



WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-168

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	MGM	4/28/16	<div>RECEIVED</div> <div>MAY 10 2016</div> <div>WHATCOM COUNTY COUNCIL</div>	5/17/16	Finance/Council
Division Head:					
Dept. Head:		4-28-16			
Prosecutor:	Jg	5-2-16			
Purchasing/Budget:					
Executive:		05.10.16			

TITLE OF DOCUMENT: South Fork Park Trail Development 16-2065 LWCF Application and Authorization Resolution

ATTACHMENTS: Authorizing Resolution

SEPA review required? () Yes (X) NO
SEPA review completed? () Yes () NO

Should Clerk schedule a hearing? () Yes (X) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Request authorization for the County Executive to make application and enter into a grant agreement with the WA State Recreation and Conservation Office for funding through the Land and Water Conservation Fund in the amount of \$209,000 for trail development at South Fork Park.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010




COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

WHATCOM COUNTY COUNCIL

May 19, 2016

MEMORANDUM

TO: Whatcom County Councilmembers

FROM: Dana Brown-Davis, Clerk of the Council 

SUBJ: Confirmation - Approval of Resolution 2016-018

On May 17, 2016, Council voted to approve Resolution 2016-018, a resolution authorizing the County Executive to make application and enter into a grant agreement with the Washington State Recreation and Conservation Office for funding through the Washington Wildlife and Recreation Program for trail development at South Fork Park. The resolution was a revised version of what was originally presented in the Council packet and was submitted with the explanation that the State had moved the application from the Land and Conservation Fund to the Washington Wildlife and Recreation Program and the change needed to be included in the resolution.

The revised resolution was submitted to Council without showing changes in redline/strikethrough format. To ensure Council is aware of all revisions contained in the approved resolution, Council staff requests review of the attached redline/strikethrough version and confirmation of approval prior to processing.

Thank you.

RESOLUTION NO. _____

**RECREATION AND CONSERVATION OFFICE
LAND AND WATER CONSERVATION FUND (LWCF)
WASHINGTON WILDLIFE AND RECREATION PROGRAM (WWRP)
APPLICATION RESOLUTION/ AUTHORIZATION
WHATCOM COUNTY-DEV. SOUTH FORK PARK TRAIL DEVELOPMENT 16-2065**

WHEREAS, this resolution authorizes submitting application for grant funding assistance for Land and Water Conservation Fund (LWCF) Washington Wildlife and Recreation Program (WWRP) project to the Recreation and Conservation Funding Board as provided in Title 54, U.S.C. Section 200305, 79A.15 and 79A.25 RCW, WAC 286, and other applicable authorities; and

WHEREAS, Whatcom County has approved a comprehensive parks and recreation or habitat conservation plan that includes this project; and

WHEREAS, under provisions of the LWCF WWRP program, state grant assistance is requested to aid in financing the cost of trail development; and

WHEREAS, our organization considers it in the best public interest to complete the project described in the application.

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

1. That Michael McFarlane, Whatcom County Parks & Recreation Director is authorized to make formal application to the Recreation and Conservation Funding Board for grant assistance.
2. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office's web site at: <http://www.rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf> and authorizes Jack Louws, Whatcom County Executive to enter into such a project agreement, if funding is awarded. We understand and acknowledge that the project agreement will contain the indemnification and other terms and conditions that are contained in the sample project agreement. The sample project agreement may be revised periodically by the Recreation and Conservation Office. Our organization recognizes that such changes might occur prior to our authorized representative signing the actual project agreement, and we accept the responsibility and the presumption that our authorized representative shall have conferred with us as to any such changes before he/she executes the project agreement on behalf of our organization and so executes with our authorization.
3. 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.
4. Our organization expects our matching share of project funding will be derived from donations and real estate excise tax ~~Real Estate Excise tax, foundation grants and force account~~ and that pursuant to WAC 286-13-040 we 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 commitments to this project should they not materialize.
5. We acknowledge that if the Recreation and Conservation Funding Board approves grant assistance for the project, the Recreation and Conservation Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Recreation and Conservation Office after we incur eligible and allowable costs and pay them. The Recreation and Conservation Office may also determine an amount of retainage and hold that amount until the project is complete.
6. We acknowledge that any property ~~owned by our organization that is developed, renovated or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity after the project is complete unless otherwise provided and agreed to by our organization, the Recreation and Conservation Funding Board, and the National Park Service in the project agreement or an amendment.~~ acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to by our organization and the Recreation and Conservation Funding Board in the project agreement or an amendment thereto. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon RCO's standard versions of those documents), to be recorded on the title of the property with the county auditor.

7. We acknowledge that any property ~~not owned by our organization that is developed, renovated or restored with grant assistance must be dedicated for the purpose of the grant for at least twenty-five (25) years after the project is complete unless otherwise provided and agreed to by our organization, the Recreation and Conservation Funding Board, and the National Park Service~~ acquired in fee title must be immediately made available to the public unless the Recreation and Conservation Office director or the Recreation and Conservation Funding Board agrees to other restrictions in the project agreement or an amendment thereto.
8. ~~We have read both the federal guidelines and state policies for the LWCF program and agree to abide by these guidelines and policies, and as LWCF grants are federal funds, our organization must comply with all applicable federal laws.~~
9. 8. This application authorization becomes part of a formal application to the Recreation and Conservation Funding Board for grant assistance.
10. ~~9.~~ We provided appropriate opportunity for public comment on this application.
11. 10. We certify that this application authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that the person signing as authorized representative is duly authorized to do so.

APPROVED this ___ day of ___, 2016.

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Dana Brown Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor

APPROVED AS TO FORM:

Washington State Attorney General's Office
Assistant Attorney General


Date

WHATCOM COUNTY
Parks & Recreation
3373 Mount Baker Highway
Bellingham, WA 98226-9097



Michael G. McFarlane, Director
Christ Thomsen, Operations Manager

MEMORANDUM

TO: Dana Brown-Davis, Clerk of the Council
FROM: Michael McFarlane, Director 
DATE: May 17th, 2016
RE: Resolution Change (AB 2016-168)

Attached is a revised resolution for item AB 2016-168 scheduled for approval by the Council this evening. We were notified that our application has been moved from the Land & Water Conservation Fund to the Washington Wildlife & Recreation Program. The resolution has been modified to reflect this change. Liz Gallery signed off on the original and another grant application using the same format so I don't expect any issues with obtaining her signature.

Please contact me at 5855 if you have any questions or require additional information.