

RESOLUTION NO. 19-1326

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AUTHORIZING THE MAYOR TO DIRECT THE
WITHDRAWAL AND TRANSFER OF CITY FUNDS HELD
IN THE JOINT BLACK DIAMOND/SOOS CREEK 0161
INVESTMENT ACCOUNT WITH THE LOCAL
GOVERNMENT INVESTMENT POOL**

WHEREAS, pursuant to Chapter 294, Laws of 1986, the Legislature created a trust fund to be known as the public funds investment account (commonly referred to as the Local Government Investment Pool (LGIP)) for the contribution and withdrawal of money by an authorized governmental entity for purposes of investment by the Office of the State Treasurer; and

WHEREAS, the City of Black Diamond (“City”) is an authorized “governmental entity” to contribute or withdraw funds deposited for investment in the LGIP; and

WHEREAS, from time to time it may be advantageous to the City to contribute or withdraw City funds deposited for investment in the LGIP; and

WHEREAS, any contribution, withdrawal, or transfer from the LGIP made on behalf of the City shall be first duly authorized by the Black Diamond City Council, the “governing body” of the governmental entity, or any designee of the governing body pursuant to this resolution or a subsequent resolution, and a certified copy of said resolution shall be filed with the State Treasurer’s Office; and

WHEREAS, the City Council attests that it is duly authorized and empowered to authorize the Mayor or her designee(s) to contribute, withdraw, or transfer City funds held in the Joint City of Black Diamond/Soos Creek LGIP Account (U.S. Bank Account No. 0161), and to delegate authority to make adjustments to the transactional authorization form, to the individuals designated therein; and

WHEREAS, the Soos Creek Water and Sewer District (“Soos Creek”) has previously agreed to release all restrictions on the use, withdrawal, or transfer of funds held in the Joint Black Diamond/Soos Creek LGIP Account (U.S. Bank Account No. 0161), and agreed that the City is entitled to use, withdraw, or transfer all such funds without further authorization from Soos Creek, pursuant to the Consent Agreement attached hereto;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby designated as the “authorized individual” to direct the contribution, withdrawal, and transfer of funds held in the Joint City of Black Diamond/Soos Creek LGIP Account (U.S. Bank Account No. 0161) and to otherwise direct contributions from

the City's Bank Account at Columbia Bank to the State Local Government Investment Pool (LGIP) in the manner prescribed by law, rule, and applicable policies and procedures for LGIP transactions.

Section 2. The City Council has approved the Local Government Investment Pool Transaction Authorization Form as completed by the City of Black Diamond and incorporates said Authorization Form into this resolution by reference and does hereby attest to its accuracy.

Section 3. The City designates Carol Benson, Mayor, as the "authorized individual" to authorize all amendments, changes, or alterations to the Authorization Form or any other documentation, including designating other individuals to make transfers into and out of the Soos Creek 0161 Investment Account with the Local Government Investment Pool and to and from the City's Bank Account at Columbia Bank on behalf of the City of Black Diamond.

Section 4. This delegation ends upon termination of the authorized individual's relationship with the City or further action by the City Council terminating the delegation. The City acknowledges it is the responsibility of the City Council to notify the State Treasurer's Office immediately when any action has been taken to end this delegation.

Section 5. The LGIP Authorization Form as incorporated into this resolution, or as hereafter amended by delegated authority or any other documentation signed or otherwise approved by the authorized individual, shall remain in effect should the authorized individual's delegate authority be terminated or otherwise end, however, in that event, no amendments, changes, or alterations shall be made to the Authorization Form or any other documentation until the entity passes a new resolution naming a new authorized individual.

Section 6. The City Council acknowledges that neither the State of Washington nor the State Treasurer guarantees any investment made by the governmental entity in the LGIP and it is possible to lose money by investing in the LGIP. Therefore, the governing body agrees to hold the State of Washington, the State Treasurer, and the LGIP harmless from any investment losses incurred as a result of investment with the LGIP.

