

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

**Meeting Date:** February 2, 2021

**Consent**

**Regular**

**Ordinance**

**Public Hearing**

**Department:** Facilities Development & Operations

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to receive and file: a First Amendment (“Amendment”) to the agreement to host Ribbit the Exhibit (R-2020-1570), which Amendment extended the de-installation and return of the exhibit to July 20, 2020, due to the coronavirus pandemic.

**Summary:** In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. Pursuant to PPM CW-F-072, Acquisition of Artwork, the attached Amendment, after review and approval by the County Attorney’s office, has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee. This executed document is now being submitted to the Board to receive and file. **(FDO Admin) Countywide (MWJ)**

**Background & Justification:** PPM CW-F-072, which provided the authority for the County Administrator or designee to execute this type of agreement, was designed to establish quality control over and streamline the process for the acquisition of temporary or permanent artwork.

**Attachments:** First Amendment to Agreement to Host Ribbit the Exhibit.

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**Recommended By:** wb *David C. Ayala* 1/04/21  
**Department Director** **Date**

**Approved By:** *W. Baker* 1/13/21  
**County Administrator** **Date**

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

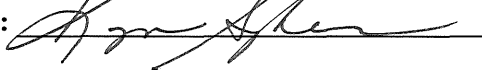
Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_  
 Does this item include the use of federal funds? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No:

Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Revenue Source \_\_\_\_\_  
 Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Revenue Source \_\_\_\_\_

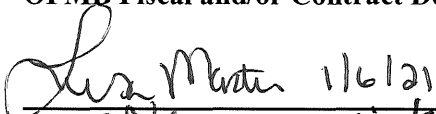
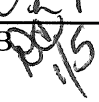
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**


\*There is no fiscal impact associated with this item.

**C. Departmental Fiscal Review:** 


**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

 11/6/21  
 OFMB  8/15/21 LM 1/05

 11/7/21  
 Contract Development and Control  
 1-7-21 TW

**B. Legal Sufficiency:**

 1/12/21  
 Assistant County Attorney

**C. Other Department Review:**

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

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

**FIRST AMENDMENT TO AGREEMENT  
TO HOST RIBBIT THE EXHIBIT**

This First Amendment (“Amendment”) to Agreement to Host Ribbit the Exhibit (“Agreement”) is made as of the 15 day of June, 2020, by and between J Cobb Group. (“COBB”), a North Carolina corporation, whose address is 117 Live Oak Drive, Wrightsville Beach, North Carolina and PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of Commissioners (“COUNTY”), together with the Friends of Mounts Botanical Garden, Inc. a Florida non-profit corporation (the “FRIENDS”).

**WHEREAS**, in response to the COVID-19 pandemic, numerous State of Emergency orders by state and local officials have been issued to protect the health, safety, welfare, and interests of the citizens of Palm Beach County, Florida, as well as the public in general; and

**WHEREAS**, due to travel restrictions resulting from the COVID-19 pandemic, COBB wishes to extend the date of de-installation of the Ribbit the Exhibit (“Exhibit”) at the Mounts Botanical Garden (“Mounts”); and

**WHEREAS**, COUNTY and FRIENDS agree that as a result of the COVID-19 pandemic, it would be prudent to extend the date to de-install the Exhibit.

**NOW THEREFORE**, in consideration of the mutual promises contained herein, the parties agree as follows:

1. **Extension.** This Amendment shall extend the expiration date of the Agreement to the complete de-installation and return of the Exhibit no later than July 20, 2020 (“Booking Period End Date”).
2. **No Additional Compensation.** Since this extension is due to the COVID-19 pandemic, there shall be no additional compensation owed to COBB for the extended period the Exhibit will be at Mounts.
3. **COUNTY may move and store Sculptures.** The parties recognize that COUNTY, in preparing to re-open Mounts to the public, must take steps to ensure safety during the COVID-19 pandemic. For example, Mounts will seek to limit access to or remove items that may be repeatedly touched by members of the public. Therefore, in its sole discretion, COUNTY may move and/or store any of the twenty-three sculptures that make up the Exhibit.
4. Except as modified by this Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the parties.

**REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY**

IN WITNESS WHEREOF, this Agreement has been fully executed on behalf each of the parties hereto by the duly authorized representatives of each, as of the date first written above.

ATTEST:

By: [Signature]  
FDO Fiscal Manager

PALM BEACH COUNTY

By: [Signature]  
Director, PDO

Approved as to  
Legal Sufficiency:

By: [Signature]  
Assistant County Attorney

Approved as to Terms and Conditions:

By: [Signature] Sr. ETS  
AIPP Administrator

WITNESS:

By: [Signature]  
Signature

COBB:

By: [Signature]  
James Cobb, President

[Signature]  
Print Witness Name

WITNESS:

Friends of Mounts Botanical Garden Inc.:

By: [Signature]  
Signature

By: [Signature]  
Carol Smith, President

[Signature]  
Print Witness Name