



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

**Economic Development and Tourism
Committee (EDTC) Meeting**

May 10, 2018
1:30 P.M.
Commission Chambers

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Research Notes**

Item No. 3A

File No. 181039

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING 10-YEAR LEASE AGREEMENT WITH F&E AIRCRAFT MAINTENANCE (MIAMI), LLC, FOR AN AIRCRAFT MAINTENANCE, REPAIR AND OVERHAUL OPERATION AT MIAMI INTERNATIONAL AIRPORT FOR AN INITIAL ANNUAL LAND RENT OF \$199,706.75 AND IMPROVEMENT RENT FOR THE BUILDINGS REBUILT OR RECONSTRUCTED BY THE TENANT AT ITS COST; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME AND EXERCISE ALL PROVISIONS THEREIN, INCLUDING TERMINATION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE SAME TO THE COUNTY PROPERTY APPRAISER IN ACCORDANCE WITH RESOLUTION NO. R-791-14

ISSUE/REQUESTED ACTION

Whether the Board should approve a 10-year lease agreement with F&E Aircraft Maintenance LLC (FEAM) for aircraft maintenance, repair and overhaul operations at Miami International Airport for an initial annual land rent of \$199,706.75 and improvement rent, yet to be determined, commencing in the sixth lease year.

APPLICABLE LEGISLATION/POLICY

Section 2-8.3 of the County Code (Mayor's Recommendation) prescribes that whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

<https://library.municode.com/fl/miami> -

[dade county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE)

Section 2-8.6.5 of the County Code governs the purchase, sale and lease of real property.

<https://library.municode.com/fl/miami> -

[dade county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Administrative Order No. 8-4 sets forth the County's policy regarding the sale, lease and disposal of County-owned real property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Aviation

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FISCAL IMPACT

The buildings that are the subject of the lease have no positive value to the County because of Code violations. Commencing May 1, 2018 and throughout the term of the lease, FEAM shall pay the County annual rent just for the land and pavement associated with the premises in the initial sum of \$199,706.75.

In consideration of FEAM's expending its funds for demolition of the existing buildings and construction of either new facilities on the premises or reconstruction of the buildings to satisfy Code requirements, FEAM shall be entitled to a five-year period of time to amortize such costs and therefore shall not be required to pay any improvement rent on the new facilities as of the date FEAM begins the new facilities work but shall commence paying rent on the new facilities as of May 1, 2023 and monthly thereafter for the duration of the remaining term of the agreement.

In addition to the land and pavement rental payments, FEAM shall pay the County the amount by which three percent of its monthly gross revenue generated from its activities under the lease exceeds the land and pavement rent and imputed building rent as reasonably determined by the County.

ANALYSIS

This item is requesting Board approval of a 10-year land lease agreement with FEAM for aircraft maintenance, repair and overhaul operations at Miami International Airport. The lease commences on May 1, 2018 and terminates on April 30, 2028. Under the lease, FEAM shall use the premises for the following purposes:

- Demolition of the existing buildings and construction of new facilities on the premises or reconstruction of the buildings so that they satisfy Code requirements; and
- Maintenance of aircraft and aviation related equipment, including support shops and overhaul facilities, executive, administrative and operational offices and related activities.

The County owns and operates MIA through MDAD and makes available for lease an aviation facility on the north side of MIA consisting of four separate buildings known as Buildings 861, 862, 862A and 863. FEAM is currently a tenant in Buildings 861 and 862A. Due to the poor conditions of the leased buildings, they have no positive economic value to the County. MDFR has placed Notices of Violations on the buildings indicating that fire code violations and life/safety violations have occurred within the buildings and are continuing.

Under the lease agreement, FEAM will be allowed to demolish and then construct new facilities on the premises or completely reconstruct the Buildings and associated common use areas so that they are placed in a condition that meets Code requirements.

