

**INTER-GOVERNMENTAL COOPERATION AGREEMENT:
FACILITIES AGREEMENT FOR DESIGNATION OF EASTSIDE
PARK FOR FIREWORKS DISCHARGE**

THIS AGREEMENT, made and entered into this 3rd day of April, 2012, by and between the **City of Omak**, a municipal corporation of the State of Washington, hereinafter referred to as "**City**", and the **Confederated Tribes of the Colville Reservation**, with headquarters at Nespelem, Okanogan County, Washington, hereinafter referred to as the "**Tribes**", and collectively referred to as "**the parties**".

Whereas, RCW 39.34.020 authorizes public agencies within the State of Washington to exercise their powers jointly with certain other public agencies, including, pursuant to RCW 39.34.020, any Indian Tribe recognized as such by the federal government; and

Whereas, pursuant to RCW Chapter 39.34, the Interlocal Cooperation Act, the parties hereto desire to enter into an agreement with one another for joint and cooperative action in providing for controlled location for discharge of fireworks in the Omak Eastside Park; and

Whereas, the Tribes have traditionally designated Nicholson Beach on Omak Lake for discharge of fireworks for the celebration of the Fourth of July Holiday, in accordance with Section 3.6.24 of the Current Code; and

Whereas, the accumulation of fireworks debris under the waters of Omak Lake have become a concern for the Tribes as it is difficult to clean up these debris once they have sunk to the lake bottom, and the waters of the lake tend to preserve these substances far longer than would be the case for materials exposed to the terrestrial environment; and

Whereas, it is agreed that having a specified location for the discharge of fireworks where the danger of fire is low and the area is easy to clean up following the discharge, is a much better circumstance than the current practice.

Now, Therefore, It is hereby agreed between the parties as follows:

1. The City of Omak hereby grants permission to the Colville Business Council to designate the portion of the City owned park known as Eastside Park, excluding the Omak Stampede Arena and the Carl Precht Memorial RV Park, as a place authorized for the discharge of fireworks in accordance with Section 3.6.24 Controlled Displays and Discharge or Display Areas of the Current Code of the Confederated Tribes of the Colville Reservation.


2. The Tribes agrees to provide fire patrols in the vicinity of the park, and surrounding areas to insure that all fireworks discharging is confined to the designated area within the park, and during the authorized time between noon and midnight on July 4th.
3. The City agrees to provide fire patrols in the vicinity of the park and surrounding areas within the City limits to insure that all fireworks discharging is confined to the designated areas within the park and during the authorized time between noon and midnight on July 4th.
4. The Tribes and the City agree to jointly work to remove all fireworks debris and trash from Eastside Park and return the park to a clean and inviting condition for the public the day following the authorized day for discharge. It is agreed that the two entities will share the clean-up burden equally. The City's representative for supervision of clean-up operations shall be the Public Works Director whose phone number is (509) 846-9157. The Tribes representative for supervision of clean-up operations shall be Ms. Pete Palmer, available at 509-322-3184 or 509-634-2577.
5. The Tribes agree to hold and save harmless the City from all loss, damage, liability or expense, including expense of litigation resulting from any actual or alleged injury to any person or from any actual or alleged loss of or damage to any property caused by or resulting from any act or omission of Tribes, including its officers, agents, employees, guests, invitees and/or visitors. The City likewise agrees to hold the Tribes harmless from all loss, damage, liability or expense, including expense of litigation resulting from any actual or alleged injury to any person or from any actual or alleged loss of or damage to any property caused by or resulting from any act or omission of the City, including its officers, agents, employees, guests, invitees and/or visitors. Nothing herein may be construed as a waiver, limited or otherwise, of the Colville Tribes' inherent sovereign immunity.
6. This agreement is for the 2012 Fourth of July Celebration as an experimental trial only, but can be renewed by mutual written consent of the parties if the Memorandum of Agreement continues to be in the best interest of both parties.

This Agreement shall be in full force and effect and binding upon its execution.

City of Omak, a municipal corporation
Of the State of Washington:

By 
Cindy Gagne, Mayor

**Confederated Tribes of the Colville
Reservation:**

By 
Michael O. Finley, Chairman
Colville Business Council

Ernest Brooks (printed name)
Notary Public in and for the State
of Washington residing at _____
My commission expires _____