Memorandum

MIAMI-DADE COUNTY

Date: December 15, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 9(A)(1)

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Interlocal Agreement with City of Sunny Isles Beach Regarding One-Stop Permitting Shop for Film and Photography Production Companies

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Recommendation
It is recommended that the Board of County Commissioners (BCC) approve the attached Interlocal Agreement (Agreement) between the City of Sunny Isles Beach (City) and Miami-Dade County (County) which allows the County to issue permits to film and still photography production companies wishing to use City facilities and further authorize the County Mayor or the County Mayor's designee to execute the Agreement in substantially the form attached.

Scope
The Agreement applies to any film and still photography production using facilities in the City, which lies entirely in Commission District 4.

Fiscal Impact
Approval of this item will generate additional revenue for the County. The Office of Film and Entertainment will receive a $100 application fee for every film permit processed on behalf of the City.

Monitoring
This agreement will be monitored by the County's Office of Film and Entertainment.

Background
With the approval of Ordinance 91-50, the Office of Film and Entertainment provides one-stop film permitting services for many of Miami-Dade County's municipalities since 1991, which allows the Office of Film and Entertainment to facilitate film, television and still photography authorizations quickly and efficiently. This approach helps create a "film friendly" environment within Miami-Dade County for film and television production, and encourages more production as a result.

Without this Agreement, film and television companies wishing to do business in Miami-Dade County will encounter barriers to production as each municipal boundary crossed will require an additional permit, paperwork, man hours and fees. This simplified one-stop permitting service has enhanced our County's ability to efficiently process film permits for all of the most attractive filming locations, no matter which jurisdiction they fall within. This item will authorize those services to be performed for the City of Sunny Isles Beach. The one-stop permitting service is one of the most effective enticements the County has to attract an increasing number of film, television and still photography shoots into our community.

The City had previously entered into an Agreement with the County to provide film permitting services in 1991. The agreement has subsequently expired and it is the desire of the City and the County to continue to continue providing those services. The City Commission approved the attached Agreement on July 23, 2009.

Attachment

Cynthia W. Curry
Senior Advisor to the County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: December 15, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 9(A)(1)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 9(A)(1)
12-15-09

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE ATTACHED INTERLOCAL AGREEMENT BETWEEN THE CITY OF SUNNY ISLES BEACH AND MIAMI-DADE COUNTY TO PROVIDE FILM PERMITTING SERVICES

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the Interlocal Agreement between the City of Sunny Isles Beach and Miami-Dade County providing for film permitting by the Miami-Dade County Office of Film and Entertainment on behalf of the municipality, in substantially the form attached hereto and made a part hereof and authorizes the County Mayor or the County Mayor's designee to execute the same for and on behalf of Miami-Dade County and to exercise the cancellation provisions contained therein.

The foregoing resolution was offered by Commissioner , who moved for its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eric A. Rodriguez

INTERLOCAL AGREEMENT
FILM PERMITTING

MIAMI-DADE COUNTY – CITY OF SUNNY ISLES BEACH

WHEREAS, the Board of County Commissioners passed Ordinance 91-50, in order to effect a one stop permitting process within the Miami-Dade Office of Film and Entertainment ("Film Office") and

WHEREAS, the Ordinance allows for the County to enter into interlocal agreements with the various municipalities within Miami-Dade County in order for the Miami-Dade Film Office to permit for use of municipal property and services; and

WHEREAS, the various municipalities have expressed willingness to enter into agreement with Miami-Dade County to perform this function on their behalf:

NOW THEREFORE, for and in consideration of the terms, conditions and covenants contained herein, Miami-Dade County and the City of Sunny Isles Beach hereto agree as follows:

1. Purpose: The City of Sunny Isles Beach hereby authorizes the County, through its Film Office, to issue permits to film and still photography production companies allowing them to utilize City facilities and services as authorized by the City.

2. Term: The City grants authorization to the County, through its Film Office, to issue permits for the period of five years, commencing ten (10) days from the date of approval of this agreement by both parties.

3. Option to Renew: The County or the City of Sunny Isles Beach may, upon written notice to the other, thirty (30) days prior to the expiration of this agreement, renew this agreement for a period of five years.

4. Cancellation: This agreement may be canceled by either party by providing written notice of intention to terminate, with 30 days prior notice, with or without cause. Any permits which may have been issued prior to termination, but covering dates after the termination date will be honored.

5. Liaison: The City of Sunny Isles Beach will appoint a representative to act as liaison to the Film Office, and who will coordinate City facilities and services, and who shall have the authority to authorize the issuance of permits by the County on behalf of the City.

6. Advance Notice: The County agrees to provide written notice to the City of Sunny Isles Beach, via facsimile, e-mail or U.S. mail, of requests for City facilities or services within one working day of receipt of the request from a production company for such service. The City retains the right to deny issuance of a permit based on insufficient advance notice.

7. Insurance: The County, through its Film Office agrees to obtain from any production company issued a permit for the City, an insurance certificate, naming the City as

additionally insured, in the amount of one million dollars ($1,000,000.00) for film production and for still photography, providing for comprehensive general liability coverage. In the event that the County fails to verify required insurance, and the City has not waived said requirement, the County shall assume liability under state tort law, within limitations described by 768.28 of Florida Statutes. Verifying insurance means that the County obtains a copy of the production company's liability insurance policy naming the City as an additional insured in the amounts described above.

8. Refusal: The City Manager in his/her discretion maintains the right to reject any permit application if the City Manager determines that it would not be in the best interest of the City to approve the permit application and the granting of the permit would not serve to promote the general welfare of the community.

9. Non Exclusive Rights: The City of Sunny Isles Beach retains the right to issue authorization to any production company directly and without notice to the Film Office.

10. Priority Service Consideration: The County agrees that City services will be given first right to provide support service to production companies which are utilizing City property.

11. Guidelines: The City of Sunny Isles Beach agrees to provide in writing, Guidelines to govern the issuance of permits issued on the City's behalf. These Guidelines are subject to revision at any time, subject to ten (10) days written notice to the Film Office. All Guidelines must conform to law.

12. Facilities: The City agrees to provide in writing, a schedule of facilities, services and associated fees and required deposits, which it wishes to make available for use. Further, the County agrees to forward any requests for special facilities which the City may own or control and may be requested by a production company.

13. Collections: The City agrees that they will be responsible for the billing and collection of any fees or charges assessed to a production company for use of facilities and/or services and the County will in no way be liable for such charges, if unpaid. The County shall not issue permits to film and still photography production companies that have unpaid fees or charges assessed by the City under this section, provided the City has notified the County of such unpaid fees or charges.

14. Hold Harmless: The City of Sunny Isles Beach agrees that they will hold the County harmless and that the County will be in no way be liable for any damages caused by a production company permitted to film in the City, where the permit was issued with the appropriate authorization of the City's Liaison.

15. Cooperative Marketing: The County agrees to include the City in any cooperative marketing material which may be issued from the Film Office, and the terms and costs will be determined at the time of production. Further, the County agrees to list the City by name in any reference to "one stop Permitting and it's participating municipalities."

16. Facility Photo File: The City agrees to provide the County with photographs of available areas or facilities which the City wishes to promote for the use of film production and the County agrees to make this material available to production companies, in an effort to market the City, County and South Florida to the film industry.

17. Notice: All legal notices regarding this agreement must be sent to the following address:

Miami - Dade County
County Executive Office
Attn: Office of Film & Entertainment
111 NW 1st Street, Suite 2200
Miami FL 33128

City of Sunny Isles Beach
Rick Conner, City Manager
18070 Collins Avenue.
Sunny Isles Beach, Florida 33160

18. This agreement may be amended only by the mutual written consent of both parties.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their appropriate officials, as of the date first above written.

ATTEST:

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONER:

Harvey Ruvin, Clerk

By_____
Deputy Clerk

By_____
County Mayor or Designee

Approved as to form _____
County Attorney

ATTEST:

CITY OF SUNNY ISLES BEACH
Pursuant to Resolution _____

By_____
City Clerk

By_____
City Manager

APPROVED AS TO FORM:

By_____
Hans Ottinot, City Attorney