

MEMORANDUM

Agenda Item No. 8(M)(3)

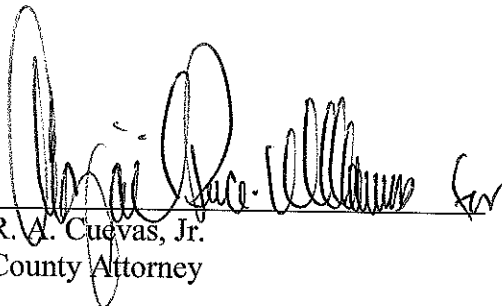
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

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

SUBJECT: Resolution approving and
authorizing the execution of the
attached Interlocal Agreement
between the Village of El Portal
and Miami-Dade County to
provide film permitting services

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Date: January 23, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Resolution Authorizing an Interlocal Agreement with the Village of El Portal regarding
Film and Photography Production Companies

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing an Interlocal Agreement (Agreement) between the Village of El Portal (Village) and Miami-Dade County (County) that will allow the County to issue permits to film, television, and still photography production companies desiring to use Village facilities. The attached resolution further authorizes the County Mayor or the County Mayor's designee to execute the Agreement in substantially the form attached hereto.

Scope

The Agreement applies to any film, television, and still photography production, using facilities located in the Village of El Portal within the boundaries of Commissioner Edmonson's District 3.

Fiscal Impact

Approval of this item will generate additional revenue for Miami-Dade County's Department of Regulatory and Economic Resources (RER) Film and Entertainment Office, which will receive a \$100.00 application fee for every film permit processed on behalf of the Village of El Portal.

Monitoring

This Agreement will be monitored by Sandy Lighterman, Film and Entertainment Industries Liaison, RER.

Background

With the approval of Ordinance No. 91-50, the Film and Entertainment Office provides one-stop film permitting services for many of Miami-Dade County's municipalities 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 the execution of this Agreement, film, television and still photography companies desiring to conduct business in Miami-Dade County will encounter barriers up until production, as each Municipal boundary crossed will require an additional permit, unnecessary paperwork, further man hours and additional fees. This simplified one-stop permitting service has enhanced Miami-Dade County's ability to efficiently process film permits for all of the filming locations, no matter the jurisdiction.

This item will authorize those services to be performed for the Village of El Portal. The one-stop permitting service is one of the single most effective enticements Miami-Dade County has to attract the ever increasing number of film, television and still photography shoots to this community.



Jack Osterholt, Deputy Mayor




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

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

SUBJECT: Agenda Item No. 8(M)(3)

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 Mayor'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. 8(M)(3)
1-23-13

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF THE ATTACHED INTERLOCAL
AGREEMENT BETWEEN THE VILLAGE OF EL PORTAL
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 Village of El Portal and Miami-Dade County providing for film permitting by the Miami-Dade County Film and Entertainment Office 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 its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

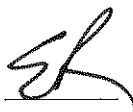
The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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 – VILLAGE OF EL PORTAL**

WHEREAS, the Board of County Commissioners passed Ordinance 91-50, in order to effect a one stop permitting process within the Film and Entertainment Office (Film Office) of the Miami-Dade County's Department of Regulatory and Economic Resources, Business Affairs Division and the Village of El Portal (Village).

WHEREAS, the Ordinance provides Miami-Dade County to enter into an Interlocal agreement with the various municipalities within Miami-Dade County in order for Miami-Dade's 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 Village of El Portal hereto agree as follows:

1. **Purpose:** The Village of El Portal hereby authorizes the Miami-Dade County, through its Film Office, to issue permits to film and still photography production companies allowing them to utilize Village facilities and services as authorized by the Village.
2. **Term:** The Village grants authorization to Miami-Dade 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 Miami-Dade County or the Village 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 a prior written 30 days in advance notice of intent to terminate, 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 Village will appoint a representative to act as liaison to the Film Office, and who will coordinate Village facilities and services, and who shall have the authority to authorize the issuance of permits by Miami-Dade County on behalf of the Village.
6. **Advance Notice:** Miami-Dade County agrees to provide written notice to the Village, via email, facsimile and/or U.S. mail, of requests for Village facilities or services within one working day of receipt of the request from a production company for such service. The Village retains the right to deny issuance of a permit based on insufficient advance notice.

