

RESOLUTION NO. 2020- 414

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONER OF ST JOHNS COUNTY, FLORIDA, AMENDING THE TERMS, PROVISIONS, CONDITIONS OF ITS EXISTING AGREEMENT WITH ST. JOHNS COUNTY VISITORS AND CONVENTION BUREAU AND AUTHORIZING THE CHAIR TO EXECUTE THE AMENDMENT ON BEHALF OF ST. JOHNS COUNTY

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, the Governor issued Executive Order 2020-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures; and

WHEREAS, on March 17, 2020, St. Johns County Emergency Proclamation No. 2020-1 declared a state of local emergency, pursuant to Chapter 252, Florida Statutes and St. Johns County Ordinance No. 2019-40, because of the severe threat that COVID-19 poses to St. Johns County, Florida; and

WHEREAS, pursuant to section 252.38(3)(a)(5), Florida Statutes, the Board of County Commissioners has extended the state of local emergency; and

WHEREAS, on April 1, 2020, the Governor issued Executive Order 20-91, directing all persons in the State of Florida to limit their movements and personal interactions outside of their homes to only those necessary to obtain or to provide essential services or conduct essential activities; and

WHEREAS, one of the purposes of the local, state and federal directives was aimed at slowing the potential for direct and community spread of COVID-19; and

WHEREAS, in 2018, the County and the VCB entered into an agreement, providing for professional advertising, marketing and promotional services aimed at attracting tourists and convention activity to all and any part of the geographic area within St. Johns County (Agreement); and

WHEREAS, the local, state and federal responses to COVID-19 continue to significantly impact travel throughout the state, and particularly to and within the County; and

WHEREAS, the County and the VCB mutually seek to amend the Agreement to revise the Annual Contract Price, modify the payment schedule and revise the Administrative Overhead Expenses provisions only for the remainder of Fiscal Year 2021.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, that:

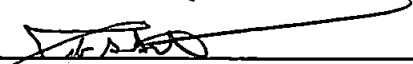
1. The above recitals are incorporated by reference into the body of this Resolution, and such

Recitals are adopted as Finding of Fact.

2. The Board of County Commissioners (Board) hereby approves the terms and conditions contained in the proposed amendment, attached hereto and incorporated herein.
3. Board authorizes the Chair to execute an amendment in substantially the same for and format as attached hereto.
4. To the extent that there are typographical errors that do not change the tone, tenor, or context of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 20 day of October, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**



Jeb S. Smith, Chair

RENDITION DATE 10/21/20

**ATTEST: Brandon J. Patty, Clerk of the Circuit
Court and Comptroller**

By: Sam Halterman
Deputy Clerk



THIS AGREEMENT AMENDMENT (Amendment) is entered into by and between **St. Johns County, Florida**, a political subdivision of the State of Florida (“**County**”), by and through its Board of County Commissioners, whose address is 500 San Sebastian View, St. Augustine, Florida 32084, and **St. Johns County Visitors and Convention Bureau, Inc.** (“**VCB**”), a not-for-profit corporation organized and existing under the laws of the State of Florida, whose primary business address is 29 Old Mission Avenue, St. Augustine, Florida 32084.

RECITALS:

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, the Governor issued Executive Order 2020-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures; and

WHEREAS, on March 17, 2020, St. Johns County Emergency Proclamation No. 2020-1 declared a state of local emergency, pursuant to Chapter 252, Florida Statutes and St. Johns County Ordinance No. 2019-40, because of the severe threat that COVID-19 poses to St. Johns County, Florida; and

WHEREAS, pursuant to section 252.38(3)(a)(5), Florida Statutes, the Board of County Commissioners has extended the state of local emergency; and

WHEREAS, on April 1, 2020, the Governor issued Executive Order 20-91, directing all persons in the State of Florida to limit their movements and personal interactions outside of their homes to only those necessary to obtain or to provide essential services or conduct essential activities; and

WHEREAS, one of the purposes of the local, state and federal directives was aimed at slowing the potential for direct and community spread of COVID-19; and

WHEREAS, in 2018, the County and the VCB entered into an agreement, providing for professional advertising, marketing and promotional services aimed at attracting tourists and convention activity to all and any part of the geographic area within St. Johns County (Agreement); and

WHEREAS, the local, state and federal responses to COVID-19 continues to have a significant impact on travel throughout the state, and particularly to and within the County; and

WHEREAS, the County and the VCB mutually seek to amend the Agreement for County Fiscal Year 2021 (October 1, 2020 through September 30, 2021) to revise the Annual Contract Price, modify the payment schedule and revise the Administrative Overhead Expenses provisions.

NOW THEREFORE, for valuable consideration, the sufficiency of which is hereby acknowledged, the County and the VCB agree that the Agreement shall be amended as follows:

1. The above Recitals are incorporated into the body of this Agreement, and such Recitals are adopted as findings of fact.

2. The Annual Contract Price for County Fiscal Year 2021 is hereby revised to four million eight hundred forty thousand two hundred seventy five dollars and 00/100 (**\$4,840,275**), which includes a Fiscal Year 2020 carry forward of unused funds totaling eight hundred seventy thousand dollars and 00/100 (\$870,000).

3. The County shall pay the Contract Price as provided in the amended pay schedule attached hereto as "Amended Attachment C," and incorporated herein by this reference.

4. For the duration of Fiscal Year 2021, Article 8, Subparagraph c.2 regarding the maximum amount of the Annual Contract Price that may be allocated to fund Administrative Overhead Expenses shall not exceed **thirty three percent (33%)**. The parties hereby specifically acknowledge and understand that, unless otherwise mutually agreed in writing, this modification to Administrative Overhead Expenses shall only be effective beginning October 1, 2020 through September 30, 2021.

5. To the extent that there is any conflict between the terms contained in the Agreement and this Amendment, this Amendment shall govern. With the exception of the revisions and modifications detailed in this Amendment, all terms, conditions and provisions contained in the Agreement remain in full force and effect.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have hereto executed this Agreement on the date and year below written.

St. Johns County, Florida

**St. Johns County
Visitors and Convention Bureau**

Chair

President

Legal Review:

By: _____
Office of the County Attorney

ATTEST: St. Johns County Clerk of Court

By: _____
Deputy Clerk

AMENDED ATTACHMENT C

PAYMENT SCHEDULE OF FISCAL YEAR 2021 ANNUAL CONTRACT PRICE

FY20 Carry Forward		\$ 870,000
	October 15, 2020	\$ 470,275
	November 15, 2020	\$ 450,000
	December 15, 2020	\$ 425,000
	January 15, 2021	\$ 400,000
	February 15, 2021	\$ 375,000
	March 15, 2021	\$ 350,000
	April 15, 2021	\$ 300,000
	May 15, 2021	\$ 300,000
	June 15, 2021	\$ 300,000
	July 15, 2021	\$ 300,000
	August 15, 2021	\$ 300,000
	Total	\$ 4,840,275