

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: RATIFICATION OF CITY CO-SPONSORSHIP AGREEMENT
BETWEEN THE CITY OF SANTA ROSA AND LUTHER
BURBANK HOME & GARDENS ASSOCIATION
STAFF PRESENTER: LISA W. GRANT, SUPERINTENDENT
RECREATION & PARKS
AGENDA ACTION: RESOLUTION

ISSUE(S)

Shall the City Council ratify the Co-Sponsorship Agreement Between the City of Santa Rosa and Luther Burbank Home & Gardens Association Supporting the Management Transition of Luther Burbank Home & Gardens Programs, Activities and Events?



COUNCIL GOALS AND STRATEGIES

This item relates to Council Goal 4, "Maintain and Enhance Our City's Cultural and Recreational Assets." This agreement provides ongoing maintenance of City parkland, assisting in the reduction of maintenance costs paid by the City.

BACKGROUND

1. In 2010, the City entered into an agreement approved through Council Resolution No. 27627 with Luther Burbank Home & Gardens Association for the lease and administration of the Luther Burbank Home & Gardens. Luther Burbank Home & Gardens Association (LBHGA) is a California nonprofit public benefit corporation.
2. The 2010 Agreement established a five-year lease and administration of the programs on the historic property, including public tours, managing the interpretive gardens, museum and gift shop, maintaining and collecting archival materials, training volunteers, and holding fundraising activities.
3. The 2010 Agreement acknowledges that it is in the best interest of both the City and LBHGA to see the successful growth of LBHGA's finances and an increase of their fiduciary accountability. To this end, the 2010 Agreement stated the City and LBHGA would enter into an additional agreement permitting access and use of the offices and office equipment on the premises of Luther Burbank Home & Gardens.

RATIFICATION OF CITY CO-SPONSORSHIP AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND LUTHER BURBANK HOME & GARDENS ASSOCIATION

Page 2

4. This additional agreement became the “Co-Sponsorship Agreement—An Agreement Between the City of Santa Rosa and Luther Burbank Home & Gardens Association Supporting the Management Transition of Luther Burbank Home & Gardens Programs, Activities and Events”, and was to be updated from time to time.

5. In the Agreement the responsibilities of the City and LBHGA are defined. The City’s responsibilities include providing access to, and use of, furniture, office equipment, records and files, and providing maintenance and upgrades to the security/fire alarm system in the Home and carriage House. LBHGA responsibilities include purchasing office supplies, purchasing upgrades to office equipment, funding programs and events and maintaining the office.

6. The Agreement was amended in September 2012 with the collaboration of LBHGA Board members and City staff, establishing a one-year term to correspond with the City’s fiscal year. The Co-Sponsorship Agreement was signed by the Director of the Recreation & Parks Department and the Acting Chair, Vice Chair of the LBHGA Board. The former Director approved and executed the Co-Sponsorship Agreement which should have been approved by the City Council.

RECOMMENDATION

It is recommended by the Department of Recreation & Parks that Council, by resolution, ratify the Co-Sponsorship Agreement - An Agreement Between the City of Santa Rosa and Luther Burbank Home & Gardens Association Supporting the Management Transition of Luther Burbank Home & Gardens Programs, Activities and Events and that the ratification dates back to September 19, 2012.

Author: Lisa W. Grant

Attachments:

- The September 19, 2012 Co-Sponsorship Agreement—An Agreement Between the City of Santa Rosa and Luther Burbank Home & Gardens Association Supporting the Management Transition of Luther Burbank Home & Gardens Programs, Activities and Events.



CO-SPONSORSHIP AGREEMENT

AN AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND LUTHER BURBANK HOME & GARDENS ASSOCIATION SUPPORTING THE MANAGEMENT TRANSITION OF LUTHER BURBANK HOME & GARDENS PROGRAMS ACTIVITIES AND EVENTS

ADDRESS OF CO-SPONSORING ORGANIZATION:

Luther Burbank Home & Gardens Association
100 Santa Rosa Ave, Room 10
Santa Rosa, CA 95404
(707) 524-5445

NAME AND TITLE OF REPRESENTATIVE:

Daniel Flock, Vice President (Acting President), Luther Burbank Home & Gardens Association

BACKGROUND: On May 4, 2010, the City Council adopted Resolution Number 27627 approving an agreement between the City of Santa Rosa (City) and the Luther Burbank Home & Gardens Association (Association) for the five year lease and administration of the Luther Burbank Home & Gardens (LBH&G) program. It is the intent of the parties that the Association shall strive for financial independence as soon as feasible. In order to ensure the smooth transition of management of the LBH&G programs from the City of Santa Rosa to the Association, the parties desire to review and amend as needed this Attachment E AN AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND LUTHER BURBANK HOME & GARDENS ASSOCIATION SUPPORTING THE MANAGEMENT TRANSITION OF LUTHER BURBANK HOME & GARDENS PROGRAMS ACTIVITIES AND EVENTS, a twelve-month, July 1 fiscal year, co-sponsorship agreement.

