

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$2,750,712	2,833,233	2,918,230	3,005,777	3,095,951
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
	\$2,750,712	2,833,233	2,918,230	3,005,777	3,095,951
NET FISCAL IMPACT	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	- 0-	0---	0---	0---	0---

Is Item Included In Proposed Budget? Yes X No.
 Does this item include the use of Federal funds? yes _____ NO X
 Budget Account No.: Fund 1455 Dept 710 Unit 7014 Object 3401
 Reporting Category _____

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

The Cultural Council receives 20.72% of the 2nd, 3rd, 5th, and 6th cent of the local option bed tax.

C. Department Fiscal Review: [Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

[Signature] 8/31/18 [Signature] [Signature]
 (B) 8/30/18 OFMB 8/5 [Signature]
 Contract Dev. and Control
 9/16/18

B. Approved as to form and Legal Sufficiency:

[Signature] 9/7/18
 Assistant County Attorney

C. Approved as to Terms and Conditions:

 Department Director

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

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN PALM BEACH COUNTY
ON BEHALF OF THE TOURIST DEVELOPMENT COUNCIL AND THE CULTURAL
COUNCIL OF PALM BEACH COUNTY, INC.**

THIS FIRST AMENDMENT is made and entered into this _____ day of _____, 2018, to the Agreement dated October 17, 2017, (hereinafter referred to as the "Agreement") (R2017-1632), 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 Cultural Council of Palm Beach County, Inc. (hereinafter referred to as "CULTURAL COUNCIL").

WITNESSETH:

WHEREAS, the COUNTY and CULTURAL COUNCIL entered into the Agreement whereby CULTURAL COUNCIL develops and implements an annual marketing plan for attracting cultural and fine arts entertainment, festivals, programs and activities which directly promote Palm Beach County tourism; and

WHEREAS, the COUNTY has identified an increase to CULTURAL COUNCIL's cost advance for FY2019 to be allocated to and expended by CULTURAL COUNCIL in its efforts to promote, market and advertise Palm Beach County tourism under the Agreement; and

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

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

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

1. Exhibit A of the Agreement is hereby deleted in its entirety and replaced with a new Exhibit A, FY 2019 Annual Budget, Exhibit "E" – Performance Measures, Exhibit G, Salary Ranges and Exhibit "H" Organizational Chart for salaries, positions and titles, revises Exhibit "F" – Travel & Entertainment Policy, all attached hereto and made a part hereof.
2. An additional \$125,000 will be added to CULTURAL COUNCIL's cash advance for FY 2019. In addition, indirect cost and reserves totaling \$5,804,249 are included for a total budget of \$8,554,961.
3. Section 4, Operations/Funding Agreement, Subsection C, Operating Budget/Expendable Budget Supplies/Funds Availability Procedure for Handling Income and Expenses, Paragraph 4) CULTURAL COUNCIL Operating Account, 1st sentence, is hereby amended to read:

4) Prior to the Commencement Contract Date, the COUNTY will advance up to a maximum of one and one-half (1.5) months of personnel costs and sixty (60) days of budgeted operating expenses for deposit into the Agency Operating Account in order to fund operations of CULTURAL COUNCIL.

4. This Amendment shall become effective when executed by the parties hereto.
5. All other terms and conditions of the Agreement dated October 17, 2017, shall remain in full force and effect.

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

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

(SEAL)

ATTEST:

CULTURAL COUNCIL OF PALM BEACH
COUNTY, INC.

By: Valthe Alex

By: Bill Parmelee
Bill Parmelee, Vice Chair

CULTURAL COUNCIL OF PALM BEACH
COUNTY INC.

Dave Lawrence
Dave Lawrence, President and CEO of the Cultural
Council of Palm Beach County, Inc.

