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# 190913

Emergency Ordinance

## \*Authorize License Agreement with the Leach Garden Friends to operate and manage the Leach Botanical Garden

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Leach Botanical Garden ("the Garden"), located in Southeast Portland, was devised to the City by the wills of John and Lilla Leach with the express condition that the Garden be used as a botanical park and museum for the benefit of the public.
2. The Leach Garden Friends ("LGF") is an Oregon non-profit organization with the mission of sustaining, enhancing, and promoting the Garden and its museum as a unique educational resource for flora, horticulture, botany, and related historical artifacts.
3. Through various agreements since 1984, LGF have taken on increasing responsibility for the management and operation of the Garden, and the parties now wish to enter into a new license agreement to outline the rights and responsibilities of each party.
4. Portland Parks & Recreation ("PP&R") desires that LGF will manage the operations, programming, and development of the Garden in accordance with the Parties' commitment to preserving the historical, educational, and horticultural significance of the Garden. LGF is willing to do so.
5. PP&R and LGF will continue to share responsibility for the maintenance and operating costs of the structures and grounds. Those respective obligations are detailed in the new license agreement and its exhibits.
6. As part of this new license agreement, PP&R will make a series of cash contributions in FY 2022-23, FY 2023-24 and FY 2024-25 to LGF to assist in LGF's management and operation of the Garden. Those payments are anticipated to be paid as follows:

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Parks & Recreation](#)

Contact

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**F. Dennis James**

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**Requested Agenda Type**

Regular

FY 2022-23-\$315,000

FY 2023-24-\$350,000

FY 2024-25-\$350,000.

NOW, THEREFORE, the Council directs:

- A. The PP&R Director is authorized to execute a license agreement with the LGF for its continued management and operation of the Garden. The Director, or designee, is authorized to execute amendments of license agreement terms and covenants, provided contract changes do not increase the legal or financial risks to the City, and amendments are approved as to form by the City Attorney. Any increase to contract funding must be approved by the City Council. The license agreement shall be in a form substantially similar to the license agreement attached hereto as Exhibit A, and as approved as to form by the City Attorney.

Section 2. The Council declares that an emergency exists because Leach Botanical Gardens is in need of the financial contribution provided by authority of the license agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

## Documents and Exhibits

 [Exhibit A](#) (794.92 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council

June 29, 2022

Auditor of the City of Portland

Mary Hull Caballero

## Impact Statement

### Purpose of Proposed Legislation and Background Information

To Authorize a new License Agreement with the Leach Garden Friends to operate and manage the Leach Botanical Garden.

### Financial and Budgetary Impacts

The City will provide cash contributions to the Leach Garden Friends (LGF) to assist in their management and operations of the Leach Botanical Gardens, each fiscal year of this three-year agreement: \$315,000 the first year; \$350,000 the second year; and, \$350,000 the last year, all from existing appropriation. LGF will establish a reserve fund from admissions and special event revenues and contribute to major maintenance projects with

resources from that fund. Maintenance and operational costs will now be assumed to a greater degree by LGF. A new admissions policy is established by this agreement and heavily influenced by considerations of equity. This new admissions policy will make certain the Gardens are accessible to anyone, regardless of the ability to pay an admission fee.

## Community Impacts and Community Involvement

This agreement includes a new Admissions policy that will allow access to the Gardens to anyone regardless of the ability to pay an admission fee.

## 100% Renewable Goal

NA

## Budget Office Financial Impact Analysis

This ordinance authorizes a 3-year management agreement between PP&R and Leach Garden Friends (LGF). The \$315,000 cash contribution to LGF is budgeted as a cost in the PP&R FY 2022-23 Adopted Budget. Outyear costs (\$350,000 in Y2 and \$350,000 in Y3) will be budgeted in the bureau's budget as part of FY 2023-24 and FY 2024-25 Budget Development.

## Agenda Items

### 601 Regular Agenda in [June 29-30, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea