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# 191532

Emergency Ordinance

## **\*Authorize Director of Portland Parks & Recreation to execute a Donation Agreement with Thomas M. Patrick and Stephen L. Rulo for donation of financial support of the International Rose Test Garden at Washington Park**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland's International Rose Test Garden ("Rose Garden") at Washington Park is the oldest, continuously operated public rose test garden in the United States.
2. The Rose Garden was established to serve as a testing ground for new rose varieties. It is one of the top free attractions in the state of Oregon and includes roughly 10,000 roses consisting of more than 610 different varieties. Most roses in the Rose Garden are commercially available, and about 10 to 20 varieties are replaced each year with some of the best new roses released onto the market.
3. The Donors have been generous supporters of special projects for the Rose Garden since 2018. These projects include bark mulch blowing in 2018, contributing to a new laser engraver in 2019, and funding a Community Service Aide in 2021, 2022, and 2023. Stephen L. Rulo has spent time working on revitalizing the gold medal collection, which is the garden's vintage rose collection. He brought essential identification skills to reconcile unknown cultivars and sourced missing cultivars from private individuals and from the Huntington Garden. When deciding which projects to invest in at the Rose Garden, the Donors have always referred to the preference of the rose curator (Botanic specialist III-Rose Garden) and PP&R staff, creating an understanding and collaborative relationship.
4. As part of their estate planning, Donors have engaged Oregon Community Foundation ("OCF"), and will establish a charitable fund designated as the Patrick - Rulo Fund of the Oregon Community Foundation (the "Fund").

Introduced by

[Commissioner Dan Ryan](#)

Bureau

[Parks & Recreation](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

December 6, 2023

5. Upon their deaths, the Donors intend that certain assets will be transferred to the Fund, and would be used to make charitable distributions to PP&R in order to benefit the Rose Garden.
6. PP&R will use the Donors' financial support to renew the rose plants at the Rose Garden, enhance the pathways at the Rose Garden (including the Gold Medal Garden), and increase staffing in the Rose Garden, among other permissible uses specified in that Donation Agreement between Donors and PP&R to be executed in this contemplated transaction (the "Donation Agreement"). Their financial support would provide a welcomed continuous annual funding source that will assist the City in maintaining the beautiful gem that is the City's Rose Garden and improving the experience for all visitors to the City.
7. PP&R, Donors and OCF are estimating that the donation may be approximately \$200,000 per year. PP&R recognizes that it is solely the Donors' decision to make other estate planning decisions and appreciate the Donors' generosity.
8. At the time of the initial distribution from the Fund, the City will establish one or more city funds to ensure that funds are used for the allowable purposes established in this Ordinance and as further specified in the Donation Agreement between PP&R and Donors.
9. As a condition to receiving any distributions from the Fund, PP&R commits to maintaining a bed of the rose variety "Stephen Rulo" within the public Rose Garden, in perpetuity (or for the life of the Rose Garden).

NOW, THEREFORE, the Council directs:

- A. The Director of PP&R, or designee, is authorized to execute the Donation Agreement, in the form substantially similar to Exhibit A attached hereto, upon approval as to form by the City Attorney. The Director of PP&R, or designee, is further authorized to negotiate reasonable amendments or modifications to the Donation Agreement, provided the City's legal and financial risks do not increase, and upon approval as to form by the City Attorney.
- B. The Director of PP&R, or designee, is further directed to take all necessary action to accept any annual distributions from the Fund and put such distributed funds to use in accordance with the intent and purpose of the Donation Agreement.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the provision of funding for the Rose Garden; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

## Documents and Exhibits

-  [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/donation-agreement.docx\)](https://www.portland.gov/sites/default/files/council-documents/2023/donation-agreement.docx) 43.93 KB
-  [Supplemental Information - Patrick-Rulo Fund Agreement \(https://www.portland.gov/sites/default/files/council-documents/2023/draft-patrick-rulo-fun-agreement.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/draft-patrick-rulo-fun-agreement.pdf) 120.31 KB
-  [Supplemental Information - Letter \(https://www.portland.gov/sites/default/files/council-documents/2023/post-advisory-advice-request-letter.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/post-advisory-advice-request-letter.pdf) 82.44 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  
December 6, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

Stephen Rulo and Thomas Patrick (donors) and The Oregon Community Foundation (OCF) seek to establish a charitable fund to be held by OCF from which charitable donations would be transferred to the City of Portland to benefit the International Rose Test Garden (IRTG) at Washington Park.

### Financial and Budgetary Impacts

The funds will be used to pay for:

1. To renew the rose plants at the Rose Garden and the infrastructure that supports them and their display, such as soil amendments, watering systems, mulch, fertilizer and plant identification;
2. To enhance or replace the pathways in the Rose Garden that can include drainage enhancement, lawn replacement, raising the level of the lawn pathways or replacement of lawn pathways with another material such as gravel or pavers;
3. To enhance or replace any infrastructure in the Gold Medal Garden;
4. To pay or supplement the salary of any intern or assistant of the Rose Garden the curator deems necessary for the support and maintenance of the Rose Garden; and

In no circumstances may the funds be used for the following purposes:

A. To replace funds for the Rose Garden that the City of Portland would normally provide in the ordinary course.

B. To be used to enhance or replace any infrastructure unrelated to the maintenance of the Rose Garden, such as (i) ADA access, (ii) parking lots, (iii) souvenir stores, and (iv) any matters unrelated to maintenance and enhancement of the rose displays.

In order to receive any contributions contemplated to the DAF, the City of Portland (either in its own capacity or through an affiliate), must commit to maintaining a bed of the rose “Stephen Rulo” within the public Rose Garden, in perpetuity (or for the life of the Rose Garden).

**Community Impacts and Community Involvement**

The International Rose Test Garden (IRTG) at Washington Park is the oldest, continuously operated public rose test garden in the United States. The garden was established to serve as a testing ground for new rose varieties. It is one of the top free attractions in the state of Oregon.

The proposed Patrick-Rulo donor-advised fund will provide additional funding annually to support the garden, improving the experience for all visitors.

**100% Renewable Goal**

N/A

**Budgetary Impact Worksheet**

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount
220013	PKDI00004	PRINPM0000000GP					

**Agenda Items**

1002 Consent Agenda in [December 6, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/12/6) (<https://www.portland.gov/council/agenda/2023/12/6>)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea