

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: October 8, 2024

Consent
 Ordinance

Regular
 Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

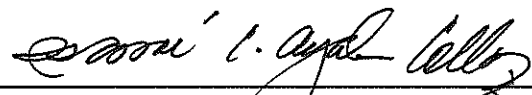
Motion and Title: Staff recommends motion to approve: First Amendment to the Agreement with the Friends of Mounts Botanical Garden, Inc. (FMBG) (Agreement) to extend the term of the agreement for the development of a new Master Plan from October 18, 2024 to October 17, 2025.


Summary: On October 18, 2022, the Board of County Commissioners (BCC) approved the Agreement (R2022-1245) with FMBG for the development of a new Master Plan for the Mounts Botanical Garden (Garden). The Agreement provides for three (3) renewal options, each for a period of one (1) year. FMBG has requested to exercise the first renewal option as it is still working towards retaining the professional services required for development of the Master Plan. FMBG has approved the amendment to renew the term of the Agreement to October 17, 2025, and the renewal now requires approval by the BCC. This item carries no fiscal impact. The First Amendment extends the term of the Agreement and adds the Disclosure of Foreign Gifts and Contracts with Foreign Countries of Concern and Human Tracking Affidavit provisions. Other than the changes set forth herein, all other terms remain the same. **(FDO Admin) District 2/Countywide (MWJ)**

Background and Justification: FMBG and the County have collaborated in the operation and management of the Garden since 1983. In 1992, a formal agreement (1992 Agreement) was entered into by the parties to provide how the County and FMBG would collaborate in the operation and management of the Garden. On October 18, 2022, the BCC approved the Agreement to develop a new Master Plan for the Garden. FMBG, in collaboration with County staff, is to lead and fund the process for the development of the new Master Plan. Upon completion of the Master Plan and recommendation for approval of same by FMBG, the Master Plan will be submitted to the BCC for approval. Upon BCC approval of the Master Plan, FMBG and County staff will revisit the 1992 Agreement regarding the collaboration in the operation and management of the Garden.

Attachment:

- 1. Location Map
- 2. First Amendment – Friends of Mounts Botanical, Inc.

Recommended By: MB  9/11/24
Department Director **Date**

Approved By:  9/23/24
County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

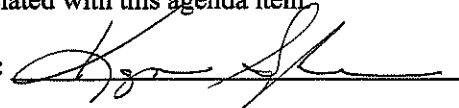
Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0.00*</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X
Is this item using Federal Funds: Yes _____ No X
Is this item using State Funds: Yes _____ No X

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____

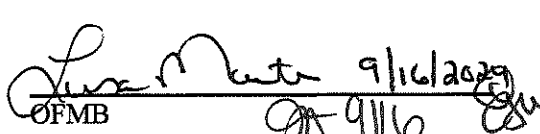
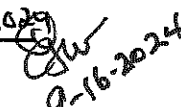
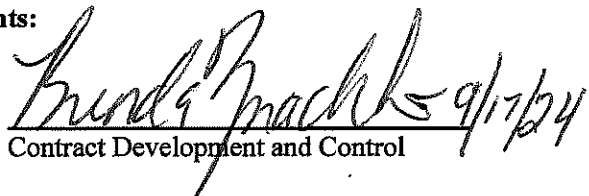
B. Recommended Sources of Funds/Summary of Fiscal Impact:

*This is no fiscal impact associated with this agenda item.

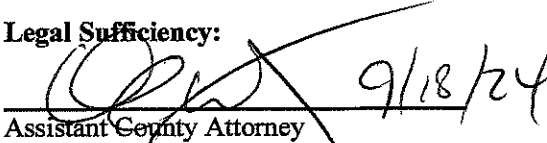
C. Departmental Fiscal Review: 

III. REVIEW COMMENTS


A. OFMB Fiscal and/or Contract Development Comments:

 9/16/2024
 OFMB 9/16/24
 9-16-2024
 9/17/24
 Contract Development and Control

B. Legal Sufficiency:

 9/18/24
 Assistant County Attorney

C. Other Department Review:


 Department Director

This summary is not to be used as a basis for payment.

ATTACHMENT 1
Location Map



Address: 531 N. Military Trail, WPB

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT to the Agreement R2022-1245 dated October 18, 2022 (“Agreement”), is made and entered into on October 8, 2024, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter referred to as “COUNTY”), and the Friends of the Mounts Botanical Garden, Inc., a Florida not-for-profit corporation (hereinafter referred to as “FMBG”) (collectively the “Parties”).

In consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The term of the Agreement, is renewed beginning on October 18, 2024 and continuing through October 17, 2025, pursuant to the exercise of the first of three (3) one (1) year renewal options.
2. The Agreement is hereby modified to add the following:

Q. Disclosure of Foreign Gifts and Contracts with Foreign Countries of Concern. Pursuant to F.S. 286.101, as may be amended, by entering into this Contract or performing any work in furtherance thereof, the FMBG certifies that it has disclosed any current or prior interest of, any contract with, or any grant or gift received from a foreign country of concern where such interest, contract, or grant or gift has a value of \$50,000 or more and such interest existed at any time or such contract or grant or gift was received or in force at any time during the previous five (5) years.

R. Human Trafficking Affidavit. FMBG warrants and represents that it does not use coercion for labor or services as defined in section 787.06, Florida Statutes. FMBG has executed Exhibit B, Nongovernmental Entity Human Trafficking Affidavit, which is attached hereto and incorporated herein by reference.

3. Except as specifically modified above, the terms and conditions of the Agreement are hereby confirmed and remain in full force and effect.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and FMBG has hereunto set its hand the day and year above written.

ATTEST:

JOSEPH ABRUZZO
Clerk & Comptroller

**PALM BEACH COUNTY, a Political
Subdivision of the State of Florida,
by its Board of County Commissioners**

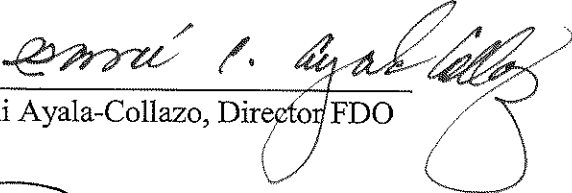
By: _____
Deputy Clerk

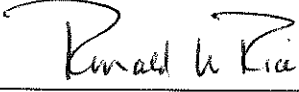
By: _____
Maria Sachs, Mayor

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: 
Asst. County Attorney

**APPROVED AS TO TERMS
AND CONDITIONS**

By: 
Isami Ayala-Collazo, Director FDO

By: 
Ronald Rice, Director,
Extension Department

**FRIENDS OF THE MOUNTS BOTANICAL
GARDEN, INC.**

**Witnesses for
Friends of Mounts:**

Mary L. Ahlgren
Witness Signature

MAX LOU AHLGREN
Name (typed or printed)

Kath Doane
Witness Signature

Kathleen Doane
Name (typed or printed)

By: Rebecca Doane
Rebecca Doane, President

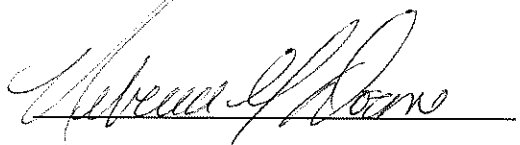
EXHIBIT B

**NONGOVERNMENTAL ENTITY HUMAN TRAFFICKING AFFIDAVIT
Section 787.06(13), Florida Statutes**

THIS AFFIDAVIT MUST BE SIGNED AND NOTARIZED

I, the undersigned, am an officer or representative of _____
Friends of the Mounts Botanical Garden, Inc., (FMBG) and attest that FMBG does not use
coercion for labor or services as defined in section 787.06, Florida Statutes.

**Under penalty of perjury, I hereby declare and affirm that the above stated facts are true
and correct.**



(signature of officer or representative)

REBECCA G. DOANE

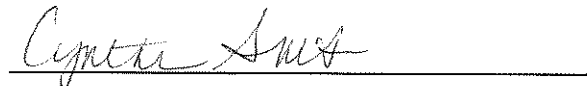
(printed name and title of officer or representative)

State of Florida, County of Palm Beach

Sworn to and subscribed before me by means of physical presence or online notarization
this, 12th day of August, 2024, by Rebecca G. Doane.

Personally known OR produced identification .

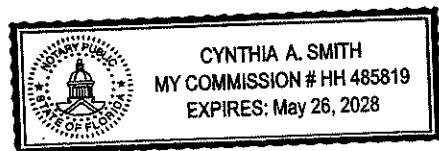
Type of identification produced _____.



NOTARY PUBLIC

My Commission Expires:

State of Florida at large



(Notary Seal)