

1 **June 11, 2007**

Proposed No.: 07-004

2 **RESOLUTION NO. 375**

3 A RESOLUTION of the Board of Directors of the Washington State  
4 Major League Baseball Stadium Public Facilities District ratifying the  
5 Executive Director's execution of a contract for legal services between the  
6 District and Thomas Eli Backer, Attorney-at-Law, PLLC.  
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8 WHEREAS, pursuant to Chapter 36.100 RCW, as amended, the Washington State  
9 Major League Baseball Stadium Public Facilities District (the "District"), has been created  
10 and possesses all the powers of a public facilities district; and

11 WHEREAS, pursuant to RCW 36.100.010(5), 36.100.180 and other provisions of  
12 state law, the District has broad powers to enter into contracts for materials, work and  
13 services necessary for the operations of a baseball stadium; and

14 WHEREAS, the District established various procurement policies and procedures  
15 to facilitate the expeditious design, construction and completion of the baseball stadium,  
16 and in 2006 the District updated those policies and procedures to reflect the procurements  
17 being undertaken for an operating facility; and

18 WHEREAS, District Resolution No. 364 authorizes the Executive Director to  
19 contract for professional services, where those services are not anticipated to exceed  
20 \$100,000 in a given calendar year, subject to ratification by the District Board; and

21 WHEREAS, District Resolution No. 364 also provides that whenever in the  
22 judgment of the Board special circumstances require a procedure different from that set  
23 forth in the normal procedures, the Board may authorize the making of purchases and the  
24 performance of services in such other manner as may be deemed to be appropriate to the  
25 circumstances and in the best interests of the District; and

26 WHEREAS, Thomas Eli Backer ("Backer") has significant general municipal and  
27 public law experience and has represented the District for more than 10 years on land use  
28 and environmental matters; and

29 WHEREAS, Backer was a partner at the law firm of Preston, Gates & Ellis LLP,  
30 before establishing his own law practice on January 1, 2007; and

31 WHEREAS, in the course of representing the District, Backer developed  
32 substantial knowledge and experience regarding the District's operations, procedures, and  
33 other matters; and

34 WHEREAS, retaining Backer as legal counsel on general municipal and  
35 environmental and land use matters will ensure continuity on critical issues and save the  
36 District time and money by eliminating the need for new counsel to invest time and get up  
37 to speed on outstanding issues; and

38 WHEREAS, the procurement of these services complied with the procedures  
39 established by District resolution and applicable laws and regulations, and is consistent  
40 with the District's annual budget; and

41 WHEREAS, all contracts in excess of \$50,000, regardless of how procured,  
42 require Board approval or ratification; and

43 WHEREAS, it is in the best interest of the District, and consistent with the  
44 District's procurement procedures and special circumstances described above, to ratify the  
45 Professional Services / Consultant Agreement with Thomas Eli Backer, Attorney-at-Law,  
46 PLLC that was negotiated by the Executive Director of the District for legal services.

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48 NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS  
49 OF THE WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM PUBLIC  
50 FACILITIES DISTRICT:

51 Section 1. The Executive Director's execution of a Professional Services  
52 agreement with Thomas Eli Backer, Attorney-at-Law, PLLC is hereby ratified.

53 Section 2. A copy of the agreement is on file with the District.  
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PASSED by a vote of   6   to   1   this 11<sup>th</sup> day of June, 2007.

BOARD OF DIRECTORS  
WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM PUBLIC  
FACILITIES DISTRICT

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José E. Gaitán, Chair

ATTEST:

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Clerk