こと-4 Agenda Item #

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	9/14/2021	[X] [_]	Consent Ordinance	[] []	Regular Public Hearing
Department					
Submitted By:	TOURIST DE	EVELO	PMENT COUNCIL		
Submitted For:	TOURIST I	DEVEL	OPMENT COUNCII	-	
		I. 1	EXECUTIVE BRIEF		

Motion and Title: Staff recommends motion to approve: The Fifth Amendment to the Agreement dated October 17, 2017, with Palm Beach County Film & Television Commission, Inc., (PBCFTC) (R2017-1635) for the provision of services under the County's Tourist Development Plan for the period October 1, 2021, through September 30, 2022, for the total budgeted amount of \$1,882,210.

Summary: The Fifth Amendment updates for Fiscal Year 2022 Exhibit "A"- Annual Budget, Exhibit "F" - Performance Measures, Exhibit "J" - Organizational Chart, Exhibit "N" - Diversity Survey, and Exhibit "O" - Insurance to be executed in Fiscal Year 2022. Included is \$1,133,000 for contractual services, \$290,000 for stimulus funding, \$301,524 for reserves, and \$157,686 in indirect costs for a total budgeted amount of \$1,882,210. This will be the fifth Amendment and final year of a five-year Agreement. The Fifth Amendment and exhibit changes have been reviewed and approved by the Tourist Development Council (TDC) Finance Committee and the TDC Board. Countywide (LDC)

Background and Justification: Under the current Agreement, PBCFTC develops and implements an Annual Marketing Plan to attract film, television, and still photography production to Palm Beach County. All expenditures by PBCFTC under the Agreement must be made in accordance with an Annual Operating Budget included as Exhibit "A" to the Agreement, which is amended annually to reflect County annual appropriations. The Fifth Amendment adopts a new Exhibit "A" (Annual Budget), updates Exhibit "F" (Performance Measures), Exhibit "J" (Organizational Chart) reflecting frozen positions, Exhibit "N" (Diversity Survey) reflecting the current levels of staffing diversity, and "O" (Insurance). The Amendment also adds certain County standard language on E-Verify.

Attachment:	: Fifth Amendment to the Agreement with	PBCFTC, Inc.
Recommend	ed by	_ Date: <u>8/10/20</u> 21
Approved By	y:County Administrator	_ Date:8/17/2/

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026			
Capital Expenditures								
Operating Costs	1,133,000	1,189,650	1,249,133	1,311,589	1,377,169			
External Revenues								
Program Income (County)								
In-Kind Match (County)								
NET FISCAL IMPACT	1,133,000	1,189,650	1,249,133	1,311,589	1,377,169			
# ADDITIONAL FTE								
POSITIONS (Cumulative)								
# ADDITIONAL FTE POSITIONS (Cumulative) - 0- 0 0 0 0 Is Item Included In Proposed Budget? Yes <u>X</u> No <u>X</u> Does this item include the use of federal funds? Yes <u>No X</u> Budget Account No.: Fund <u>1451</u> Dept <u>710</u> U nit <u>7240</u> Object <u>3401</u> Reporting Category VARIOUS								
B. Recommended Sources of Funds/Summary of Fiscal Impact: PBC Film & Television receives 4.31% of the 2 nd , 3 rd ,5 th , and 6 th pennies of the Local Option Bed Tax								
C. Department Fiscal Review: Monologie								
III. <u>REVIEW COMMENTS</u>								
A. OFMB Fiscal and/or Contract Administration Comments:								

OFMB

Contract Dev. and Control

B. Approved as to form and Legal Sufficiency:

County Attorney

C. Approved as to Terms and Conditions:

Department Director

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

FIFTH AMENDMENT TO THE AGREEMENT BETWEEN PALM BEACH COUNTY ON BEHALF OF THE TOURIST DEVELOPMENT COUNCIL AND PALM BEACH COUNTY FILM AND TELEVISION COMMISSION, INC.

THIS FIFTH AMENDMENT is made and entered into this ______day of ______, 2021, to the Agreement dated October 17, 2017 (hereinafter referred to as the "Agreement") (R2017-1635 as amended), 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 the Palm Beach County Film and Television Commission, Inc. (hereinafter referred to as "PBCFTC").

WITNESSETH:

WHEREAS, the COUNTY and PBCFTC entered into a five-year Agreement whereby PBCFTC develops and implements an Annual Marketing Plan for attracting film, television, and still photography production in Palm Beach County; and

WHEREAS, the Agreement requires an amendment to provide for certain revised Exhibits and new E-Verify language; 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:

 Exhibits "A, "F", "J", "N", and "O" of the Agreement are hereby deleted in their entirety and replaced with a new Exhibit "A" (FY 2022 Annual Budget), Exhibit "F" (Performance Measures), Exhibit "J" (Organizational Chart), Exhibit "N" (Diversity Survey), and Exhibit "O" (Insurance), all attached hereto and made a part hereof.

