

3DD-4

Agenda Item #:

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 9 / 18 / 18 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department

Submitted By: TOURIST DEVELOPMENT COUNCIL

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

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: The First Amendment to the Agreement (R2017-1635) with the Palm Beach County Film and Television Commission, Inc. (the PBCFTC) for the provision of services under the County’s Tourist Development Plan during the period October 1, 2018 through September 30, 2019 in the amount not to exceed of \$2,000,000 in contractual services and \$460,028 in direct costs, and reserves for a total of \$2,460,028. This will be the second year of a five-year agreement.

Summary: The First Amendment to the Agreement updates fiscal year 2019 Exhibit “A” – Annual Budget, Exhibit “F” – Performance Measures to apply in Fiscal Year 2019. The First Amendment to the Agreement includes upgrades to Exhibit “I”, - Salary Ranges and Exhibit “J” Organizational Chart for salaries, positions and titles. The First Amendment to the Agreement revises Exhibit “C” Internship Policy deleting phase two of the program. The First Amendment to the Agreement revises Exhibit “D” – Travel & Entertainment Policy on gratuities. An increase of \$35,000 will be added to PBCFTC’s cash advance for FY2019 for a total cash advance of \$265,000. In addition, indirect cost and reserves totaling \$460,028 are included for a total budget of \$2,460,028. These exhibit changes have been reviewed and approved by the TDC Finance Committee and TDC Board. (TDC) Countywide (DW)

Background and Justification: Under the current Agreement, the PBCFTC develops and implements an Annual Tourism Marketing Plan for the County. All expenditures by the PBCFTC under the contract must be made in accordance with an Operating Budget included as Exhibit “A” to the contract, from funds appropriated annually by the County. The First Amendment to the Agreement adopts a new Exhibit “A” (Annual Budget), updates Exhibit “F” (Performance Measures). The First Amendment to the Agreement updates Exhibit “I” (Salary Ranges) along with Exhibit “J” (Organizational Chart) for reorganization of salaries, positions and titles within PBCFTC. In addition, the First Amendment to the Agreement revises Exhibit “C” – (Internship Policy) deleting phase two requiring student internships with production companies. The First Amendment to the Agreement revises Exhibit “D” – (Travel & Entertainment Policy) to pay gratuities assessed included on bills that exceed fifteen percent. An increase of \$35,000 will be added to PBCFTC’s cash advance for FY2019 for a total of \$265,000 for operational expenses.

Attachments: The First Amendment to the Agreement with Exhibits A, C, D, F, I, J

Recommended by: [Signature] Date 8/27/18
Department Director

Approved By: [Signature] Date 9/10/18
County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$2,000,000	2,060,000	2,121,800	2,185,454	2,251,018
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$2,000,000	2,060,000	2,121,800	2,185,454	2,251,018

ADDITIONAL FTE

POSITIONS (Cumulative) - 0- 0---- 0--- 0--- 0-----

Is Item Included In Proposed Budget? Yes X No.
 Does this item include the use of Federal funds? yes _____ no X
 Budget Account No.: Fund 1451 Dept 710_ Unit 7240_ Object 3401 _____
 Reporting Category _____

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

The Film & Television Commission currently receives 4.31% of the 2nd, 3rd, 5th and 6th cent of the local option bed tax.

C. Department Fiscal Review: *[Signature]*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

[Signature] 9/31/18 *[Signature]* 9/16/18
 8/30 7/8/20 OFMB 8/20/2015 Contract Dev. and Control

B. Approved as to form and Legal Sufficiency:

[Signature] 9/7/18
 Assistant County Attorney

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 BETWEEN PALM BEACH COUNTY
ON BEHALF OF THE TOURIST DEVELOPMENT COUNCIL AND THE PALM
BEACH COUNTY FILM AND TELEVISION COMMISSION, INC.**

THIS FIRST AMENDMENT is made and entered into this _____ day of _____, 2018, to the Agreement dated October 17, 2017, (hereinafter referred to as the "Agreement") (R2017-1635), by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter referred to as "County"), and Palm Beach County Film and Television Commission, Inc. (hereinafter referred to as "PBCFTC").

