

**RESOLUTION NO. 2292**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO APPROVE AMENDMENTS TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILSONVILLE AND THE LIBRARY DISTRICT OF CLACKAMAS COUNTY.**

WHEREAS, on July 6, 2009, the City of Wilsonville entered into an Intergovernmental Agreement with the Library District of Clackamas County, the County, and member cities with libraries regarding the distribution of funds from the District to the cities, and

WHEREAS, the agreement provides for the annexation to the District of other cities within the County and specifies how District revenues are shared with new member cities, and

WHEREAS, on May 18, 2010, the citizens of the City of Tualatin voted to annex those Clackamas County residents into the Library District of Clackamas County; and

WHEREAS, on November 2, 2010, the citizens of the City of Damascus voted to annex into the Library District of Clackamas County; and

WHEREAS, Pursuant to the original IGA, the City of Tualatin, the City of Damascus and District Advisory Board of the Library District of Clackamas County have negotiated Amendments 1 and 2 to the Intergovernmental Agreement between the Library District and member cities, providing for the annexation of the City of Tualatin and City of Damascus, respectively, and

WHEREAS, upon review by City Council and staff, the terms of the two Amendments are acceptable to the City of Wilsonville, and approval of the Amendments are in the public interest;

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The Wilsonville City Council authorizes the City Manager to approve and sign District IGA Amendments 1 & 2, attached hereto as exhibits A and B.
2. This Resolution is effective upon adoption

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6th day of June, 2011, and filed with the Wilsonville City Recorder this same date.

  
TIM KNAPP, MAYOR

ATTEST:

Sandra C. King  
Sandra C. King, MMC, City Recorder

SUMMARY of Votes:

Mayor Knapp	<u>Yes</u>
Councilor Nunez	<u>Yes</u>
Councilor Hurst	<u>Yes</u>
Councilor Starr	<u>Yes</u>
Councilor Goddard	<u>Yes</u>

Attachments

- A. Amendment No.1 regarding annexation of Tualatin to the District
- B. Amendment No. 2 regarding annexation of Damascus to the District

AMENDMENT NO. 1  
TO THE  
COOPERATIVE INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE LIBRARY DISTRICT OF CLACKAMAS COUNTY  
AND  
LIBRARY CITIES

THIS AMENDMENT NO. 1 (this "Amendment") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the Library District of Clackamas County (the "District") a county service district formed under ORS Chapter 451, Clackamas County, a political subdivision of the State of Oregon ("County"), each of the Cities of Canby, Estacada, Gladstone, Lake Oswego, Milwaukie, Molalla, Oregon City, Sandy, West Linn, and Wilsonville (each, a "City" and collectively, the "Library Cities"), and the City of Tualatin ("Tualatin").

WHEREAS, the District, the County and the Library Cities entered into that certain intergovernmental agreement regarding the distribution of funds from the District to the County and Library Cities in support of the provision of library services to the residents of the District (the "Agreement"); and

WHEREAS, since the date of final execution of the Agreement that portion of Tualatin that lies within Clackamas County has annexed into the District pursuant to Board Order 2010-73 adopted June 17, 2010; and

WHEREAS, as part of Tualatin's annexation petition, it sought assurances that 50% of the revenue generated within its city limits would be distributed to it for use at the Tualatin Library, which is located within Washington County. This proposal was reviewed and approved by the Library District Advisory Board and the Board of County Commissioners as the governing body of the District; and

WHEREAS, the Parties hereto desire to amend the Agreement to reflect the annexation of Tualatin territory; and

WHEREAS, Section 3.3 of the Agreement provides for the mechanism of amendment of the Agreement to address these changes;

NOW, THEREFORE, the District, the County, the Library Cities and Tualatin each agree to the following:

**Section 1      Amendments**

**1.1      Tualatin Revenue. Notwithstanding the Formula as set forth in the Agreement:**

- 1.1.1      Fifty percent (50%) of the District revenue generated by real property within Tualatin as of June 17, 2010, including delinquent taxes and any generated interest, shall be distributed to Tualatin for use in support of the Tualatin Library.

- 1.1.2 The remaining revenue generated by the Tualatin properties shall be distributed to the following Library Cities in support of library services:
- 50% to Lake Oswego;
  - 40% to Wilsonville; and
  - 10% to West Linn.
- 1.1.3 Revenues generated by properties that currently are within the District and subsequently annexed into Tualatin shall continue to be treated as unincorporated and within their current service area for purposes of the Formula. Any changes to the Formula shall require amendment as set forth in the Agreement.
- 1.1.4 For the purposes of the Agreement, Tualatin shall not be considered a Library City.
- 1.1.5 For the purposes of the Formula in the Agreement, the population within Tualatin as of June 17, 2010 shall not count towards the total population as utilized in the Formula.

