



RESOLUTION No. 2019-3543

A Resolution to authorize the City Manager to enter into an Intergovernmental Agreement with the Chehalem Park and Recreation District for the management of the Newberg Cultural District

RECITALS:

1. The City and Chehalem Park and Recreation District (CPRD) had previously approved an Intergovernmental Agreement (IGA) forming the Newberg Cultural District (NCD) in September, 2013.
2. Over the years, the NCD Board refined processes and the Newberg Cultural District saw changes.
3. The primary changes in the IGA include removing a number of public groups that had not been active since the district was first established and revising the permit process for users of the district.
4. The Newberg Cultural District Board spent a number of meetings in 2018 reviewing the IGA.
5. The proposed IGA was reviewed and revisions brought to the NCD board from City Attorney Truman Stone and CPRD Counsel John Bridges.
6. The NCD Board voted to recommend approval of the 2019 IGA by the City Council and the CPRD Board at its March 5, 2019 meeting. It will come before the City Council on April 1, 2019 and the CPRD Board on March 28, 2019.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Newberg City Council authorizes the City Manager to execute an Intergovernmental Agreement (IGA) with Chehalem Park and Recreation District for the management of the Newberg Cultural District. The IGA is attached as Exhibit "A", which is hereby adopted and by this reference incorporated.

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**INTERGOVERNMENTAL AGREEMENT
NEWBERG CULTURAL DISTRICT
(CITY OF NEWBERG and CHEHALEM PARK AND RECREATION DISTRICT)**

This Agreement is entered into this 4th day of April, 2019 between the Chehalem Park and Recreation District, hereinafter referred to as “CPRD”, and the City of Newberg, a municipal corporation, hereinafter referred to as “City.”

RECITALS

1. Intent-The intent of the parties is to form a partnership arrangement in order to manage the area known as the Newberg Cultural District, hereinafter referred to as “Cultural District” for the use and enjoyment of the community.
2. Vision - To identify and strengthen the cultural district as a gathering place where people can discover the literary, artistic, and historical culture of the area; attend a class or program; check out books; view an exhibit; participate in a community event; or simply sit on a bench while visiting with a friend.
3. Funding - Both the CPRD and the City will furnish funding for the Cultural District operations as agreed upon in this document and other agreements.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. AREA INCLUDED IN THE CULTURAL DISTRICT

- A. Boundaries - The area defined as the Cultural District is bordered by Hancock, Blaine, School and Sherman streets and encompasses the Newberg Public Library, the Carnegie Court, the public parking lot at Blaine and Hancock, the Chehalem Cultural Center and the land surrounding, and the private properties within the boundaries. See diagram as Attachment A.
- B. Public Streets - This agreement specifically covers property owned by CPRD and the City as well as the public streets and rights-of-way within the borders.
- C. Implications to Private Property - This designation is in name only and does not carry with it any land use changes, restrictions, conditions or obligations for the private properties within the district. The City and CPRD will work cooperatively with private property owners in the development of the District.

District, including the current landscaping surrounding the Library and Cultural Center. Until that occurs the City and CPRD landscape efforts should work in conjunction with each other. The Cultural District will work with the private property owners regarding their parking strips within the district with approval of the property owner.

3. Cultural District Web Site - The Board shall develop a single web site for the Cultural District that will allow for reservation requests and a calendar of events for the Cultural District with links to the City, CPRD, Library and Cultural Center. It will include Cultural District documents and parking information. All outdoor events will also be listed on the calendar with private events simply listed, for example, "private event in the Cultural District". Other property owners in the Cultural District will be encouraged to view the calendar in planning their events and arrange to have their large events noted on the calendar for planning purposes.

B. No Requirement to Remove Existing Signage-The above in no way requires the removal of existing signage

IV. RESERVATIONS FOR SPACE

A. Within the Cultural Center - The Cultural Center will manage all uses of the space within the Center.

B. Within the Library - The Library will manage all uses of the space within the Library.

C. Outdoor Space Reservations

1. Reservations for use of the Cultural District are made by the organization as designated by the Cultural District Board.
2. Authority to Approve Outdoor Events - The authority to approve outdoor events is delegated to staff of the agency designated to manage reservations. If there is a request to deny an event, the request will come to the Cultural District Board for final determination. Consideration for denial may include: frequency of events, impact on the livability of the neighborhood and fitting within the context of cultural events.
3. Rental Income - Revenue from rental income for the Cultural Center Plaza returns to the Chehalem Cultural Center. Other revenue is retained by the organization designated to manage reservations and a report provided in January. The Cultural District Board will determine if any fees shall be returned to the City or CPRD beyond the costs associated with managing the reservations.

D. Outdoor Space Operations

1. Single Application - A single application will be required for reservations for the outdoor spaces. It includes the City of Newberg Festival Street Permit Application for any events requiring street closures or the use of alcohol on Carnegie Court or the street. This application consolidates the street closure, alcohol use, parking

5. Parking Management Plan - The Parking Management Plan will continue to be in effect until it is replaced by a new, agreed upon document, regardless of the termination of this agreement.

VIII. BUDGET LAWS OF THE STATE OF OREGON

The City of Newberg and the Chehalem Park and Recreation District are municipal corporations and are obligated under the budget laws of the State of Oregon known as the Local Budget Law. Any provision of the Agreement which is not in conformance with the Local Budget Law is null and void. Further, the City or CPRD cannot expend monies beyond the revenues received.

IN EVIDENCE THE UNDERSIGNED HAVE EXECUTED THIS AGREEMENT

CITY OF NEWBERG
414 E. First Street
Newberg, OR 97132
By Authority of
Resolution No. 2019-3543
(passed)

CHEHALEM PARK & RECREATION DISTRICT
125 S. Elliot Rd
Newberg, OR 97132
By Authority of
Motion
(passed)

BY:



Joe Hannan, City Manager 4/15/19 Date

BY:




Don Clements, Superintendent 4.30.19 Date

Approved by Resolution No. 2019-3543

Approved by Motion No.

APPROVED AS TO FORM AND CONTENT:



Truman Stone, City Attorney 4/8/2019 Date



John Bridges, CPRD Legal Counsel 5/1/19 Date