

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

RESOLUTION NO. 19-293

APPROVING AN AMENDMENT TO THE
AGREEMENT BETWEEN LEWIS COUNTY AND THE
CITY OF TACOMA, DEPARTMENT OF PUBLIC
UTILITIES, LIGHT DIVISION, ALSO KNOWN AS
TACOMA POWER

WHEREAS, by Resolution the Lewis County Board of County Commissioners approved Resolution No. 00-122 on March 23, 2000 an Agreement between Lewis County and Tacoma Power; and

WHEREAS, the Agreement between Lewis County and Tacoma Power established payments to be made by the City of Tacoma to the County under RCW 35.21.425 et seq. ("Mitigation Payments"), and to set forth other obligations of the Parties related to Tacoma Power's Cowlitz River Hydroelectric Project; and

WHEREAS, the Portland-Salem CPI-U Consumer Price Index for determining the escalation rate of payments identified in Section 15 of the Agreement was discontinued in January 2018 by the US Bureau of Labor and Statistics; and

WHEREAS, Tacoma and the County have analyzed the Consumer Price Index performance trends from 2009-2017 in the Region; and

WHEREAS, Tacoma has proposed the West Size Class A CPI-U as a replacement Consumer Price Index for determining the escalation rate of payments identified in the Agreement; and

WHEREAS, Tacoma will reconcile the payments due under the Agreement with the West Class A CPI and to use this CPI for future payment calculations throughout the remaining term of the Agreement; and

WHEREAS, the Parties have agreed to the proposed replacement Consumer Price Index for determining the escalation rate of payments identified in the Agreement.

NOW THEREFORE BE IT RESOLVED , in consideration of the mutual promises and obligations hereinafter set forth, the parties agree as follows:

1. The first sentence of the third paragraph of Section fifteen which reads:

“The escalation index shall be the Portland-Salem CPI-U.”

Is hereby deleted and replaced with the following:

“The escalation index shall be the West Class A CPI-U (CPI).”

This change shall apply retroactively to January 2018.

1. All other terms of the Agreement, are hereby ratified and shall remain in full force and effect, unaltered by this Amendment.

NOW THEREFORE BE IT FURTHER RESOLVED by the Board of County Commissioners the proposed amendment and replacement Consumer Price Index for determining the escalation rate of payments identified in the Agreement be approved.

DONE IN OPEN SESSION this 14th day of October, 2019.

APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS

LEWIS COUNTY, WASHINGTON

Cullen Gatten

Absent

By: Cullen Gatten,
Deputy Prosecuting Attorney

Robert C. Jackson, Chair

ATTEST:

Gary Stamper

Gary Stamper, Vice Chair

Rieva Lester

Edna J. Fund

Rieva Lester,
Clerk of the Lewis County Board of
County Commissioners

Edna J. Fund, Commissioner