## **Section 2      Ratification**

- 2.1 Affirmation. The District and the Library Cities ratify the remainder of the Agreement and affirm that no other changes are made hereby.

*[Signature Page Follows]*

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS, AS THE GOVERNING BODY OF THE	CLACKAMAS COUNTY BOARD OF COMMISSIONERS, AS THE GOVERNING BODY OF
LIBRARY DISTRICT OF CLACKAMAS COUNTY	CLACKAMAS COUNTY
By: _____	By: _____
Title: Chair _____	Title: Chair _____
ATTEST: _____	ATTEST: _____

THE CITY OF CANBY	THE CITY OF ESTACADA
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF GLADSTONE	THE CITY OF LAKE OSWEGO
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF MILWAUKIE	THE CITY OF MOLALLA
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF OREGON CITY	THE CITY OF SANDY
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF TUALATIN	THE CITY OF WEST LINN
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF WILSONVILLE
By: _____
Title: _____
ATTEST: _____

AMENDMENT NO. 2  
TO THE  
COOPERATIVE INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE LIBRARY DISTRICT OF CLACKAMAS COUNTY  
AND  
LIBRARY CITIES

THIS AMENDMENT NO. 2 (this "Amendment") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the Library District of Clackamas County (the "District") a county service district formed under ORS Chapter 451, Clackamas County, a political subdivision of the State of Oregon ("County"), each of the Cities of Canby, Estacada, Gladstone, Lake Oswego, Milwaukie, Molalla, Oregon City, Sandy, West Linn, and Wilsonville (each, a "City" and collectively, the "Library Cities"), and the City of Damascus ("Damascus").

WHEREAS, the District and the Library Cities entered into that certain intergovernmental agreement regarding the distribution of funds from the District to the Library Cities in support of the provision of library services to the residents of the District (the "Agreement"); and

WHEREAS, since the date of final execution of the Agreement the City of Damascus has annexed into the District; and

WHEREAS, the Parties hereto desire to amend the Agreement to reflect the annexation of Damascus; and

WHEREAS, Section 3.3 of the Agreement provides for the mechanism of amendment of the Agreement to address these changes;

NOW, THEREFORE, the District, the County, the Library Cities and Damascus each agree to the following:

**Section 3 Amendments**

3.1 Damascus Annexation & Revenue. The parties hereto agree that:

3.1.1 For the purposes of the Agreement, Damascus shall not be considered a Library City; and

3.1.2 District revenue generated by properties located with Damascus shall be considered, for purposes of the distribution Formula, to be unincorporated and the Service Area Map and Formula are modified to allocate the Damascus area within the Clackamas Corner/Happy Valley service area.

3.2 Damascus Impact on Interim Library Service Provision. The parties hereto acknowledge that currently Happy Valley receives library service through a Clackamas

County-operated branch. Currently the County is constructing greater library space in the Sunnyside Village area. It is the intent of the parties that Happy Valley, at some point in the future, operate a library that would provide service to both Damascus and Happy Valley residents and associated unincorporated service area. Until this transition occurs, the Agreement currently provides that the District shall contribute such funds as necessary from Happy Valley and its related service areas to support the operation of the relevant Clackamas County branch library. The characterization of revenue from properties with Damascus as being unincorporated and within the Happy Valley/Clackamas Corner service area shall apply and revenues from both cities shall be directed to Clackamas County and apply to (i) support current Clackamas Corner operations, and (ii) fund other needs as necessary to support the implementation of construction of the Sunnyside Village library and transfer of staff and materials to the new location. At such time that Happy Valley assumes operational responsibility for the Sunnyside Village library, it shall be deemed a Library City for purposes of the Agreement.

**Section 4      Ratification**

- 4.1 No Further Changes. The District, County and the Library Cities ratify the remainder of the Agreement and affirm that no other changes are made hereby.

*[Signature Page Follows]*



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

**DISTRICT & COUNTY:**

CLACKAMAS COUNTY BOARD OF COMMISSIONERS, AS THE GOVERNING BODY OF THE	
LIBRARY DISTRICT OF CLACKAMAS COUNTY	
By: _____	
Title: Chair _____	
ATTEST: _____	

**LIBRARY CITIES:**

THE CITY OF CANBY	THE CITY OF ESTACADA
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF GLADSTONE	THE CITY OF LAKE OSWEGO
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF MILWAUKIE	THE CITY OF MOLALLA
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF OREGON CITY	THE CITY OF SANDY
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF WEST LINN	THE CITY OF WILSONVILLE
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

**ANNEXING CITY:**

THE CITY OF DAMASCUS
By: _____
Title: _____
ATTEST: _____