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Contract 19941.22.00146

CLALLAM COUNTY OPPORTUNITY FUND PROGRAM MEMORANDUM OF UNDERSTANDING Amendment 1

THIS AMENDMENT 1 TO THE MEMORANDUM OF UNDERSTANDING (MOU) executed on March 1, 2022 is made and entered by and between Clallam County, a political subdivision of the State of Washington (hereinafter "County"), and the City of Forks, a municipal corporation (hereinafter "City"). Together, the County and the City are referred to herein as the "Parties." The Parties have the lawful authority to execute this MOU pursuant to their corporate powers RCW 36.01.010 and RCW 35A.11.010.

The term of the Amendment shall commence on the 5th day of October, 2023 and shall terminate as provided elsewhere in this Amendment.

WHEREAS, the County administers the "Opportunity Fund Program" in accordance with RCW 82.14.370(3) and Chapter 5.40 of the Clallam County Code to finance public facilities/infrastructure that may promote economic development in the region;

WHEREAS, the City has previously applied for grant funding through the "Opportunity Fund Program" in order to help finance the Waste Water Treatment Facility project;

WHEREAS, the County has carefully reviewed the City's grant application and the corresponding project;

WHEREAS, the County believes the project is still eligible to receive opportunity funds and that the moneys will be used to finance facilities/infrastructure that may promote economic development within the region;

WHEREAS, the County has held public meetings/hearings and received extensive public comment regarding the City's application;

WHEREAS, the County has previously determined that the City is a worthy recipient of opportunity funds and the award is in the interest of the common good as evidenced by adoption of Resolution 16, 2022 by the County Board of Commissioners; and

WHEREAS, the City has experienced a series of delays relating to the commencement of constructing the Waste Water Treatment Facility, and as a result, requested from the County's Board of County Commissioners in a work session held on September 11, 2023 an extension of the original term of the MOU from February 24, 2024 to the second half of calendar year 2025 to allow the City adequate time to commence and complete the project.

NOW THEREFORE, in consideration of the mutual terms, provisions, and obligations contained herein, it is agreed by and between the County and the City that the following sections of the MOU be amended as follows:

Section 2 Duration—This MOU shall be effective immediately once signed by the Parties and will continue in effect through September 30, 2025, unless sooner terminated as provided herein, or unless otherwise extended by written mutual consent of the Parties.

Section 3 Financing—The County will issue a one-time warrant to the City in the amount of \$2,375,610 upon receipt of written confirmation from the City that (1) the project’s construction phase is underway or is expected to be underway within 30 days of the date of such written confirmation, and (2) the City anticipates exhausting its own ARPA funds committed in support of this project within 30 days of the date of such written confirmation.

Section 10 Termination—This MOU will terminate when the City uses the full amount of the award, returns any remaining balance to the County, provides a presentation showing the progress/success of the project as required under Section 1, or September 30, 2025, whichever may come first.

All other terms and conditions of the MOU shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this MOU Amendment.

CLALLAM COUNTY
BOARD OF COMMISSIONERS

CITY OF FORKS

Date:

Date:





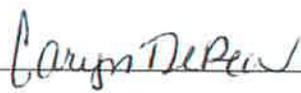
Mark Ozias, Chair

Tim Fletcher, Mayor

ATTEST:

ATTEST:





Loni Gores, Clerk of the Board

Caryn DePew, City Clerk



Approved as to form only by:



Bert Dee Boughton
Civil Deputy Prosecuting Attorney
Clallam County