

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.

II. MANAGEMENT OF THE CULTURAL DISTRICT

- A. Management-As the primary property owners, the City and CPRD will jointly manage the Cultural District, with management delegated to the Cultural District Executive Board.
- B. Cultural District Executive Board-An Executive Board hereinafter referred to as “Board,” will manage the Cultural District. The Board will be organized as follows:
 - 1. Membership and Terms - The membership of the Board shall consist of five members. The City, CPRD, the Library, and the Cultural Center shall appoint one member each. These members shall serve four-year terms. A Residential Neighbor representative shall be selected by a majority of residents in attendance at the annual meeting. CRPD and the City shall be notified of the election results. Residents must live within the area bordered by N. Main Street, E. Hancock Street, N Meridian Street and the railroad tracks to the north. This member will serve a two- year term. If the Residential Neighbor representative moves from the area or resigns, a new representative shall be selected as above, at the next Board meeting, to serve the remainder of the term.
 - 2. Meetings - The Board shall meet at least semi-annually. An annual meeting will be held in the fourth quarter of each calendar year to report to the community the activities of the Cultural District as well as review and take input on the Parking Management Plan. These meetings will be posted as required by governmental public meetings law.

III. IDENTITY OF THE CULTURAL DISTRICT

- A. Branding of Cultural District - To ensure the identity and branding of the Cultural District while still acknowledging the individuality of the existing public entities, efforts shall be made to have a consistent look and feel to the design of the Cultural District in permanent and semi-permanent exterior signage, landscaping, web presence, printed items and other materials.
 - 1. Exterior Signage - New permanent and semi-permanent signage for the Chehalem Cultural Center, the Newberg Public Library and the Newberg Cultural District shall be approved by the Board and developed in a fashion that retains individual identities for the Chehalem Cultural Center and the Newberg Public Library, while at the same time showing their connection to and participation within the Newberg Cultural District.
 - 2. Cultural District Exterior Landscaping - The exterior landscaping for the Cultural District shall be designed and developed in a professional manner and approved by the Board. In order for the landscaping to be consistent and to maintain the plan and intent of the original design, the City and CPRD will work towards having a single landscaper maintain the outdoor areas encompassing the entire Cultural

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

plan, insurance, security, noise requirements and notification of affected parties into one permit.

- a . Insurance- Insurance riders for the City, CPRD, Chehalem Cultural Center, and the private property owners may be required for outdoor events and will be required for any events involving alcohol.

V. PARKING PLAN FOR THE CULTURAL DISTRICT

- A. Parking Plan - A Parking Management Plan has been developed by the Newberg Cultural District Board and has been required by the City for further development of the Cultural Center. A parking action plan may be implemented for specific events as required by the Parking Management Plan.

VI. REPORT REQUIREMENTS

- A. Annual Report - The Board shall provide a written annual report to the CPRD Board and to the City Council in the first quarter of each calendar year. The report shall include a description of activities and events within the District, a financial report, and a parking management report.
- B. Reports Posted to Website- Meeting agendas and minutes and Annual Report will be posted on the web site.

VII. TERMINATION OF AGREEMENT

- A. This Agreement can be terminated as follows:
 - 1. At-will - By either party at will, without cause giving notice of termination prior to January 1 for termination as of June 30 during the term of the agreement. Nothing in this notice of termination shall prohibit the parties from mutually agreeing to terminate the agreement at any time.
 - 2. For Cause - The City or CPRD has the right to terminate the Agreement for cause after notice that either has not corrected the situation for which they are in violation of the contract within thirty (30) days after the notice.
 - 3. Notice - Notice required by the Agreement and under this paragraph will be mailed to the address indicated below for each party:

City Manager
City of Newberg
PO Box 970
Newberg, OR 97132

Superintendent
Chehalem Park and Recreation District
125 S. Elliott Rd.
Newberg, OR 97132

- 4. Liability for Payments - The City or CPRD will have no liability for any payments after termination of the Agreement.

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

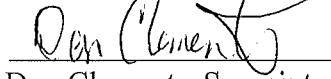
CITY OF NEWBERG
414 E. First Street
Newberg, OR 97132
By Authority of
Resolution No. 2019-3543
(passed)

BY:


Joe Hannan, City Manager 4/5/19 Date

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


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 4/9/2019 Date


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

Map of District:



Newberg Cultural District Parking Management Plan

The Cultural District is a multi-use destination for residents and visitors to our community. People will come to outdoor events and many will attend events and activities within the Chehalem Cultural Center and Newberg Public Library, located within the Cultural District. In order to have the Cultural District honor and recognize its location within a residential neighborhood, this Parking Management Plan has been developed.

