

FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE
CITIES OF ANACORTES, AUBURN, BELLEVUE, BELLINGHAM, BOTHELL,
BREMERTON, BUCKLEY, BURIEN, BURLINGTON, CAMAS, DES MOINES,
ELLENSBURG, EVERETT, FEDERAL WAY, FIRCREST, KENNEWICK, KENT,
LONGVIEW,
MARYSVILLE, MOUNT VERNON, NORMANDY PARK, ORTING, PORT
ANGELES, PULLMAN, PUYALLUP, RENTON, RICHLAND, SAMMAMISH,
SEATAC, SUMNER, UNIVERSITY PLACE AND VANCOUVER AND KITSAP
COUNTY REGARDING LEGAL SERVICES

THE INTERLOCAL AGREEMENT ("Agreement") entered into between the
Cities of Anacortes, Auburn, Bellevue, Bellingham, Bothell, Bremerton, Buckley,
Burien, Burlington, Camas, Des Moines, Ellensburg, Everett, Federal Way, Fircrest,
Kennewick, Kent, Longview, Marysville, Mount Vernon, Normandy Park, Orting, Port
Angeles, Pullman, Puyallup, Renton, Richland, Sammamish, SeaTac, Sumner,
University Place, Vancouver, and Kitsap County, and any other Phase II Permittees
that might become a party to this Interlocal known as the "Coalition of Governmental
Entities" is hereby amended as follows:

The names of Bellingham, Buckley, Ellensburg and Kennewick shall be stricken from
the Coalition Interlocal Agreement as these jurisdictions have withdrawn from the
Coalition pursuant to notice given under Paragraph 5.1 of the Interlocal and have
withdrawn from the litigation related to the Phase II permits.

Paragraph 4.1 of the Interlocal is hereby amended to read as follows:

4.1 Except as provided in Paragraph 4.2 below, the Legal Services' fees and costs
shall be shared equally by all Coalition regardless of a member of the Coalition's
population or nature or any other factor distinguishing it from another member of the
Coalition. This obligation shall continue through conclusion of the Legal Services as
provided in Paragraph 2 above, unless a member of the Coalition terminates its
participation in this Agreement as provided in Paragraph 5. Members of the Coalition
hereby authorize said fees and costs up to a total of \$925,000. Additional fees
and/or costs may be approved by written amendment to this Agreement by Coalition.

Paragraph 4.2 of the Interlocal is hereby amended to read as follows:

4.2 The provider of Legal Services shall provide a monthly bill of its fees and costs to
Bellevue. Bellevue shall timely pay the bill on behalf of Coalition. Within 15 days of
approval of this Agreement, each member of the Coalition shall remit its agreed
share of the fees and costs to the City of Bellevue. Bellevue shall place these funds
into an interest-bearing account, with any interest derived from these funds to be
applied to the costs of the provider of Legal Services. At the time of the initial drafting
of the Interlocal Agreement, 33 governmental entities had committed to joining this
appeal; and paying estimated fees and costs up to \$275,000, with the proportionate

share of each member of the Coalition being \$8,333.33. Due to increased costs associated with the Permit cross-appeal filed by Puget Soundkeepers Alliance and others, the Coalition hereby authorizes additional fees and costs of up to \$650,000, for a total of fees and costs of up to \$925,000. These additional fees and costs are to be paid in full through contributions from each member of the Coalition in an amount determined according to agreement between the members and with consideration given to the financial ability of members to pay. In the event Bellevue must take legal action to collect any amount due from a member of the Coalition, Bellevue shall be entitled to recover all costs for said action including reasonable attorney's fees.

Paragraph 4.3 is hereby amended to read as follows:

4.3 Except as provided in Paragraph 4.2 above, in the event additional governmental entities join this Agreement, the share of each member of the Coalition shall be reduced accordingly. In the event fewer governmental agencies participate in this Agreement or terminate their participation, the share of each remaining participating member of the Coalition shall increase accordingly.

All other provisions of the Coalition Interlocal Agreement remain in full force and effect.

IN WITNESS, the parties below execute this First Amendment to the Coalition Interlocal Agreement which shall become effective January ____, 2008.

