

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

SUBJECT: REPEAL OF CHAPTER 2-05, LUTHER BURBANK HOME & GARDENS BOARD, AND RESOLUTION TO ENTER INTO AN AGREEMENT WITH LUTHER BURBANK HOME & GARDENS ASSOCIATION, A NON-PROFIT, AND TRANSFER LUTHER BURBANK HOME & GARDENS FUNDS TO THE NON-PROFIT

STAFF PRESENTER: LISA WARD GRANT  
PARK SUPERINTENDENT  
RECREATION, PARKS & COMMUNITY SERVICES

AGENDA ACTION: ORDINANCE AND RESOLUTION

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ISSUE(S)

Should the Council adopt an ordinance to repeal Chapter 2-05 of the Santa Rosa City Code, entitled Luther Burbank Home & Gardens Board, and should the Council approve a resolution to enter into an agreement with the Luther Burbank Home & Gardens Association, a California non-profit, public benefit, 501(c)(3) corporation, for the lease and administration of the Luther Burbank Home & Gardens and to transfer all operating and reserve funds from Luther Burbank Home & Gardens fund #0245 to the non-profit corporation?

CITY COUNCIL GOALS

- Council Goal No. 6 focuses on implementing the Recreation and Parks Business and Strategic Action Plan (BSAP) as the model for the future of our parks and recreation system and the provision of services to seniors and youth.
- The Council-adopted BSAP Goal No.7, *Culture and History*, articulates the community need to celebrate and honor Santa Rosa's cultural diversity and historical legacy. Strategy 7.3 states "Support the independence of Luther Burbank Home & Gardens by creating a non-profit 501(c)(3) to manage the facility and program; and to develop a business plan to increase the independent status of the operation and reduce funds allocated from the General Fund."
- Goal No. 8 of the BSAP directs development of partnerships with public and private organizations to fully leverage all resources and expand opportunities to

meet growing needs. Strategy 8.8 states, "Partner with public, private and non-profit organizations to fund parks and facilities."

## BACKGROUND

The Luther Burbank Home & Gardens was acquired in 1955 when Mrs. Burbank deeded the Burbank Home, Carriage House, Greenhouse and Gardens to the City but retained life tenancy in the old home itself. The City began a reconstruction project of the gardens in 1959, creating a perpetual living memorial to Luther Burbank that became a National Historic landmark in 1964. Following Mrs. Burbank's death in 1977, the City appointed an Advisory Committee to open the Burbank Home to the public and develop the Carriage House into a museum. Improvements were completed to the House and it opened to the public in 1979 with volunteer docents conducting tours. The Carriage House Gift Shop opened to the public in 1980, also operated by volunteers. These dedicated volunteers ultimately became what is now the approximately 150 member Luther Burbank Home & Gardens Volunteer Association, a group that has supported the operations for the past 31 years.

In 1984 the City created the Luther Burbank Home & Gardens Board to plan and operate, through the Volunteer Association, the home and gardens as a museum and memorial to Luther Burbank. Their collective efforts generate approximately \$120,000 annually from sales in the gift shop, tours and events. The City's financial support for the facility also steadily increased over the years, at its peak providing two full time and 3 part-time staff positions (1.0 FTE Garden Curator, 0.75 FTE LBH&G Coordinator, 1.0 FTE Skilled Maintenance Worker, 0.50 FTE Historic Buildings and Grounds Caretaker and 0.80 FTE Senior Administrative Assistant, later converted to 0.80 FTE Administrative Secretary and augmented with Volunteer Association funding to 1.0 FTE). In total, with additional management support provided by Recreation, Parks & Community Services, the General Fund support for these positions totaled approximately \$290,000 annually.

As the City's budget problems worsened over the last decade, funding cutbacks have forced the gradual elimination of staffing support for the gardens. City funding for the single remaining position dedicated to the site, the Administrative Secretary, will be eliminated effective June 30, 2010, despite the Volunteer Association's increase of their contribution to 45% of the salary from annual sales over the last year. The ongoing reductions in City staff support have led to the Volunteer Association's increased involvement in the day-to-day operations of the facility and heightened concern over whether the current operating model remains practical.

