

**MEMORANDUM**

DATE: July 8, 2021

TO: Ted Corrigan, Interim CEO and General Manager

FROM: Jennifer Terry, External Affairs Manager

RE: Botanical Garden Amendment to Support Agreement

DMWW took over operation of the Greater Des Moines Botanical Center in 2004 based on an agreement negotiated with the City of Des Moines. The initial term of the agreement was 6 years, but operation of the Center continued beyond that initial term until 2012.

In early 2010 a group of local business leaders proposed that a public/private partnership would take over operation of the Botanical Center with the caveat that ongoing public support would be required. They asked DMWW to commit \$200,000 of in-kind services and free water for 10 years.

The DMWW Board entered into the Amended and Restated Greater Des Moines Botanical Garden Support Agreement in June of 2012. On January 1, 2013, operation was turned over to the Greater Des Moines Botanical Garden.

DMWW support of the Botanical Garden per the Amended and Restated Support Agreement is scheduled to end in 2022. In an attempt to ensure a smooth transition, DMWW staff and Botanical Center staff have worked to develop a plan for a reduction of support over time including a short extension of the Support Agreement.

A draft of the Support Agreement Amendment is attached in addition to the Botanical Garden's proposal for enhanced water-related educational offerings, which will be a part of the Amendment.

Specifics of the proposed amendment include:

- DMWW Financial Contribution
  - 2022 - \$200,000 – last year of current support agreement
  - 2023 - \$100,000
  - 2024 - \$50,000
  - 2025 - \$25,000
- Botanical Garden payment for water
  - 2022 – 0%
  - 2023 – 20%
  - 2024 – 40%
  - 2025 – 60%
  - 2026 – 80%

**AMENDMENT TO  
AMENDED AND RESTATED GREATER DES MOINES BOTANICAL GARDEN SUPPORT AGREEMENT  
BETWEEN THE BOARD OF WATER WORKS TRUSTEES OF THE CITY OF DES MOINES, IOWA  
AND THE GREATER DES MOINES BOTANICAL GARDEN**

**THIS AMENDMENT** made and entered into by and between the Board of Water Works Trustees of the City of Des Moines, Iowa (“DMWW”) and the Greater Des Moines Botanical Garden (“Corporation”) is made as of the date set forth below.

**Recitals:**

- A. DMWW and Corporation entered into an Agreement dated June 26, 2012 concerning DMWW providing support to the Corporation for operation of the Botanical Garden (the “Support Agreement”).
- B. Support was pledged to the Corporation in consideration of the Corporation proceeding with implementation of public awareness programs about the importance of water, water shed management and other concepts that are critical to the mission of DMWW (the “Plan”).
- C. Support was pledged in the form of:
  - (a) An annual in-kind operating contribution of Two Hundred Thousand Dollars (\$200,000) per year.
  - (b) Free water to the Corporation for use at the Botanical Garden and on its grounds.
- D. The term of the Support Agreement was ten (10) years commencing on the Lease Commencement Date. The Lease Commencement Date was January 1, 2013.
- E. The Support Agreement and the pledge of support is scheduled to expire on December 31, 2022.
- F. DMWW and the Corporation believe it is in the best interest of both parties to extend the Support Agreement beyond the original term for a transition period ending December 31, 2024 with specified declining levels of support to create a transition plan which will allow additional time for implementation of the Plan and to provide for the orderly sunseting of pledged support from DMWW to the Corporation over the transition period .

**NOW THEREFORE THE PARTIES AGREE THAT THE SUPPORT AGREEMENT IS HEREBY EXTENDED AND AMENDED AS FOLLOWS:**

- 1. DMWW will continue the originally agreed upon level of support under the Support Agreement through December 31, 2022, except that commencing as of \_\_\_\_\_, 2021, DMWW support shall be provided solely by means of monthly payments in cash. For the purposes of transition as provided herein, the term of the Support Agreement is hereby extended to December 31, 2026, subject to termination as provided in Section 6 of the Support Agreement.

2. After December 31, 2022 support from DMWW to the Corporation for operation of the Botanical Garden will transition and eventually be sunset as follows:

(a) DMWW operating contributions

- (i) The operating contribution of DMWW for calendar year 2022 will be \$200,000 in cash payable in equal monthly installments on the first business day of each month.
- (ii) The operating contribution of DMWW for calendar year 2023 will be \$100,000 in cash payable in equal monthly installments on the first business day of each month.
- (iii) The operating contribution of DMWW for calendar year 2024 will be \$50,000 in cash payable in equal monthly installments on the first business day of each month.
- (iv) The operating contribution of DMWW for calendar year 2025 will be \$25,000 in cash payable in equal monthly installments on the first business day of each month
- (v) The operating contribution of DMWW for calendar year 2026 and each year thereafter will be \$0.

