

**2006 CHARTER REVIEW COMMISSION
BRIEFING PAPER
INTERLOCAL AGREEMENTS
JUNE 14, 2006**

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The issue

Intergovernmental Relations (Interlocal Agreements) Shall the Interlocal agreement process be streamlined or require additional public input?

Support for the Issue

16. Intergovernmental Relations (Inter local Agreements). Shall the interlocal agreement process be streamlined or require additional public input?

Yes	No
Reardon	
Survey 92% (128)	Survey 3.6 % (5)

Every time the question is put on the survey, it receives support for more public input.

What is an Interlocal Agreement?

The Declaration of Purpose in RCW 39.34, The Interlocal Cooperation Act states:

It is the purpose of this chapter to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

The Snohomish County Charter states:

Section 1.30 Intergovernmental Relations

In the exercise of its powers or in the performance of its duties, whether or not specifically assigned by this charter to any officer, board, commission or agency, the county may by ordinance authorize participation in any function, project or activity with any one or more governments, governmental agencies, municipal corporations or private agencies or corporations in any manner permitted by law, and may share the responsibilities and costs of such function, project or activity

The 1996 Charter Review Commission tried to delete the words "by ordinance" in the housekeeping amendment. That measure failed some say in part due to that change.

Each of the Home Rule Charter Counties has a similar introductory section titled Intergovernmental Relation. Snohomish County is the only county that includes the phrase “the county may by ordinance....”

Types of Interlocal Agreements

Attachment 2 (pleases print and lay side by side by page number) is a listing of all Interlocal Agreements approved in 2005. The charts shows a wide variety and types of Agreements including

- Interlocal Agreements
- Inter Agency Agreements
- Memorandums of Understanding
- Memorandum of Agreement.

The type of agreement may have more to do with agency custom rather than legalities.

These agreements comprise of everything from providing Sheriff Services for a city to renovation for low income housing. During 2005, 2 were approved by ordinance, the rest by motion. Motions do not require a public hearing.

Citizen Concerns.

Concerns have been expressed about Interlocal Agreements between the county and the Tulalip Tribes. Because interlocal agreements generally are passed by motion there is no requirement for a public hearing. Some have suggested that these agreements be passed via ordinance so that a published public hearing would be held and citizens given the right to comment before the council takes action. The public would have access to the agreements before they are passed in order to assess impacts. Others have commented on liability, as the citizens hold the ultimate liability if there was ever a major judgment that exceeded county resources.

Options

- No change. The ability to approve via ordinance remains but still vague as to how and when to use the ordinance process.
- Edit Section 2.140 Motions. By editing this section all interlocal agreements, memorandum of understandings, contracts would be required to be passed via ordinance. In so doing the Snohomish County Charter is then very similar to King, Pierce and Whatcom Counties.

The current Charter Reads:

Section 2.140 Motions

The county council may pass motions to confirm or reject nominations or appointments, to adopt comprehensive plans, to approve interfund loans, to organize and administer the legislative branch, to perform other administrative acts, to issue rulings in quasi-judicial proceedings except rezone actions, and to request information from any other agency of county government. Motions shall not be subject to veto or the requirements for the introduction, consideration and passage of ordinances.

Proposed Change

The county council may pass motions to confirm or reject nominations or appointments, administer the legislative branch, and to request information from any other agency of county government. Motions shall not be subject to veto or the requirements for the introduction, consideration and passage of ordinances.

Impacts

This is a fundamental shift in the way Snohomish County does business. Currently the council can and does pass millions of dollars in contracts via motions. In addition Interlocals and MOU are passed via motion as well. All of these actions would now be done via ordinance with the required public hearing. In order to keep the process moving the commission may also wish to change the number of days between publication of a hearing and the actual hearing. The Charter now requires 13 days from introduction to passage in Article 2 Section 2.110. The commission could change that based input from legal counsel. The commission may wish to include council staff in determining the number of days in order to manage workload, timelines and expectations.

