

Agenda Item #: _____

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 2 / 5 /08 ☒ Consent ☐ Regular
 ☐ Ordinance ☐ Public Hearing

Department

Submitted By: TOURIST DEVELOPMENT COUNCIL

Submitted For: PALM BEACH COUNTY FILM & TV COMMISSION, INC.

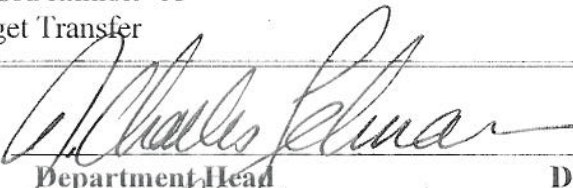
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A) First Amendment to the Agreement (R2007-1624) with the Palm Beach County Film and Television Commission Inc.(the PBCFTC) for the provision of services under the County's Tourist Development Plan; and B) a budget transfer totaling \$30,000 in the operating budget from operating reserves for the Palm Beach County Film and Television Commission.

Summary: The PBCFTC contract for FY 08 was approved by the BCC on September 25, 2007 (R2007-1624). The PBCFTC is amending the Agreement (\$20,000) to fund a full time position for six months of the year which was previously frozen and (\$10,000) increase the advertising line to enhance the website and implement a data content management system. The Amendment increases the contract from \$604,000 to \$634,000. This increase has been reviewed and approved by the TDC. Countywide (MC)

Background and Justification: Under the current Agreement, the PBCFTC develops and implements the Annual Tourism Marketing Plan for the County. The new Agreement makes provision for the continuation of such services and updating governance provisions for an additional five years, through September 30, 2012. The new Agreement adopts a new Exhibit "A" (Annual Budget), as well as a new Exhibit "I" (Performance Measures), to apply during Fiscal Year 2008. The new Agreement also includes (i) annual reporting of staff ethnicity; (ii) a revision to Exhibit "D" (Travel and Entertainment Policy) approval of travel for staff by Commissioner and by Board for Commissioner; (iii) change Exhibit "I" (Salary Ranges) for 3% annual COLA adjustment; (iv) change Exhibit "J" (Organization Chart) eliminating management position to hourly employee. The new Agreement updates governance provisions incorporating (a) new audit and finance committee; (b) a new Exhibit "K" – "Conflict of Interest Policy" for board members; (c) limits on length of service and required re-bidding on auditing and legal services; (d) increase coverage in fidelity bond insurance, and (e) obtaining certification by Center for Non-Profit Excellence.

Attachments: First Amendment
 Revised Exhibit "A"
 Budget Transfer

Recommended by:  1/23/08
 Department Head Date

Approved by:  2/7/08
 Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$30,000	__TBD__	__TBD__	__TBD__	__TBD__
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	-----	-----	-----	-----	-----
In-Kind Match (County)	-----	-----	-----	-----	-----
NET FISCAL IMPACT	\$30,000	TBD	TBD	TBD	TBD
	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	-----	-----	-----	-----	-----

Is Item Included In Current Budget? Yes__ No. __X__

Budget Account No.: Fund _____ Agency _____ Org. _____ Obj. _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The Film and Television Commission receives 3.92% of the 2nd, 3rd, and 5th cent of the local option bed tax.

C. Department Fiscal Review:

[Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

Approval of this agenda item increases the PBCFTC contract from \$604,000 to \$634,000. The full time position is not a County position.

[Signature] 1-31-08
88
1/31/08
OFMB CN 1/29/08

[Signature] 2/1/08
Contract Dev. and Control 2/1/08

B. Approved as to form and Legal Sufficiency:

[Signature]
Assistant County Attorney

This amendment complies with our review requirements.

C. Approved as to Terms and Conditions:

Department Director

This summary is not to be used as a basis for payment.

FIRST AMENDMENT TO THE AGREEMENT

THIS FIRST AMENDMENT is made as of _____, 2008, to the agreement between Palm Beach County, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, (hereinafter referred to as the "COUNTY") and PALM BEACH COUNTY FILM AND TELEVISION COMMISSION, INC., a Florida not-for-profit corporation, whose Federal I.D. number is 65-0692923 (hereinafter referred to as "PBCFTC") dated September 25, 2007, Contract Number R2007-1624 (such agreement together with all previous amendments thereto, shall be hereinafter referred to as the "Agreement").