Many people will walk or bike to the summer events within the Cultural District and it is recognized that more will use their vehicles for events at other times of the year or for more formal events held within the Chehalem Cultural Center.

Within the boundaries of the Cultural District there are the following parking areas. *These will be known as the "Cultural District Parking Spaces"*. The four areas include approximately 150 parking spaces.

- Cultural Center Lot
- Library Parking Lot
- Water Wise Lot
- Boundary streets inside and on the perimeter of the District

There are numerous additional public spaces within walking distance (3 blocks) of the Cultural District. Some private businesses near the District will allow the use of their lots for additional parking for events and will have signs indicating this. There are substantially more available in public and private lots that could be available by shuttle.

Permanent signage indicating the location of **public** parking lots within the Cultural District will be installed. Signage will direct vehicles to the District from Hancock Street to northbound Howard or to Blaine Streets. This will naturally move vehicles towards the Water Wise Garden parking lot, the Library parking area, the Cultural Center parking lot and on-street parking on the Cultural District sides of the surrounding streets.

This Parking Management Plan is based on a simple four-step process. At all times, the following information will be maintained for the District:

1. What is the maximum number of people that are expected to be within the District?
2. How many parking spaces are required?
3. Where are the parking spaces that are expected to be used?
4. How will drivers be encouraged to use those additional parking spaces and to avoid others?

The Executive Board of the District, along with the Cultural Center and the Library will work together to manage parking within the District. A matrix with the maximum daily parking needs for the district will be developed and maintained. This matrix will be made available to the public through the District website. It is expected that the base matrix will be adequate to show that there is sufficient parking during normal operations in the District. The matrix need not be updated if the maximum daily parking needs are not expected to be exceeded.

If parking requirements within the Cultural District aggregately require more than the available Cultural District Parking Spaces it will trigger the following activities:

1. Staff at the Center and Library will confer to determine the actual parking requirements (as opposed to the estimated maximum needs) of each event and at what times.
2. If it is determined that the parking requirements exceed available Cultural District Parking Spaces after identifying the actual requirements, a Parking Action Plan will be created. The Board will be notified of the approved **Parking Action Plan**.
3. The **Parking Action Plan** will become part of the contract/agreement for use of the space for the user.
4. The Parking Action Plan will be reviewed and adjusted as appropriate for multi-day events.

The **Parking Action Plan** may include, but is not limited to, use of social media and placement of temporary signage to direct drivers to alternate parking sites, volunteer and staff parking in outlying areas, valet parking, alternative parking locations (as per specific event arrangements), private parking lots (with approval), and the use of attendants who will direct drivers to other locations in order to keep them from entering the Cultural District and the three- or four-block radius surrounding the District.

For large events with extensive attendance, the **Parking Action Plan** may include closing off neighborhood streets to local residents only and hiring a shuttle to move attendees from outlying parking sites.

The impact on parking on local neighborhood streets will be evaluated at one public meeting at least annually. Restricting parking to neighborhood residents only will be considered if desired.

The **Parking Action Plan** will be designed specifically for each event and will be included in their contract/agreement. A refundable deposit may be charged. If the event organizer fails to work with the Cultural District Executive Board or its designee to implement the Parking Action Plan, the deposit will be forfeited and they could be banned from using the Cultural District facilities.

Based on projections, the Cultural District Parking Spaces are expected to be sufficient for most activities within the District. When the expected need for parking spaces exceeds the available spaces, additional parking spaces will need to be secured, identified, and their use encouraged. The additional parking spaces identified in the Parking Action Plan may include on-street parking in the neighborhood outside the Cultural District when approved and no other reasonable parking can be secured. Otherwise, parking in the neighborhood is to be discouraged. A program will be in place for residents in or near the Cultural District that allows them to restrict on-street parking at their location. These restrictions will be enforceable by the NDPD. The important goal here is to minimize objections by the local residents.

If there is significant negative feedback about parking, the Cultural District Executive Board or its designee will monitor actual parking usage when a Parking Action Plan is active.