WITNESSETH:

WHEREAS, the County and PBCFTC entered into the Agreement whereby PBCFTC develops and implements an annual marketing plan for promoting and attracting film, television and still photography in support of Palm Beach County tourism; and

WHEREAS, the County has identified an increase to PBCFTC's cost advance for FY2019 to be allocated to and expended by PBCFTC in its efforts to promote, market and advertise Palm Beach County tourism under the Agreement; and

WHEREAS, the Agreement requires an amendment to provide for certain revised PBCFTC Exhibits; and

WHEREAS, the parties have agreed that this Amendment is in the best interest of PBCFTC and the County's tourism promotion program.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Exhibit A of the Agreement is hereby deleted in its entirety and replaced with a new Exhibit A, FY 2019 Annual Budget, Exhibit "F" – Performance Measures, Exhibit "I", Salary Ranges and Exhibit "J" Organizational Chart for salaries, positions and titles; revises Exhibit "C" Internship Policy deleting phase two of the program, and revises Exhibit "D" – Travel & Entertainment Policy, all attached hereto and made a part hereof.
2. An additional \$35,000 will be added to PBCFTC's cash advance for FY 2019. In addition, indirect cost and reserves totaling \$460,028 are included for a total budget of \$2,460,028.
3. Section 4, Operations/Funding Agreement, Subsection C, Operating Budget/Expendable Budget Supplies/Funds Availability Procedure for Handling Income and Expenses, Paragraph 4) PBCFTC Operating Account, 1st sentence, is hereby amended to read:

4) Prior to the Commencement Contract Date, the County will advance up to a maximum of one and one-half (1.5) months of personnel costs and sixty (60) days of budgeted operating expenses for deposit into the Agency Operating Account in order to fund operations of the PBCFTC.

4. This Amendment shall become effective when executed by the parties hereto.

5. All other terms and conditions of the Agreement dated October 17, 2017, shall remain in full force and effect.

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

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

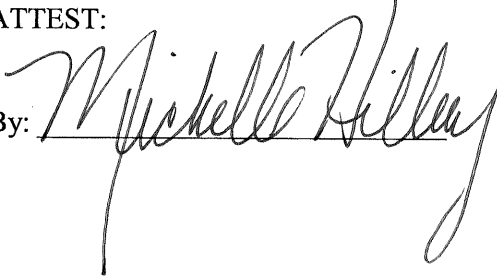
PALM BEACH COUNTY FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

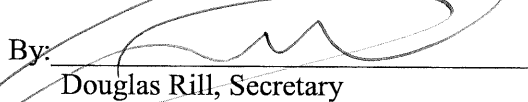
By: _____
Melissa McKinlay, Mayor

(SEAL)

ATTEST:

By:  _____

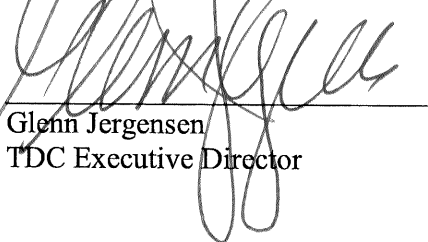
PALM BEACH COUNTY FILM AND
TELEVISION COMMISSION, INC.

By:  _____
Douglas Rill, Secretary

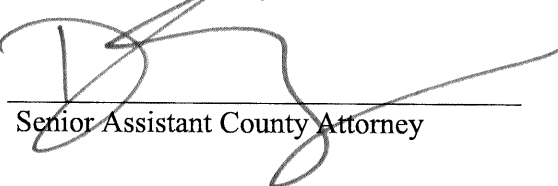
PALM BEACH COUNTY FILM AND
TELEVISION COMMISSION, INC.

