



Office of  
**MANATEE COUNTY  
ATTORNEY**

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Andrea A. Adibe, Assistant County Attorney

**MEMORANDUM**

**TO:** Cindy Turner—Parks & Recreation Department Director

**THROUGH:** Mitchell O. Palmer—County Attorney *MOP* 3/22/13

**FROM:** Robert Michael Eschenfelder—Assistant County Attorney *RME*

**DATE:** 22 March 2013

**RE:** Third Amendment to Pope Golf Concession Agreement (RLS 13-39) (CAO File: 1090-262)

In RLS 13-39, you indicate that as part of the concession agreement granted to Pope Golf to operate the County's golf courses, Pope is required to undertake certain capital improvement projects. One of the most significant and complex of these is the installation of new greens. You further indicate that the original agreement contained a funding and accounting mechanism for how the funds needed to complete the capital improvement projects were to be accumulated and spent. However, you indicate that as the County has worked with Pope Golf and the Clerk of Court's Finance Division in the lead up to the greens replacement project, it has become apparent that the original mechanism was not workable as it would provide undue financial and accounting burdens on Pope during a period where courses would not be operational. In addition, the Clerk's Office desired to have any change in the agreement continue to provide the needed level of accountability and documentation so as to ensure operational expenses and capital expenses were properly identified.

You indicate that after much effort your staff has worked with Mr. Pope and the Clerk's staff and you have drafted a proposed amendment containing the agreed upon business terms. I have previously reviewed an earlier draft amendment, and provided edits and comments. You have now re-submitted the proposed Third Amendment to the Pope Golf concession agreement, which has incorporated my earlier editorial comments, as well as revisions requested by Clerk's staff.

I advise that the proposed amendment is now in sufficient legal form so as to present to the County Commission for its consideration. As always, our review does not address the merits of the revisions to the business terms, which we presume the administration deems are in the best interests of the County. I trust this adequately responds to your request for service. If you have other questions, please feel free to contact our Office.

c: Ed Hunzeker—Manatee County Administrator  
Karen Windon & Dan Schlandt—Deputy County Administrators  
Melissa Wendel—Purchasing Official

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