

3EE-3

Agenda Item #: _____

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	9/1/2020	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
		<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Public Hearing

Department

Submitted By: TOURIST DEVELOPMENT COUNCIL

Submitted For: TOURIST DEVELOPMENT COUNCIL

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: The Fourth Amendment to the Agreement dated October 17, 2017 with Palm Beach County Sports Commission, Inc., (PBCSC) (R2017-1634) for the provision of services under the County’s Tourist Development Plan for the period October 1, 2020 through September 30, 2021 for the total budgeted amount of \$5,099,539.

Summary: The Fourth Amendment updates for Fiscal Year 2021 Exhibit “A”- Annual Budget, Exhibit “E” – Performance Measures, Exhibit “H” – Organizational Chart, Exhibit “M” - Insurance, and Exhibit “N” – Diversity Survey to be executed in Fiscal Year 2021. Included is \$2,000,000 in contractual services, \$163,200 in requested stimulus funding, \$1,964,927 in reserves, \$762,500 in sports grants and \$208,912 in indirect costs for a total budgeted amount of \$5,099,539. This will be the fourth Amendment and fourth year of a five-year Agreement. The Fourth Amendment and exhibit changes have been reviewed and approved by the Tourist Development Council (TDC) Finance Committee and the TDC Board. Countywide (LDC)

Background and Justification: Under the current Agreement, PBCSC develops and implements an Annual Marketing Plan to attract Sports Tourism to Palm Beach County. All expenditures by PBCSC under the Agreement must be made in accordance with an Annual Operating Budget included as Exhibit “A” to the Agreement, which is amended annually to reflect County annual appropriations. The Fourth Amendment adopts a new Exhibit “A” (Annual Budget), updates Exhibit “E” (Performance Measures), Exhibit “H” (Organizational Chart) reflecting TDC funded personnel, Exhibit “M” (Insurance), and Exhibit “N” (Diversity Survey) reflecting the current levels of staffing diversity.

- 1. **Attachments:** 1. Fourth Amendment to the Agreement with PBCSC, Inc.

Recommended by:  Date: 8/19/20
Department Director

Approved By:  Date: 8/27/2020
County Administrator

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>2,000,000</u>	<u>2,060,000</u>	<u>2,132,100</u>	<u>2,204,724</u>	<u>2,314,960</u>
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	-----	-----	-----	-----	-----
In-Kind Match (County)	-----	-----	-----	-----	-----
NET FISCAL IMPACT	<u><u>2,000,000</u></u>	<u><u>2,060,000</u></u>	<u><u>2,132,100</u></u>	<u><u>2,204,724</u></u>	<u><u>2,314,960</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	- 0-	0----	0----	0----	0-----

Is Item Included In Proposed Budget? Yes X No _____

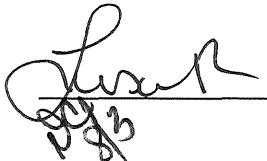
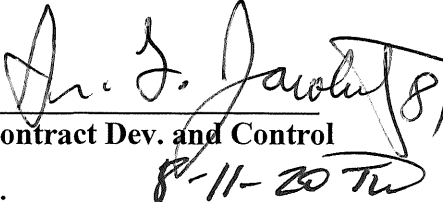
Budget Account No.: Fund 1457 Dept 710 U nit 7331 Object 3401
 Reporting Category _____ VARIOUS

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 PBC Sports Commission receives 8.16% of the 2nd, 3rd, 5th, and 6th pennies of the Local Option Bed Tax

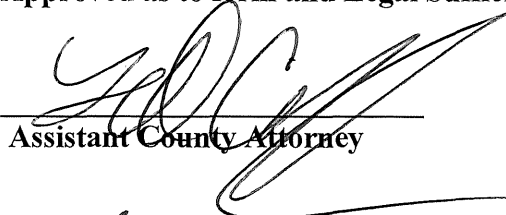
C. Department Fiscal Review: _____


III. REVIEW COMMENTS

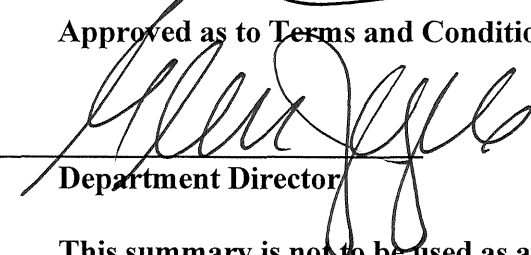
A. OFMB Fiscal and/or Contract Administration Comments:

