### PALM BEACH COUNTY

# **BOARD OF COUNTY COMMISSIONERS**

### AGENDA ITEM SUMMARY

**Meeting Date:** 

3 /23/ 10

[X] Consent

Regular

] Ordinance

Public Hearing

Department

**Submitted By:** 

**TOURIST DEVELOPMENT COUNCIL** 

**Submitted For:** 

PALM BEACH COUNTY CULTURAL COUNCIL, INC.

# I. EXECUTIVE BRIEF

Motion and Title: STAFF RECOMMENDS MOTION TO APPROVE: A) Amendment to the Amended and Restated Agreement (R2007-1622) with the Palm Beach County Cultural Council, Inc. (the "Cultural Council") for the provision of services under the County's Tourist Development Plan to provide for a revised FY 2010 Annual Budget; B) extension of the deadline for the reimbursement of TDC "stimulus" expenses from September 30, 2009 through May 1, 2010 for Category B and CII grantees listed herein; and C) Budget amendment of \$88,650 in the TDC Cultural fund to recognize unspent stimulus funding from FY 2009.

**Summary:** The amendment to the Amended and Restated Agreement provides for a revised FY 2010 Annual Budget (Exhibit A) to include \$88,650 in rollover TDC "stimulus" funds for marketing and advertising that promote County tourism. The extension of the deadline through May 1, 2010 will permit the Category B and CII grantees to be reimbursed for marketing and advertising expenses incurred as part of the TDC "stimulus" program. Countywide (MC)

**Background and Justification:** Under the Amended and Restated Agreement, the Cultural Council administers the Category "B" and "CII" TDC grants program, the funding for which is included in the Cultural Council's TDC Operating Budget (Exhibit "A" to the Agreement). On June 2<sup>nd</sup> 2009 the approved Amendment to its FY09 Agreement with the Cultural Council provided for additional or "stimulus" funding to support marketing and advertising to promote Palm Beach County tourism. Of the budgeted rollover amount of \$227,136, \$88,650 was unspent in FY09. This Amendment will rollover those funds into Cultural Council's FY10 budget, which will be used to reimburse Category B and CII for eligible marketing and advertising expenses.

After the Cultural Council Agreement was amended to provide for "stimulus" funding, the individual grant agreements with the Category B and CII grantees were amended by addenda that provided for the grantees' to receive additional funding with reimbursement deadlines of December 31, 2009. This Agenda item will authorize the extension of the deadline through May 1, 2010, for grantees listed in the backup to be reimbursed for expenses incurred under the addenda.

**Attachments:** Amendment to the amended and restated contract and exhibits

Budget Amendmen

Recommended by:

epartment Director

Approved By:

eputy County Administrato

Date 🕓

# II. FISCAL IMPACT ANALYSIS

A. FIV	e Year Summary of I	Fiscal Impa	et:				
Fiscal	Years	2010	2011	2012	2013	2014	
Capita	al Expenditures						
Opera	ting Costs	\$ 88,650	tbd	tbd	tbd	tbd	
Extern	nal Revenues						
Progra	am Income (County)						
In-Kin	nd Match (County)	 ¢ 00 <i>(5</i> 0	M-44-	41. 3	41. 3	41. 1	
NET	FISCAL IMPACT	\$ 88,650	tbd =====	tbd =====	tbd =====	tbd	
	DITIONAL FTE TIONS (Cumulative)	) -0-	0	0	0	0	
Is Iten	n Included In Propos	ed Budget?	Yes_	X	No.		
Budge	of Account No.: Fund Reporting Category	1455 <u>1455</u> De <sub>l</sub>	710 pt <u>710</u>	<b>742</b> I nit <u>7423</u>		3401 oject <u>8201</u>	\$23,211 \$65,439
В.	Recommended Sour The Cultural Council	receives 22	ls/Summa .51% of th	<b>ry of Fisc</b> e 2 <sup>nd</sup> , 3 <sup>rd</sup> ε	al Impact and 5 <sup>th</sup> cer	t: at of the local	l option bed tax.
<b>C.</b>	Department Fiscal F	Review:	Alle	que			
		III. <u>R</u>	EVIEW C	COMMEN	<u>NTS</u>		
A.	OFMB Fiscal and/or	r Contract	Administr	ation Cor	nments:		
В,	Approved as to form	27/1/	j	T	<i>jone.</i> 3/, his amendm	ol 13/10 ent complies w quirements.	))>))0 vith
C.	Assistant County A Approved as to Terr		ditions				
<b>.</b> ,	white over as 10.1 GLI	нs апи СОП	umons:				
	Department Directo	<u></u>					

