



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118595

Record No.: CB 118595

Type: Ordinance (Ord)

Status: Passed

Version: 1

124979

In Control: City Clerk

File Created: 11/20/2015

Final Action: 01/14/2016

**Title:** AN ORDINANCE authorizing an agreement with the Arboretum Foundation for support of the Seattle Japanese Garden.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Godden

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 - Terms of Agreement - Japanese Garden Transition

Drafter: paula.hoff@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	12/01/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	12/01/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	12/02/2015	sent for review	Parks, Seattle Center, Libraries, and Gender Pay Equity Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Parks, Seattle Center, Libraries, and Gender Pay Equity Committee						
	Notes:						
1	Full Council	12/07/2015	referred	Parks, Seattle Center, Libraries, and Gender Pay Equity Committee			

**Action Text:** The Council Bill (CB) was referred. to the Parks, Seattle Center, Libraries, and Gender Pay Equity Committee

**Notes:**

1 Parks, Seattle Center, Libraries, and Gender Pay Equity Committee 12/15/2015 pass Pass

**Action Text:** The Committee recommends that Full Council pass the Council Bill (CB).

In Favor: 2 Chair Godden, Member Rasmussen

Opposed: 0

Abstain: 1 Vice Chair Harrell

1 Full Council 01/11/2016 passed Pass

**Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1 City Clerk 01/12/2016 submitted for Mayor's signature Mayor

**Action Text:** The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

**Notes:**

1 Mayor 01/14/2016 Signed

**Action Text:** The Council Bill (CB) was Signed.

**Notes:**

1 Mayor 01/14/2016 returned City Clerk

**Action Text:** The Council Bill (CB) was returned. to the City Clerk

**Notes:**

1 City Clerk 01/14/2016 attested by City Clerk

**Action Text:** The Ordinance (Ord) was attested by City Clerk.

**Notes:**

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**CITY OF SEATTLE**

**ORDINANCE** 124979

**COUNCIL BILL** 118595

1  
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4  
5 AN ORDINANCE authorizing an agreement with the Arboretum Foundation for support of the  
6 Seattle Japanese Garden.

7  
8 WHEREAS, Seattle Parks and Recreation desires to develop the Seattle Japanese Garden  
9 (“Garden”), located within the Washington Park Arboretum (“Arboretum”), to ensure its  
10 long-term sustainability and preserve the cultural connection the Garden provides; and

11 WHEREAS, in order to determine how best to operate and support the Garden, Seattle Parks and  
12 Recreation and the Japanese Garden Society undertook an Optimal Operations Study  
13 (“Study”); and

14 WHEREAS, the Study evaluated operating models and concluded that operation by a nonprofit  
15 entity would best serve the Garden’s long-term needs; and

16 WHEREAS, the Arboretum Foundation (“Foundation”), a Washington nonprofit corporation,  
17 has offered to take over fundraising, volunteer, and advocacy responsibilities for the  
18 Garden; and

19 WHEREAS the Foundation has a long history and a proven track record supporting the  
20 Arboretum in which the Garden is located by, among other things, delivering events,  
21 fundraising, and providing marketing and membership support and both the City and the  
22 Foundation will be advantaged by the geographic proximity and complementary missions  
23 of the Garden and the Arboretum; and

1 WHEREAS, the City and the Foundation have negotiated the terms and conditions under which  
2 the Foundation is willing to undertake such fundraising, volunteer, and advocacy  
3 responsibilities for the Garden ; NOW, THEREFORE,

4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5 Section 1. The Superintendent of Parks and Recreation or the Superintendent's designee  
6 is authorized for and on behalf of The City of Seattle to negotiate an agreement with the  
7 Arboretum Foundation for the support of the Seattle Japanese Garden that is consistent with the  
8 terms and conditions contained in the Terms of Agreement between the parties, included as  
9 Attachment 1 to this ordinance.

10

1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 11<sup>th</sup> day of January, 2015, and  
5 signed by me in open session in authentication of its passage this  
6 11<sup>th</sup> day of January, 2015.

