



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
 2051 KAEN ROAD | OREGON CITY, OR 97045

Stephen L. Madkour
 County Counsel

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
 Assistants

July 7, 2022

Board of County Commissioners
 Clackamas County

Members of the Board:

Approval of an Amendment to the Library Construction and Operation Intergovernmental Agreement between Clackamas County and the City of Gladstone.

Purpose/Outcome	Approve an Amendment to the Library Construction and Operation Intergovernmental Agreement between Clackamas County and the City of Gladstone.
Dollar Amount and Fiscal Impact	Clackamas County receives the City of Gladstone’s annual Library District distributions, as well approximately \$212,180 from the City of Gladstone’s general fund for FY22-23.
Funding Source	Gladstone Library District distributions and general fund contributions.
Duration	Effective July 7, 2022 and automatically renew annually, unless otherwise terminated.
Previous Board Action/Review	Approval of a Library Construction and Operation Intergovernmental Agreement between Clackamas County and the City of Gladstone, November 14, 2019.
Strategic Plan Alignment	Building public trust through good government. Ensure safe, healthy and secure communities.
Counsel Review	This IGA Amendment has been reviewed and approved by County Counsel on 6-27-22. JM
Procurement Review	No, because this is item is an IGA amendment.
Contact Person	Cindy Becker, County Admin., 503- 930-6894 Jeffrey Munns, Assistant County Counsel, 503-742-5984
Contract No.	N/A

BACKGROUND:

In November of 2019 the County and the City of Gladstone approved Library Construction and Operation Intergovernmental Agreement (IGA). This IGA implemented the October 2017 Settlement Agreement that concluded litigation between the parties.

The present Amendment to the IGA is necessary due to escalating construction costs. Following meetings and negotiations between the parties it is desired to extend the time for performance to construct the new Gladstone Library for 12 months to determine if prices will stabilize and how best to move forward with the project.

RECOMMENDATION:

Staff respectfully recommends the Board approve the Amendment to the Library Construction and Operation Intergovernmental Agreement between Clackamas County and the City of Gladstone. County Counsel has reviewed and approved the attached Amendment.

Respectfully submitted,



Jeffrey D. Munns
Assistant County Counsel

**AMENDMENT #1
TO THE LIBRARY CONSTRUCTION AND OPERATION
INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY AND
THE CITY OF GLADSTONE**

This Amendment #1 is entered into between the City of Gladstone (“Gladstone”) and Clackamas County (“County”) and shall become part of the Intergovernmental Agreement documents entered into between both parties on November 14, 2019 (“Construction IGA”).

The Purpose of this Amendment #1 is to make the following changes to the IGA:

1. Section 1. **Obligations of the County**, Subsection G. Extensions is hereby replaced in its entirety as follows:

The County is allowed an extension to complete milestone # 4 until no later than twelve (12) months from execution of this amendment. County will complete demolition of the former City Hall building by November 1, 2022 and install a sign indicating the new facility is in progress. The City may, at its discretion, impose a penalty for any additional extension beyond the extension granted by this section as amended. This extension and all extensions previously approved shall be treated as the initial six (6) extensions as described in 1.H below. All requests for extension must be for thirty (30) day increments. Penalties for milestone #5 shall be incorporated into the eventual contract with a Contractor, and any contractual penalties imposed on Contractor related to missed milestones on the New Gladstone Library Branch construction schedule shall be split equally between the County and the City.

However, the County shall update its cost estimates with the engaged contractor (“Cost Estimate”) to determine the current cost estimate at nine (9) months after execution of this amendment. The County shall forward the Cost Estimate to the City for review. If this Cost Estimate at nine (9) month mark is equivalent to the November 2021 estimate or less, the County shall complete milestone #4 within one hundred twenty (120) days of receiving the cost estimate. If the County seeks an additional extension request, such request will be retreated as Extension #7 pursuant to 1.H. Additional requests will progress from Extension #7 as outlined in the schedule in Section 1.H.

// // //

// // //

// // //

// // //

Except as expressly amended above, all other terms and conditions of the Contract shall remain in full force and effect. By signature below, the parties agree to this Amendment #1, effective upon the date of the last signature below.

Clackamas County

City of Gladstone

Chair, Board of County Commissioners

Mayor,

Printed Name

Date