The County and FEAM entered into a preliminary five-year lease agreement on September 19, 2017 for FEAM's use of the premises; that agreement will be superseded by this long-term agreement which incorporates the demolition and reconstruction work.

FEAM is aware that the Unsafe Structures Board has the authority under the Code to declare the buildings to be unsafe structures and to order their closure or other actions despite the existence of the land lease agreement. The lessee has the obligation to complete the work associated with the new facilities and their common areas by September 20, 2021 or such other date as may be mandated by the Unsafe Structures Board and MDFR. If FEAM fails to satisfy the requirements of the Unsafe Structures Board and the buildings are ordered to be vacated, the County has the right to terminate the lease.

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ADDITIONAL INFORMATION

A May 9, 2018 search on sunbiz.org (Florida Department of State, Division of Corporations website) for F&E Aircraft Maintenance LLC listed the vendor as an active foreign limited liability corporation with a principal address of 657 South Drive, Suite 306, Miami Springs, Florida.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FEAIRCRAFTMAINTENANCEMIAMI%20M020000030520&aggregateId=forl-m02000003052-9a2b6d2f-a4df-47e1-96e4-7d1c635cb996&searchTerm=F%20%26%20E%20Aircraft%20maintenance&listNameOrder=FEAIRCRAFTMAINTENANCE%20S597151>

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Research Notes**

Item No. 3B

File No. 181040

Researcher: JFP Reviewer: TD

RESOLUTION WAIVING COMPETITIVE BIDDING BY TWO-THIRDS VOTE OF THE MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE; WAIVING THE PROVISIONS OF RESOLUTION NO. R-1587-72 AS BEING IN THE BEST INTERESTS OF MIAMI-DADE COUNTY; APPROVING FIFTH AMENDMENT TO LEASE AND CONCESSION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND DUTY FREE AMERICAS MIAMI LLC FOR THE PROVISION OF DUTY AND TAX FREE MERCHANDISE AT MIAMI INTERNATIONAL AIRPORT; EXTENDING THE TERM OF THE AGREEMENT THROUGH SEPTEMBER 14, 2024 AND PROVIDING FOR A MINIMUM INVESTMENT BY DUTY FREE AMERICAS MIAMI LLC OF \$17,000,000; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND ENFORCE SAME

ISSUE/REQUESTED ACTION

Whether the Board should waive competitive bidding as well as the provisions of Resolution No. R-1587-72 as being in the best interests of Miami-Dade County; approve the Fifth Amendment to the Lease and Concession Agreement with Duty Free Americas Miami, LLC (DFA) for the Duty-Free and Tax-Free Concession Program at Miami International Airport (MIA), extending the term of the agreement through 2024 and providing for a \$17 million minimum investment by DFA into its 21 locations.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the County's Home Rule Charter states that Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids.

<https://www.miamidade.gov/charter/library/charter.pdf>

Section 2-8.1 of the County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-1226-05, adopted by the Board on November 3, 2005, approved the award of a Lease and Concession Agreement to DFA for duty-free and tax-free services in the North, South, and Central Terminals at MIA. The agreement was for a 10-year term with one two-year extension, with an expiration date of December 31, 2017.

<http://www.miamidade.gov/govaction/matter.asp?matter=053354&file=false&fileAnalysis=false&yearFolder=Y2005>

Resolution No. R-13-10, adopted by the Board on January 21, 2010, amended all South Terminal concessionaires' agreements to provide financial relief due to construction delays and lower than anticipated passenger traffic.

<http://www.miamidade.gov/govaction/matter.asp?matter=092924&file=true&fileAnalysis=false&yearFolder=Y2009>

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Resolution No. R-1120-11, adopted by the Board on December 19, 2011, amended Central Terminal Agreements to provide financial relief to nine concessionaires, including DFA, until January 31, 2013, due to a decrease in passenger traffic resulting from construction that forced passengers to exit between Terminals E and D.

