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191044

Emergency Ordinance

***Amend license agreement with Hoyt Arboretum Friends to operate and manage the Hoyt Arboretum (amend Contract No. 30002589)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Hoyt Arboretum is a 183-acre public park located in Southwest Portland owned and managed by Portland Parks and Recreation (PP&R) for the public's education and enjoyment.
2. The Hoyt Arboretum Friends (HAF) is a non-profit corporation formed in 1986 and formally recognized by Council Resolution 34188 on October 15, 1986. The purpose of the HAF is enhance Arboretum facilities, collections, and educational programs.
3. Since 1996, the HAF has provided educational programs, special events, and capital improvements at Hoyt Arboretum, authorized by a number of successive agreements for the benefit of the public.
4. On March 7, 2012, City Council through Ordinance 185184 authorized a License Agreement for the Hoyt Arboretum Friends to perform mission-aligned activities at Hoyt Arboretum for personal and public benefit. The parties have operated under that License Agreement since that time.
5. On a periodic basis, the City pays HAF an amount equal to the park use permit fees collected on behalf of HAF's activities for the use of Hoyt Arboretum facilities. The City may also compensate HAF with funds from the adopted Parks budget not to exceed \$13,000 each fiscal year.
6. In May 2022, HAF and PP&R executed a new interim license agreement. Under this new license agreement HAF and PP&R continue to allow HAF to operate independently at the Hoyt

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Parks & Recreation](#)

Contact

Tom Colett

Property Coordinator III

✉ tom.colett@portlandoregon.gov📞 [503-260-9907](tel:503-260-9907)

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

October 26, 2022

Arboretum under the terms of that 2012 License Agreement. Now the parties wish to execute a License Agreement Amendment No. 1, to allow HAF to continue to receive payment equal to the use permit fees and other charges accrued or collected, on behalf of HAF requiring an Ordinance to be brought to City Council.

NOW, THEREFORE, the Council directs:

- A. The PP&R Director is authorized to execute a License Agreement Amendment No. 1 with the HAF for its continued operations at the Hoyt Arboretum. 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. The license agreement amendment shall be in a form substantially similar to the license agreement amendment 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 Hoyt Arboretum Friends is in need of the financial contribution provided by authority of the license agreement amendment; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (169.63 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
October 26, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

To authorize License Agreement Amendment No. 1 with the Hoyt Arboretum Friends to operate and manage the Hoyt Arboretum.

Financial and Budgetary Impacts

The Amendment allows the City to provide cash contributions to the Hoyt Arboretum Friends (HAF) to assist in their management and operations of the Arboretum. HAF will continue to receive payment equal to the use permit fees and other charges accrued or collected, on behalf of HAF. The City may also compensate HAF with funds from the adopted Parks budget, not to exceed \$13,000 each fiscal year.

Community Impacts and Community Involvement

This agreement allows the Hoyt Arboretum Friends to perform mission-aligned activities at Hoyt Arboretum for personal and public benefit.

100% Renewable Goal

N/A

Budget Office Financial Impact Analysis

No material fiscal impact. PP&R has sufficient resource to remit the \$13,000 to HAF authorized by this ordinance. This resource will come from the PP&R General Fund budget (not 2020 Parks Local Option Levy resources).

Agenda Items

889 Consent Agenda in [October 21-27, 2022 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea