

3EE-1

Agenda Item #: _____

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	9/1/2020	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
		<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Public Hearing

Department

Submitted By: TOURIST DEVELOPMENT COUNCIL

Submitted For: TOURIST DEVELOPMENT COUNCIL

I. EXECUTIVE BRIEF

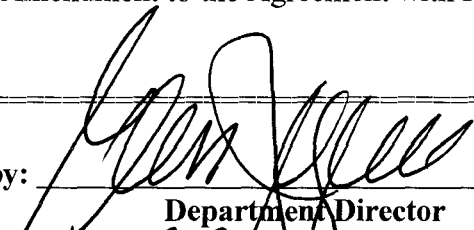

Motion and Title: Staff recommends motion to approve: The Fourth Amendment to the Agreement dated October 17, 2017 with Palm Beach County Film & Television Commission, Inc., (PBCFTC) (R2017-1635) for the provision of services under the County’s Tourist Development Plan for the period October 1, 2020 through September 30, 2021 for the total budgeted amount of \$1,724,360.

Summary: The Fourth Amendment updates for Fiscal Year 2021 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 2021. Included is \$1,100,000 for contractual services, \$150,300 for stimulus funding, \$333,043 for reserves, and \$141,017 for indirect costs for a total budgeted amount of \$1,724,360. This will be the fourth Amendment and fourth year of a five-year Agreement. The Fourth 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 Fourth 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).

Attachments:

1. Fourth Amendment to the Agreement with PBCFTC, Inc.

Recommended by:		Date: 8/19/20
	Department Director	
Approved By:		Date: 8/20/2020
	County Administrator	

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>1,100,000</u>	<u>1,155,000</u>	<u>1,212,750</u>	<u>1,273,388</u>	<u>1,337,057</u>
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	-----	-----	-----	-----	-----
In-Kind Match (County)	-----	-----	-----	-----	-----
NET FISCAL IMPACT	<u><u>1,100,000</u></u>	<u><u>1,155,000</u></u>	<u><u>1,212,750</u></u>	<u><u>1,273,388</u></u>	<u><u>1,337,057</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	- 0-	0----	0----	0----	0-----

Is Item Included In Proposed Budget? Yes X No _____

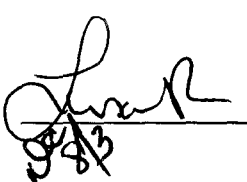
Budget Account No.: Fund 1451 Dept 710 Unit 7240 Object 3401
 Reporting Category _____ VARIOUS

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 PBC Film & Television receives 4.31% of the 2nd, 3rd, 5th, and 6th pennies of the Local Option Bed Tax


C. Department Fiscal Review: _____

III. REVIEW COMMENTS

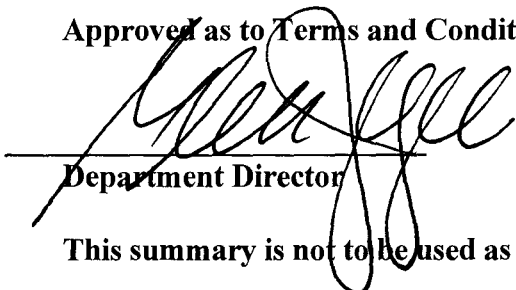
A. OFMB Fiscal and/or Contract Administration Comments:

 Sarah Elulawa
 8/8/20 OFMB 8/8/20 Contract Dev. and Control 8/11/2020
 8-11-20 TW

B. Approved as to form and Legal Sufficiency:


 Assistant County Attorney

C. Approved as to Terms and Conditions:


 Department Director

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

**FOURTH 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 FOURTH AMENDMENT is made and entered into this _____ day of _____, 2020, 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

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. Exhibits "A", "F", "J", "N", and "O" of the Agreement are hereby deleted in their entirety and replaced with a new Exhibit "A" (FY 2021 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.
2. This Amendment shall become effective when executed by the parties hereto.
3. 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:
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

(SEAL)

ATTEST:

By: 
Board Authorization
Douglas Rill

PALM BEACH COUNTY FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONER

By: _____
Dave Kerner, Mayor

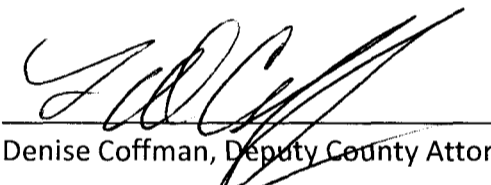
PALM BEACH COUNTY
FILM & TELEVISION COMMISSION, INC.

