

MEMORANDUM

Agenda Item No. 8(L)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 8, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving an Interlocal Agreement between the City of Opa-Locka and Miami-Dade County to provide film permitting services for a five-year term with an option to renew for one additional five-year term; and authorizing the County Mayor to execute the Agreement and to exercise the renewal and termination provisions contained therein

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney


GBK/uw

Memorandum



Date: July 8, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Interlocal Agreement with City of Opa-Locka 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 the City of Opa-Locka (City) by the County Mayor or County Mayor’s designee to allow the Miami-Dade County Department of Regulatory and Economic Resources Office of Film and Entertainment 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 Oliver G. Gilbert, III.

Fiscal Impact/Funding Source

Under the proposed Agreement, the Office of Film and Entertainment within the Department of Regulatory and Economic Resources, will receive \$100.00 from each permit applicant for each film permit processed on behalf of the City, which assists with the maintenance of the permitting system utilized by County staff.

Track Record/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 Office of Film and Entertainment 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.

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
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On October 14, 2020 the City Council, adopted Resolution No. 20-9813 authorizing the City Manager to execute the attached Agreement on behalf of the City.

Delegation of Authority

Delegates the authority to the County Mayor or the County Mayor’s designee to execute the Agreement, for and on behalf of Miami-Dade County and to exercise the renewal and termination provisions contained therein.

Attachment



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 8, 2021

FROM: 
Gen Bonzon-Keenan
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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(1)
7-8-21

RESOLUTION NO. _____

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

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:

Section 1. Approves the Interlocal Agreement between the City of Opa-Locka 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 the option to renew for one additional five-year term.

Section 2. Authorizes the County Mayor or the County Mayor's designee to execute the Agreement, for and on behalf of Miami-Dade County and to exercise the renewal and termination 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 2021. 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.

Altanese Phenelus

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

THIS AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, **2020** by and between Miami-Dade County, Florida (“County”) and the City of Opa-locka (“City”).

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 Opa-locka hereto agree as follows:

1. Purpose: The City of Opa-locka 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 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 Opa-locka 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 Opa-locka, 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.

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

8. Refusal: The City Mayor, Manager or designated employee 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.

9. Guidelines: The City of Opa-locka agrees to provide in writing, Guidelines to govern the issuance of permits issued on the City 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.

10. Facilities: The City of Opa-locka 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.

11. Collections: The City of Opa-locka 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.

12. Hold Harmless: The City of Opa-locka 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.

13. 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.

14. 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 Opa-locka
City Manager, John Pate
780 Fisherman Street, 4th Floor
Opa-locka, FL 33054

15. Amendment: This agreement may be amended only by the mutual written consent of both parties.

16. Entire Agreement: This Interlocal Agreement, and any Exhibits to this Interlocal Agreement, contain the sole and entire agreement entered into by the parties with respect to the subject matter of the Interlocal Agreement, and supersede any and all other prior written or oral agreements.

17. Severability and Savings Clause: If any term or provisions of this Interlocal Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Interlocal Agreement or the application of such term or provision to the persons or circumstance other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Interlocal Agreement shall be valid and be enforced to the fullest extent permitted by law.

18. Governing Laws: The laws of the State of Florida shall govern this Interlocal Agreement. This Interlocal Agreement is subject to and shall be interpreted to effectuate its compliance with the Miami-Dade County Charter and the City Charter.

[EXECUTION PAGE FOLLOWS]

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 _____
County Mayor or County
Mayor Designee


Approved as to form _____
County Attorney

ATTEST:

City of Opa-locka
Pursuant to Resolution No. 20-9813

BY 
Joanna Flores, City Clerk

BY 
Matthew A. Pigatt, Mayor

Approved as to form 
Burnadette Norris-Weeks, Esq
City Attorney

RESOLUTION NO. 20-9813

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE MIAMI-DADE COUNTY OFFICE OF FILM AND ENTERTAINMENT TO ISSUE PERMITS TO FILM AND STILL PHOTOGRAPHY PRODUCTION COMPANIES FOR THE UTILIZATION OF CITY FACILITIES AND SERVICES, AS AUTHORIZED BY THE CITY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; 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 Miami-Dade County ("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; and

WHEREAS, the City of Opa-locka City Commission ("City Commission") 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.

WHEREAS, the City of Opa-locka ("City") and Miami-Dade County wish to enter into an Interlocal Agreement, (attached as Exhibit "A"), providing for the authorization of 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.

WHEREAS, the City Commission finds it to be in the best interests of the City and its residents to authorize the Miami-Dade County Film Office to permit for use of City property and services, as authorized by the City, as provided for in the Interlocal Agreement (attached as Exhibit "A").

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

Section 1. Adoptions of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Authorizing Execution of Interlocal Agreement. The City Commission of the City of Opa-Locka, Florida hereby authorizes the execution of the Interlocal Agreement between the City of Opa-locka and Miami-Dade County, attached as Exhibit "A".

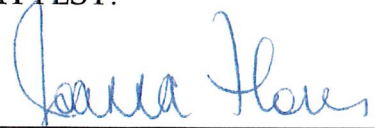
Section 3. Effective Date. This Resolution shall take effect immediately upon adoption, and is subject to the approval of the Governor of the State of Florida or his designee.

PASSED AND ADOPTED this 14th day of October, 2020.



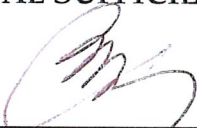
Matthew A. Pigatt, Mayor

ATTEST:



Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Burnadette Norris-Weeks, P.A.
City Attorney

Resolution No. 20-9813

Moved by: Commissioner Kelley

Seconded by: Commissioner Bass

VOTE:	5-0
Commissioner Bass	YES
Commissioner Burke	YES
Commissioner Kelley	YES
Vice-Mayor Davis	YES
Mayor Pigatt	YES