 8/4/2020 OFMB 8/8/20
 8/11/2020
 Contract Dev. and Control
 8-11-20 TW

B. Approved as to form and Legal Sufficiency:


 Assistant County Attorney

C. Approved as to Terms and Conditions:


 Department Director

This summary is not to be used as a basis for payment.

**FOURTH AMENDMENT TO THE AGREEMENT BETWEEN PALM BEACH COUNTY
ON BEHALF OF THE TOURIST DEVELOPMENT COUNCIL AND PALM BEACH
COUNTY SPORTS COMMISSION, INC.**

THIS FOURTH AMENDMENT is made and entered into this _____ day of _____, 2020, to the Agreement dated October 17, 2017 (hereinafter referred to as the "Agreement") (R2017-1634 as amended), by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter referred to as "COUNTY"), and the Palm Beach County Sports Commission, Inc. (hereinafter referred to as "PBCSC").

WITNESSETH:

WHEREAS, the COUNTY and PBCSC entered into a five-year Agreement whereby PBCSC develops and implements an Annual Marketing Plan for attracting sport tourism to Palm Beach County; and

WHEREAS, the Agreement requires an amendment to provide for certain revised Exhibits; and

WHEREAS, the parties have agreed that this Amendment is in the best interest of the PBCSC and the COUNTY's Tourism promotion program.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Exhibits "A ", "E", "H", "M", and "N" of the Agreement are hereby deleted in their entirety and replaced with a new Exhibit "A" (FY 2021 Annual Budget), Exhibit "E" (Performance Measures), Exhibit "H" (Organizational Chart), Exhibit "M" (Insurance), and Exhibit "N" (Diversity Survey), all attached hereto and made a part hereof.
2. This Amendment shall become effective when executed by the parties hereto.
3. All other terms and conditions of the Agreement dated October 17, 2017, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment on the day and year first written above.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

(SEAL)

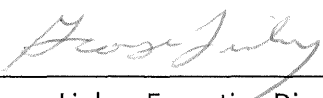
ATTEST:

By: 
Board Authorization
Board President

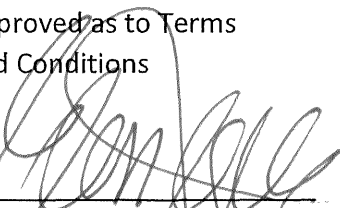
PALM BEACH COUNTY FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONER

By: _____
Dave Kerner, Mayor

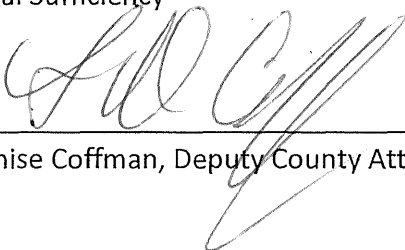
PALM BEACH COUNTY
SPORTS COMMISSION, INC.

