



## ***RESOLUTION No. 2013-3078***

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**A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NEWBERG AND THE CHEHALEM PARK AND RECREATION DISTRICT FOR THE MANAGEMENT OF THE NEWBERG CULTURAL DISTRICT**

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### **RECITALS:**

1. The area within Hancock, Blaine, Sherman, and School Streets has been designated as the Newberg Cultural District.
2. The public property in the district is owned by the City of Newberg and the Chehalem Park and Recreation District (CPRD). The CPRD has delegated the operation of the Chehalem Cultural Center (CCC) and its forecourt to the Chehalem Cultural Center Association. The Newberg Public Library currently manages the use at the Carnegie Court.
3. In order for above groups to manage the four-block area in a consistent and efficient manner an IGA needs to be adopted.
4. The IGA will designate the five member Newberg Cultural District Executive Board to establish and manage the rental and use of outdoor spaces in the district including uses for events as well as management of parking, landscaping, and design and other aspects of the cultural district. The Board is comprised of one member each appointed by the City and the CPRD as the property owners, one member each appointed by the CCC and the Newberg Public Library as the main cultural entities within the district, and a resident of the neighborhood surrounding the district appointed by the Resident Subcommittee (an Ad-hoc group of residents residing between Hancock, Main, Meridian, and the railroad tracks).
5. The Newberg Cultural District Executive Board will report at least annually to the community, the City, and CPRD on its actions and activities held in the Cultural District.

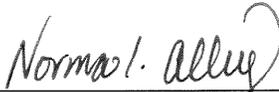
### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

1. The Newberg City Council authorizes the City Manager Pro Tem 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.
2. The City of Newberg representative to the Newberg Cultural District Executive Board will be appointed by the City Manager Pro Tem.

3. The Newberg Public Library representative to the Newberg Cultural District Executive Board will be the Library Director or designee.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 17th, 2013.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 16<sup>th</sup> day of September, 2013.

  
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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 19<sup>th</sup> day of September, 2013.

  
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Bob Andrews, Mayor

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

This Agreement is entered into this 17<sup>th</sup> day of September, 2013, 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 - The vision of the City, CPRD, Newberg Downtown Coalition, neighbors and stakeholders is 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 appointed by the Neighborhood Sub-Group of the Cultural District Advisory Group. This member will serve a two- year term.
  2. Meetings - The Board shall meet at least semi-annually. An annual meeting will be held in the first 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.
- C. Cultural District Advisory Group – The Cultural District Advisory Group, hereinafter referred to as “CDAG”, is a coalition of neighbors, community members and stakeholders of the Cultural District. The CDAG will advise the Board as well as the CPRD and the City regarding issues relating to the Cultural District.
1. Meetings - A public meeting of the CDAG will be held at least annually. The Board will work with the CDAG to ensure the annual meeting is held.
  2. Neighborhood Sub-Group - This is a sub-group of the CDAG made up of all residential neighbors of the area as defined below (Section 3). The Neighborhood sub-group will select the Residential Neighbor representative to the Board. This sub-group may have other functions as assigned and requested by the CDAG or the Board.
  3. Residential Neighbor - A residential neighbor is defined as someone residing between Main, Meridian and Hancock Streets and the railroad tracks. If the Residential Neighbor representative that is appointed to the Board moves from the area, the CDAG Neighborhood Sub-Group shall appoint a new representative to complete the term.

### 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 exterior signage, landscaping, web presence, printed items and other materials.
1. Permanent Exterior Signage - New 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 have a single landscaper maintain the outdoor areas encompassing the entire Cultural District, including the current landscaping surrounding the Library and Cultural Center. The City and CPRD will share the expense based upon the amount of landscaped area each entity owns in the district, under a separate contract/IGA. 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 as well as large events within the buildings (i.e. attendance estimated at more than 50 people) will also be listed on the calendar with private events simply listed, for example, "private event at the Cultural Center". 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 require 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. Online Reservations - Reservations may be made online through the Cultural District web site or by contacting the Library, the Cultural Center or CPRD.
  2. Authority to Approve Outdoor Events - The authority to approve outdoor events is delegated to staff (Library, Cultural Center, CPRD) unless any of the following conditions exist:
    - a. A City of Newberg Sound/Dance Permit is required.
    - b. A City of Newberg Block Party Permit is needed to close streets.
    - c. Alcohol is to be served.
    - d. The event triggers implementation of the Parking Action Plan per the Parking Management Plan.

Final Authority for Approval - If any of the above conditions exist, the Board will

make the final approval decision and will consider: 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 returns to the entity owning the property or having agreements regarding rental revenue. The City, CPRD and the Cultural Center shall adopt a consistent rental fee schedule for the outdoor areas.

D. Outdoor Space Operations

1. Single Application - A single application (with attachments) will be required for reservations for the outdoor spaces which will facilitate rental.
2. Variety of Permits - A variety of permits may be required for outdoor events and renters/users are required to follow all applicable City of Newberg, CPRD and Cultural District rules along with any applicable laws or regulations.
  - a. Alcohol Use- Alcohol may be served and used at the outdoor spaces, however an additional alcohol permit will be required as well as applicable OLCC, security, and insurance requirements.
  - b. Street Closures- Street closure requires a City of Newberg Block Party Permit and requires approval from residents of the proposed closed area. Street closure allows the street to be blocked from vehicles and pedestrians for the event.
  - c. Noise- A sound/dance permit may be required by the City of Newberg for amplified music or voice or dancing.
  - d. Parking- The Parking Action Plan may be put into effect depending upon the event as specified by the Parking Management Plan.
  - e. Insurance- Insurance riders 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 plan is required by the City for development of the Cultural District. The Parking Management Plan will be under the auspices of the Board.

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. CDAG Annual Meeting - Minutes from the CDAG annual meeting will be provided to the CPRD Board and to the City Council within 30 days of the meeting.

- C. 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	Superintendent
City of Newberg	Chehalem Park and Recreation District
PO Box 970	125 S. Elliott Rd.
Newberg, OR 97132	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. 2013-3078  
(passed September 16, 2013).

CHEHALEM PARK AND RECREATION DISTRICT  
125 S. Elliot Rd  
Newberg, OR 97132  
By Authority of  
*Motion*  
(passed August 22, 2013).

BY:

BY:

\_\_\_\_\_  
Lee Elliott, Manager Pro Tem      Date  
Approved by Resolution No. 2013-3078

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Don Clements, Superintendent      Date  
Approved by Resolution No. 2013-3078

APPROVED AS TO FORM AND CONTENT:

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Terrence D. Mahr, City Attorney      Date

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Allyn Brown, CPRD Legal Counsel      Date