

Press Release

Final Payments for Marco Airport Project Heldup Due to Zoning Error

The Clerk's Internal Audit Department has released its report on the Collier County Airport Authority's Marco Island Executive Airport; Limited Scope: Parallel Taxiway Expansion- Property Ownership and Zoning. The audit found that county staff failed to properly zone the county owned land prior to the taxiway expansion project in violation of local zoning laws outlined in the Land Development Code (LDC). This oversight could prove to be costly to Collier County taxpayers because the project is approximately 97% funded by federal and state grant monies. All federal and state grants require projects to comply with local, state, and federal laws prior to receiving grant funds.

The details of *Audit Report 2012-1 Collier County Airport Authority; Marco Island Executive Airport Limited Scope: Marco Island Parallel Taxiway Expansion-Property Ownership and Zoning* are available on the Clerk's website. <http://www.collierclerk.com/pdf/FianlAudit2012>

In a Memorandum of Understanding, dated September 11, 2001, all parties agreed the expansion could occur, however, the land was zoned as "conservation-ST" land at the time, not "public." The "public" zoning designation is legally required for the project. The land used for the runway project is currently zoned "conservation -ST." The construction project was completed in March of 2012.

The Clerk's office already had made construction payments approved by the Collier County Airport Director exceeding \$4,000,000 when it received notification from an anonymous citizen of the zoning concerns. There still remains \$1,532,277.61 remaining to be paid on the contract, however, final payments are being held until the zoning and legal concerns are resolved.

Land needs to be properly zoned with the appropriate zoning district prior to that the construction project beginning to ensure the Clerk has the legal authority to pay the contractor. The Clerk's office is prohibited from paying a bill for any transaction that we cannot determine to be legal, according to Florida Statute FS 129.09 http://www.collierclerk.com/pdf/FLS_129_09_Liability

In response, Dwight Brock stated "it is unfortunate that errors by county staff continue to create legal and contractual problems which holdup payments to local businesses who have performed services and deserve to be paid."

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