Over the years the Burbank Board and the volunteers have explored different forms of governance to operate the facility (see attached chronology). To maximize the success of program offerings, the roles and responsibilities of the Burbank Board, volunteers and City staff were evaluated at various times, including the idea of transitioning to a non-profit organization. In 2007, considering the potential to increase fundraising and financial contributions, a volunteer committee began in earnest to develop a non-profit 501(c)(3) called the Luther Burbank Home & Gardens Association. Subsequently,

agreements have been developed and are being proposed for City Council consideration that would provide for the Luther Burbank Home & Gardens Association (LBHGA) to operate the facility through a lease agreement.

## ANALYSIS

1. The proposed agreements with LBHGA were developed to increase the opportunity for long-term financial stability and preserve the historic site and its use through a partnership with LBHGA. A non-profit corporation, operating independently from the City, is anticipated to have greater flexibility to build fund development capacity and donor networking capabilities. LBHGA has developed a business plan to increase the independent status of the operation, reduce funds allocated from the General Fund, and manage the facility and programs. The LBHGA resources will focus initially on sales and marketing, innovative fiscal management, better utilization of technology, greater attention to public and community relations, and a greater focus on volunteer training and public education.
2. The autonomy of the non-profit foundation positions LBHGA to qualify for competitive federal and state grant money. Last November, LBHGA applied for an "America's Historical and Cultural Organization" Planning Grant through the National Endowment for the Humanities, for which the City of Santa Rosa alone would not have qualified to apply. Other foundations such as the National Trust for Historic Preservation also require a public and non-profit alliance to qualify as a grant applicant.
3. LBHGA wants to work closely with the LBH&G Volunteer Association to maintain and continue the Volunteer programs and committees. The agreement acknowledges that the LBH&G Volunteer Association has the expertise and experience in the operation of this historical property relative to public tours, management of the interpretive gardens, museum, gift shop, maintenance and collection of archived materials, training of volunteers and educational activities. In accordance with the agreement, the LBHGA will establish a separate agreement with the LBH&G volunteers to provide for the operation and functions of the LBH&G Volunteer Association.
4. The City shall remain responsible for the maintenance of the property and will continue to provide for the maintenance of the landscape, grounds and buildings. The agreement allows flexibility to provide dedicated staff or equivalent funds to accomplish maintenance functions at the site.
5. Possession, custody and use of the City-owned Luther Burbank collection of artifacts, copyrights, trademark and national, state and city historical registrations shall transfer to the LBHGA. The agreement sets forth guidelines for the use and maintenance of the collections as well as terms for their return upon termination of the agreement.

6. Although LBH&G operates as a small enterprise, the City has provided accounting and banking services for the funds raised by the Volunteer Association's activities, programs and fundraising events. This agreement transfers all operation and reserve funds from fund #0245 (revenue received from the gift shop, tours and events) to the LBHGA, allowing LBHGA to hold, manage and disburse the funds consistent with their bylaws. LBHGA's bylaws allow spending "...to educate the public and share the living legacy of Luther Burbank's life, ideals and contributions to the field of horticulture."
7. It is in the best interests of the City of Santa Rosa to see LBHGA become a successful entity, as the site is one of the City's leading tourist destinations. To provide for an orderly transition and to support the fledgling organization, members of the Volunteer Association and the LBHGA will be granted access to and use of the LBH&G office facilities, office equipment and software systems as documented in a separate agreement. Said agreement will be updated from time to time, as the LBHGA becomes financially independent.
8. Budget Deficit Reduction Options proposed by Recreation, Parks & Community Services cut the General Fund City support for the Administrative Secretary position (0.55 FTE, \$43,640) effective June 30, 2010. The LBH&G Fund has been sharing costs for 0.45 FTE of this position for the last fiscal year. In preparation for the transition, LBHGA is ready to hire an Office Manager to work in partnership with the Board of Directors to help execute the organization's vision and to work day-to-day with the volunteers to help design and drive programs that support visitors to the site.
9. Repealing Ordinance No. 3787 (Chapter 2-05 of the Santa Rosa City Code) that established the City-appointed Board is necessary to avoid conflicts resulting from having both the LBGHA and the Burbank Board charged with determining how funds will be used. Additionally, the LBHGA Board of Directors will provide single governance, clarifying roles between the Board and the volunteers. In accordance with their bylaws, one member of the Board of Directors will be a representative from the LBH&G Volunteer Association. Many long-term volunteers have been invited to serve on the Advisory Board, known as the Partnership Council, to provide advice or recommendations to the Directors.
10. On March 17, 2010 the Luther Burbank Home & Gardens Board approved a motion recommending "... that Council adopt an ordinance to repeal City Code 2-05 establishing the Luther Burbank Home & Gardens Board and enter into an agreement with the Luther Burbank Home & Gardens Association, a California non-profit, public benefit, 501(c)(3) corporation, for the lease and administration of the Luther Burbank Home & Gardens and transfer Luther Burbank Home & Gardens funds to the non-profit".
11. The agreement, titled "An Agreement between the City of Santa Rosa and Luther Burbank Home & Gardens Association for the Lease and Administration of Luther Burbank Home & Gardens" would become effective by resolution when Ordinance No. 3787 is repealed.

