



Home of the Tualatin River National Wildlife Refuge

URBAN RENEWAL AGENCY MEETING PACKET

FOR

Tuesday, May 2, 2017

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

URA Board of Directors Regular Meeting
(Following the City Council meeting)

URA Board of Directors Executive Session
(Following URA Board of Directors Regular Session)

**SHERWOOD URBAN RENEWAL AGENCY BOARD OF DIRECTORS
MEETING AGENDA**

Tuesday, May 2, 2017
(Following the 7:00 pm City Council Meeting)

**City of Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

URA BOARD REGULAR MEETING

1. CALL TO ORDER

2. ROLL CALL

3. CONSENT AGENDA

A. Adoption of January 17, 2017 URA Board Meeting Minutes

4. NEW BUSINESS

A. Resolution 2017-002, Amending Resolution 2011-003 and Contracting with Dan Olsen, Attorney at Law to Provide Legal Services to the Urban Renewal Agency (Tom Pessemier)

5. ADJOURN TO URA EXECUTIVE SESSION

URA EXECUTIVE SESSION

1. Pursuant to ORS 192.660(2)(e)(f)(h), Real Property Transactions, Exempt records, Litigation

**SHERWOOD URBAN RENEWAL AGENCY BOARD OF DIRECTORS
MEETING MINUTES
Tuesday, January 17, 2017
22560 SW Pine Street, Sherwood, Oregon 97140**

REGULAR SESSION

1. **CALL TO ORDER:** Chair Clark called the meeting to order at 8:15 pm.
2. **BOARD PRESENT:** Chair Krisanna Clark, Jennifer Harris, Jennifer Kuiper, Kim Young, Sean Garland, Dan King and Sally Robinson.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Development Director Julia Hajduk, Finance Director Katie Henry, and Agency Recorder Sylvia Murphy.

4. CONSENT AGENDA

A. Adoption of December 20, 2016 URA Board Meeting Minutes

MOTION: FROM JENNIFER HARRIS TO ADOPT THE CONSENT AGENDA, SECONDED BY JENNIFER KUIPER. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

Chair Clark addressed the next agenda item.

5. NEW BUSINESS

A. URA Resolution 2017-001 Authorizing the URA Manager to sign an Intergovernmental Agreement between the Sherwood Urban Renewal Agency and the City of Sherwood

Tom Pessemier stated this is a companion agreement to a resolution passed by the City Council earlier this evening. He stated the future cedar creek trail will be going in where there needs to be a sanitary sewer line and this agreement clarifies the responsibilities between the URA and the City.

Chair Clark asked for questions from the Board, with none received the following motion was stated.

MOTION: FROM SALLY ROBINSON TO ADOPT URA RESOLUTION 2017-001, SECONDED BY CHAIR CLARK. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.

6. ADJOURN

With no further business, Chair Clark adjourned at 8:18 pm.

Attest:

Sylvia Murphy, MMC, Agency Recorder

Krisanna Clark, Chair

Agenda Item: New Business

TO: Sherwood Urban Renewal Agency Board of Directors

FROM: Tom Pessemier, Assistant City Manager
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: **URA Resolution 2017-002 authorizing the amendment of the Intergovernmental Agreement (IGA) for services between the City of Sherwood and the Sherwood Urban Renewal Agency and contracting with Dan R. Olsen, attorney at law to provide legal services to the Urban Renewal Agency**

Issue:

Shall the Urban Renewal Board modify the current IGA to allow independent legal counsel of the URA as necessary and appoint Dan R. Olsen, attorney at law to provide legal services to the URA?

Background:

By URA Resolution 2011-003, the URA Board authorized an IGA for services between the City of Sherwood and the Sherwood Urban Renewal Agency. Section 1.b of that IGA states that legal services for the URA would be provided by the City. However, the URA and the City are two separate legal entities which rarely, but occasionally, have different interests.

A case of such diverging interests has recently arisen in relation to certain real property transactions, eminent domain, and related negotiations where both agencies are involved. Under the Oregon Rules of Professional Conduct, it is not permissible for a single attorney to simultaneously represent both agencies under these circumstances. As a result, URA and City staff are recommending that the URA and City governing bodies authorize amendment of the IGA to clarify that the URA may separately contract for legal services.

This resolution also authorizes the URA Manager to execute a contract with Dan R. Olsen, Attorney at Law to provide legal services after interviewing 3 legal firms that provide similar services. Dan's long history with government issues and experience in Washington County set him apart in the selection.

Financial Impacts:

The URA will need to pay for outside legal services which are budgeted and currently expected to be around \$5,000 which could go up or down depending on a number of external factors.

Recommendation:

Staff respectfully recommends adoption of URA Resolution 2017-002



URA RESOLUTION 2017-002

AUTHORIZING THE AMENDMENT OF THE INTERGOVERNMENTAL AGREEMENT (IGA) FOR SERVICES BETWEEN THE CITY OF SHERWOOD AND THE SHERWOOD URBAN RENEWAL AGENCY AND CONTRACTING WITH DAN R. OLSEN, ATTORNEY AT LAW TO PROVIDE LEGAL SERVICES TO THE URBAN RENEWAL AGENCY

WHEREAS, Resolution 2011-014 authorized an IGA for services between the City of Sherwood (City) and the Sherwood Urban Renewal Agency (URA); and

WHEREAS, Section 1.b of that IGA states that legal services for the URA would be provided by the City; and;

WHEREAS, The Sherwood Urban Renewal Agency (URA) and the City of Sherwood are two separate legal entities which from time to time have different interests; and

WHEREAS, The City Attorney has stated they that he cannot simultaneously represent the URA and the City of Sherwood in relation to issues surrounding certain real property transactions, and eminent domain, and related negotiations where both parties agencies are involved and have different interests; and

WHEREAS, the URA and City therefore desire to amend the IGA to clarify that the URA may separately contract for legal services.