Effective immediately, the following new section is added to the Agreement:

2. <u>E-VERIFY – EMPLOYMENT ELIGIBILITY:</u> PBCFTC warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended, and that it: (1) is registered with the E-Verify System (E-Verify.gov), and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers; and (2) has verified that all of PBCFTC's subcontractors performing the duties and obligations of this Agreement are registered with the E-Verify System, and beginning January 1, 2021, use the E-Verify System to electronically verify the employment of all newly hired workers. PBCFTC shall obtain from each of its subcontractors an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an Unauthorized Alien, as that term is defined in section 448.095(1)(k), Florida Statutes, as may be amended. PBCFTC

shall maintain a copy of any such affidavit from a subcontractor for, at a minimum, the duration of the subcontract and any extension thereof. This provision shall not supersede any provision of this Agreement which requires a longer retention period. COUNTY shall terminate this Agreement if it has a good faith belief that PBCFTC has knowingly violated Section 448.09(1), Florida Statutes, as may be amended. If COUNTY has a good faith belief that PBCFTC's subcontractor has knowingly violated section 448.09(1), Florida Statutes, as may be amended. If COUNTY has a good faith belief that PBCFTC's subcontractor has knowingly violated section 448.09(1), Florida Statutes, as may be amended, COUNTY shall notify PBCFTC to terminate its contract with the subcontractor and PBCFTC shall immediately terminate its contract with the subcontractor. If COUNTY terminates this Agreement pursuant to the above, PBCFTC shall be barred from being awarded a future Agreement by COUNTY for a period of one (1) year from the date on which this Agreement was terminated. In the event of such Agreement termination, PBCFTC shall also be liable for any additional costs incurred by COUNTY as a result of the termination.

- 3. This Amendment shall become effective when executed by the parties hereto.
- 4. All other terms and conditions of the Agreement dated October 17, 2017, as amended, shall remain in full force and effect.

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

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

ATTEST: JOSEPH ABRUZZO CLERK & COMPTROLLER

Ву: ____

Deputy Clerk

ATTEST:

Board Authorization

PALM BEACH COUNTY FLORIDA BY ITS BOARD OF COUNTY COMMISSIONER

By: ___

By:

Dave Kerner, Mayor

PALM BEACH COUNTY FILM & TELEVISION COMMISSION, INC.

-DocuSigned by: Chuck Elderd E1E15E3036E420

Chuck Elderd, Film Commissioner

Approved as to Terms and Conditions

DocuSigned by: Glenn Jergensen

Glenn Jergensen TDC Executive Director Approved as to Form and Legal Sufficiency

-DocuSigned by: Anne Helfant -804811B22F6B464...

County Attorney

PALM BEACH COUNTY Film and Television Commission Exhibit A

.

Film & Television Commission FY22 Contract	F	Y19 Actual	F	Y20 Actual	7	Y21 Budget	F١	21 Modified Budget	F١	/21 Forecast	F	Y22 Budget
Total Film & Television Commission Contract	\$	1,851,076	\$	1,334,124	\$	1,100,000	\$	1,100,000	\$	1,100,000	\$	1,133,000
Marketing Stimulus	\$	-	\$	127,505	\$	150,300	\$	158,429	\$	158,429	\$	290,000
County Direct	\$	101,756	\$	78,636	\$	141,017	\$	141,017	\$	117,361	\$	157,685
Total Film & Televsion Commission Expenses	\$	1,952,832	\$	1,540,265	\$	1,391,317	\$	1,399,446	\$	1,375,790	Ş	1,580,685
Reserves	\$	769,295	\$	545,869	\$	333,043	\$	449,925	\$	528,926	\$	301,525
Total Film & Televsion Expense Budget		2,722,127		2,086,134		1,724,360	1	1,849,371		1,904,716		1,882,210