Chapter 39.34 RCW

Interlocal cooperation act

Chapter Listing

RCW Sections

- 39.34.010 Declaration of purpose.
- 39.34.020 Definitions.
- 39.34.030 Joint powers -- Agreements for joint or cooperative action, requisites, effect on responsibilities of component agencies -- Financing of joint projects.
- 39.34.040 Agreements to be filed -- Status of interstate agreements -- Real party in interest -- Actions.
- 39.34.050 Duty to submit agreement to jurisdictional state officer or agency.
- 39.34.055 Public purchase agreements with public benefit nonprofit corporations.
- 39.34.060 Participating agencies may appropriate funds and provide personnel, property, and services.
- 39.34.070 Authority of joint boards to receive loans or grants.
- 39.34.080 Contracts to perform governmental activities which each contracting agency is authorized to perform.
- 39.34.085 Agreements for operation of bus services.
- 39.34.090 Agencies' contracting authority regarding electricity, utilities' powers, preserved.
- 39.34.100 Powers conferred by chapter are supplemental.
- 39.34.110 Powers otherwise prohibited by Constitutions or federal laws.
- 39.34.130 Transactions between state agencies -- Charging of costs -- Regulation by director of financial management.
- 39.34.140 Transactions between state agencies -- Procedures for payments through transfers upon accounts.
- 39.34.150 Transactions between state agencies -- Advancements.
- 39.34.160 Transactions between state agencies -- Time limitation for expenditure of advance -- Unexpended balance.
- 39.34.170 Transactions between state agencies -- Powers and authority cumulative.
- 39.34.180 Criminal justice responsibilities -- Interlocal agreements -- Termination.
- 39.34.190 Watershed management plan projects -- Use of water-related revenues.
- 39.34.200 Watershed management partnerships -- Formation.
- 39.34.210 Watershed management partnerships -- Indebtedness -- Bonds.
- 39.34.220 Watershed management plans -- Additional authority for implementation -- Existing agreements not affected.
- 39.34.900 Short title.
- 39.34.910 Severability -- 1967 c 239.
- 39.34.920 Effective date -- 1967 c 239.

Notes:

Hydroelectric resources, creation of separate legal authority by irrigation districts and cities, towns, or public utility districts: RCW 87.03.828.

Irrigation districts, creation of legal authority to carry out powers: RCW 87.03.018.

School district associations, right to mortgage or convey money security interest in association property -- Limitations: RCW 28A.335.100.

School districts agreements with other governmental entities for transportation of students, the public or other noncommon school purposes -- Limitations: RCW 28A.160.120.

39.34.010**Declaration of purpose.**

It is the purpose of this chapter to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

[1967 c 239 § 1.]

Notes:

Joint operations by municipal corporations and political subdivisions, deposit and control of funds: RCW 43.09.285.

39.34.020**Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Public agency" means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi municipal corporations, special purpose districts, and local service districts; any agency of the state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state.

(2) "State" means a state of the United States.

(3) "Watershed management partnership" means an interlocal cooperation agreement formed under the authority of RCW 39.34.200.

(4) "WRIA" has the definition in RCW 90.82.020.

[2003 c 327 § 3; 1985 c 33 § 1; 1979 c 36 § 1; 1977 ex.s. c 283 § 13; 1975 1st ex.s. c 115 § 1; 1973 c 34 § 1; 1971 c 33 § 1; 1969 c 88 § 1; 1969 c 40 § 1; 1967 c 239 § 3.]

Notes:

Finding -- Intent -- 2003 c 327: See note following RCW 39.34.190.

Severability -- 1977 ex.s. c 283: See note following RCW 28A.310.010.

39.34.030**Joint powers — Agreements for joint or cooperative action, requisites, effect on responsibilities of component agencies — Financing of joint projects.**

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter: PROVIDED, That any such joint or cooperative action by public agencies which are educational service districts and/or school districts shall comply with the provisions of RCW 28A.320.080. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating

public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation organized pursuant to chapter 24.03 or 24.06 RCW whose membership is limited solely to the participating public agencies or a partnership organized pursuant to chapter 25.04 RCW whose partners are limited solely to participating public agencies and the funds of any such corporation or partnership shall be subject to audit in the manner provided by law for the auditing of public funds;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (a), (c), (d), (e) and (f) enumerated in subdivision (3) hereof, contain the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented;

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of joint board".

(5) No agreement made pursuant to this chapter relieves any public agency of any obligation or responsibility imposed upon it by law except that:

(a) To the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, the performance may be offered in satisfaction of the obligation or responsibility; and

(b) With respect to one or more public agencies purchasing or otherwise contracting through a bid, proposal, or contract awarded by another public agency or by a group of public agencies, any statutory obligation to provide notice for bids or proposals that applies to the public agencies involved is satisfied if the public agency or group of public agencies that awarded the bid, proposal, or contract complied with its own statutory requirements and either (i) posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations, or (ii) provided an access link on the state's web portal to the notice.

