

BILL NO. 17-153

AN ORDINANCE APPROVING AMENDMENT NO. 1 TO PARKING FACILITY USE AGREEMENT BY AND BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND THE JUNIOR COLLEGE DISTRICT OF METROPOLITAN KANSAS CITY (A/K/A METROPOLITAN COMMUNITY COLLEGE) AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME BY AND ON BEHALF OF THE CITY.

WHEREAS, the City of Lee's Summit is a constitutional charter City, organized and existing under the laws of the State of Missouri (hereinafter "City"); and,

WHEREAS, the Junior College District of Metropolitan Kansas City, Missouri (a/k/a Metropolitan Community College) is a governmental entity organized and existing under the laws of the State of Missouri (hereinafter "MCC"); and,

WHEREAS, the Lee's Summit Parks and Recreation Department (hereinafter "LSPR") brought forth to the City Council a request for approval of an Intergovernmental Agreement by and between City and MCC for the use of parking facilities at Longview Community College, a facility of MCC, in connection with the LSPR annual Tour de Lakes bike ride, scheduled for Saturday, June 24, 2017; and,

WHEREAS, the City Council authorized the Intergovernmental Agreement by passage of Ordinance No. 8145 on May 4, 2017; and,

WHEREAS, on or about Wednesday, June 21, 2017, MCC contacted the City and LSPR to advise that the Intergovernmental Agreement that MCC presented and that the City approved by Ordinance No. 8145 did not contain key provisions that MCC deemed necessary, and which were included in previous years' agreements between MCC and the City; and,

WHEREAS, City staff advised that due to the nature of the relationship between the entities, it was necessary that any and all agreements between the parties, including Amendments, be approved by the City Council, and that no available date would exist prior to the scheduled date of the event on Saturday, June 24, 2017; and,

WHEREAS, understanding that the Amendment No. 1 would not be approved and ratified by the City prior to the event taking place, MCC requested that Amendment No. 1 to Parking Facility Use Agreement, attached hereto as "Exhibit A" and incorporated herein by reference, which contains provisions identical to those presented to the City in the 2015 Intergovernmental Agreement approved by the City, be presented to the Council as soon as practical for consideration and ratification in order to satisfy the records and audit requirements of MCC; and,

WHEREAS, LSPR indicated that the terms and provisions contained in the attached Exhibit A were consistent with the practices of the activities being undertaken at the Saturday, June 24, 2017 event; and,

WHEREAS, City desires to ratify the terms and provisions contained in the attached Exhibit A and approve the execution of the same in order to satisfy the request of MCC.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, AS FOLLOWS:

SECTION 1. That the Amendment No. 1 to Parking Facility Agreement by and between the City of Lee's Summit, Missouri and the Junior College District of Metropolitan Kansas City (a/k/a Metropolitan Community College) which further clarifies the use of Longview Community College parking facilities for the Tour de Lakes Bike Ride, a true and accurate copy of the same being attached hereto as Exhibit A and incorporated herein by reference be and the same is hereby approved, and the Mayor is hereby authorized to execute the same by and on behalf of the City of Lee's Summit, Missouri.

SECTION 2. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 3. That should any section, sentence, or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

PASSED by the City Council of Lee's Summit, Missouri this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said City this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Deputy City Attorney
Jackie McCormick Heanue