<http://www.miamidade.gov/govaction/matter.asp?matter=112399&file=true&fileAnalysis=false&yearFolder=Y2011>

Resolution No. R-892-12, adopted by the Board on November 27, 2012, amended the agreements with the nine concessionaires that were the subject of Resolution No. R-1120-11 once again to extend the same financial relief package to the same concessionaires, including DFA, until January 31, 2015.

<http://www.miamidade.gov/govaction/matter.asp?matter=122160&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-96-14, adopted by the Board on February 4, 2014, amends all Agreements for DFA and North Terminal concessionaires to reset the lease effective dates from January 1, 2006 to September 14, 2014 to financially compensate the concessionaires for delayed gate openings and decreased passenger traffic that occurred as a result of construction.

<http://www.miamidade.gov/govaction/matter.asp?matter=140046&file=true&fileAnalysis=false&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

This proposed Resolution has no procedural history.

FISCAL IMPACT

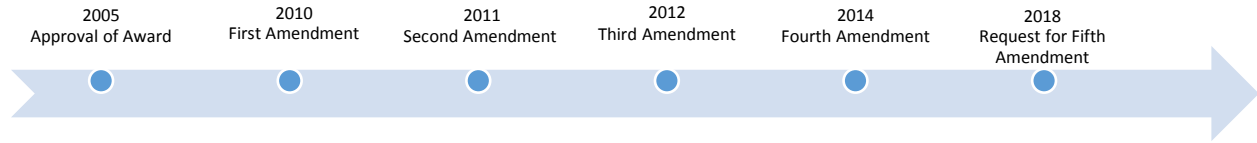
DFA currently pays the Miami-Dade Aviation Department a Minimum Annual Guarantee of \$26,710,605, with annual revenues to the County often exceeding \$30,000,000—an amount more than typical payments from duty free operators at other airports.

ANALYSIS

Duty Free Americas Miami, LLC is currently the sole provider of duty and tax-free merchandise as well as limited duty and tax paid merchandise at Miami International Airport. Passengers buy their duty-free merchandise in one of 21 locations in the North, Central and South Terminals. The agreement with DFA, as amended, authorizes DFA to occupy locations in the North Terminal through 2024, but only authorizes DFA to occupy locations in South and Central Terminals through 2018—which are currently operating on a month-to-month basis. The proposed fifth and final amendment would extend the occupancy date of DFA's South and Central terminal locations to September 13, 2024, which would have it coincide with the lease termination date of the North Terminal stores.

The below diagram depicts the timeline of amendments to the DFA Agreement.

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The stated reasoning behind extending the contract and thus waiving competition is to prevent the logistical issues that would arise if multiple duty-free concessionaires were operating at MIA, given that U.S. Custom regulations require purchased duty-free merchandise to be delivered to passengers at the gate prior to entering the jet bridge. As stated in the Mayoral Memorandum, having multiple duty-free concessionaires operate at MIA could cause possible delays in boarding and will increase airline and passenger complaints.

DFA is required to commit a \$17 million Capital Investment Program for all its MIA locations as a condition of the fifth amendment in the proposed Resolution.

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**Item No. 3C
File No. 181049**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING 10-YEAR LEASE AGREEMENT WITH MIAMI TECH LINE MAINTENANCE SUPPORT, INC., FOR AN AIRCRAFT MAINTENANCE, REPAIR AND OVERHAUL OPERATION AT MIAMI INTERNATIONAL AIRPORT FOR AN INITIAL ANNUAL LAND RENT OF \$134,901.80 AND IMPROVEMENT RENT COMMENCING IN THE SIXTH YEAR OF THE LEASE AT APPRAISED MARKET RENTAL VALUE AFTER THE BUILDING IS REBUILT OR RECONSTRUCTED BY THE TENANT AT ITS COST; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME AND EXERCISE ALL PROVISIONS THEREIN, INCLUDING TERMINATION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE SAME TO THE COUNTY PROPERTY APPRAISER IN ACCORDANCE WITH RESOLUTION NO. R-791-14.