(6) Financing of joint projects by agreement shall be as provided by law.

[2004 c 190 § 1; 1992 c 161 § 4; 1990 c 33 § 568; 1981 c 308 § 2; 1972 ex.s. c 81 § 1; 1967 c 239 § 4.]

Notes:

Intent -- 1992 c 161: See note following RCW 70.44.450.

Purpose -- Statutory references -- Severability -- 1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Severability -- 1981 c 308: See note following RCW 28A.320.080.

Joint operations by municipal corporations or political subdivisions, deposit and control of funds: RCW 43.09.285.

39.34.040**Agreements to be filed — Status of interstate agreements — Real party in interest — Actions.******* CHANGE IN 2006 *** (SEE 2676.SL) *****

Prior to its entry into force, an agreement made pursuant to this chapter shall be filed with the county auditor. In the event that an agreement entered into pursuant to this chapter is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States the agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

[1995 c 22 § 1; 1992 c 161 § 5; 1967 c 239 § 5.]

Notes:

Intent -- 1992 c 161: See note following RCW 70.44.450.

39.34.050**Duty to submit agreement to jurisdictional state officer or agency.**

In the event that an agreement made pursuant to this chapter shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control. The agreement shall be approved or disapproved by the state officer or agency with regard to matters within his, her, or its jurisdiction within ninety days after receipt of the agreement. If a state officer or agency fails to act within the ninety-day time limit, the agreement shall be deemed approved by that state officer or agency.

[1992 c 161 § 6; 1967 c 239 § 6.]

Notes:

Intent -- 1992 c 161: See note following RCW 70.44.450.

39.34.055**Public purchase agreements with public benefit nonprofit corporations.**

The office of state procurement within the department of general administration may enter into an agreement with a public benefit nonprofit corporation to allow the public benefit nonprofit corporation to participate in state contracts for purchases administered by the office of state procurement. Such agreement must comply with the requirements of RCW 39.34.030 through 39.34.050. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or a political subdivision of another state.

[1994 c 98 § 1.]

39.34.060

Participating agencies may appropriate funds and provide personnel, property, and services.

Any public agency entering into an agreement pursuant to this chapter may appropriate funds and may sell, lease, give, or otherwise supply property, personnel, and services to the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking.

[1992 c 161 § 7; 1967 c 239 § 7.]

Notes:

Intent -- 1992 c 161: See note following RCW 70.44.450.

39.34.070

Authority of joint boards to receive loans or grants.

Any joint board created pursuant to the provisions of this chapter is hereby authorized to accept loans or grants of federal, state or private funds in order to accomplish the purposes of this chapter provided each of the participating public agencies is authorized by law to receive such funds.

[1967 c 239 § 8.]

39.34.080

Contracts to perform governmental activities which each contracting agency is authorized to perform.

Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: PROVIDED, That such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

[1967 c 239 § 9.]

39.34.085

Agreements for operation of bus services.

In addition to the other powers granted by chapter 39.34 RCW, one or more cities or towns or a county, or any combination thereof, may enter into agreements with each other or with a public transportation agency of a contiguous state, or contiguous Canadian province, to allow a city or such other transportation agency to operate bus service for the transportation of the general public within the territorial boundaries of such city and/or county or to allow such city and/or county to operate such bus service within the jurisdiction of such other public agency when no such existing bus certificate of public convenience and necessity has been authorized by the Washington utilities and transportation commission: PROVIDED, HOWEVER, That such transportation may extend beyond the territorial boundaries of either party to the agreement if the agreement so provides, and if such service is not in conflict with existing bus service authorized by the Washington utilities and transportation commission. The provisions of this section shall be cumulative and nonexclusive and shall not affect any other right granted by this chapter or any other provision of law.

[1977 c 46 § 1; 1969 ex.s. c 139 § 1.]

39.34.090

Agencies' contracting authority regarding electricity, utilities' powers, preserved.

Nothing in this chapter shall be construed to increase or decrease existing authority of any public agency of this state to enter into agreements or contracts with any other public agency of this state or of any other state or the United States with regard to the generation, transmission, or distribution of electricity or the existing powers of any private or public utilities.

[1967 c 239 § 10.]

39.34.100

Powers conferred by chapter are supplemental.

The powers and authority conferred by this chapter shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of any public agency.

[1967 c 239 § 11.]

39.34.110

Powers otherwise prohibited by Constitutions or federal laws.

