

RESOLUTION NO. 1768

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AUTHORIZING THE CITY MANAGER TO RESCIND A MOU WITH THE TRIBE AND TO SIGN THE FIRST MODIFICATION TO AN ILA WITH THE TRIBE RELATING TO LEVELS OF SERVICE AND PROVIDING \$850,000 FROM THE 2% FUND

WHEREAS, in anticipation of the opening of EQC-Fife the City of Fife (the "City") and the Puyallup Tribe of Indians (the "Tribe") negotiated and signed a document entitled "Interlocal Agreement between the City of Fife and the Puyallup Tribe of Indians regarding the EQC - Fife Facility" that is dated October 16, 2004 (the ILA); and

WHEREAS, in the ILA the City agreed to maintain certain levels of service and the Tribe, amongst other things, agreed to pay the City \$850,000.00 as part of the "Base Funding" from the monies generated by the EQC-Fife operations that are commonly referred to as the 2% funds; and

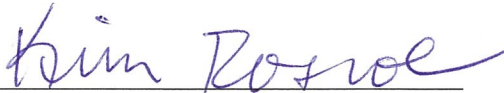
WHEREAS, the Tribe and the City also executed a document entitled Memorandum of Understanding between the Puyallup Tribe of Indians and the City of Fife, that is dated October 12, 2006 (the "MOU") which, in part stated that "\$850,000 shall be automatically distributed to the City, from the Fund, each year, without further action required by the Committee, or the City"; and

WHEREAS, the Tribe has expressed an opinion that the payment of the Base Funding is not automatic, but requires that the City "prove" that there are such impacts on the City, and the Tribe has rejected the City's documentation as being sufficient; and

WHEREAS, although the City Council disagrees with the Tribe's conclusion, the City Council: 1) respects the Tribal Council's position; 2) is appreciative of the many millions of dollars that the Tribe has already paid to the City as Base Funding under the terms of the MOU and the ILA; and 3) does not want this issue to stand in the way of reaching consensus with the Tribe on how to address many other important issues that the Tribe and the City are dealing with now, and will deal with in the future; now, therefore


BE IT RESOLVED that the City Council hereby authorizes the City Manager to negotiate and execute a modification to the ILA that is substantially in the form attached hereto Exhibit A, and to sign an agreement on behalf of the City that rescinds the MOU.

ADOPTED by the City Council at an open public meeting held on the 13th day of June, 2017.



Kim Roscoe, Mayor

Attest:



Angela Woods, Acting City Clerk

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FIRST MODIFICATION TO INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF FIFE AND THE PUYALLUP TRIBE OF INDIANS
REGARDING
THE EQC – FIFE FACILITY

1. Date and Parties. This document, for reference purposes only, is dated the ___ day of _____, 2017, and is entered into between the City of Fife, a Washington municipal corporation (hereinafter the “City”) and the Puyallup Tribe of Indians, a sovereign Indian government (hereinafter the “Tribe”) under authority of the Interlocal Cooperation Act (RCW 39.34), the laws governing non-charter code cities, and the Constitution and Bylaws of the Tribe. For ease of reference this document shall be referred to as the “ILA First Modification”.

2. Recitals.

a. In anticipation of the opening of EQC-Fife the City of Fife (the “City”) and the Puyallup Tribe of Indians (the “Tribe”) negotiated and signed a document entitled “Interlocal Agreement between the City of Fife and the Puyallup Tribe of Indians regarding the EQC – Fife Facility” that is dated October 16, 2004 (the ILA).

b. In the ILA the City agreed to maintain certain levels of service and the Tribe, amongst other things, agreed to pay the City \$850,000.00 per year as part of the “Base Funding” from the monies generated by the EQC-Fife operations that are commonly known as the 2% funds.

c. The Tribe has for many years paid the \$850,000 to the City, but the parties have agreed to eliminate this requirement as well as the City’s obligation to maintain certain levels of service.

3. Deletion of ILA paragraphs 4(b), 5, and 6(a)(i). The ILA is hereby amended by the deletion of paragraph 4(b), paragraph 5, and paragraph 6(a)(i). This deletion shall be effective as of calendar year 2014.

4. Modification to ILA Terms and Conditions. This ILA First Modification is intended to modify the terms and conditions of the ILA, and is incorporated into that document by this reference. The terms of the ILA First Modification and the ILA shall be interpreted harmoniously to the extent possible, but in the case of any conflict between the terms of the ILA and the terms of ILA First Modification, the provisions of the ILA First Modification shall control and shall be deemed to have superseded all conflicting provisions in the ILA.

5. Signature Authority

a. The City Manager was authorized to execute this agreement by the adoption on the 13th day of June, 2017 of City Resolution 1768.

FIRST MODIFICATION TO INTERLOCAL
AGREEMENT BETWEEN THE CITY OF
FIFE AND THE PUYALLUP TRIBE OF INDIANS
REGARDING THE EQC-FIFE FACILITY

b. The Chairman was authorized to execute this agreement by the adoption on the _____ day of _____, 2017 of Tribal Council Resolution # _____.

CITY OF FIFE

PUYALLUP TRIBE OF INDIANS

Subir Mukerjee
City Manager

Puyallup Tribal Council

ATTEST:

Approved as to form:

Angela Woods
Acting City Clerk
Approved as to form:

John Howard Bell
Tribal Attorney

Loren D. Combs
City Attorney