(b) Water Rate Concessions

- (i) DMWW will not bill the Corporation for water consumed during 2021 or 2022.
- (ii) In calendar year 2023 DMWW will bill the Corporation for 20% of the water used at the Botanical Garden and on its grounds on a monthly basis at the inside city water rate in effect at the time of use.
- (iii) In calendar year 2024 DMWW will bill the Corporation for 40% of the water used at the Botanical Garden and on its grounds on a monthly basis at the inside city water rate in effect at the time of use.
- (iv) In calendar year 2025 DMWW will bill the Corporation for 60% of the water used at the Botanical Garden and on its grounds on a monthly basis at the inside city water rate in effect at the time of use.
- (v) In calendar year 2026 DMWW will bill the Corporation for 80% of the water used at the Botanical Garden and on its grounds on a monthly basis at the inside city water rate in effect at the time of use.
- (vi) Beginning in calendar year 2027 and each year after DMWW will bill the Corporation for 100% of the water used at the Botanical Garden and on its grounds on a monthly at the inside city water rate in effect at the time of use.

3. In consideration of the support provided by DMWW under the Support Agreement heretofore and under this Amendment going forward, the Corporation shall continuing and expand its efforts to share water education with its guests, with water programming incorporated in school curriculum, adult classes, speaker series and onsite pop-up programming. The Corporation shall also work with the DMWW team to expand it messaging going forward; to help advance the "Think Downstream" brand;

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and to raise awareness about watersheds, source water protection, and impacts on DMWW's ability to provide safe, affordable drinking water in the respects and particulars set forth in Exhibit A hereto.

4. This Amendment and the Support Agreement shall together constitute the entire agreement between the Parties concerning support of the Corporation by DMWW and shall supersede and replace all prior discussions, agreements and understandings related thereto between the parties.

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS AMENDMENT TO SUPPORT AGREEMENT AS OF THIS \_\_\_\_ DAY of \_\_\_\_\_, 2021.

BOARD OF WATER WORKS TRUSTEES OF  
CITY OF DESMOINES, IOWA ('DMWW')

BY: \_\_\_\_\_  
Graham Gillette, Board Chair

By: \_\_\_\_\_  
Ted Corrigan, CEO & General Manager

GREATER DES MOINES BOTANICAL GARDEN

BY: \_\_\_\_\_  
Kim Perez, President & CEO

By: \_\_\_\_\_  
Secretary

**Exhibit A to AMENDMENT TO  
AMENDED AND RESTATED GREATER DES MOINES BOTANICAL GARDEN SUPPORT AGREEMENT  
BETWEEN THE BOARD OF WATER WORKS TRUSTEES OF THE CITY OF DES MOINES, IOWA  
AND THE GREATER DES MOINES BOTANICAL GARDEN**

**YEAR 1**  
July 2021-June 2022

**New Programming:**

- Revamp current Water Works signage above the Garden's public drinking fountain to include the story of water's journey to the drinking fountain.
- Continue April (new in 2021) as the Garden's "Water Month" featuring programs that explore, explain and celebrate water. Program will include education about source water quality in the Raccoon and Des Moines Rivers and its effects on DMWW's ability to provide safe, affordable drinking water.
- Music in the Garden, the Garden's Thursday evening summer concert series, will host one water themed week with focused water education and activities including engagement with the Raccoon and Des Moines Rivers as they journey through agricultural watersheds upstream and meet in Des Moines. Program will include a "Think Downstream" presentation by DMWW staff about treatment and clean water advocacy awareness.
- Partnership with Water Rocks! to bring a Conservation Station for summer camp and Music in the Garden in June.
- Inclusion of two school field trip curriculum offerings including water education. Program will include a Think Downstream component and a presentation by DMWW staff.
- Quarterly Plant Fact Friday videos with a water connection and reference to Water Works.
- Inclusion of 2 adult education programs connecting to water. Program will include a Think Downstream component and clean water advocacy education by DMWW staff.
- Addition of water cycle information in all terrarium kits.
- As part of the site master planning and design, incorporate a rain garden highlighting the positive effects of plant life on water quality, water flow and end users.
- Botanical Garden Staff training which will include a tour of DMWW treatment plant on Fleur Drive

**Additional items to be explored:**

- A field trip program to local destinations to see prairie strips, marsh and other local examples of clean water solutions.
- Botanical Garden staff & volunteer river clean-up project.