No power, privilege, or other authority shall be exercised under this chapter where prohibited by the state Constitution or the Constitution or laws of the federal government.

[1967 c 239 § 12.]

39.34.130

Transactions between state agencies — Charging of costs — Regulation by director of financial management.

Except as otherwise provided by law, the full costs of a state agency incurred in providing services or furnishing materials to or for another agency under chapter 39.34 RCW or any other statute shall be charged to the agency contracting for such services or materials and shall be repaid and credited to the fund or appropriation against which the expenditure originally was charged. Amounts representing a return of expenditures from an appropriation shall be considered as returned loans of services or of goods, supplies or other materials furnished, and may be expended as part of the original appropriation to which they belong without further or additional appropriation. Such interagency transactions shall be subject to regulation by the director of financial management, including but not limited to provisions for the determination of costs, prevention of interagency contract costs beyond those which are fully reimbursable, disclosure of reimbursements in the governor's budget and such other requirements and restrictions as will promote more economical and efficient operations of state agencies.

Except as otherwise provided by law, this section shall not apply to the furnishing of materials or services by one agency to another when other funds have been provided specifically for that purpose pursuant to law.

[1979 c 151 § 45; 1969 ex.s. c 61 § 1.]

Notes:

Duty to submit agreement of jurisdictional state officer or agency: RCW 39.34.050.

39.34.140

Transactions between state agencies — Procedures for payments through transfers upon accounts.

The director of financial management may establish procedures whereby some or all payments between state agencies may be made by transfers upon the accounts of the state treasurer in lieu of making such payments by warrant or check. Such procedures, when established, shall include provision for corresponding entries to be made in the accounts of the affected agencies.

[1979 c 151 § 46; 1969 ex.s. c 61 § 2.]

39.34.150

Transactions between state agencies — Advancements.

State agencies are authorized to advance funds to defray charges for materials to be furnished or services to be rendered by other state agencies. Such advances shall be made only upon the approval of the director of financial management, or his order made pursuant to an appropriate regulation requiring advances in certain cases. An advance shall be made from the fund or appropriation available for the procuring of such services or materials, to the state agency which is to perform the services or furnish the materials, in an amount no greater than the estimated charges therefor.

[1979 c 151 § 47; 1969 ex.s. c 61 § 3.]

39.34.160

Transactions between state agencies — Time limitation for expenditure of advance — Unexpended balance.

An advance made under RCW 39.34.130 through 39.34.150 from appropriated funds shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual costs of materials and services have been finally determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the advance shall be returned to the agency for credit to the fund or account from which it was made.

[1969 ex.s. c 61 § 4.]

39.34.170

Transactions between state agencies — Powers and authority cumulative.

The powers and authority conferred by RCW 39.34.130 through 39.34.160 shall be construed as in addition and supplemental to powers or authority conferred by any other law, and not to limit any other powers or authority of any public agency expressly granted by any other statute.

[1969 ex.s. c 61 § 5.]

39.34.180**Criminal justice responsibilities — Interlocal agreements — Termination.**

(1) Each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions, and referred from their respective law enforcement agencies, whether filed under state law or city ordinance, and must carry out these responsibilities through the use of their own courts, staff, and facilities, or by entering into contracts or interlocal agreements under this chapter to provide these services. Nothing in this section is intended to alter the statutory responsibilities of each county for the prosecution, adjudication, sentencing, and incarceration for not more than one year of felony offenders, nor shall this section apply to any offense initially filed by the prosecuting attorney as a felony offense or an attempt to commit a felony offense.

(2) The following principles must be followed in negotiating interlocal agreements or contracts: Cities and counties must consider (a) anticipated costs of services; and (b) anticipated and potential revenues to fund the services, including fines and fees, criminal justice funding, and state-authorized sales tax funding levied for criminal justice purposes.

(3) If an agreement as to the levels of compensation within an interlocal agreement or contract for gross misdemeanor and misdemeanor services cannot be reached between a city and county, then either party may invoke binding arbitration on the compensation issued by notice to the other party. In the case of establishing initial compensation, the notice shall request arbitration within thirty days. In the case of nonrenewal of an existing contract or interlocal agreement, the notice must be given one hundred twenty days prior to the expiration of the existing contract or agreement and the existing contract or agreement remains in effect until a new agreement is reached or until an arbitration award on the matter of fees is made. The city and county each select one arbitrator, and the initial two arbitrators pick a third arbitrator.

