CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS

CC: 5C
Amend No. _____

Date prepared: October 29, 2008 **Council Meeting Date:** December 16, 2008

TO: Carl Swenson, City Manager

THROUGH: Susan Daluddung, Deputy City Manager

FROM: J.P. de la Montaigne, Community Services Director

PREPARED BY: David Hunenberg, Library Manager

SUBJECT: Joint Use Library Agreement 2009

RECOMMENDATION:

That the Mayor and Council authorize the City Manager to execute a three month extension (January 1, 2009 - March 31, 2009) of the Intergovernmental Agreement (IGA) for the Joint Use Library at Sunrise Mountain High School which is set to expire on December 31st, 2008. It is anticipated that the end of the three month period will coincide with the move and opening of the new branch library.

SUMMARY:

In 1995, the City of Peoria (the "City") and the Peoria Unified School District No. 11 (the "School District") entered into a Joint Use Agreement (the "Agreement") for the Sunrise Mountain High School Library. Each year subsequently, the Agreement was amended to extend the term pursuant to Section 13.1. The City and the School District may, by written addendum, extend the term of the Agreement on a year-to-year basis. The City and the School District negotiated a new Joint Use Agreement in 2003 to replace and supersede the 1995 Agreement and any written amendments thereto, with updated language and amended terms. Two amendments were added in 2004-2005. In June 2007 both parties approved an 18 month agreement to coincide with the anticipated opening of the new City branch library. Due to a delay in the construction start date, the City should take possession of the branch library the third week of February 2009. Currently construction activity is approximately 80% complete.

ATTACHMENT: Joint Use Library Addendum

CITY CLERK USE ONLY:

- ☐ **Consent Agenda**
- ☐ **Carry Over to Date:**_____
- ☐ **Approved**
- ☐ **Unfinished Business (Date heard previous:**_____**)**
- ☐ **New Business**
- ☐ **Public Hearing: No Action Taken**

ORD. #_____ **RES. #**_____
LCON# 059027 **LIC. #**_____
Action Date:

Intergovernmental Agreement
Joint Use Library

ADDENDUM
2009

SUMMARY: In 1995, the City of Peoria (the "City") and the Peoria Unified School District No. 11 (the "School District") entered into a Joint Use Agreement (the "Agreement") for joint use of the Sunrise Mountain High School Library by the City and the School District. Each year subsequently, the Agreement was amended to extend the term of the Agreement. Pursuant to Section 13.1 of the Agreement, the City and the School District may, by written addendum, extend the term of the Agreement on a year to year basis. The City and the School District negotiated and drafted a new Joint Use Agreement in 2003 to replace and supersede the 1995 Agreement and any written amendments thereto, with updated language and amended terms. Two amendments were added in 2004-2005. Another amendment was approved in 2007 allowing for an 18 month extension of the agreement which, from July 1st, 2007 through December 31st, 2008. The request was based on the estimated completion of a new City branch library at the end of 2008.

The City and the School District have agreed to a three month extension of the agreement which would run form January 1, 2009 through March 31, 2009 based on a new estimated completion of the new facility. The City also asks for authorization for the City Manager to execute the addendum.

The execution of this addendum provides for the continued joint use of the Sunrise Mountain High School library for the period listed above. The City and the School District have executed this agreement by signing their names.

Carl Swenson
City Manager
City of Peoria Arizona
8401 West Monroe Street
Peoria, Arizona 85345

Denton Santarelli
Superintendent
Peoria Unified School District #11
6330 West Thunderbird Road
Glendale, Arizona 85306

_____
Carl Swenson
City Manager

_____
Denton Santarelli
Superintendent

_____
Date

_____
Date

ATTEST:

APPROVED AS TO FORM:

_____
Mary Jo Kief
City Clerk

_____
Stephen M. Kemp
City Attorney

LCON05902D

_____
Ernest Calderón
Peoria Unified School District #11 Attorney