

3FF-1

Agenda Item #: _____

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	12/19/2017	<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

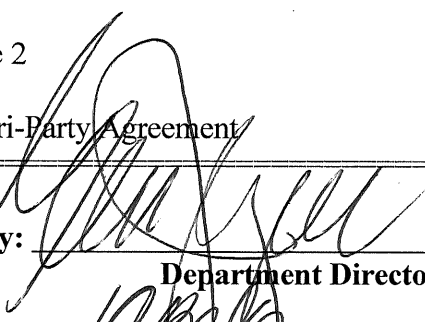
Motion and Title: Staff recommends motion to approve: The Second Amendment to the Tri-Party Agreement (Agreement) entered into on October 7, 2014, (R2014-1544) amended December 20, 2016 (R2016-1905) by and between Palm Beach County ("County"), a political subdivision of the State of Florida, the City 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. a Delaware corporation (hereinafter ("ESPN").

Summary: ESPN, 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-America 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. The parties agreed to amend the Agreement regarding the annual funding to be provided by the County and City to a not to exceed amount of \$280,000. The two types of funding are Base Cost (\$200,000) and Activities Cost (\$80,000) to ESPN. Annual funding shall be split between the City and County not to exceed \$140,000 each annually. The annual funding from the County will be provided by the TDC Agencies, including TDC Special Projects Fund, Discover The Palm Beaches and the Palm Beach County Sports Commission. The annual funding by the County for years beyond the initial three years shall be funded through \$50,000 from the Tourism Promotional Fund along with an additional \$50,000 from the TDC Special Projects Fund to cover the Base Cost funding of \$100,000 and \$40,000 Activities Cost funding from the Sports Commission. This event funding has been reviewed and approved by the TDC Board. (TDC) (Countywide DW)

Background and Justification: The County, through its Tourist Development Council ("TDC"), the Palm Beach County Sports Commission, ("Sports Commission") and Discover Palm Beach County, Inc. ("Discover"), desires to cooperate in the implementation of said Bowl Game and to provide funding for said Bowl Game. The annual funding provided by the County will be provided by the County TDC Agencies, including the TDC Special Projects Fund, Discover and the Sports Commission. Under the original agreement the annual funding by the County for the initial three years of the Bowl Game shall include \$50,000 from the TDC Special Projects Fund for Base Costs funding, \$50,000 being transferred from the contractual budget of the Sports Commission to the Special Projects Fund for Base Costs funding and \$40,000 from Discover in support of Activities Cost funding.

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Attachments: Tri-Party Agreement

Recommended by:  **Department Director**

Date 12/15/17

Approved By:  **County Administrator**

Date 12/17/17

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs	\$140,000	\$140,000	\$140,000		
External Revenues					
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT	\$140,000	\$140,000	\$140,000		
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE					

Is Item Included in Current Budget?

YesXNo

Does this item include the use of federal funds?

YesNoX

Budget Account No:

Fund	Agency	Organization	Object
1452	710	7310	3401 50,000
1457	710	7331	3401 40,000
1454	710	7425	3401 50,000

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

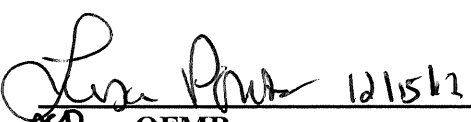
Funding from the 2nd, 3rd,5th, and 6th Cent of the local option bed tax

C. Departmental Fiscal Review:




III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:



12/15/17

OFMB



12/15/17

Contract Dev. & Control

B. Legal Sufficiency



12/15/17

Assistant County Attorney

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

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The amended annual funding by the County for years beyond the initial three years shall be funded through the Sports Commissions' annual budget in the amount of \$40,000 for the Activities Cost funding and Discover will fund \$50,000 for Base Cost funding. Special Projects Fund will fund an additional \$50,000 for Base Cost funding. The total annual amount of Activities Cost funding shall not exceed \$80,000 inclusive and will be shared 50%/50% by the County through its TDC Agency, the Sports Commission and the City. ESPN shall provide all activities and services regarding the planning, organization, production, and operation of the Bowl Game and shall be responsible for the full cost of such activities and services. ESPN shall be responsible for televising the Bowl Game through a national television broadcast on ESPN or ESPN2.

SECOND 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 SECOND AMENDMENT dated November 1, 2017, 2017, TO THE TRI-PARTY AGREEMENT ("Agreement"), entered into on October 7, 2014, (R2014-1544) , amended December 20, 2016 (R2016-1905) 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, 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 County funding; and

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 revision of Paragraph 5 in its entirety as follows:

5. Funding. The total annual funding to be provided by the County and City under this Agreement shall not exceed \$280,000. Such total funding shall include two types of funding – payments to ESPN ("Base Cost") of \$200,000, and costs of activities associated with the Bowl Game ("Activity Cost") as listed elsewhere in this Agreement of \$80,000. The total annual funding requirement shall be split equally between the City and County, and the funding provided by each shall not exceed \$140,000 annually. The total amount of funding provided by each party may be reduced in accordance with Section 8.f. of this Agreement.

The annual funding provided by the County will be provided by the County TDC Agencies, including the TDC Special Projects Fund, Discover and Sports Commission. The annual funding by the County for years beyond the initial three years shall be funded through \$50,000 being transferred from the contractual budget of Discover to the Special Projects Fund in addition to \$50,000 from the TDC Special Projects Fund for a total Base Cost funding of \$100,000 and \$40,000 from the Sports Commission in support of Activity Cost funding.

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

IN WITNESS WHEREOF, the parties have caused this Second 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: _____
Mayor, *Melissa McKinlay*

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: *Susan S. Sayon*
City Clerk

By: *Susan Haynie*
Susan Haynie, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
City Attorney

ATTEST:

ESPN PRODUCTIONS INCORPORATED

By: _____
Witness

By: _____
Pete Derzis
Sr. Vice President & GM
ESPN Productions Incorporated