(4) A city or county that wishes to terminate an agreement for the provision of court services must provide written notice of the intent to terminate the agreement in accordance with RCW 3.50.810 and 35.20.010.

(5) For cities or towns that have not adopted, in whole or in part, criminal code or ordinance provisions related to misdemeanor and gross misdemeanor crimes as defined by state law, this section shall have no application until July 1, 1998.

[2001 c 68 § 4; 1996 c 308 § 1.]

Notes:

Effective date -- 1996 c 308: "This act shall take effect January 1, 1997." [1996 c 308 § 2.]

39.34.190**Watershed management plan projects — Use of water-related revenues.**

(1) The legislative authority of a city or county and the governing body of any special purpose district enumerated in subsection (2) of this section may authorize up to ten percent of its water-related revenues to be expended in the implementation of watershed management plan projects or activities that are in addition to the county's, city's, or district's existing water-related services or activities. Such limitation on expenditures shall not apply to additional revenues for watershed plan implementation that are authorized by voter approval under *section 5 of this act or to water-related revenues of a public utility district organized according to Title 54 RCW. Water-related revenues include rates, charges, and fees for the provision of services relating to water supply, treatment, distribution, and management generally, and those general revenues of the local government that are expended for water management purposes. A local government may not expend for this purpose any revenues that were authorized by voter approval for other specified purposes or that are specifically dedicated to the repayment of municipal bonds or other debt instruments.

(2) The following special purpose districts may exercise the authority provided by this section:

- (a) Water districts, sewer districts, and water-sewer districts organized under Title 57 RCW;
- (b) Public utility districts organized under Title 54 RCW;

- (c) Irrigation, reclamation, conservation, and similar districts organized under Titles 87 and 89 RCW;
- (d) Port districts organized under Title 53 RCW;
- (e) Diking, drainage, and similar districts organized under Title 85 RCW;
- (f) Flood control and similar districts organized under Title 86 RCW;
- (g) Lake management districts organized under chapter 36.61 RCW;
- (h) Aquifer protection areas organized under chapter 36.36 RCW; and
- (i) Shellfish protection districts organized under chapter 90.72 RCW.

(3) The authority for expenditure of local government revenues provided by this section shall be applicable broadly to the implementation of watershed management plans addressing water supply, water transmission, water quality treatment or protection, or any other water-related purposes. Such plans include but are not limited to plans developed under the following authorities:

- (a) Watershed plans developed under chapter 90.82 RCW;
- (b) Salmon recovery plans developed under chapter 77.85 RCW;
- (c) Watershed management elements of comprehensive land use plans developed under the growth management act, chapter 36.70A RCW;
- (d) Watershed management elements of shoreline master programs developed under the shoreline management act, chapter 90.58 RCW;
- (e) Nonpoint pollution action plans developed under the Puget Sound water quality management planning authorities of chapter 90.71 RCW and chapter 400-12 WAC;
- (f) Other comprehensive management plans addressing watershed health at a WRIA level or sub-WRIA basin drainage level;
- (g) Coordinated water system plans under chapter 70.116 RCW and similar regional plans for water supply; and
- (h) Any combination of the foregoing plans in an integrated watershed management plan.

(4) The authority provided by this section to expend revenues for watershed management plan implementation shall be construed broadly to include, but not be limited to:

- (a) The coordination and oversight of plan implementation, including funding a watershed management partnership for this purpose;
- (b) Technical support, monitoring, and data collection and analysis;
- (c) The design, development, construction, and operation of projects included in the plan; and
- (d) Conducting activities and programs included as elements in the plan.

[2003 c 327 § 2.]

Notes:

*Reviser's note: Section 5 of this act was vetoed by the governor.

Finding -- Intent -- 2003 c 327: "The legislature finds that throughout Washington state there are many active efforts to protect, manage, and restore watersheds. The state's river systems provide a variety of benefits for society's many needs, so efforts to protect these watersheds should reflect the diversity of social, environmental, and economic factors that make the state unique.

Yet, there is a conflict between the natural flow of river systems and the way watersheds are governed. From a hydrological standpoint, a watershed is a single, integrated system. But these systems usually flow through a number

of cities, counties, and other municipalities as they move from their source to the sea. As a result, many are subject to the full range of management interests, including multiple government entities with jurisdiction over water. In many cases, the political boundaries of government do not align with the hydrological boundaries of watersheds and may actually hinder the implementation of coordinated, cooperative plans. Cooperative watershed management actions by local governments, special districts, and utilities can help maintain healthy watershed function and support the beneficial use of water by these entities and protect the quality of the resource that they use or affect. By participating in cooperative watershed management actions, local governments, special districts, and utilities are acting in the public interest and in a manner that is intended to sustain maximum beneficial use and high quality of water over time and to maintain the services that these entities provide.

