

When Recorded Return To:

City of Tacoma  
Community and Economic Development Department  
747 Market Street, Room  
Tacoma WA 98402-3701

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<b>Document Title:</b>	<b>FIRST AMENDMENT TO INTERLOCAL COOPERATIVE AGREEMENT</b>
<b>Reference Number:</b>	<b>200607260916</b>
<b>Grantor:</b>	<b>CITY OF TACOMA</b>
<b>Grantee:</b>	<b>TOWN OF RUSTON</b>
<b>Legal Description:</b>	<b>NA</b>
<b>Additional Legal Description:</b>	<b>NA</b>
<b>Assessor's Tax Parcel Number:</b>	<b>NA</b>

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#### **AMENDMENT NO. 1 TO INTERLOCAL COOPERATIVE AGREEMENT**

**THIS FIRST AMENDMENT** ("First Amendment") is made and entered into this 13<sup>th</sup> day of April, 2010, between the **CITY OF TACOMA**, (the "CITY") and the **TOWN OF RUSTON** ("RUSTON").

**WHEREAS**, the CITY and RUSTON entered into that certain INTERLOCAL COOPERATIVE AGREEMENT dated July 24, 2006 that was recorded under Pierce County Auditor's File No. 200607260916 (the "Agreement") for the purpose of cooperating between the two jurisdictions on economic development and other projects as specified in the original Agreement; and

**WHEREAS**, the parties wish to amend the Agreement to clarify Section 5 regarding the effective period of the Agreement and each party's time for performance thereunder;

**NOW, THEREFORE**, the parties hereby agree as follows:

1. Section 5. of the original Agreement is hereby deleted and replaced with the following:

This Agreement shall be effective beginning on January 1, 2006 for an initial period of five (5) years, regardless of the date of execution, and shall be automatically renewed on January 1 of each successive year unless

**ORIGINAL**

either party gives its intention to terminate this Agreement by giving the other sixty (60) days' prior written notice of termination.

2. This First Amendment clarifying the effective period of the Agreement shall not entitle either party to any additional compensation of funds under the Agreement.

EXCEPT AS EXPRESSLY MODIFIED BY THIS FIRST AMENDMENT, ALL OTHER TERMS AND CONDITIONS OF THE AGREEMENT SHALL REMAIN THE SAME AND IN FULL FORCE AND EFFECT.

**IN WITNESS WHEREOF**, the Parties hereto have entered into this First Amendment to Interlocal Cooperative Agreement effective as of the day and year first written above.

**CITY OF TACOMA**

  
Eric Anderson, City Manager

  
Ryan Petty  
Community and Economic  
Development Director

Approved:

  
Robert K. Biles  
Finance Director

Approved:

  
Debbie Dahlstrom  
Risk Management

**TOWN OF RUSTON**

  
Mayor

Attest:

  
Town Clerk

**ORIGINAL**

Approved as to Form and Legality:

  
\_\_\_\_\_  
Deputy City Attorney

Attest:

  
\_\_\_\_\_  
Doris Sorum, City Clerk

**ORIGINAL**



## RESOLUTION NO. 38225

1 A RESOLUTION relating to economic development; authorizing the execution of the  
2 First Amendment to the Interlocal Cooperative Agreement ("Agreement")  
3 between the City and the Town of Ruston by clarifying the effective period of  
4 the Agreement.

5 WHEREAS chapter 39.34 RCW provides that two or more local  
6 governmental entities may, by interlocal governmental agreement, join together  
7 for any common purpose, and

8 WHEREAS, on June 6, 2006, the City Council adopted  
9 Resolution No. 36872, authorizing the execution of an Interlocal Cooperative  
10 Agreement ("Agreement") with the Town of Ruston for the purpose of improving  
11 the operations and streetscape of the Ruston Point Defiance Business District,  
12 and

13 WHEREAS the parties wish to amend the Agreement to clarify the  
14 effective period of the Agreement and each party's time for performance  
15 thereunder; Now, Therefore,

16  
17 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

18 That the proper officers of the City are hereby authorized to execute the  
19 First Amendment to the Interlocal Cooperative Agreement ("Agreement")  
20  
21  
22  
23  
24  
25  
26






1 between the City and the Town of Ruston by clarifying the effective period of  
2 the Agreement, said document to be substantially in the form of the proposed  
3 amendment on file in the office of the City Clerk.

