

RESOLUTION No. 91-2009

COPY

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OMAK,
WASHINGTON, APPROVING AN AMENDMENT TO THE INTERLOCAL
COOPERATIVE AGREEMENT REGARDING THE COUNTY WIDE
SHORELINE MASTER PROGRAM UPDATE**

WHEREAS, Okanogan County and the Cities of Omak, Okanogan, Brewster and Pateros applied for grant funding from the Department of Ecology for the purpose of updating our Shoreline Management Plans under an "early adopter" pilot program sponsored by the Department of Ecology in 2005; and

WHEREAS, during the application process it was agreed that each of the communities and the County would be best served if we joined together and prepared a county-wide Shoreline Master Program instead of preparing five separate plans without coordination; and

WHEREAS, the City entered into a Memorandum of Agreement with Okanogan County for a county-wide regional shoreline management consortium by adoption of Resolution No. 02-2006 on January 3, 2006; and

WHEREAS, the City and County further adopted an Interlocal Cooperative Agreement Regarding the County Wide Shoreline Master Program Update which outlined the respective responsibilities of the parties in the planning process, including allocation of funding; and

WHEREAS, the City was allocated up to \$39,204 for the purpose of participation in the regional planning effort and development of a specific Shoreline Master Plan for the City; and

WHEREAS, subsequent to that agreement, it was determined that the County would develop a county-wide inventory and analysis of shoreline ecological conditions including those areas within the City of Omak and would use a portion of the City's allocation of funds to cover the cost thereof; and

WHEREAS, the current allocation that the City retains is \$11,136.10 which was to be used to cover the cost of our local outreach and City specific land use planning efforts; and

WHEREAS, the Department of Ecology has withheld a portion of the grant funds that were originally allocated to the Cities and the County for this shoreline management planning effort; and

WHEREAS, the County has reallocated the remaining available grant funds between the County and the participating Cities resulting in a reduction in

the amount of funding available for the City's portion of the planning process from \$11,136.10 to \$8,373.65; and

WHEREAS, it is necessary to approve an amendment to the original Interlocal Agreement to incorporate these changes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Omak that the Agreement to Amend Contract, a copy of which is attached hereto as Exhibit "A" is hereby approved and the Mayor is authorized to execute the Agreement on behalf of the City.

INTRODUCED and passed this 7th day of December, 2009.

APPROVED:



Cindy Gagne, Mayor

ATTEST:



Kathy Lobdell, City Clerk

APPROVED AS TO FORM:



Michael Howe, City Attorney



State of Washington

In the Heart of the Okanogan

email: kathyl@omakcity.com

2 North Ash
(509) 826-1170

P.O. Box 72

Omak, WA 98841

Fax: (509) 826-6531

December 11, 2009

Ok. County Office of Planning & Development
Angie Hubbard, Natural Resource Planner I
123 – 5th Ave. N. Suite 130
Okanogan, WA 98840

RE: Amendment to the Interlocal Cooperative Agreement for County Wide
Shoreline Master Program Update

Dear Angie,

Omak City Council, in regular session December 7, 2009, passed Resolution 91-2009, approving the amendment to the above mentioned contract with Okanogan County.

Enclosed you will find a copy of the Resolution, and two City-executed original contracts, per your request.

Sincerely,

Kathy Lobdell, CMC
City Clerk
City of Omak

Encls.



OKANOGAN COUNTY
OFFICE OF PLANNING AND DEVELOPMENT
123 - 5th Ave. N. Suite 130 - Okanogan, WA 98840
(509) 422-7160 • FAX: (509) 422-7349 • TTY/Voice Use 800-833-6388
email: planning@co.okanogan.wa.us

February 16, 2010

City of Omak
P.O. Box 72
Omak, WA 98841

RECEIVED

FEB 18 2010

CITY OF OMAK

Re: Interlocal Cooperative Agreement

Enclosed you will find the fully executed amendment to the Interlocal Cooperative Agreement for the Regional Shoreline Master Program update for your records. If you have any questions feel free to contact me at ahubbard@co.okanogan.wa.us, or by phone at (509) 422-7090.

