



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, 12/15/2015 pass Pass
Libraries, and Gender
Pay Equity Committee

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
Mayor's signature

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

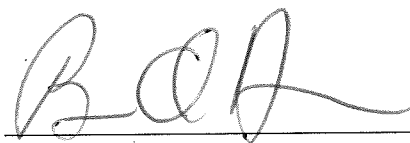
1 WHEREAS, the City and the Foundation have negotiated the terms and conditions under which
2 the Foundation is willing to undertake such fundraising, volunteer, and advocacy
3 responsibilities for the Garden ; NOW, THEREFORE,

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.

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.



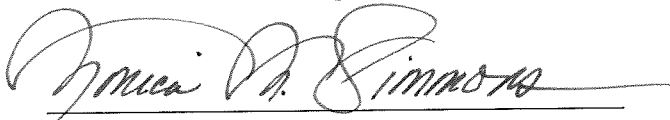
President _____ of the City Council

Approved by me this 14th day of January, 2015. ^{2016 AUG} 2



Edward B. Murray, Mayor

Filed by me this 14 day of January, 2015. ^{2016 LD} 2



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

ARBORETUM FOUNDATION

By _____

By _____

Dated _____

Dated _____

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle Parks and Recreation	Paula Hoff /615-0368	Catherine Cornwall /684-8725

1. BILL SUMMARY

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

Summary and background of the Legislation: The purpose of the legislation is to authorize approval of the Terms of Agreement (Term Sheet) which sets forth the understanding of Seattle Parks and Recreation (SPR) and the Arboretum Foundation (Foundation) with respect to the operation of the Japanese Garden. SPR is transitioning fundraising responsibilities for the Garden, previously undertaken by the Associated Recreation Council (ARC), to the Foundation. The new arrangement with the Foundation is intended to ensure the financial sustainability of the Japanese Garden. Seattle Parks and Recreation desires to strengthen the Japanese Garden, ensure its long term sustainability and preserve the cultural connection the garden provides. In order to best operate and support the garden, the Japanese Garden Society joined with Seattle Parks and Recreation to co-sponsor an Optimal Operations Study that explored opportunities to increase capacity, improve financial sustainability, address capital needs and improve operations. The study's ultimate goal was to identify a model that would provide the greatest public benefit.

The study was completed by ConsultEcon, Inc. in April of 2014. It reviewed three models for operations: the current model (ARC/Seattle Parks and Recreation model), an 'Improved ARC Model', and operations by a non-profit organization. The report reviewed baseline operating conditions; gave a market overview; sought stakeholder input; and provided an evaluation and recommendation for each model. The Study concluded that the Japanese Garden had the best chance for long-term success under a non-profit operating structure. The Associated Recreation Council has been filling this role; however their primary expertise is providing programming for Seattle Parks and Recreation facilities. The Arboretum Foundation has financial stability, a proven track record, geographic proximity, and a long history with the Japanese Garden and a focused mission on supporting the Washington Park Arboretum. The Foundation was instrumental in securing the funds for construction of the Tateuchi Room and the Gate House at the Japanese Garden. The Foundation's proven ability for securing endowments and their past contributions to the Japanese Garden make them the best fit to move into a role of fundraising, special events, marketing, membership support, volunteer and advocacy responsibilities for the Garden.

The Term Sheet states SPR and the Foundation will 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 operations and that the Foundation can administer the fundraising, special events, memberships, marketing and volunteer programs. Both parties will work with ARC on the transition plan and ensure that the history and culture of the Japanese Garden is reflected and honored through programming, priorities and cultural events. The Arboretum Foundation has a proven track record in delivering events, fundraising,

marketing and membership support for the Washington Park Arboretum. Adding these functions to the operations of the Japanese Garden will help create the on-going support needed to ensure a bright future for this gem in our Parks and Recreation system.

2. CAPITAL IMPROVEMENT PROGRAM

 This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

 X This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

- a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?** Yes, these terms are designed to improve the marketing, fundraising and visits at the Japanese Garden. Once the full agreement is executed, Parks and Recreation will request appropriation authority of approximately \$70,000 (of which \$30,000 is one-time) in a quarterly supplemental to implement the terms of the agreement for 2016 (backed by an anticipated increase in admission and pass revenues). The 2017-18 budget process will establish the ongoing appropriation.
- b) **Is there financial cost or other impacts of not implementing the legislation?**
Implementing this legislation will provide the organizational structure necessary to ensure long term sustainability of the Japanese Garden. As noted, the Arboretum Foundation has a strong history in delivering events, fundraising, marketing and membership support for the Washington Park Arboretum. Adding these functions to the operations of the Japanese Garden will help create the on-going support needed to ensure a bright future for this gem in our Parks and Recreation system.
- c) **Does this legislation affect any departments besides the originating department?**
No
- d) **Is a public hearing required for this legislation?**
No
- e) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No
- f) **Does this legislation affect a piece of property?**
Yes, the Japanese Garden located at the Washington Park Arboretum.
- g) **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

Bringing the Arboretum Foundation on as the primary support organization for the garden is intended to improve the customer experience and access to the Japanese Garden. This partnership will provide an opportunity to increase opportunities for visitors and volunteers, as well as enhance public education and programming for populations that are not familiar with this facility. This agreement also maintains the current fee structure which sets admission and pass fees as part of the Parks and Recreation Fee Schedule. Special event and program fees will be set in cooperation with the Arboretum Foundation (similar to the previous approach with the Associated Recreation Council).

- h) If this legislation includes a new initiative or a major programmatic expansion:
What are the long-term and measurable goals of the program? Please describe how
this legislation would help achieve the program's desired goals.**
N/A

- i) Other Issues:** None

List attachments/exhibits below: None

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.

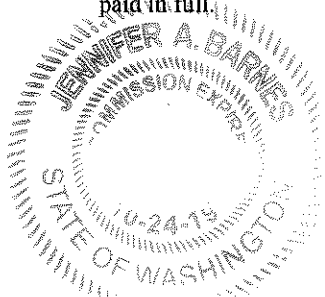
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCES

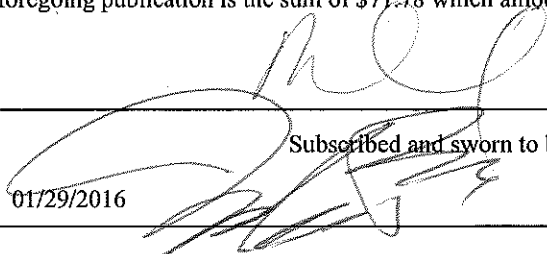
was published on

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.



Affidavit of Publication


Subscribed and sworn to before me on
01/29/2016

Notary public for the State of Washington,
residing in Seattle

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 14365 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.
1/29/2016(333019)