 _____
Chuck Elder
Film and Television Commissioner

Approved as to Terms
and Conditions

 _____
Glenn Jergensen
TDC Executive Director

Approved as to Form
and Legal Sufficiency

 _____
Senior Assistant County Attorney

PALM BEACH COUNTY
 Film and Television Commission
 Exhibit A

Film & Television Commission FY19 Contract	FY16 Actual	FY17 Actual	FY18 Budget	FY18 Modified		FY19 Budget
				Budget	FY18 Forecast	
Personnel	\$ 677,901	\$ 704,520	\$ 813,006	\$ 859,948	\$ 854,948	\$ 956,112
Marketing & Promotion	\$ 389,406	\$ 345,824	\$ 1,181,750	\$ 1,134,808	\$ 712,200	\$ 957,200
General & Administrative	\$ 62,360	\$ 76,693	\$ 116,500	\$ 116,500	\$ 81,500	\$ 86,688
Total Film & Television Commission Contract	\$ 1,129,667	\$ 1,127,037	\$ 2,111,256	\$ 2,111,256	\$ 1,648,648	\$ 2,000,000
County Direct	\$ 95,238	\$ 91,742	\$ 109,335	\$ 109,335	\$ 115,114	\$ 191,494
Total Film & Television Commission Expenses	\$ 1,224,905	\$ 1,218,779	\$ 2,220,591	\$ 2,220,591	\$ 1,763,762	\$ 2,191,494
Reserves	\$ 1,101,542	\$ 1,273,773	\$ 357,921	\$ 434,908	\$ 1,001,158	\$ 268,534
Total Film & Television Commission Available Funds	2,326,447	2,492,552	2,578,512	2,655,499	2,764,920	2,460,028

EXHIBIT "C"

PALM BEACH COUNTY FILM & TELEVISION COMMISSION'S INTERNSHIP PROGRAM OUTLINE

PURPOSE:

This program is designed to benefit the participants and Palm Beach County's film & television community at large, both educationally and professionally, by doing the following:

1. Providing local education and instruction, exposure to prospective employers, and supervised training, experience, and professional opportunities within the film and television industry.
2. Creating a strong, talented, and dependable labor pool for the film and television industry in Palm Beach County.

REQUIREMENTS:

To qualify for this program, candidates need to be:

1. A high school graduate, or if the candidate is still in high school, a letter of recommendation from a current instructor affiliated with the student's film/television production program must accompany the application.
2. A resident of Palm Beach County.
3. If not a resident, a full-time student at a local University.
4. An unemployed professional who is affiliated with a film and/or television professional association.

GOALS:

1. To assist in the provision of practical training and experiences otherwise unobtainable either in the classroom setting or in the local job market.
2. To fill the needs of prospective employers who will only consider applicants with previous experience.

PROGRAM DESCRIPTION:

The program offers qualified candidates non-paid temporary positions.

The Palm Beach County Film & Television Commission (FTC) offers **240 hours** consisting of twelve (12), twenty (20) hour weeks and will be conducted in the Film & Television Commission office. The candidate will be offered a morning (10:00am-2:00pm) or an afternoon (1:00pm-5:00pm) shift. Candidates will volunteer under close supervision and observation of the Film Commission staff and receive practical experience and training in providing services to the film and television industry. During this time, it is expected the intern will become acquainted with the resources available to film professionals in the area, government regulations regarding permitting and insurance, and typical film commission activities and policies. Among other matters, participants will be trained in the operations of the FTC, perform special research projects, and be introduced to day-to-day issues involved in the industry.

REGARDING THE PROGRAM:

Twenty (20) hours per week for twelve (12) weeks of training and educational experiences are expected. On a case-by-case basis, interns may be given permission to alter the amount of hours/weeks in the FTC office to accommodate a work or school schedule. **Qualified candidates are not entitled to wages or other compensation during the program.** College course credits may be available.

EVALUATION:

Upon completion the candidate will return for a final evaluation by the FTC.

For additional information regarding the internship program, contact at 561.233.1000.

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EXHIBIT "D"

TRAVEL AND ENTERTAINMENT POLICY

Florida Statute Sec.125.0104 governs the reimbursement of travel expenses incurred in the course of tourism promotion for the COUNTY. The statute authorizes reimbursement for "actual and reasonable" expenses. All expenses/purchases must have receipts, with the exception tips to bellman/valets that are less than \$10.00. (See section on Receipts.)