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

# AMENDMENT TO AMENDED AND RESTATED AGREEMENT BETWEEN PALM BEACH COUNTY AND THE PALM BEACH COUNTY CULTURAL COUNCIL, INC.

This Amendment is made and entered into this \_\_\_\_\_\_day of \_\_\_\_\_\_\_, 2010, to that Amended and Restated Agreement (R2007-1622) dated September 25, 2007, as most recently amended on September 15, 2009, (hereinafter "Agreement"), by and between The Board of County Commissioners of Palm Beach County, Florida, a political subdivision of the State of Florida (hereinafter "County"), and the Palm Beach County Cultural Council, Inc., a Florida not-for-profit corporation (hereinafter "Council") whose Federal Identification Number is 59-1862336.

WHEREAS, the County and the Council entered into a five year Agreement whereby the Council agreed to provide services to the County relating to the administration of cultural and fine arts programs, activities and events that directly promote Palm Beach County tourism; and

WHEREAS, on September 15, 2009, the parties amended the Agreement to provide for revisions for the third year of the five year term, including a FY 2009-10 budget which is attached to the 2009 amendment as Exhibit A; and

WHEREAS, the parties wish to further amend the Agreement to provide for a revised FY 2009-10 Budget to the Agreement; and

WHEREAS, the parties have agreed that this amendment is in the best interest of the Council and the County.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree that the Agreement shall be amended as follows:

1. Exhibit A to the Agreement entitled "Palm Beach County Cultural Council – TDC Budget Line Items – 2010" shall be deleted in its entirety and replaced with a new Exhibit A entitled "Palm Beach County Cultural Council – TDC Budget Line Items – 2010 (Revised February, 2010)."

2. Any and all other provisions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF,** the parties hereto have caused this Amendment to be executed as of the date and year above written.

ATTEST:	
SHARON R. BOCK, CLERK CLERK & COMPTROLLER	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
By:	By:Burt Aaronson, Chair
(SEAL)	
ATTEST:  By: Corporate Secretary	PALM BEACH COUNTY CULTURAL COUNCIL, INC.  By:  Michael J. Bracci, Chairman
(SEAL)	
APPROVED AS TO FORM AND LEGAL SUFFICIENCY  By: Maurel Poulle	APPROVED AS TO TERMS AND CONDITIONS
County Attorney	By: Tourist Development Council

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# PALM BEACH COUNTY CULTURAL COUNCIL TDC BUDGET LINE ITEMS - FY 2010 EXHIBIT A- AMENDED