WHEREAS, pursuant to the Local Option Tourist Development Act, the COUNTY has by Ordinance No. 95-30, as amended, established the Palm Beach County Tourist Development Council (hereinafter referred to as the "TDC"); has levied and imposed a tourist development tax; and has established a Tourist Development Plan for use of the funds derived from the tax; and

WHEREAS, a portion of the Tourist Development tax revenues are reserved to attract and promote film and television production in the COUNTY and to promote the COUNTY as an ideal film & television destination, in the State of Florida, and nationally and internationally; and

WHEREAS, on September 25, 2007, the County and PBCFTC entered into an agreement whereby the PBCFTC agreed to provide certain services which promote and advance Palm Beach County tourism; and

WHEREAS, the parties wish to amend that agreement by replacing its annual Budget specifically, Exhibit "A".

NOW THEREFORE, in consideration of the foregoing and the mutual promises and covenants contained herein, and other good and valuable consideration, the County and the Commission agree as follows:

1. The "Agreement" dated September 25, 2007, is amended as follows:
 - a. Exhibit "A" Annual Budget, is hereby deleted in its entirety and replaced with a new Exhibit "A", attached hereto and make a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

ATTEST:

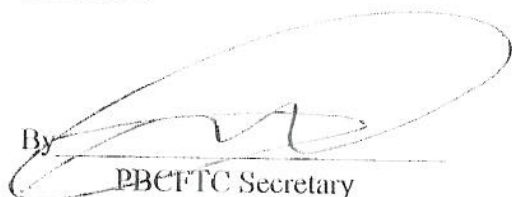
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By _____
Deputy Clerk

(SEAL)

ATTEST:

By 
PBCFTC Secretary
Douglas Rill

By _____
~~Chairman~~
ADDIE L. GREENE
CHAIRPERSON

PALM BEACH COUNTY FILM AND
TELEVISION COMMISSION, INC.

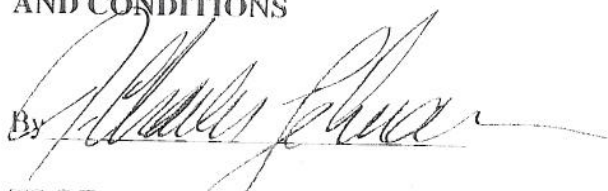
By 
PBCFTC Chair
Kenneth Spillias

WITNESSES AS TO PBCFTC:


PALM BEACH COUNTY FILM AND
TELEVISION COMMISSION, INC.

By 
PBCFTC Film Commissioner

APPROVED AS TO TERMS
AND CONDITIONS

By 
TDC Executive Director
Charles Lehmann

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By 
County Attorney

PALM BEACH COUNTY FILM & TELEVISION COMMISSION

FY 2008 LINE ITEM BUDGET - EXHIBIT "A"

	CONTRACTUAL EXPENSES	DIRECT COUNTY EXPENSES	RESERVES	TOTAL EXPENSES & RESERVES
100 ADMINISTRATION	\$496,265	\$0	\$0	\$496,265
200 OPERATIONS	\$33,735	\$0	\$0	\$33,735
300 PROGRAM	\$104,000	\$0	\$0	\$104,000
3080 INDIRECT OPERATING EXPENSES	\$0	\$39,678	\$0	\$39,678
4101 COMMUNICATION SERVICES	\$0	\$5,000	\$0	\$5,000
4103 COMM/SUNCOM TOLL	\$0	\$870	\$0	\$870
4104 COMM/COMMERCIAL TOLL	\$0	\$3,885	\$0	\$3,885
4411 RENT	\$0	\$55,500	\$0	\$55,500
4418 RENT-PAGER SERVICES	\$0	\$0	\$0	\$0
4969 TAX COLLECTOR'S COMMISSION	\$0	\$10,552	\$0	\$10,552
9672 RESTRICTED RESERVE (GASB 31)	\$0	\$0	\$0	\$0
9938 TDC RESERVES	\$0	\$0	\$3,977	\$3,977
9939 FTV COMMISSION RESERVES	\$0	\$0		
TOTALS:	\$634,000	\$115,485	\$3,977	\$753,462

08- 0474

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER

Page 1 of 1 pages

FUND TDC Film Commission Fund 1451

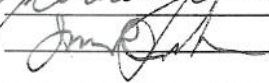
Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF	REMAINING BALANCE
<u>EXPENDITURES</u>								
<u>Transfers</u>								
710-7240-3401	Other Contractual Services	604,000	604,000	30,000		634,000		
<u>Reserves</u>								
710-7299-9902	Operating Reserves	33,977	33,977		30,000	3,977		
TOTAL				30,000	30,000			

Film and Television Commission

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures

Date

1/14/08
1-31-08By Board of County Commissioners
At Meeting ofDeputy Clerk to the
Board of County Commissioners

J 1/31/08