

RESOLUTION NUMBER R- 313656
DATE OF FINAL PASSAGE AUG 03 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE USE OF THE BALBOA PARK BOTANICAL BUILDING AND GARDENS DONOR ACKNOWLEDGMENT PROGRAM, THE NAMING OPPORTUNITIES PROGRAM, AND THE PROPOSED AGREEMENT FOR NAMING RIGHTS FOR DONORS TO THE RESTORATION OF THE BALBOA PARK BOTANICAL BUILDING AND GARDENS PROJECT; WAIVING COUNCIL FINAL APPROVAL OF EACH NAMING OR RENAMING RIGHT THAT INCLUDES FUNDING AND GRANTING FINAL APPROVAL AUTHORITY TO THE MAYOR, OR HIS DESIGNEE; AND RELATED ACTIONS.

WHEREAS, the Balboa Park Conservancy (Conservancy), an Internal Revenue Code section 501(c)(3) non-profit organization, was formed in 2011 for the betterment of Balboa Park. One goal of the Conservancy is to raise funds to address the needs of Balboa Park; and

WHEREAS, in 2016 the Conservancy began a project to restore the Botanical Building and adjacent gardens (Project) in partnership with the City of San Diego (City) Parks and Recreation Department. In 2019 the City received an \$8 million grant from the State of California for the Project which pays for the majority of an identified scope of work for Phase I of the Project that focuses on the restoration of the structural components of the building and wood lath, as well as the reconstruction of the arches and windows originally found on the south facade, reconstruction of the original east and west grand doorway facades, reconstruction of missing ornamentation at the south entrance, and reconstruction of interior walkways and planters; and

WHEREAS, in order to implement Phase II, the Conservancy plans to raise funds through a capital campaign in which donor acknowledgment will be a key component. Phase II of the Project includes the construction of two new multi-purpose rooms, restoration of the north office space, reconstruction of two interior water features, reconstruction of the original pergola located in the West Garden by the Museum of Art, renovation of the East and West Gardens, installation of new walkways, re-planting of the horticultural exhibits inside the Botanical Building, and installation of new irrigation systems; and

WHEREAS, the Donor Acknowledgment Program (Program) was prepared in accordance with Council Policy 100-02, Donation Acceptance. This Program acknowledges the acceptance of donations in exchange for the placement of donor names on pavers, benches, interior water features, pergola statues, urns and pedestals, drinking fountains, interior planters, and promenade pathways throughout the Project. Council Policy 100-02 identifies the approving authority based on the aggregate donation amount received, with donations of \$250,000 or more requiring the Council of the City of San Diego's (Council) approval. Monetary donations will be made to the Conservancy and the Conservancy will make a donation to the City in the form of built assets. Once the Parks and Recreation Department knows the total aggregate donation amount from the Donor Acknowledgment Program, it will request the appropriate approving authority review and accept the aggregate donations pursuant to Council Policy 100-02 and bring the request to Council in a separate item; and

WHEREAS, naming opportunities are reserved for larger donations and were developed in accordance with Council Policy 900-20, Naming of City Assets; and

WHEREAS, Council Policy 900-20 provides, in part:

7. Upon approval by the board or commission, the Department Director will submit the final draft recommendation on the naming or renaming opportunities with gift levels along with the draft agreement to the City Council for final approval. Only after City Council approval may the City Sponsored or Recognized Support Groups begin soliciting and accepting donations for naming or renaming rights.

8. No final commitment to name a City Asset or portion thereof shall be made to a potential donor without the final approval by the Department Director and Assistant Chief Operating Officer or Chief Operating Officer. Naming or renaming rights that include funding will have final approval by City Council; and

WHEREAS, Council Policy 900-20 requires an agreement between the City and the recognized support group, in this case the Conservancy. The proposed Agreement for Naming Rights for Donors to the Restoration of the Balboa Park Botanical Building and Gardens Project between the City and Conservancy (Agreement) will be in substantially the same form as Attachment 1 to the staff report, and formalizes the process for implementing the Naming Opportunities Program for the Project, consistent with Council Policy 900-20. The Agreement identifies roles and responsibilities for approval of the potential donors and potential gift levels for the naming right of each City asset. The Agreement also formalizes the City's consent to name a City asset pursuant to the Agreement, in exchange for a specific donation amount from a donor; and

