300.2

#### PALM BEACH COUNTY

Agenda Item #:

#### **BOARD OF COUNTY COMMISSIONERS**

#### AGENDA ITEM SUMMARY

Meeting Date:	7/14/2020	[X]	Consent Ordinance	[]	Regular Public Hearing
Department					G
Submitted By:	TOURIST DE	EVELO]	PMENT COUNCIL		
Submitted For:	TOURIST I	DEVEL	OPMENT COUNCIL		

#### I. EXECUTIVE BRIEF

#### Motion and Title: Staff recommends motion to:

- **A) Approve** Amendments to the Agreements dated October 17, 2017, as defined under the Tourist Development Ordinance 95-30 of Palm Beach County for the following categories of use: (A) Discover Palm Beach County, Inc., d.b.a Discover The Palm Beaches (Discover) (R2019-1486); (B) the Cultural Council of Palm Beach County, Inc., d.b.a The Cultural Council For Palm Beach County (Cultural)(R2019-1485); (C) the Palm Beach County Sports Commission, Inc. (Sports)(R2019-1488); (D) the Palm Beach County Film & Television Commission, Inc. (Film) (R2019-1487) to reduce contracted FY2020 operating budgets; and
- **B)** Approve a budget amendment in the Tourism Promotion fund 1454 in the amount of \$6,000,000; and
- C) Approve a budget amendment in the Cultural Council fund 1455 in the amount of \$631,570; and
- **D) Approve** a budget amendment in the Sports Commission fund 1457 in the amount of \$333,496; and
- E) Approve a budget amendment in Film & Television fund 1451 in the amount of \$465,000.

Prior to the COVID-19 outbreak, Fiscal Year 2020 was on target to exceed the 4% budgeted growth in bed tax revenues approved by the TDC over the prior year. The Tourist Development Council lost revenue impact compared to Budget is expected to exceed (\$20) million for a (33%) decline in bed tax revenues for this Fiscal Year. The requested budget amendments will reduce expected tourist development tax revenues and budget appropriations to these agencies.

**Summary:** The amendments to County's agreements with these four "TDC agencies" adjust for reduced operating budgets reflecting a projected (33%) reduction in bed tax collections impacting the 2<sup>nd</sup>, 3<sup>rd</sup>,5<sup>th</sup> and 6<sup>th</sup> Cents of the Tourism Local Option Tax due to the COVID-19 pandemic. These amended agreements will be supplemented by additional marketing stimulus presented as a separate agenda item to execute a Palm Beach County Tourism Marketing Recovery Plan over the next eighteen (18) months. These Marketing Agencies would receive this proposed additional funding to begin a multi-year marketing campaign executed by all TDC Agencies to promote Palm Beach County tourism. These marketing recovery campaigns will be closely monitored and measured using Key Performance Indicators (KPI) to ensure these funds are being expended in a responsible manner. (Countywide) (DC)

Background and Justification: Continued on page 3

Attachments: 1. Contract Amendments including revised Exhibit A
2. Budget Amendments (4)
Recommended by: Department Director Date 7/2/20
Approved By: Date 7/3/20 County Administrator

#### FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:
Fiscal Years 2020 2021 2022 2023 2024
Capital Expenditures
Operating Costs (7,430,066)
External Revenues
Program Income (County)
In-Kind Match (County) (7,430,066)
NET FISCAL IMPACT ===== ==============================
# ADDITIONAL FTE POSITIONS (Cumulative) - 0- 0 0 0
Is Item Included In Proposed Budget? Yes NoX
Budget Account No.: Fund Dept U nit Object Reporting Category VARIOUS
B. Recommended Sources of Funds/Summary of Fiscal Impact: 2 <sup>nd</sup> , 3 <sup>rd</sup> ,5 <sup>th</sup> , and 6 <sup>th</sup> of the Local Option Bed Tax 1454-710-7420-3401 (\$6,000,000) 1455-710-7014-3401 (\$631,570) 1457-710-7331-3401 (\$333,496) 1451-710-7240-3401 (\$465,000)
C. Department Fiscal Review:
III. <u>REVIEW COMMENTS</u>
A. OFMB Fiscal and/or Contract Administration Comments:
Contract Dev. and Control 7/10/2020 7-10-20 Tu
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.

#### **Background and Justification Continued:**

Tourism business intelligence for the United States highlights that 46% of Americans plan to travel as soon as the COVID19 lockdown is over, 42% of Americans plan to visit family and friends as soon as travel is permitted, and 53% of Americans trust the travel and hospitality industry to follow safety protocols post lockdown. Data suggests the first leisure travel trip will likely be to destinations with beaches, resorts, and less dense areas.

Palm Beach County is well positioned to capture that first leisure traveler trip with our 47 miles of beaches, our world class resorts on those beaches and the lower density in our cities and towns along with our award winning parks and environmental areas throughout the County. This forecasted (33%) decline in "bed tax" collections (revenues) is the result of hotel occupancy for FY20 projected to be slightly less than 50%, in comparison pre-COVID 19 annual hotel occupancy levels averaging 73%. This loss of revenues to fund operations required the immediate deferral of marketing and advertising expenses, reductions in contracted agency staff and open staff positions and reductions in both Cultural Category B and CII Marketing Grants along with Sports Commission Event hosting grants, both of which are administered by these TDC agencies on behalf of the Board of County Commissioners.

Prior to the COVID-19 outbreak, Fiscal Year 2020 was on target to exceed the 4 % budgeted growth in bed tax revenues approved by the TDC for this year. The Tourist Development Tax (bed tax) loss impact to our contracted marketing agencies, beach renourishment programs and tourism asset debt service and renewal/replacement reserves is estimated to exceed (\$20) million for (33%) decrease in comparison the approved Budget. The County's recovery in tourism will be years compared to months. The annual pre COVID 19 level of "bed tax" collections/revenues witnessed in FY2019 of \$54.2 million will not be seen until FY2023 and FY2024.

At the direction of the Tourist Development Council Board and Finance Committee, TDC staff coordinated the development of tactical marketing and promotional plans using defined stimulus funds and operating reserves with all contracted agencies to create demand in our key markets to supplement these lower contract funding levels. These FY2020 Contract amendments include budget exhibits reflective reductions for post-COVID 19 operating budgets as approved and recommended to the BCC by the TDC Board at the regular scheduled May 14<sup>th</sup> meeting. The FY2020 and FY2021 Marketing Stimulus Proposal will be presented through a separate agenda item, including a Tourism Marketing Recovery Plan, both of which were approved by the TDC Board at a Special TDC Marketing Workshop on May 28<sup>th</sup>.

# THIRD AMENDMENT TO THE AGREEMENT between PALM BEACH COUNTY and DISCOVER PALM BEACH COUNTY, INC.

THIS THIRD AMENDMENT is executed this _	, 2020 to amend the
Agreement dated October 17, 2017 (R2017-1633 as a	mended), hereafter the "AGREEMENT", by
and between Palm Beach County, a political subd	ivision of the State of Florida (hereafter
"COUNTY") and DISCOVER PALM BEACH COUNTY, INC	C., (hereafter "DISCOVER" or "AGENCY").

