

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 16, 2025	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF


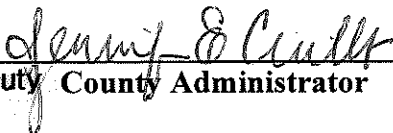
Motion and Title: Staff recommends motion to approve: Second Amendment to the Agreement (R2022-1245) with the Friends of Mounts Botanical Garden, Inc. (FMBG) (Agreement) to extend the term of the agreement from October 18, 2025, to October 17, 2026, for the development of a new Master Plan.

Summary: On October 18, 2022, the Board of County Commissioners (BCC) approved the Agreement with FMBG for the development of a new Master Plan for the Mounts Botanical Garden (Garden). The First Amendment (R2024-1325) extended the term of the Agreement through October 17, 2025. To allow adequate time for continued collaboration with County staff and for the consulting firm, Perkins + Will, Inc., selected by FMBG, to develop the Master Plan proposal, FMBG is requesting to exercise the second of three (3) one (1)-year renewal options under the Agreement. FMBG has approved the Second Amendment to extend the term to October 17, 2026, and the renewal now requires approval by the BCC. The Second Amendment extends the term of the Agreement and updates the standard Non-Discrimination provision. 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 on 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. On October 8, 2024, the BCC approved the First Amendment to the Agreement, which extended the term through October 17, 2025, and incorporated standard provisions addressing Foreign Gifts and Human Trafficking. The Agreement allows for three (3) one (1)-year renewal options. Upon approval of this Second Amendment, one (1) renewal option will remain. 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. Second Amendment – Friends of Mounts Botanical, Inc.

Recommended By: <u>MJ</u>	<u></u>	<u>8/8/25</u>
	Department Director	Date
Approved By: <u>Jenny O'Connell</u>	<u></u>	<u>9/2/25</u>
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

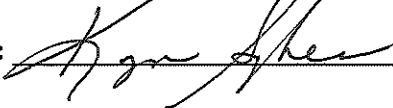
Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	0.00*	0.00	0.00	0.00	0.00
# ADDITIONAL FTE POSITIONS (Cumulative)					

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.

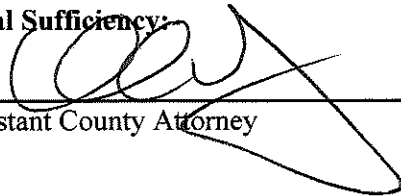
C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 8/16/2025
OFMB
8/18/25
Esw 8-18-25

