

PROPOSED

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, DESIGNATING COUNTY ADMINISTRATIVE POLICIES AND
3 PROCEDURES, VOLUME 15, CHAPTER 1 (“CAPP”), AS THE COUNTY’S POLICY FOR
4 DISTRIBUTING TICKETS RECEIVED THROUGH SPONSORSHIP OR OTHER
5 AGREEMENTS, PURCHASE, DONATION, OR OTHER MEANS; FINDING A PUBLIC
6 PURPOSE FOR TICKETS DISTRIBUTED PURSUANT TO THE CAPP; AND
7 PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

8
9 WHEREAS, Broward County (“County”), for purposes of economic development,
10 tourism promotion, public education, and other public purposes, enters into sponsorship
11 and other types of agreements through which it receives the right of admission to an event
12 or venue and parking privileges related to the event or venue admission (“Tickets”);

13 WHEREAS, the County owns the Broward County Civic Arena, now known as the
14 Amerant Bank Arena (“Arena”), and through agreements with the Arena operator,
15 receives the use of a suite during events at the Arena and may receive other Tickets
16 under the terms of those agreements;

17 WHEREAS, the County may purchase Tickets where a public purpose exists for
18 attendance by County representatives, or otherwise receive Tickets, including through
19 donation;

20 WHEREAS, the Board of County Commissioners of Broward County, Florida
21 (“Board”), desires to ensure that Tickets received by the County through sponsorship or

22 other types of agreements, or through purchase, donation, or other means, are used for
23 a public purpose and as otherwise required by law;

24 WHEREAS, the County Administrator, in consultation with the County Attorney's
25 and County Auditor's Offices, has developed County Administrative Policies and
26 Procedures Volume 15, Chapter 1: "Use of Tickets Received by County Including Tickets
27 Associated with Sponsorship Agreements" ("Ticket Policy") attached hereto as Exhibit A;
28 and

29 WHEREAS, the Board desires that all Tickets received by the County be
30 distributed according to the Ticket Policy,

31 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
32 COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

33 Section 1. The foregoing recitals are ratified and confirmed as being true and
34 correct and are made a specific part of this Resolution. All exhibits attached hereto are
35 incorporated herein and expressly made a part of this Resolution.

36 Section 2. All Tickets received by the County through sponsorship or other
37 types of agreements, or through purchase, donation, or other means, shall be distributed
38 pursuant to the Ticket Policy attached as Exhibit A to this Resolution.

39 Section 3. The Board finds there is a public purpose for the use of Tickets,
40 including, in limited circumstances, Tickets for guests of County Commissioners and
41 County employees, that the County receives through the agreements with the Arena
42 operator, sponsorship or other types of agreements, purchase, donation, or other means,
43 provided that the use of the Tickets is consistent with the Ticket Policy.

1. Chapter Information: Use of Tickets Received by County Including Tickets Associated with Sponsorship Agreements

1.1 Department

Office of the County Administrator

1.2 Authority

- Sec. 9½-4, Code of Ordinances, “Authorization to provide entertainment, instruments of recognition, refreshments, and contributions to defray the costs of special events”;
 - Sec. 9½-5, Code of Ordinances, “Source of funds for entertainment, instruments of recognition, refreshments, and contributions to defray the costs of special events.”
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1.3 Purpose

To provide guidelines for the use and distribution of admission tickets and parking passes Broward County receives—whether as a donation or as part of sponsorship or other agreement—or purchases, including the use of Broward County’s suite (“County Suite”) at the Broward County Civic Arena (N/K/A Amerant Bank Arena) (the “Arena”), and to ensure that the use of such admission tickets, parking passes, and the County Suite is consistent with the public purposes stated herein. This CAPP also establishes guidelines for acceptance of tickets or passes by County Employees responsible for monitoring Events, performance of sponsorship agreement requirements, or the Broward County Civic Arena Amended and Restated Operating Agreement and its related agreement(s). Any revisions to this CAPP that impact Commissioners will be submitted to the Board for approval.

