



# Whatcom County

COUNTY COURTHOUSE  
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## Agenda Bill Master Report

File Number: AB2022-272

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<b>File ID:</b>	AB2022-272	<b>Version:</b>	1	<b>Status:</b>	Substitute Approved
<b>File Created:</b>	04/26/2022	<b>Entered by:</b>	AKell@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Resolution		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee			<b>Final Action:</b>	05/10/2022
<b>Agenda Date:</b>	05/10/2022			<b>Enactment #:</b>	RES 2022-024

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Primary Contact Email: [sdraper@co.whatcom.wa.us](mailto:sdraper@co.whatcom.wa.us)

### TITLE FOR AGENDA ITEM:

Resolution authorizing the Whatcom County Executive to act as the authorized representative on behalf of Whatcom County for Washington State Recreation and Conservation Office Puget Sound Acquisition and Restoration Grant

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The Puget Sound Acquisition and Restoration (PSAR) fund supports projects that recover salmon and protect and recover salmon habitat in Puget Sound. The State Legislature appropriates money for PSAR every 2 years in the Capital Budget. PSAR is co-managed by the Puget Sound Partnership and the Recreation and Conservation Office. Local entities identify and propose PSAR projects. The Salmon Recovery Funding Board prioritizes projects for funding. Whatcom County has submitted an application on behalf of the Stewart Mountain Community Forest Phase I and the Acme Floodplain projects in a combined application entitled South Fork Nooksack River Intergrated Floodplain Reconnection. This application, if funded will provided \$3.7 million in reimbursement funds for the purchase of these two properties. This resolution authorizes Excutive Sidhu to act as the authorized representative for Whatcom County

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### HISTORY OF LEGISLATIVE FILE

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Date:	Acting Body:	Action:	Sent To:
05/10/2022	Council Finance and Administrative Services Committee	RECOMMENDED FOR APPROVAL	

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**Agenda Bill Master Report Continued (AB2022-272)**

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Aye: 3 Byrd, Frazey, and Kershner

Nay: 0

Absent: 0

05/10/2022 Council

SUBSTITUTE APPROVED

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

Nay: 0

Absent: 0

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**Attachments:** Staff Memo, Resolution, Substitute Resolution

PROPOSED BY: \_\_\_\_\_

INTRODUCED: 5/10/22

RESOLUTION NO. 2022-024

RESOLUTION AUTHORIZING WHATCOM COUNTY EXECUTIVE TO ACT AS THE AUTHORIZED REPRESENTATIVE ON BEHALF OF WHATCOM COUNTY FOR WASHINGTON STATE RECREATION AND CONSERVATION OFFICE PUGET SOUND ACQUISITION AND RESTORATION GRANT

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project 22-1356 – South Fork Nooksack River Integrated Floodplain Reconnection;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that

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

<b>Grant Document</b>	<b>Name of Signatory or Title of Person Authorized to Sign</b>
Grant application (submission thereof)	Chris Elder
Project contact (day-to-day administering of the grant and communicating with the RCO)	Chris Elder
RCO Grant Agreement (Agreement)	Satpal Singh Sidhu
Agreement amendments	Satpal Singh Sidhu
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typically recorded on the property with the County.	Satpal Singh Sidhu

The above persons are considered authorized representatives 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 website at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and

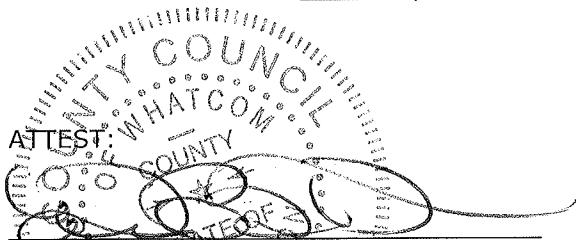
acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding 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 representatives 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 sign 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 representatives 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, confer with our authorized representatives as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representatives execute the Agreement 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 referenced above.
9. If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. 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.

11. Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.
12. Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
13. This resolution is deemed to be part of the formal grant application to the Office.
14. Our organization warrants and certifies that this resolution 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.

APPROVED this 10th day of May, 2022.

ATTEST:   
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Todd Donovan, Council Chair

APPROVED AS TO FORM:

/s/ Karen Frakes (approved via phone) / JL  
Karen Frakes, Civil Deputy Prosecutor