ISSUE/REQUESTED ACTION

Whether the Board should approve a 10-year lease agreement with Miami Tech Line Maintenance Support, Inc. (Miami Tech) for the provision of aircraft maintenance, repair and overhaul operation at Miami International Airport out of Building 862, which needs repair and must be brought up to a standard that meets the 40-year recertification requirement by 2021. As part of the agreement, Miami Tech will either demolish and rebuild or make necessary improvements to bring the building up to code.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-791-14, adopted by the Board on September 3, 2014, directs the Mayor or Mayor's designee to provide the Miami Dade County Property Appraiser a copy of all leases and operating agreements involving county-owned property.

<http://www.miamidade.gov/govaction/matter.asp?matter=141723&file=true&fileAnalysis=false&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

This proposed Resolution has no procedural history.

FISCAL IMPACT

If this agreement is approved through the proposed Resolution, Miami Tech will pay \$134,901.80 in annual land and pavement rent for approximately 1.4 acres at MIA for five years, and in the sixth year of the lease will begin paying land and pavement rent, plus improvement rent, in an amount based on the appraised value of the building, thus generating revenue for the Miami-Dade Aviation Department (MDAD). Miami Tech employs more than 100 workers.

ANALYSIS

Miami Tech currently operates an aircraft Maintenance, Repair, and Overhaul operation out of Building 862 at MIA, and has done so for 10 years under successive five-year lease terms. Building 862 is the only facility at MIA where

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Miami Tech can run its operations. Miami Tech's facilities at MIA include over 78,000 square feet of hangar, shop, and office space as well as over 30,000 square feet of ramp space.

Building 862 is more than 40 years old and has several code violations which must be corrected by September 21, 2021 in order to meet the 40-year recertification requirement. The cost of bringing Building 862 to a satisfactory condition is approximately \$2,400,000, which greatly exceeds the building's present value.

Given that no other facility or land is available on MIA grounds for Miami Tech's operations, MDAD notified Miami Tech that if it wished to remain a tenant at MIA, it would have to either demolish and replace the structures or renovate them to bring them up to code. Miami Tech agreed to take on the cost of either making building improvements or demolishing and rebuilding.

Because Building 862 has no positive economic value to the County due to the code violations, Miami Tech will pay the County annual rent solely for the land and parking spaces associated with the premises, in the amount of \$134,901.80 in twelve monthly installments of \$11,241.82, beginning on May 1, 2018. Control of the building will revert to the County on April 30, 2023; Miami Tech will then begin paying improvement rent on Building 862 on May 1, 2023 based on the new or renovated building's appraised fair market value.

Miami Tech supports & services domestic and international airlines, military aircraft, and aircraft leasing companies worldwide, and has approximately 104 to 150 full-time employees.

ADDITIONAL INFORMATION

Miami Tech's website:
<http://miamitechfl.com/>

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Item No. 3D

File No. 181050

Researcher: MF Reviewer: TD

RESOLUTION APPROVING 10-YEAR LEASE AGREEMENT WITH AEROTHRUST HOLDINGS, LLC, FOR AN AIRCRAFT COMPONENTS MAINTENANCE, REPAIR AND OVERHAUL OPERATION AT MIAMI INTERNATIONAL AIRPORT FOR AN INITIAL ANNUAL LAND RENT OF \$197,000.30 AND IMPROVEMENT RENT COMMENCING IN THE NINTH YEAR OF THE LEASE AFTER THE BUILDING IS REBUILT OR RENOVATED BY THE TENANT AT ITS COST; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME AND EXERCISE ALL PROVISIONS THEREIN, INCLUDING TERMINATION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE SAME TO THE COUNTY PROPERTY APPRAISER IN ACCORDANCE WITH RESOLUTION NO. R-791-14

ISSUE/REQUESTED ACTION

Whether the Board should approve a 10-year lease agreement with AeroThrust Holdings, LLC, for an aircraft components maintenance, repair and overhaul operation at Miami International Airport for an initial annual land rent of \$197,000.30 and improvement rent commencing in the ninth year of the lease after the building is rebuilt or renovated by the tenant at its cost.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.3, provides that "[w]henever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Manager shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.3

Resolution No. R-791-14, adopted by the Board on September 3, 2014, directs the Mayor or the Mayor's designee to provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-owned property.