1.4 Scope

Subject to approval of this CAPP by the Board and the County Administrator, this CAPP applies to all agencies under the oversight of the County Administrator, to all County Officials, and to the Greater Fort Lauderdale Alliance, to the extent it acts as an authorized agent of Broward County. It covers allowable uses of admission tickets and parking passes received by Broward County through purchase, as a donation, or as part of a sponsorship or other agreement to which the County is a party, and use of the County Suite at the Arena. Further, it sets forth responsibilities for attendance at Events by County Officials and County

Employees, scheduling the use of the County Suite at the Arena, and reporting and recordkeeping requirements related to such admission tickets, parking passes, and County Suite usage.

1.5 Definitions

The following terms referenced in this chapter have the following definitions:

1.5.1 *Alliance* means the Greater Fort Lauderdale Alliance, which is the County's authorized economic development agent.

1.5.2 *Arena* means the Broward County Civic Arena (n/k/a Amerant Bank Arena) located at 1 Panther Parkway, Sunrise, Florida 33323.

1.5.3 *Authorized Agency* means the Office of the County Administrator, the Greater Fort Lauderdale Convention and Visitors Bureau (Visit Lauderdale), the Aviation Department, the Port Everglades Department, the Office of Economic and Small Business Development, or any other agency of County government designated in writing by the County Administrator.

1.5.4 *Board* means the Broward County Board of County Commissioners.

1.5.5 *County Employee* means any person who is a part-time or full-time employee of Broward County.

1.5.6 *County Official* means a member of the Board; any commission staff member; the County Administrator; the County Attorney; the County Auditor; and any member, officer, employee, or agent of the Office of the County Administrator, the Office of the County Attorney, or the Office of the County Auditor.

1.5.7 *County Suite* means the reserved, enclosed seating area within the Arena that is allocated to Broward County pursuant to the Broward County Civic Arena Amended and Restated Operating Agreement and related Sponsorship and Advertising Agreement between Broward County and the Arena Operating Company, Ltd., as amended (collectively, the "Arena Agreement").

1.5.8 *Economic Development* means those activities that seek to improve the

economic well-being and quality of life of residents and visitors of the County by creating and/or retaining jobs; supporting or growing incomes; or enhancing the tax base through business development (e.g., new business attraction, business expansion, job creation, community marketing activities, business retention, or development of small or federally-recognized disadvantaged businesses) or real estate development.

1.5.9 *Event* means a sports, entertainment, cultural, civic, or other event (a) sponsored or cosponsored by Broward County to which the County receives Tickets as part of a sponsorship or cosponsorship agreement, or (b) for which the County purchases Tickets or receives complimentary Tickets.

1.5.10 *Ticket(s)* means admission to an Event and includes any parking privilege received in connection use of the Ticket(s).

1.6 Policy Statement

Tickets purchased or received by the County, including the use of the County Suite for Events at the Arena, shall be used solely for one of the following public purposes: (i) promotion of economic development or tourism; (ii) recognition of outstanding service by County Employee(s) pursuant to a written Employee Recognition policy established by the County Administrator; (iii) recognition of dignitaries visiting or residing in Broward County; (iv) monitoring performance by County contractors, evaluation of County programs, or operation of facilities where Events occur; or (v) any other public purpose as determined by the Board at a public meeting. Tickets may not be used for any purpose except those delineated in this paragraph. Additionally, Tickets may not be used in connection with campaigning, political activity, or to promote the private financial interest of any County Official or County Employee. The use of Tickets may also be subject to limitations based on contractual obligations or the source of revenue used to acquire them, and no Ticket(s) may be used if doing so would be contrary to such contractual limitations or applicable law.

Tickets purchased or received by the County using Tourist Development Tax revenue shall be used, as fully as possible, for tourism development and promotion, and shall be purchased or received only for such purposes. If additional tickets are available that would otherwise go unused, they may be made available to County Officials and County Employees for such other public purposes, and in accordance with the procedures set forth in this CAPP.