**WHEREAS**, COUNTY has previously entered into an AGREEMENT with DISCOVER an independent contractor, to provide services necessary to assist the COUNTY in carrying out projects of the Tourist Development Plan; and

WHEREAS, COVID-19 has caused the tourism industry to temporarily cease operations across the world beginning in March 2020; and

WHEREAS, tourism tax dollars have declined, negatively impacting funding availability; and

WHEREAS, Pursuant to Section 23 of the Agreement performance and obligation to pay under the Agreement are contingent upon the allocation of Tourist Development Tax funds for the purposes and uses provided in the AGREEMENT, and an annual allocation of available Tourist Development Tax funds is recommended by the Tourist Development Council and approved by the Board of County Commissioners; and

WHEREAS, since the annual allocation approval and as a result of the circumstances outlined above, the Tourist Development Council has identified the need to reduce monies allocated to DISCOVER to implement the fiscal year 2020 tourism plan for Palm Beach County; and

**WHEREAS**, The Tourist Development Council has identified the need to reallocate monies to implement a multi-prong marketing campaign to stimulate tourism to Palm Beach County; and

WHEREAS, The Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting, a plan which would decrease DISCOVER funding from \$18,500,000.00 to \$12,500,000.00 for the remainder of fiscal year 2020 ending September 30<sup>th</sup>, 2020; and

WHEREAS, the Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting a plan which would allow DISCOVER to use up to 50% of their Category A fund reserve, to no less than seven and one-half percent (7.5%) of the total operating expenses; and

WHEREAS, the Tourist Development Council recommended during its June 11th regular scheduled meeting a plan which would allow DISCOVER to be allocated stimulus marketing funds for Category A, based funding from tourist development funds allocated to all marketing agencies per the Tourist Development Ordinance of Palm Beach County Article III Tourist Development Tax.

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

- The revised FY20 budget as reflected in Exhibit "A" is amended to \$ \$14,504,289.00 and reflective of tourist development tax funding reductions and the addition of \$966,400.00 in marketing stimulus funding, in addition to the allowed usage of Category A reserves of \$884,753.00 for use as marketing stimulus funding.
- 2. The revised Exhibit "A" reflects a reduction of \$4,403,084.00 from the original funding level.
- 3. The AGREEMENT shall remain in full force and effect except as specifically amended herein.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties hereto heret	nave executed this AGREEMENT as of,
ATTEST:	
Clerk & Comptroller Palm Beach County	
Ву:	Ву:
Deputy Clerk	Dave Kerner, Mayor
WITNESS:	
—DocuSigned by:	DISCOVER PALM BEACH COUNTY, INC.
By: Jason Emmett	By: Jorge Pesquera
Board Authorization	Jorge Pesquera, President & CEO
Print:	
	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:  By: Rikki Baçatell  Discover Attorney
APPROVED AS TO LEGAL SUFFICIENCY: By: County Attorney	APPROVED AS TO TERMS AND CONDITIONS:  BY:  Glenn Jergensen, TDC Executive Director

#### PALM BEACH COUNTY

#### Discover The Palm Beaches Exhibit A

				FY20
	FY18	FY19	FY20	Amended
Discover FY20 Contract	Actual	Actual	Budget	Budget
Personnel	\$ 4,661,329	\$ 5,037,895	\$ 5,829,618	\$ 4,957,981
Marketing & Promotion	\$ 10,018,414	\$ 11,685,282	\$ 11,917,893	\$ 7,114,003
General & Administrative	\$ 842,819	\$ 603,087	\$ 752,489	\$ 428,016
Total Discover Contract	\$ 15,522,561	\$ 17,326,263	\$ 18,500,000	\$ 12,500,000
Marketing Stimulus	\$ 20,200	\$ -	\$ -	\$ 1,851,153
County Direct	\$ 73,958	\$ 92,748	\$ 407,373	\$ 153,136
Total Discover Expenses	\$ 15,616,719	\$ 17,419,011	\$ 18,907,373	\$ 14,504,289
Reserves	\$ 5,822,961	\$ 5,258,875	\$ 3,010,798	\$ 2,654,374
Total Discover Expense Budget	\$ 21,439,680	\$ 22,677,886	\$ 21,918,171	\$ 17,158,663

<u>URIBEA</u>

ACORD

#### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/7/2019

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

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

		ignts to the certificate holder in lieu of s								
PRODUCER	License # 0E67768		CONTACT Annie Uribe							
	Office of America, Inc.		PHONE (A/C, No, Ext): (561) 296-5966 26059	FAX (A/C, No): (561	776-0670					
Abacoa Town Center 1200 University Blvd, Suite 200 Jupiter, FL 33458		E-MAIL ADDRESS: Annie.Uribe@ioausa.com								
		INSURER(S) AFFORDING COVERA	GE	NAIC#						
			INSURER A: Southern-Owners Insurance	10190						
INSURED	Discover Palm Reach	h County, Inc. dba Discover The Palm	INSURER B: Auto-Owners Insurance Com	ipany	18988					
	Beaches	County, inc. and Discover The Faim	INSURER C: Continental Casualty Compa	ny	20443					
	2195 Southern Blvd		INSURER D: Travelers Casualty & Surety	Company	19038					
	Suite 400 West Palm Beach. FL 33406	33406	INSURER E: Scottsdale Insurance Company		41297					
	West raini beach, i L		INSURER F:							
COVERA	GES	CERTIFICATE NUMBER:	REVISION	NUMBER:						

IN CI	HIS IS TO CERTIFY THAT THE POLICIE DICATED. NOTWITHSTANDING ANY R ERTIFICATE MAY BE ISSUED OR MAY (CLUSIONS AND CONDITIONS OF SUCH	EQUIREME PERTAIN,	ENT, TERM OR CONDITION OF THE INSURANCE AFFORDED E	ANY CONTRA Y THE POLIC	CT OR OTHER	R DOCUMENT WITH RESPE SED HEREIN IS SUBJECT T	CT TO WHICH THIS	
INSR LTR	TYPE OF INSURANCE	ADDL SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP	LIMIT	s	
A	X COMMERCIAL GENERAL LIABILITY	INSU WVD		(NINI/OD/TTTT)	(WIWI/DD/TTTT)		1 000 000	
, ,	CLAIMS-MADE X OCCUR	x	72700706-19	10/1/2019	10/1/2020	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000	
				1		MED EXP (Any one person)	\$ 10,000	
						PERSONAL & ADV INJURY	s 1,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:	;				GENERAL AGGREGATE	\$ 2,000,000	
	X POLICY PRO-	:		!		PRODUCTS - COMP/OP AGG	\$ 2,000,000	
	OTHER:			1	1	HNO AUTO	s 1,000,000	
	AUTOMOBILE LIABILITY			1		COMBINED SINGLE LIMIT (Ea accident)	\$	
	ANY AUTO			i		BODILY INJURY (Per person)	\$	
	OWNED SCHEDULED AUTOS ONLY AUTOS					BODILY INJURY (Per accident)	\$	
	HIRED AUTOS ONLY NON-OWNED AUTOS ONLY	i				PROPERTY DAMAGE (Per accident)	\$	
	AUTOS ONLY AUTOS ONLY				1	(i or docating	\$	
В	X UMBRELLA LIAB X OCCUR					EACH OCCURRENCE	\$ 5,000,000	
	EXCESS LIAB CLAIMS-MADE		4740089100	10/1/2019	10/1/2020	AGGREGATE	s 5,000,000	
	DED X RETENTION \$ 10,000		1	1			\$	
С	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER OTH- STATUTE ER		
	ANY PROPRIETOR/PARTNER/EXECUTIVE		5094636760	10/1/2019	10/1/2020	E.L. EACH ACCIDENT	\$ 500,000	
	OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A				E.L. DISEASE - EA EMPLOYEE	\$ 500,000	
	If yes, describe under DESCRIPTION OF OPERATIONS below		1 1 1	1.		E.L. DISEASE - POLICY LIMIT	500.000	
D	Crime		105684996	10/1/2019	10/1/2020	Deductible \$10,000	5,000,000	
Е	Directors & Officers		EK13308022	10/1/2019	10/1/2020	Retention \$10,000	5,000,000	
		j ;		1	 			
DES	DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)							

