



Legislation Details (With Text)

**File #:** 03841      **Version:** 2      **Name:** Agreement with Madison Fireworks Fund, Inc. re: Rhythm & Booms for 2007 through 2011.

**Type:** Resolution      **Status:** Passed

**File created:** 5/31/2006      **In control:** BOARD OF ESTIMATES (ended 4/2017)

**On agenda:** 6/20/2006      **Final action:** 6/20/2006

**Enactment date:** 6/22/2006      **Enactment #:** RES-06-00542

**Title:** SUBSTITUTE - Authorizing the Mayor and City Clerk to enter into an Agreement with Madison Fireworks Fund, Inc., to provide an annual Independence Day fireworks celebration, commonly known as Rhythm & Booms, at Madison's Warner Park, for the years 2007 through 2011.

**Sponsors:** Paul J. Van Rooy, Brian Benford, David J. Cieslewicz, Michael E. Verveer

**Indexes:**

**Code sections:**

**Attachments:** 1. RhythmBooms 2006-2011 Agreement.pdf, 2. RhythmBoomsFiscalNoteDetails.pdf, 3. RhythmBoomsFiscalNoteDetailsSubst.pdf, 4. 03841 registration stmt.pdf

Date	Ver.	Action By	Action	Result
6/20/2006	2	COMMON COUNCIL	Adopt	Pass
6/14/2006	2	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/13/2006	2	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
6/12/2006	2	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/6/2006	1	COMMON COUNCIL	Refer	
6/6/2006	1	BOARD OF ESTIMATES (ended 4/2017)	Refer	
5/31/2006	1	Attorney's Office	Fiscal Note Required / Approval	
5/31/2006	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
5/31/2006	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

The proposed Agreement includes several changes to the financial terms, as highlighted below. A detailed comparison is included as an attachment to this resolution. It is estimated that the net cost to the City will increase by \$20,000 from an estimated \$67,000 in 2006 to \$87,000 in 2007, depending on the actual cost of the event. Funds are available in the Room Tax Fund.

1. The base cost absorbed by the City increases from \$50,153 per year to \$73,000 in the first year, and is increased each year by the lesser of 3% or CPI. (Note: In 2005, the City absorbed an additional \$9,237 in base costs because MFF reached its maximum reimbursement.)
2. MFF's maximum reimbursement to the City ~~remains at~~ increases from \$50,000 per year to \$73,000 in the first year and but will be increased each year by the lesser of 3% or CPI.
3. MFF's contribution to the Warner Park Community and Recreation Center (WPCRC) changes from a percentage of R&B profit or stated minimum (\$4,360 in 2006) to a flat \$4,000 per year.

4. MFF is no longer required to pay the standard usage fee for WPCRC on the day of the event (average of \$550).
5. The City's base cash contribution to MFF increases from \$11,750 to \$17,775 each year.

**Title**  
SUBSTITUTE - Authorizing the Mayor and City Clerk to enter into an Agreement with Madison Fireworks Fund, Inc., to provide an annual Independence Day fireworks celebration, commonly known as Rhythm & Booms, at Madison's Warner Park, for the years 2007 through 2011.

**Body**  
WHEREAS, since June 1996, the City of Madison ("CITY") has partnered with Madison Fireworks Fund, Inc. ("MFF") to furnish an annual Independence Day Celebration at Madison's Warner Park, known commonly as Rhythm & Booms; and

WHEREAS, City wishes to continue the partnership with MFF for Rhythm & Booms for the years 2007 through 2011; and

WHEREAS, MFF will arrange, manage and operate all aspects of the Independence Day celebration, including contracting with a vendor for the fireworks display and shall be responsible for obtaining all necessary permits and licenses as required by City ordinances, resolutions and rules of the Board of Park Commissioners, and shall comply with all ordinances, rules and permit requirements; and

