

MEMORANDUM OF AGREEMENT
MCINTIRE BOTANICAL GARDEN AND THE CITY OF CHARLOTTESVILLE
September 23, 2015

BACKGROUND

In 2013 the City Council passed a resolution establishing a partnership between the City and the McIntire Botanical Garden to design, develop and maintain a botanical garden in McIntire East to be formalized with a Memorandum of Understanding between the parties at such time that the Landscape Master Plan is completed and approved by City Council.

PURPOSE

This memorandum shall assign and identify the various responsibilities in the relationship between the City of Charlottesville (City) and the McIntire Botanical Garden, Inc. (MBG) for the design, development and management of the new botanical garden (garden) at East McIntire Park and ancillary facilities.

GENERAL GUIDELINES

This MOU is intended to be a living document, reviewed and updated at routine intervals herein defined that guides the relationship between the City and MBG in the long-term implementation and management of the botanical garden within McIntire Park.

All facilities developed or funded by MBG shall be donated to, and become the property of, the City upon being issued a certificate of occupancy.

RESPONSIBILITIES OF THE CITY:

The City shall be responsible for the following activities within the garden area;

- Approval of all designs and construction documents;
- Administration and coordination of all construction and development activity;
- Providing, subject to available funding, core infrastructure facilities further defined as pedestrian, bicycle and maintenance trails, potable and irrigation water per approved plans, wastewater collection per approved plans and maintenance/support facilities and connections to other sections of the park;
- Providing, subject to available funding, a base level of horticultural maintenance which includes general cleanup, mulching where appropriate, basic pruning, establishment, watering and pest control activities consistent with a basic Integrated Pest Management program.
- The City and MBG will work together to develop appropriate wildlife conflict resolution strategies.
- The city will allow events at the garden area to extend beyond the park operating hours for special events; subject to approval by the Director of Parks and Recreation or their designee.
- The Director of Parks and Recreation and/or their designee(s) will serve as ex-officio member(s) of the McIntire Botanical Garden Board of Directors.

The City shall be responsible for the following activities regarding the visitor's center/educational building in a collaborative effort with MBG for design and development of a space utilization plan with the City having final approval of the design of the visitor's center/educational building:

- Developing all design and construction plans;
- Ensuring that necessary infrastructure and support facilities for the visitor's center/educational building are developed concurrent with, or prior to, the facility's development;
- Assumption of normal operating expenses such as utilities, custodial and routine repairs and maintenance activity.

RESPONSIBILITIES OF THE MBG:

MBG shall be responsible for the following activities within the garden area in a collaborative effort with the City which shall have final approval:

- MBG will promote and stimulate interest and community awareness in the activities of the botanical gardens, consistent with the Vision Statement of the MBG.
- Design of the garden area to include visitor and maintenance access, plant collections, thematic displays, irrigation, utility or ancillary structure siting as necessary;
- Development of necessary construction documents;
- Securing of funding for the development of the garden areas exclusive of those facilities to be provided by the City;
- Development and implementation of appropriate and necessary collection curatorial policies and inventory documentation and controls;
- Providing docent and educational programs and facilities to interpret the garden area;
- Development of a volunteer cadre to serve in the garden;
- Funding any maintenance above the base level provided by the City.
- Arranging appropriate liability coverage and/or waivers for MBG volunteers and/or staff who perform maintenance or program activity within the park. (Subject to review by the City Attorney)
- MBG, when appropriate or desired, will endeavor to establish advisory groups in areas of specific scientific expertise to advise the MBG Board regarding programming or operations of the Garden.
- MBG operates on a fiscal year beginning on July 1 and ending on June 30. MBG will therefore provide an annual report to the City within three months of the end of each fiscal year to include major achievements and activities, a financial summary and report of operations and goals for the next year.

MBG shall be responsible for the following activities within the visitor's center/educational building:

- Securing of funding for the development, equipping and furnishing of the visitor's center/educational building.

Regardless of the method of generation, all revenues generated by MBG shall remain with MBG for the sole and exclusive benefit of the garden in McIntire Park. Beginning with Fiscal Year 2016, MBG shall provide a record of audit by a qualified, independent auditor, to the Director of Parks and Recreation for funds received and expended for any fiscal year by November 1 of the following fiscal year. This document shall be a public record.


ROUTINE REVIEW AND REFINEMENT

Review and amendment or modification of this agreement shall take place under one or more of the following circumstances:


- At intervals of not less than two (2) years;
- At the mutual agreement of both parties;
- Not less than one hundred twenty (120) days prior to opening of a significant component with any modifications being in place not less than sixty (60) days prior.

Agreed Upon and Accepted By:

Charlottesville Parks and Recreation Department

Signature:  Date: 9.25.2015
Title: DIRECTOR, PARKS & RECREATION

McIntire Botanical Garden, Inc.

Signature:  Date: 9-29-2015
Title: PRESIDENT MCINTIRE
BOTANICAL GARDEN