By: 
George Linley, Executive Director

Approved as to Terms
and Conditions


Glenn Jergensen
TDC Executive Director

Approved as to ~~Form~~ and
Legal Sufficiency


Denise Coffman, Deputy County Attorney

PALM BEACH COUNTY
Palm Beach County Sports Commission
Exhibit A

Sports Commission FY21 Contract	FY18 Actual	FY19 Actual	FY 20 Budget	FY 20 Modified Budget	FY 20 Forecast	FY21 Budget
Total Sports Commssion Contract	\$ 1,508,755	\$ 1,678,163	\$ 2,123,836	\$ 2,123,836	\$ 1,790,340	\$ 2,000,000
Marketing Stimulus	\$ -	\$ -	\$ -	\$ -	\$ 163,200	\$ 163,200
County Direct	\$ 1,082,963	\$ 882,133	\$ 1,387,934	\$ 1,537,934	\$ 1,094,566	\$ 971,412
Total Sports Commission Expenses	\$ 2,591,718	\$ 2,560,296	\$ 3,511,770	\$ 3,661,770	\$ 3,048,106	\$ 3,134,612
Reserves	\$ 2,336,573	\$ 2,750,451	\$ 1,540,175	\$ 2,033,305	\$ 2,631,653	\$ 1,964,927
Total Sports Commission Expense Budget	\$ 4,928,291	\$ 5,310,747	\$ 5,051,945	\$ 5,695,075	\$ 5,679,759	\$ 5,099,539