## **YEAR 2**

July 1 2022-June 30 2023

### **Evaluate, improve and continue year 1 activities, plus:**

- Add a new summer camp with water theme focused on water education and fun. The camp will include a Think Downstream presentation by DMWW staff or educational partner, highlighting the journey water makes as it comes from upstream in the Raccoon and Des Moines River watersheds and makes its way to Des Moines.
- Include a water lecture in Learn on Saturday's winter lecture series. Lecture will include a Think Downstream component and water quality advocacy training by DMWW staff.
- Offer tours of Water Works as a new educational offering.
- Re-evaluate messaging and explore new opportunities with Water Works team.
- Bike trail signage on water education, source water protection, and river knowledge, expanding our audience to the 500,000+ trail users (pending proper approvals from City of Des Moines)

### **Additional items to be explored:**

- Garden Party, annual spring fundraising and conservation event, with theme connecting to water promoting water education and hands-on activities to donors and friends of the Garden.
- Temporary plants and soil erosion display.
- Work to include a conservation exhibit in the site master plan. The exhibit will be one or more examples of conservation practices that are proven to have positive water quality benefits to downstream users.

## **YEAR 3**

July 1 2023-June 30 2024

### **Evaluate, improve and continue successful year 2 activities, plus:**

- Include water messaging in master plan expansion, especially related to the planned wetland garden, dry meadow garden and children's nature play areas.
- Re-evaluate messaging and explore new opportunities with Des Moines Water Works team.

## **YEAR 4**

July 1 2024-June 30 2025

### **Evaluate, improve and continue successful year 3 activities, plus:**

- Re-evaluate messaging and explore new opportunities with Des Moines Water Works team.
- Implement program as agreed

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**YEAR 5**  
July 1 2026- to December 31, 2026

**Continue year 4 Program as agreed.**

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## Greater Des Moines Botanical Garden

### **Des Moines Water Works Partnership**

The Greater Des Moines Botanical Garden is here to provide our community a key horticultural and educational center with exceptional gardens, plant collections, and programs to promote the deep connections between people and plants, and to help create a more beautiful and sustainable world. Our work today has been made possible by the leadership and support provided by Des Moines Water Works and its team. Thank you for your continued dedication and willingness to explore a new partnership.

Much like Water Works, the Botanical Garden believes we play an important role in the health of our community and that clean water is a vital resource for us all. The Botanical Garden looks forward to an expanded partnership that educates our constituencies about where water comes from, how it becomes contaminated, ways our community can prevent pollution of our waterways and the role plants play in connection to water.

### **Greater Des Moines Botanical Garden**

At the heart of any public garden's work is a commitment to advancing the community's understanding of botany, horticulture and agriculture. The Greater Des Moines Botanical Garden offers events and programs to engage a diverse audience of all ages. These programs include:

**Youth and Family Programs**— From our youngest audience engaging in interactive story time to workshops designed for families to create a take-home project together, we engage multiple generations in the Botanical Garden's mission.

**Fieldtrips and School-based Programs** – Students participate in fun, hands-on learning while exploring plants and increasing their science skills. Our educational offerings include interdisciplinary tours and programs aligned with the Iowa Core, Next Generation Science Standards and local curricula for grades Pre-K through High School.

**Adult education classes, Lectures and Symposiums** – Adult programs are designed to develop garden skills, explore their creative side or fuel their body with one of our many workshops.

**Community Outreach** – Through community partnerships with other non-profit organizations such as Eyerly Ball Mental Health Services, Central Campus Horticulture, Boys and Girls Club, Oakridge Neighborhood Services and Science Center of Iowa - we offer free admission to raise awareness of the role of plants in our daily lives as well as to eliminate barriers for access to Botanical Garden programming.

**Exhibits and Interpretation** – Interactive exhibits and displays throughout the conservatory provide enrichment and learning opportunities for young and old alike and change seasonally.

**Volunteer Programs** – From seasonal planting and garden maintenance to guest experience hosting, Botanical Garden volunteers support our mission and provide the equivalent, annually, of seven full time employees.