6/25/2021H:\FTV BUDGET FY 2022\FTC 2022 Exhibit A 6-25-2111:11 AM

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Exhibit F

FILM & TELEVISION COMMISSION			Palm Beach	County, FI
FY 2022 OBJECTIVES & PERFORMANCE MEASURES	Actual	Estimated	Projected	
	FY20	FY21	FY22	Туре
Collect and monitor production revenue (dollars spent in PBC). Production Revenue (in the millions)	\$184.20	\$205.00	\$211.00	Demand
		9203.00		LYCHIGHN
Generate hotel room nights. Hotel Room Nights	12,437	14,640	15,100	Demand
Issue film permits.			·····	Ι.
Permits Issued	243	318	328	Demand
Non-Permitted Productions Generate production leads.	202	200	210	Demand
Total Leads	256	250	262	Output
Respond to leads.	· • •		· · · · · · · · · · · · · · · · · · ·	: : :
Lead Responses	253	250	262	Output
Develop content marketing programs on an ongoing basis. Projects in this commercials and promos in-development, in-production and/or aired. Develop Content Marketing Programs	s category include	episodic television	, one-off episodi 115	· · · · · · · · · · · · · · · · · · ·
peretop Content tatti kening Frograms	.114	11)	113 .	Output
Generate unique visitors to the website.				



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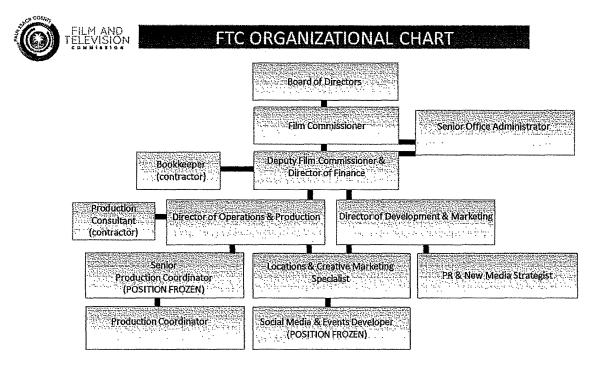


Exhibit N

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	21%	Hispanic			0	0%	Hispanic			0	0%	Hispanic			0	0%	Hispanic			0	0%
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Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Not For Profit Corporation PALM BEACH COUNTY FILM AND TELEVISION COMMISSION, INC.

Filing Information

Document Number	N96000004869
FEI/EIN Number	65-0692923
Date Filed	09/19/1996
State	FL
Status	ACTIVE
Last Event	CANCEL ADM DISS/REV
Event Date Filed	10/21/2003
Event Effective Date	NONE
Principal Address	
2195 Southern Blvd.,	
SUITE 520	
West Palm Beach, FL 3340	6
Changed: 01/09/2018	
Onanyou. 0 1/03/2010	

<u>Mailing Address</u> 2195 Southern Blvd.,

SUITE 520 West Palm Beach, FL 33406

Changed: 01/09/2018

Registered Agent Name & Address ELDERD, CHUCK 2195 Southern Blvd.,

SUITE 520 West Palm Beach, FL 33406

Address Changed: 01/09/2018

Officer/Director Detail

Name & Address

Title 1st Vice Chairman

ROBERTS, CAROL 3620 Gardens Parkway

search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=PALMBEACHCO... 1/3

Detail by Entity Name

Palm Beach Gardens, FL 33410

Title Chairman

#601B

SPILLIAS, KENNETH P.O. Box 20383 WEST PALM BEACH, FL 33416

Title 2nd Vice Chairman

PETERSON, BOB P.O. Box 1804 WEST PALM BEACH, FL 33402

Title Secretary

RILL, DOUGLAS 2215 N. MILITARY TRAIL, #100 WEST PALM BEACH, FL 33409

Title Executive Director

Elderd, Chuck V 2195 Southern Blvd., SUITE 520 West Palm Beach, FL 33406

Title Treasurer

Sanders, Robert 777 South Flagler Drive Suite 300 East West Palm Beach, FL 33401

Annual Reports

Report Year	Filed Date
2019	02/08/2019
2020	01/24/2020
2021	02/01/2021

Document Images

02/01/2021 - ANNUAL REPORT	View image in PDF format
01/24/2020 ANNUAL REPORT	View image in PDF format
02/08/2019 ANNUAL REPORT	View image in PDF format
01/09/2018 - ANNUAL REPORT	View image in PDF format
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Detail by Entity Name

02/11/2013 - ANNUAL REPORT	View image in PDF format
01/09/2012 - ANNUAL REPORT	View image in PDF format
01/05/2011 ANNUAL REPORT	View image in PDF format
01/06/2010 ANNUAL REPORT	View image in PDF format
03/26/2009 - ANNUAL REPORT	View image in PDF format
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02/16/1998 ANNUAL REPORT	View image in PDF format
04/23/1997 - AMENDMENT	View image in PDF format
03/03/1997 ANNUAL REPORT	View image in PDF format
09/19/1996 - DOCUMENTS PRIOR TO 1997	View image in PDF format

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