## RECOMMENDATION

It is recommended by the Luther Burbank Home & Gardens Board and the Recreation, Parks & Community Services Department that Council adopt an ordinance to repeal Chapter 2-05 of the Santa Rosa City Code, Luther Burbank Home & Gardens Board. It is also recommended that Council, by resolution, enter into an agreement with the Luther Burbank Home & Gardens Association, a California non-profit, public benefit, 501(c)(3) corporation, for the lease and administration of the Luther Burbank Home & Gardens and transfer all operating and reserve funds from Luther Burbank Home & Gardens fund #0245 to the non-profit corporation.

Author: Lisa Ward Grant, Parks Superintendent

### Attachments:

- Attachment A – Chronology of the Governance Structure for the Luther Burbank Home & gardens
- Attachment B – An Agreement Between the City Of Santa Rosa and Luther Burbank Home & Gardens Association For the Lease and Administration of the Luther Burbank Home & Gardens and appendices as follows:
  - Attachment A – LBH&G Inventory of Structures
  - Attachment B – LBH&G Collection Inventory
  - Attachment C – LBH&G Materials stored in ‘Black Hole’ at City Hall
  - Attachment D – LBH&G Gift Shop Inventory
  - Attachment E – Agreement Supporting Management Transition of LBH&G Programs, Activities and Events
  - Attachment F – LBH&G Office Inventory

RESOLUTION NO. 27627

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AGREEMENT BETWEEN THE CITY OF SANTA ROSA AND LUTHER BURBANK HOME & GARDENS ASSOCIATION FOR THE LEASE AND ADMINISTRATION OF LUTHER BURBANK HOME & GARDENS

WHEREAS, Luther Burbank, renowned and distinguished horticulturist, lived for more than 50 years as a resident breeding and developing better and new varieties of vegetables, fruits, trees, and flowers. Through the kindness of Luther Burbank and his wife, Elizabeth Waters Burbank, the City is the owner of the Luther Burbank Home, its grounds and related buildings, the Luther Burbank Gardens, and the Luther Burbank Collection, all of which are located at 204 Santa Rosa Avenue, known as Luther Burbank Home & Gardens; and

WHEREAS, Luther Burbank Home & Gardens is designated as a Registered National, State, City, and Horticultural Historic Landmark and it is important to ensure the continued preservation of the Luther Burbank Home & Gardens, its related buildings and grounds, and the gardens, and to preserve and enhance the Luther Burbank Collection; and

WHEREAS, members of the Luther Burbank Home & Gardens Board and Volunteer Association, City staff and local professionals created Articles of Incorporation forming the Luther Burbank Home & Gardens Association under the California Nonprofit Public Benefit Corporation Law for public and charitable purposes for the specific purpose to support the preservation of the home and gardens of Luther Burbank; and

WHEREAS, Luther Burbank Home & Gardens Association shall work closely with the Luther Burbank Home & Garden Volunteer Association to maintain and continue the Volunteer programs and committees that operate the historical property with public tours; manage the interpretive gardens, museum, and gift shop; maintain and collect archival materials; train volunteers and provide educational activities; and

WHEREAS, the funds that have been generated by the activities, programs and fundraising events of the Volunteer Association that are held by the City in fund 0245 and its reserve funds shall be transferred to the Luther Burbank Home & Gardens Association at the close of fiscal year 2009-10. The Luther Burbank Home & Gardens Association shall hold, manage and disburse any funds in a manner that is consistent with the express purposes of their bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves the Agreement Between the City of Santa Rosa and Luther Burbank Home & Gardens Association for the Lease and Administration of Luther Burbank Home & Gardens.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement.

BE IT FURTHER RESOLVED that the Council authorizes the Chief Financial Officer to transfer funds in 0245 and its Reserve funds to the Luther Burbank Home & Gardens Association, a California nonprofit public benefit corporation.