WHEREAS, The URA completed an evaluation process to select an attorney based on State law and chose Dan R. Olsen as the most able to provide the services required.

NOW, THEREFORE, THE SHERWOOD URBAN RENEWAL AGENCY BOARD RESOLVES AS FOLLOWS:

Section 1. The URA Manager is authorized to sign an amendment to the IGA for services between the City of Sherwood and the Sherwood Urban Renewal Agency in a form substantially similar to the attached Exhibit A.

Section 2. Authorize the URA Manager to execute a contract with Dan R. Olsen, attorney at law to provide legal services to the Urban Renewal Agency for real property transactions, eminent domain services or other services as necessary by the URA.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the Urban Renewal Agency Board this 2nd day of May, 2017.

Krisanna Clark, Chair

Attest:

Sylvia Murphy, MMC, Agency Recorder

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SHERWOOD
AND THE SHERWOOD URBAN RENEWAL AGENCY**
Amendment No. 1

This Amendment is entered into effective on the date last set forth below by and between the City of Sherwood (“City”) and the Sherwood Urban Renewal Agency (“URA”).

WHEREAS, City and URA are parties to an Intergovernmental Agreement which was approved by resolution of the City and URA governing bodies on February 15, 2011 (“IGA”); and

WHEREAS, the parties wish to amend the IGA as described herein;

NOW, THEREFORE, the parties hereby agree as follows:

1. Section 1.b of said IGA shall be amended to read as follows (additions in underline):

Administrative Overhead Services. The City will provide the following services to Agency: records management and record keeping; risk management; human resources; engineering, building, and planning services; legal services (except for legal services contracted separately by the URA); purchasing; information technology services including internet and telephone services; and office space and supplies.

All other terms of said IGA will remain in full force and effect.

IT IS SO AGREED.

CITY OF SHERWOOD

SHERWOOD URBAN RENEWAL AGENCY

By _____
City Manager

By _____
Agency Administrator

Date signed: _____

Date signed: _____

Approved Minutes

**SHERWOOD URBAN RENEWAL AGENCY BOARD OF DIRECTORS
MEETING MINUTES
Tuesday, May 2, 2017
22560 SW Pine Street, Sherwood, Oregon 97140**

REGULAR SESSION

1. **CALL TO ORDER:** Chair Clark called the meeting to order at 8:25 pm.
2. **BOARD PRESENT:** Chair Krisanna Clark, Jennifer Harris, Jennifer Kuiper, Kim Young, Dan King and Sally Robinson. Sean Garland was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Chief Jeff Groth, Finance Director Katie Henry, and Agency Recorder Sylvia Murphy.
4. **CONSENT AGENDA**

A. Adoption of January 17, 2017 URA Board Meeting Minutes

MOTION: FROM DAN KING TO ADOPT THE CONSENT AGENDA, SECONDED BY KIM YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (SEAN GARLAND WAS ABSENT).

Chair Clark addressed the next agenda item.

5. NEW BUSINESS

A. URA Resolution 2017-002 authorizing the amendment of the Intergovernmental Agreement (IGA) for services between the City of Sherwood and the Sherwood Urban Renewal Agency and contracting with Dan R. Olsen, Attorney at Law to provide legal services to the Urban Renewal Agency

Prior to addressing the resolution, Tom informed the Board that the scheduled URA Executive Session has been postponed. Chair Clark stated she approves.

Tom Pessemier informed the Board that this is a partial companion resolution to the resolution passed by the City Council earlier this evening. He explained the Intergovernmental Agreement references legal services and the City Attorney would provide those services. He said there are certain situations where interests are slightly different between the City and the URA and the IGA clarifies that the URA has the ability to contract with other legal services. He explained the URA resolution was authorizing the URA Manager to execute a contract with attorney Dan Olsen to provide legal services to the URA. Tom explained Mr. Olsen was selected after interviewing three different firms and said Mr. Olsen was highly recommended and he understands real property transactions and other things that Tom feels will serve the URA.

Ms. Kuiper asked if Mr. Olsen was with Jordan Ramis. Tom replied no and said he has his own private firm and was with a company for a very short time and was Washington County legal Counsel for 11 years.

City Attorney Soper informed the Board that Jordan Ramis has offloaded work to Mr. Olsen.

Ms. Robinson asked where he was located, Tom replied Portland. She asked if he charges for traveling to Sherwood. Tom said Mr. Olsen said he does not usually charge for expenses unless they are excessive. She asked how many years of experience does he have and when was he admitted to the bar? Tom replied it was a long time ago and did not know specifically and said he has a lot of experience. She confirmed we have not used him before, Tom confirmed and said he has done a lot of URA work and so far his conversations with Mr. Olsen have been very positive.

Chair Clark asked for other questions from the Board, with none received the following motion was stated.

MOTION: FROM JENNIFER HARRIS TO ADOPT URA RESOLUTION 2017-002, SECONDED BY DAN KING. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (SEAN GARLAND WAS ABSENT).

6. ADJOURN

With no further business, Chair Clark adjourned at 8:30 pm and reconvene to the City Council Executive Session to continue discussion on real property.

Attest:


Sylvia Murphy, MMC, Agency Recorder


Krisanna Clark, Chair