

AGREEMENT BETWEEN THE CITY OF REEDLEY AND THE FRIENDS OF THE REEDLEY BRANCH LIBRARY

This Agreement is entered into on this 24th day of April, 2018, ("Agreement") by and between the City of Reedley, a California municipal corporation ("City"), and the Friends of the Reedley Branch Library, a 501 (c)(3), 509 (a)(1) and 170 (b)(1)(A)(6) organization ("Friends").

RECITALS

The following recitals are a substantive portion of this Agreement.

- A. The Friends of the Fresno County Public Library was formed in 1980 by a group of concerned citizens to serve as a link between the Library and the community and to raise money for special projects.
- B. The Reedley Branch Library, located at 1027 E. Street, has been in its current location since 1973. At 5,000 square feet, the library is undersized to sufficiently serve the current and future population of Reedley.
- C. The Friends have committed to raising and providing the funds necessary to acquire the necessary property for the County of Fresno to construct a new facility.
- D. The City wishes to assist the Friends in finding and acquiring suitable property for a future branch library site, which benefits all residents of the City.
- E. The Friends and the City desire to work together, including the use of City staff and resources, to accomplish this common goal.

NOW, THEREFORE, in consideration of the recitals, covenants, terms, and conditions, in this Agreement, the Parties agree:

AGREEMENT

SECTION 1. TERM The term of this Agreement shall be from the date of its full execution through December 31, 2018, unless terminated earlier by written notification of either party.

SECTION 2. DONATION PROCEEDS The Friends shall provide to the City 100% of all necessary funds to acquire suitable property for a future branch library site, including, but not limited to, cost of property appraisal, environmental studies, reports, and required mitigation measures, final negotiated purchase price, and related transactional costs. Although suitable properties have been identified prior to the effective date of this Agreement, negotiations have not occurred to a sufficient stage as to identify the actual amount to be provided by the Friends.

SECTION 3. DONATION PAYMENT The Friends shall remit \$125,000 to the City within 30 days of the effective date of this Agreement to cover property acquisition and related costs as identified in Section 1. At the conclusion of the property acquisition, the City shall present to the Friends an accounting of all pertinent expenditures, accompanied by a billing for any costs incurred above \$125,000, or a refund check if total costs incurred is below \$125,000. Under no circumstances shall the total amount to be donated by the Friends under this Agreement exceed \$350,000.

SECTION 4. APPROVALS The City shall serve as the Real Property Negotiator with property owner(s) and sole agent in all other matters; however the Friends and the City must jointly agree upon and approve the acquisition of a specific property, including the final negotiated purchase price, and related transactional costs as identified in Section 1.

SECTION 5. RETURN OF DONATION PROCEEDS Should this Agreement be terminated or a suitable property is not able to be acquired by December 31, 2018, the City shall return 100% of any unspent donation proceeds to the Friends.

SECTION 6. DONATION OF ACQUIRED PROPERTY Upon the close of escrow proceedings, the City shall transfer the acquired property to an entity of the Friends choosing, which may include the Friends of the Fresno County Public Library or the County of Fresno. The Friends agree to cover any transactional costs pertaining to this transfer.

SECTION 7. NOTICES All notices hereunder will be given in writing and mailed, postage prepaid, by certified mail, addressed as follows:

To City:
ATTN: Nicole R. Zieba, City Manager
City of Reedley
1717 9th Street
Reedley CA 93654

To Friends:
ATTN: Jim Leesch
Friends of the Reedley Branch Library
1027 E. Street
Reedley, CA 93654

SECTION 8. CONTROLLING LAW This Agreement, its validity, the construction of its terms, and the interpretation of rights and duties of the Parties hereto, shall be governed and construed under the laws of the State of California. In the event that an action is brought, the Parties agree that trial of such action will be vested exclusively in the state courts of California in the County of Fresno, State of California.

SECTION 9. PREVAILING PARTY The prevailing party in any action brought to enforce the provisions of this Agreement may recover its reasonable costs and attorneys' fees expended in connection with that action. The prevailing party shall be entitled to recover an amount equal to the fair market value of legal services provided by attorneys employed by it as well as any attorneys' fees paid to third parties.

SECTION 10. SEVERABILITY If any part hereof is illegal or invalid for any reason, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

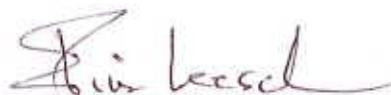
IN WITNESS WHEREOF, the Parties hereto have by their duly authorized representatives executed this Agreement on the date first above written.