 8/20/25
Contract Development and Control 26.8.20.25

B. Legal Sufficiency:  8/21/25
Assistant County Attorney

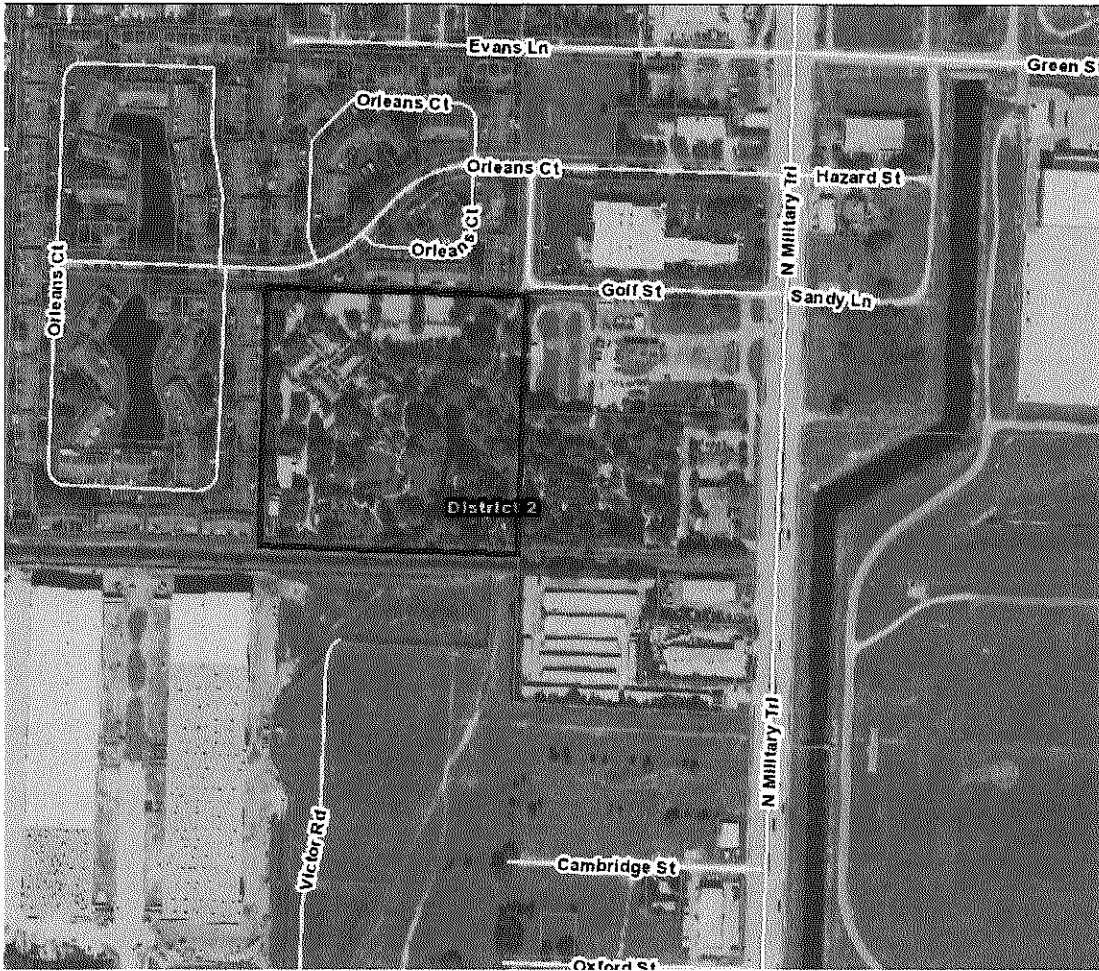
C. Other Department Review:

Department Director

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

ATTACHMENT 1

Location Map



Address: 531 N. Military Trail, WPB

SECOND AMENDMENT TO AGREEMENT

THIS SECOND AMENDMENT to the Agreement R2022-1245 dated October 18, 2022, as amended by R2024-1325 dated October 8, 2024 (collectively, "the Agreement"), is made and entered into on September 16, 2025, 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, 2025 and continuing through October 17, 2026, pursuant to the exercise of the second of three (3) one (1) year renewal options.
2. Section V.K. of the Agreement is deleted in its entirety and replaced with the following:

K. Nondiscrimination. The COUNTY is committed to assuring equal opportunity in the award of contracts and complies with all laws prohibiting discrimination. Pursuant to Palm Beach County Resolution R2025-0748, as may be amended, FMBG warrants and represents that throughout the term of the Agreement, including any renewals thereof, if applicable, all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, or genetic information. Failure to meet this requirement shall be considered default of the Agreement.
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:
MICHAEL A. CARUSO
CLERK & COMPTROLLER

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

By: _____
Deputy Clerk


By: _____
Maria G. Marino, Mayor

APPROVED AS TO
LEGAL SUFFICIENCY

By:  _____
Asst. County Attorney


APPROVED AS TO TERMS
AND CONDITIONS

By:  8/5/25
Jason Crosby, Acting FDO Director

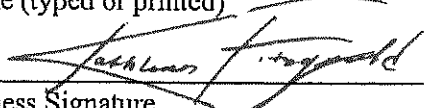
By:  _____
Ronald Rice, Director,
Extension Department

FRIENDS OF THE MOUNTS
BOTANICAL GARDEN, INC.

Witnesses for
Friends of Mounts:


Witness Signature

Beovo Retrak
Name (typed or printed)


Witness Signature

Kathleen Fitzgerald
Name (typed or printed)

By: 
Scott Scovill, President