WHEREAS, City shall arrange, manage and operate all aspects of the event relating to police, fire, fireworks safety, EMS coverage, traffic control, parks issues, and the like; and

WHEREAS, as City's contribution to Rhythm & Booms, City shall donate base/initial municipal services costs of seventy three thousand dollars (\$73,000) in 2007 and that amount shall increase each subsequent year by the lesser of three (3) percent, or the Consumer Price Index-All Urban Consumers; and

WHEREAS, on or before October 31 of each year, MFF shall reimburse City for costs related to police, fire parks and traffic services in excess of the base municipal service donation, up to ~~forty seven~~ fifty seventy three thousand dollars (\$~~47,000~~ 5073,000) in 2007 and increased each subsequent year by the lesser of three (3) percent or the Consumer Price Index-All Urban Consumers; and

WHEREAS, MFF shall pay four thousand dollars (\$4,000) to the Warner Park Community Recreation Center ("WPCRC") each year in exchange for no cost access and use of the day care room and meeting room only for "day of the event" activities, and may connect to building and water utilities; and

WHEREAS, City's partnership in Rhythm & Booms is conditioned upon there being no increase or enlargement in existing activities (e.g., two music stages with beer gardens, plus one additional beer garden, a carnival no greater than 60 amusement items and fireworks), and MFF shall not market Rhythm & Booms to increase attendance at the park without City's prior written approval; and

WHEREAS, MFF shall continue fund raising for the event and agrees to seek and encourage greater participation from Dane County and area residents for this regional event; and

WHEREAS, City agrees, for the term of this Agreement, to provide MFF with a yearly contribution to Rhythm & Booms in an amount of seventeen thousand seven hundred seventy five dollars (\$17,775) or an amount equal to Dane County's yearly contribution, whichever is greater, up to a yearly maximum amount of twenty thousand dollars (\$20,000); and

WHEREAS, if MFF is not successful in raising the necessary dollars to fund any year's event, including such reimbursement to City as described above, MFF shall not be obligated to present Rhythm & Booms in that year or years. MFF shall notify City no later than January 31 of its intent not to present Rhythm & Booms that year; and

WHEREAS, MFF shall continue to make charitable contributions from its after-expenses income, if any, to organizations in the Dane County area that provide volunteers for the event; and

WHEREAS, for any year in which Rhythm & Booms is postponed or cancelled due to rain or other inclement weather, MFF shall reimburse City on or before October 31 of that year for City expenses incurred because of such postponement or cancellation in an amount not to exceed forty thousand dollars (\$40,000), provided MFF receives insurance proceeds for a weather-related claim; and

WHEREAS, the rain date for Rhythm & Booms shall always be the Sunday immediately following the originally scheduled

event date. In the event that Sunday is the 4<sup>th</sup> of July, the rain date shall be Monday, July 5<sup>th</sup>; and

WHEREAS, MFF shall adhere to set-up and teardown times established by the Parks Department and shall be responsible for assuring that all subcontractors and vendors adhere to the set-up and tear down times. Failure to adhere to set-up and tear down times may result in City imposing a financial penalty on MFF; and

WHEREAS, MFF shall maintain the appropriate insurance coverage for the event and will require each fireworks and carnival subcontractor to maintain the appropriate insurance coverage for the event and shall provide City with Certificates of Insurance no later than seven (7) days prior to the event; and

WHEREAS, MFF will meet with the three surrounding neighborhood associations, the Northside business association and the Northside Planning Council within a month of the event to review and discuss methods for improving the event for Warner Park's immediate neighbors; and

WHEREAS, the City of Madison will be listed as a principal sponsor of Rhythm & Booms wherever sponsors are listed; and

WHEREAS, the City and MFF will work to create a sustainability plan for the event within 12 months;

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an Agreement with Madison Fireworks Fund, Inc., to provide an annual Independence Day Celebration, commonly known as Rhythm & Booms, at Madison's Warner Park, for the years 2007 through 2011.