	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	2009 Stimulus Actual	FY 2009 Actual total	FY 2010 Budget	*Rolled over Stimulus	FY 2010 Budget
Salaries & Related					٠			
Salary and Wages	318,292	346,998	432,993		432,993	409,427	_	409,427
PR Taxes & Benefits	77,537	71,328	93,977		93,977	80,831	_	80,831
Contract Staff	,55.	. 1,524	33,377		30,211	55,252		-
Total Staffing **	395,829	418,326	526,970	-	526,970	490,258	-	490,258
Marketing and Related								
Advertising	124,431	121,214	25,498	36,989	62,487	23,500		23,500
Agency Services/Web Design	54,828	42,175	8,953	·	8,953	15,000		15,000
Events, Meetings & Conferences	33,793	37,871	2,448		2,448	2,000		2,000
Freight & Delivery	58,931	71,580	15,450		15,450	15,000		15,000
Postage	7,915	8,698	5,273		5,273	5,000		5,000
Printing	53,807	62,795	69,317		69,317	31,500		31,500
Surveys & Studies	5,025	1,950	1,500		1,500			•
Travel	18,110	16,052	4,280		4,280	4,500		4,500
Video/Radio & Other	12,970	20,751	16,900		16,900	5,000		5,000
Total Marketing & Related **	369,811	383,086	149,619	36,989	186,608	101,500		101,500
General & Administrative	•							
Equipment Rental	7,444	6,974	7,656		7,656	6,695		6,695
Membership & Subscriptions	28,225	29,802	27,448		27,448	4,605		4,605
Outside Professional Services	20,755	16,768	16,704		16,704	18,700		18,700
Repairs & Maintenance	939	1,898	3,359	•	3,359	2,575		2,575
Supplies	14,348	13,501	10,615	HMS TO 200	10,615	12,500		12,500
DP Equipment	15,820	2,387	· -		· -	4,635		4,635
Telephone/Internet	14,079	11,749	5,621		5,621	2,810		2,810
Other Office Expense	8,151	10,481	5,770		5,770	8,500		8,500
Office Rent	40,419	40,556	39,983		39,983	40,855		40,855
Total General & Administrative **	150,179	134,117	117,156	-	117,156	101,875	-	101,875
Total TDC Contract Expense	915,820	935,530	793,745	36,989	830,734	693,633	-	693,633
County Direct								
Category B Grants	3,196,783	2,803,218	1,862,795	109,316	1,972,111	1,564,000	-	1,564,000
Category C II Grants	.,,	400,000	251,592	- 11,409	263,001	210,000	_	210,000
Indirect Cost	206,646	233,809	231,740	,	231,740	233,795		233,795
Tax Collector Fees	56,085	54,977	43,901		43,901	43,018		43,018
Total County Direct	3,459,514	3,492,004	2,390,028	120,725	2,510,753	2,050,813	•	2,050,813
Reserves						123,513		123,513
Stimulus Funding Category B and CII Grants						192,636	65,439	258,075
Stimulus Funding Cultural Contract						34,500	23,211	57,711
Total Cultural Council	4,375,334	4,427,534	3,183,773	157,714	3,341,487	3,095,095	88,650	3,183,745

		and the second second	
<b>Category B Stimulus Funding</b>		FY09	FY10
<b>3</b> ,		expended	Roilover
	Budget	by County	Balance
Boca Raton Historical Society	8,890	295	8,595
Boca Raton Museum of Art	19,617	6,110	13,507
Kravis Center	24,313	21,684	2,629
Maltz Jupiter Theare	18,973	4,119	14,854
Norton Museum	24,416	1,500	22,916
Florida Stage	19,230	3,250	15,980
Palm Beach Opera	18,672	7,757	10,915
Palm Beach Photographic Center	16,174	<b>8,300</b> .	7,874
Palm Beach Pops	18,672	2,045	16,627
Armory Arts Center	14,904	4,199	10,705
Caldwell Theatre	15,109	i	15,109
FAU College of Arts & Letters	11,989	11,879	110
Flager Museum	20,089	4,817	15,272
Loggerhead Marlinelife Center	9,066	4,917	4,149
Morikami Museum	20,003	4,198	15,805
Old School Square	15,006	7,291	7,715
Palm Beach Zoo	23,437	9,349	14,088
S. Fl. Science Museum	19,359	7,606	11,753
PBIFF	8,928		8,928
	326,847	109,316	217,531

CAT CII		FY09	FY10
			Rollover
•	Budget	40,086	Balance
American Orchid Society	3,597	1,081	2,516
ArtiGras	3,769	12 (1/15	- 3,769
Loxahactchee River Historical Society	3,216		3,216
Lynn University Conservatory	3,575		3,575
Center for the Arts at Mizner Park	3,683	<sub>:</sub> 875	2,808
Boca Ballet Theatre Company	3,692	2,004	1,688
EPOCH Spady Cultural Heritage Muse	3,598	3,598	-
Friends of Mounts Botanical Gardens	3,674	895	2,779
Historical Society of PBC	3,846	2,956	890
Lake Worth Playhouse	3,696	•	3,696
Lighthouse center for the Arts	3,837		3,837
Palm Beach Dramaworks	3,975		3,975
Dolly Hand Cultural Arts Center	3,880	119,50	3,880
Duncan Theatre at PBCC	3,915		3,915
	51,953	11,409	40,544