In accordance with this CAPP, the County Suite can be reserved for use by an

Authorized Agency for any of the public purposes set forth in this CAPP. No other use of the County Suite shall occur without the express, prior approval by the Board.

County Employees may receive Tickets to attend Events in their official capacity when necessary to perform their job duties, when attending Events to promote the County, or if they are being recognized by the County for outstanding service pursuant to a written Employee Recognition policy established by the County Administrator. County Employees assigned duties related to the Arena, including, without limitation, contract administration, observation of facility operations, or monitoring or evaluation of Events and operations at the Arena, may receive Tickets to attend Events at the Arena when necessary to perform their job duties or as otherwise approved or directed in writing by the County Administrator or written designee.

In general, Tickets may only be distributed to County Officials or County Employees in their official roles as representatives of the County for any of the public purposes stated above. In limited circumstances, and provided there is available space that is not needed to accommodate attendance by another County Official, County Employee, or person invited to the event for a public purpose set forth in this CAPP, a County Official or County Employee attending an Event may be provided and accept a Ticket for one guest to accompany the County Official or County Employee to that Event, where the attendance of a guest would serve any of the public purposes provided in this CAPP (see Section 2.3.2, Guest Tickets). County Officials and County Employees who receive Tickets, including guest Tickets, and who are required by state law to file an annual financial disclosure should seek guidance from the County Attorney's Office as to whether a gift disclosure must be filed.

Employees or board members of the Alliance may receive Tickets to attend Events at the County Suite for the purposes of economic development or tourism promotion.

A County Official or County Employee who receives Tickets shall not transfer or sell any such Ticket (including any arrangement where anything of value is received in exchange for the Ticket) to any other person. Unused Tickets shall be returned to the issuing Agency, or transferred as directed in writing by the issuing Agency or County Administrator.

All requests to receive Tickets or to use the County Suite must comply with this CAPP.

2. Procedures: Arena Suite Use and Acceptance of Tickets to Events

2.1 County Suite Use, Expenses, and Reporting

- 2.1.1 Reservations and Scheduling.** The Alliance is assigned the responsibility of scheduling use of the County Suite. Authorized Agencies may request use of the County Suite by submitting an Arena Suite Reservation Request form to the CEO Council/Programs Coordinator of the Alliance). Reservations will generally be accepted on a first-come, first-served basis. However, where conflicting requests are received and the requesting agencies are unable to resolve the scheduling conflict among themselves, the County Administrator or written designee shall resolve the scheduling conflict by seeking to maximize the potential economic return to the County or the public benefit desired.
- 2.1.2 Food and Beverage.** Food and beverages are not included in the use of the County Suite and must be arranged and paid for separately. The cost for food, beverages, or any additional services is the responsibility of the reserving agency or attending persons.
- 2.1.3 Reporting and Recordkeeping.**
- (a) *Events at County Suite.* No later than ten (10) business days after an Event to which Tickets to the County Suite were provided to County Officials or County Employees, the applicable Authorized Agency (or, in the case of County Officials, County Administration) must provide the Alliance the following information:
- The complete name of each Ticket recipient
 - The number and type of Tickets (including parking passes) given to each recipient
 - The business affiliation (if any) of each Ticket recipient
 - The public purpose for which Tickets were given to each recipient
- (b) *Events at Other Locations.* No later than ten (10) business days after an Event for which Tickets were provided to County Officials or County Employees other than Tickets for the County Suite, the applicable Authorized Agency or County Official must provide County Administration with the following information:
- The complete name of each Ticket recipient
 - The number and types of Tickets (including parking passes) given to each recipient
 - The business affiliation (if any) of each Ticket recipient
 - The public purpose for which Tickets were given to each recipient
- (c) Failure of the applicable Authorized Agency or individual to submit

timely the required information will result in that agency or individual being suspended from use of Tickets to future Events.