IN COUNCIL DULY PASSED this 4th day of May, 2010.

AYES: (6) Mayor Gorin, Vice Mayor Wysocky, Councilmembers Jacobi, Vas Dupre, Sawyer and Olivares

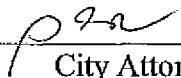
NOES: (0)

ABSENT: (1) Councilmember Bender

ABSTAIN: (0)

ATTEST:  City Clerk APPROVED:  Mayor

APPROVED AS TO FORM:

 City Attorney

ORDINANCE NO. 3942

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REPEALING  
CHAPTER 2-05 ESTABLISHING THE LUTHER BURBANK HOME & GARDENS BOARD  
AND AMENDING SECTIONS 13-24.076, 17-22.146 AND 20-58.020 OF THE CITY CODE

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Chapter 2-05. Chapter 2-05, entitled “Luther Burbank Home & Gardens Board,” of the Santa Rosa City Code is repealed.

Section 2. The following references within the Santa Rosa City Code to the Luther Burbank Home & Gardens Board shall be amended to “Director of the Recreation, Parks & Community Services.”

(A) Section 13-24.076 (C) of the Santa Rosa City Code is amended to read as follows:

“Reserved Use. Personal and reserved use of Luther Burbank Home and Gardens is not permitted except for special events approved by the Director of Recreation, Parks & Community Services. Request for weddings, private services or private parties may be granted in accordance with the terms and conditions set forth in the Luther Burbank Home and Gardens Facility Rental Policy. The Luther Burbank Home and Gardens Facility Rental Policy shall be developed by a committee of LBH&G Volunteer Association members and City Staff, approved by the Director of Recreation, Parks & Community Services, and amended from time to time.

(B) Section 13-24.076 (D)(6) of the Santa Rosa City Code is amended to read as follows:

“(6) It is unlawful for any person to possess or to consume beer, wine or any other alcoholic beverage at any time within Luther Burbank Home & Gardens, except when a person is an invited member of a group which has obtained permission to do so from the Director of the Santa Rosa Recreation and Parks Department under the procedures set forth in Section 13.24.060 of this code.”

(C) Section 17-22.146 of the Santa Rosa City Code is amended to read as follows:

“Should the site of the Luther Burbank Home and Gardens, or any building, structure, or feature thereon be designated a landmark by the Cultural Heritage Board, the provisions of Article V of this chapter shall not apply to such landmark(s), provided, however, that the Cultural Heritage Board shall consider and review any proposed restoration, rehabilitation, alteration, construction, demolition, removal or change in the exterior appearance of any such landmark in accordance with the standards and criteria, as may be applicable, set forth in Section 17-22.094, and may, in its discretion, refer any such proposal to the City’s Design Review Board for comment as provided in Section 17-22.096. Upon completion of its review, which shall be concluded within 40 days of the receipt of a proposal, the Cultural Heritage Board shall present its written comments, suggestions and recommendations to the Director of Recreation, Parks & Community Services. The Director of Recreation, Parks & Community Services shall specifically consider any comments, suggestions, and/or recommendations so received from the Cultural

Heritage Board before making its recommendation on the proposal as provided in Section 2-05.040(E) of this code. (Ord. 2869 § 3, 1990)”

(D) Section 20-58.020 (B)(2) of the Santa Rosa City Code is amended to read as follows:

“Upon completion of its review, the CHB shall present its written comments, suggestions and recommendations to the Director of Recreation, Parks & Community Services. The Board shall then specifically consider any CHB comments, suggestions, and/or recommendations before making its recommendation on the proposal as provided in City Code Section 2-05.040.E.”

Section 3. This ordinance shall take effect on the 31<sup>st</sup> day following its adoption.

IN COUNCIL DULY PASSED this 11th day of May, 2010.

AYES: (6) Mayor Gorin, Vice Mayor Wysocky, Councilmembers Sawyer, Jacobi, Vas Dupre and Olivares

NOES: (0)

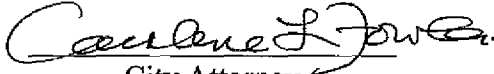
ABSENT: (0)

ABSTAIN: (1) Councilmember Bender

ATTEST:   
City Clerk

APPROVED:   
Mayor

APPROVED AS TO FORM:

  
City Attorney