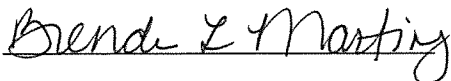
**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT ASPECIAL MEETING THEREOF, THIS 2ND DAY OF
DECEMBER, 2019.**

CITY OF BLACK DIAMOND:



Carol Benson

Attest:



Brenda L. Martinez, City Clerk

**CONSENT AGREEMENT
FOR RELEASE OF RESTRICTIONS ON LGIP ACCOUNT FUNDS**

This Consent Agreement for Release of Restrictions on LGIP Account Funds ("Consent Agreement") is made and entered into by and between the CITY OF BLACK DIAMOND ("City"), a Washington municipal corporation, and SOOS CREEK WATER AND SEWER DISTRICT ("Soos Creek"), a Washington municipal corporation.

WHEREAS, the City and Soos Creek previously entered into an Interlocal Agreement dated December 6, 1990 concerning the investment of certain jointly held funds that were awarded by the Washington Department of Ecology to the City to pay for the replacement of its failed sewage treatment facility, including improvements needed to transport sewage via transmission lines through other jurisdictions ("Investment Interlocal Agreement"); and

WHEREAS, the Investment Interlocal Agreement contemplated that funds from the Department of Ecology grant would be placed in an account with the Washington State Treasurer for safe investment until the funds were needed for construction of necessary improvements; and

WHEREAS, the Investment Interlocal Agreement provided in Section 3 that the parties agreed to execute necessary documents to allow the withdrawal of funds from the State Treasurer to pay for improvements; and

WHEREAS, the Investment Interlocal Agreement provided in Section 5 that all funds left over after completion of the necessary sewer system improvements belong to the City; and

WHEREAS, the City and Soos Creek also entered into an earlier Interlocal Agreement Regarding Conveyance of Black Diamond Wastewater Flows, dated September 5, 1990 ("Conveyance Interlocal Agreement"); and

WHEREAS, the Conveyance Interlocal Agreement provided in Section 8 that the City would contribute to Soos Creek's capital costs of design and construction of new conveyance

facilities using monies held in a “jointly controlled buy-in investment account,” funded through a Department of Ecology grant; and

WHEREAS, the Conveyance Interlocal Agreement provides in Section 8 that “Any monies remaining in this jointly controlled buy-in investment account after completion of all conveyance capacity upgrades shall be returned to the City under joint signature of the City and District”; and

WHEREAS, the construction of all anticipated capacity upgrades and related sewer system improvements has long since been completed, Soos Creek has received all monies to which it is or was entitled, and the purposes of the Investment Interlocal Agreement have been fulfilled; and

WHEREAS, the funds left over from completion of all conveyance capacity upgrades and system improvements are currently held in an investment account with the Washington State Treasurer’s Local Government Investment Pool (“LGIP”), U. S. Bank Account No.0161 (“LGIP Account”); and

WHEREAS, the LGIP has advised the City that the LGIP Account currently bears restrictions that prevent the City from transferring funds into other City-controlled investment accounts without authorization from Soos Creek; and

WHEREAS, the parties agree that, pursuant to Section 5 of the Investment Interlocal Agreement and Section 8 of the Conveyance Interlocal Agreement, restrictions on the LGIP Account should be lifted, such that the money held in the LGIP Account is available for City use without further authorization from Soos Creek;

NOW THEREFORE, in consideration of the foregoing mutual promises and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Release of Restrictions.** Soos Creek consents to the release of all restrictions on the use, withdrawal, or transfer of funds held in the LGIP Account, U. S. Bank Account No. 0161. The City of Black Diamond is entitled to use, withdraw, or transfer all remaining funds in the LGIP Account without further authorization from Soos Creek.

2. **Termination of Escrow Agreement.** The Escrow Agreement and Instructions provided to Key Bank, N.A., by agreement of the City and Soos Creek dated March 17, 1997, are hereby terminated and of no further force or effect.

3. **Entire Agreement.** This Consent Agreement contains the entire agreement between the City and Soos Creek regarding the LGIP Account and remaining funds held therein.

ACCEPTED AND AGREED TO BY:

SOOS CREEK WATER AND SEWER DISTRICT, a Washington municipal corporation

By: *Ron Speer*

Its: G.M

Date: 9/24/2019

CITY OF BLACK DIAMOND, a Washington municipal corporation

By: *Carol Benson*

Carol Benson

Its: Mayor

Date: 9/24/2019

Attest/Authenticated:

Approved as to Form:

Brenda L Martinez
Brenda Martinez, City Clerk

David Linehan, City Attorney