Exhibit E

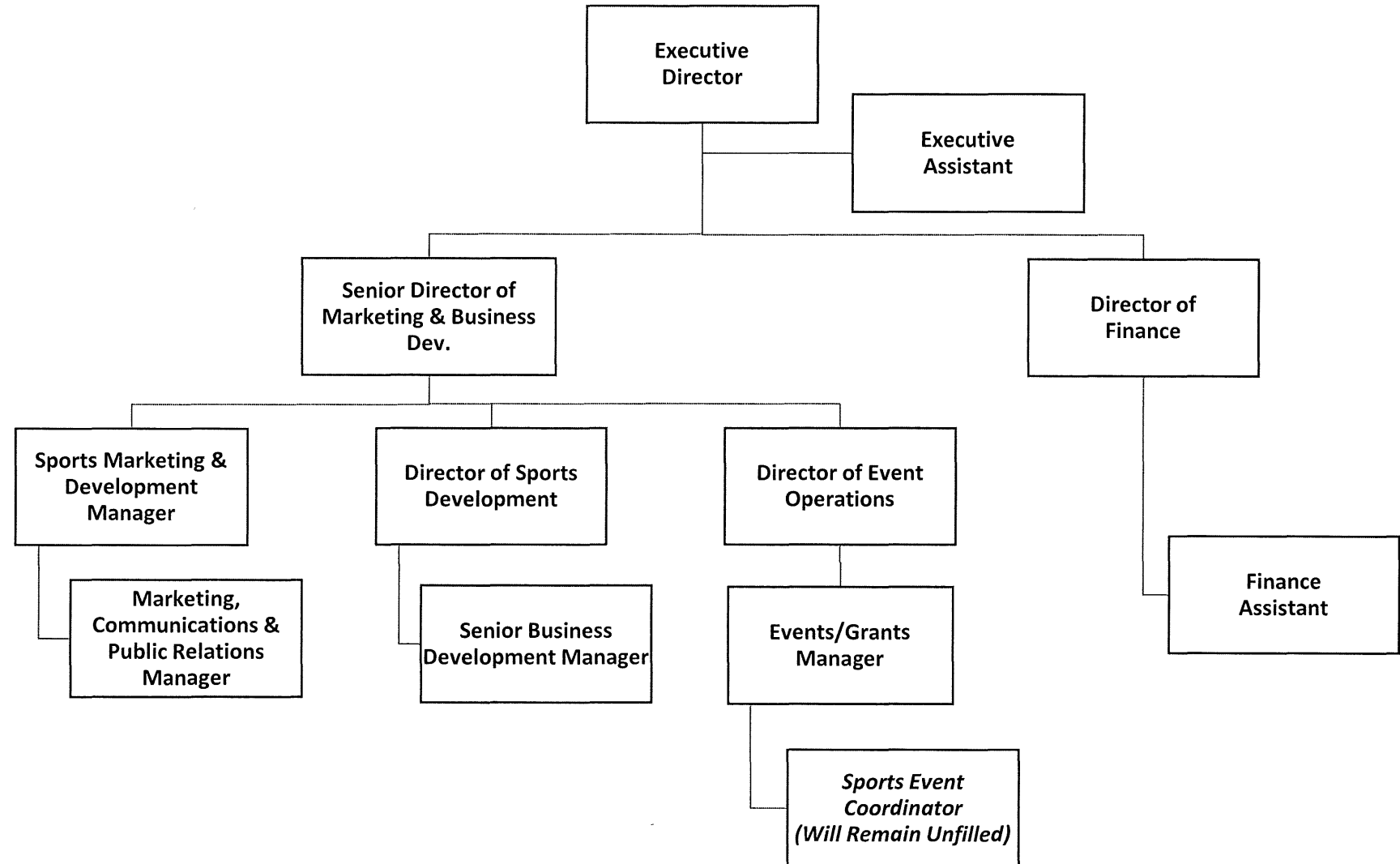
PALM BEACH COUNTY SPORTS COMMISSION

Palm Beach County, FL

FY 2021 OBJECTIVES & PERFORMANCE MEASURES

	Actual FY19	Goal FY20	Projected FY21	Type
<ul style="list-style-type: none"> Achieve sports related room nights <i>Room Nights</i> 	256,369	254,000	193,500	Output
<ul style="list-style-type: none"> Submit or assist in the submission of event/activity bids <i>Bids Submitted or Assisted</i> 	67	73	73	Input
<ul style="list-style-type: none"> Organize site visits to recruit evnets/activities to Palm Beach County <i>Site Visits</i> 	38	39	28	Output
<ul style="list-style-type: none"> Provide funding to events/activities <i>Events Provided Funding</i> 	127	n/a	n/a	Demand
<ul style="list-style-type: none"> Host or supported events/activities <i>Events Hosted or Supported</i> 	179	180	120	Demand
<ul style="list-style-type: none"> Assist events/activities that promote Palm Beach County as a tourist destination through national or international television coverage <i>Assisted Events Providing TV Coverage</i> 	14	16	16	Outcome
<ul style="list-style-type: none"> New Sporting Event Grants - Actual Room Nights <i>New Sporting Event Grants - Actual Room Nights</i> 	38,608	33,000	28,000	Output

PALM BEACH COUNTY SPORTS COMMISSION
EXHIBIT H





CERTIFICATE OF LIABILITY INSURANCE

DATE: (MM/DD/YYYY)
9/24/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Plastridge Insurance Agency 10337 N. Military Trail Palm Beach Gardens, FL 33410	CONTACT NAME:		
	PHONE (A/C, No, Ext): (561) 630-4955	FAX (A/C, No): (561) 630-4966	
	E-MAIL ADDRESS: palmbeachdocs@plastridge.com		
INSURER(S) AFFORDING COVERAGE		NAIC #	
INSURER A: Philadelphia Indemnity Ins Co.		18058	
INSURER B: Technology Insurance Company		42376	
INSURER C: Federal Insurance Company		20281	
INSURER D:			
INSURER E:			
INSURER F:			

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS								
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		QPHPK12815921	10/1/2019	10/1/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 0 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$								
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	X		QPHPK12815921	10/1/2019	10/1/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$								
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			QPHUB12819744	10/1/2019	10/1/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$								
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		TWC3821630	10/1/2019	10/1/2020	<table border="1"> <tr> <td>PER STATUTE</td> <td>OTHER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$ 500,000</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$ 500,000</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$ 500,000</td> </tr> </table>	PER STATUTE	OTHER	E.L. EACH ACCIDENT	\$ 500,000	E.L. DISEASE - EA EMPLOYEE	\$ 500,000	E.L. DISEASE - POLICY LIMIT	\$ 500,000
PER STATUTE	OTHER														
E.L. EACH ACCIDENT	\$ 500,000														
E.L. DISEASE - EA EMPLOYEE	\$ 500,000														
E.L. DISEASE - POLICY LIMIT	\$ 500,000														
A	Directors & Officers			QPHSD12809645	10/1/2019	10/1/2020	Limit 1,000,000								
C	Crime			82111718	10/1/2019	10/1/2020	Limit 500,000								
C	Third Party Crime			Q106597	10/1/2019	10/1/2020	Limit 1,000,000								

