



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 15, 2009

SUBJECT: **A REFERRAL TO THE FINANCE AND CITYWIDE PROJECTS COMMITTEE A DISCUSSION REGARDING THE CITY'S SPECIAL EVENT PERMIT FEES AS THEY PERTAIN TO THE USE OF THE PUBLIC RIGHT-OF-WAY, AND THE ACCOMPANYING PERMIT FEES.**

### ADMINISTRATION RECOMMENDATION

Refer the item.

### BACKGROUND

The Special Events Guidelines, which were originally adopted on April 18, 2001 pursuant to Resolution No. 2001-24341, and subsequently amended on July 6, 2005 and on September 17, 2008 pursuant to Resolution No. 2005-25953 and Resolution No. 2008-26908 respectively, require all event producers privatizing public space to pay the greater of two fees: percentage of concession or square footage. Both essentially function as a rental fee for use of public property. The square footage fee is typically the more utilized amount and takes into account all areas, whether fenced, tented, or barricaded off. The fee is assessed as the total of the privatized square footage multiplied by a rate of \$.25 per square foot. This fee is a one time only fee per event and is not assessed based on number of days use.

Part of the Special Events process includes city staff or the event producer obtaining Right of Way permits from the Public Works Department whenever streets or sidewalks are encumbered for an event's activities, inclusive of load in and load out. Public Works typically has a fee associated with stand alone right of way requests, including construction, but those fees have never been collected when permitted under the auspices of a Special Event permit, primarily because a fee structure, including permit and application fee, as well as square footage fee, exists as part of the Special event process. The fees collected by the Tourism and Cultural Development Department (TCD) or Public Works Department go entirely to the general fund.

Recently, the Public Works Department has advised TCD that Section 82-151 of the City Code requires Public Works to charge a fee when issuing a Right-of-Way Permit and no waiver provision exists. This presents a concern as the City would be charging the event two different fees for the same purpose, privatization of the public right-of-way. City staff does not feel this is equitable and would likely make it cost prohibitive for most events to take place in Miami Beach if both fees were assessed.

The Administration recommends the referral of this item to the next Finance and Citywide Projects Committee meeting for discussion.

JMG:MMF:MAS:FHB

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Agenda Item   C4D    
Date   7-15-09

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