



RESOLUTION 2017-064

AUTHORIZING THE CITY MANAGER TO SEND NOTICE TO THE YMCA TO PREVENT THE EXISTING OPERATING AGREEMENT FROM AUTOMATICALLY RENEWING

WHEREAS, the City and the YMCA of the Columbia-Willamette ("YMCA") are currently parties to an Operating Agreement related to a City-owned recreation facility; and

WHEREAS, the initial term of said agreement ends on or around October 31, 2018; and

WHEREAS, Section 2(b) of said agreement provides that the term of the agreement shall be automatically extended for additional increments of five years each unless one party gives the other party notice of its intent to terminate the agreement at least one year prior to an expiration date; and

WHEREAS, the City is currently in the process of conducting a Request for Proposals in order to evaluate the best options for said facility moving forward; and

WHEREAS, the proposers currently under consideration include the YMCA, as well as other organizations; and

WHEREAS, over the course of the term of the existing agreement between the City and the YMCA to date, the agreement has proven to be challenging to administer, and the terms have in many cases been found to be unsatisfactory to the parties; and

WHEREAS, therefore, if the YMCA were ultimately selected as the preferred proposer to operate the facility moving forward, it would be necessary for the City and the YMCA to negotiate a new agreement, rather than continue under the terms of the existing agreement; and

WHEREAS, if one of the other proposers currently under consideration were ultimately selected as the preferred proposer to operate the facility moving forward, it would be necessary for the City to terminate the existing agreement with the YMCA in order that the City may negotiate and enter into an agreement with the new operator; and


WHEREAS, therefore, regardless of the outcome of the Request for Proposals process, it is necessary to terminate the existing agreement with the YMCA;

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is hereby authorized and directed to send a notice of termination of the existing Operating Agreement between the YMCA of the Columbia-Willamette and the City in accordance with the terms of said agreement, prior to any and all applicable deadlines in order to prevent said agreement from automatically renewing, and to take such other actions as may be necessary to effectuate the intended result.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 15th of August, 2017.


Krisanna Clark-Endicott, Mayor

Attest:


Sylvia Murphy, MMC, City Recorder