258,075

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# PALM BEACH COUNTY, FLORIDA TOURIST DEVELOPMENT COUNCIL DETAIL LISTING OF OBLIGATIONS VS. BUDGET AS OF 03/02/2010

FOR ACCOUNTING PERIOD: FEBRUARY 2010

FUND: 1455

**TDC-Cultural Arts** 

UNIT: 7423 Tou

Tourism Stimulus Campaign

**DEPT: 710** 

**Tourist Development** 

OBJECT		CURRENT PERIOD			FI	SCAL YEAR-TO-DATE			
				TOTAL	OUTSTANDING		TOTAL		UNOBLIGATED
CODE DESCRIPTION		ENCUMBRANCES	EXPENDITURES	OBLIGATIONS	ENCUMBRANCES	EXPENDITURES	OBLIGATIONS	BUDGETED AMT.	BUDGET BAL.
8201 Contributions-Non-Govt	s Agnces	0.00	0.00	0.00	0.00	191,385.47	191,385.47	192,636.00	1,250.53
APPR TOTAL 7107423GB:	· ·	0.00	0.00	0.00	0.00	191,385.47	191,385.47	192,636.00	1,250.53
3401 Other Contractual Servi	ces *	0.00	0.00	0.00	12,370.01	22,129.99	34,500.00	34,500.00	0.00
APPR TOTAL 7107423OC:	APPR TOTAL 7107423OC:		0.00	0.00	12,370.01	22,129.99	34,500.00	34,500.00	0.00
	UNIT TOTAL 7423:	0.00	0.00	0.00	12,370.01	213,515.46	225,885.47	227,136.00	1,250.53
	DEPT TOTAL 710:	(64,840.53)	126,756.50	61,915.97	480,143.34	624,169,29	1,104,312.63	3,095,095.00	1,990,782.37
····	FUND CODE 1455:	(64,840.53)	126,756.50	61,915.97	480,143.34	624,169.29	1,104,312.63	3,095,095.00	1,990,782.37

10- 0437

Administration/Budget Department Approval

**OFMB Department - Posted** 

Batex: 420-030810 \*0933

BGRV: 420-030810 \* 0235

Deputy Clerk to the

**Board of County Commissioners** 

# **BOARD OF COUNTY COMMISSIONERS** PALM BEACH COUNTY, FLORIDA **BUDGET AMENDMENT**

**FUND 1455 TDC - CULTURAL.** 

		ORIGINAL	CURRENT			ADJUSTED	EXPENDED/ ENCUMBERED	REMAINING
ACCT.NUMBER ACCO	DUNT NAME	BUDGET	BUDGET	INCREASE	DECREASE	BUDGET	AS OF 3/2/10	BALANCE
REVENUES								
1455-800-7200-8901 Balance Brough	nt Forward	343,265	343,265	88,650	0	431,915		
Total Receipts and Balances		3,095,095	3,095,095	88,650	0	3,183,745		
EXPENDITURES								
1455-710-7423-8201 Contributions - 1455-710-7423-3401 Other Contracts	Non-Govt Agenies	192,636	192,636	65,439 23,211	0	258,075	191,385	66,690
1455-710-7425-5401 Other Contracti	iai Services	34,500	34,500	23,211		57,711	34,500	23,211
Total Appropriations & Expenditures		3,095,095	3,095,095	88,650	0	3,183,745		
			7					
Tourist Development Council	Signatures & Dates				By Board of County Commissioners At Meeting of March 23, 2010			
INITIATING DEPARTME	11/D14191014		$ \mathcal{O}/9$	1//0				