

**CITY OF SAN ANTONIO
PARKS AND RECREATION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Malcolm Matthews, Director, Parks and Recreation Department

SUBJECT: San Antonio Botanical Society Grant Agreement

DATE: February 3, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes execution of a Grant Agreement with the San Antonio Botanical Center Society, Inc. dba San Antonio Botanical Society, to accept a \$20,000.00 annual donation and authorizes personnel categorization changes to reclassify the Botanical Garden Superintendent position to an unclassified position to be entitled "Botanical Garden Manager."

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

On April 29, 1981, the City and the San Antonio Botanical Society entered into a 25-year term cooperative agreement, approved by City Council through Ordinance 53676. The purpose of the agreement was to establish a framework within which the City and the Society could work cooperatively to foster, promote, and develop the San Antonio Botanical Garden.

The City and Society have been discussing a transition of the Botanical Garden from City operation to Society operation that would occur over an extended time frame. As part of that discussion, the effectiveness of the supervisor of the Botanical Garden is integral to the fund-raising, long-range planning and eventual transition over the next few years. Attracting qualified candidates that can address these challenges requires an upgrade in the position's duties and salary range. The American Association of Botanical Gardens and Arboreta (AABGA) completed a national botanical garden salary survey and our current Superintendent (facility manager) salary range was well behind the median pay for comparable positions.

The purpose of this Grant Agreement is to formalize an upgrade in the supervisor of the Botanical Garden, specifically the current Botanical Garden Superintendent position that is currently vacant. From the Garden's inception, the City's full-time employee in charge of the Botanical Garden has been paid solely by the City. In order to attract and retain a qualified manager of the Botanical Garden, to include daily operations management, long-range planning, fund-raising and the City/Society liaison role, the Society has proposed to provide the City annual funding of \$20,000.00 to enhance the current budgeted salary for the position. The title of Superintendent will be changed to "Botanical Garden Manager," with the additional stipulation

stipulation that the position will become an unclassified position. The annual grant of \$20,000.00 will be used solely to supplement the salary of the Manager. The amended salary range for the Manager position would be \$48,660.00 to \$72,996.00, an increase from the current Superintendent position salary range of \$36,648.00 to \$54,972.00.

The agreement is effective for a period of one year from the date of hire by the Parks and Recreation Department of the Botanical Garden Manager, which will be in Spring 2005. It will be renewed automatically annually upon receipt and appropriation of the grant funds. In the event that the Society, in any year of this agreement, does not pay the City the entire \$20,000.00 grant, the City shall be under no obligation to Society, or to the Manager, to continue to pay the Manager the supplemented salary amount and the Manager's salary shall be automatically reduced accordingly.

The Manager will be a City employee and will be subject to all rules, regulations and administrative policies thereof. The City will supervise the Manager on day to day duties; however, the Society will provide goals for fund-raising activities and long-range planning purposes. The Manager will be the liaison between the City and the Botanical Society and will be subject to a performance evaluation that includes input from both entities.

POLICY ANALYSIS

This program conforms to the long-standing policy of the City to utilize grant funds to provide services and programs that benefit the City. The City and Society entered into a cooperative agreement that was approved by City Council on April 29, 1981 through Ordinance 53676.

FISCAL IMPACT

During each year of the Grant Agreement, the annual amount of \$20,000.00 will be paid to the City by the San Antonio Botanical Society. Program revenue will be deposited into the General Fund to be utilized for personnel salary expenses. The City's share of the position's salary is budgeted in the General Fund.

COORDINATION

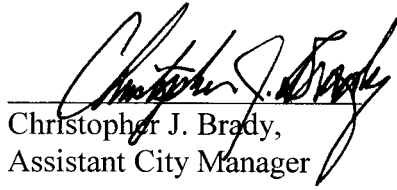
This project was coordinated with the Office of Management and Budget, the Human Resources Department and the San Antonio Botanical Society.

SUPPLEMENTARY COMMENTS

An Ethics Ordinance Disclosure Statement is not required.



Malcolm Matthews,
Director of Parks and Recreation



Christopher J. Brady,
Assistant City Manager



J. Rolando Bono,
Interim City Manager

Grant Agreement

The City of San Antonio, hereinafter called "City," and the San Antonio Botanical Center Society, a Texas non-profit corporation, hereinafter called "Society," have entered into this Grant Agreement.