Approved as to Terms
and Conditions

Glen Jergensen
Glen Jergensen
TDC Executive Director

Approved as to Form
and Legal Sufficiency

Senior Assistant County Attorney
Senior Assistant County Attorney

PALM BEACH COUNTY
Cultural Council of Palm Beach County, Inc.
Exhibit A

	Actual FY 2016	Actual FY 2017	Proposed Budget FY 2018	Amended Budget FY 2018	Forecast FY 2018	Proposed Budget FY 2019
Cultural Council FY19 Contract						
Personnel	\$ 878,763	\$ 894,212	\$ 1,013,939	\$ 1,013,939	\$ 1,008,901	\$ 1,100,062
Marketing & Promotional	\$ 1,037,326	\$ 1,153,470	\$ 1,294,800	\$ 1,294,800	\$ 1,294,800	\$ 1,416,400
General & Administrative	\$ 207,833	\$ 276,659	\$ 225,900	\$ 225,900	\$ 230,937	\$ 234,250
Total Cultural Council Contract Expenses	\$ 2,123,922	\$ 2,324,341	\$ 2,534,639	\$ 2,534,639	\$ 2,534,638	\$ 2,750,712
County Direct	\$ 4,343,086	\$ 4,309,641	\$ 4,697,935	\$ 4,697,935	\$ 4,673,882	\$ 4,981,151
Total Cultural Council Expenses	\$ 6,467,008	\$ 6,633,982	\$ 7,232,574	\$ 7,232,574	\$ 7,208,520	\$ 7,731,863
Reserves	\$ 1,729,362	\$ 1,731,206	\$ 1,130,096	\$ 1,112,864	\$ 1,614,558	\$ 823,098
Total Cultural Council Available Funds	\$ 8,196,370	\$ 8,365,188	\$ 8,362,670	\$ 8,345,438	\$ 8,823,078	\$ 8,554,961

OBJECTIVE & PERFORMANCE MEASURES	Actual FY 2017	Estimated FY 2018	Projected FY 2019	Type
Grants				
• Continue to expand the Council's destination marketing efforts through grants to eligible non-profit cultural organizations.				
<i>Size of out-of-county audiences</i>	1,397,268	1,525,000	1,540,250	Demand
<i>Estimated number of cultural room nights</i>	586,352	585,000	631,800	Demand
<i>Direct room nights from cultural activity</i>	27,858	20,000	29,137	Demand
• Provide both technical and professional development for the cultural industry in order to build capacity and sustainability within the industry.				
<i>Number of Cultural Audiences</i>	4,071,891	3,930,000	4,048,000	Demand
Marketing				
• Increase awareness of Palm Beach County as a cultural destination through integrated advertising, marketing and public relations efforts.				
<i>Advertising and social media leads</i>	7,658	10,500	N/A	Outcome
<i>Website visits</i>	706,604	600,000	600,000	Outcome
• Increase social media followers, specifically targeting users interested in arts, culture and/or travel.				
<i>Social media followers (Twitter, Facebook, Instagram)</i>	22,950	29,000	36,000	Outcome
• Utilize the Cultural Concierge program to grow high-impact cultural tourism leads.				
<i>Cultural Concierge program leads</i>	N/A	500	550	Outcome
• Expand co-op opportunities for cultural organization partners and hotels.				
<i>Co-op program packages sold</i>	5	50	50	Outcome
• Promote the Robert M. Montgomery, Jr. building as a cultural destination and informational hub for the county.				
<i>Visitors to the Cultural Council</i>	10,980	12,000	12,500	Outcome

EXHIBIT "F"

TRAVEL & ENTERTAINMENT POLICY for TOURISM PROMOTION ACTIVITIES

Florida Statute 125.0104 governs the reimbursement of travel expenses incurred in the course of tourism promotion for Palm Beach County. The statute authorizes reimbursement for "actual and reasonable" expenses. All expenses/purchases must have receipts, with the exception tips to bellman/valets that are less than \$10. (See section on Receipts)

Staff of Cultural Council of Palm Beach County is authorized to provide, arrange and make expenditures for transportation, lodging, meals, and other reasonable and necessary items and services for such persons, as determined by the head of the agency, in connection with the performance of promotional and other duties of the Council under this Agreement. Out of state staff travel expenditures which are to be reimbursed by Palm Beach County must have prior approval by the CULTURAL COUNCIL'S CEO/ President. The CULTURAL COUNCIL'S Board Chair will give prior approval for the CEO/President's out of state travel expenditures which are to be reimbursed by Palm Beach County. However, entertainment expenses shall be authorized only when meeting with travel writers, tour brokers, or other persons connected with the tourist industry. All travel and entertainment-related expenditures in excess of \$10 shall be substantiated by paid (invoices). Palm Beach County PPM CW-F-009 Travel Policy is utilized when Florida Statute Section 125.0104 does not govern this policy.