Sincerely,

Angie Hubbard
Natural Resource Planner

Resolution No. 91-2009
Exhibit "A"

COPY
ORIGINAL

Agreement to Amend Contract

Okanogan County Washington and the city of Omak have entered into an interlocal agreement titled "INTERLOCAL COOPERATIVE AGREEMENT REGARDING THE COUNTY WIDE SHORELINE MASTER PROGRAM UPDATE", which was last executed by Okanogan County and the City of Omak on January 03, 2006 is hereby amended as follows:

1. **Section 8.** The end date of this contract is changed from completion of the deliverables to WDOE to the end of the grant agreement, June 30, 2010. The County shall not be responsible if the City overspends the maximum amount payable.
2. **Section 3.** The total maximum amount payable under this contract is decreased by \$30,830.35, from \$39,204 to \$8373.65. This decrease is due to funding from the Department of Ecology Grant #**G0600296** that was withheld from the County. Also, the work completed to date such as the scientific analysis, characterization, and environment designations have been completed for the entire region including all of the municipalities. The County shall manage the grant. The City shall invoice the county monthly.
3. **Section 4.** The City shall submit a WSDOE quarterly report to be integrated into the regional SMP quarterly report submission.

All terms and conditions of the contract not specifically amended herein shall remain in full force and effect. CITY/TOWN OF OMAK WASHINGTON

BOARD OF COUNTY COMMISSIONERS
OKANOGAN COUNTY, WASHINGTON

Andy Gagne
Mayor

Mary Lou Peterson
Mary Lou Peterson, ~~Chairman~~ member

Attest:

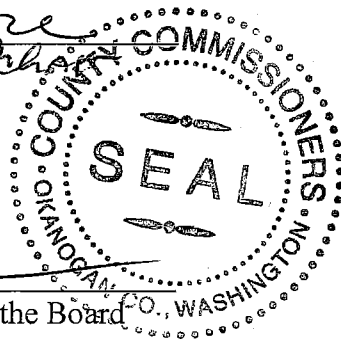
Don (Bud) Hover
Don (Bud) Hover, Member

Hanny Jandiel
Clerk

Andrew Lampe
Andrew Lampe, Member

Attest:

B. Crowell
Brenda J. Crowell, Clerk of the Board



Approved as to Form Only:

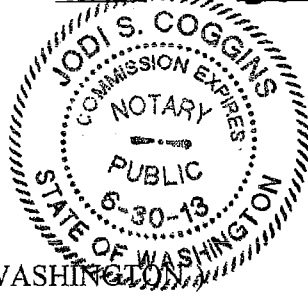
Steve Bozarth
Steve Bozarth, Civil Prosecuting Attorney

ORIGINAL COPY

STATE OF WASHINGTON)
) ss.
COUNTY OF OKANOGAN)

I certify that I know or have satisfactory evidence that Cindy Bagne and Betty Rowell are the persons who appeared before me, and said persons acknowledged that said persons signed this instrument, on oath stated that said persons were authorized to execute the instrument and acknowledged it as the Mayor and Clerk, respectively, of the City/Town of Omak, a municipal corporation of the State of Washington, to be the free and voluntary act of such municipal corporation for the uses and purposes mentioned in the instrument.

Dated this 8th day of December, 2009.



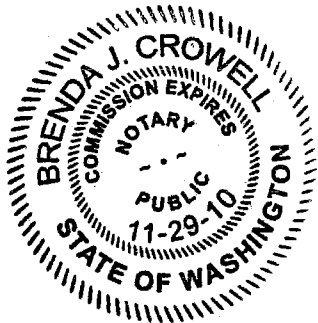
Jodi S. Coggins
(Signature of Notary)
Jodi S Coggins
(Legibly Print or Stamp Name of Notary)
Notary public in and for the State of Washington, residing at
Omak
My appointment expires 6/30/13

STATE OF WASHINGTON)
) ss.
COUNTY OF OKANOGAN)

I certify that I know or have satisfactory evidence that LAMPE and PETERSON are the persons who appeared before me, and said persons acknowledged that said persons signed this instrument, on oath stated that said persons were authorized to execute the instrument and acknowledged it as the Chairman and Clerk, respectively, of the Board of COUNTY Commissioners of Okanogan COUNTY, a municipal corporation of the State of Washington, to be the free and voluntary act of such public body corporate for the uses and purposes mentioned in the instrument.

ANDREW MARY LOU Don "BLU" HOVER

Dated this 9th day of February, 2009.



B. Crowell
(Signature of Notary)
BRENDA J. CROWELL
(Legibly Print or Stamp Name of Notary)
Notary public in and for the State of Washington, residing at
Okanogan County Washington
My appointment expires 11-29-10