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.

Palm Beach County Board of County Commissioners Attn: TDC
2195 Southern Blvd, Suite 500
West Palm Beach, FL 33401

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

C. Ray Daksey TM

ACORD 25 (2016/03)

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# THIRD AMENDMENT TO THE AGREEMENT between PALM BEACH COUNTY and CULTURAL COUNCIL OF PALM BEACH COUNTY, INC.

THIS THIRD AMENDMENT is executed this	, 2020 to amend the
Agreement dated October 17, 2017 (R2017-1632 as amend	ded) hereafter the "AGREEMENT", by
and between Palm Beach County, a political subdivision	n of the State of Florida (hereafter
"COUNTY") and CULTURAL COUNCIL OF PALM BEACH COL	JNTY, INC., d.b.a. Cultural Council for
Palm Beach County, (hereafter "CULTURAL COUNCIL" or "A	AGENCY").

WHEREAS, COUNTY has previously entered into an AGREEMENT with CULTURAL COUNCIL an independent contractor, to provide services necessary to assist the COUNTY in carrying out projects of the Tourist Development Plan; and

WHEREAS, COVID-19 has caused the tourism industry to temporarily cease operations across the world beginning in March 2020; and

WHEREAS, tourism tax dollars have declined, negatively impacting funding availability; and

WHEREAS, Pursuant to Section 23 of the Agreement performance and obligation to pay under the Agreement are contingent upon the allocation of Tourist Development Tax funds for the purposes and uses provided in the AGREEMENT, and an annual allocation of available Tourist Development Tax funds is recommended by the Tourist Development Council and approved by the Board of County Commissioners; and

WHEREAS, since the annual allocation approval and as a result of the circumstances outlined above, the Tourist Development Council has identified the need to reduce monies allocated to CULTLURAL COUNCIL to implement the fiscal year 2020 tourism plan for Palm Beach County; and

WHEREAS, The Tourist Development Council has identified the need to reallocate monies to implement a multi-prong marketing campaign to stimulate tourism to Palm Beach County; and

WHEREAS, The Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting, a plan which would decrease CULTURAL COUNCIL funding from

\$2,845,505.00 to \$2,253,935.00 for the remainder of fiscal year 2020 ending September  $30^{th}$ , 2020; and

WHEREAS, the Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting a plan which would allow CULTURAL COUNCIL to use up to 50% of their Category B, fund reserve, to no less than seven and one-half percent (7.5%) of the total operating expenses; and

WHEREAS, the Tourist Development Council recommended during its June 11th regular scheduled meeting a plan which would allow CULTURAL COUNCIL to be allocated stimulus marketing funds for Category B, based funding from tourist development funds allocated to all marketing agencies per the Tourist Development Ordinance of Palm Beach County Article III Tourist Development Tax.

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

- 1. The revised FY20 budget as reflected in Exhibit "A" is amended to \$ \$2,253,935.00 and reflective of tourist development tax funding reductions and the addition of \$414,400.00 in marketing stimulus funding, in addition to the allowed usage of Category A reserves of \$141,865.00 for use as marketing stimulus funding.
- 2. The revised Exhibit "A" reflects a reduction of \$1,517,762.00 from the original funding level.
- 3. The AGREEMENT shall remain in full force and effect except as specifically amended herein.

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IN WITNESS WHEREOF, the parties hereto h 2020.	ave executed this AGREEMENT as of,
ATTEST:	
Clerk & Comptroller Palm Beach County	
By: Deputy Clerk	By: Dave Kerner, Mayor
By:	CULTURAL COUNCIL FOR PALM BEACH COUNTY, INC.  By:  Pave Lawrence, President & CEO
	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:  By: Cultural Council Attorney
APPROVED AS TO LEGAL SUFFICIENCY: By: County Attorney	APPROVED AS TO TERMS AND CONDITIONS:  BY:  Glenn Jergensen, TDC Executive Director

#### PALM BEACH COUNTY

#### Cultural Council of Palm Beach County, Inc. Exhibit A

			Proposed		Amended				Proposed	
	Actual	Actual		Budget		Budget		Forecast		Budget
Cultural Council FY21 Contract	FY 2018	2,019		FY 2020		FY 2020		FY 2020		FY 2021
Personnel	\$ 982,913	\$ 1,020,696	\$	1,141,025	\$	1,141,025	\$	1,075,000	\$	1,048,075
Marketing & Promotional	\$ 1,307,003	\$ 1,472,473	\$	1,462,455	\$	1,462,455	\$	926,910	\$	1,019,490
General & Administrative	\$ 244,670	\$ 209,889	\$	242,025	\$	242,025	\$	212,025	\$	212,435
Total Cultural Council Contract Expenses	\$ 2,534,586	\$ 2,703,058	\$	2,845,505	\$	2,845,505	\$	2,213,935	\$	2,280,000
Marketing Stimulus	\$ -	\$ -	\$	-	\$	-	\$	556,265	\$	532,472
County Direct	\$ 4,649,965	\$ 4,912,595	\$	5,180,644	\$	5,180,644	\$	3,738,187	\$	3,547,539
Total Cultural Council Expenses	\$ 7,184,551	\$ 7,615,653	\$	8,026,149	\$	8,026,149	\$	6,508,387	\$	6,360,011
Reserves	\$ 1,920,761	\$ 1,753,509	\$	1,142,981	\$	1,161,427	\$	565,514	\$	471,997
Total Cultural Council Expense Budget	\$ 9,105,312	\$ 9,369,162	\$	9,169,130	\$	9,187,576	\$	7,073,901	\$	6,832,008

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#### CERTIL JATE OF LIABILITY INSURAL DE

