

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 5, 2012 ☒ [X] Consent ☐ [ ] Regular  
[ ] Workshop ☐ [ ] Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file: letters from the City of Boca Raton, the Boca Raton Community Redevelopment Agency (CRA) and the Centre for the Arts at Mizner Park Inc., now d.b.a. the Schmidt Family Centre for the Arts (Centre), advising of the transfer of ownership and management of the Mizner Park Amphitheater to the City of Boca Raton and acceptance of the obligations of Agreement R2001-0779 by the City of Boca Raton.

**Summary:** The Mizner Park Amphitheater (project) was partially funded in the amount of \$2,000,000 from the 1999 \$25 Million Recreation and Cultural Facilities Bond. A tri-party funding agreement (R2001-0779) with the CRA and the Centre provided for construction and long-term management of the project. The ownership and management of the amphitheater has now been transferred from the CRA and the Centre to the City of Boca Raton. The City has accepted the ownership and management obligations for the project in accordance with the terms of the Agreement. Transfer of ownership and management of the project to a governmental entity is permissible under Section 4.05 of the Agreement. District 4 (PK)

**Background and Justification:** The Mizner Park Amphitheater project was constructed and is operating in accordance with the terms of the referenced Interlocal Agreement. The City of Boca Raton, the CRA and the Centre have provided notification of transfer of ownership and management of the project in accordance with the terms of the Agreement.

**Attachments:**

1. Letter from City of Boca Raton Mayor Susan Welchel
2. Letter from Boca CRA
3. Letter from Centre

Recommended by:  4/23/12  
Department Director Date

Approved by:  5/3/12  
Assistant County Administrator Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	* 0				

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
Object \_\_\_\_\_ Program N/A

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

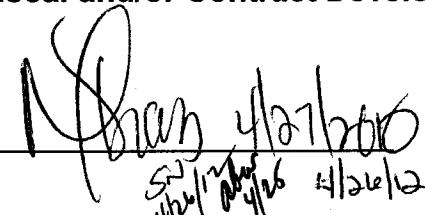
There is no fiscal impact associated with this agenda item, as its only purpose is to transfer ownership and management of a previously approved and reimbursed bond project.

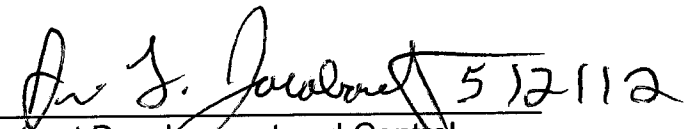
### C. Departmental Fiscal Review:



## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development and Control Comments:

  
OFMB  
5/2/12  
4/26/12  
4/26/12  
ce

  
Contract Development and Control  
5-2-12  
B. Wheeler

### B. Legal Sufficiency:

  
Assistant County Attorney  
5/3/12

### C. Other Department Review:

\_\_\_\_\_  
Department Director

REVISED 10/95  
ADM FORM 01

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

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February 15, 2012

Ms. Shelley Vana, Chair  
Palm Beach County Commission  
301 North Olive Ave. Suite 1201  
West Palm Beach, FL 33401

Dear Chair Vana:

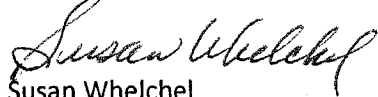
On February 13, 2012, the Boca Raton Community Redevelopment Agency transferred ownership of the Mizner Park Amphitheater to the City of Boca Raton. This transfer is subject to the Interlocal Agreement between Palm Beach County, the Boca Raton Community Redevelopment Agency, and Centre for the Arts at Mizner Park, Inc. for funding of the Centre for the Arts at Mizner Park – Phase II, dated May 15, 2001.

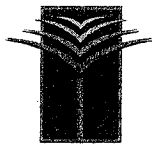
Pursuant to Section 4.05 of the Interlocal Agreement the City of Boca Raton assumes the obligations of the Agency (Centre for the Arts at Mizner Park, Inc.) pursuant to the terms of the Interlocal Agreement and will continue to operate and manage the Mizner Park Amphitheater consistent with the terms of the Interlocal Agreement.

This letter was approved by the City Council at their meeting of February 14, 2012.

Thank you for your continued cooperation and support of the Mizner Park Amphitheater.

