



August 21, 2019

Dear Sarasota County Parks, Recreation, and Natural Resources Department Staff and Sarasota County Commissioners:

We have reviewed the most recent draft Lease Agreement between Sarasota County (County) and Sarasota Sharks, Inc. (Sharks) and are submitting this letter to:

1. reiterate our strong objection to the County leasing the Selby Aquatic Center (Selby) exclusively to the Sharks, and
2. request, should it be deemed the Sharks are appropriate stewards of Selby on behalf of the County, provisos and language modifications in the County Agreement with the Sarasota Sharks, Inc. in order to protect equitable access for ***all*** interested parties involved in ***aquatics*** operating within the County.

Since early 2019, the Southwest Florida Water Polo Foundation, Inc. (SWFWPF), a Florida Nonprofit Corporation who's founding board members are or were Sharks Masters swimmers who also play water polo, has engaged in good faith efforts to rent pool time from the Sharks to offer a competitive water polo program in Sarasota County. Water Polo is an Olympic sport and is managed separately albeit alongside Swimming by FINA. Water Polo is well-established in Orlando and the Miami areas and is newer on the west coast of Florida. The response the SWFWPF has received from the Sharks to rent pool space at Selby has been disingenuous at best. It is clear there is an inherent conflict of interest for the Sharks to steward our County's resource which is a high level competitive Aquatic Center as the Sharks' mission is solely to support the sport of Swimming. Consequently, this Agreement as it stands, allows a private swim club to take over a county facility for virtually their own exclusive benefit and certainly their exclusive profit.

The SWFWPF was only finally able to obtain a response to repeated efforts to rent space at Selby from the Sharks due to the assistance of the Sarasota County Parks, Recreation, and Natural Resources Department (Parks & Rec). The assistance from Parks & Rec culminated

in a meeting with Sharks' leadership where the SWFWPF was informed that Sharks' leadership viewed water polo as a threat to their revenue stream and that they are unaware of any swim and water polo teams that can both succeed at one facility. These assertions by Sharks leadership are false. Rather, most facilities rely on and require multiple tenants (organizations and different aquatic clubs) as well as public access to cover the costs of running a facility like Selby. The SWFWPF offered numerous examples of aquatics clubs that have successful swim and water polo programs in the State of Florida and on a national level to Sharks' leadership. The Sharks were dismissive and showed no interest in furthering this conversation. This response makes sense given the limited scope of the Sharks' stated mission which is solely to further the sport of Swimming and not Aquatics.

Conversations between the SWFWPF and the Sharks ultimately culminated in a counter proposal that was entirely disingenuous:

1. The Sharks offered two hours of pool rental a day from 11:30am-1:30pm (currently being offered to the General Public!). This time is not at all useful, as it is a time when kids are in school and most masters participants are at work. While there is Sharks programming going on during the week and on Saturday mornings, there is plenty of space and time to add additional programming during the time the Sharks are holding practices. There is also the ability to extend programming time later into the evening and on weekends. For example, The SWFWPF would like to utilize 6-12 lanes M/W/F from 6-8pm or 6:30-8:30pm and Saturdays and/or Sundays for 2-3 hours, as well as the ability to utilize the facility for clinics or tournaments on complementary weekends when the Sharks are not hosting meets.
2. The Sharks counter proposal required an exorbitant hourly rate significantly more than that required of similar non-profit program rental rates at facilities comparable to the Selby Aquatic Center. This is based on research of other facilities from FAU here in Florida to Long Beach State University Aquatic Center in California. Recently, the Selby pool's liner was replaced which required the Sharks to rent other facilities to accommodate their practice schedule. The rate quoted by the Sharks to the SWFWPF for pool rental was 5x to 10x what the Sharks paid the Venice YMCA and City of Sarasota for use of their facilities. This highlights the conflict of interest the

Sharks organization has with regard to being awarded exclusive management of Selby. It also illustrates the predatory pricing practices used by the Sharks to exclude competitive organizations from using Selby despite valuable programming and ancillary benefits that these other organizations can deliver to the community and the County.

We believe the County should lease Selby to an independent entity to maintain and manage the facility. This organization will be required to have Board members from different constituencies within the community, including the County, and will provide fair and balanced access to the facility in a way that allows all area aquatic sports to thrive. Regrettably, the current Agreement unequivocally subsidizes a private swim club to the tune of \$180,000 per year without expert oversight, accountability or any promise of fair and equitable access to all and any community aquatic organizations that can comprehensively enrich Sarasota County youth and masters sports.

If the County does not open the current lease negotiation which involves a total term of 30 years and an investment of \$8.6 million based on required Public Hearings for Agreements by the County of such significance; or seek a new independent operations and management partner in the immediate future, the County should amend the proposed lease and add requirements the Sharks must achieve. Such amendments and requirement should include at a minimum but are not limited to:

- *Require the Sharks to bring on three or more additional Board members from outside the Sharks Swimming community to ensure community access for all.* The Chairman of the Board shall also be from outside of, and independent from, the Sharks leadership or swim team. We would be happy to provide one or all of these Board members. It is critical to provide other voices on this Board in order to create balance and community equity. It would be shameful not to require this stipulation should the County move forward with leasing the facility to the Sharks.
- *Require the Sharks to modify their mission statement.* While some documents may state otherwise, according to their own 990, “*The purpose of Sarasota Sharks, Inc is to teach swimming and create a competitive swimming team for all ages.*” This is their understandably self-serving mission. It shows the Sharks organization is in place to

develop their swim team and nothing else. It is problematic not to require the Sharks or any partner to have a mission that includes “fostering competitive AQUATICS for Sarasota County” for the County to move forward with leasing the facility to the Sharks.

- *Change all references to ‘competitive swimming’ to ‘competitive aquatics’.* We note the current agreement makes several references to ‘competitive swimming.’ We believe this phrase needs to be changed to ‘competitive aquatics’ by any local aquatics organization independent of whether it is competitive with the Sharks’ where applicable. There is no reason to exclude other competitive aquatic sports from using the facility. It would be shameful to disallow another aquatic sport from fair and equitable use of Selby simply because it was excluded from the contract.
- *Require the Sharks support the needs of the County and organizations in the County who are offering training and event facilities for competitive Aquatics.* The lease should prohibit the Sharks from using predatory pricing as well as excluding organizations they view as competitive to the Sharks. Rather, language should require fair and equitable use throughout the Agreement.
- *Modify the term of this agreement to no more than three years from 10 without renewals.* While the idea of subsidizing a private swim club with \$180,000 per year of taxpayer money is shameful, it would be negligent to revisit this only once every 10 years.

As always, we appreciate County Government’s efforts to do what is right for the citizens of Sarasota County. Unfortunately, the Sharks’ goals are vastly different from this mission.

We appreciate the attention to the points above and trust we will receive an immediate response as we understand that this Agreement is now to be concluded by August 31st rather than September 30th after a Public Hearing as originally contemplated.

Sincerely,



Founding Board Member