



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2022-193

File ID:	AB2022-193	Version:	1	Status:	Approved
File Created:	03/17/2022	Entered by:	AKell@co.whatcom.wa.us		
Department:	Public Works Department	File Type:	Resolution (FCZDBS)		
Assigned to:	Council Finance and Administrative Services Committee			Final Action:	04/26/2022
Agenda Date:	04/26/2022			Enactment #:	RES 2022-019

Primary Contact Email: sdraper@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Resolution authorizing the County Executive to sign the Black Slough Comprehensive Barrier Removal Design Project grant application to the Brian Abbott Fish Barrier Removal Board (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Approval is requested for a resolution that authorizes the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to submit a grant application to the Brian Abbott Fish Barrier Removal Board (BAFBRB)

HISTORY OF LEGISLATIVE FILE

<u>Date:</u>	<u>Acting Body:</u>	<u>Action:</u>	<u>Sent To:</u>
04/12/2022	Council	INTRODUCED	Council Finance and Administrative Services Committee
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner	
		Nay: 0	
		Absent: 0	
04/26/2022	Council Finance and Administrative Services Committee	RECOMMENDED FOR APPROVAL	
		Aye: 3 Byrd, Frazey, and Kershner	
		Nay: 0	
		Absent: 0	

04/26/2022 Council

APPROVED

Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0

Attachments: Staff memo, Proposed resolution

RESOLUTION NO. 2022- 019

AUTHORIZATION FOR APPLICATION TO THE BRIAN ABBOTT FISH BARRIER REMOVAL BOARD – BLACK SLOUGH COMPREHENSIVE BARRIER REMOVAL DESIGN

Organization Name (sponsor): Whatcom County Flood Control Zone District

Project Number and Name(s): RCO No. 21-1536 – Black Slough Comprehensive Barrier Removal Design

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council acting as the Whatcom County Flood Control Zone District Board of Supervisors that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Satpal Singh Sidhu, Whatcom County Executive
Project contact (day-to-day administering of the grant and communicating with the RCO)	John N. Thompson, Senior Salmon Recovery Planner Whatcom County Public Works
RCO Grant Agreement (Agreement)	Satpal Singh Sidhu, Whatcom County Executive
Agreement amendments	Satpal Singh Sidhu, Whatcom County Executive
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Satpal Singh Sidhu, Whatcom County Executive

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf> . We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such

terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.

4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.

5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.

6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.

7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.

8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.

9. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.

10. This resolution/authorization is deemed to be part of the formal grant application to the Office.

11. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

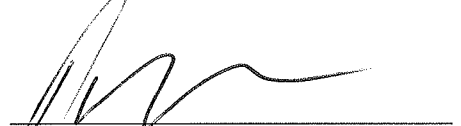
This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

APPROVED this 26th day of April, 2022

ATTEST:

Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT
WHATCOM COUNTY, WASHINGTON


Todd Donovan, Chairman
Whatcom County Council on behalf of the
Whatcom County Flood Control Zone District

APPROVED AS TO FORM:

Christopher Quinn by Akell 3/17/2022
Christopher Quinn, Senior Civil Deputy Prosecuting Attorney

On File
at: _____

This Applicant Resolution/Authorization was adopted by our organization during the meeting held:
(Local Governments and Nonprofit Organizations Only):
Location: _____ Date: _____

Washington State Attorney General's Office

Approved as to form Brian Stallen _____ 2/13/2020 _____
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.