

## INTER-GOVERNMENTAL AGREEMENT

**AN INTER-GOVERNMENTAL AGREEMENT BETWEEN MASON COUNTY, LOCATED IN THE STATE OF WASHINGTON, AND THE SQUAXIN ISLAND TRIBE, A FEDERALLY-RECOGNIZED INDIAN TRIBE, TO ESTABLISH PERFORMANCE TARGETS FOR WATER SUPPLY AT THE NEW DEPARTMENT OF PUBLIC WORKS OFFICE FACILITY (420021000010)**

**WHEREAS**, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; **and**

**WHEREAS**, pursuant to RCW 39.34.080, each party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract shall be authorized by the governing body of each party to the contract and shall set forth the purposes, powers, rights, objectives and responsibilities of the contracting parties; **and**

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; **and**

**WHEREAS**, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of the tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; **and**

**WHEREAS**, the Squaxin Island Tribe reserved the right of taking fish at all usual and accustomed grounds and stations together with the privilege of hunting, gathering roots and berries in the Treaty of Medicine Creek signed in 1854 with the U.S. Government. These rights include co-management with the State of Washington of upland, riparian and instream habitat and streamflow necessary to support abundant fish and wildlife populations; **and**

**WHEREAS**, the Mason County Public Works Department applied for a Special Use Permit from the Mason County Department of Community Development for the construction of a new Public Works Facility, to house administrative offices, training, emergency, and operations, and to include the installation of a well; **and**

**WHEREAS**, both parties desire to avoid dispute through agreement and compromise, avoiding the time and expense of litigation:

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, Mason County (COUNTY) and the Squaxin Island Tribe (TRIBE) agree to the following:

1. The COUNTY will design and construct the new Public Works Facility by implementing low impact development techniques such as stormwater infiltration, rain gardens, areas of pervious pavement and concrete, native vegetation landscaping, protection of mature trees outside the development area, and water conservation measures.
2. The COUNTY may install one well that is exempt from Department of Ecology permitting under RCW 90.44.050 ("exempt well") on the facility site for temporary supply of potable water. Groundwater withdrawals from the exempt well will be subject to all of the limitations and conditions set forth in RCW 90.44.050.
3. As soon as potable water from the City of Shelton becomes available and the water system from development of the site immediately south of the Public Works Facility is activated, the COUNTY will connect to the city water system for its potable water needs. The City expects potable water to be available by 2011.
4. Upon connection to the City water system, the COUNTY will discontinue regular use of the on-site exempt well for its potable water needs. The well will be kept operational and only used as a supplemental source for potable water when the City water system is out of service. The COUNTY will notify the TRIBE prior to use of the well for this purpose.
5. The non-potable water needs for the Public Works Facility may be provided by the on-site exempt well until City reclaimed water is available. At that time, the COUNTY will connect to the City reclaimed water system and supply its non-potable water needs from that system. The City expects reclaimed water to be available by 2011.
6. Upon connection to the City reclaimed water system, the COUNTY will discontinue regular use of the on-site exempt well for its non-potable water needs. The well will be kept operational and only used as a supplemental source for non-potable water when the City reclaimed water system is out of service. The COUNTY will notify the TRIBE prior to use of the well for this purpose.
7. The TRIBE supports the COUNTY's ongoing efforts to promote low impact development and water conservation.
8. The COUNTY and the TRIBE will meet at least annually to review progress toward meeting performance targets 1 to 6.

9. This AGREEMENT shall be governed by the laws of the State of Washington as to interpretation and performance. Venue for any action is in the Superior Court of Mason County, Washington.
10. Nothing in this AGREEMENT shall be deemed or construed as a waiver of either party's sovereign immunity.
11. Nothing in this AGREEMENT allowing temporary use of an on-site exempt well shall be deemed or construed as agreement by the TRIBE that water is available or a waiver of the TRIBE's right to pursue legal action against use of other exempt wells that are not the subject of this AGREEMENT.
12. Any notice required under this AGREEMENT shall be to the party at the address listed below and shall become effective as of the date of deposit in the United States Postal Service.

MASON COUNTY PUBLIC WORKS  
 Attn: Public Works Director  
 PO Box 1850  
 Shelton, WA 98584

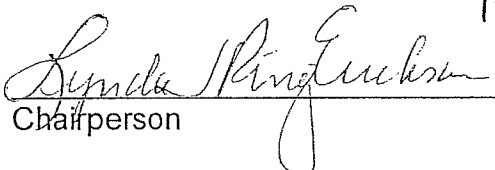
SQUAXIN ISLAND TRIBE  
 Attn: Natural Resources Director  
 Squaxin Island Tribe  
 2952 SE Old Olympic Hwy  
 Shelton, WA 98584

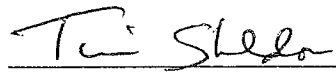
This AGREEMENT to establish performance targets for the new Public Works Facility is hereby entered into between the COUNTY and the TRIBE and shall take effect on the date of the last authorizing signature affixed hereto:

APPROVED:

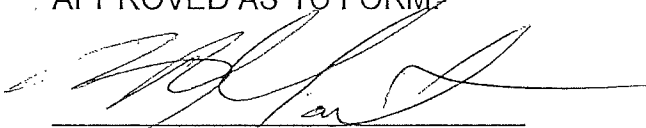
BY:   
 COUNTY PUBLIC WORKS DIRECTOR


BOARD OF COMMISSIONERS  
 MASON COUNTY, WASHINGTON

 9-18-07  
 Chairperson

  
 Commissioner

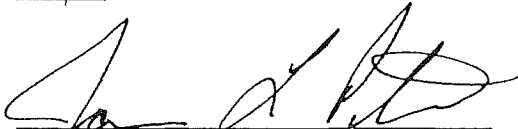
APPROVED AS TO FORM:

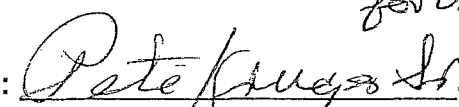
  
 County Prosecutor

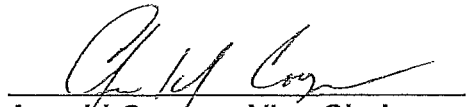
  
 Commissioner

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Inter-governmental Agreement was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 26<sup>th</sup> day of September 2007, at which time a quorum was present and was passed by a vote of 4 for and 0 against with 0 abstentions.

  
James L. Peters, Chairman

Attested by:  *for Vince H.*  
Vince Henry, Sr., Secretary

  
Arnold Cooper, Vice Chairman

CC: Accounting > Karen  
Bldg. Pam Bennett - Cumming  
Facility file  
Commissioners - Becky Rogers