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

Version:	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:

CITY OF SEATTLE

ORDINANCE 124979

COUNCIL BILL 118595

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

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

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

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

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

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

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

Passed by the City Council the 11th day of January, 2015, and signed by me in open session in authentication of its passage this 11th day of January, 2015.

President _____ of the City Council

Approved by me this 14th day of January, ~~2015.~~ 2016 AUS

Edward B. Murray, Mayor

Filed by me this 14 day of January, ~~2015.~~ 2016 LD

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
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

FUND PURPOSE	FUNDING COMMITTED	FUNDING SOURCE	TOTAL TO AF	TOTAL TO SPR
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

By _____

Dated _____

ARBORETUM FOUNDATION

By _____

Dated _____

STATE OF WASHINGTON -- KING COUNTY

--ss.

333019

No. 124977,978,979

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

was published on

01/29/16

The amount of the fee charged for the foregoing publication is the sum of $71.78 which amount has been paid in full.

JENNIFER A. BARNES
COMMISSION EXPIRES
10-24-15
STATE OF WASHINGTON

Subscribed and sworn to before me on

01/29/2016

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle
Title Only Ordinances

The full text of the following legislation, passed by the City Council on January 11, 2016, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124977 AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to utility needs; authorizing the General Manager and Chief Executive Officer to execute an agreement for the City to grant an easement for access purposes over a portion of the City's fee-owned transmission corridor at 14355 Linden Avenue North in Seattle, Washington, and to accept the release of an easement at said address; accepting payment for the true and full value of the easement being granted from Rise Properties (Woodland Pointe) Limited Partnership; and ratifying and confirming certain prior acts.

Ordinance 124978 AN ORDINANCE relating to the rates, terms, and conditions for the use and sale of electricity supplied by the City Light Department; adding a new Section 21.49.088 to the Seattle Municipal Code to create a utility tax pass through; and amending Sections 21.49.020, 21.49.030, 21.49.040, 21.49.052, 21.49.055, 21.49.057, 21.49.081, and 21.49.100 of the Seattle Municipal Code to implement new distinct rates for the city of Lake Forest Park to allow for the potential addition of a utility tax.

Ordinance 124979 AN ORDINANCE authorizing an agreement with the Arboretum Foundation for support of the Seattle Japanese Garden.

Date of publication in the Seattle Daily Journal of Commerce, January 29, 2016.

1/29(333019)