OP ID: CR

DATE (MM/DD/YYYY) 09/20/2019

CULTCOU

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

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). CONTACT Carolyn Rabbitt 262-478-1000 PRODUCER
Bruce Gendelman Co., Inc. PHONE (A/C, No, Ext): 262-478-1000 E-MAIL E-MAIL Cabbress: crabbitt@gendelman.com FAX (A/C, No): 262-478-1001 Suite 101 500 W Brown Deer Rd Milwaukee, WI 53217 Bruce Gendelman INSURER(S) AFFORDING COVERAGE NAIC # 18058 INSURER A: Philadelphia Indemnity Ins Co INSURER B : Transportation Ins. Co 20494 INSURED INSURER C: Travelers Casualty & Surety Cultural Council of Palm Beach County Inc. 601 Lake Ave Lake Worth, FL 33460 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. ADDL SUBR INSD WVD POLICY EFF POLICY EXP TYPE OF INSURANCE POLICY NUMBER LIMITS COMMERCIAL GENERAL LIABILITY 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurre 100,000 CLAIMS-MADE X OCCUR PHPK2038832 10/01/2019 10/01/2020 Х 5,000 MED EXP (Any one person) 1,000,000 PERSONAL & ADV INJURY 3,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: GENERAL AGGREGATE 3,000,000 PRO-JECT POLICY PRODUCTS - COMP/OP AGG OTHER: COMBINED SINGLE LIMIT (Ea accident) 1,000,000 AUTOMOBILE LIABILITY PHPK2038832 10/01/2020 10/01/2019 BODILY INJURY (Per person) OWNED AUTOS ONLY SCHEDULED AUTOS BODILY INJURY (Per acc PROPERTY DAMAGE (Per accident) χ Х HIRED AUTOS ONLY NON-OWNED AUTOS ONLY 5,000,000 X X OCCUR UMBRELLA LIAB EACH OCCURRENCE PHUB693864 10/01/2019 10/01/2020 5,000,000 EXCESS LIAB CLAIMS-MADE AGGREGATE DED X RETENTION\$ 10,000 В WORKERS COMPENSATION AND EMPLOYERS' LIABILITY STATUTE ANY PROPRIETOR/PARTNER/EXECUTIVE
OFFICER/MEMBER EXCLUDED?
(Mandatory in NH)
If yes, describe under
DESCRIPTION OF OPERATIONS below
D&O 1:2 hillity WC434648557 10/01/2019 10/01/2020 1,000,000 E.L. EACH ACCIDENT 1,000,000 E.L. DISEASE - EA EMPLOYER 1,000,000 E.L. DISEASE - POLICY LIMIT D&O Liability 105680141 10/01/2019 10/01/2020 see below 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 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED ACCORDANCE WITH THE POLICY PROVISIONS.

West Palm Beach, FL 33401 ACORD 25 (2016/03)

Palm Beach County c/o Tourist

1555 Palm Beach Lakes Blvd

**Development Council** 

Suite 900

Brue Hendelman
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AUTHORIZED REPRESENTATIVE

**NOTEPAD** 

CULTCC' OP ID: C

PAGE 2 Date 09/20/2019

Non-profit D&O Liability - \$1,000,000 Limit for all claims / \$2,500 retention - each claim cov B&C / P&P and Continuity date 1/1/05

EPLI - \$1,000,00 Limit for all claims / 3rd party claim cov / 2,500 retention - each claim cov A&B / P&P and Continuity date 1/1/05

Fiduciary - \$1,000,000 Limit for all claims / \$100,000 Settlement Program Limit of Liab (w/in lmt of liab) / \$100,000 HIPAA Limt (w/in lmt of liab)/ \$0 retention / P&P and Continuity date 10/1/11

Defense Coverage outside limit (Full Settlement Clause)

Crime:
Employee Theft - \$1,000,000 / \$10,000 retention
ERISA - \$500,000 / \$0 retention
Employee Theft of client property - \$1,000,000 / \$25,000 retention
Forgery or Alteration - \$1,000,000 /\$10,000 retention
On Premises - \$1,000,000 / \$10,000 retention

Money Orders & Counterfeit Money - \$1,000,000 / \$10,000 retention Computer Fraud - \$1,000,000 /\$10,000 retention Computer Restoration Expense - \$250,000 / \$10,000 retention Funds Transfer Fraud - \$1,000,000 / \$10,000 retention Fersonal Accts Forgery or Alteration - \$100,000 / \$0 retention Personal Accts Identity Fraud Expense Reimb - \$25,000 / \$0 retention Claim Expense - \$5,000 / \$0 retention

## THIRD AMENDMENT TO THE AGREEMENT between PALM BEACH COUNTY and

#### PALM BEACH COUNTY SPORTS COMMISSION, INC.

THIS THIRD AMENDMENT is executed this	, 2020 to amend the
Agreement dated October 17, 2019 (R2017-1634 as	amended), hereafter the "AGREEMENT", by
and between Palm Beach County, a political subo	division of the State of Florida (hereafter
"COUNTY") and PALM BEACH COUNTY SPORTS C	OMMISSION, INC., (hereafter "PBCSC" or
"AGENCY").	

WHEREAS, COUNTY has previously entered into an AGREEMENT with PBCSC an independent contractor, to provide services necessary to assist the COUNTY in carrying out projects of the Tourist Development Plan; and

WHEREAS, COVID-19 has caused the tourism industry to temporarily cease operations across the world beginning in March 2020; and

WHEREAS, tourism tax dollars have declined, negatively impacting funding availability; and

WHEREAS, Pursuant to Section 23 of the Agreement performance and obligation to pay under the Agreement are contingent upon the allocation of Tourist Development Tax funds for the purposes and uses provided in the AGREEMENT, and an annual allocation of available Tourist Development Tax funds is recommended by the Tourist Development Council and approved by the Board of County Commissioners; and

WHEREAS, since the annual allocation approval and as a result of the circumstances outlined above, the Tourist Development Council has identified the need to reduce monies allocated to PBCSC to implement the fiscal year 2020 tourism plan for Palm Beach County; and

WHEREAS, The Tourist Development Council has identified the need to reallocate monies to implement a multi-prong marketing campaign to stimulate tourism to Palm Beach County; and

WHEREAS, The Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting, a plan which would decrease PBCSC funding from 2,123,836.00 to \$1,790,340.00 for the remainder of fiscal year 2020 ending September 30<sup>th</sup>, 2020; and

WHEREAS, the Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting a plan which would allow PBCSC to use up to 50% of their Category A fund reserve, to no less than seven and one-half percent (7.5%) of the total operating expenses; and

WHEREAS, the Tourist Development Council recommended during its June 11th regular scheduled meeting a plan which would allow PBCSC to be allocated stimulus marketing funds for Category G, based funding from tourist development funds allocated to all marketing agencies per the Tourist Development Ordinance of Palm Beach County Article III Tourist Development Tax.

