



## Legislation Text

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**File #:** 44551, **Version:** 1

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### **Fiscal Note**

The proposed resolution will have no fiscal impact. This agreement memorializes the existing relationship between the City and OBS and will not lead to any changes in the City's operations.

### **Title**

Authorizing the Execution of a Cooperation and Coordination Agreement with the Olbrich Botanical Society, Inc.

### **Body**

WHEREAS, the City's Olbrich Botanical Gardens (the "Gardens") is a locally treasured and globally renowned source of beauty and education, celebrating the importance of plants in a sustainable world. The Gardens enriches life by nourishing and sharing the beauty of gardens, the joy of gardening, the knowledge of plants, and the diversity of our world. The Gardens is dedicated to the creation, conservation and interpretation of gardens and plant collections hardy to the American Midwest or native to the world's tropical forests for study, enjoyment and public benefit; and,

WHEREAS, the City owns and operates Olbrich Botanical Gardens on property acquired by the City from Michael Olbrich in 1921 and from the Olbrich Botanical Society, Inc. (OBS) in 1998; and,

WHEREAS, OBS was formed as a non-profit charitable corporation in 1979 to aid and support the Gardens, to promote the mission of the Gardens through advancing the science of horticulture, promoting the art of gardening and promoting educational activities related to horticulture and gardening. Since 1979, OBS has worked cooperatively with the City to operate and improve the Gardens, as well as advancing the mission of the Gardens through advocacy, fund-raising, marketing, and other endeavors; and,

WHEREAS, the Gardens would not be a success without the coordination, cooperation and assistance provided by OBS, its Board of Directors and staff, as well the financial support provided by the Olbrich Botanical Society Foundation (the "Foundation"); and,

WHEREAS, the only written indication of this unique and successful cooperative relationship between the City and OBS is a resolution of the Madison Common Council adopted on November 3, 1998 (Res. No. 55,681) setting forth the "Principles of Partnership" between the City and OBS; and,

WHEREAS, the City and OBS both desire to describe and formalize this successful relationship by entering into an agreement.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to enter a Cooperation and Coordination Agreement Between Olbrich Botanical Society and the City of Madison, substantially in the form attached hereto and subject to the final approval of the City Attorney, which terms are approved and incorporated herein by reference.

BE IT FURTHER RESOLVED that this agreement shall run for an initial period of twenty-years through Dec. 31, 2036, with the possible renewal of an additional twenty-years upon the approval of the parties and the Board of Parks Commissioners.

BE IT FURTHER RESOLVED that any City officials or employee on the OBS board or the Foundation board are there as City representatives, meaning that they are not "associated" with OBS or the Foundation under

the City's Ethics Code, MGO Sec. 3.35.

BE IT FURTHER RESOLVED that the Olbrich Garden Director, a City employee, shall also serve as OBS's Executive Director, and in that capacity, the Common Council approves the fundraising activities of the Garden Director for OBS and the Foundation under the City's Ethics Code, MGO Sec. 3.35.