

## RESOLUTION NO. 2022-62

A Resolution authorizing the City Manager to sign an Amendment (Amendment #1) to the Navigation Center Construction and Operation Agreement approved by Resolution No. 2022-35.

### RECITALS:

**WHEREAS**, the City of McMinnville has hundreds of residents who are currently experiencing homelessness without emergency shelter opportunities available to them; and

**WHEREAS**, the 2021 Oregon Legislature passed HB 2006, a bill describing the need for emergency shelter in Oregon for individuals without shelter and determining the need to build these emergency shelters as soon as possible; and

**WHEREAS**, HB 2006 defined a "Navigation Center" as an emergency homeless shelter; and

**WHEREAS**, the City of McMinnville was awarded \$1,500,000 for a Navigation Center in HB 5024 in the 2021 Oregon Legislature; and

**WHEREAS**, the City of McMinnville adopted Resolution No. 2022-35, approving an agreement with YCAP to construct the Navigation Center on YCAP property and to hand over the final built improvement upon achieving successful occupancy permits for YCAP to own and operate; and

**Whereas**, the City of McMinnville recently learned of the opportunity to secure another \$1,689,000 in funds for the McMinnville Navigation Center from Oregon Housing and Community Services, if navigation center services could be offered temporarily in McMinnville at another site until such time that the new navigation center is constructed; and

**Whereas**, YCAP is partnering with the First Baptist Church in McMinnville to provide interim navigation center services on site at 125 SE Cows Street as well as in Newberg at the Newberg Navigation Center; and

**Whereas**, YCAP and the First Baptist Church have requested permission to offer the interim Navigation Center services at 125 SE Cows Street per HB 4051 (2022 Oregon Legislature), that exempts navigation centers from local land-use regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:**

1. That the City Manager is authorized to sign the attached Amendment #1 to the Navigation Center Construction and Operation Agreement with YCAP; and
2. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of September, 2022 by the following votes:

Ayes: Geary, Garvin, Menke, Peralta, Chenoweth, Payne

Nays: \_\_\_\_\_

Approved this 27th day of September 2022.

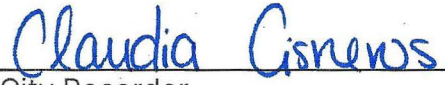


\_\_\_\_\_  
INTERIM MAYOR

Approved as to form:

  
\_\_\_\_\_  
Interim City Attorney

Attest:

  
\_\_\_\_\_  
City Recorder

EXHIBITS:

- A. Amendment #1 to Navigation Center Construction and Operation Agreement

# NAVIGATION CENTER CONSTRUCTION AND OPERATION AGREEMENT

## AMENDMENT #1

This is an amendment to the Navigation Center Construction and Operation Agreement (“Amendment”) dated \_\_\_\_\_, 2022, between the **City of McMinnville**, a municipal corporation of the State of Oregon (“City”) and **Yamhill Community Action Partnership**, an Oregon non-profit corporation (“YCAP”).

This Amendment will become effective on the date that the two parties sign the Amendment.

### AGREEMENT AMENDMENT

Amend Section 18 to add:

**155.1 Interim Navigation Center Services:** Until such time that the Navigation Center is open at 327 and 329 Adams Street, YCAP is authorized to provide Navigation Center services at 125 SE Cows Street in the interim.

**165.1 Land-Use Exemption:** Per HB 4051 (2022 Oregon Legislature), Section 3, Navigation Center services provided by YCAP at 125 SE Cows Street are exempt from land-use regulations, and this Agreement shall serve as the City’s approval of YCAP’s application to develop an emergency shelter as defined in HB 2006 (2021 Oregon Legislature) if this agreement is signed prior to June 30, 2023. The temporary Navigation Center will still need to comply with all other applicable local, state and federal regulations, including the Oregon State Building Codes.

The provisions of this Amendment amend, supplement and modify the corresponding terms of the Navigation Center Construction and Operation Agreement, dated May 25, 2022. In all other respects, the Navigation Center Construction and Operation Agreement remains in full force and effect as currently written. All capitalized terms not defined herein will have the meaning given them in the Navigation Center Construction and Operation Agreement.

This Amendment shall be governed by and construed in accordance with the internal laws of the State of Oregon without giving effect to any choice or conflict of law provision or rule (whether of the State of Oregon or any other jurisdiction). In the event of any inconsistency or conflict between the provisions of this Amendment and the Navigation Center Construction and Operation Agreement, the provisions of this Amendment shall control. This Amendment contains the entire understanding between the parties with respect to the matters being amended as contained herein. Except as specifically amended by this Amendment, the Navigation Center Construction and Operation Agreement has not been amended in any respect. This Amendment may be executed in counterparts, each of which shall be deemed an original and all of which together shall be one and the same instrument.

[Signature Page Follows]

**YAMHILL COMMUNITY  
ACTION PARTNERSHIP**

**CITY OF MCMINNVILLE**

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

As Its: \_\_\_\_\_

As Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
City of McMinnville, Oregon