



OFFICE OF THE COUNTY ATTORNEY

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MEMORANDUM

DATE: January 7, 2020
TO: Debbie Voorhees, Contracts Manager, Parks and Natural Resources Department
THROUGH: Mitchell O. Palmer, County Attorney Approved by *M. Palmer 1-7-2020*
FROM: Alexandria C. Nicodemi, Assistant County Attorney Approved by *A. Nicodemi 1-7-2020*
RE: **Jiggs Landing Concession Services Agreement; RLS Matter No. 2019-0606**

This memorandum is in response to the above referenced Request for Legal Services in which you asked this Office to review the Amended and Restated Franchise License Agreement for Concession Services at Jiggs Landing ("Agreement"). Per your request, I have reviewed and revised the Agreement and my comments are as follows:

1. There are several revisions and comments that I have left throughout the Agreement where there are missing or incomplete business terms. Please turn on "All Mark-up" within Microsoft Word to review the revisions and comments that have been made. Upon your review, please revise and forward any revisions that you have made to me.
2. The Licensee has a 2COP liquor license, this enables the establishment to sell open container beer and wine for consumption on premise only. Licensee may also sell beer and wine in sealed containers for packaged sales. Licensee is solely responsible for complying with the Florida Liquor Laws and it is recommended that Licensee speak with its attorney in regard to compliance. Please keep in mind that the Licensee shall also comply with Chapter 2-3 of the Manatee County Code of Ordinances as it relates to alcoholic beverage regulations.
3. In the Agreement you inquired whether, under Licensee's current liquor license, Licensee would be able sell beer and wine on the Licensee's boat during certain tours. This is a licensing question beyond the scope of this Office. I recommend Licensee contact its attorney and/or visit the Florida Department of Business & Professional Regulation Division of Alcoholic Beverages & Tobacco in order to

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ensure that Licensee has all proper licenses to conduct such activity. Furthermore, this Office requests a written opinion on this matter from the Licensee's legal counsel prior to the commencement of such activity.

4. I forwarded this Agreement to Linda Klasing, Risk Manager, to review and update the insurance provision. Her revisions are included in the attached document.

Copies to: Cheri Coryea, County Administrator
John Osborne, Deputy County Administrator
Karen Stewart, Deputy County Administrator
Linda Klasing, Risk Manager, County Attorney's Office
Jacob Erickson, Procurement Team Leader, Financial Management
Department