Tourism Promotion and Convention Sales activities shall include consumer and trade shows, familiarization tours, sales missions, and other travel related and entertainment expenses that are incurred by officers and employees of the Council, other authorized persons, travel writers, tour brokers, or other persons connected with the tourist industry, including the convention meeting industry, in the course of promoting Palm Beach County and the Palm Beach County Convention Center.

DOMESTIC TRAVEL (Including Florida)

Meal expenses will be deemed to be reasonable if they comply with the per diem limit by city as shown in the Business Travel Network Per Diem schedule distributed at the beginning of each fiscal year. If a particular city is not listed in the Per Diem schedule, it may be appropriate to use the next closest city as the guide. However, some resorts are adjacent to a city with a per diem meal schedule that may not be on par with the resort. In that case, "actual and reasonable" meal expenses will be accepted. Any departure from the published rates will be deemed to be excessive unless the reasonableness and necessity of the expenditure is satisfactorily proven by the traveler in a written explanation on the expense reimbursement form. Meal expenditures may be combined such that the daily total does not exceed the per diem limit, provided, however, that one does not incur entertainment expenses which include a meal during the same day, or during a day when the traveler arrives or departs from a city. The maximum gratuity on any meal is Fifteen Percent (15%); provided, however, that in any case where the gratuity is included in the bill presented for the meal, then the gratuity will be paid in the full amount assessed by the serving establishment. Miscellaneous incidental expenses will be reimbursed upon review and justification. Employees may make 1 personal call home per day, excepting unusual circumstances which must be explained and will be subject to review.

FOREIGN TRAVEL

Foreign Travel will be reimbursed at the per diem rates as listed in the "Standardized Regulations (Government Civilians Foreign Areas)" publication. This publication breaks down per diem into meals & incidentals (MIE), and lodging. The MIE rate is inclusive of tips for meals and other related expenses.

Lodging may exceed the per diem listed provided there is a valid reason as to why the accommodations exceeded the per diem limits.

Foreign ExchangeRate: Expense reports containing a mix of cash and credit card expenses will be reimbursed using (a) the actual rate of exchange shown on the credit card statement for each charge and (b) the average of the Interbank Rate for eligible cash expenditures incurred during the time the traveler was in the country, as published by *OANDA.com*. The average rate as published by *OANDA.com* shall be attached to each expense report. Expense reports that have only credit card charges shall be reimbursed at the same rate as shown on the credit card statement of the traveler, which shall be attached to the expense report.

When traveling in several countries on the same trip, please submit an expense report for each country along with the exchange rate in effect at the time of travel.

AIR TRAVEL

For inter-continental flights, full fare coach tickets may be upgraded to business class/first class, if available through airline programs. For all other air travel, the traveler shall attempt to obtain the most economical means of travel that is reasonable under the circumstances.

RECEIPTS ARE REQUIRED FOR ALL EXPENDITURES

TIPS: All tips for portage, taxi cabs etc., must be detailed on the back page of the travel reimbursement form. Tips over \$10.00 given for portage of large and/or numerous boxes of material or displays require explanations and receipts. Tips for meals are to be included in the meals column, NOT the tips column of the expense report. The per diem schedule for meals is inclusive of tips.

ENTERTAINMENT

Entertainment expenses are those incurred while meeting with travel writers, tour brokers or other persons connected the tourism industry. Such expenses are limited to the following amounts per person per day:

Breakfast: \$ 30.00	A maximum 20% gratuity
Lunch : \$ 70.00	may be added to these rates.
Dinner : \$100.00	

The above limits do not include taxes and other expenses associated with the event during

which the meal is served. Items such as invitations, entertainment, room rental, beverages served at a reception, photography and special decorations are not included.

