

**INTERLOCAL AGREEMENT  
BETWEEN KITTITAS COUNTY AND THE CITY OF CLE ELUM  
FOR MEMORIAL PARK IMPROVEMENT FUNDING**

**THIS INTERLOCAL AGREEMENT** is made and entered into this 15<sup>th</sup> day of March, 2011, between KITTITAS COUNTY, a political subdivision of the State of Washington ("County"), and the CITY OF CLE ELUM, a municipal corporation organized under the laws of the State of Washington ("City").

**WITNESSETH:**

**WHEREAS**, The Interlocal Cooperation Act, as amended and codified in chapter 39.34 RCW, provides for interlocal cooperation between government agencies; and

**WHEREAS**, the County and the City are public agencies within the meaning of chapter 39.34 RCW; and

**WHEREAS**, the City of Cle Elum has an established parks system that serves all citizens of Kittitas County, especially the communities of Cle Elum, South Cle Elum, Roslyn, Easton and the outlying County areas; and

**WHEREAS**, included in the City of Cle Elum parks system is Memorial Park located on approximately 25 acres with an area specifically designated for use as ball fields located at 310 Grant Street, Cle Elum, WA.; and

**WHEREAS**, in addition to providing for general community park uses and adult sports activities, the area designated for ball fields, by written park use agreement between the City of Cle Elum and the Upper Kittitas County Youth Baseball Association (UKCYBA), provides the home baseball/softball fields for the UKCYBA; and

**WHEREAS**, Kittitas County's participation in parks for public use includes assisting municipalities and service organizations in their construction of parks; and

**WHEREAS**, Kittitas County has available funding in the amount of Twenty Thousand Dollars (\$20,000.00) to assist the City of Cle Elum in constructing improvements to Memorial Park; and

**WHEREAS**, the Memorial Park ball park improvements have been ongoing since at least 1993 and the City of Cle Elum seeks additional funding to finance construction of continuing improvements and operations for Memorial Park; and

**WHEREAS**, the City of Cle Elum will maintain the property, secure construction services, provide insurance coverage and manage funds necessary for such improvements and operations.

**NOW THEREFORE**, this Agreement is entered into between the County and the City in consideration of the mutual benefits to be derived and the terms and conditions set forth below:

1. Duration: This Agreement shall become effective upon the filing of the executed counterparts of this Agreement with the Office of Kittitas County Auditor or, alternatively, listed by subject on the County's web site or other electronically retrievable public source pursuant to RCW 39.34.040. The Agreement shall remain in effect for a period of Twelve (12) months.
2. Purpose: The purpose of this Agreement is to provide the City with cooperative financing for the continuing improvements to Memorial Park, as more particularly stated in **Exhibit "A"**, attached. This Agreement will help assure that the funds provided are timely and responsibly spent on approved projects.
3. Administration: No new separate legal or administrative entity is created to administer the provisions of this Agreement.
4. County's Obligation Related to Improvements to Memorial Park: The County shall provide funds to the City of Cle Elum, in an amount not to exceed Twenty Thousand Dollars (\$20,000.00), related to the construction of improvements for developing two additional youth ball fields that can double for both baseball and softball, described in **Exhibit "A"** hereto, which funds shall be maintained by the City in a parks fund and dispersed for only those expenses documented to be in accordance with **Exhibit "A"**.
5. City's Obligation Related to Improvements to Memorial Park:
  - a. The City shall maintain the land and liability insurance coverage for Memorial Park and shall be directly responsible for the receipt into and disbursement from a parks fund in accord with the State law and accepted State accounting standards, those funds to be received from the County as contributed for Memorial Park improvements reference in **Exhibit "A"** hereto, and to provide the County, as requested, all documentation related to procurement, payment and installations regarding the improvements referenced in **Exhibit "A"**.
  - b. For the purpose of this Interlocal Agreement, the entirety of the Twenty Thousand Dollars (\$20,000.00) requested for Memorial Park improvements will be spent on project work that will be performed by licensed contractors secured and managed by the City of Cle Elum using the appropriate bid process as required. Some volunteer work may be done during other phases of the project not involving any contracted work.
  - c. A Park Use Agreement between the City of Cle Elum and the UKCYBA was entered into on November 25, 2003, the term of such Agreement being Twenty (20) years with the option for two (2) ten (10) year extensions by

agreement of the City and the UKCYBA. For purpose of this Interlocal Agreement, it is the City's responsibility to comply with all laws, regulations, ordinances and policies in relation to any work herein, and in relation to any contractual requirements concerning the ball park improvements imposed by the City's agreement with the UKCYBA.

6. Hold Harmless/Indemnification: The City shall defend, indemnify and hold harmless the County, its officers, officials, employees, agents, volunteers and representatives from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the City in performance of this Agreement, except for injuries and damages caused by the sole negligence of the County. No liability shall attach to the County by reason of entering into this Agreement except as expressly provided herein.
7. Insurance: The City shall procure and maintain for the duration of this Agreement, liability insurance in an amount of at least One Million Dollars (\$1,000,000.00), against claims or injuries to persons or damage to property which may arise from or in connection with the performance of the work herein by the City, its officers, officials, agents, representatives, volunteers or employees.
8. Relationship of the Parties: The City and its officers, officials, employees, agents, volunteers or representatives performing pursuant to this Agreement are not officers, officials, employees, agents or representatives of the County. Nothing contained herein shall be deemed to create the relationship of employee and employer or principal and agent between the County and the City, and the employees of the City are not entitled to any benefits the County provides to County employees.
9. Compliance with Law: Each party hereto, in its performance of this Agreement, accepts the responsibility for compliance with all applicable local, state and federal laws, regulations, ordinances and policies.
10. Jurisdiction and Venue: This Agreement has been executed and delivered within the State of Washington and shall be governed by the laws of the State of Washington and any action to enforce this Agreement shall be brought in Kittitas County, Washington.
11. Future Support: The County makes no commitment to future support and assumes no obligation for future support of the activities contracted for herein, except as may be expressly set forth in this Agreement.
12. Recognition: An appropriate acknowledgement, such as a plaque or sign, shall be affixed to one of the completed structures recognizing the parties to

this Agreement for their contributions to the structures, area recreation and the life of this community.

DATED this 15<sup>th</sup> day of March, 2011



[Signature]  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
KIT TITAS COUNTY, WASHINGTON

[Signature]  
Paul Jewell, Chairman

APPROVED AS TO FORM:

[Signature]  
Alan Crankovich, Vice-Chairman

Deputy Prosecuting Attorney

[Signature]  
Obie O'Brien, Commissioner

ATTEST:

[Signature]  
City Clerk

CITY OF CLE ELUM

[Signature]  
Charles J. Glondo, Mayor

APPROVED AS TO FORM:

[Signature]  
City Attorney

Exhibit A – Upper Kittitas County Youth Baseball Association (UKCYBA)

The project is to complete the final two baseball/softball fields and soccer field at the Memorial Park Sports Complex in Cle Elum.

Funding will be used for the following:

Topsoil

Hydroseeding

Infield mix

(2) Portable Mounds

(2) Aluminum Bleachers

(4) Dugout Benches