<http://intra/gia/matter.asp?matter=141723&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Department/Requester: Miami-Dade Aviation Department

This item was adopted on first reading by the Board on December 5, 2017.

FISCAL IMPACT

According to the Fiscal Impact Statement, this agreement will generate revenue for Miami-Dade Aviation Department. AeroThrust will pay MDAD \$197,000.30 in annual land and pavement rent for approximately 2.3 acres for the first eight years, and thereafter pay land and pavement rent, plus improvement rent, in an amount based on the appraised value of Building 863. Both payments will be revised annually in keeping with the standard rent review policy at the airport. AeroThrust employs approximately 150 permanent employees, which has a beneficial economic impact for the County.

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ANALYSIS

AeroThrust Holdings LLC (AeroThrust) has leased Buildings 861, 862, 862A and 863 at Miami-Dade International Airport since 2010, and has operated an aircraft components maintenance, repair and overhaul operation out of those buildings, employing some 150 full-time employees. AeroThrust Corporation provided similar services for a number of years out of the same buildings. AeroThrust Holdings LLC acquired the assets of its predecessor, the AeroThrust Corporation, through bankruptcy proceedings.

Building 863 is in extremely poor condition and has received Notices of Violations from the Miami-Dade Fire Rescue Department for fire code violations and from the County's Unsafe Structures Board. Miami-Dade Aviation Department (MDAD) notified AeroThrust that if it wished to continue leasing Building 863, it would have to either demolish and replace it or renovate it to the proper standards.

MDAD and AeroThrust entered into a preliminary five-year lease agreement on September 19, 2017 for the lease of Building 863. It was understood that this lease would be superseded by a longer-term lease to allow AeroThrust to undertake the demolition or reconstruction work upon the building to bring it up to standard in order to meet the 40-year re-certification requirement by September 21, 2021. If the proposed resolution is approved by the Board, the ten-year lease agreement will automatically go into effect and the prior five-year lease will automatically cease.

Because the buildings have no positive economic value to MDAD, beginning on February 1, 2018, AeroThrust will pay an annual rent just for the land and pavement associated with the buildings, in the initial sum of \$197,000.30, payable in twelve monthly equal installments of \$16,416.69. In consideration for the funds that AeroThrust will spend for the demolition or renovation of the building, the company will be entitled to an eight-year grace period to amortize such costs. MDAD will resume control of the building on April 30, 2026, and AeroThrust will begin paying improvement rent on the buildings on February 1, 2026, which will reflect the condition of the building as of October 1, 2025.

AeroThrust has always paid its rents in a timely fashion under the prior lease agreement, but a recent audit revealed that it has been utilizing additional space in the building as storage. MDAD and AeroThrust entered into a payment plan on April 5, 2018 that calls for AeroThrust to pay MDAD \$163,605.67, which AeroThrust paid without delay, and \$37,796.84 in 11 monthly instalments thereafter to discharge this additional space rental payment obligation.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), AeroThrust Holdings, LLC, has an active status as a Florida Limited Liability Company and first filed and registered on 10/15/2010. The principal address is registered as 5300 NW 36th Street, Building 863, Miami, FL 33166. Its registered agent is Miami Corporate Systems, LLC, 2550 Ponce de Leon Blvd., Suite 600, Coral Gables, FL 33134. <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

