

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE FISCAL YEAR 2023 BUDGET FOR THE PERFORMING ARTS CENTER AUTHORITY (PACA) AND A TRI-PARTY GRANT AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, AND PACA TO AUTHORIZE CASH FUNDING TO PACA IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000) AND IN-KIND SERVICES WITH AN ESTIMATED VALUE OF FIFTY-FOUR THOUSAND DOLLARS (\$54,000), FOR AN ESTIMATED TOTAL ANNUAL FUNDING AMOUNT OF THREE HUNDRED FIFTY-FOUR THOUSAND DOLLARS (\$354,000) TO OFFSET A PORTION OF PACA'S OPERATING DEFICIT FOR THE BROWARD CENTER FOR THE PERFORMING ARTS, WITH AN OPTION TO EXTEND SAID AGREEMENT FOR TWO ADDITIONAL ONE YEAR TERMS; AND PROVIDING FOR RESCISSION AND REPEAL OF CONFLICTING RESOLUTION PROVISIONS AND AN EFFECTIVE DATE.

WHEREAS, the Performing Arts Center Authority ("PACA") operates the Broward Center for the Performing Arts ("Center") located in the City of Fort Lauderdale, which is a significant cultural attraction for Broward County, Florida; and

WHEREAS, PACA has presented renowned performers and productions that have enhanced the cultural life of South Florida and made the Center a first-class facility in the City of Fort Lauderdale; and

WHEREAS, pursuant to Florida Statutes, PACA is required to submit its budget to both the Board of County Commissioners of Broward County ("County Commission") and the City Commission of the City of Fort Lauderdale, Florida ("City Commission") for review and approval; and

WHEREAS, the City Commission has reviewed and approved PACA's budget for Fiscal Year 2022-2023; and

WHEREAS, in an effort to offset a portion of operating deficit for the Center, the City Commission wishes to support the Center by approving cash contributions to PACA in an amount not to exceed Three Hundred Thousand Dollars (\$300,000) annually, and in-kind contributions to PACA in an amount of Thirty Thousand Dollars (\$30,000) annually as reimbursement for invoiced landscape maintenance of the valet lot and parking garage sites paid

by PACA and, if applicable, in an amount not exceed Twenty-four Thousand Dollars (\$24,000) annually for invoiced waste removal services paid by PACA, for an estimated total annual funding amount of Three Hundred Fifty-Four Thousand Dollars (\$354,000), contingent upon appropriation of funds and PACA's compliance with annual auditing requirements beginning with FY 2023 of the Tri-Party Grant Agreement, and annually if extended; and

WHEREAS, in consideration for City's cash and in-kind contributions, PACA agrees to provide the City with a minimum of 250 complimentary tickets annually for performances at the Center or its affiliated venues which PACA will distribute to schools and agencies within the City that serve residents who might not otherwise have the opportunity to attend a live performance, subject to availability and at PACA's discretion, and rent credits up to a value of Fifteen Thousand Dollars (\$15,000) annually for City's use of the Center or its affiliated venues; and

WHEREAS, the City Commission has determined approving a Tri-Party Grant Agreement between the City, County, and PACA to contribute funding and in-kind services related to the operations of the Center, with an option to extend said Tri-Party Grant Agreement for two (2) additional one (1) year terms, will serve a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That PACA's budget for FY 2023 is hereby approved. A copy of said budget is attached hereto and incorporated herein as "Exhibit A."

SECTION 2. That the Tri-Party Grant Agreement between the City, County, and PACA is hereby approved, in substantially the form attached hereto and incorporated herein as "Exhibit B," to contribute cash funding in an amount not to exceed Three Hundred Thousand Dollars (\$300,000) annually and in-kind contributions with an estimated value of Fifty-Four Thousand Dollars (\$54,000) annually to offset a portion of PACA's operations deficit for the Broward Center for the Performing Arts for FY 2023, for an estimated total annual funding amount of Three Hundred Fifty-Four Thousand Dollars (\$354,000), with an option to extend this Tri-Party Grant Agreement for two (2) additional one (1) year terms upon the written consent of the County, contingent upon appropriation of funds and PACA's compliance with any required annual auditing requirements beginning with FY 2023 and annually thereafter during any extension period. The proper City officials are hereby authorized to execute said Agreement.

SECTION 3. That, as consideration for City's cash and in-kind contributions, City Manager or his designee shall monitor and verify PACA distributes a minimum of 250 complimentary tickets annually for performances at the Center or its affiliated venues to schools and agencies within the

City that serve residents who might not otherwise have the opportunity to attend a live performance, and rent credits up to a value of Fifteen Thousand Dollars (\$15,000) annually, in compliance with the terms and conditions of the Tri-Party Grant Agreement.

SECTION 4. That if any clause, section or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

SECTION 5. That all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed.

SECTION 6. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this _____ day of _____, 2023.

ATTEST:

Mayor
DEAN J. TRANTALIS

City Clerk
DAVID R. SOLOMAN

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

APPROVED AS TO FORM:
AND CORRECTNESS:

Pamela Beasley-Pittman _____

Warren Sturman _____

Interim City Attorney
D'WAYNE M. SPENCE