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

- 1. The revised FY20 budget as reflected in Exhibit "A" is amended to \$ \$2,123,836.00 and reflective of tourist development tax funding reductions and the addition of \$163,200.00 in marketing stimulus funding, in addition to the allowed usage of Category A reserves of \$0.00 for use as marketing stimulus funding.
- 2. The revised Exhibit "A" reflects a reduction of \$463,664.00 from the original funding level.
- 3. The AGREEMENT shall remain in full force and effect except as specifically amended herein.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties hereto h 2020.	nave executed this AGREEMENT as of,
ATTEST:	
Clerk & Comptroller Palm Beach County	
By: Deputy Clerk	By: Dave Kerner, Mayor
WITNESS:	
By: Board Authorization  Print: Smith	PALM BEACH COUNTY SPORTS COMMISSION, INC.  By:
APPROVED AS TO LEGAL SUFFICIENCY: By: County Attorney	APPROVED AS TO TERMS AND CONDITIONS:  BY:  Glenn Jergensen, TDC Executive Director

#### PALM BEACH COUNTY

#### Palm Beach County Sports Commission Exhibit A

		FY18		FY19		FY 20	А	FY 20 mended
Sports Commission FY20 Contract	Actual		Actual		Budget			Budget
Personnel	\$	842,395	\$	915,776	\$	1,106,836	\$	978,836
Marketing & Promotion	\$	562,895	\$	614,290	\$	820,500	\$	622,185
General & Administrative	\$	103,465	\$	148,097	\$	196,500	\$	189,319
Total Sports Commssion Contract	\$	1,508,755	\$	1,678,163	\$	2,123,836	\$	1,790,340
Marketing Stimulus	\$	-	\$	-	\$	-	\$	163,200
County Direct	\$	1,082,963	\$	882,133	\$	1,537,934	\$	1,094,566
Total Sports Commission Expenses	\$	2,591,718	\$	2,560,296	\$	3,661,770	\$	3,048,106
Reserves	\$	2,336,573	\$	2,750,451	\$	2,033,305	\$	1,797,635
<b>Total Sports Commission Expense Budget</b>	\$	4,928,291	\$	5,310,747	\$	5,695,075	\$	4,845,741



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).

ting to time date and the to time do time date monder in health of							
PRODUCER	CONTACT NAME:						
Plastridge Insurance Agency 10337 N. Military Trail	PHONE (A/C, No, Ext): (561) 630-4955 FAX (A/C, No): (561)	630-4966					
Palm Beach Gardens, FL 33410	E-MAIL ADDRESS: palmbeachdocs@plastridge.com						
	INSURER(S) AFFORDING COVERAGE	NAIC#					
	INSURER A: Philadelphia Indemnity Ins Co.	18058					
INSURED	INSURER B: Technology Insurance Company	42376					
Palm Beach County Sports Commission, Inc.	INSURER C: Federal Insurance Company	20281					
2195 Southern Blvd., Suite 550	INSURER D:						
West Palm Beach, FL 33406-2339	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.							

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

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

ACORD 25 (2016/03)

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# THIRD AMENDMENT TO THE AGREEMENT between PALM BEACH COUNTY and CULTURAL COUNCIL FOR PALM BEACH COUNTY, INC.

THIS THIRD AMENDMENT is executed this	, 2020 to amend the
Agreement dated October 17, 2017 (R2017-1632 as amended) here	eafter the "AGREEMENT", by
and between Palm Beach County, a political subdivision of the	State of Florida (hereafter
"COUNTY") and CULTURAL COUNCIL FOR PALM BEACH COUNTY,	INC., (hereafter "CULTURAL
COUNCIL" or "AGENCY").	

WHEREAS, COUNTY has previously entered into an AGREEMENT with CULTURAL COUNCIL an independent contractor, to provide services necessary to assist the COUNTY in carrying out projects of the Tourist Development Plan; and

WHEREAS, COVID-19 has caused the tourism industry to temporarily cease operations across the world beginning in March 2020; and

WHEREAS, tourism tax dollars have declined, negatively impacting funding availability; and

WHEREAS, Pursuant to Section 23 of the Agreement performance and obligation to pay under the Agreement are contingent upon the allocation of Tourist Development Tax funds for the purposes and uses provided in the AGREEMENT, and an annual allocation of available Tourist Development Tax funds is recommended by the Tourist Development Council and approved by the Board of County Commissioners; and

WHEREAS, since the annual allocation approval and as a result of the circumstances outlined above, the Tourist Development Council has identified the need to reduce monies allocated to CULTLURAL COUNCIL to implement the fiscal year 2020 tourism plan for Palm Beach County; and

**WHEREAS**, The Tourist Development Council has identified the need to reallocate monies to implement a multi-prong marketing campaign to stimulate tourism to Palm Beach County; and

WHEREAS, The Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting, a plan which would decrease CULTURAL COUNCIL funding from

\$2,845,505.00 to \$2,253,935.00 for the remainder of fiscal year 2020 ending September  $30^{th}$ , 2020; and

WHEREAS, the Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting a plan which would allow CULTURAL COUNCIL to use up to 50% of their Category B, fund reserve, to no less than seven and one-half percent (7.5%) of the total operating expenses; and

WHEREAS, the Tourist Development Council recommended during its June 11th regular scheduled meeting a plan which would allow CULTURAL COUNCIL to be allocated stimulus marketing funds for Category B, based funding from tourist development funds allocated to all marketing agencies per the Tourist Development Ordinance of Palm Beach County Article III Tourist Development Tax.

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

- 1. The revised FY20 budget as reflected in Exhibit "A" is amended to \$ \$2,253,935.00 and reflective of tourist development tax funding reductions and the addition of \$414,400.00 in marketing stimulus funding, in addition to the allowed usage of Category A reserves of \$141,865.00 for use as marketing stimulus funding.
- 2. The revised Exhibit "A" reflects a reduction of \$1,517,762.00 from the original funding level.
- 3. The AGREEMENT shall remain in full force and effect except as specifically amended herein.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties hereto l 2020.	have executed this AGREEMENT as of
ATTEST:	
Clerk & Comptroller Palm Beach County	
By:	Ву:
Deputy Clerk	Dave Kerner, Mayor
WITNESS:	
DocuSigned by:	CULTURAL OUNCIL FOR PALM BEACH COUNTY INC.
Daryn Eirclifeld	h. K
By:Board Authorization	By:
	Dave Lawrence, President & CEO
Print:	
	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
	By:
	Cultural Council Attorney
40000V50 46 TO 15041	
APPROVED AS TO LEGAL SUFFICIENCY:	APPROVED AS TO TERMS AND CONDITIONS:
Ву:	BY:
County Attorney	Glenn Jergensen, TDC Executive Director
<u>-</u>	

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

	FY 2018	FY 2019	FY 2020	FY 20 Amended
Cultural Council FY20 Contract	 Actual	 Actual	Budget	 Budget
Personnel	\$ 982,913	\$ 1,020,696	\$ 1,141,025	\$ 1,075,000
Marketing & Promotional	\$ 1,307,003	\$ 1,472,473	\$ 1,462,455	\$ 966,910
General & Administrative	\$ 244,670	\$ 209,889	\$ 242,025	\$ 212,025
Total Cultural Council Contract Expenses	\$ 2,534,586	\$ 2,703,058	\$ 2,845,505	\$ 2,253,935
Marketing Stimulus	\$ -	\$ -	\$ -	\$ 556,265
County Direct	\$ 4,649,965	\$ 4,912,595	\$ 5,180,644	\$ 3,698,187
Total Cultural Council Expenses	\$ 7,184,551	\$ 7,615,653	\$ 8,026,149	\$ 6,508,387
Reserves	\$ 1,920,761	\$ 1,753,509	\$ 1,161,427	\$ 565,514
Total Cultural Council Expense Budget	\$ 9,105,312	\$ 9,369,162	\$ 9,187,576	\$ 7,073,901