Staff of the PBCFTC is authorized to provide, arrange and make expenditures of transportation, lodging, meals, and other reasonable and necessary items and services for such persons, as determined by the Film Commissioner, in connections with the performance of promotional and other duties of the PBCFTC. All travel and entertainment-related expenditures in excess of \$10 shall be substantiated by paid (invoices). COUNTY PPM CW-F-009 Travel Policy is utilized when Florida Statutes Section 125.0104 does not govern this policy.

Tourism Promotion activities shall include consumer and trade shows, familiarization tours, sales missions, and other travel related and entertainment expenses that are incurred by officers and employees of the agency, other authorized persons, location scouts, producers, directors, and executives connected with the film and television industry in the course of promoting the COUNTY. Trips by the Film Commissioner and staff shall be approved in advance by the chair of the PBCFTC Board.

DOMESTIC TRAVEL (Including Florida)

Meal expenses will be deemed to be reasonable if they comply with the per diem limit by city as shown in the Business Travel Network Per Diem schedule distributed at the beginning of each fiscal year. If a particular city that is not listed in the Per Diem schedule it may be appropriate to use the next closest city as the guide. However, some resorts are adjacent to a city with a per diem meal schedule that may not be on par with the resort. In that case, "actual and reasonable" meal expenses will be accepted. Any departure from the published rates will be deemed to be excessive unless the reasonableness and necessity of the expenditure is satisfactorily proven by the traveler in a written explanation on the expense reimbursement form. Meal expenditures may be combined such that the daily total does not exceed the per diem limit, provided, however, that one does not incur entertainment expenses which include a meal during the same day, or during a day when the traveler arrives or departs from a city. The maximum gratuity on any meal is Fifteen Percent (15%); provided, however, that in any case where the gratuity is included in the bill presented for the meal, then the gratuity will be paid in the full amount assessed by the serving establishment. Miscellaneous incidental expenses will be reimbursed upon review and justification. Employees may make one (1) personal call home per day, excepting unusual circumstances which must be explained and will be subject to review.

FOREIGN TRAVEL

Foreign Travel will be reimbursed at the per diem rates as listed in the "Standardized Regulations (Government Civilians Foreign Areas)" publication. This publication breaks down per diem into meals & incidentals (MIE), and lodging. The MIE rate is inclusive of tips for meals and other related expenses.

Lodging may exceed the per diem listed provided there is a valid reason as to why the accommodations exceeded the per diem limits.

FOREIGN EXCHANGE RATE: Expense reports containing a mix of cash and credit card expenses will be reimbursed using (a) the actual rate of exchange shown on the credit card statement for each charge and (b) the average of the Interbank Rate for eligible cash expenditures incurred during the time the traveler was in the country, as published by OANDA.com. The average rate as published by OANDA.com shall be attached to each

expense report. Expense reports that have only credit card charges shall be reimbursed at the same rate as shown on the credit card statement of the traveler, which shall be attached to the expense report.

When traveling in several countries on the same trip, the traveler must submit an expense report for each country along with the exchange rate in effect at the time of travel.

AIR TRAVEL

For all air travel, the traveler shall obtain the most economical means of travel that is reasonable under the circumstances as approved in advance by the Film Commissioner.

RECEIPTS ARE REQUIRED FOR ALL EXPENDITURES

TIPS

All tips for portage, taxi cabs etc., must be detailed on the back page of the travel reimbursement form. Tips over \$10.00 given for portage of large and/or numerous boxes of material or displays, require explanations and receipts. Tips for meals are to be included in the meals column, NOT the tip column of the expense report. The per diem schedule for meals is inclusive of tips.

ENTERTAINMENT

Entertainment expenses are those incurred while meeting with persons connected with the tourism industry. Such expenses shall be limited to the following maximum amounts per person per day, as approved by the Film Commissioner.

