

RESOLUTION NO. 3635-2013

RESOLUTION OF THE FORT BRAGG CITY COUNCIL EXTENDING OPERATING AGREEMENT BETWEEN CITY OF FORT BRAGG AND MENDOCINO COAST RECREATION AND PARK DISTRICT AND AUTHORIZING CITY MANAGER TO EXECUTE SAME

WHEREAS, on May 9, 2012, the Fort Bragg City Council approved Resolution No. 3539-2012 authorizing execution of an agreement with the Mendocino Coast Recreation and Park District ("District") for the operation of the C.V. Starr Community Center ("CVSCC") to provide recreational services and activities for the health and welfare of City residents and others in the Mendocino coast region; and

WHEREAS, the "Operating Agreement by and between the City of Fort Bragg and the Mendocino Coast Recreation and Park District for the C.V. Starr Community Center" ("Operating Agreement") was executed on May 10, 2012 and will expire on June 30, 2013 unless action is taken to extend it; and

WHEREAS, it is the intention of the City Council to extend the Operating Agreement for a period of three months to provide sufficient time for the City and the District to negotiate modifications to the Operating Agreement; and

WHEREAS, on June 19, 2013, the District Board authorized its Executive Director to execute an amendment to the Operating Agreement to extend its term until September 30, 2013; and

WHEREAS, the First Amendment to the Operating Agreement is attached as "Exhibit A" and incorporated herein by reference; and

WHEREAS, the Operating Agreement is a project for purposes of the California Environmental Quality Act ("CEQA") but is categorically exempt pursuant to Title 14 of the California Code of Regulations, Section 15323 as the Agreement allows for the normal operations of an existing public recreational facility and the Operating Agreement would not result in a foreseeable change in the operation of the facility; and

WHEREAS, funds in the amount of \$1,555,603 were appropriated in the FY 2013/14 Budget for the CVSCC and sufficient funds will be available for the services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the First Amendment to the Operating Agreement by and between the City of Fort Bragg and the Mendocino Coast Recreation and Park District for the C.V. Starr Community Center which extends its term until September 30, 2013, and authorizes the City Manager to execute same.

The above and foregoing Resolution was introduced by Councilmember Kraut, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24th day of June, 2013, by the following vote:

AYES: Councilmembers Courtney, Deitz, Hammerstrom, Kraut, and Mayor Turner.

NOES: None.

ABSENT: None.

ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, MMC
City Clerk

EXHIBIT "A"

**FIRST AMENDMENT TO THE
OPERATING AGREEMENT BY AND BETWEEN THE CITY OF FORT BRAGG
AND THE MENDOCINO COAST RECREATION AND PARK DISTRICT
FOR THE C.V. STARR COMMUNITY CENTER**

THIS FIRST AMENDMENT is made and entered into this ___ day of June, 2013, by and between the City of Fort Bragg, hereinafter referred to as "City", and the Mendocino Coast Recreation and Park District, hereinafter referred to as "District".

City and District hereby agree that the Operating Agreement by and between the City of Fort Bragg and the Mendocino Coast Recreation and Park District ("Agreement") dated May 10, 2012 is hereby amended as follows:

1. **TERM.**

The term of the Agreement, as established in Section 2.1 of the Agreement is hereby amended from June 30, 2013 to **September 30, 2013**.

2. Except as expressly amended herein, the Agreement between the City and District dated May 10, 2012, is hereby reaffirmed.

IN WITNESS WHEREOF, the parties have executed this Amendment the day and year first above written.

CITY OF FORT BRAGG:

MENDOCINO COAST RECREATION AND PARK DISTRICT:

By: _____
Linda Ruffing, City Manager

By: _____
Elizabeth Pine, Executive Director

ATTEST:

Cynthia M. VanWormer, MMC, City Clerk

APPROVED AS TO FORM:

David S. Warner, City Attorney