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Item No. 3E

File No. 181014

Researcher: MF Reviewer: TD

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN BROWARD, PALM BEACH, MIAMI-DADE, AND MONROE COUNTIES, WHERE SUCH AGREEMENT PROVIDES THAT EACH OF THE FOUR COUNTIES WILL PROVIDE \$150,000.00 EACH OVER A THREE-YEAR PERIOD FOR SERVICES RELATED TO THE SOUTHEAST FLORIDA REGIONAL CLIMATE CHANGE COMPACT BY THE INSTITUTE FOR SUSTAINABLE COMMUNITIES AND WHERE BROWARD COUNTY WILL OFFICIALLY RETAIN AND SUPERVISE INSTITUTE FOR SUSTAINABLE COMMUNITIES ON BEHALF OF THE FOUR COUNTIES; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT, EXERCISE CERTAIN PROVISIONS, AND APPROVE EXTENSIONS OF TIME IF REQUESTED

ISSUE/REQUESTED ACTION

Whether the Board should approve an Interlocal Agreement between Broward, Palm Beach, Miami-Dade and Monroe counties, where such agreement provides that the four counties provide \$150,000.00 each over a three-year period for services rendered by the Institute for Sustainable Communities to the Southeast Florida Regional Climate Change Compact; and where Broward County will officially retain and supervise the Institute for Sustainable Communities on behalf of the four counties.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1388-09, adopted by the Board on December 1, 2009, established the Southeast Florida Regional Climate Change Compact; committed to developing joint policy positions and legislative policy statements with Broward, Palm Beach and Monroe Counties with respect to climate change issues; committed to developing a Southeast Florida Regional Climate Change Action Plan with Broward, Palm Beach and Monroe Counties; and committed to participating in a Regional Climate Team and in the Second South Florida Regional Climate Change Summit.

<http://intra/gia/matter.asp?matter=102773&file=false&yearFolder=Y2010>

Resolution No. R-240-13, adopted by the Board on April 2, 2013, accepted the Southeast Florida Regional Climate Action Plan which included actionable recommendations for regionally coordinated climate change mitigation, adaptation strategies, and efforts in building community resilience.

<http://intra/gia/matter.asp?matter=122459&file=true&yearFolder=Y2012>

Resolution No. R-637-16, adopted by the Board on July 6, 2016, approved an Interlocal Agreement between Broward, Palm Beach, Miami-Dade and Monroe Counties, formalizing the arrangement under which each of the four counties would provide \$100,000.00 over a two-year period for services rendered by the Institute for Sustainable Communities to the Southeast Florida Regional Climate Change Compact; and where Broward County would officially retain and supervise the Institute for Sustainable Communities on behalf of the four counties.

<http://intra/gia/matter.asp?matter=161212&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: Rebeca Sosa, District 6

Department/Requester: Regulatory and Economic Resources Department

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The proposed resolution has no procedural history.

FISCAL IMPACT

According to the Fiscal Impact Statement, this agreement commits Miami-Dade County to provide \$50,000.00 annually over the next three years, for a total of \$150,000.00, to fund continued support and engagement of the Institute for Sustainable Communities. The annual \$50,000.00 allocation will be absorbed in the operating budget of the Office of Resilience in the Department of Regulatory and Economic Resources (Index Code PEOFFRES, Sub-object 22430).

ANALYSIS

On December 1, 2009, the Board, through Resolution No. R-1388-09, established the Southeast Florida Regional Climate Change Compact and committed to develop point policy positions and legislative policy statements with Broward, Palm Beach and Monroe Counties with respect to climate change issues. R-1388-09 also committed to developing a Southeast Florida Regional Climate Change Action Plan with Broward, Palm Beach and Monroe Counties, and to participating in a regional climate team and the Second Southeast Florida Regional Climate Change Summit.

The Southeast Florida Regional Climate Change Compact (Compact) was executed by Broward, Miami-Dade, Monroe and Palm Beach counties in January 2010 to coordinate mitigation and adaptation activities across county lines. The Compact represents a new form of regional climate governance designed to allow local governments to set the agenda for adaptation while providing an efficient means for state and federal agencies to engage with technical assistance and support.

