

RESOLUTION R-4893

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF KIRKLAND AND CITY OF MARYSVILLE FOR JAIL SERVICES.

WHEREAS, the City of Kirkland and City of Marysville currently have a jail services interlocal agreement which enables the City of Kirkland secure the use of additional jail bed capacity; and

WHEREAS, the City of Marysville has requested a minor amendment to the interlocal agreement which the City of Kirkland is willing to accept; and

WHEREAS, Chapter 39.34 RCW authorizes the parties to enter into an interlocal cooperation agreement to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland an amendment to the current interlocal agreement substantially similar to that attached as Exhibit "A", which is entitled "Second Amendment to Interlocal Agreement for Jail Services – Kirkland Amending Paragraph 3 Section B (3 B) Relating to 90 Days Detention Facility Limits Effective May 24, 2011."

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of October, 2011.

Signed in authentication thereof this 4th day of October, 2011.


MAYOR

Attest:


City Clerk

AFTER RECORDING RETURN TO:

City of Marysville
1049 State Avenue
Marysville, WA 98270

**Second Amendment to Interlocal Agreement
for Jail Services – Kirkland
Amending Paragraph 3 Section B (3 B)
Relating To 90 Days Detention Facility Limits
Effective May 24, 2011**

THIS AMENDMENT TO INTERLOCAL AGREEMENT FOR JAIL SERVICES ("Amendment") is made and entered into by and between the CITY OF MARYSVILLE ("Marysville"), and the CITY OF KIRKLAND ("Kirkland").

WHEREAS, on October 6, 2006 Marysville and Kirkland entered into an Interlocal Agreement for Jail Services hereafter referred to as the "Agreement" recorded on November 9, 2006 with Snohomish County ; and

WHEREAS, the parties entered in to the First Amendment to the Interlocal Agreement Effective January 1, 2010; and

WHEREAS, the City of Marysville adopted Ordinance 2859, effective May 23, 2011, amending Marysville Municipal Code Chapter 2.45 relating to Jail/Detention Facilities; a "Detention Facility" being a 90 jail day facility by definition pursuant to RCW 70.48.020 (4).

RCW 70.48.040 (4) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

WHEREAS, the parties wish to amend Paragraph 3 Section b (3 b) of the Interlocal Agreement for Jail Services to utilize the 90 day facility limit instead of the 30 day limit.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and promises contained herein, Marysville and Kirkland mutually agree as follows:

1. **Paragraph 3 ACCEPTANCE OF PRISONERS, Section b (3 b)** of the Agreement shall be amended to read as follows

b. Prisoners may not be incarcerated in the Marysville Jail longer than ~~thirty (30)~~ ninety (90) days or contrary to any federal or state statutes or regulations or constitutional requirements for the Marysville Jail. Should an inmate serve his/her

~~30-90~~ day sentence in the Marysville Jail and still have additional days of jail time, Kirkland will have the option of transporting their inmates to another facility or have Marysville transport with reimbursement by Kirkland of Marysville's actual costs. Should transportation be required for Kirkland inmates to appear in other than the Marysville Municipal Courts, transportation will be the responsibility of Arlington

2. Except as provided herein, all other terms and conditions of the Interlocal Agreement for Jail Services recorded on November 9, 2006 and all Amendments thereto shall remain in full force and effect unchanged. This Second Amendment to Interlocal Agreement for Jail Services shall be effective May 24, 2011.

3. APPROVALS AND FILING. Each party shall approve this Agreement by resolution, ordinance or otherwise pursuant to the laws of the governing body of said party. The attested signature of the officials identified below shall constitute a presumption that such approval was properly obtained. A copy of this Agreement shall be filed with the Snohomish County Auditor's office or, alternatively, listed by subject on a public agency's web site or other electronically retrievable public source pursuant to RCW 39.34.040.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this ____ day of _____, 2011.

By _____
KURT TRIPLETT, City Manager

By _____
JOHN NEHRING, Mayor

DATE: _____

DATE: _____

APPROVED as to form:

APPROVED as to form:

ROBIN S. JENKINSON, City Attorney

GRANT K. WEED, City Attorney

DATE: _____
Attest:

DATE: _____
Attest:

KATHI ANDERSON, City Clerk

APRIL O'BRIEN, Deputy City Clerk