



## Snohomish County Council

**Committee:** Public Infrastructure and Conservation

**Analyst:** Deb Evison Bell

**ECAF:** 2023-0910

**Proposal:** Motion 23-333

**Date:** August 15, 2023

### **Consideration:**

The proposed motion would approve and authorize the County Executive to sign and execute the Amendment No. 5 to Agreement for Legal Consultation Services with Charles H. Montage, under SCC 3.04.190.

### **Background:**

In 2013, Snohomish County began the process of purchasing a 12-mile portion of the Eastside Rail Corridor from the Port of Seattle between the cities of Snohomish and Woodinville. In March of 2016, the Snohomish County Council approved the County's purchase of the property via Motion 16-117. Recognizing a need for specialized legal advice and representation related to property rights associated with the rail corridor, the County contracted with Charles H. Montage for legal services.

There have been two contracts with Charles Montage for legal services on this matter. The first was executed on March 27, 2018 and was for advice and representation regarding its rights, obligations, and potential options in connection with the rail corridor. This contract expired on December 31, 2018.

On February 11, 2019, a new contract was executed by the Prosecuting Attorney to continue services by Charles Montage. There have been four council adopted amendments to the contract.

	Motion	Start	End	NEW	TOTAL AMOUNT NOT TO EXCEED
ORIGINAL		02/11/2019	12/31/2020		\$10,000.00
AMENDMENT 1	<a href="#">19-124</a>	05/08/2019	12/31/2020	\$75,000	\$85,000.00
AMENDMENT 2	<a href="#">19-385</a>	12/04/2019	12/31/2020	\$80,000	\$165,000.00
AMENDMENT 3	<a href="#">21-426</a>	12/16/2021	12/31/2022	\$50,000	\$215,000.00
AMENDMENT 4	<a href="#">22-556</a>	01/11/2023	07/31/2023	\$50,000	\$265,000.00
AMENDMENT 5	23-333	08/01/2023	12/31/2024	<b>\$135,000</b>	\$400,000.00

### **Current Proposal:**

*Scope:* The proposed Amendment would extend the agreement, and additional compensation is needed to cover additional expenses into 2024 to continue to pursue railbanking of the rail corridor.

*Duration:* The Agreement is proposed to start on August 1, 2023 and shall terminate December 31, 2024.

*Fiscal Implications:* The total amount of this contract with Charles H. Montage is not to exceed \$400,000.00.

**2023 Budget:** This agreement will be funded with Fund 309 Parks Construction Fund, that includes \$1.3 M in REET2 funds.

**Future Budget Impacts:** Reviewed and approved by Finance.

**Handling:** URGENT

**Approved-as-to-form:** YES

**Risk Management:** APPROVE

**Executive Recommendation:** APPROVE

**Requests:** For Council to move the motion to GLS on August 16<sup>th</sup> for consideration.