At the conclusion of the first Southeast Florida Regional Climate Leadership Summit on October 23, 2009, four County representatives from Broward, Palm Beach, Miami-Dade and Monroe signed the Southeast Florida Regional Climate Change Compact committing to take it back to their County Commissions for review and adoption.

The Compact calls for the counties to work cooperatively to:

- Develop annual legislative programs and jointly advocate for state and federal policies and funding;
- Dedicate staff time and resources to create a Southeast Florida Regional Climate Action Plan to include mitigation and adaptation strategies;
- Meet annually in Regional Climate Summits to mark progress and identify emerging issues.

<http://www.southeastfloridaclimatecompact.org/about-us/what-is-the-compact/>

On April 2, 2013, the Board through Resolution No. R-240-13, accepted the Southeast Florida Regional Climate Action Plan which included actionable recommendations for regionally coordinated climate change mitigation, adaptation strategies, and efforts in building community resilience.

The work of the Compact has been groundbreaking and was featured or mentioned in stories by a number of media outlets in 2017, including All things Considered (National Public Radio), the BBC, The Guardian, the Huffington Post, the Miami Herald, the New York Times, Vogue, the Wall Street Journal and the Washington Post.

The Institute for Sustainable Communities has been instrumental in providing services to facilitate the Compact's mission. These efforts have included the following:

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- Coordinating and facilitating meetings of the Compact Staff Steering Committee;
- Facilitating workshops with stakeholders;
- Preparing a four-county regional greenhouse gas emissions inventory and assessment;
- Participating in the planning and execution of each of the nine annual Regional Climate Leadership Summits convened to date;
- Creating and managing the Compact website;
- Developing the Regional Climate Action Plan;
- Updating the Regional Climate Action Plan in 2017;
- Coordinating the Regional Climate Action Plan implementation workshops and Resilient Redesign adaptation strategy charrettes;
- Writing and editing grant proposals;
- Conducting a municipal implementation survey;
- Facilitating communication among Compact partners;
- Providing a webinar platform for Compact use, development and maintenance of the Compact website; and
- Providing remote and on-site support for various Compact activities.

The Institute for Sustainable Communities (ISC) supported the Compact's activities from 2013 through 2015 with a \$975,000.00 grant from The Kresge Foundation. However, The Kresge Foundation lowered the amount of its grant to \$400,000.00 for the years 2016 and 2017. As a result, to fill the gap in funding, the four counties comprising the membership of the Compact agreed in 2015 to each contribute \$50,000.00 for the Institute for Sustainable Communities.

Resolution No. R-637-16, adopted by the Board on July 6, 2016, approved the first Interlocal Agreement formalizing the arrangement where Broward County agreed to contract with the Institute for Sustainable Communities supported by \$50,000.00 from four counties: Palm Beach, Miami-Dade, Monroe and Broward.

The proposed resolution relates to a similar agreement as the one approved in 2016, with the exception of a provision added by Broward County in Section 9.5, stating that "Broward shall not be responsible to Contributing Counties for any adverse actions taken by ISC, unless caused by the sole negligence of Broward or Broward's employees."

The Kresge Foundation has again committed to fund ISC for coordination and facilitation services for the Compact for calendar years 2018 through 2020, at a reduced amount of \$500,000.00. The total budget for ISC's Compact activities for 2018 through 2020 will be approximately \$1,100,000.00, or \$366,667.00 annually, including The Kresge Foundation funds and the counties' contributions.

ADDITIONAL INFORMATION

A Climate Central analysis states that "Florida is in the crosshairs of climate change. Rising seas, a population crowded along the coast, porous bedrock, and the relatively common occurrence of tropical storms put more real estate and people at risk from storm surges aggravated by sea level rise in Florida, than any other state by far."

<http://sealevel.climatecentral.org/news/florida-and-the-rising-sea>

When it comes to tackling climate change to prevent the impacts it causes in the different systems of the planet, two types of measures can be applied: mitigation and adaptation. Mitigation measures are those actions that are taken to reduce and curb greenhouse gas emissions, while adaptation measures are based on reducing vulnerability to the effects of climate change.