<p>ANACORTES:</p> <p>CITY OF ANACORTES</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>AUBURN:</p> <p>CITY OF AUBURN</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>—</p> <p>_____</p> <p>—</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>—</p> <p>_____</p> <p>—</p>

<p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>_____</p>

<p>BELLEVUE</p> <p>CITY OF BELLEVUE</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>BOTHELL:</p> <p>CITY OF BOTHELL</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>_____</p>
<p>BREMERTON</p> <p>CITY OF BREMERTON</p> <p>By: _____</p> <p>Print Name: _____</p>	<p>BURIEN:</p> <p>CITY OF BURIEN</p> <p>By: _____</p> <p>Print Name: _____</p>

Its: _____ Date: _____	Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	APPROVED AS TO FORM: _____

BURLINGTON: CITY OF BURLINGTON By: _____ Print Name: _____ Its: _____ Date: _____	CAMAS: CITY OF CAMAS By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	APPROVED AS TO FORM: _____
DES MOINES	EVERETT:

<p>CITY OF DES MOINES</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>CITY OF EVERETT</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p>
<p>FEDERAL WAY:</p> <p>CITY OF FEDERAL WAY</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>FIRCREST:</p> <p>CITY OF FIRCREST</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>_____</p>

<p>KENT:</p> <p>CITY OF KENT</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>LONGVIEW:</p> <p>CITY OF LONGVIEW</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p>

<p>MARYSVILLE:</p> <p>CITY OF MARYSVILLE</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>MOUNT VERNON:</p> <p>CITY OF MOUNT VERNON</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>

APPROVED AS TO FORM:	APPROVED AS TO FORM:
_____	_____
_____	_____
_____	_____

NORMANDY PARK:	ORTING:
CITY OF NORMANDY PARK	CITY OF ORTING
By: _____	By: _____
Print Name: _____	Print Name: _____
Its: _____	Its: _____
Date: _____	Date: _____

NOTICES TO BE SENT TO:	NOTICES TO BE SENT TO:
_____	_____
—	—
_____	_____
—	—
_____	_____
—	—
_____	_____
—	—
() _____ - _____ (Telephone)	() _____ - _____ (Telephone)
() _____ - _____ (Facsimile)	() _____ - _____ (Facsimile)

APPROVED AS TO FORM:	APPROVED AS TO FORM:
_____	_____
—	—

PORT ANGELES:	PULLMAN:
CITY OF PORT ANGELES	CITY OF PULLMAN
By: _____	By: _____

() _____ - _____ (Telephone)	() _____ - _____ (Telephone)
() _____ - _____ (Facsimile)	() _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____ -	APPROVED AS TO FORM: _____ -

RICHLAND: CITY OF RICHLAND By: _____ Print Name: _____ Its: _____ Date: _____	SAMMAMISH CITY OF SAMMAMISH By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ - _____ - _____ - _____ - _____ - () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ - _____ - _____ - _____ - _____ - () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____ -	APPROVED AS TO FORM: _____ -

SEATAC: CITY OF SEATAC	SUMMNER: CITY OF SUMMNER
----------------------------------	------------------------------------

By: _____ Print Name: _____ Its: _____ Date: _____	By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	APPROVED AS TO FORM: _____

UNIVERSITY PLACE: CITY OF UNIVERSITY PLACE By: _____ Print Name: _____ Its: _____ Date: _____	VANCOUVER: CITY OF VANCOUVER SIGNATURE ON FILE By: _____ Print Name: <u>PAT McDONNELL</u> Its: <u>CITY MANAGER</u> Date: <u>11/25/08</u>
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: <u>LINDA A. MAROUSEK</u> <u>ASSISTANT CITY ATTORNEY</u> <u>CITY ATTORNEY'S OFFICE</u> <u>P.O. Box 1995</u> <u>VANCOUVER, WA 98668-1995</u> <u>(360) 696 - 8251</u> (Telephone) <u>(360) 696 - 850</u> (Facsimile) <u>linda.marousek@ci.vancouver.wa.us</u>

APPROVED AS TO FORM:

APPROVED AS TO FORM:
SIGNATURE ON FILE _____
JZ
By: Judith Zeider

Chief Assistant City Attorney

<p>KITSAP COUNTY:</p> <p>KITSAP COUNTY</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p> <p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p> <p>APPROVED AS TO FORM:</p> <p>_____</p> <p>_____</p> <p>_____</p>
--