ACORD

CULTCOU

OP ID: CR

DATE (MM/DD/YYYY)

#### CERTIL JATE OF LIABILITY INSURA JE

09/20/2019

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.

e Gendelman Co., Inc. 101 / Brown Deer Rd ukee, WI 53217 / Gendelman  ED Council of Palm Beach Inc. e Ave orth, FL 33450				CONTACT Caroly NAME: PHONE (A/C, No, Ext): 262-	178-1000		FAX (A/C, No):	262-4	78-1001	
/ Brown Deer Rd ukee, WI 53217 Gendelman  Council of Palm Beach							I (A/C. No.)*	-02	10-1001	
ukee, WI 53217 Gendelman  Council of Palm Beach				E-MAIL crabbi	t@gendel	nan.com	, 1730, 110J.			
 Council of Palm Beach Inc.									NAIC#	
Council of Palm Beach inc. e Ave				INSURER A: Philadelphia Indemnity Ins Co						
Council of Palm Beach inc. e Ave				INSURER B : Trans	portation	ns. Co.			20494	
e Ave e Ave orth, FL 33460				INSURER C : Trave	ers Casua	Ity & Surety			25674	
<del></del>						· · · · · · · · · · · · · · · · · · ·				
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			+	INSURER E:					-	
			- 1118777	INSURER F:		DE 461611	Mara		1	
			NUMBER:			REVISION NU				
S IS TO CERTIFY THAT THE POLICIE ICATED. NOTWITHSTANDING ANY I RTIFICATE MAY BE ISSUED OR MAY CLUSIONS AND CONDITIONS OF SUC	REQUIF PERT POLI	REME TAIN, CIES.	NT, TERM OR CONDITION THE INSURANCE AFFORD LIMITS SHOWN MAY HAVE	OF ANY CONTRAI DED BY THE POLICE BEEN REDUCED B	CT OR OTHE IES DESCRI Y PAID CLAI	R DOCUMENT WI BED HEREIN IS SI MS.	TH RESPE	CT TO	WHICH THIS	
TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFI	POLICY EX	Υ)	LIMIT	s		
X COMMERCIAL GENERAL LIABILITY	1					EACH OCCURREN		\$	1,000,00	
CLAIMS-MADE X OCCUR	Х		PHPK2038832	10/01/201	9 10/01/20	20 DAMAGE TO REN PREMISES (Ea oc	TED currence)	\$	100,00	
T -	"					MED EXP (Any on		\$	5,00	
x	-					PERSONAL & ADV		\$	1,000,00	
GEN'L AGGREGATE LIMIT APPLIES PER:	-					GENERAL AGGRE		\$	3,000,00	
POLICY PRO- LOC									3,000,00	
						PRODUCTS - COM	VIFTUP AGG	\$		
OTHER:	+-	<del>                                     </del>			+	COMBINED SING	E LIMIT	\$	1,000,00	
AUTOMOBILE LIABILITY			DUDICOGGGGG	40/04/00	0 40/04/00	(Ea accident)		\$	1,000,00	
ANY AUTO OWNED SCHEDULED			PHPK2038832	10/01/2019	9 10/01/20			\$		
OWNED SCHEDULED AUTOS ONLY						PROPERTY DAMA	Per accident)	\$		
X HIRED ONLY X NON-OWNED AUTOS ONLY						PROPERTY DAM/ (Per accident)		\$		
	-	ļ						\$	5 000 00	
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EXCESS LIAB CLAIMS-MAI	_		PHUB693864	10/01/2019	9 10/01/202	AGGREGATE		\$	5,000,00	
DED X RETENTION\$ 10,00	0	ļ				1555	Low	\$		
VORKERS COMPENSATION ND EMPLOYERS' LIABILITY						PER	OTH- ER			
NY PROPRIETOR/PARTNER/EXECUTIVE FFICER/MEMBER EXCLUDED?	N/A		WC434648557	10/01/201	9 10/01/20	E.L. EACH ACCID	ENT	\$	1,000,00	
Jandatory in NH)	٠					E.L. DISEASE - EA	EMPLOYEE	\$	1,000,00	
yes, describe under ESCRIPTION OF OPERATIONS below						E.L. DISEASE - PO	DLICY LIMIT	s	1,000,00	
0&O Liability			105680141	10/01/20	9 10/01/20	20 see below				
								}		
IPTION OF OPERATIONS / LOCATIONS / VEHI	CLES (	ACORD	101. Additional Remarks Schedu	ile, may be attached if n	ore space is re	uired)				
tors & Officers Liability Limit				,,		,				
ovment Practices Liabilitv Lim	it - \$1	.000	.000 / \$2.500 Deductib	ole						
:iáry Liability Limit - \$1,000,00 ∋ Limit \$1,000,000 / \$10,000 De	queti 1 / No	Ded ble	uctible							
Beach County is additional in	sured	with	respects to General	Liability						
•			•	-						
CIFICATE LIQUED				CANCELLATIO	NI					
TIFICATE HOLDER				CANCELLATIO	<u> </u>					

West Palm Beach, FL 33401 ACORD 25 (2016/03)

Palm Beach County c/o Tourist

1555 Palm Beach Lakes Blvd

**Development Council** 

Suite 900

ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Brue Gendelman

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NOTEPAD

INSURED'S NAME Cultural Council of Palm Beach

CULTCC'

PAGE 2 Date 09/20/2019

Non-profit D&O Liability - \$1,000,000 Limit for all claims / \$2,500 retention - each claim cov B&C / P&P and Continuity date 1/1/05

EPLI - \$1,000,00 Limit for all claims / 3rd party claim cov / 2,500 retention - each claim cov A&B / P&P and Continuity date 1/1/05

Fiduciary - \$1,000,000 Limit for all claims / \$100,000 Settlement Program Limit of Liab (w/in lmt of liab) / \$100,000 HIPAA Limt (w/in lmt of liab)/ \$0 retention / P&P and Continuity date 10/1/11

Defense Coverage outside limit (Full Settlement Clause)

Crime:
Employee Theft - \$1,000,000 / \$10,000 retention
ERISA - \$500,000 / \$0 retention
Employee Theft of client property - \$1,000,000 / \$25,000 retention
Forgery or Alteration - \$1,000,000 /\$10,000 retention
On Premises - \$1,000,000 / \$10,000 retention

Money Orders & Counterfeit Money - \$1,000,000 / \$10,000 retention Computer Fraud - \$1,000,000 /\$10,000 retention Computer Restoration Expense - \$250,000 / \$10,000 retention Funds Transfer Fraud - \$1,000,000 / \$10,000 retention Personal Accts Forgery or Alteration - \$100,000 / \$0 retention Personal Accts Identity Fraud Expense Reimb - \$25,000 / \$0 retention Claim Expense - \$5,000 / \$0 retention

## THIRD AMENDMENT TO THE AGREEMENT between PALM BEACH COUNTY

#### PALM BEACH COUNTY FILM AND TELEVISION COMMISSION, INC.

THIS THIRD AMENDMENT is executed this	, 2020 to amend the
Agreement dated October 17, 2019 (R2017-1635 as amend	led), hereafter the "AGREEMENT", by
and between Palm Beach County, a political subdivision	n of the State of Florida (hereafter
"COUNTY") and PALM BEACH COUNTY FILM AND TELEVI	SION COMMISSION, INC., (hereafter
"PBCFTC" or "AGENCY").	