DESCRIPTION OF EVENTS, PROGRAMS, AND ACTIVITIES: The Association shall conduct programs, activities and events in order to preserve the home and gardens of Luther Burbank, and share the living legacy of his life, ideals and contributions to the field of horticulture; interpret Luther Burbank's life, work, and times for modern audiences; preserve and enhance the artifacts, the site, the structures and the significant plant materials; serve the needs of Luther Burbank scholars; utilize the talent of volunteers to conduct the LBH&G programs; and provide a focus for fund-raising efforts as necessary for the support of the goals established by the Association. The Association may use the office space and equipment on the premises of the Luther Burbank Home & Gardens, 204 Santa

Rosa Avenue, Santa Rosa, CA to carry out the foregoing activities. Effective upon full execution by all parties, this Agreement shall be valid through June 30, 2013, and may be extended or renegotiated.

I. RESPONSIBILITIES AND DUTIES

A. City of Santa Rosa

- Provide access to and use of, at no cost, Luther Burbank Home & Gardens files, cupboards, books, bookshelves, furniture, and the office equipment listed in Exhibit A to this Agreement.
- Provide for on-going maintenance agreements and overhead costs of the City's computers and copy machine;
- Allow the Association to continue to utilize the 100 Santa Rosa Avenue, Room 10 address for mail and delivery services;
- Provide maintenance and upgrades to the security/fire alarm system in the Home and the Carriage House;
- Assist with the transition of data, files and records from the City to the Association;
- Provide technical assistance for the City office equipment and computers;
- Assist with review of promotional materials and advertising;
- Assist with grant administration and tracking of matching funds provided by the City;
- Assist the Garden Volunteer program by providing funds for a temporary maintenance aide position; the City shall determine the level of contribution to be provided;
- Include the Association's programs, activities and events in "Activity Guide";
- Identify LBH&G as a co-sponsored program on the RPCS website;
- Identify LBH&G as a park on the City website; and
- Create a link from the City's website to the Association's website at lutherburbank.org.

B. Luther Burbank Home & Gardens Association

- Purchase general office supplies;
- Maintain the office, workspaces, and files;
- Display exhibits and merchandise in a safe manner;
- Fund programs, activities, and events;
- Submit grant applications and pursue private funding;
- Purchase new or upgraded office equipment or furniture, as needed;
- Open and close the Home and Carriage House for programs and meetings. City maintenance/garden staff may be asked to assist from time to time or in emergencies. In addition, a jointly agreed upon monthly schedule may be established to assist the Association;
- Adhere to the *Agreement Between the City of Santa Rosa and Luther Burbank Home & Gardens Association for the Lease and Administration of Luther Burbank Home & Gardens* dated May 4, 2010; and
- Develop the Volunteer Garden program to provide internal leadership and manage the interpretive gardens and master plan of gardens.

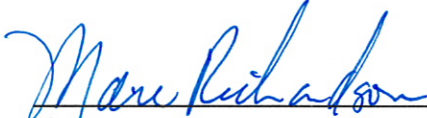
II. MUTUAL INDEMNIFICATION:

The City agrees to assume the defense of, indemnify and hold harmless Co-Sponsor, its officers, agents and employees from all claims, liability, loss, damage and injury of any kind, nature or descriptions arising out of or resulting from the acts or omissions of City, its officers, agents, employees, and volunteers.

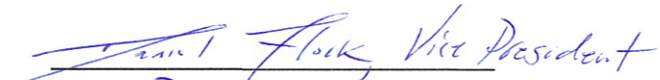
The Co-sponsor agrees to assume the defense of, indemnify and hold harmless the City of Santa Rosa, its officers, agents and employees from all claims, liability, loss, damage and injury of any kind, nature or descriptions arising out of or resulting from the acts or omissions of Co-Sponsor, its officers, agents, employees, and volunteers.

This Agreement is entered into on this 19 day of September, 2012, and may be terminated by either party by giving thirty (30) days written notice to the other.

CITY OF SANTA ROSA
RECREATION & PARKS


Name
Title

LUTHER BURBANK HOME &
GARDENS ASSOCIATION


Name DANIEL FLOCK
Title Vice - President