

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2020

AGENDA ITEM:	
Amendment No. 1 to Everett and JOA Participants Water Supply Contract	
PREPARED BY:	DIRECTOR APPROVAL:
Karen Latimer, Utility Manager	
DEPARTMENT:	
Public Works – Water Division	
ATTACHMENTS:	
Amendment No. 1 to Everett and JOA Participants Water Supply Contract	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

On October 15, 1991, the City of Everett and the JOA Participants (Participants), consisting of City of Marysville, Snohomish County PUD No. 1, and the Tulalip Tribes, entered into a water supply contract (Contract). The Participants are currently negotiating a replacement contract; however, this work will not be completed before the current Contract expires on July 1, 2020. The Participants desire to extend the Contract for one year, to give time for conclusion of negotiations and approval by the Participants’ respective governing bodies.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to sign and execute Amendment No. 1 to the Everett and JOA Participants Water Supply Contract.

RECOMMENDED MOTION:

I move to authorize the Mayor to sign and execute Amendment No. 1 to the Everett and JOA Participants Water Supply Contract.

**AMENDMENT NO. 1
TO
EVERETT AND JOA PARTICIPANTS
WATER SUPPLY CONTRACT**

This AMENDMENT NO. 1 TO WATER SUPPLY CONTRACT (this “*Amendment*”) is dated for reference purposes the ___ day of June, 2020, and is by and between the City of Everett, a Washington municipal corporation (“*Everett*”), and the City of Marysville, a Washington municipal corporation (“*Marysville*”), and Public Utility District No. 1 of Snohomish County, a Washington municipal corporation (“*PUD*”) and the Tulalip Tribes (“*Tribes*”), a federally recognized Indian Tribe, hereinafter referred to as “*Participants.*”

RECITALS

- A. The Participants are each authorized to operate water systems and to enter into agreements regarding water.
- B. The Participants are parties to a Water Supply Contract dated October 15, 1991 (the “*1991 Water Supply Contract*”).
- C. The 1991 Water Supply Contract expires on July 1, 2020. The Participants are currently negotiating a replacement contract, which should be ready for consideration later in 2020.
- D. The Participants desire to extend the 1991 Water Supply Contract for one year, to give time for conclusion of negotiations and for consideration by the Everett City Council, Marysville City Council, the PUD Commission, and the Tribal Council.

AGREEMENT

The Participants agree as follows:

1. Amendment to Section 8. Section 8. of the 1991 Water Supply Contract is hereby amended to read as follows:

The term of this Contract shall be in full force and effect and binding upon the parties until July 1, 2021. The Participants shall have a right to renew this Contract for an extended term of similar duration and for a quantity of water consistent with the demands projected by the CWSP.

2. Full Force and Effect. All provisions of the 1991 Water Supply Contract remain in full force and effect, except as expressly modified by this Amendment.

[Signature pages follow]

CITY OF MARYSVILLE (“MARYSVILLE”)

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF EVERETT (“EVERETT”)

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

**SNOHOMISH PUBLIC UTILITY
DISTRICT NO. 1 (“PUD”)**

MANAGER

TULALIP TRIBES (“TRIBES”)

TRIBAL CHAIR