**WHEREAS**, COUNTY has previously entered into an AGREEMENT with PBCFTC an independent contractor, to provide services necessary to assist the COUNTY in carrying out projects of the Tourist Development Plan; and

WHEREAS, COVID-19 has caused the tourism industry to temporarily cease operations across the world beginning in March 2020; and

WHEREAS, tourism tax dollars have declined, negatively impacting funding availability; and

WHEREAS, Pursuant to Section 23 of the Agreement performance and obligation to pay under the Agreement are contingent upon the allocation of Tourist Development Tax funds for the purposes and uses provided in the AGREEMENT, and an annual allocation of available Tourist Development Tax funds is recommended by the Tourist Development Council and approved by the Board of County Commissioners; and

WHEREAS, since the annual allocation approval and as a result of the circumstances outlined above, the Tourist Development Council has identified the need to reduce monies allocated to PBCFTC to implement the fiscal year 2020 tourism plan for Palm Beach County; and

**WHEREAS**, The Tourist Development Council has identified the need to reallocate monies to implement a multi-prong marketing campaign to stimulate tourism to Palm Beach County; and

WHEREAS, The Tourist Development Council recommended during its May  $14^{th}$  regular scheduled meeting, a plan which would decrease PBCFTC funding from \$1,800,000.00 to \$1,335,000.00 for the remainder of fiscal year 2020 ending September  $30^{th}$ , 2020; and

WHEREAS, the Tourist Development Council recommended during its May 14<sup>th</sup> regular scheduled meeting a plan which would allow PBCFTC to use up to 50% of their Category A fund reserve, to no less than seven and one-half percent (7.5%) of the total operating expenses; and

WHEREAS, the Tourist Development Council recommended during its June 11th regular scheduled meeting a plan which would allow PBCFTC to be allocated stimulus marketing funds for Category D, based funding from tourist development funds allocated to all marketing agencies per the Tourist Development Ordinance of Palm Beach County Article III Tourist Development Tax.

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

- 1. The revised FY20 budget as reflected in Exhibit "A" is amended to \$ \$1,335,000.00 and reflective of tourist development tax funding reductions and the addition of \$86,200.00 in marketing stimulus funding, in addition to the allowed usage of Category A reserves of \$49,434.00 for use as marketing stimulus funding.
- 2. The revised Exhibit "A" reflects a reduction of \$381,144.00 from the original funding level.
- 3. The AGREEMENT shall remain in full force and effect except as specifically amended herein.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

ATTEST:	
Clerk & Comptroller Palm Beach County	
Ву:	Ву:
Deputy Clerk	Dave Kerner, Mayor
WITNESS:	
	PALM BEACH COUNTY FILM AND
	TELEVISION COMMISSION, INC.
BV:	BV:
Board Authorization	Chuck Elderd, FTC Film Commissioner
Print: Douglas Rice SEC	
APPROVED AS TO LEGAL	APPROVED AS TO TERMS AND CONDITIONS:
SUFFICIENCY:	1104 V101 A

## PALM BEACH COUNTY Film and Television Commission Exhibit A

							FY	20 Amended
Film & Television Commission FY20 Contract	F	/18 Actual	F	Y19 Actual	F	Y20 Budget	Budget	
Personnel	\$	826,567	\$	889,314	\$	930,000	\$	851,618
Marketing & Promotion	\$	710,912	\$	893,818	\$	784,000	\$	442,582
General & Administrative	\$	53,655	\$	67,944	\$	86,000	\$	40,800
Total Film & Television Commission Contract	\$	1,591,134	\$	1,851,076	\$	1,800,000	\$	1,335,000
Marketing Stimulus	\$	-	\$	-	\$	-	\$	135,634
County Direct	\$	65,269	\$	101,756	\$	177,005	\$	125,227
Total Film & Televsion Commission Expenses	\$	1,656,403	\$	1,952,832	\$	1,977,005	\$	1,595,861
Reserves	\$	1,162,111	\$	769,295	\$	347,293	\$	280,137
Total Film & Televsion Expense Budget	<del></del>	2,818,514		2,722,127		2,324,298		1,875,998



#### CERTI-ICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/1/2019

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).

th	is certificate does not confer rights t	o the	certi	iticate holder in lieu of su			•	·			
	DUCER					<sup>c⊤</sup> Janett					
Plas 820	stridge Insurance Agency NE 6th Avenue				PHONE (A/C, No, Ext): (561) 276-5221 FAX (A/C, No): (561) 276-5244						
	ay Beach, FL 33483				E-MAIL ADDRESS: delraydocs@plastridge.com						
						INS	SURER(S) AFFO	RDING COVERAGE		NAIC#	
					INSURE	26522					
INSL	IRED				INSURE	10346					
	Palm Beach County Film &					Rc:Travele				19038	
	Television Commission, Inc						is Casuait	y & Surety		19030	
	2195 Southern Blvd., Suite 5				INSURE						
	West Palm Beach, FL 33401				INSURE						
					INSURE	RF:				<u> </u>	
				E NUMBER:				REVISION NUMBER:			
IN C	HIS IS TO CERTIFY THAT THE POLICIE IDICATED. NOTWITHSTANDING ANY R ERTIFICATE MAY BE ISSUED OR MAY XCLUSIONS AND CONDITIONS OF SUCH	REQUI PER	REMI TAIN,	ENT, TERM OR CONDITIO THE INSURANCE AFFOR	N OF A	NY CONTRA	CT OR OTHER IES DESCRIE	R DOCUMENT WITH RESPE BED HEREIN IS SUBJECT T	ECT TO	WHICH THIS	
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	'S		
A	X COMMERCIAL GENERAL LIABILITY	11.00						EACH OCCURRENCE	\$	1,000,000	
	CLAIMS-MADE OCCUR	X		NBP2550143J		10/1/2019	10/1/2020	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	100,000	
		^						i i		5,000	
								MED EXP (Any one person)	\$		
								PERSONAL & ADV INJURY	\$	2.000.000	
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$		
	POLICY PRO- LOC							PRODUCTS - COMP/OP AGG	\$		
Α	OTHER:	<del> </del> -						COMBINED SINGLE LIMIT	\$	1,000,000	
^	AUTOMOBILE LIABILITY			NDD0550440 I		40/4/0040	40/4/0000	(Ea accident)	\$	1,000,000	
	ANY AUTO OWNED SCHEDULED			NBP2550143J	10/1/2019	10/1/2020	BODILY INJURY (Per person)	\$			
	OWNED AUTOS ONLY SCHEDULED AUTOS						BODILY INJURY (Per accident)	\$			
	X HIRED AUTOS ONLY X NON-OWNED						PROPERTY DAMAGE (Per accident)	\$			
		L							\$		
	UMBRELLA LIAB OCCUR							EACH OCCURRENCE	\$		
	EXCESS LIAB CLAIMS-MADE							AGGREGATE	\$		
	DED RETENTION \$								\$		
В	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY							PER OTH- STATUTE ER		-	
		N/A		WCV700269422		10/1/2019	10/1/2020	E.L. EACH ACCIDENT	\$	100,000	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A						E.L. DISEASE - EA EMPLOYEE	\$	100,000	
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - POLICY LIMIT	\$	500,000	
С	Crime			105513459		10/1/2019	10/1/2020	Crime		500,000	
С	Directors & Officers			105513459		10/1/2019	10/1/2020	Directors & Officers		1,000,000	
DES Cert	CRIPTION OF OPERATIONS / LOCATIONS / VEHIC ificate Holder is listed on policy as Add	LES (A	CORE	o 101, Additional Remarks Schedu ured with respects to Gen	ıle, may b eral Lia	e attached if moi biity.	re space is requi	red)			
	~										
					0411						
CE	RTIFICATE HOLDER	<del></del>			CANC	CELLATION					
					SHO	III D ANY OF	THE AROVE D	ESCRIBED POLICIES BE C	ANCE	LED BEFORE	
	Palm Beach County Board of C/O Insurance Tracking Services	of Cou	unty , Inc.	Commissioners (ITS)	THE	EXPIRATION	N DATE TH	RESCRIBED FOLICIES BE C. REREOF, NOTICE WILL CY PROVISIONS.			
	P. O. Box 20270 Long Beach. CA 90801				AUTHORIZED REPRESENTATIVE						

