

ORDINANCE NO 2358

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING PARTICIPATION IN AN INTERLOCAL GOVERNMENTAL AGREEMENT ESTABLISHING THE RESTRUCTURED PUGET SOUND COUNCIL OF GOVERNMENTS.

WHEREAS, the City of Kirkland recognizes the need and desirability to participate in a forum for cooperative decision making by elected officials of local jurisdictions within the central Puget Sound region in order to bring about a continuous and comprehensive regional planning process, and

WHEREAS, the Interlocal Cooperation Act of 1967 (Chapter 39.34 Revised Code of Washington) permits the establishment of said forum by enabling local government units to exercise jointly any power or powers, privileges or authority exercised or capable of exercise by a unit of local government, and

WHEREAS, an Interlocal Governmental Agreement has been prepared by an ad hoc committee of local elected officials and approved by the full assembly of existing member of the Puget Sound Council of Governments, said document establishing a restructured organization, having delegated authority and purposes consistent with the needs of local units of government; now, therefore,

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1: The City of Kirkland is authorized and directed to enter into the Interlocal Agreement establishing the restructured Puget Sound Council of Governments in the form attached to the original of this Ordinance as Exhibit "A."

Section 2: By becoming a party to the Interlocal Agreement, the City of Kirkland agrees to exercise jointly with other local units of government entering into said Interlocal Agreement, the powers relating to regional planning conferred upon them by Constitution or statute or powers implicit in those conferred powers.

Section 3: The Mayor of the City of Kirkland is hereby authorized and directed to sign on behalf of the City of Kirkland the agreement

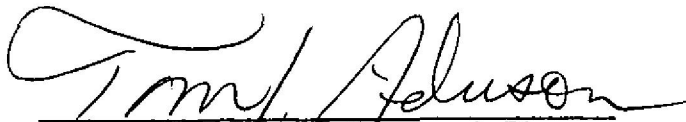
approved in Section 1 above, together with any information or documentation as may be required in connection with the foregoing agreement.

ADOPTED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 19th day of September, 1977.


SIGNED IN AUTHENTICATION THEREOF on the 19th day of September, 1977.


MAYOR PRO TEM

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)

Approved as to form:


City Attorney

INTERLOCAL AGREEMENT
PUGET SOUND COUNCIL OF GOVERNMENTS

1 This agreement is made and entered into by and between the undersigned
2 member agencies of the State of Washington to establish the Puget Sound Council
3 of Governments, pursuant to provisions of the Interlocal Cooperation Act of
4 1967, Chapter 39.34 R.C.W.

Definitions

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6 For the purpose of this Interlocal Agreement and all other agreements,
7 contracts and documents executed, adopted or approved pursuant to this agree-
8 ment, the following terms shall have meaning prescribed to them within this
9 section unless the context of their use dictates otherwise:

- 10 (1) Member agency shall mean any public agency which is a party or becomes
11 a party to this Interlocal Agreement and is a county, city, town or
12 Indian tribe.
- 13 (2) Public agency shall mean any city, town, county, public utility district,
14 port district, fire protection district, school district, air pollution
15 control authority, Indian tribe, or metropolitan municipal corporation
16 of this State, any agency of the State government or of the United States
17 and any political subdivision of another state.
- 18 (3) State shall mean a state of the United States.
- 19 (4) Region shall mean that territory physically lying within the boundaries of
20 the counties of King, Pierce, Snohomish, Kitsap and any other member
21 county.
- 22 (5) Subregion shall mean that territory physically lying within the boundaries
23 of any one of the member counties.
- 24 (6) Population shall mean that population of any general purpose local govern-
25 ment that is a member agency last determined for each such member as
26 certified by the Office of Program Planning and Fiscal Management or its
27 succeeding office of the State of Washington as of the first day of
28 January of each year, except that the population of member counties
29 shall be that population determined in the same manner for the unincorpo-
30 rated area of such county; and further that the population of Indian tribes
31 shall be the latest figures established and certified by the Federal
Bureau of Indian Affairs.

- 1 (7) Regional population shall be determined by adding together the populatio
2 of the member agencies.
- 3 (8) Subregional population shall be determined by adding together the popula-
4 tion of the member agencies within the subregion.
- 5 (9) Major city shall mean any city with a population in excess of 50,000.
- 6 (10) Assembly or full Assembly shall mean that body of local elected
7 officials which is formed by the meeting of all member agencies of the
8 Puget Sound Council of Governments.
- 9 (11) Executive Board shall mean that body of local elected officials who have
10 been appointed to represent member agencies to carry-out all delegated
11 powers and managerial and administrative responsibilities between
12 annual meetings of the full Assembly.
- 13 (12) County Subregional Council shall mean that body which is formed by the
14 meeting of member agencies and other public agencies within a subregion.
15 Each County Subregional Council serves as a permanent semi-autonomo
16 body of the Puget Sound Council of Governments.

