

Amendment No. 1

Memorandum of Understanding Between the City of Everett and the Evergreen Arboretum and Gardens



1. General. The Evergreen Arboretum and Gardens, a Washington non-profit corporation (the “**Arboretum Society**”), and the City of Everett (“**City**”) are parties to the Memorandum of Understanding dated July 7, 2024 (the “**MOU**”), regarding the renovation of the Backyard Garden at the Evergreen Arboretum at American Legion Memorial Park. This Amendment amends the MOU has set forth below. Capitalized terms have the same meaning as in the MOU.
2. Amendments.
 - A. The City has allocated a grant to the Arboretum Society (the “**Grant**”). The Grant is provided to the Arboretum Society under a separate grant agreement. Grant funds may be used for the Project. Grant funds used for the Project are pursuant to RCW 35.21.278. In accordance with RCW 35.21.278:
 - (1) The City and the Arboretum Society agree that the value to be received by City through the value of the Project will be at least equal to two times the amount of the Grant funds to be used for the Project.
 - (2) The Arboretum Society may for Grant-funded Project activities use volunteers to whom no wage or salary work is paid and provide the volunteers with clothing or tools, meals or refreshments, accident/injury insurance coverage, and reimbursement of their expenses. Each Project volunteer must sign a Waiver and Release on forms provided by the City.
 - (3) The Arboretum Society may for Grant-funded Project work use paid labor and contractors in accordance with Section 4.B and 5 of the MOU. Among other items, those sections include prevailing wages, insurance requirements, and a

requirement that each Project contractor sign a City-provided contract addendum, the form of which has been given to the Arboretum Society.

B. Clarifications regarding certain Project work:

- (1) Pathway renovation from Small Tree Walk through the conifer and woodland gardens, will include lifting old bender board edging, replacing missing sections, adding and compacting 1/4 minus gravel to the pathway surface, and making three shortcuts from the parking lot into the Small Tree Walk.
- (2) Soil addition to the Backyard Garden area will use approximately 80 cubic yards delivered to site, rototilled into existing soil, and raked and rolled to provide a firm base.

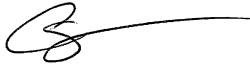
3. Miscellaneous. All provisions in the MOU shall remain in effect except as expressly modified by this MOU. This MOU is signed by the parties with AdobeSign, which is fully binding.

[signatures on following page(s)]

CITY OF EVERETT

EVERGREEN ARBORETUM AND GARDENS,
a Washington non-profit corporation

By:



Cassie Franklin, Mayor

Date: 04/02/2024

Eileen D. Simmons

By: _____

Name: Eileen D. Simmons

Title: President, Evergreen Arboretum and Gardens

Date: 04/02/2024

ATTEST:



Office of the City Clerk



APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY












Arboretum MOU Amendment No.1 rev.SD

Final Audit Report

2024-04-02

Created:	2024-04-01
By:	Marista Jorve (mjorve@everettwa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA846jVmLbf9zp70bO-DMED18cQO4HfVQA

"Arboretum MOU Amendment No.1 rev.SD" History

-  Document created by Marista Jorve (mjorve@everettwa.gov)
2024-04-01 - 11:09:50 PM GMT
-  Document emailed to kmoore@everettwa.gov for approval
2024-04-01 - 11:10:25 PM GMT
-  Email viewed by kmoore@everettwa.gov
2024-04-02 - 3:32:57 PM GMT
-  Signer kmoore@everettwa.gov entered name at signing as Kimberly Moore
2024-04-02 - 3:33:22 PM GMT
-  Document approved by Kimberly Moore (kmoore@everettwa.gov)
Approval Date: 2024-04-02 - 3:33:24 PM GMT - Time Source: server
-  Document emailed to esimmons_77@yahoo.com for signature
2024-04-02 - 3:33:25 PM GMT
-  Email viewed by esimmons_77@yahoo.com
2024-04-02 - 4:29:32 PM GMT
-  Signer esimmons_77@yahoo.com entered name at signing as Eileen D. Simmons
2024-04-02 - 4:39:41 PM GMT
-  Document e-signed by Eileen D. Simmons (esimmons_77@yahoo.com)
Signature Date: 2024-04-02 - 4:39:43 PM GMT - Time Source: server
-  Document emailed to Tim Benedict (TBenedict@everettwa.gov) for approval
2024-04-02 - 4:39:45 PM GMT
-  Email viewed by Tim Benedict (TBenedict@everettwa.gov)
2024-04-02 - 5:03:38 PM GMT



Document approved by Tim Benedict (TBenedict@everettwa.gov)

Approval Date: 2024-04-02 - 5:03:47 PM GMT - Time Source: server



Document emailed to Cassie Franklin (cfranklin@everettwa.gov) for signature

2024-04-02 - 5:03:48 PM GMT



Email viewed by Cassie Franklin (cfranklin@everettwa.gov)

2024-04-02 - 7:10:42 PM GMT



Document e-signed by Cassie Franklin (cfranklin@everettwa.gov)

Signature Date: 2024-04-02 - 7:10:50 PM GMT - Time Source: server



Document emailed to Marista Jorve (mjorve@everettwa.gov) for signature

2024-04-02 - 7:10:51 PM GMT



Document e-signed by Marista Jorve (mjorve@everettwa.gov)

Signature Date: 2024-04-02 - 7:13:31 PM GMT - Time Source: server



Agreement completed.

2024-04-02 - 7:13:31 PM GMT