

AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT  
BETWEEN KING COUNTY AND THE CITY OF MERCER ISLAND  
SUBURBAN CITY OPEN SPACE ACQUISITION PROJECTS

Preamble

The King County Council, through Ordinance 9128, has established a Conservation Futures Fund and appropriated proceeds to King County, the City of Seattle, and certain suburban cities. Ordinance 9430 provided for the use of Conservation Futures Funds collected in the years 1990 through 1993 for the completion of projects as set forth in Ordinance 9071. This amendment is entered into to provide for the allocation of additional funds made available for project completion. The parties have agreed to amend the existing Interlocal Cooperative Agreement to provide for additions in the references to the fund allocation and to clarify reporting requirements.

THIS AMENDMENT is entered into between the CITY OF MERCER ISLAND ("City") and KING COUNTY, and amends and attaches to and is a part thereof of the existing Interlocal Cooperation Agreement entered into between the parties, dated the 30th day of April, 1990.

The parties agree to the following amendments:

1. Amendment 1: Article I. Recitals

The third paragraph of the Recitals section is hereby amended to provide for the secondary allocation of Conservation Futures Funds. The opening sentence of paragraph three hereafter reads:

The Open Space Citizens Advisory Committee has recommended an initial and a secondary allocation of Conservation Futures funds from the Suburban City Open Space Acquisition Projects following notification to the suburban cities that funds were available, provision of an opportunity for the suburban cities to respond and receipt by the committee of requests for funding, all pursuant to Ordinance 8867.

The fourth paragraph is also amended to provide for the secondary allocation, and hereafter reads:

The King County Council by Motion 7742 has approved the initial allocation and by Motion 8140 the secondary allocation of 1989 Conservation Futures funds, and authorized the King County Executive to enter into interlocal; cooperation agreements with the suburban cities in order to initiate the approved projects.

Amendment 2: Article V. Conditions of the Agreement

Section 5.3 is hereby amended to specify that reprogramming requests shall be submitted to the Office of Open Space. The final sentence of Section 5.3 hereafter shall read:

All reprogramming requests shall be submitted to the County's Department of Parks, Planning and Resources, Office of Open Space.

Amendment 3: Article VI. Responsibilities of the City

Section 6.1 is hereafter amended, and the third paragraph shall now read:

Such matching contribution must be available within two years of the City's application for County funds to support Projects identified herein or approved substitute Projects.

Section 6.2, paragraph one is hereafter amended to delete item number four (4), which required the submission of an approved master plan or its equivalent to the County. The word "and" shall hereafter be inserted before item number three (3) to provide a grammatical correction to the sentence after the deletion of the above mentioned item four.

Section 6.3 is hereafter amended to provide for semi-annual rather than quarterly reporting. The second and third sentences of the first paragraph of this section shall be amended as follows:

Until the property described in the Project is acquired and all funds provided pursuant to this agreement Expended, the City shall provide semi-annual written reports to the County within 30 days of the end of each relevant time period. The semi-annual report shall contain the following information: a) an accounting of all cash expenditures and encumbrances in support of the project; b) the status of each project and any changes to the approved time line; and c) other relevant information requested by the County for the purpose of determining compliance with this agreement.

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Section 6.3 is further amended, to clarify reporting requirements. Paragraph two shall hereafter read as follows: Following acquisition of the property and expenditure of all funds provided pursuant to this agreement, the City shall provide the County with a final report, within 90 days of the end of the calendar year in which all funds were expended. Said report shall contain a summary of all project expenditures, a description of the project status and accomplishment and other relevant information required by the County for the purpose of verifying compliance with this agreement.

The City shall also provide the County, within 90 days of the end of each calendar year, annual reports which specify any change in the status of the Project which the City reasonably anticipates during the ensuing year. Such reports shall be required only if a change has taken place or is anticipated, except as provided above for ongoing and final project reports. All such reports shall be submitted to the County's Department of Parks, Planning and Resources, Office of Open Space.

Section 6.4 is hereby amended to reference the passage of the Open Space Bond Funds, and this section shall hereafter read as follows:

Open Space Bond funds as authorized by Ordinance 9071, are available for projects identified in this agreement.

Section 6.5 is hereby amended to clarify the conditions which require an appraisal be provided, and paragraph two shall hereafter read as follows:

Upon changes in status and/or use of the property acquired herein, at its own cost, the City will provide the County an independent appraisal in accordance with this section.

Amendment 4: In all other respects the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperative Agreement.

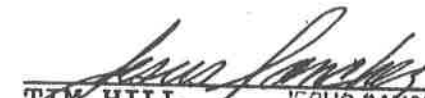
This document shall be attached to and be a part of the existing Interlocal Cooperative Agreement.

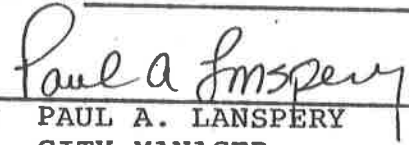
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IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF MERCER ISLAND

  
TIM HILL JESUS SANCHEZ For  
King County Executive EXECUTIVE

  
BY: PAUL A. LANSPERY  
CITY MANAGER

FEB - 5 1991  
Date

14 January 1991  
Date

Acting under the authority  
of Motion Number 8120

Acting under the authority  
of RCW 35A.13.080

Approved as to form:

Approved as to form:

  
NORM MALENG  
King County Prosecuting Attorney

  
Ronald C. Dickinson  
City Attorney