7. **Insurance:** Miami-Dade County, through its Film Office agrees to obtain from any production company issued a permit for the Village, an insurance certificate, naming the Village 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 Miami-Dade County fails to verify required insurance, and the Village has not waived said requirement, Miami-Dade County shall assume liability under State tort law, within limitations described by SS 768.28 of the Florida Statutes. Verifying insurance means that Miami-Dade County obtains a copy of the production company's liability insurance policy naming the Village as an additional insured in the amounts described above.
8. **Refusal:** The Village Manager in his/her discretion maintains the right to reject any permit application if the Village Manager determines that it would not be in the best interest of the Village 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 Village retains the right to issue authorization to any production company directly and without notice to the Miami-Dade County's Film Office.
10. **Priority Service Consideration:** Miami-Dade County agrees that Village services will be given first right to provide support service to production companies which are utilizing Village property.
11. **Guidelines:** The Village agrees to provide in writing, guidelines that govern the issuance of permits issued on behalf of the Village. These guidelines are subject to revision at any given time, subject to a ten (10) day written notice to Miami-Dade County's Film Office. These guidelines must conform to law.
12. **Facilities:** The Village agrees to provide in writing, a schedule of facilities, services and associated fees and required deposits to which, it desires to make available for use. Further, Miami-Dade County agrees to forward any requests for special facilities which the Village may own or control and may be requested by a production company.
13. **Collections:** The Village 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 Miami-Dade County will in no way be liable for such charges, if unpaid. Miami-Dade County shall not issue permits to film and still photography production companies that have unpaid fees or charges assessed by the Village under this section, provided the Village has notified Miami-Dade County of such unpaid fees or charges.
14. **Hold Harmless:** The Village agrees that they will hold Miami-Dade County harmless and that Miami-Dade County will be in no way be liable for any damages caused by a production company permitted to film in the Village, where the permit was issued with the appropriate authorization of the Village's Liaison.

15. Cooperative Marketing: Miami-Dade County agrees to include the Village in any cooperative marketing material which may be issued from Miami-Dade County Film Office, and the terms and costs will be determined at the time of production. Further, Miami-Dade County agrees to list the Village of El Portal by name in any reference to "one stop permitting and its participating municipalities".

16. Facility Photo File: The Village agrees to provide Miami-Dade County with photographs of available areas or facilities which the Village wishes to promote for the use of film production and Miami-Dade County agrees to make this material available to production companies, in an effort to market the Village, Miami-Dade 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
Deputy Mayor Jack Osterholt
Attn: Office of Film & Entertainment
111 NW 1 Street, Suite 2200
Miami, FL 33128

Village of El Portal
Village Manager
500 NW 87 Street
El Portal, Fl 33138

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 initial date written above.

ATTEST:

Harvey Ruvin, Clerk
MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Clerk, Miami-Dade County

BY: _____
Carlos A. Gimenez
Mayor
Miami-Dade County

Approved as to legal form
and sufficiency: 
Assistant Miami-Dade County Attorney

ATTEST:

Village of El Portal
Pursuant to
Resolution # 2011-035

BY _____
Clerk, Village of El Portal

BY _____
Mayor
Village of El Portal

Approved as to legal form
and sufficiency: _____
Attorney for Village of El Portal

Adopted: November 15, 2011

**RESOLUTION NO. 2011-035 INTERLOCAL AGREEMENT
FILM PERMITTING**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, ENTERING INTO A INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY, AUTHORIZING ITS FILM OFFICE TO ISSUE PERMITS TO FILM AND STILL PHOTOGRAPHY PRODUCTION COMPANIES ALLOWING THEM TO UTILIZE VILLAGE FACILITIES AND SERVICES AUTHOURIZED BY THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Village of El Portal hereto agree as follows:

1. Purpose: The Village of El Portal hereby authorizes the County, through its Film Office, to issue permits to film and still photography production companies allowing them to utilize Village facilities and services as authorized by the Village.
2. Term: The Village 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 Village of El Portal 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 Village of El Portal will appoint a representative to act as liaison to the Film Office, and who will coordinate Village facilities and services, and who shall have the authority

to authorize the issuance of permits by the County on behalf of the Village.

6. Advance Notice: The County agrees to provide written notice to the Village of El Portal, via facsimile, email or U.S. mail, of requests for Village facilities or services within one working day of receipt of the request from a production company for such service. The Village 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 Village, an insurance certificate, naming the Village 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 Village 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 Village as an additional insured in the amounts described above.

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

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

11. Guidelines: The Village of El Portal agrees to provide in writing, Guidelines to govern the issuance of permits issued on the Village'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 Village of El Portal 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 Village may own or control and may be requested by a production company.

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of the Village's Liaison.

15. Cooperative Marketing: The County agrees to include the Village 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 Village by name in any reference to "one stop Permitting and its participating municipalities."

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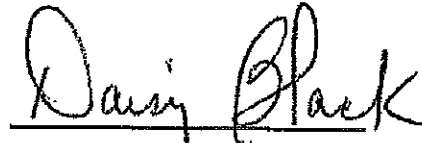
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Miami - Dade County
Mayor
Attn: Office of Film & Entertainment
111 NW 1st Street, Suite 2200
Miami FL 33128

Village of El Portal
Village Manager
500 NE 87th Street
El Portal, FL 33138

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

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this 15th day of November, 2011.



Daisy Black, Mayor

ATTEST: C. Montealegre
Carolina Montealegre, Interim Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Joseph S. Geller, Village Attorney

Moved by: Vice Mayor Harold E. Mathis, Jr.

Seconded by: Councilperson Omarr Nickerson

Vote:

Mayor Black: X (Yes) _____ (No)

Councilperson Cubillos: X (Yes) _____ (No)

Councilperson Nickerson: X (Yes) _____ (No)

Councilperson Marcus: X (Yes) _____ (No)
Councilperson Mathis, Jr.: X (Yes) _____ (No)

I, Carolina Monteclegre, Interim Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2011-035 adopted on NOV 15th, 2011, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 30th day of MARCH, 2012.



CAROLINA MONTEALEGRE
INTERIM VILLAGE CLERK