- (d) *Annual Reporting - County Suite.* By December 31 of each calendar year, the County Administrator shall obtain from the Alliance an annual report of County Suite usage for the previous fiscal year (ending September 30) and contemporaneously provide a copy to the County Auditor. Within 90 days after receipt of the annual report of County Suite usage, the County Administrator will conduct an evaluation of the County Suite's use during the previous fiscal year to verify compliance with the CAPP and will, upon the completion of such evaluation, promptly provide a report to the County Commission verifying such compliance and otherwise identifying any instances of noncompliance.
- (e) *Annual Reporting – Other Tickets.* By December 31 of each calendar year, County Administration or such other County agency as designated in writing by County Administration will conduct an evaluation of the Event Tickets received and/or used during the previous fiscal year to verify compliance with the CAPP and within 90 days upon completion of such evaluation, will promptly provide a report to the County Commission verifying such compliance and otherwise identifying any instances of noncompliance.

2.2 Use of Tickets to Events at Arena (without use of the County Suite) by County Employees

- 2.2.1** County Employees involved in administering or implementing the terms of the Arena Agreement and related agreement(s) may be provided Tickets to any Event at the Arena (without use of the County Suite) for the purpose of monitoring performance, operations, or evaluating the overall condition of the Arena for consistency with the Arena Agreement and use of the Arena in the best interests of the County. Tickets for this purpose may be provided to, or requested for, County Employees whose assigned duties relate to the Arena. However, any such Tickets are limited to County Employees and may not include guest Tickets for these events.
- 2.2.2** County Employees requesting Tickets to attend an Event at the Arena (without use of the County Suite) in their official capacity must contact the Office of the County Administrator. The Office of the County Administrator will coordinate provision of any such Tickets with the Arena Operator.
- 2.2.3** *Recordkeeping.* For Tickets provided pursuant to this section, the

Office of the County Administrator will maintain a separate log identifying the County Employee to whom the Ticket was issued, the date of the Event, the Event for which Ticket was distributed, and the official business purpose for attending the Event, and such record will be added as an addendum to the annual evaluation required by Section 2.1.3.

2.3 Limited Ticket Availability; Guest Ticket Restrictions

2.3.1 *Events with Limited Ticket Availability – Commissioners.* For Events where there is a public purpose set forward in this CAPP for one or more Commissioners to attend the Event and when the County does not have enough tickets for each County Commissioner to attend an Event, County Commissioners shall be offered a single Ticket (inclusive of parking pass, if available) in the following order of priority:

- (a) Mayor
- (b) Vice-Mayor
- (c) For economic development-related Events, the County Commissioner currently serving on the Alliance’s Board of Directors
- (d) For tourism promotion Events, the County Commissioner currently serving on the Tourist Development Council
- (e) For cultural Events, the County Commissioner currently serving on the Cultural Council
- (f) County Commissioners in descending order of seniority (i.e., time on the Commission). Priority shall alternate among Commissioners with equal seniority.

2.3.2 *Guest Tickets.* There is a public purpose for provision of one guest Ticket to County Officials or County Employees attending the following Events:

- The United Way Mayors’ Gala;
- The Broward League of Cities Gala;
- Events where a County Official or County Employee is performing official hosting duties in a social setting (such as receptions or hospitality suites) where it is customary for attendees to be accompanied by a spouse, partner, or other companion;
- Ceremonial Events honoring County Officials or County Employees, limited to one guest Ticket for each County Official or County employee being honored; or
- Other events for which the Board finds a public purpose for a County Official or Employee to receive a guest Ticket.

Board approval is not required for guest Tickets provided to County Employees in recognition of outstanding service by County Employee(s) pursuant to a written employee recognition policy established by the County Administrator. Such employee recognition program may allow for more than one guest Ticket for a recognized County employee.

Subject to applicable gift laws, there is a public purpose for guest Tickets when the County receives donated Tickets, without giving consideration in return, and the donor of the Tickets has expressed an intention that County Officials or County Employees may bring one or more guests to the Event or venue for which the Tickets are being given.

2.4 Appendices

Appendix 1: Arena Suite Reservation Form

Appendix 2: Arena Suite Use Tracking Report

2.5 Approval Dates

Effective Dates:

Date Last Reviewed:

Date Due for Review:

2.6 Policy Author

Office of the County Administrator