ACORD 25 (2016/03)

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#### FUND 1454 - TDC- Tourism Promotion Fund

BGRV	070120-505
<b>BGEX</b>	070120-1582

							EXPENDED/	
A CCCT NUMBER	A COONING NAMED	ORIGINAL	CURRENT	DICDEACE	DECDE ACE	ADJUSTED	ENCUMBERED	REMAINING
ACCT.NUMBER	ACCOUNT NAME	BUDGET	BUDGET	INCREASE	DECREASE	BUDGET	7/1/2020	BALANCE
REVENUES								
1454-800-7200-1212	Tourist Development Tax	18,136,310	18,136,310		6,000,000	12,136,310	0	
						,,		
Total Receipts and B	alanaas	22 614 921	22 571 692		6,000,000	16,571,682		
Total Receipts and D	arances	22,614,821	22,571,682		0,000,000	10,5/1,002		
EXPENDITURES 1454-710-7420-3401	Other Contractual Services	18,500,000	18,500,000		6,000,000	12,500,000	12,500,000	
1134 710 7120 3101	Office Contractual Solvices		10,500,000			12,500,000	12,500,000	
TS 4 1 4	0 E 14	22 (14 921	22 551 (92		( 000 000	17 551 700		
Total Appropriations	s & Expenditures	22,614,821	22,571,682		6,000,000	16,571,682		*
Office of Fine	unaial Managament & Dudget	$\mathcal{M}(0)$	Signatures &	Dates		By Board of County Commission At Meeting of		
	Incial Management & Budget IG DEPARTMENT/DIVISION	- Lilli	i Hel	7/2/30	·		7/14	
	n/Budget Department Approval	Had -	$\wedge$	7/9/2010	-		Deputy Clerk to the	
		Cyros C						
OFM	B Department - Posted					Board	of County Commis	sioners



#### FUND 1455 - TDC- Cultural Arts

BGRV 070120-504 BGEX 0701201581

		ORIGINAL	CURRENT			ADJUSTED	EXPENDED/ ENCUMBERED	REMAINING
<b>ACCT.NUMBER</b>	ACCOUNT NAME	BUDGET	BUDGET	<b>INCREASE</b>	DECREASE	BUDGET	7/1/2020	BALANCE
<u>REVENUES</u> 1455-800-7200-1212	Tourist Development Tax	7,776,994	7,776,994		631,570	7,145,424	0	
Total Receipts and Ba	lances	9,169,1 <b>3<u>1</u></b>	9,187,57.		631,570	8 <sub>1</sub> 556,0	<b>%</b>	
EXPENDITURES 1455-710-7014-3401	Other Contractual Services	2,845,505	2,845,505		631,570	2,213,935	2,213,935	
Total Appropriations	& Expenditures	9,169,132	9,187,57:\psi		631,570	8,556,0	06	
	ncial Management & Budget G DEPARTMENT/DIVISION	- SUM	Signatures &	Dates ,O	_	By Board	d of County Comm  At Meeting 7/14	g of
	/Budget Department Approval	June A	7/9/	del		]	Deputy Clerk to the	
OFMI	B Department - Posted					Board	of County Commis	sioners



#### FUND 1457 - TDC- Sports Commission

<b>BGRV</b>	070120-502
<b>BGEX</b>	070120-1578

						EXPENDED/		
	ORIGINAL	CURRENT			ADJUSTED	<b>ENCUMBERED</b>	REMAINING	
COUNT NAME	BUDGET	BUDGET	INCREASE	DECREASE	BUDGET	7/1/2020	BALANCE	
lopment Tax	3,062,754	3,062,754		333,496	2,729,258	0		
	5,051,94η	5,695,075		333,496	5,361,5=	19		
ctual Services	2,123,836	2,123,836		333,496	1,790,340	1,790,340		
res	5,051,947	5,695,075		333,496	5,361,5	579		
Office of Financial Management & Budget			Signatures & Dates			By Board of County Commissioners At Meeting of		
ENT/DIVISION	1 JULIU H	XV1 /16	100			7/14	/20	
Administration/Budget Department Approval					_ Deputy Clerk to the			
OFMB Department - Posted						<b>Board of County Commissioners</b>		
	ENT/DIVISION rtment Approval	SOUNT NAME BUDGET  1 3,062,754  5,051,947  1 ctual Services 2,123,836  1 es  1 5,051,947  1 ment & Budget ENT/DIVISION 1 rtment Approval	Signatures & Si	Signatures & Dates   Dates	Signatures & Dates   DECREASE   DECREASE	Signatures & Dates   Budget   Budget	ORIGINAL   CURRENT   BUDGET   INCREASE   DECREASE   BUDGET   7/1/2020	



#### FUND 1451 - TDC- Film Commission

В	GRV	070	120-	503
R	GEX	070	120-	1580

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED 7/1/2020	REMAINING BALANCE
REVENUES 1451-800-7240-1212	Tourist Development Tax	1,617,705	1,617,705		465,000	1,152,705	0	
Total Receipts and Ba	lances	2,340,587	2,324,298		465,000	1,859,299	\$	
EXPENDITURES 1451-710-7240-3401	Other Contractual Services	1,800,000	1,800,000		465,000	1,335,000	1,335,000	
Total Appropriations	& Expenditures	2,340,587	2,324,298		465,000	1,859,299	ಕ	
Office of Finar	ncial Management & Budget	April	Signatures &	Dates		By Board	d of County Comm At Meeting	
	G DEPARTMENT/DIVISION	-/JUNA	XXX 7	12/20			7/14	
Administration	/Budget Department Approval	ton !	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	9/2020		ĵ	Deputy Clerk to the	e
OFME	B Department - Posted					Board	of County Commis	sioners