

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

---

Meeting Date: August 25, 2020       Consent       Regular  
     Workshop       Public Hearing

Department:              Cooperative Extension Service

Submitted By:           Cooperative Extension Service

---

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to:

- A) **accept** the donation of \$189,982 from the Friends of the Mounts Botanical Garden, Inc. (Friends) for the display of Moai statues fabricated and installed by Aqua Escapes, Inc. which includes \$3,485 in County staff charges for the County Public Art Administrator's role in contract management, oversight of statue design, development and siting, and risk management compliance; and
  
- B) **approve** a budget amendment in the Cooperative Extension Revenue Fund (Fund 1482) in the amount of \$189,982.

**Summary:** The Friends agree to fund all costs associated with this project. The Friends donation of \$189,982 to County includes 1) a \$186,497 fee for Aqua Escapes' services which covers all materials, expenses, supplies, equipment and the design, fabrication and installation of the Moai statues as well as required insurance coverage and 2) County staff charges of \$3,485 for the County Public Art Administrator's role in contract management, oversight of statue design, development and siting, and risk management compliance. District 7 (AH)

**Background and Justification:** The Moai statues will reinforce the Mounts Botanical Garden mission to inspire and educate, and enhance the sensory and spiritual experience of the Garden. The design development and construction period will take approximately fourteen weeks. Statue siting shall be at the discretion of Mounts Botanical Garden Staff and the County's Facilities Development & Operations/Strategic Planning/Art in Public Places Administrator. The statues will become the property of the County and any ongoing maintenance will be the responsibility of the County. The Agreement with Aqua Escapes will be brought to the BCC for approval at a later date.

**Attachments:**

- 1. Budget Amendment
- 2. Letter to Donate

Recommended By: Ernesto La Rica                      3 AUGUST 2020  
    Department Director                                      Date

Approved By: Wendy J. Blue                                      8/18/2020  
    Assistant County Administrator                                      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures					
Operating Costs	\$189,982				
External Revenues	(\$189,982)				
Program Income(County)					
In-Kind Match(County)					
* NET FISCAL IMPACT	\$0				
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget?                      Yes      No X  
 Does this item include the use of federal funds?      Yes      No X

**Budget Account No:**

Exp: Fund	Agency	Organization	Object
<u>1482</u>	<u>310</u>	<u>1409</u>	<u>3401</u>
Rev: Fund	Agency	Organization	Source Code
<u>1482</u>	<u>310</u>	<u>1409</u>	<u>6600</u>

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

Donation of \$189,982 from the Friends of the Mounts Botanical Garden, Inc.

**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS:**

**A. OFMB Fiscal and/or Contract Dev. and Control/Comments:**

*[Signature]* 8/6/2020  
 OFMB 2020

*[Signature]* 8-10-2020  
 Contract Dev. & Control

**B. Legal Sufficiency**

*[Signature]* 8/13/2020  
 Assistant County Attorney

**C. Other Department Review**

\_\_\_\_\_  
 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)  
 SUMMARY (CONT'D):

20-0972

BOARD OF COUNTY COMMISSIONERS  
 PALM BEACH COUNTY, FLORIDA  
 BUDGET AMENDMENT

1482 Cooperative Extension Rev Fund

BGRV 072720\*525  
 BGEX 072720\*1705

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 09/17/2019	REMAINING BALANCE
<b><u>REVENUES</u></b>								
310-1409-6600	Contrib/Dontns Frm Privt Srces	0	0	189,982	0	189,982		
	<b>Total</b>	<b>445,946</b>	<b>500,747</b>	<b>189,982</b>	<b>0</b>	<b>690,729</b>		
<b><u>EXPENDITURES</u></b>								
310-1409-3401	Other Contractual Services *	0	0	189,982	0	189,982		189,982
	<b>Total</b>	<b>445,946</b>	<b>500,747</b>	<b>189,982</b>	<b>0</b>	<b>690,729</b>	<b>0</b>	<b>690,729</b>

County Cooperative Extension  
 INITIATING DEPARTMENT/DIVISION  
 Administration/Budget Department Approval  
 OFMB Department - Posted

Signatures & Dates  
*Ronald W. Rice* 3 August 2020  
*John* 8/16/2020

By Board of County Commissioners  
 At Meeting of 8/25/2020  
 Deputy Clerk to the  
 Board of County Commissioners



**Friends of Mounts Botanical Garden, Inc.**  
**Letter to Donate**  
**July 11, 2020**

Dear Palm Beach County Board of County Commissioners,

This letter is to certify that The Friends of the Mounts Botanical Garden, Inc., a Florida Not For Profit Corporation (“Friends”), will donate \$189,982 to Palm Beach County, a political subdivision of the State of Florida (“County”), conditioned upon the use of this donation for Moai statues fabricated and installed by Aqua Escapes, Inc. (“Aqua Escapes”). Friends shall deliver a check made payable to Palm Beach County Board of County Commissioners in the amount of \$189,982 to the County’s Cooperative Extension Department within 10 days of the County’s acceptance and execution of this donation letter. Friends acknowledges that the County will not execute any agreement with Aqua Escapes for the fabrication and installation of the statues until the donation is received by the County.

Friends agrees to fund all costs associated with this project. The Friend’s donation of \$189,982 to the County includes: 1.) a \$186,497 fee for Aqua Escapes’ services which covers all materials, expenses, supplies, equipment and the design, fabrication and installation of the Moai statues as well as required insurance coverage; and 2) County staff charges of \$3,485 for the County Public Art Administrator’s role in contract management, oversight of statue design, development and siting, and risk management compliance.

The Moai statues will reinforce the Mounts Botanical Garden mission to inspire and educate, and enhance the sensory and spiritual experience of the Garden. The design development and construction period will take approximately fourteen weeks. Statue siting shall be at the discretion of Mounts Botanical Garden Staff and the County’s Facilities Development & Operations/Strategic Planning/Art in Public Places Administrator.

The statues will become the property of the County and any ongoing maintenance will become the financial and performance responsibility of the County. The County will use its best efforts to maintain the statues according to the instructions of Aqua Escapes, but Friends will have no cause of action against the County if the statues are damaged, destroyed or removed at the County’s sole discretion.

Friends selected Aqua Escapes and all subcontractors and consultants without consultation with or advice from the County. Friends acknowledges that the County will be entering into a services

responsible for any costs in excess of the \$189,982, including County's costs of litigation and attorney's fees, associated with the fabrication and installation of the statues.

Sincerely,

**Friends of Mounts Botanical Garden, Inc.**

By: Carol S Smith Title: President  
Signature

Name: Carol S Smith Date: 7/11/2020  
Printed

**Must be signed by an officer of the Corporation**

---

**ACCEPTED:**  
Palm Beach County

By: \_\_\_\_\_  
**Dave Kerner, Mayor**

Date: \_\_\_\_\_