In cases where a facility has required payment for a guaranteed minimum number of attendees, such limits shall be calculated based on the guaranteed minimum number. Each reimbursement shall include names and affiliations of those entertained, and the staff in attendance.

EXPENSE REPORTS

Requests for reimbursement for travel and entertainment expenses are to be made utilizing the standard Expense Report Form, as updated from time to time. Requests for reimbursement for mileage shall be done using a mileage expense report form as a backup to the standard expense report. Each expense report must be approved by the President/CEO or his/her designee. The appropriate account code should be shown on the expense report.

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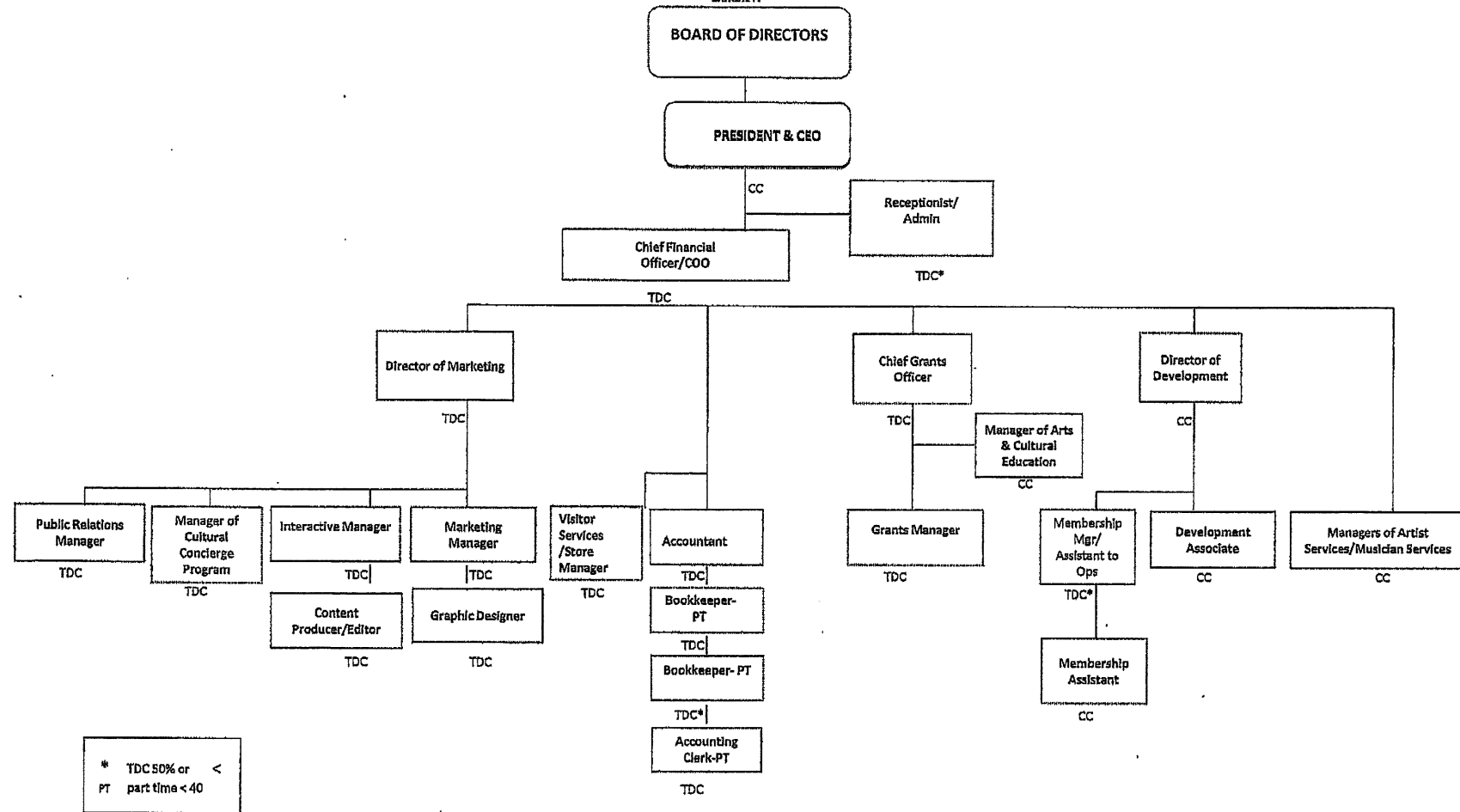
EXHIBIT "G"
CULTURAL COUNCIL OF PALM BEACH COUNTY
TOURIST DEVELOPMENT COUNCIL - ANNUAL SALARY RANGES

