

1 APPROVED: 1/04/2023
2 EFFECTIVE: 1/14/2023

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 22-071
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9

10 RELATING TO THE SNOHOMISH COUNTY FLOOD DAMAGE REDUCTION GRANT
11 PROGRAM; AUTHORIZING THE EXECUTIVE TO EXECUTE AMENDMENT NO. 2
12 FOR FRENCH SLOUGH FLOOD CONTROL DISTRICT INTERLOCAL AGREEMENT
13

14 WHEREAS, the County has established a Flood Damage Reduction Grant
15 Program under which it provides grant funds for the repair of certain facilities owned,
16 operated, and/or maintained by special purpose flood control districts, such as the French
17 Slough Flood Control District (“the District”); and
18

19 WHEREAS, the District manages its flood control and protection facilities to
20 improve farming and use of agricultural land along Snohomish County rivers and to drain
21 flood waters after major floods and the Snohomish County Council (“County Council”)
22 recognizes the importance of repairing damage to these flood control and protection
23 facilities; and
24

25 WHEREAS, the County and the District, as authorized through Ordinance No. 21-
26 017, entered into an Interlocal Agreement to provide grant funding to the District for the
27 District’s Lower Pilchuck Levee Rehabilitation project; and
28

29 WHEREAS, through a first amendment to the Interlocal Agreement dated
30 December 3, 2021, the County and the District extended the expiration date of the
31 Interlocal Agreement to December 31, 2022; and
32

33 WHEREAS, the County and the District wish to extend the expiration date of the
34 Interlocal Agreement to December 31, 2023, through Amendment No. 2; and
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36 WHEREAS, Amendment No. 2 also authorizes the Director of the Snohomish
37 County Department of Conservation and Natural Resources to approve and execute a
38 written amendment with the District to extend or renew the Interlocal Agreement for up
39 to one additional one-year term; and
40

41 WHEREAS, the County Council held a public hearing on January 4, 2023, to hear
42 public comment and consider approving Amendment No. 2 of the French Slough Flood
43 Control District Interlocal Agreement.

1
2 NOW, THEREFORE, BE IT ORDAINED:
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4 Section 1. The County Council hereby adopts the foregoing recitals as findings of
5 fact and conclusions as if set forth in full herein.
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7 Section 2. The County Council authorizes the County Executive to execute
8 Amendment No 2 to the Interlocal Agreement between Snohomish County and French
9 Slough Flood Control District for Flood Damage Reduction in the form set forth as
10 Exhibit A hereto.
11

12
13
14
15 PASSED this 4th day of January, 2023.
16

17
18
19 ATTEST:

20 
21
22 Asst. Clerk of the Council
23

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair
24

25
26 (X) APPROVED

DATE: January 4, 2023

27
28 () EMERGENCY

29
30 () VETOED


Dave Somers
County Executive
31
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33
34 ATTEST: 
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37
38 Approved as to form only:

39 
40
41 November 29, 2022
42 Deputy Prosecuting Attorney

**AMENDMENT NO. 2 TO
INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND FRENCH SLOUGH
FLOOD CONTROL DISTRICT FOR FLOOD DAMAGE REDUCTION**

THIS AMENDMENT NO. 2 TO INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND FRENCH SLOUGH FLOOD CONTROL DISTRICT FOR FLOOD DAMAGE REDUCTION (the “Second Amendment”) is made and entered into by and between Snohomish County, a political subdivision of the State of Washington (the “COUNTY”), and French Slough Flood Control District, a special purpose district organized under chapter 85.38 RCW (the “DISTRICT”).

A. The COUNTY and the DISTRICT executed an agreement entitled “Interlocal Agreement between Snohomish County and French Slough Flood Control District for Flood Damage Reduction” (the “Original Agreement”) on May 10, 2021, to expire on December 31, 2021.

B. The Original Agreement allowed for an extension up to one year to be authorized by the COUNTY Director of Conservation and Natural Resources and the DISTRICT Commissioner.

C. Amendment No. 1 dated December 3, 2021 was executed by the COUNTY Director of Conservation and Natural Resources and the DISTRICT Commissioner and extended the expiration date of the Original Agreement to December 31, 2022.

D. The COUNTY and the DISTRICT wish to extend the Agreement expiration date until December 31, 2023, through this Second Amendment.

NOW, THEREFORE, for and in consideration of the mutual benefits conferred on both parties, the parties agree as follows:

Section 1 Section II, subsection B of the Original Agreement as previously amended is further amended to read as follows:

B. The Agreement shall terminate on December 31, 2023, PROVIDED however, that the term of this Agreement may be extended or renewed for up to one (1) additional one (1) year term, at the sole discretion of the County through a written amendment as specified in Section III below. The County’s obligations after December 31, 2022, are contingent upon local legislative appropriation of necessary funds in accordance with applicable laws and the Snohomish County Charter.

Section 2 All other terms and conditions of the Original Agreement shall remain in full force and effect except as expressly modified by this Second Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the date of the last party to sign.

COUNTY:

DISTRICT:

By Dave Somers Digitally signed by Dave Somers
Date: 2023.01.04 16:55:15
-08'00'
Snohomish County Executive Date

By Michelle Canfield Digitally signed by Michelle
Canfield
Date: 2022.11.10 23:02:34
-08'00'
Date
Title: Chair

Approved to form only:

Hart, Alethea Digitally signed by Hart,
Alethea
Date: 2022.11.29
14:48:58 -08'00'

COUNCIL USE ONLY	
Approved	<u>1/04/2023</u>
ECAF #	<u>2022-1189</u>
MOT/ORD	<u>Ord 22-071</u>