Breakfast	\$ 30.00	A maximum 20% gratuity may be added to these rates
Lunch	\$ 70.00	
Dinner	\$100.00	

The above limits do not include taxes and other expenses associated with the event during which the meal is served. Items such as invitations, entertainment, room rental, beverages served at a reception, photography and special decorations are not included.

In cases where a facility has required payment for a guaranteed minimum number of attendees, such limits shall be calculated based on the guaranteed minimum number. Each reimbursement shall include names and affiliations of those entertained, and the staff in attendance. You must also attach a copy of the per diem schedule for the city(s) where you have incurred meals and /or lodging expenses.

EXPENSE REPORTS

Requests for reimbursement for travel and entertainment expenses are to be made utilizing the standard FTC expense report form, as updated from time to time. Requests for reimbursement for mileage shall be done using a mileage expense report form as a backup to the standard expense report. Each expense report must be approved by the Film Commissioner or his/her designee. The appropriate amount code should be shown on the expense report.

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Exhibit F

FILM & TELEVISION COMMISSION

Palm Beach County, FL

<u>FY 2019 OBJECTIVES & PERFORMANCE MEASURES</u>	<u>Actual FY17</u>	<u>Estimated FY18</u>	<u>Projected FY19</u>	<u>Type</u>
<ul style="list-style-type: none"> • Collect and monitor production revenue (dollars spent in PBC). <i>Production Revenue (in the millions)</i> 	\$206.45	\$215.00	\$236.00	Demand
<ul style="list-style-type: none"> • Generate hotel room nights. <i>Hotel Room Nights</i> 	13,418	16,000	16,800	Demand
<ul style="list-style-type: none"> • Issue film permits. <i>Permits Issued</i> 	325	350	368	Demand
<ul style="list-style-type: none"> • Provide professional assistance to other projects not required to pull a film permit. <i>Non-Permitted Productions</i> 	165	170	187	Demand
<ul style="list-style-type: none"> • Generate production leads. <i>Total Leads</i> 	240	243	267	Output
<ul style="list-style-type: none"> • Respond to leads. <i>Lead Responses</i> 	239	243	267	Output
<ul style="list-style-type: none"> • Develop content marketing programs on an ongoing basis. Projects in this category include episodic television, one-off episodics, commercials and promos in-development, in-production and/or aired. <i>Develop Content Marketing Programs</i> 	11	11 / 75*	83	Output
<ul style="list-style-type: none"> • Generate unique visitors to the website. <i>Website Unique Visitors</i> 	24,191	29,300	32,320	Demand

*As the Tourism Branded Content Sponsorship Program has evolved, the FTC recommends adjusting the metrics of this performance measure to include each video output per program (i.e. episodes or promos in a series).

Exhibit "T"