WHEREAS, pursuant to Council Policy 900-20, the Council has final approval of all naming or renaming rights that include funding, but has the discretion to waive this requirement

and grant final approval of each naming or renaming right that includes funding to the Mayor, or his designee; and

WHEREAS, pursuant to Council Policy 900-20, the Council reserves the right to rename any City asset for any reason at any time, including if a resident, organization, or business for which a City asset is named is determined to be disreputable, becomes disreputable, or does not otherwise support the Guiding Principles set forth in the Policy; and

WHEREAS, the Park and Recreation Board, Balboa Park Committee, and the City Council's Environment Committee recommended approval of the Naming Opportunities Program and proposed Agreement for the Project; and

WHEREAS, the naming opportunities and their associated gift levels may increase or decrease depending on the capacity of the philanthropic community support and the Botanical Building & Gardens project costs. Naming opportunities gift levels for each City asset is anticipated as follows; and

City Asset / Naming Opportunity	Silver Level \$ 225,000 - \$ 499,999	Gold Level \$ 500,000 - \$ 2.9M	Platinum Level \$ 3.0M - \$ 8.0M
1 West Gardens (Exterior)			
2 East Gardens (Exterior)			
3 Multi-Purpose Room (Interior - West)			
4 Multi-Purpose Room (Interior - East)			
5 Potting Shed (Exterior)			
6 West Wing Gardens (Interior)			
7 East Wing Gardens (Interior)			
8 West Fountain Plaza (Exterior)			
9 East Fountain Plaza (Exterior)			
10 West Patio (Interior)			
11 Historic Pergola Reconstruction (Exterior)			
12 North Entrance Lobby (Interior)			
13 Welcome Gallery (Interior)			
14 North Annex (Exterior)			
15 Central Rotunda (Interior)			

WHEREAS, the Donor Acknowledgment Program and Naming Opportunities Program have been designed to meet aesthetic and historical preservation concerns. These proposals have

been reviewed by Historical Resources staff and the Historical Resources Board's Design Assistance Subcommittee and found to be consistent with the Secretary of the Interior's Standards for historic preservation; NOW, THEREFORE,

BE IT RESOLVED, that the Council approves the use of the Donor Acknowledgment Program developed by the City and Conservancy, which acknowledges the acceptance of donations in exchange for the placement of donor names on pavers, benches, interior water features, pergola statues, urns and pedestals, drinking fountains, interior planters, and promenade pathways throughout the Project, consistent with Council Policy 100-02.

BE IT FURTHER RESOLVED, that the Council approves the use of the Naming Opportunities Program developed by the City and Conservancy, which formalizes the roles and responsibilities for approval of potential donors and potential gift levels for the naming right of each City asset in the Project, consistent with Council Policy 900-20.

BE IT FURTHER RESOLVED, that the Council approves the use of the proposed Agreement in substantially the same form as Attachment 1 to the staff report, which formalizes the City's consent to name a City asset in the Project pursuant to the Agreement, in exchange for a specific donation amount from a donor.

BE IT FURTHER RESOLVED, that the Council waives the requirement in Council Policy 900-20 that requires Council final approval for all naming or renaming rights of City assets that include funding in the Project, and grants final approval authority to the Mayor, or his designee.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to negotiate and execute one or more Agreements with the Conservancy, for and on behalf of the

City, to name a City asset in the Project pursuant to the Agreement, in exchange for a specific donation amount from a donor.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jane M. Boardman
Jane M. Boardman
Deputy City Attorney

JMB:nja
06/22/21
07/16/21 Cor. Copy
07/27/21 Cor. Copy 2
Or. Dept: Parks & Rec. Dept.
Doc. No.: 2695476_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 07/20/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Gil Sanchez for Linda Irvin
Deputy City Clerk

Approved: 8/3/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 20 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 03 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California
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