

INTRODUCED BY:

**ALDERMAN PLUFKA
ALDERWOMAN SIMS
ALDERMAN GOULD
ALDERWOMAN HARTER**

**ALDERWOMAN TICE
ALDERMAN WEGGE
ALDERMAN LOCHMOELLER
ALDERMAN ERGER**

AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE LEASE AND SERVICES AGREEMENT BETWEEN THE CITY OF BRENTWOOD, MISSOURI, AND THE BRENTWOOD PUBLIC LIBRARY

WHEREAS, the Brentwood Municipal Code, Chapter 140.010 establishes a free public library for the use of the citizens of this City pursuant to Sections 182.140 et seq., RSMo.; and

WHEREAS, on October 3, 2022, the Library Trustees and the City entered into a *Lease and Services Agreement between the City of Brentwood and the Brentwood Public Library* (the " Agreement') which amended the January 19, 2021 Agreement, to include modification to the calculation of the Library's monthly utility payments; and

WHEREAS, the City of Brentwood, Missouri and the Brentwood Public Library desire to amend the Agreement a second time to reflect the Library's collection of its tax revenues; and

WHEREAS, the Board of Aldermen finds and determines that it is advantageous and in the best interest of the City that the City enter into an Amended Lease and Services Agreement as hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, AS FOLLOWS:


Section 1. The Board of Aldermen approves on behalf of the City an Amendment to *Lease and Services Agreement between the City of Brentwood and the Brentwood Public Library* in substantial conformity with the terms and conditions reflected on **Exhibit A** attached hereto and incorporated herein by this reference, together with such changes thereto as shall be approved by the officers of the City executing same which are consistent with the provisions and intent of this legislation and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The Mayor, City Administrator and other appropriate City officials are hereby authorized to execute the Agreement and such additional documents and take any and all actions necessary, desirable, convenient or prudent in order to carry out the intent of this legislation.

Section 2. The sections of this ordinance and of the Agreement approved hereby shall be severable. In the event any section of this ordinance or the Agreement is found by a court of competent jurisdiction to be invalid, the remaining sections are

valid, unless the court finds the valid sections are so essentially and inseparably connected with, and so dependent upon, the void section that it cannot be presumed the Board of Aldermen would have enacted the valid sections without the void section, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3. This Ordinance shall be in full force and effect from and after the date of its passage and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, THIS 16TH DAY OF SEPTEMBER, 2024.


David Plufka, Presiding Officer

ATTEST:


Kelle Silvey, Deputy City Clerk

APPROVED BY THE MAYOR THIS 16TH DAY OF SEPTEMBER, 2024.


David A. Dimmitt, Mayor

ATTEST:


Kelle Silvey, Deputy City Clerk

1st Reading: September 3, 2024
2nd Reading: September 16, 2024

SECOND AMENDMENT TO LEASE AND SERVICES AGREEMENT BETWEEN CITY OF BRENTWOOD, MISSOURI AND THE BRENTWOOD PUBLIC LIBRARY

THIS AMENDMENT TO AGREEMENT (this "Amendment") is made and entered into as of _____, 2024, by and between the City of Brentwood, Missouri, a fourth-class city and political subdivision of the State of Missouri (the "City"), and Brentwood Public Library, a public library and political subdivision of the State of Missouri (the "Library"):

WITNESSETH

WHEREAS, City and Library entered into an Agreement, dated as of 19th of January, 2021, as amended on 3rd of October, 2022, to maintain a public library within the City (the "Agreement"), which is incorporated by reference into this Amendment as if it were fully set forth herein; and

WHEREAS, City and Library desire to amend the Agreement to reflect the Library's collection of its tax revenues; and

WHEREAS, paragraph 10 of the Agreement provides that any amendment to the Agreement shall be in writing and signed by City and Library.

NOW, THEREFORE, for and in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Library agree as follows:

1. Section 5(d) of the Agreement, Services Provided by City, relating to the City's collection of the Library taxes is hereby deleted.
2. Except as amended by this Amendment, all other terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, City and Library have executed this Amendment as of the day and year first above written.

CITY OF BRENTWOOD, MISSOURI
By: Abimbola Akande
Title: City Administrator
Date: September 18, 2024

BRENTWOOD PUBLIC LIBRARY
By: _____
Title: _____
Date: _____