	<u>Low</u>	<u>High</u>
Chief Marketing Officer	\$75,000	\$132,000
Chief Financial Officer	\$75,000	\$132,000
Chief Grants Officer	\$75,000	\$132,000
Sr. Marketing Manager	\$45,000	\$70,000
Sr. Accounting Manager	\$ 45,000	\$ 70,000
Marketing Manager	\$35,000	\$60,000
Interactive Manager	\$35,000	\$60,000
Accounting Manager	\$35,000	\$60,000
Manager of Cultural Concierge Program	\$35,000	\$60,000
Grants Manager	\$ 35,000	\$60,000
Public Relations Manager	\$ 35,000	\$60,000
Grants Coordinator/Administrator	\$32,000	\$55,000
Content Producer/Editor	\$32,000	\$55,000
Graphic Designer	\$32,000	\$55,000
PR & Social Media Specialist	\$32,000	\$55,000
Visitors Services/Store Manager	\$32,000	\$55,000
Accountant	\$32,000	\$55,000
Bookkeeper	\$30,000	\$47,500
Assistant to Operations	\$30,000	\$47,500
Administrative Assistant	\$ 30,000	\$47,500
Accounting Clerk	\$30,000	\$47,500

CULTURAL COUNCIL OF PALM BEACH COUNTY

Revised March 2018

Organizational Chart
Exhibit H





CULTCOU

OP ID: AK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/03/2017

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 Bruce Gendelman Co., Inc. Suite 401 500 W Brown Deer Rd Milwaukee, WI 53217 Joseph O. Gendelman	262-478-1000	CONTACT NAME: Carolyn Rabbitt PHONE (A/C, No, Ext): 262-478-1000 FAX (A/C, No): 262-478-1001 E-MAIL ADDRESS: crabbitt@gendelman.com
	INSURER(S) AFFORDING COVERAGE	
INSURED: Cultural Council of Palm Beach County Inc. 601 Lake Ave Lake Worth, FL 33460	INSURER A: Philadelphia Indemnity Ins Co	NAIC#: 18058
	INSURER B: Transportation Ins. Co.	20494
	INSURER C: Travelers Casualty & Surety	25674
	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	ADDITIONAL INSURED	WARRANTY	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		PHPK1695478	10/01/2017	10/01/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 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 type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK1695478	10/01/2017	10/01/2018	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 checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB596208	10/01/2017	10/01/2018	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WVC434648557	10/01/2017	10/01/2018	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	D&O Liability			105680141	10/01/2018	10/01/2018	see below
A	Crime			PHPK1695478	10/01/2017	10/01/2018	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Directors & Officers Liability Limit - \$1,000,000 / \$2,500 Deductible
Employment Practices Liability Limit - \$1,000,000 / \$2,500 Deductible
Fiduciary Liability Limit - \$1,000,000 / No Deductible
Crime Limit \$1,000,000 / \$10,000 Deductible
Palm Beach County is additional insured with respects to General Liability

CERTIFICATE HOLDER

CANCELLATION

Palm Beach County c/o Tourist Development Council 1555 Palm Beach Lakes Blvd Suite 900 West Palm Beach, FL 33401	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 <i>Bruce Gendelman</i>
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ACORD 25 (2016/03)

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