

AUTHORIZATION FOR AGREEMENTS, MOUs, OR OTHER DOCUMENTS OBLIGATING THE CITY

All contracts, agreements, grant agreements, memoranda of understanding, or any document obligating the city (with the exception of purchase orders), requires the completion of this form. The City Manager will sign these documents after all other required information and signatures are obtained.

Document: 5192-02 POP Extension Agreement Amendment #2 Date: 1-30-2024

Statement of Purpose: 17 Month extension for OEM/FEMA reimbursements for Final Design phase of the Emergency Access Rd.-BCD

Department Head Signature: C.A. Beatty

Remarks, if any:

City Attorney Review and Signature: See email Date: 2/7/24

Other Signatures as Requested by the City Attorney:

Table with 6 columns: Item, Signature, Yes, No, N/A, Date. Rows include Budget Confirmed, Certificate of Insurance Attached, and City Council Approval Needed.

After all the above requested information is complete and signatures obtained, return this form, along with the original document to the City Manager for signature. No documents should be executed prior to the City Manager's approval as evidenced by signature of this document.

City Manager Signature: [Signature] Date: 2/10/24

Once all signatures and certificates of insurance have been obtained, return this document, along with the original, fully-executed agreement, MOU, or other document to the City Recorder. A copy of grant agreement and all project funding documents, must be forwarded to the Finance Department for tracking and audit purposes.

City Recorder Signature: Date:

Date posted on website:

Brian Crawford

From: David Allen
Sent: Wednesday, February 07, 2024 4:57 PM
To: Brian Crawford
Cc: Catherine Rigby; Chris Beatty; Melanie Nelson; Erik Glover
Subject: Re: Agreement Amendment #2 - For Review - On 2/5/24 Council Agenda
Attachments: 5195-02 City of Newport Agreement Amendment POP Extension.doc; 5195 - 02 - City of Newport Dam Remediation - POP Extension - Amendment Agreement; MOU_Agreement Amendment POP Extension #2.pdf

Amendment 1 (link below) had changed the effective date to January 29, 2024. So, the italicized/bracketed date of January 29, 2023 in the attached Amendment 2 should be corrected to reflect that change in date in Amendment 1, which is then consistent with a 17-month extension as referenced in the second paragraph of Amendment 2. Once that's done, you can use this e-mail to confirm review for the attached agreement sign-off form. --David

https://www.newportoregon.gov/dept/adm/agreements/3465/agreement_3465.pdf

From: Brian Crawford
Sent: Thursday, February 1, 2024 9:46 AM
To: David Allen
Cc: Catherine Rigby; Chris Beatty
Subject: RE: Agreement Amendment #2 - For Review - On 2/5/24 Council Agenda

David,
I just learned that this is on the council agenda for Feb. 5th. I'm sorry for the short notice. However, our staff report will communicate 'pending legal review'.

Thanks again,

-Brian

From: Brian Crawford
Sent: Thursday, February 01, 2024 9:20 AM
To: David Allen <d.allen@newportoregon.gov>
Cc: Chris Beatty <C.Beatty@NewportOregon.gov>; Spencer Nebel <S.Nebel@NewportOregon.gov>
Subject: Agreement Amendment #2 - For Review

Hi David,

Please review the attached 'City of Newport Agreement Amendment POP Extension'. I included OEM's email which speaks to our continued OEM/FEMA reimbursements contingent on the Agreement Amendment (#2) being fully executed.

Once you provide confirmation/review, we will send to council for their approval.

Thank you for your time.

-Brian

Brian Crawford
Administrative Project Support
City of Newport | Engineering
169 SW Coast Highway
Newport, OR 97365
D: 541.574.3366
b.crawford@newportoregon.gov
Office hours: M – F, 7:30 – 4

PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

AGREEMENT AMENDMENT #2

This is Amendment #2 (the "Amendment") to the Grant Agreement dated April 30, 2020 (the "Agreement") between the State of Oregon, acting by and through the Oregon Department of Emergency Management ("OEM"), and the City of Newport ("Subrecipient"), both individually without distinction as a "Party" and collectively as the "Parties."

The Parties hereby amend the Agreement to reflect a 17-month extension in the period of performance as follows:

Section 1 of the Agreement captioned "Effective Date" is amended as follows (new language indicated by **underline** and deleted language is [*italicized and bracketed*]):

1. **Effective Date.** This Agreement shall become effective on the date this Agreement is fully executed and approved as required by applicable law. Reimbursements will be made for Project Costs (as defined in Section 6.a.) incurred beginning on March 25, 2020 and shall terminate upon completion and approval of the Project (as defined in Section 4) by federal and state officials, including the completion of close-out and audit (the "Project Completion Date"). This period shall be known as the Grant Award Period. The Project shall be completed no later than **June 29, 2025** [*January 29, 2024*] (the "Expiration Date"), unless otherwise extended as provided in this Agreement. OEM's obligation to disburse Grant Funds under this Agreement is subject to Sections 6 and 10 of this Agreement.

This Amendment may be executed by the Parties in counterparts.

Except as expressly amended above, all terms and conditions of the original Agreement are still in full force and effect. Subrecipient certifies that the representations, warranties, and certifications contained in the original Agreement are true and correct as of the date of its signature below and with the same effect as though made at the time of this Amendment. This Amendment is effective on the date it is fully executed and approved as required by applicable law.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates set forth below.

City of Newport

STATE OF OREGON acting by and through its
Oregon Department of Emergency Management

By: 
(signature of Printed Name below)

By: _____
(signature of Printed Name below)

Spencer R. Nobel
Printed Name

Erin McMahan

City Manager
Title

OEM Director/GAR

02/10/24
Date

Date

AGREEMENT AMENDMENT #2

This is Amendment #2 (the "Amendment") to the Grant Agreement dated April 30, 2020 (the "Agreement") between the State of Oregon, acting by and through the Oregon Department of Emergency Management ("OEM"), and the City of Newport ("Subrecipient"), both individually without distinction as a "Party" and collectively as the "Parties."

The Parties hereby amend the Agreement to reflect a 17-month extension in the period of performance as follows:

Section 1 of the Agreement captioned "Effective Date" is amended as follows (new language indicated by **bold underline** and deleted language is *[italicized and bracketed]*):


1. **Effective Date.** This Agreement shall become effective on the date this Agreement is fully executed and approved as required by applicable law. Reimbursements will be made for Project Costs (as defined in Section 6.a.) incurred beginning on March 25, 2020 and shall terminate upon completion and approval of the Project (as defined in Section 4) by federal and state officials, including the completion of close-out and audit (the "Project Completion Date"). This period shall be known as the Grant Award Period. The Project shall be completed no later than **June 29, 2025** *[January 29, 2024]* (the "Expiration Date"), unless otherwise extended as provided in this Agreement. OEM's obligation to disburse Grant Funds under this Agreement is subject to Sections 6 and 10 of this Agreement.

This Amendment may be executed by the Parties in counterparts.

Except as expressly amended above, all terms and conditions of the original Agreement are still in full force and effect. Subrecipient certifies that the representations, warranties, and certifications contained in the original Agreement are true and correct as of the date of its signature below and with the same effect as though made at the time of this Amendment. This Amendment is effective on the date it is fully executed and approved as required by applicable law.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates set forth below.

City of Newport


By: 
(signature of Printed Name below)

Spencer R. Nobel
Printed Name

City Manager
Title

02/10/24
Date

STATE OF OREGON acting by and through its
Oregon Department of Emergency Management

By: 
(signature of Printed Name below)

Erin McMahon
Erin McMahon

Director
OEM Director/GAR

2/12/24
Date