

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 99-2880
AMENDMENT TO THE INTERGOVERNMENTAL)
AGREEMENT WITH THE CITY OF PORTLAND) Introduced by Presiding Officer Rod
REGARDING THE CIVIC STADIUM AND THE) Monroe
PORTLAND CENTER FOR THE PERFORMING)
ARTS)

WHEREAS, pursuant to an Intergovernmental Agreement with the City of Portland (City), Metro operates the City's Civic Stadium and the Portland Center for the Performing Arts; and

WHEREAS, the City has entered into a process seeking to find a private partner to operate the Civic Stadium; and

WHEREAS, Metro and the City desire to negotiate a mutually acceptable transition agreement in order to return the Civic Stadium to the City in the event the City enters into a binding agreement with a private partner; and

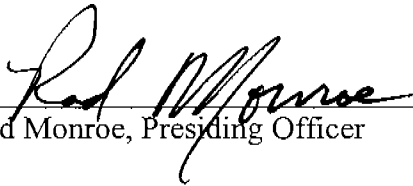
WHEREAS, the existing Intergovernmental Agreement contains a deadline for unilateral termination of the agreement of December 31 of each calendar year; and

WHEREAS, Metro and the City desire to extend that deadline in order to facilitate good faith negotiations; now, therefore,

BE IT RESOLVED:

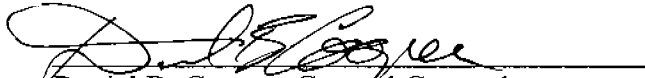
That the Metro Council authorizes the Metro Executive Officer to execute an amendment to the existing Intergovernmental Agreement with the City regarding the Civic Stadium and the Portland Center for the Performing Arts to authorize an additional mutual right of termination on or before April 15, 2000, effective July 1, 2000.

ADOPTED by the Metro Council this 16th day of DECEMBER 1999.



Rod Monroe, Presiding Officer

APPROVED AS TO FORM:



Daniel B. Cooper, General Counsel

I:\R-O\99-2880 IGA.PDX.CS.PCPA.doc
OGC/DBC/sm 12/09/1999

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 99-2880, FOR THE PURPOSE OF AUTHORIZING A ONE TIME ONLY ADDITIONAL UNILATERAL RIGHT OF TERMINATION FOR BOTH THE CITY OF PORTLAND AND METRO ON OR BEFORE APRIL 15, 2000.

Date: December 9, 1999

Prepared by: Daniel B. Cooper

BACKGROUND

The purpose of this amendment is to eliminate the possibility that either the City of Portland (City) or Metro would need to make a decision prior to December 31, 1999, to unilaterally terminate the existing agreement for operation of the Civic Stadium and the Portland Center for the Performing Arts in anticipation of not being able to reach a mutually acceptable agreement with the other party for the transition of the Civic Stadium. At this time the negotiations for this transition agreement have been delayed because of the uncertainty regarding the City's ability to reach a final agreement with Portland Family Entertainment (PFE). There is no reason to believe that once these negotiations commence they will not result in a mutually acceptable agreement. However, the existence of the artificial deadline of December 31, 1999, creates an unnecessary impediment to successfully completing these negotiations during the course of the next few months. By authorizing this amendment, the Metro Council will remove the artificial deadline and leave both the City and Metro on a level playing field during the conduct of these negotiations. In the unlikely event that the negotiations are not successful then both Metro and the City will be in no worse shape regarding their unilateral rights under the existing agreement and either may exercise the right to terminate the current agreement effective July 1, 2000.

RECOMMENDED ACTION

The Presiding Officer and Executive Officer recommend approval of Resolution No. 99-2880.

**Amendment to
Agreement Regarding Consolidation
Of
Regional Convention, Trade, Spectator and
Performing Arts Facilities Owned and Operated by
The City of Portland and the Metropolitan Service District**

This Amendment dated as of December 30, 1999, is between the City of Portland (City) and the Metropolitan Service District (Metro) and amends the Agreement dated as of December 19, 1989, and amended as of December 9, 1992.

Whereas Civic Stadium is owned by the City and operated and maintained by Metro through MERC; and

Whereas the Civic Stadium is in need of substantial improvements in order to address seismic and other structural conditions and to modernize the facilities; and

Whereas the City is negotiating with a private party to bring a new sports franchises to the Civic Stadium and to provide for renovations of the Stadium; and

Whereas the current negotiations are not yet completed; and

Whereas the parties wish to develop a process for transition of the Civic Stadium from MERC to the City without the necessity for termination of the agreement as currently provided in the termination provision;

NOW THEREFORE the parties agree that Section 18B of the Agreement Regarding Consolidation shall be amended as follows:

Unilateral Termination. In the absence of a signed written agreement among the parties hereto then in existence for further consolidation of the ERC Facilities and functions under Metro ERC, then City or Metro on or after July 1, 1991, may by duly adopted resolution of its governing body initiate termination of this Agreement and thereafter give notice of termination. The termination shall be effective on the first July 1 that is at least six (6) months after the date of the notice. Notwithstanding the foregoing, on or before April 15, 2000, City or Metro may give notice of termination by duly adopted resolution of its governing body with such termination effective on July 1, 2000. On the effective date of the termination, the events described in Subsection (1) through (11) of Subsection (D) of this Section shall occur.

Dated this ____ day of December, 1999.

CITY OF PORTLAND

Approved as to form

By: _____

Its: _____

METROPOLITAN SERVICE DISTRICT

Approved as to form

By: _____

Its: _____