

**AMENDMENT NO. 1 TO THE FUNDING AGREEMENT BETWEEN
THE CITY OF DELRAY BEACH AND
THE FRIENDS OF SANDOWAY HOUSE NATURE CENTER, INC.**

THIS AMENDMENT NO. 1 to the Funding Agreement dated _____ by and between the **CITY OF DELRAY BEACH**, a Florida Municipal Corporation (hereinafter referred to as “**CITY**”), and **THE FRIENDS OF SANDOWAY HOUSE NATURE CENTER , INC.**, a Florida not-for-profit corporation, (hereinafter referred to as “**SANDOWAY**”) is made this ____ day of _____, 2017.

W I T N E S S E T H:

WHEREAS, the City entered into an agreement to provide SANDOWAY an annual funding amount for a period of five years (“Funding Agreement”); and

WHEREAS, in exchange for receiving this funding amount, SANDOWAY agreed to certain annual reporting requirements, which included the obligation to provide to the City an audit of its business operations; and

WHEREAS, due to cost of obtaining an audit, the parties desire to amend the Funding Agreement to allow SANDOWAY to provide a compilation report of its business operations instead of an audit.

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

1. **Recitations**. The recitations set forth above are true and correct and incorporated herein by reference.
2. **Revisions**. The CITY and SANDOWAY agree to amend the Funding Agreement, paragraphs 4, 5, and 6 as follows:

4. Within One Hundred and Eighty days after execution of this agreement, SANDOWAY shall submit the following reports to the CITY in a form reasonably acceptable to the CITY, and which shall confirm that SANDOWAY has operated and shall continue to operate in such a manner as to meet the Performance Standards described in Exhibit "A".

(a) SANDOWAY'S annual business plan which shall contain the following information: operations, business structure, fund raising and capital development plan and five-year strategic plan.

(b) SANDOWAY'S annual budget for its 2016-17 fiscal year and for its 2015-16 fiscal year.

(c) ~~The most recent audit~~ A recent compilation report of SANDOWAY'S business operations, including ~~management letters, responses to management letters (if any) and~~ SANDOWAY'S annual income tax returns, IRS Form 990, 990-T or equivalent.

(d) An outreach and diversity plan relating to SANDOWAY'S services, which includes specific goals in appointments to SANDOWAY'S governing board to reflect the diversity of the community it serves.

5. Prior to the issuance of the annual Funding Amount for each subsequent year of this Agreement, SANDOWAY shall submit to the CITY its ~~audit~~ compilation report from the prior fiscal year and an annual report in a form reasonably acceptable to the CITY, which shall include the following: (a) a description of the principal activities, programs and services offered and provided

by SANDOWAY during the preceding fiscal year; (b) the number of persons who participated in activities and programs held by SANDOWAY during the preceding fiscal year; and (c) a written statement signed by SANDOWAY which sets forth its status on meeting the Performance Standards, and which of such Performance Standards were not met, all with appropriate explanation.

6. SANDOWAY acknowledges that failure to timely provide ~~an audit~~ a compilation report and an annual report to the CITY as described in Paragraph 5 may result in the City terminating this Agreement in accordance with Paragraph 10 below and may negatively impact the CITY's funding of SANDOWAY programs in the future.

3. **Full Force and Effect.** All other terms and conditions of the Funding Agreement not expressly modified by this Amendment No. 1 thereto remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be duly executed on the day and year first above written.

ATTEST:

CITY OF DELRAY BEACH, FLORIDA

Katerri Johnson, City Clerk

By: _____
Cary D. Glickstein, Mayor

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney

FRIENDS OF SANDOWAY HOUSE

By: _____
Print Name: _____
Title: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2017 by _____, as _____ (name of officer or agent, title of officer or agent), of _____ (name of corporation acknowledging), a _____ (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification.

Notary Public – State of Florida