Therefore, it is the intent of this act to remove statutory barriers that may prevent local governments from working together in the creation and implementation of cooperative, coordinated watershed plans. In addition, it is the further intent of this act to provide additional authorities to assist in such implementation." [2003 c 327 § 1.]

39.34.200**Watershed management partnerships — Formation.**

Any two or more public agencies may enter into agreements with one another to form a watershed management partnership for the purpose of implementing any portion or all elements of a watershed management plan, including the coordination and oversight of plan implementation. The plan may be any plan or plan element described in RCW 39.34.190(3). The watershed partnership agreement shall include the provisions required of all interlocal agreements under RCW 39.34.030(3). The agreement shall be filed pursuant to RCW 39.34.040 with the county auditor of each county lying within the geographical watershed area to be addressed by the partnership. The public agencies forming the partnership shall designate a treasurer for the deposit, accounting, and handling of the funds of the partnership. The treasurer shall be either a county treasurer or a city treasurer of a county or city participating in the agreement to form the partnership.

[2003 c 327 § 4.]

Notes:

Finding -- Intent -- 2003 c 327: See note following RCW 39.34.190.

39.34.210**Watershed management partnerships — Indebtedness — Bonds.**

Where a watershed management partnership formed under the authority of RCW 39.34.200 establishes a separate legal entity to conduct the cooperating undertaking of the partnership, such legal entity is authorized for the purpose of carrying out such undertaking to contract indebtedness and to issue and sell general obligation bonds pursuant to and in the manner provided for general county bonds in chapters 36.67 and 39.46 RCW and other applicable statutes, and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes. The joint board established by the partnership agreement shall perform the functions referenced in chapter 36.67 RCW to be performed by the county legislative authority in the case of county bonds.

[2003 c 327 § 6.]

Notes:

Finding -- Intent -- 2003 c 327: See note following RCW 39.34.190.

39.34.220**Watershed management plans — Additional authority for implementation — Existing agreements not affected.**

The amendments by chapter 327, Laws of 2003 to the interlocal cooperation act authorities are intended to provide

additional authority to public agencies for the purposes of implementing watershed management plans, and do not affect any agreements among public agencies existing on July 27, 2003.

[2003 c 327 § 7.]

Notes:

Finding -- Intent -- 2003 c 327: See note following RCW 39.34.190.

39.34.900
Short title.

This chapter may be cited as the "Interlocal Cooperation Act."

[1967 c 239 § 2.]

39.34.910
Severability — 1967 c 239.

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1967 c 239 § 14.]

39.34.920
Effective date — 1967 c 239.

The effective date of this chapter is July 1, 1967.

[1967 c 239 § 15.]

DocSubTypeDescr	Name
Interagency Agreement	Administrative Office for the Courts
Interagency Agreement	Administrative Office for the Courts
Interagency Agreement	Brier, City of
Interagency Agreement	Marysville, City of
Interagency Agreement	Lake Stevens, City of
Intergovernmental Agreement	Monroe, City of
Intergovernmental Agreement	King County
Intergovernmental Agreement	Lynnwood, City of
Intergovernmental Agreement	Everett, City of
Interlocal Agreement	Cities/Towns within County
Interlocal Agreement	Monroe, City of
Interlocal Agreement	US Army Corps of Engineers
Interlocal Agreement	Lake Stevens, City of
Interlocal Agreement	Mill Creek, City of
Interlocal Agreement	Fire District 15
Interlocal Agreement	Mill Creek, City of
Interlocal Agreement	District
Interlocal Agreement	Stillaguamish Tribe
Interlocal Agreement	Gold Bar, City of
Interlocal Agreement	Stanwood, City of
Interlocal Agreement	Tourism Bureau, County
Interlocal Agreement	National Marine Fisheries Service
Interlocal Agreement	Lynnwood, City of
Interlocal Agreement	Mountlake Terrace, City of
Interlocal Agreement	Marysville, City of
Interlocal Agreement	Monroe, City of
Interlocal Agreement	Arlington, City of
Interlocal Agreement	Community Transit
Interlocal Agreement	Cities within Snohomish County
Interlocal Agreement	Transportation, Department of
Interlocal Agreement	Everett, City of
Interlocal Agreement	Administrative Office for the Courts
Interlocal Agreement	Marysville School District #25
Interlocal Agreement	Monroe, City of
Interlocal Agreement	Snohomish, City of
Interlocal Agreement	Services for the Blind
Interlocal Agreement	Edmonds, City of
Interlocal Agreement	Public Utility District No. 1
Interlocal Agreement	Community Transit
Interlocal Agreement	Northshore School District
Memorandum of Agreement	Snohomish County Corrections Guild
Memorandum of Agreement	CIO
Memorandum of Agreement	Teamsters
Memorandum of Agreement	Granite Falls, City of
Memorandum of Agreement	Teamsters
Memorandum of Agreement	Ecology, Department of
Memorandum of Agreement	Teamsters Local 763
Memorandum of Understanding (MOU)	E CityGov Alliance