Palm Beach County Film & Television Commission
Salary Ranges

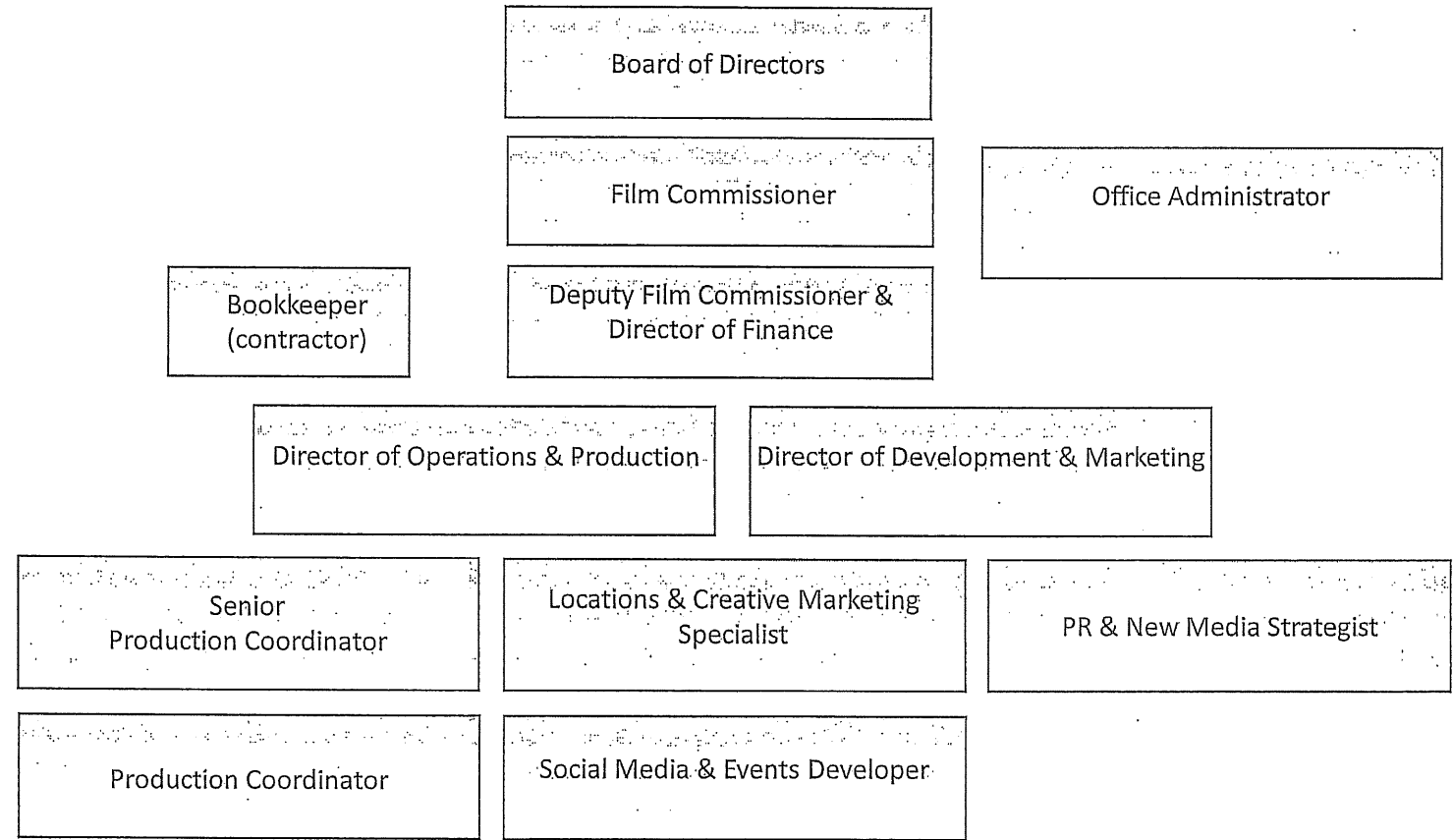
Position	Salary Range
Film Commissioner	\$125,000 - \$180,000
Deputy Film Commissioner & Director of Finance	\$85,000 - \$160,000
Director of Operations & Production	\$60,000 - \$100,000
Director of Development & Marketing	\$60,000 - \$100,000
Locations & Creative Marketing Specialist	\$50,000 - \$80,000
PR & New Marketing Strategist	\$50,000 - \$80,000
Senior Production Coordinator	\$45,000 - \$70,000
Production Coordinator	\$40,000 - \$65,000
Social Media & Events Developer	\$45,000 - \$70,000
Office Administrator	\$40,000 - \$65,000
Contracted Positions	Salary
Bookkeeper	\$20,000

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FILM AND
TELEVISION
COMMISSION

FTC ORGANIZATIONAL CHART





PALMBEA-18

JZAMBRANO

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/13/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW...

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

PRODUCER: Plastridge Insurance Agency, 820 NE 6th Avenue, Delray Beach, FL 33483. CONTACT NAME, PHONE, FAX, E-MAIL ADDRESS, INSURER(S) AFFORDING COVERAGE, NAIC #.

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSD, SUBR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liability, Workers Compensation and Employers' Liability, Crime, and Directors & Officers.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) Certificate Holder is listed on policy as Additional Insured with respects to General Liability.

CERTIFICATE HOLDER: Palm Beach County Board of County Commissioners C/O Insurance Tracking Services, Inc.(ITS), Long Beach, CA 90801. CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE signature.