

300-1

Agenda Item #: \_\_\_\_\_

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

REVISED AGENDA ITEM SUMMARY

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Meeting Date:	12/20/2016	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Department \_\_\_\_\_

Submitted By: TOURIST DEVELOPMENT COUNCIL

Submitted For: TOURIST DEVELOPMENT COUNCIL

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I. EXECUTIVE BRIEF

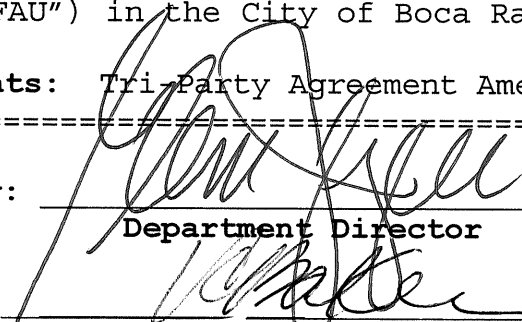

**Motion and Title:** Staff recommends motion to approve: First Amendment to the Tri-Party Agreement between Palm Beach County ("County"), a political subdivision of the State of Florida, the City of Boca Raton ("City"), a municipal corporation, each one constituting a public agency defined in Part I of Chapter 163, Florida Statutes and ESPN Productions, Inc. ("ESPN"), a Delaware corporation to as it relates to the City's and County's obligations regarding an annual college football bowl game; changing the name from ESPN Regional Television, Inc. to ESPN Productions, Inc. and changing the City's and County's obligations regarding the hotel package promotion.

**Summary:** Approval of this amendment recognizes the change of name for ESPN from ESPN Regional Television, Inc. to ESPN Productions, Inc. and changes the City's and County's obligations regarding the hotel package promotion. The City's and County's obligations regarding the hotel package promotion and liability is being deleted from the agreement. This is the 3<sup>rd</sup> year of that six (6) year tri-party agreement. The changes were approved by the City of Boca Raton at the December 13<sup>th</sup>, 2016 City Council Meeting. (TDC) Countywide (DW)

**Background and Justification:** The County approved a Tri-Party agreement between County, the City of Boca Raton, and ESPN Regional Television, Inc., on October 7, 2014 with a term of six (6) years for an annual college football bowl game featuring teams from Conference USA, the Mid-American Conference ("MAC") and the American Athletic Conference ("AAC") at Florida Atlantic University ("FAU") in the City of Boca Raton.

D. **Attachments:** Tri-Party Agreement Amendment

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Recommended by:		12/9/16
	Department Director	Date
Approved By:		12/14/16
	County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
	0	0	0	0	0
NET FISCAL IMPACT	=====	=====	=====	=====	=====

Is Item Included In Current Budget? Yes X No. \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_  
Reporting Category \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

Funding provided by the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> cent of the local option bed tax.

### C. Department Fiscal Review:

EP out 12/9/16

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Administration Comments:

Lisa Pohl 12/10/16  
ASD OFMB ET 12/2  
12/13

Dr. J. Jacobson 12/16/16  
Contract Dev. and Control  
12/16/16 TR

### B. Legal Sufficiency:

[Signature] 12/16/16  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

FIRST AMENDMENT TO THE TRI-PARTY AGREEMENT BETWEEN  
PALM BEACH COUNTY AND THE CITY OF BOCA RATON AND  
ESPN PRODUCTIONS, INC. FOR  
ESPN – BOCA RATON BOWL GAME AT  
FLORIDA ATLANTIC UNIVERSITY STADIUM

**THIS FIRST AMENDMENT** dated \_\_\_\_\_, 2016, to the TRI-PARTY AGREEMENT ("Agreement"), entered into on October 7, 2014, (R2014-1544) by and between **Palm Beach County**, a political subdivision of the State of Florida (hereinafter "County"), and the **City of Boca Raton**, a municipal corporation (hereinafter "City"), each one constituting a public agency defined in Part I of Chapter 163, Florida Statutes and **ESPN Productions, Inc.**, a Delaware corporation (hereinafter "ESPN").

**WITNESSETH:**

**WHEREAS**, ESPN Regional Television, Inc., County and City entered into the Agreement to produce an annual college football bowl game (hereinafter "Bowl Game") featuring teams from Conference USA, the Mid-American Conference ("MAC"), and the American Athletic Conference ("AAC") at Florida Atlantic University ("FAU") in the City of Boca Raton, Palm Beach County, Florida beginning in December of 2014; and

**WHEREAS**, the parties desire to amend said Agreement as it relates to the City's and County's obligations regarding the hotel package promotion; and

**WHEREAS**, ESPN Regional Television, Inc. has changed its name to ESPN Productions, Inc. and desires to reflect said name change herein.

**NOW, THEREFORE**, in consideration of the mutual representations, terms, and covenants hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties hereby agree to the deletion of Paragraph 6.c. in its entirety as follows:

- I. c. The County, through the Sports Commission and Discover will market and promote hotel packages and events for the Bowl Games in an effort to maximize the hotel room production. Discover will market hotel packages through PALMBEACHFL.com and develop hotel partner relations and marketing packages for ease of hotel bookings by visitors and alumni. A room block funding agreement potential is not guaranteed and 100% of any room block rebates up to \$100,000 will be payable to ESPN based upon hotel reporting through Discover. Any room block rebates in excess of \$100,000 will be shared 50% to ESPN, with 50% going toward the reduction of County's and the City's Base Cost in an equal share.

II. Paragraph 15, Notices, is hereby amended as follows:

As to ESPN Productions, Inc.

Pete Derzis, Sr., Vice President and General Manager  
ESPN Productions, Inc.  
11001 Rushmore Drive  
Charlotte, NC 28277

All other provisions of said Agreement dated October 7, 2014, are hereby confirmed and except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

**SIGNATURES ON NEXT PAGE**

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**IN WITNESS WHEREOF**, the parties have caused this First Amendment to be executed on the day and year first written above.

ATTEST:  
SHARON R. BOCK,  
Clerk & Comptroller

PALM BEACH COUNTY, a political  
subdivision of the State of Florida.

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Paulette Burdick, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND  
CONDITIONS

By: \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Glenn Jergensen, Executive  
Director  
Tourist Development Council

ATTEST:

CITY OF BOCA RATON, FLORIDA

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Susan Haynie, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
City Attorney

ATTEST:

ESPN PRODUCTIONS, INC.

By: \_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Pete Derzis  
Sr. Vice President & GM  
ESPN Productions, Inc.