

**FIRST AMENDMENT TO AN AMERICAN RESCUE PLAN LOCAL FISCAL RECOVERY  
FUNDING AGREEMENT BETWEEN POLK COUNTY AND  
THEATRE WINTER HAVEN, INC.**

THIS FIRST AMENDMENT (“Amendment”) to an American Rescue Plan Local Fiscal Recovery Funding Agreement is entered into on the date last signed by the parties below to have an effective date as of May 1, 2022 (the “Amendment Effective Date”) by and between Polk County (the “County”), a political subdivision of the State of Florida, and Theatre Winter Haven Inc. (“Recipient”), a Florida not for profit corporation;

WHEREAS, the County and Recipient entered an American Rescue Plan Local Fiscal Recovery Funding Agreement (the “Agreement”) dated April 5, 2022, and

WHEREAS, at the Recipient’s request, the County has agreed to revise the Agreement Scope of Use to delete the initial line-item allocation of the Recipient Funds and permit the Recipient discretion to allocate those funds among the program line-items as needs arise;

NOW, THEREFORE, in consideration of the mutual covenants stated in this Amendment and other valuable considerations, the parties hereby agree as follows:

1. The recitals stated above are true, correct, and the basis for this Amendment.
2. Unless otherwise defined herein, the terms used in this Amendment are defined in the Agreement.
3. Agreement Exhibit “A,” Scope of Use, is revised to delete the table entitled “Theatre Winter Haven – Northeast Arts” containing budgeted line-items for the program, and replace it with the following text:

**ALLOCATION OF RECIPIENT FUNDS**

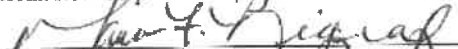
Recipient will use the Recipient Funds for the following program costs: Instructors and Guest Artists, Supplies needed for students participating in the program, Field Trips to local arts organizations, and Transportation to and from program activities.

4. The Agreement as revised by this Amendment continues in force and effect.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK;  
THE AMENDMENT CONTINUES ON THE FOLLOWING PAGE  
WITH THE PARTIES’ SIGNATURES.**

IN WITNESS WHEREOF, the parties have executed this Amendment as of the Amendment Effective Date.

Theatre Winter Haven Inc.,  
a Florida not for profit corporation

By: 

Name: DANA F. RIGWELL

Title: BUSINESS DIRECTOR

POLK COUNTY, a political  
subdivision of the State of Florida

By: \_\_\_\_\_

Martha Santiago, Ed.D., Chair  
Board of County Commissioners

ATTEST:

By: 

Name: NICHOLAS D. JUDY

Title: OPERATION'S DIRECTOR

Date Signed by Recipient: 3/25/24

ATTEST:

Stacy M. Butterfield, Clerk of the Board

By: \_\_\_\_\_

Deputy Clerk

Date Signed by County: \_\_\_\_\_

Reviewed as to form and legal sufficiency:

\_\_\_\_\_  
County Attorney's Office