By: 
Chuck Elder, Film Commissioner

Approved as to Terms
and Conditions


Glenn Jergensen
TDC Executive Director

Approved as to ~~Form and~~
Legal Sufficiency


Denise Coffman, Deputy County Attorney

PALM BEACH COUNTY
Film and Television Commission
Exhibit A

Film & Television Commission FY21 Contract	FY18 Actual	FY19 Actual	FY20 Budget	FY20 Modified Budget	FY20 Forecast	FY21 Budget
Total Film & Television Commission Contract	\$ 1,591,134	\$ 1,851,076	\$ 1,800,000	\$ 1,800,000	\$ 1,335,000	\$ 1,100,000
Marketing Stimulus	\$ -	\$ -	\$ -	\$ -	\$ 135,634	\$ 150,300
County Direct	\$ 65,269	\$ 101,756	\$ 177,005	\$ 177,005	\$ 125,227	\$ 141,017
Total Film & Television Commission Expenses	\$ 1,656,403	\$ 1,952,832	\$ 1,977,005	\$ 1,977,005	\$ 1,595,861	\$ 1,391,317
Reserves	\$ 1,162,111	\$ 769,295	\$ 363,582	\$ 347,293	\$ 420,857	\$ 333,043
Total Film & Television Expense Budget	<u>2,818,514</u>	<u>2,722,127</u>	<u>2,340,587</u>	<u>2,324,298</u>	<u>2,016,718</u>	<u>1,724,360</u>

Exhibit F

FILM & TELEVISION COMMISSION

Palm Beach County, FL

FY 2021 OBJECTIVES & PERFORMANCE MEASURES

	Actual FY19	Goal FY20	Projected FY21	Type
<ul style="list-style-type: none"> • Collect and monitor production revenue (dollars spent in PBC). <i>Production Revenue (in the millions)</i> 	\$243.82	\$245.00	\$205.00	Demand
<ul style="list-style-type: none"> • Generate hotel room nights. <i>Hotel Room Nights</i> 	17,511	17,480	14,640	Demand
<ul style="list-style-type: none"> • Issue film permits. <i>Permits Issued</i> 	346	382	318	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> 	216	205	171	Demand
<ul style="list-style-type: none"> • Generate production leads. <i>Total Leads</i> 	280	277	231	Output
<ul style="list-style-type: none"> • Respond to leads. <i>Lead Responses</i> 	278	277	231	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> 	110	110	113	Output
<ul style="list-style-type: none"> • Generate unique visitors to the website. <i>Website Unique Visitors</i> 	33,485	33,615	28,150	Demand



