

RESOLUTION NO. 49-2014

**RENEW THE INTER-GOVERNMENTAL COOPERATION AGREEMENT
WITH THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION
TO DESIGNATE EASTSIDE PARK FOR FIREWORKS DISCHARGE**

WHEREAS, the City and the Confederated Tribes of the Colville Reservation have had an Inter-Governmental Cooperation Agreement for designating Eastside Park in Omak as a place for fireworks discharge for the past two years; and

WHEREAS, the use of Eastside Park provides a designated area for discharge in celebration of the Fourth of July, and eliminates most of the dispersed discharge of fireworks throughout the Omak area, thereby reducing fire risk; and

WHEREAS, the agreement and the assistance with the clean-up of Eastside Park has been a great success from the standpoint of the Public Works Department; and

WHEREAS, designation of Eastside Park provides a place where the danger of wildfire is significantly less than the previous designated location at Omak Lake; and

WHEREAS, discharge of fireworks in Eastside Parks results in a concentration of fireworks debris that is much easier to clean up, and prevents additional fireworks debris from collecting in Omak Lake.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Omak that the Inter-Governmental Cooperation Agreement: Facilities Agreement for Designation of Eastside Park for Fireworks Discharge is hereby renewed for 2014 in accordance with the provisions of Section 6 of said agreement.

INTRODUCED and passed this 16th day of June 2014.

APPROVED:

Cindy Gagne
Cindy Gagne, Mayor

ATTEST:

Kathy Lobdell
Kathy Lobdell, City Clerk

APPROVED AS TO FORM:

Michael Howe
Michael Howe, City Attorney

2. The Tribes agrees to provide fire patrols in the vicinity of the park, 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 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 2013 Fourth of July Celebration 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

Attest: _____
Kathy Lobdell, City Clerk

**Confederated Tribes of the Colville
Reservation:**

By: _____
John Sirois, Chairman
Colville Business Council

EMERGENCY RESOLUTION

WHEREAS, it is the recommendation of the Community Development Committee to renew the Inter-Governmental Cooperation Agreement: Facilities Agreement for Designation of Eastside Park for Fireworks Discharge for 2014 in accordance with the provisions of Section 6 of said agreement.

WHEREAS, the City of Omak and the Confederated Tribes of the Colville Reservation had had an Inter-Governmental Cooperation Agreement for designating Eastside Park in Omak as a place for firework discharge for the past two years; and

WHEREAS, the use of Eastside Park provides a designated area for discharge in celebration of the Fourth of July and eliminates most of the dispersed discharge of fireworks throughout the Omak area, thereby reducing fire risk; and

WHEREAS, the agreement and the assistance with the clean-up of Eastside Park has been a great success from the standpoint of the City's Public Works department; and

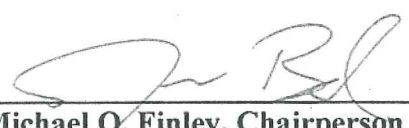
WHEREAS, designation of Eastside Park provides a place where the danger of wildfire is significantly less than the previous designated location at Omak Lake; and

WHEREAS, discharge of fireworks in Eastside Park results in concentration of fireworks debris from collecting in Omak Lake.

THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, by authority of Resolution 1991-431 (10 affirmative signatures on this recommendation sheet, an emergency) this 24th day of June, 2014, acting for and in behalf of the Colville Confederated Tribes, Nespelem, Washington, do hereby approve the above recommendation of the Community Development Committee.

The foregoing was duly enacted by the Colville Business Council by a vote of **11 FOR 0 AGAINST 0 ABSTAINED**, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs in April 19, 1938.

ATTEST:


Michael O. Finley, Chairperson
Colville Business Council





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MEMORANDUM

To: Omak City Council
Cindy Gagné, Mayor

From: Ralph Malone, City Administrator 

Date: June 16, 2014

Subject: Resolution No. 49-2014 – Approving Inter-Governmental Agreement for Fireworks Discharge

The attached Resolution No. 49-2014, Renew the Inter-Governmental Cooperation Agreement with the Confederated Tribes of the Colville Reservation to Designate Eastside Park for Fireworks Discharge is attached for your consideration.

For the past two years, the City and the Tribes have cooperatively designated Eastside Park for discharge of fireworks by the public. This has provided a very entertaining Fourth of July Celebration and kept most of the discharge of fireworks confined to a manageable space. This reduces risk of wildfire from the discharge of fireworks in unsafe locations, and concentrates the litter and debris that are the inevitable result of fireworks so that it is easier to clean up. The Public Works Department has been very happy with the cooperation from the Tribes with the cleanup of the park following the fireworks event.

The attached resolution will provide for the renewal of this Inter-Governmental Cooperation Agreement with the Tribes for the 2014 Fourth of July Celebration.

I support this Resolution and urge its adoption.