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8 \_\_\_\_\_

9 President \_\_\_\_\_ of the City Council

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11 Approved by me this 14<sup>th</sup> day of January, 2015. <sup>2016 AUG</sup>

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14 \_\_\_\_\_

15 Edward B. Murray, Mayor

16 Filed by me this 14 day of January, 2015. <sup>2016 20</sup>

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19 \_\_\_\_\_

20 Monica Martinez Simmons, City Clerk

21 (Seal)

22 Attachments:  
23 Attachment 1 - Terms of Agreement: Japanese Garden Transition

## TERMS OF AGREEMENT

### JAPANESE GARDEN TRANSITION

The purpose of this Term Sheet is to set forth the understanding of The City of Seattle (City) and The Arboretum Foundation (Foundation) with respect to the operation of the Japanese Garden as the Foundation prepares to take over fundraising responsibilities for the Garden previously undertaken by the Associated Recreation Council (ARC). The undersigned agree that this Term Sheet is not a binding contract but is an expression of the principal terms proposed by each to accomplish their mutual objectives. Neither party shall have any obligation to the other until a final agreement is executed.

#### **I. Basic Obligation of Arboretum Foundation. The Foundation will:**

1. Replace ARC as the primary support organization of the Japanese Garden.
2. Recognize Seattle Parks and Recreation (SPR) as the owner and operator of the Seattle Japanese Garden.
3. Work with SPR to raise funds, recruit volunteers and advocate for the Japanese Garden, in a similar manner to which it provides support to the other parts of the Washington Park Arboretum; hire sufficient staff to provide the services to be performed under the agreement.
4. Support implementation of designated events.
5. Coordinate and train volunteers consistent with SPR policies.
6. Develop and implement a Japanese Garden Membership Program.
7. Collaborate with SPR on a branding and marketing strategy.
8. Work with SPR to develop a public education and cultural enrichment program.
9. Provide an annual report, work plan, and financial report SPR.

#### **II. Basic Obligations of the City of Seattle. The City will:**

1. Operate, maintain and manage the Seattle Japanese Garden, including grounds, entry gatehouse and buildings associated with the garden.

2. Coordinate with the Foundation as the primary support organization for the Japanese Garden, with respect to managing and conducting events, fundraising, membership, volunteer coordinating, branding and marketing, and advocacy.
3. Provide Tateuchi Room rental and usage for the Foundation on an agreed-upon schedule.
4. Provide the Foundation with timely input on policy issues.
5. Each year, provide an agreed share of Gatehouse fees to the Foundation as described in Section IV.

**III. Obligations Common to both Parties. The parties will:**

1. Enter into an agreement spelling out the parties' arrangement with the intent to ensure the financial sustainability of the Japanese Garden. The term of the Agreement shall be five years and the Agreement shall be reviewed together annually to ensure that the arrangement works for both parties.
2. Work together in good faith to identify the best way to achieve long-term sustainability for the Japanese Garden; ensuring that SPR can continue to provide the necessary maintenance and operation and that the Foundation can administer the fundraising and special events, memberships, marketing and volunteer programs.
3. Work with ARC on the transition plan.
4. Ensure that the history and culture of the Japanese Garden is reflected and honored through programming, priorities and cultural events.
5. Look for additional opportunities to bring the public, in particular the Japanese cultural community, to enjoy this gem in our Parks and Recreation system.

**IV. Financial Arrangement**

<b>FUND PURPOSE</b>	<b>FUNDING COMMITTED</b>	<b>FUNDING SOURCE</b>	<b>TOTAL TO AF</b>	<b>TOTAL TO SPR</b>
Transition Costs	\$65,000 one-time transition costs for migrating Japanese Garden Advisory Council (JGAC) finances, staff time and setting up the new Japanese Garden Committee structure, and event support.	\$30,000 Parks GF \$35,000 JGAC Fund Balance	\$65,000	
Operational Costs	Annually: \$280,000 to SPR for operational costs and \$40,000 to the Foundation for its support (total = \$320,000). Beyond \$320,000, the first \$10,000 will go to SPR. The remainder will be split 50/50 between the Foundation and SPR.	Japanese Garden Gate Revenues	Annually: \$40,000 + 50% of revenue beyond \$330,000	Annually: \$280,000 + the first \$10,000 beyond \$320,000, and 50% of revenue beyond \$330,000
Total Funds Transferred			\$65,000 (+) year 1 \$40,000 (+) year 1 - 5	\$280,000 (+)

THE CITY OF SEATTLE

ARBORETUM FOUNDATION

By \_\_\_\_\_

By \_\_\_\_\_

Dated \_\_\_\_\_

Dated \_\_\_\_\_