



April 30, 2020

Board of County Commissioners
 Clackamas County

Members of the Board:

Approval of Amendment #1 of the MOU between Business and Community Services (County Parks) and Hoodland Women’s Club to extend time to transfer properties to a Local Park District upon its formation

Purpose/Outcomes	Amend the Memorandum of Understanding (MOU) between Clackamas County Business and Community Services (BCS) (County Parks) and the Hoodland Women’s Club to allow additional time for the formation of a Park District and subsequent transfer of property from Clackamas County to the newly formed Park District.
Dollar Amount and Fiscal Impact	Upon successful formation of a Park District by the Hoodland Women’s Club, BCS (County Parks) would transfer certain real properties to the Park District.
Funding Source	County owned property assets
Duration	February 8, 2019 through May 31, 2021
Previous Board Action	The Board of County Commissioners (BCC) approved the original MOU on February 1, 2018, Agenda Item E.1.
Strategic Plan Alignment	<ol style="list-style-type: none"> 1) This MOU supports the BCS (County Parks) goal of providing outdoor recreation, camping, and land stewardship services to residents and visitors so they can experience clean, safe and healthy recreation and natural resource opportunities in rural Clackamas County by providing the Hoodland area community with park lands for utilization by a newly formed Park District. 2) This MOU supports County strategic priority to Honor, Utilize, Promote and Invest in our Natural Resources by providing county assets to a newly formed Park District so community members can benefit from the land and engage in outdoor recreation, contributing to the Policy Perspective of supporting a healthy and active lifestyle.
County Counsel Review	County Counsel Review Date: April 13, 2020 Counsel Initials: ARN
Procurement Review	Was the item processed through procurement? N/A
Contact Person	Rick Gruen, BCS – County Parks Manager (503) 742-4345
Contract No.	N/A

BACKGROUND:

On February 1, 2018, the Board of County Commissioners approved Business & Community Services (BCS) to enter into an MOU with the Hoodland Women’s Club through the November 2020 election. The MOU provided the recognition of time for Hoodland Women’s Club (HWC) and the desire of Clackamas County, as approved by the Board of County Commissioners and County Parks Advisory Board, to transfer certain real properties to a local Park District upon its successful formation so that the community can self-determine and support the ongoing uses of the transferred real property assets. If district formation is not successful, BCS County Parks would move forward with the sale of these surplus assets as presented to the BCC in 2018.

Since that time, the HWC and community have been working diligently to navigate the complex processes for district formation. On Feb. 22, 2020, Commissioners Humberston, Schrader and Bernard, along with BCS County Parks Manager, Rick Gruen, attended a Town Hall meeting to discuss District formation,

progress made and the next steps needed to get on the November 2020 ballot. The Commissioners expressed their continued support to the community for the formation of a Parks District.

With the COVID-19 pandemic now fully upon us, the HWC believes that the remaining steps necessary for getting on the November ballot may not be achievable and are requesting an extension of the MOU with the goal of getting on the May 2021 ballot.

RECOMMENDATION:

Staff respectfully recommends the BCC approve the MOU extension through May 31, 2021.

ATTACHEMENT:

Amendment #1 to memorandum of understanding between Clackamas County Business and Community Services (County Parks) and the Hoodland Women's Club

Respectfully submitted,

A handwritten signature in cursive script that reads "Laura Zentner".

Laura Zentner, CPA
Director, Business & Community Services

**AMENDMENT #1 TO MEMORANDUM OF UNDERSTANDING
BETWEEN CLACKAMAS COUNTY BUSINESS AND
COMMUNITY SERVICES (COUNTY PARKS) AND
AND THE HOODLAND WOMEN’S CLUB**

THIS AMENDMENT (“Amendment”) is entered into by and between Clackamas County on behalf of its Department of Business and Community Services (County Parks) (“BCS”), a political subdivision of the State of Oregon, and the Hoodland Women’s Club (“HWC”) and shall become a part of that Memorandum of Understanding entered between the parties on February 8, 2018 (the “MOU”).

RECITALS

WHEREAS, Clackamas County currently owns certain real properties known as Hoodland Park, 25400 East Salmon River Road in Welches Oregon. Specifically, the properties are known as the Dorman Center – Map 37E04AA03600 (2.71 acres) and 37E04AA03300 (1.24 acres), the Water Tower – Map 37E04 00903 (5.14 acres), and the Hunchback Strip – Map 37E04 00904 (10.62 acres);

WHEREAS, it is the intent and desire of Clackamas County, as acknowledged by the Board of County Commissioners and County Parks Advisory Board, to transfer the above referenced real property, consistent with applicable law, upon the successful formation of a Park District;

WHEREAS, the parties desire to extend the effective date of the MOU through May 31, 2021;

WHEREAS, the parties desire to further defer designation of the properties as surplus with the intention of selling for a period through May 31, 2021 to give time for the HWC and Community to form and approve a Park District.

NOW, THEREFORE, in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree to amend the Agreement as follows:

1. **General Provisions.** Section B.1 is hereby amended to provide a new deferral date, as set for below:

BCS will agree to defer designation of the properties as surplus with the intention of selling for a period through **May 31, 2021** to give time for the HWC to form and approve a Park District consistent with applicable law. Any further deferral is contingent upon written approval by the Clackamas County Board of Commissioners.

2. **General Provisions.** Section B.1 is hereby amended to add the following additional subsection:

5. Debt Limitation. This MOU is expressly subject to the limitations of the Oregon Constitution and Oregon Tort Claims Act, and is contingent upon appropriation of funds. Any provisions herein that conflict with the above referenced laws are deemed inoperative to that extent.

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

IN WITNESS HEREOF, the Parties have executed this Amendment by the date set forth opposite their names below.

Clackamas County

Chair, Board of County Commissioners

Date

Hoodland Women's Club

By: _____
Its: _____

Date