1. On April 29, 1981, City and Society entered into an agreement that was approved by the City Council in Ordinance #53676. That agreement is for a term of twenty-five years and will expire on April 29, 2006. The purpose of the Agreement as stated in Paragraph #1 is to establish a framework within which City and Society can work cooperatively to foster, promote, and develop the San Antonio Botanical Garden. Paragraph #9 of the agreement states that, "It is further recognized that the Society's and City's roles, functions and responsibilities will develop, grow and/or change as well." From time to time, that agreement has been amended, as appropriate and as needed to change and further define the respective roles of City and Society.
2. The purpose of this Grant Agreement is to formalize a change in the roles of City and Society with respect to the Botanical Garden Superintendent, and the parties hereby agree to amend the 1981 agreement to the extent necessary.
3. From its inception City's full-time employee in charge of the Botanical Garden has been a "Superintendent," and the salary for that position has been paid solely by City. In order to attract and retain a qualified manager of the Botanical Garden, to include daily operations management, long range planning, fund raising and City/Society liaison role, it is mutually agreed that the Society will provide City annual funding to enhance the current budgeted salary for the position. City and Society have agreed to change the status of the Superintendent to that of "Botanical Garden Manager," with the additional stipulation that the position is an unclassified or "at-will" position. The position is to be a "grant funded" position with Society giving City an annual grant of twenty thousand dollars (\$20,000.00) to be used by City solely to supplement the salary of the Manager. City agrees that it will not use the grant to substitute for usual funds that it would use for salary for the position.
4. This Agreement is for a period of one year from the date of hire by the Parks and Recreation Department of the Manager. The Agreement will be renewed automatically annually upon receipt and appropriation of the grant funds unless the Manager resigns or is terminated.
5. The Manager is considered a City employee and as such is subject to all rules, regulations and administrative policies thereof.

6. The twenty thousand dollar (\$20,000.00) grant shall be paid by Society to City on the date of selection of the Manager. City will draw monthly from the grant to fund the Manager's salary during the ensuing year. The grant will be automatically paid by Society annually on the anniversary date of the Manager's date of hire, unless this agreement shall be terminated by either party. In the event that Society, in any year of this agreement, does not pay the City the entire \$20,000 grant, City shall be under no obligation to Society, or to the Manager, to continue to pay Manager the supplemented salary amount and the Manager's salary shall be automatically reduced accordingly.

City shall be solely responsible for payment of all benefits and legal obligations to the Manager, and Society shall have no responsibility for any payment whatsoever, except for the amount of the grant; and the grant funds shall be used only for the payment of salary. City shall have supervisory control over the Manager.

7. The Manager will be the liaison between the City and the Botanical Society and will be subject to performance evaluation that includes input from both City and Society. Status of employment based upon performance evaluation shall conform to Section 3. Society is to provide master planning, fund raising and operational guidance during this agreement term.
8. Should the Manager's status terminate for any reason such as resignation or termination by City, any pro rata sum of the grant that remains unused by City shall immediately be returned to Society, unless City and Society mutually agree to continue with funding.
9. All provisions of the 1981 agreement between the parties are hereby affirmed and remain in force for all purposes unless specifically changed or amended by this Grant Agreement.

ACCEPTED AND AGREED TO THIS _____ DAY OF _____, 2005.

CITY OF SAN ANTONIO

SAN ANTONIO BOTANICAL CENTER
SOCIETY

By: _____
J. Rolando Bono,
Interim City Manager

By: _____
Claire Alexander, its President

Attachment I

CITY OF SAN ANTONIO
PARKS AND RECREATION DEPARTMENT
Botanical Garden Manager Grant

Fund
Budget for 12 month period

	<u>Current Budget</u>	<u>Additions/ Reductions</u>	<u>Revised Budget</u>
<u>REVENUES</u>			
San Antonio Botanical Society Grant	\$0	\$20,000	\$20,000
Revenue Total	\$0	\$20,000	\$20,000
<u>EXPENDITURES</u>			
Regular Salary & Wages 2615050001-5101010	\$0	\$20,000	\$20,000
Expenditure Total	\$0	\$20,000	\$20,000

PERSONNEL COMPLEMENT

	CLASS NO.	STATUS	TITLE	# OF POSITIONS
<u>CURRENT</u>				
	0469	Classsified	Botanical Garden Superintendent	1
<u>PROPOSED</u>				
	0472	Unclassified	Botanical Garden Manager	1