

RESOLUTION NO. 10-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, APPROVING THE RESTATEMENT OF COOPERATIVE INTERLOCAL AGREEMENT WITH FLATHEAD COUNTY REGARDING THE CITY'S EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION.

WHEREAS, the City of Whitefish and Flathead County have conducted extensive negotiations regarding modifications to the February 1, 2005 Interlocal Agreement concerning the City's Extraterritorial Planning and Zoning Jurisdiction and resolution of the lawsuit, *The City of Whitefish v. Board of County Commissioners of Flathead County*, Cause No. DV-08-367A, Montana Eleventh Judicial District Court, Flathead County, Montana, following the County's decision to withdraw from the 2005 Interlocal Agreement; and

WHEREAS, in response to the County's request for an amendment to the 2005 Interlocal Agreement for representation, duration and termination provisions, a public hearing was held by the City of Whitefish on October 4, 2010, at which public input was received with respect to the proposed amendments to the 2005 Interlocal Agreement; and

WHEREAS, at a work session held jointly by the City of Whitefish and the Flathead County Board of Commissioners on October 18, 2010, the City and County discussed their mutual willingness to work together for an ongoing cooperative process between the City and County and desire to resolve the lawsuit, and following public comment, input was received with respect to proposed amendments to the 2005 Interlocal Agreement which would provide a resolution to the lawsuit; and

WHEREAS, at a lawfully noticed public hearing conducted by the Whitefish City Council on November 1, 2010, the most recent draft of the amendments to the 2005 Interlocal Agreement providing for a one year termination and five year duration was discussed, and the Whitefish City Council took public comment with respect to the Interlocal Agreement and the new proposed amendments; and

WHEREAS, it will be in the best interests of the City, and its inhabitants, as well as the inhabitants of the extraterritorial jurisdictional area, for the City to work together again with the County in a cooperative process, resolve the lawsuit and approve the proposed Restatement of Cooperative Interlocal Agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: The Restatement of Cooperative Interlocal Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, is hereby approved and adopted, and the Whitefish City Manager is authorized and directed to execute such Agreement on behalf of the City of Whitefish.

Section 3: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____, 2010.

MICHAEL JENSON, MAYOR

ATTEST:

Necile Lorang, City Clerk