Title	DepartmentName	DivisionName
Interagency Agreement	Superior Court	Administration
Juvenile Court Services	Superior Court	Administration
2005 County Overlay Program	Public Works	Engineering Services
2005 County Overlay Program	Public Works	Engineering Services
2005 County Overlay Program	Public Works	Engineering Services
Equipment Maintenance and Repair	Public Works	Fleet Management
Handling Solid Waste in King County	Public Works	Solid Waste
Service	Public Works	Fleet Management
Animal Shelter Services	Auditor	Administration
Interlocal Services Agreement	Executive	Administration
800 Megahertz Financing Agreement	Budget & Finance	Budget & Analysis
Army Corps of Engineers Permits Expediting	Public Works	(TES)
Master Annexation Interlocal Agreement	Planning & Develop Svcs	Administration
Disposition of 35th Avenue SE	Public Works	County Roads
800 Megahertz Agreement	Budget & Finance	Budget & Analysis
Mill Creek area Annexation	Planning & Develop Svcs	Administration
Utility Construction for 112th St. SW Project	Public Works	Engineering Services
Fish Passage Correction at Church Creek	Public Works	Surface Water
Law Enforcement Services	Sheriff	Administration
Law Enforcement Services	Sheriff	Administration
Hotel/Motel Fund Project	Planning & Develop Svcs	Economic Development
Biologist/Planner	Public Works	(TES)
Commute Trip Reduction Program	Public Works	(TES)
Communte Trip Reduction	Public Works	(TES)
Commute Trip Reduction Program	Public Works	(TES)
Commute Trip Reduction Program	Public Works	(TES)
Commute Trip Reduction Program	Public Works	(TES)
Commute Trip Reduction Program	Public Works	(TES)
Snohomish Regional Drug Task Force	Sheriff	Administration
Commute Trip Reduction Program	Public Works	(TES)
HOME Cooperation Agreement	Planning & Develop Svcs	Administration
Information Technology Purchases	Information Services	Administration
School Resource Officer Services	Sheriff	Administration
2005 County Overlay Program	Public Works	Engineering Services
2005 County Overlay Program	Public Works	Engineering Services
County Café Vendor Agreement	Facilities Management	Administration
Commute Trip Reduction Program	Public Works	(TES)
Sultan Basin Patrol and Police Services	Sheriff	Administration
Transit Safety and Protection Services	Sheriff	Administration
Soccer Field Improvements	Planning & Develop Svcs	Administration
Pay Lag Implementation	Human Resources	Employee Relations
Health Insurance Primium sharing	Human Resources	Employee Relations
Health Insurance Primium sharing	Human Resources	Employee Relations
Granite Falls Alternate Route	Public Works	Engineering Services
Department of Corrections Support Services	Human Resources	Employee Relations
Field Crew for 2005-2006 Service Year	Parks & Recreation	Parks
Personnel	Human Resources	Employee Relations
On Line Permitting	Planning & Develop Svcs	Administration