CITY OF REEDLEY

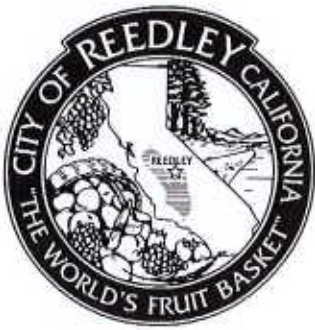


Nicole R. Zieba
City Manager

**FRIENDS OF THE REEDLEY BRANCH
LIBRARY**



Jim Leesch
President



REEDLEY CITY COUNCIL

- ☒ Consent
- ☐ Regular Item
- ☐ Workshop
- ☐ Closed Session
- ☐ Public Hearing

ITEM NO: 12

DATE: January 9, 2018

TITLE: APPROVAL OF ITEMS PERTAINING TO A DONATION FROM THE FRIENDS OF THE REEDLEY BRANCH LIBRARY

- A) ADOPT RESOLUTION NO. 2018-006 APPROVING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF REEDLEY AND THE FRIENDS OF THE FRESNO COUNTY PUBLIC LIBRARY ACCEPTING & UTILIZING A DONATION FOR ACQUISITION OF PROPERTY AND RELATED ACTIVITIES FOR A FUTURE LIBRARY SITE
- B) ADOPT RESOLUTION NO. 2018-007 AMENDING THE 2017-18 ADOPTED BUDGET APPROPRIATING \$250,000 IN THE GENERAL FUND FROM A DONATION FOR ANTICIPATED LAND ACQUISITION AND RELATED COSTS FOR A FUTURE LIBRARY SITE

APPROVED: Nicole R. Zieba, City Manager

RECOMMENDATION

Request Council approval of the attached Resolution No. 2018-006 approving and authorizing the City Manager to negotiate and execute an agreement with the Friends of the Fresno County Public Library, accepting and utilizing a donation on behalf of the Friends of the Reedley Branch Library, for all costs associated with acquisition of property for a future library site; and adopting Resolution No. 2018-007 appropriating \$250,000 in the General Fund for anticipated acquisition and related costs, to be fully covered/reimbursed from the donation. An executed copy of the donation agreement will be placed on a future agenda as a receive, review and file item.

EXECUTIVE SUMMARY

The Reedley Branch Library, located at 1027 E. Street, has been in its current location since 1973. At 5,000 square feet, the library is undersized to sufficiently serve the current and future population of Reedley. The Friends of the Reedley Branch Library ("Friends"), a sub-group of the Friends of the Fresno County Library, have committed to raising and providing the funds necessary to acquire the necessary property for the County of Fresno to construct a new facility. The City has been proactive in assisting the Friends in finding and acquiring suitable property for a future branch library site, which benefits all residents of the City. The Friends and the City desire to work together, including the use of City staff and resources, to accomplish this common goal. The City has also met with staff from the County of Fresno, and they are supportive of the project and they are presently working on their own due diligence for the project.

Staff requests authority for the City Manager to negotiate and execute the eventual donation agreement as it will take some time for the Friends of the Reedley Branch Library to obtain the necessary approval from their parent organization, Friends of the Fresno County Library, as well as to complete all necessary coordination with the County of Fresno; and due to the nature of the property acquisition process, time may be of the essence.

The attached resolution outlines the expected parameters of how the City can assist the Friends in their efforts, as well as authorizes the City Manager to execute the donation agreement with the Friends of the Fresno County Public Library. The Friends will provide to the City 100% of all necessary funds to acquire suitable property for a future branch library site, including, but not limited to, cost of property appraisal, environmental studies, reports, and required mitigation measures, final negotiated purchase price, and related transactional costs. Although suitable properties have been identified prior to the effective date of this Agreement, negotiations have not occurred to a sufficient stage as to identify the actual amount to be provided by the Friends. Upon the close of escrow proceedings, the City shall transfer the acquired property to an entity of the Friends choosing, which may include the Friends of the Fresno County Public Library or the County of Fresno. The Friends agree to cover any transactional costs pertaining to this transfer.

An executed copy of the donation agreement will be placed on a future agenda as a receive, review and file item.

FISCAL IMPACT

There will be no impact to the General Fund of appropriating/using the donated dollars for the intended purpose as all acquisition expenses will be reimbursed by the Friends of the Reedley Branch Library under the anticipated agreement. The Friends shall remit \$125,000 to the City within 30 days of the effective date of this Agreement to cover property acquisition and related costs. At the conclusion of the property acquisition, the City shall present to the Friends an accounting of all pertinent expenditures, accompanied by a billing for any costs incurred above \$125,000, or a refund check if total costs incurred is below \$125,000. Under no circumstances shall the total amount to be donated by the Friends under this Agreement exceed \$350,000.

ATTACHMENT

Resolution No. 2018-006

Budget Resolution No. 2018-007