



# Broward County

## Legislation Text

---

File #: 20-176, Version: 1

---

### **Broward County Commission Regular Meeting**

**Director's Name:** Bertha Henry

**Department:** County Administration

**Division:** Cultural Division

### **Information**

#### **Requested Action**

A. MOTION TO RETROACTIVELY APPROVE Tri-Party Grant Agreement among Broward County (County), City of Fort Lauderdale (City), and the Performing Arts Center Authority (PACA), for the period of October 1, 2019 through September 30, 2020, to provide funding for PACA's operations in the amount of \$950,000, in addition to in-kind services of up to 500 hours of legal services; and authorize the Mayor and Clerk to execute same.

*(Per the Tuesday Morning Memorandum, Page 15 of Exhibit 2 has been signed by the Office of the County Attorney and hard copies provided to Document Control.)*

**ACTION: (T-10:32 AM) Approved.**

**VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.**

B. MOTION TO RETROACTIVELY APPROVE PACA's Budget for Fiscal Year 2020 in the amount of \$92,524,769, for the period of October 1, 2019 through September 30, 2020.

*(Per the Tuesday Morning Memorandum, Page 15 of Exhibit 2 has been signed by the Office of the County Attorney and hard copies provided to Document Control.)*

**ACTION: (T-10:32 AM) Approved.**

**VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.**

#### **Why Action is Necessary**

Motion A: Broward County Board of County Commissioners' (Board) approval is required for agreements with other governmental entities.

Motion B: Board approval of PACA's budget is required pursuant to Section 6(1) of PACA's Special Act.

#### **What Action Accomplishes**

Motion A: Provides funding towards PACA's operating expenses at the Broward Center for Performing Arts and in-kind legal services to PACA for the period of October 1, 2019 to September

30, 2020.

Motion B: Completes the approval process of PACA's budget in accordance with the requirements of PACA's Special Act.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

On August 16, 2016 (Item No. 47), the Board approved an agreement among County, City, PACA, and Albemarle, Caballero & Fierman, LLP, for audit services for PACA for a five-year term beginning Fiscal Year 2016 through Fiscal Year 2020 ("Audit Agreement"). The Audit Agreement states that County and City each pay half of the audit fees for PACA. The remaining audit fees for which County is responsible are \$18,846 for Fiscal Year 2019, and \$19,317 for Fiscal Year 2020.

**Summary Explanation/Background**

CULTURAL DIVISION RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

This item supports the Board's value of cultivating community culture, arts, recreation, and life-long learning and goals relating to providing diverse artistic, cultural, educational, and historical amenities and programs that contribute to a vibrant, multi-cultural, and economically viable community.

**MOTION A**

The proposed Tri-Party Grant Agreement (Agreement) (Exhibit 2) provides for County and City to make cash and in-kind service contributions towards the operation of the Broward Center for Performing Arts and in-kind legal services for the overall operation of PACA.

In accordance with Article 4.2.1 and 5.1.1 of the Agreement, County will pay an operating subsidy of \$950,000 to PACA in quarterly increments in the amount of \$237,500. These funds have already been included in County's adopted Fiscal Year 2020 budget approved by the Board on September 10, 2019, in combination with funding related to the PACA audit services approved by the Board on August 16, 2016 (Item No. 47). The County's share for the Fiscal Year 2019 audit services (which are in addition to the \$950,000 funding under the Agreement), is \$18,846, and will be paid in County's Fiscal Year 2020 budget. Pursuant to Section 4.2.2 of the Agreement, County will also provide up to 500 hours of in-kind legal services provided by the County Attorney's Office to PACA.

The Agreement also provides for a contribution to PACA by the City of Fort Lauderdale from net parking garage revenues from the Arts and Science Parking in an amount not to exceed \$300,000, in-kind landscape maintenance services of the valet lot and parking garage valued at \$30,000, and reimbursements for waste removal services paid for by PACA not to exceed \$24,000.

The County Attorney's Office has approved the Agreement as to form.

**MOTION B**

This motion approves PACA's total Fiscal Year 2020 budget (Exhibit 3) in the amount of \$92,524,769.

In accordance with Section 6(1) of PACA's Special Act, PACA's annual budget is subject to approval by City and County after approval by PACA. PACA's Board approved its Fiscal Year 2020 budget on September 5, 2019 (Resolution No. 2019-09-01). City approved PACA's budget and authorized execution of the Agreement at City's commission meeting on December 20, 2019 (Item 19-1144).

**Source of Additional Information**

Phillip Dunlap, Director, Cultural Division, (954) 357-7456

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The Agreement provides for a total County contribution of \$950,000 for the operating subsidy and up to 500 hours of in-kind legal services. Funding for this Agreement has been included in the Fiscal Year 2020 budget which was adopted on September 10, 2019.