4 Adopted MAR 29 2011

5  
6  
7  
8 Attest: \_\_\_\_\_ Mayor

9 \_\_\_\_\_  
10 City Clerk

11 Approved as to form:

12   
13 \_\_\_\_\_  
14 Deputy City Attorney

**REQUEST FOR**  
☐ **ORDINANCE** ☒ **RESOLUTION**

RECEIVED

Request #:

Ord./Res. #:

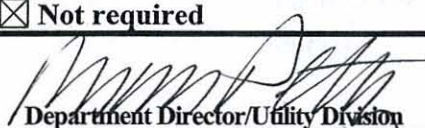

17865  
38225

FEB 15 2011

1. DATE: January 20, 2011

CITY CLERK'S OFFICE

2. SPONSORED BY: COUNCIL MEMBER(S) N/A

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM CED / Private Capital / Neighborhood Business Districts	4a. CONTACT (for questions): Shari Hart	PHONE: 253-591-5208
3b. "DO PASS" FROM [Committee Name] <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee	4b. Person Presenting: Shari Hart	PHONE: 253-591-5208
3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	4c. ATTORNEY: Jeff Capell	PHONE: 253.591.5638
 Department Director/Utility Division	N/A Budget Officer/Finance Director	 City Manager/Director Utilities

5. REQUESTED COUNCIL DATE: March 29, 2011

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Authorizing execution of the First Amendment to the Interlocal Cooperative Agreement for the purposes of improving the operations and streetscape of the Ruston Pt. Defiance Business District.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

When the Ruston Pt. Defiance Business District was formed in 2006, the City of Tacoma and the Town of Ruston entered into an interlocal agreement for the purposes of improving the operations and streetscape of the District. The original interlocal agreement is dated July 24, 2006, and was for an initial period of five (5) years; this amendment formalizes the annual renewal of this agreement until either party gives a sixty (60) day written notice of termination.

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Resolution 36872	City Clerk's Office
Interlocal Agreement dated July 24, 2006	City Clerk's Office
First Amendment to Interlocal Agreement	City Clerk's Office

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. ☒ A SAFE, CLEAN AND ATTRACTIVE COMMUNITY  
B. ☐ A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY  
C. ☐ A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:

12865

Ord/Res #:

38225

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

Interlocal agreement between two municipalities.

11. FINANCIAL IMPACT:

☐

EXPENDITURE

☐

REVENUE

A. ☒ NO IMPACT (NO FISCAL NOTE)

B. ☐ YES, OVER \$100,000, Fiscal Note Attached

C. ☐ YES, UNDER \$100,000, (NO FISCAL NOTE)

Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted? ☐ Yes ☐ No Where? Cost Center:

Acct #:





**TO:** Eric Anderson,  
City Manager

**FROM:**  Martha Anderson, Acting Director  
Community and Economic Development Department

**SUBJECT:** Request 12865 on City Council March 29 Agenda - Amendment to  
Interlocal Cooperative Agreement with the Town of Ruston

**DATE:** March 22, 2011

On June 6, 2006, the City Council authorized an Interlocal Cooperative Agreement (Resolution 36872) with the Town of Ruston to improve the operations and streetscape of the Ruston-Pt. Defiance Business District. The agreement allows for businesses and property owners in both municipalities to work in partnership with City staff to support the goals of the Ruston-Pt Defiance Business District.

Request 12865 proposes the first amendment to this Interlocal Cooperative Agreement. The original agreement, dated July 24, 2006, was for a period of five years; this amendment clarifies the original language to indicate the parties' intent that the agreement is to be renewed annually until either party gives a sixty-day written notice of termination.

The proposed amendment revises section 5 of the agreement.

**Old language:**

5. This Agreement shall be effective on January 1, 2006, for 5 years, regardless of the date of execution and shall be automatically renewed on January 1, 2006, of each successive year. Any party may terminate its participation in this Agreement by giving 60 days notice of termination to the other parties hereto.

**New language:**

1. Section 5. of the original Agreement is hereby deleted and replaced with the following:

This Agreement shall be effective beginning on January 1, 2006, for an initial period of five (5) years, regardless of the date of execution, and shall be automatically renewed on January 1 of each successive year unless either party gives its intention to terminate this Agreement by giving the other sixty (60) days prior written notice of termination.

2. This First Amendment clarifying the effective period of the Agreement shall not entitle either party to any additional compensation of funds under the Agreement.

All other terms and conditions of the Agreement remain the same.