Since opening our doors as a non-profit organization in 2013, the Greater Des Moines Botanical Garden's goals have remained built on four pillars: education, culture, innovation and ecology. Our distinct spaces offer unique opportunities centered on these goals through events and programs focused on learning, respite and socializing for community members. Two years ago, the Botanical Garden leadership, including valued constituents in the community, created a road map for the future of our beloved institution. This process resulted in an overarching theme of "Growing Our Relevance" with targeted strategies in four major categories; enhance and expand spaces, increase our diversification and relevance, inspire and influence, and strengthen organizational capacity. This strategic plan is an important step in a projected doubled attendance in the next 5 years from the 150,000 visitors we welcome today. Our focus will be on new exhibits – with a master plan doubling the size of the garden over the next decade – and expanded programming to reach new, diverse audiences.

Your renewed support will not only be an investment in water education, source water protection, and issues related to drinking water, but an investment in relevance; meeting the community members where they are, attracting new audiences and actively reaching out to those who don't know the Garden, welcoming them all. In 2021, we will plow new roads in diversification through expanded partnerships with local schools and organizations serving diverse populations. New programming includes such things as wellness curricula, a pilot plant pet program through Des Moines schools, and continued access through our *Pineapple Program* which is a formalized inclusion effort that welcomes nearly 10,000 visitors free-of-charge to our garden.

Last year, we added the Ruan Reflection Garden, a space for the community to reflect and find peace. We will soon assume management and oversight of an adjacent public space, the Robert D. Ray Asian Garden. The Asian Garden not only highlights the importance of diversity in the community and acknowledges the contributions that Asian Americans have made to Iowa, but it serves as a lasting monument honoring Robert D. Ray (1928 – 2018); Iowa governor from 1969 to 1983. This expansion of our footprint will remain a free public garden complimenting the Greater Des Moines Botanical Garden's efforts to engage the bike trail and riverfront.

For many years, Des Moines Water Works has served as an integral partner in the growth and success of the Greater Des Moines Botanical Garden reaching our goals of becoming a widely recognized and unique community resource for plant-based learning and arts and cultural experiences. With your help, we look forward to continuing to make great strides for Greater Des Moines, the community we are privileged to serve. We thank you for your past investment and future considerations.

## **Proposal**

The Botanical Garden is committed to continuing and expanding our efforts to share water education with our guests. While this has always been an important part of our messaging with water programming incorporated in school curriculum, adult classes, speaker series and onsite pop-up programming, we look forward to working with the Des Moines Water Works team to

expand our messaging; help advance the “Think Downstream” brand; and raise awareness about watersheds, source water protection, and impacts on DMWW’s ability to provide safe, affordable drinking water. Outlined below are the ways we are committed to spreading water knowledge and action.

### **YEAR 1**

July 2021-June 2022

#### **New Programming:**

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**YEAR 2**

July 2022-June 2023

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**YEAR 3**

July 2023-June 2024

**Evaluate, improve and continue successful year 2 activities, plus:**

- Include water messaging in master plan expansion, especially related to the planned wetland garden, dry meadow garden and children's nature play areas.
- Re-evaluate messaging and explore new opportunities with Des Moines Water Works team.

**YEAR 4**

July 2024-June 2025

**Evaluate, improve and continue successful year 3 activities, plus:**

- Re-evaluate messaging and explore new opportunities with Des Moines Water Works team.

## Des Moines Water Works Commitment

- Provide Financial Contribution of \$200,000 as follows:
  - 2022 - \$100,000
  - 2023 - \$60,000
  - 2024 - \$40,000
- Provide reduced Botanical Garden water usage rates as follows:
  - 2022 – 100% reduction
  - 2023 – 80% reduction
  - 2024 – 60% reduction
  - 2025 – 40% reduction
  - 2026 – 20% reduction
- Connect Botanical Garden staff with appropriate experts in the fields of conservation, watersheds, advocacy, and the drinking water industry who are capable of working with Botanical Garden staff to effectively deliver the Think Downstream messaging.

## Recognition

Today, Water Works support is recognized at the highest of levels for the Garden, among only a handful of others at or above the \$50,000 annual giving level. This recognition will continue annually through the Garden's fiscal year 2024.

- Onsite signage as top supporter.
- Webpage recognition.
- Recognition in every BLOOM, quarterly member magazine mailed to 3,000 households.
- Recognition on all season sponsors signage at top level.
- Opportunity for various employee discounts and engagement opportunities at the Garden.
- Recognition in monthly e-communication, *The Dirt*, to top Garden supporters and prospects.