

**FIRST AMENDMENT
TO
AGREEMENT FOR TEMPORARY, EMERGENCY USE OF COURT FACILITY**

THIS FIRST AMENDMENT (“Amendment”) dated September 5, 2023 is effective on the date the Amendment is fully executed by the Parties. The Parties to this Amendment are the City of Kirkland, a Washington municipal corporation (“Kirkland”) and the City of Mercer Island, a Washington municipal corporation (“Mercer Island”).

A. Kirkland and Mercer Island entered into an Agreement for Temporary, Emergency Use of Court Facility, effective June 1, 2023 for Mercer Island to use the Kirkland Justice Center Court Facility for the purpose of conducting Mercer Island Municipal Court proceedings on a temporary, emergency basis (the “Use of Court Agreement”).

B. Section 2.0, Term, of the Use of Court Agreement provides that should Mercer Island need to continue using the Court Facility past September 30, 2023, the Parties shall negotiate a new agreement or amendment to the existing Use of Court Agreement.

C. Mercer Island and Kirkland desire to amend the Use of Court Agreement to continue the services described in Section 1.0, Mercer Island Use of the Kirkland Justice Center, by extending the term of the Use of Court Agreement to the end of the year for 2023.

NOW THEREFORE, the Parties agree as follows:

1. **Compensation.** In consideration of Kirkland continuing to provide the Services described in Section 1.0 of the Use of Court Agreement during the extended term of the Use of Court Agreement, Section 5.0 of the Use of Court Agreement shall be amended to increase the total compensation to be paid to Kirkland in the amount of \$160.47 per day of use, or \$2,246.58 for the duration of the Use of Court Agreement. Mercer Island agrees to pay the \$2,246.58 as a lump sum payment to Kirkland by no later than October 15, 2023.

2. **Term/Termination.** Section 2.0 of the Use of Court Agreement shall be amended to extend the term of the Use of Court Agreement until December 31, 2023.

3. **Full Force and Effect.** All other terms and conditions of the Use of Court Agreement not modified by this Amendment shall remain in full force and effect.

4. **Effective Date.** This Amendment shall be effective on the date this Amendment is fully executed by the Parties.

AGREED AND ACCEPTED:

City of Kirkland

City of Mercer Island

Kurt Triplett, City Manager

Jessi Bon, City Manager

Date: _____

Date: _____

Approved as to form:

Kevin Raymond, City Attorney

Bio Park, City Attorney