Details	Budget\$	StartDate
Process BECCA Bill programs & services	\$1,984,199.00	7/1/2005
Volunteer Guardian Ad Litem Program	\$220,534.00	7/1/2005
Combine funding for overlays	\$276,000.00	April 2005
include marysville in program	\$400,000.00	April 2005
combine funding for overlays	\$135,000.00	April 2005
furnishing agreement	\$641.00	
Approval of agreement	\$30,000.00	
Approval of Intergovernmental Agreement	\$0.00	
New contract to reflect fee increase	\$214,839.00	4/1/2005
Emergency Management Services	\$0.00	
agreement for funding	\$533,644.00	
Funding to Corps for expedited evaluation	\$55,000.00	
facilitate services	\$0.00	
set responsibilities for road maintenance	\$0.00	
Funding Agreement for Emergency Radio System	\$20,730.00	
Known as the Northeast Area	\$0.00	
Set terms and conditions	\$94,000.00	
Tribe to provide for planning and funding	\$196,200.00	
Sheriff to provide police services to City	\$711,887.00	01/01/2005
11 personnel & startup costs for new Sgt.	\$3,410,138.00	1/1/2005
Develop, promote and marketing services for 2006	\$502,750.00	1/1/2006
continue relationship	\$0.00	3/2005
Distribute funds for implementation activities	\$500.00	7/1/2005
Distribute funds for implementation activities	\$250.00	7/1/2005
Distribute funds for implementation activities	\$250.00	7/1/2005
Distribute funds for implementation activities	\$250.00	7/1/2005
Distribute funds for implementation activities	\$250.00	7/1/2005
Distribute funds for implementation activities	\$5,000.00	7/1/2005
Establishing Task Force	\$145,329.00	7/1/2005
Distribute funds for implementation activities	\$16,000.00	7/1/2006
Renovation of low income housing	\$0.00	7/1/2006
County Judiciary section	\$175,000.00	8/1/2005
1 full time deputy to Marysville Pilchuck High	\$190,292.25	9/1/2004
combining funding for overlays	\$50,000.00	April 2005
combine funding for overlays	\$180,000.00	April 2005
provide vendor for new county café	\$7,640.00	Permit
Distribute funds for implementation activities	\$250.00	July 1, 2005
Enhanced security & above normal patrols	\$70,000.00	Sign
Amendment #2 Adjust Staffing Levels	\$206,750.00	Upon execution
Canyon Park Junior High improvements	\$250,000.00	Upon execution
Approval of Memo of Agreement	\$70,000.00	
Approval of Memo of Agreement	\$0.00	
Approval of Memo of Agreement	\$0.00	
Outlines monitoring, recovery and preservaton	\$0.00	
Approval of Memo of Agreement	\$127,534.00	01/01/2005
Agreement for work crews	\$55,000.00	10/3/2005
Implement additional me to agreement	\$0.00	January 1, 2004
Understanding Agreement	\$100,000.00	Upon Signature

EndDate	CounFinActDate	CouncilAction
6/30/2007	03-Oct-05	Motion
6/30/2007	26-Sep-05	Motion
April 2006	13-Apr-05	Motion
April 2006	13-Apr-05	Motion
April 2006	13-Apr-05	Motion
	29-Jun-05	Motion
	04-May-05	Motion
	13-Apr-05	Motion
12/31/2005	06-Jul-05	Motion
	09-Nov-05	Motion
	04-Aug-05	Motion
	02-Mar-05	Motion
	26-Oct-05	Ordinance
	30-Nov-05	Motion
	11-May-05	Ordinance
	26-Oct-05	Ordinance
	29-Aug-05	Motion
	13-Apr-05	Motion
12/31/2007	12-Sep-05	Motion
12/31/2007	29-Jun-05	Motion
12/31/2010	21-Dec-05	Motion
3/2007	23-Mar-05	Motion
6/30/2007	07-Nov-05	Motion
6/30/2007	07-Nov-05	Motion
06/30/2007	07-Nov-05	Motion
6/30/2007	07-Nov-05	Motion
6/30/2007	07-Nov-05	Motion
6/30/2007	07-Nov-05	Motion
6/30/2006	22-Jun-05	Motion
6/30/2007	07-Nov-05	Motion
6/30/2009	29-Jun-05	Motion
until terminated	04-Aug-05	Motion
8/31/2008	09-Mar-05	Motion
April 2006	13-Apr-05	Motion
April 2006	13-Apr-05	Motion
Five years	18-Apr-05	Motion
June 30, 2007,	07-Nov-05	Motion
12/31/2005	16-Feb-05	Motion
12/31/2008	30-Nov-05	Motion
termination	17-Oct-05	Motion
	21-Mar-05	Motion
	21-Mar-05	Motion
	21-Mar-05	Motion
	23-Feb-05	Motion
12/31/2005	21-Mar-05	Motion
9/30/2006	21-Dec-05	Motion
2006	21-Mar-05	Motion
1/15/2006	19-Jan-05	Motion

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