to create and recognize a new Fund 111 cost center for the current budget year named Operations Support and Housing (OSH) Grants.

- 11) **Recommendation to approve for recording the final plat of "Veronawalk Phase 4A", approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.  
W/stipulations**
- 12) **Approve an Amendment No. 2 of the FEMA Floodplain Mapping Study Interlocal Agreement with the City of Naples to provide funding for additional services requested by the Federal Emergency Management Agency. (Joseph K. Schmitt, Administrator, Community Development and Environmental Services Division)  
To provide sufficient analyses of the coastal storm parameters to coastal flooding and surge**

**Moved to Item #10J**

- 13) **Recommendation to approve an Access Request and Release form allowing Roy DeLotelle of DeLotelle and Guthrie, Inc. to access Conservation Collier lands, to approve the donation of in-kind consulting services for conducting red-cockaded woodpecker studies and to authorize the Chairman to sign the attached Access Request and Release form.**
- 14) **Recommendation that the Board of County Commissioners approve the application by Advanced Medical Center, LLC for the Advanced Broadband Infrastructure Investment Program and the Fee Payment Assistance Program and approve a reimbursement of \$126,742.68 of Transportation Impact Fees paid related to the Site Development Plan (SDP) for the specified project, in accordance with the provisions of Section 10.02.07 of the Land Development Code (LDC), which will instead be paid with budgeted Fee Payment Assistance Program funds upon the execution of a binding Fee Payment Assistance Program Agreement.  
As Detailed in the Executive Summary**

**B. TRANSPORTATION SERVICES**

- 1) **Recommends Board's approval of Adopt-A-Road Agreements (5) for the following: Christopher Realty, Laura Faustino Century 21, Stoney's Citrus Farms, Anchor Health Centers and Valle Professional**

