

# MEMORANDUM

Agenda Item No. 8(L)(4)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

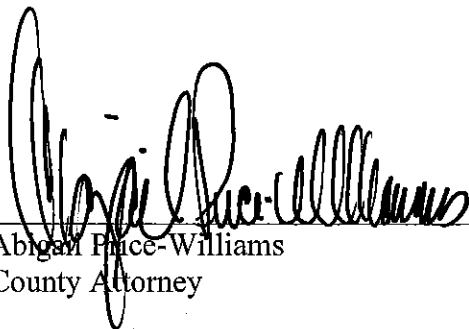
**DATE:** November 7, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution approving an Interlocal Agreement between the City of Miami Gardens and Miami-Dade County to provide film permitting services for a five-year term; and authorizing the County Mayor to execute same and exercise the provisions contained therein, including renewal and termination

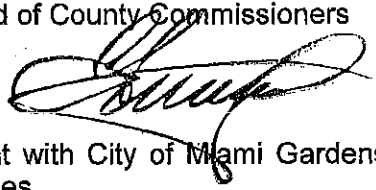
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The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



Abigail Price-Williams  
County Attorney

APW/smm

**Date:** November 7, 2017  
**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez  
Mayor   
**Subject:** Interlocal Agreement with City of Miami Gardens Regarding Film and Photography  
Production Companies

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**Recommendation**

It is recommended that the Board of County Commissioners (Board) approve and authorize the execution of an Interlocal Agreement (Agreement) with City of Miami Gardens (City) by the County Mayor or County Mayor's designee to allow the Miami-Dade Office of Film and Entertainment in the Department of Regulatory and Economic Resources to issue permits to film, television, and still photography production companies desiring to use the City's facilities.

**Scope**

The Agreement applies to any film, television, and still photography production using facilities in the City, which is located in Commission District 1 and represented by Commissioner Barbara J. Jordan.

**Fiscal Impact/Funding Source**

Under the proposed Agreement, the Miami-Dade Office of Film and Entertainment will receive a \$100 application fee for each film permit processed on behalf of the City, which assists with the maintenance of the permitting system utilized by County staff.

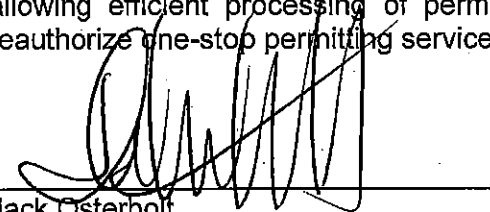
**Monitor**

Sandy Lighterman, Chief, Miami-Dade Office of Film and Entertainment in the Department of Regulatory and Economic Resources, will monitor this Agreement.

**Background**

Ordinance No. 91-50 authorizes the Miami-Dade Film and Entertainment Office to provide one-stop film, television and still photography permitting services for all of the County's municipalities, creating a film-friendly environment which encourages more local production. Without these interlocal agreements, film, television and still photography companies would face obstacles at each municipal boundary with additional permitting, unnecessary paperwork, further man-hours and additional fees. This service is an effective enticement to attract film, television and still photography shoots to this community.

Currently, Miami-Dade County provides these services under agreements with 16 municipalities, allowing efficient processing of permits for most filming locations. The attached resolution will reauthorize one-stop permitting services to be performed for the City.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** November 7, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 8(L)(4)

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
- Statement of social equity 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(L)(4)  
11-7-17

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND MIAMI-DADE COUNTY TO PROVIDE FILM PERMITTING SERVICES FOR A FIVE-YEAR TERM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESGINEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN, INCLUDING RENEWAL AND TERMINATION

**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 Miami Gardens and Miami-Dade County providing for film permitting by the Miami-Dade Office of Film and Entertainment on behalf of the municipality, in substantially the form attached hereto and made a part hereof, for a five-year term; 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 provisions contained therein including renewal and termination provisions.

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:

Esteban L. Bovo, Jr., Chairman  
Audrey M. Edmonson, Vice Chairwoman  
Bruno A. Barreiro  
Jose "Pepe" Diaz  
Barbara J. Jordan  
Jean Monestime  
Rebeca Sosa  
Xavier L. Suarez  
Daniella Levine Cava  
Sally A. Heyman  
Joe A. Martinez  
Dennis C. Moss  
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

APP

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**INTERLOCAL AGREEMENT  
FILM PERMITTING  
MIAMI-DADE COUNTY – CITY OF MIAMI GARDENS**

**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 Miami Gardens hereto agree as follows:

1. Purpose: The City of Miami Gardens 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. 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.
4. Liaison: The City of Miami Gardens 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.
5. Advance Notice: The County agrees to provide written notice to the City of Miami Gardens, via email and 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.
6. 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.

7. Refusal: The City Manager in his/her discretion maintains the right to reject any permit application if the City 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.

8. Non Exclusive Rights: The City of Miami Gardens retains the right to issue authorization to any production company directly and without notice to the Film Office.

9. 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.

10. Guidelines: The City of Miami Gardens 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.

11. Facilities: The City of Miami Gardens 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.

12. Collections: The City of Miami Gardens 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.

13. Hold Harmless: The City of Miami Gardens 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.

14. 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 its participating municipalities." However, the cost to the City shall not exceed \$5,000 without prior approval of the City Commission by written resolution.

15. 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.

16. 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 1st Street, 12<sup>th</sup> Floor  
Miami, FL 33128

City of Miami Gardens  
City Manager, Cameron Benson  
18605 NW 27<sup>th</sup> Avenue  
Miami Gardens, Florida 33056

17. 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:

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

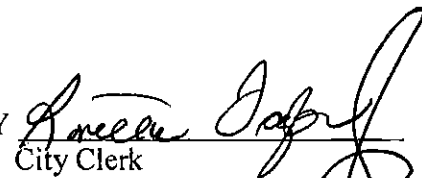
BY \_\_\_\_\_  
Clerk

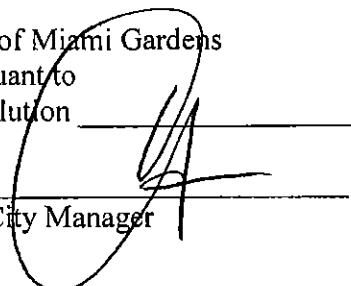
BY \_\_\_\_\_  
Mayor Carlos A. Gimenez

Approved as to form \_\_\_\_\_  
County Attorney

ATTEST:

City of Miami Gardens  
Pursuant to  
Resolution \_\_\_\_\_

BY   
City Clerk

BY   
City Manager

Approved as to form \_\_\_\_\_  
City Attorney