

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 04/21/09

FILE: CAO09-0042

SUBJECT: Economic Development Agreement
between Pasco County and Coastal
Caisson Corporation
BCC: 05/12/09; 10:00 a.m.; DC

FROM: Jeffrey N. Steinsnyder
County Attorney

JNS 4-22-09

REFERENCES: All Commission Districts

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners.

DESCRIPTION AND CONDITIONS:

On September 23, 2008, the Board approved an economic development grant to Coastal Caisson Corporation, the "COMPANY", for partial reimbursement of building permit, transportation, fire combat/rescue, utility, and solid waste impact fees for the construction of three buildings totaling 41,600 square feet located in the Odessa Industrial Park in Pasco County, Florida. The Company constructed the buildings to serve as its North American Headquarters.

An Economic Development Agreement prepared by the County Attorney's Office, which is attached to this memorandum for the Board's review, sets forth the terms and conditions of the previously-approved deferral and reimbursement of the above-stated impact fees. The Agreement has been reviewed by the Office of Management and Budget and Pasco Economic Development council staff.

The Company has fully paid the impact fees in the amount of \$135,907.26. Of this amount, all of the building permit fees in the amount of \$8,957.81 should have been deferred, and \$75,000 of the transportation impact fees should have been deferred. The Company requests reimbursement of the fees that should have been deferred, in the amount of \$83,957.81 as soon as possible. The County shall reimburse the Company the remaining fees in the amount of \$51,949.45 by paying one-fifth of the approved amount each year for a period of five years. Payment from the County to the Company shall begin no earlier than one (1) year after either the Certificate of Occupancy is issued or when this Agreement is approved by the Board of County Commissioners, whichever occurs later, and only when all required documentation, more fully set forth herein below, is received by the County. The Company must supply the County with original receipts and/or cancelled checks evidencing proof of payment of impact fees, as well as provide an irrevocable and unconditional Letter of Credit in favor of the County which shall be renewed at least annually in an amount not less than the deferred fee amounts and increase annually for five years to cover the incremental reimbursement, provided the Company meets the employment thresholds requirements. In this case, the Company is required to create at least ten (10) new full-time jobs, maintain those full time jobs for five years, and pay an annual average wage equal or greater than 125% of the Pasco Average Wage.

The Agreement also requires, among other things, that the Company and Employer maintain all personnel records and other documents pertaining to its relocation and/or creation of a minimum number of permanent new jobs and the retention of such jobs. The Agreement shall remain in effect for a period of five (5) years, may not be assigned by either party, and provides that the Company and Employer indemnify and hold the County harmless against any claims and/or liability due to the actions of the Company or Employer. Lastly, in the event of a default by the Company or Employer, the Company shall refund to the County the amount of funds previously refunded and deferred to it, or it shall refund any deferred or disbursed funds the County determines may have been misapplied under the terms of the Agreement.

ALTERNATIVES AND ANALYSIS:

1. Approve the attached Economic Development Agreement between Pasco County and Coastal Caisson Corporation and authorize the Chair to sign the Agreement upon receipt of the acceptable security required by Section 4.
2. Do not approve the attached Economic Development Agreement between Pasco County and Coastal Caisson Corporation.

RECOMMENDATION AND FUNDING:

The County Attorney's Office, after consulting with the Office of Management and Budget, recommends that the Board approve alternative number 1, authorize the Chairman to execute the agreement, and direct Board Records to distribute the agreements as follows:

- one (1) original agreement to be retained by Board Records;
- one (1) original agreement to Charles Puccini, President, Coastal Caisson Corporation, 13203 Byrd Legg Drive, Odessa, FL 33556;
- one (1) copy to Michael Nurrenbrock, Director, OMB, New Port Richey;
- one (1) copy to Denise Sanderson, Existing Industry Manager, Pasco Economic Development Council, 16506 Pointe Village Drive, Suite 101, Lutz, Florida 33558;
- and one (1) copy to Jeffrey N. Steinsnyder, County Attorney, New Port Richey.

Funding for this item will be provided in the appropriate fiscal year, contingent upon Board approval, in account number B001-811200-33413.

Attachments: Economic Development Agreement between Pasco County and Coastal Caisson Corporation (2 originals and 3 copies)

cc: Michael A. Clark, Budget Director, OMB (*electronically, w/attachment*)
Denise Sanderson, Existing Industry Manager, PEDC (*electronically, w/attachment*)