

Order 11-18/19

Passage: 8-0 (Duson absent) on 7/16/2018

Effective 7/26/2018

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF PORTLAND, MAINE AND  
THE PORTLAND PARKS CONSERVANCY**

**ORDERED**, that the attached Memorandum of Understanding with the Portland Parks Conservancy is hereby approved in the form attached hereto; and

**BE IT FURTHER ORDERED**, that the City Manager or his or her designee is hereby authorized to execute the Memorandum of Understanding and whatever other documents are necessary to effect the intent and purpose of this order.









statements for the most recently ended fiscal year with a target date of the last business day in August.

- C. Upon request, the Conservancy agrees to provide the City, annually:
  1. An annual report; and
  2. A list of Conservancy governing board, officers, and advisors.

**X. CONFIDENTIALITY**

The Parties agree that information about the Conservancy’s donors and employees shall be kept confidential. To the extent permitted by law, neither the Conservancy nor the City shall disclose or use any private or confidential donor or employee information provided from one to the other except as required in and by the terms of this MOU. Notwithstanding the foregoing, the Conservancy acknowledges and agrees that the City is subject to Maine’s Freedom of Access Act (FOAA) and that the City will disclose any information that it is required by law to disclose without liability to the Conservancy or any third party.

**XI. NOTICES**

- A. Any notice to either party hereunder must be in writing signed by the party giving it, and, if mailed, shall be deemed given when mailed postage prepaid by the U.S. Postal Service first class, certified or express mail or other overnight mail service, or hand delivered, when addressed as follows:
  - To City: Director of Parks, Recreation & Facilities, 212 Canco Rd., Portland, ME 04103
  - With a copy to the City Manager at 389 Congress Street, Portland, ME 04101
  - To Conservancy: Attn: Portland Parks Conservancy, 769 Congress St., Portland, ME 04102
- B. Other addressee(s) may also be hereafter designated by written notice. For any notice other than a Notice of Termination under Section XII, written notice may be given by other means acceptable to the receiving party, including by electronic mail. All such notices shall be effective only when received by the addressee.

**XII. AMENDMENT AND TERMINATION**

- A. Unless earlier terminated as set forth below, this MOU will remain in effect until two years from the date set forth below, and is renewable for additional two year terms by mutual written agreement of the Parties.
- B. This MOU may be amended only in writing signed by an authorized representative of both Parties.
- C. This MOU may be terminated at the discretion of either Party, with or without cause, effective upon written notice to the other Party.

**SIGNATURES**

IN WITNESS WHEREOF, the City of Portland and the authorized representative(s) of the Portland Parks Conservancy have executed this MOU on this 15<sup>th</sup> day of JUNE, 2018, the effective date of this MOU. This MOU will expire two years from the date of signing.

**CITY OF PORTLAND**

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Jon P. Jennings

Its: City Manager

**PORTLAND PARKS CONSERVANCY**

By\_

(Signature)

ANDREW H. MAGOUN

(Printed Name)

Its: President