Very truly,

  
Susan Whelchel  
Mayor



## DOWNTOWN BOCA

*It's Happening!*

February 28, 2012

Commissioner Shelley Vana, Chair  
Palm Beach County Commission  
301 North Olive Avenue, Suite 1201  
West Palm Beach, FL 33401

Re: Interlocal Agreement between Palm Beach County, the Boca Raton Community Redevelopment Agency (CRA), and Center for the Arts at Mizner Park (CFA), Inc. for funding of the Centre for the Arts at Mizner Park – Phase II ("Interlocal Agreement"), dated May 15, 2001

Dear Commissioner Vana:

Under Section 4.05 of the Interlocal Agreement between the CRA, CFA and Palm Beach County any transfer of ownership of the Mizner Park Amphitheater to another governmental entity requires the governmental entity in writing to assume the obligations of the Centre of the Arts as described in the Interlocal Agreement. On February 14, 2012 the City Council approved Resolution No. 22-2012 authorizing the Mayor to sign the attached letter assuring PBC that the City of Boca Raton will adhere to the terms of the Lease Agreement.

Eric Call, Director of the Parks and Recreation should be contacting your office and will handle the processing of this letter for consideration by the County Commission. A copy of the letter to Eric Call is attached.

If you have any questions, please contact me at 561-393-7703.

Yours truly,

Leif J. Ahnell, C.P.A., C.G.F.O  
Executive Director

### Attachments

- c. Eric Call, Director of Parks and Recreation Department
- Linda C. Davidson, Financial Services Director
- Diana Grub Frieser, City Attorney
- Steven Abrams, Palm Beach County Vice Chairman
- Susan Yinger, Manager Administrative Services
- Robert George, Special Projects Director

Community Redevelopment Agency  
City Hall - 201 West Palmetto Park Road, Boca Raton, Florida 33432  
Phone: 561-367-7070 | Fax: 561-393-7784



## SCHMIDT FAMILY CENTRE FOR THE ARTS

January 4, 2012

Leif Ahnell  
City of Boca Raton  
201 W Palmetto Park Road  
Boca Raton, FL 33432

**Board of Directors**  
Yvonne S. Bolce, Chair  
Marta Batmasian, Vice-Chair  
James Ballerano, Vice Chair  
Cynthia Brown, Secretary  
Wendy U. Larsen, Treasurer

Carlyn Mayer  
Jo Anne Moeller  
Charles Siemon

Dear Mr. Ahnell:

The Centre for the Arts at Mizner Park, Inc., formerly known as Concert Hall at Mizner Park, Inc., and now d.b.a. the Schmidt Family Centre for the Arts (the "SFCFA") has been asked to provide a letter of explanation with regard to the termination of that certain lease between the Boca Raton Community Redevelopment Agency ("Boca CRA") and the SFCFA entitled Centre for the Arts Lease and dated December 19, 1997 ("CRA/CFA Lease").

The CRA/CFA Lease provided for the use of the "cultural parcel" at the north end of Mizner Park comprised of three elements: a concert hall, a museum of art and a state of the art amphitheater. During the effective period of the CRA/CFA Lease, the Boca Raton Museum of Art and the Mizner Park Amphitheater were constructed and successfully operated. The construction of the Mizner Park Amphitheater was funded in part by a \$2 million cultural arts grant from Palm Beach County.

**Festival of the Arts BOCA**  
Charles L. Siemon  
Chair/Co-Executive  
Producer

Wendy U. Larsen  
Co-Executive Producer

Cynthia Brown  
Susan R. Pierce  
Co-Directors of Literature  
Program

The SFCFA's business model was based on the use of charitable gifts, memberships, corporate sponsorships, government grants and commercial rentals to support the discounted use of the Amphitheater by non-profit organizations. The Amphitheater opened in November of 2002 and was a substantial success with more literally hundreds of events and the establishment of the Festival of the Arts BOCA. Beginning in late 2007, the economic slowdown and an increasingly steep decline in charitable giving and corporate support, declining support from public agencies, the demise of Fantasma Productions Inc. (the SFCFA's commercial production partner) and structural changes in the commercial concert industry undermined the SFCFA's ability to fund the cost of maintenance and operation of the Amphitheater. After extensive discussions with the Boca CRA and the City of Boca Raton with regard to CRA/City funding for non-profit operation of the Amphitheater, the SFCFA and the CRA/City agreed to terminate the CRA/CFA Lease and for the CRA to assume operational response for the Amphitheater.

561.368.8445 - 433 PLAZA REAL, SUITE 339, BOCA RATON, FLORIDA 33432



## SCHMIDT FAMILY CENTRE FOR THE ARTS

The CRA/CFA Lease was formally terminated on October 1, 2010 and the CRA assumed all responsibility for the use and maintenance of the Amphitheater and for the obligations of the Palm Beach County cultural arts grant which was used in part to finance the construction of the Amphitheater.

Very truly yours,

Wendy U. Larsen  
Treasurer

*The Centre for the Arts at Mizner Park, Inc., is recognized by the Internal Revenue Service as a not-for-profit charitable 501(C)(3) organization. Federal Identification Number 65-0748038. Florida Registration number is CH8193.*

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