<https://www.activesustainability.com/climate-change/mitigation-adaptation-climate-change/>

**EDTC Meeting: May 10, 2018
Research Notes**

Item No. 3F

File No. 180988

Researcher: MF Reviewer: TD

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

ISSUE/REQUESTED ACTION

Whether the Board should approve an Interlocal Agreement between the City of North Miami Beach and Miami-Dade County to provide for film permitting services by the Miami-Dade County Film and Entertainment Office on behalf of the municipality, for a five-year term with option to renew for one additional five-year term.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 91-50 authorizes the Miami-Dade Film and Entertainment Office to provide film, television and still photography permitting services for all of the County's municipalities.

(no link provided because this ordinance pre-dates the creation of Legistar)

PROCEDURAL HISTORY

Department/Requester: Regulatory and Economic Resources Department

The proposed resolution has no procedural history.

FISCAL IMPACT

According to the Fiscal Impact Statement, under the proposed agreement, the Miami-Dade Office of Film and Entertainment will receive a \$100.00 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.

ANALYSIS

The film industry has a long history in Miami-Dade County and greater South Florida and continues to grow as the entertainment industry expands throughout Florida. Every year thousands of film, television, commercial, music video and still shoot productions showcase Greater Miami to the world. Miami-Dade County is currently home to 200 production companies, 15 soundstages, 15 recording studios, three Spanish-language production facilities and many businesses that support motion pictures and videos. Each year between 2010 and 2016, film, television, digital media and still photo projects spent anywhere from \$160,000,000 up to \$406,000,000 in Miami-Dade County for productions that were permitted through Miami-Dade County, the City of Miami, and the city of Miami Beach film offices.

From 2010 through 2016, film, television, digital media and still photo projects hired cast and crew that averaged between approximately 20,000 and 35,000 local hires on a yearly basis. The film, television and digital industry supports direct and indirect jobs and wages in many companies, such as hotels, restaurants, caterers, dry cleaners, for-hire transportation companies, florists and landscapers, vehicle and truck rental companies, furniture companies, hardware and lumber suppliers, lighting and grip rental companies, clothing stores, private and public office spaces, location rentals, digital equipment suppliers, tent suppliers, and portable air suppliers.

**EDTC Meeting: May 10, 2018
Research Notes**

Ordinance No. 91-50 authorizes the Miami-Dade Film and Entertainment Office to provide film, television and still photography permitting services for all of the County's municipalities. Filmiami is a cooperation between the two Greater Miami Film Offices: Miami-Dade County and the City of Miami Beach and several County municipalities to offer a one-stop permitting system. To-date, Miami-Dade County has entered into interlocal agreements with 16 municipalities, allowing the efficient processing of permits for most filming locations.

In 2010, the City of North Miami Beach and the County entered into such an agreement, which subsequently expired. On February 20, 2018, the Commission of the City of North Miami Beach adopted Resolution No. R-2018-15, which authorized the City Manager to execute a new agreement with the County. According to Resolution No. R-2018-15, the City of North Miami Beach will appoint a representative to act as a liaison to the Film Office. The representative will coordinate the use of facilities and approve the issuance of permits subject to the City's guidelines. The Film Office will also require that all film and still photography production companies submit proof of insurance, in the amount of one million dollars for comprehensive general liability with the City named as additional insured prior to issuance of any permit.

The proposed resolution seeks to authorize the execution of an Interlocal Agreement with the City of North Miami Beach by the County Mayor or the 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, for a five-year term with option to renew for one additional five-year term.

ADDITIONAL INFORMATION

Miami-Dade County issues film permits on behalf of 16 municipalities, including Hialeah, South Miami, Miami Gardens, Sunny Isles Beach, Miami Lakes and more.

http://www.filmiami.org/permits_Municipalities.asp