

MEMORANDUM

Agenda Item No. 8(L)(1)

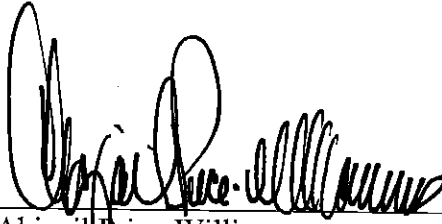
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 5, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: 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 to execute same and exercise the provisions contained therein, including renewal and termination

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

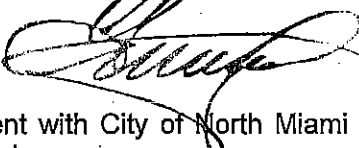


Abigail Price-Williams
County Attorney

APW/lmp

Memorandum



Date: June 5, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Interlocal Agreement with City of North Miami Beach Regarding Film and Photography
Production Companies

Recommendation

It is recommended that the Board of County Commissioners (Board) approve and authorize the execution of an Interlocal Agreement (Agreement) with City of North Miami Beach (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 Districts 2 and 4 represented by Commissioners Jean Monestime and Sally A. Heyman respectively.

Fiscal Impact/Funding Source

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.

Monitor


Sandy Lighterman, Film and Entertainment Industries Liaison 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.

The City had previously entered into an Agreement with the County to provide film permitting services in 2010. That agreement has subsequently expired and it is the desire of the City and the County to continue to provide those services. The City Commission, through Resolution No. R-2018-15 adopted on February 20, 2018, authorized the City Manager to execute the attached Agreement on behalf of the City.



Jack Osterholt
Deputy Mayor



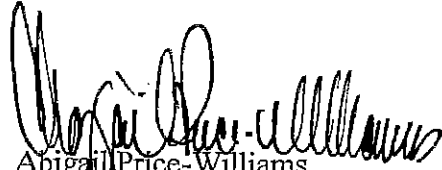


MEMORANDUM

(Revised)

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

DATE: June 5, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(L)(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
- 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

Agenda Item No. 8(L)(1)

Veto _____

6-5-18

Override _____

RESOLUTION NO. _____

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

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 City of North Miami Beach 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, for a five-year term with option to renew for one additional 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.

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	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
District 5 - Vacant	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2018. 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 NORTH MIAMI 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 North Miami Beach hereto agree as follows:

1. **Purpose:** The City of North Miami 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 North Miami 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 North Miami 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 North Miami Beach, via facsimile 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.
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.

6

7

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 North Miami 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 North Miami 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 of North Miami Beach 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 of North Miami Beach 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 North Miami 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 its 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
Deputy Mayor Jack Osterholt
Attn: Office of Film & Entertainment
111 NW 1st Street, 12th Floor
Miami FL 33128

City of North Miami Beach
City Manager
17011 NE 19th Avenue
North Miami Beach, Florida 33162
-and-
City of North Miami Beach
City Attorney's Office
17011 NE 19th Avenue
North Miami Beach, Florida 33162

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:

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 North Miami Beach

Pursuant to Resolution R2018-15

BY _____

City Clerk

BY _____

City Manager

Approved as to form _____

City Attorney

RESOLUTION NO. 2018-15

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY, AUTHORIZING THE MIAMI-DADE OFFICE OF FILM AND ENTERTAINMENT TO ISSUE PERMITS TO FILM AND STILL PHOTOGRAPHY PRODUCTION COMPANIES, ALLOWING THE USE OF CITY FACILITIES AND SERVICES, SUBJECT TO CITY REQUIREMENTS.

WHEREAS, the Miami-Dade County Board of County Commissioners Ordinance No. 91-50, established the Miami-Dade Office of Film and Entertainment ("Film Office") as a one stop permitting process for film and still photography production companies; and

WHEREAS, municipalities are able to enter into an interlocal agreement with Miami-Dade County ("County") which provides that, subject to the municipal guidelines, the Film Office will issue film and still photography production companies permits to use property and services; and

WHEREAS, the Interlocal Agreement (attached as Exhibit "A") grants authorization to the Film Office, to issue permits for a period of five (5) years, with an option to renew for an additional period of five (5) years; and

WHEREAS, the City of North Miami Beach ("City") 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; and

WHEREAS, the Film Office shall 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; and

WHEREAS, the Mayor and City Commission find it to be in the best interests of the City to authorize the City Manager or Designee to execute an interlocal agreement (Exhibit "A") with Miami-Dade County Office of Film and Entertainment for the one stop permitting process for film and still photography production companies.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Commission of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Commission of the City of North Miami Beach authorize the City Manager or designee, in a form acceptable to the City Attorney, to do all things necessary

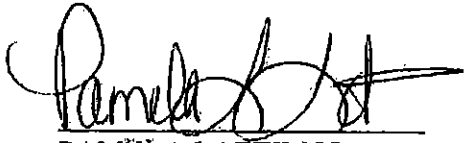
RESOLUTION NO. R2018-15


9

to execute and implement the Interlocal Agreement, in substantially the attached form (Exhibit "A") between the City of North Miami Beach and Miami-Dade County Office of Film and Entertainment for the one stop permitting process for film and still photography production companies.

APPROVED AND ADOPTED by the Mayor and City Commission of the city of North Miami Beach, Florida at the regular meeting assembled this 20th day of February, 2018.

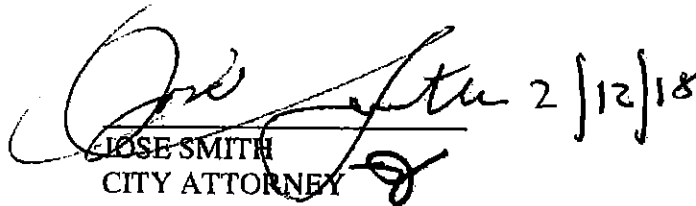
ATTEST:


PAMELA LATTIMORE
CITY CLERK


GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION:

 2/12/18
JOSE SMITH
CITY ATTORNEY

Sponsored by: Mayor and City Commission

RESOLUTION NO. R2018-15

10