

RESOLUTION NO. 22-898-19

A RESOLUTION OF THE CITY OF JOHN DAY REAUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE JOHN DAY/CANYON CITY PARKS AND RECREATION DISTRICT; APPROVING APPLICATION FOR ADDITIONAL GRANT FUNDS; AND RELATED MATTERS.

WHEREAS, the City Council (“Council”) of the City of John Day (“City”), an Oregon municipal corporation, and the Board of Directors (“Board”) of the John Day/Canyon City Parks and Recreation District (“District”), an Oregon special district, desire to enter into an intergovernmental agreement under ORS 190.010 (the “Intergovernmental Agreement”) concerning design, construction, operations and maintenance of a new pool facility in John Day (collectively, the “Project”); and

WHEREAS, District and City are beneficiaries and co-recipients of a certain Oregon State Lottery revenue bond grant award of \$2,000,000.00 for Project construction as authorized under Oregon Senate Bill 5534 (Lottery Bond Bill) and Oregon House Bill 5006 (Omnibus Bill) from the 2021 Oregon Legislative Session; and

WHEREAS, City passed Resolution No. 22-881-02 authorizing acceptance of a Department of Administrative Services Grant for \$2,000,000.00 and approving an intergovernmental agreement related to the Project; and

WHEREAS, ballot measure 12-80 referred to District voters under the prior intergovernmental agreement failed by a zero-vote margin, with 802 voters in favor of the measure and 802 opposed; and

WHEREAS, with the demolition and sale of Gleason Park and Pool, Grant County will now go without a public pool unless the measure is referred to the voters again; and

WHEREAS, City’s city council and John Day residents have invested significant time, money and effort in support of the Project and have also written to the Board to request the measure be referred again to their voters; and

WHEREAS, District and City desire to jointly pursue additional grant funding (the “Grant”) for the Project through the Oregon Parks and Recreation District (“OPRD”) Large Government Grant Program (the “Program”) in the FY23/24 application cycle.

NOW, THEREFORE, BE IT RESOLVED that City of John Day resolves as follows:

1. Findings. The above-stated findings contained in this Resolution No. 22-898-19 (this “Resolution”) are hereby adopted.

2. Intergovernmental Agreement. The Council hereby reauthorizes and approves the Intergovernmental Agreement substantially in the form attached hereto as Exhibit A. The Authorized Representatives previously designated in Resolution No. 22-881-02 are each authorized to negotiate and sign the Intergovernmental Agreement for and on behalf of City provided the terms of the Intergovernmental Agreement contain terms and conditions reasonably acceptable to the Authorized Representatives.

5. LGGP Grant. The Council approves joint application by City for not more than \$750,000.00 in additional grant proceeds under the Program for FY23/24. The Authorized Representatives are each authorized to co-apply for the Grant under the Program and to negotiate and sign all Grant agreements, documents, and instruments for and on behalf of District provided the terms of the Grant agreements, documents, and instruments contain terms and conditions reasonably acceptable to the Authorized Representatives.

6. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

ADOPTED by the City Council of City of John Day and signed by the mayor this 9th day of August 2022.

Ron Lundbom, Mayor

ATTEST:

Corum Ketchum, Interim (Pro Tem) City Manager

Exhibit A
Intergovernmental Agreement

[attached]