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Palm Beach County Board of County Commissioners are included as Additional Insured with respects to General Liability as required by written contract

CERTIFICATE HOLDER Palm Beach County Board of County Commissioners c/o Glenn Jergensen 2195 Southern Blvd., Suite 500 West Palm Beach, FL 33406	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

Exhibit N

Sports Commission	TOTAL STAFF JUNE 2020						TOTAL STAFF JUNE 2019					TOTAL STAFF JUNE 2018					TOTAL STAFF JUNE 2017								
	PBC		Key		Total		Key		Total		Key		Total		Key		Total		Key		Total				
	Ethnicity %	Ethnicity	Female	Male	Staff	Ethnicity %	Ethnicity	Female	Male	Staff	Ethnicity %	Ethnicity	Female	Male	Staff	Ethnicity %	Ethnicity	Female	Male	Staff	Ethnicity %				
Senior Management	100%	White		3	3	100%	White		4	4	100%	White	1	4	5	100%	White	1	3	4	100%	Black	0	0	
	0%	Black			0	0%	Black			0	0%	Black			0	0%	Black				0	0%	Black	0	0
	0%	Hispanic			0	0%	Hispanic			0	0%	Hispanic			0	0%	Hispanic				0	0%	Hispanic	0	0
	0%	Asian			0	0%	Asian			0	0%	Asian			0	0%	Asian				0	0%	Asian	0	0
	0%	Other			0	0%	Other			0	0%	Other			0	0%	Other				0	0%	Other	0	0
Total	100%		0	3	3	100%		0	4	4	100%		1	4	5	100%		1	3	4	100%				
Professional	54%	White	1	4	5	71%	White	1	2	3	60%	White	1	2	3	75%	White	1	3	4	100%	Black	18%	1	
	18%	Black		1	1	14%	Black		1	1	20%	Black		1	1	25%	Black				0%	Black	0%	0	
	21%	Hispanic	1		1	14%	Hispanic	1		1	20%	Hispanic				0%	Hispanic				0%	Hispanic	0%	0	
	3%	Asian			0	0%	Asian			0	0%	Asian				0%	Asian				0%	Asian	0%	0	
	4%	Other			0	0%	Other			0	0%	Other				0%	Other				0%	Other	0%	0	
Total	100%		2	5	7	100%		2	3	5	100%		1	3	4	100%		1	3	4	100%				
Administrative & Clerical	54%	White	1		1	100%	White	1		1	100%	White	1			0%	White	1		1	25%	Black	18%	0	
	18%	Black			0	0%	Black			0	0%	Black				0%	Black				0%	Black	0%	0	
	21%	Hispanic			0	0%	Hispanic			0	0%	Hispanic				0%	Hispanic				0%	Hispanic	0%	0	
	3%	Asian			0	0%	Asian			0	0%	Asian				0%	Asian				0%	Asian	0%	0	
	4%	Other			0	0%	Other			0	0%	Other				0%	Other				0%	Other	0%	0	
Total	100%		1	0	1	100%		1	0	1	100%		1	0	1	0%		1	0	1	25%				
Total Agency	54%	White	2	7	9	82%	White	2	6	8	80%	White	3	6	9	90%	White	3	6	9	100%	Black	18%	1	
	18%	Black	0	1	1	9%	Black	0	1	1	10%	Black	0	1	1	10%	Black				0%	Black	0%	0	
	21%	Hispanic	1	0	1	9%	Hispanic	1	0	1	10%	Hispanic			0	0%	Hispanic				0%	Hispanic	0%	0	
	3%	Asian	0	0	0	0%	Asian	0	0	0	0%	Asian			0	0%	Asian				0%	Asian	0%	0	
	4%	Other	0	0	0	0%	Other	0	0	0	0%	Other			0	0%	Other				0%	Other	0%	0	
Total	100%		3	8	11	100%		3	7	10	100%		3	7	10	100%		3	6	9	100%				