FILM AND TELEVISION COMMISSION

EXHIBIT J

FTC ORGANIZATIONAL CHART

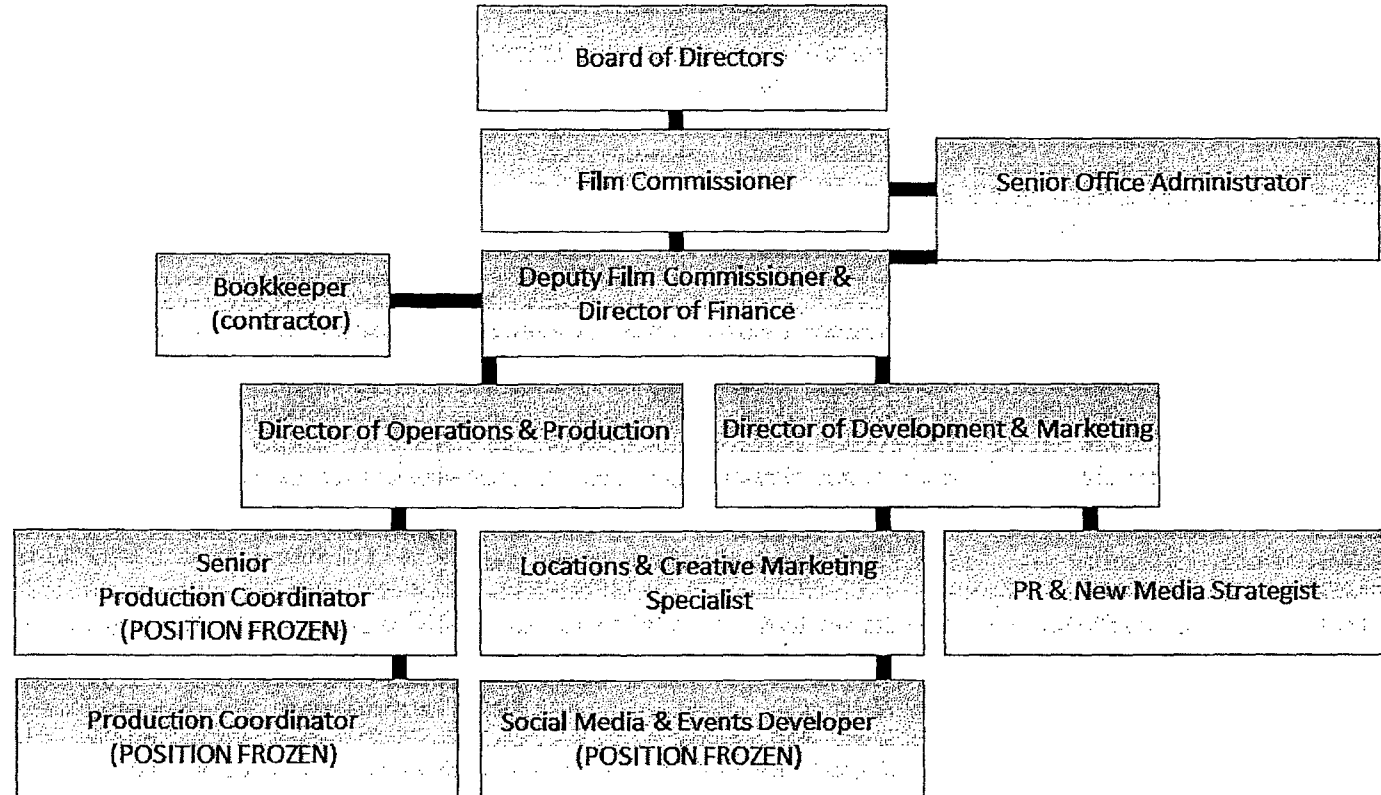


Exhibit N

Organization Name:
Film & TV Commission

	TOTAL STAFF JUNE 2020						TOTAL STAFF JUNE 2019						TOTAL STAFF JUNE 2018						TOTAL STAFF JUNE 2017					
	PBC		Key		Total		Key		Total		Key		Total		Key		Total		Key		Total			
	Ethnicity %	Ethnicity	Female	Male	Staff	Ethnicity %	Ethnicity	Female	Male	Staff	Ethnicity %	Ethnicity	Female	Male	Staff	Ethnicity %	Ethnicity	Female	Male	Staff	Ethnicity %			
Senior Management	54%	White	1	1	2	100%	White	1	1	2	100%	White	1	1	2	100%	White	1	1	2	100%			
	18%	Black			0	0%	Black			0	0%	Black			0	0%	Black			0	0%			
	21%	Hispanic			0	0%	Hispanic			0	0%	Hispanic			0	0%	Hispanic			0	0%			
	3%	Asian			0	0%	Asian			0	0%	Asian			0	0%	Asian			0	0%			
	4%	Other			0	0%	Other			0	0%	Other			0	0%	Other			0	0%			
Total	100%		1	1	2	100%		1	1	2	100%		1	1	2	100%		1	1	2	100%			
Professional	54%	White	2	0	2	50%	White	3	1	4	67%	White	3	2	5	71%	White	3	2	5	83%			
	18%	Black	1		1	25%	Black	1		1	17%	Black	1		1	14%	Black			0	0%			
	21%	Hispanic			0	0%	Hispanic			0	0%	Hispanic			0	0%	Hispanic			0	0%			
	3%	Asian			0	0%	Asian			0	0%	Asian			0	0%	Asian			0	0%			
	4%	Other	1		1	25%	Other	1		1	17%	Other	1		1	14%	Other	1		1	17%			
Total	100%		4	0	4	100%		5	1	6	100%		5	2	7	100%		4	2	6	100%			
Administrative & Clerical	54%	White			0	0%	White			0	0%	White			0	0%	White			0	0%			
	18%	Black			0	0%	Black			0	0%	Black			0	0%	Black			0	0%			
	21%	Hispanic		1	1	100%	Hispanic		1	1	100%	Hispanic		1	1	100%	Hispanic		1	1	100%			
	3%	Asian			0	0%	Asian			0	0%	Asian			0	0%	Asian			0	0%			
	4%	Other			0	0%	Other			0	0%	Other			0	0%	Other			0	0%			
Total	100%		0	1	1	100%		0	1	1	100%		0	1	1	100%		0	1	1	100%			
Total Agency	54%	White	3	1	4	57%	White	4	2	6	67%	White	4	3	7	70%	White	4	3	7	78%			
	18%	Black	1		1	14%	Black	1		1	11%	Black	1		1	10%	Black			0	0%			
	21%	Hispanic		1	1	14%	Hispanic		1	1	11%	Hispanic		1	1	10%	Hispanic		1	1	11%			
	3%	Asian			0	0%	Asian			0	0%	Asian			0	0%	Asian			0	0%			
	4%	Other	1		1	14%	Other	1		1	11%	Other	1		1	10%	Other	1		1	11%			
Total	100%		5	2	7	100%		6	3	9	100%		6	4	10	100%		5	4	9	100%			



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/1/2019

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. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Plastridge Insurance Agency 820 NE 6th Avenue Delray Beach, FL 33483	CONTACT NAME: Janett
	PHONE (A/C, No, Ext): (561) 276-5221 FAX (A/C, No): (561) 276-5244
	E-MAIL ADDRESS: delraydocs@plastridge.com
	INSURER(S) AFFORDING COVERAGE NAIC #
INSURED Palm Beach County Film & Television Commission, Inc. 2196 Southern Blvd., Suite 520 West Palm Beach, FL 33401	INSURER A: Mt. Vernon Fire Insurance Co. 26522
	INSURER B: Employers Preferred Ins. Co. 10346
	INSURER C: Travelers Casualty & Surety 19038
	INSURER D:
	INSURER E:
	INSURER F:

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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	NBP2550143J	10/1/2019	10/1/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ OTHER \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		NBP2550143J	10/1/2019	10/1/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED -- RETENTION \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	WCV700269422	10/1/2019	10/1/2020	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Crime		105513459	10/1/2019	10/1/2020	Crime \$ 500,000
C	Directors & Officers		105513459	10/1/2019	10/1/2020	Directors & Officers \$ 1,000,000

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) P. O. Box 20270 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