17
18 Recitals

19 WHEREAS, the undersigned member agencies recognize the need and
20 desirability to participate in a forum for cooperative decision making by
21 elected officials of said agencies in order to bring about a continuous and
22 comprehensive regional planning process; and

23 WHEREAS, the undersigned member agencies desire to jointly undertake
24 A-95 review, continuous, cooperative regional development, land use, housing
25 and transportation planning that results in plans and programs consistent with
26 the adopted Regional Development Plan for the central Puget Sound area; and

27 WHEREAS, it is agreed that the Puget Sound Council of Governments
28 shall perform the functions required by the Office of Management and Budget
29 Circular A-95 (revised), "Federal and Federally-Assisted Programs and
30 Projects Evaluation, Review and Coordination;" and

31

1 WHEREAS, the organization created meets the minimum federal
2 criteria and requirements for a Metropolitan Planning Organization, and
3 Areawide Planning Organization; and

4 WHEREAS, it is the belief of the undersigned member agencies that
5 regional planning and review should be accomplished whenever possible at the
6 subregional level by County Subregional Councils and should receive policy
7 direction from that level; and

8 WHEREAS, the undersigned member agencies are authorized and
9 empowered to enter into this agreement pursuant to Chapter 39.34 R.C.W.

10 THEREFORE, in consideration of mutual promises and covenants
11 herein, it is hereby agreed:

12 1. Organization - Composition and Nature: The undersigned member
13 agencies agree to maintain the organization called the Puget Sound
14 Council of Governments as a separate legal and administrative agency
15 with the power in its own name to employ agents and employees; to
16 make and enter into contracts; to acquire, hold and dispose of
17 property, real and personal; to sue and be sued in its own name; to
18 hire legal counsel and to incur debts and liabilities or obligations.

19 The Puget Sound Council of Governments shall consist of a full
20 Assembly, with management vested in an Executive Board, and
21 County Subregional Councils in each subregion, structured as herein-
22 after provided and by the Bylaws attached hereto and by this reference
23 incorporated herein. The Bylaws may be amended by a two-thirds vote
24 of full Assembly members who are present and voting.

25 2. Delegated Authority and Purposes: The Puget Sound Council of
26 Governments shall have the following delegated authorities and purposes:

27 A. To provide a forum for cooperative decision making by the
28 region's elected officials in order to bring about a
29 continuous and comprehensive planning process.

30 B. To foster cooperation and mediate differences among
31 governments throughout the region.

1 C. To maintain an ongoing planning system and coordinate
2 actions so that we may make the best use of our land, air,
3 water and energy resources; overcome the problems of
4 waste and pollution.

5 D. To carry out such other planning and coordinating activities
6 which are authorized by the full Assembly or Executive
7 Board.

8 3. Financing: The Puget Sound Council of Governments shall be
9 financed by assessment against each member agency in a manner
10 provided by the Bylaws attached hereto. The Puget Sound Council of
11 Governments is authorized to apply for such federal, state, or private
12 funding of any nature as may become available to assist the organiza-
13 tion in carrying out its purposes and functions.

14 4. Withdrawal from agreement: Except as provided, any member
15 agency shall have the right to withdraw from this Interlocal Agreement
16 by giving written notice, six months prior to the annual assessment,
17 to the Executive Board. The member counties and major cities that
18 are parties to this Interlocal Agreement agree that withdrawal will not
19 absolve them of responsibility for meeting financial and other obligations
20 of annual contracts or agreements which exist between the State of
21 Washington or the federal government and the Puget Sound Council of
22 Governments at the time of withdrawal.

23 5. Duration: This agreement shall remain in force and effect per-
24 petually or until terminated by member agencies which represent
25 75 percent of the regional population.

26 6. Disposition of Assets: Upon termination of this agreement any
27 money or assets in possession of the Puget Sound Council of Governments
28 after payment of all liabilities, costs, expenses, charges validly
29 incurred under this agreement, shall be returned to all contributing
30 governments in proportion to their assessment determined at the time
31 of termination. The debts, liabilities, and obligations of the Puget
Sound Council of Governments shall not constitute a debt, liability or
obligation of any member agency.

1 IN WITNESS WHEREOF, this Interlocal Agreement shall have full
2 force and effect from and after May 12, 1977.
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ARTICLE X

Appeals and Open Meetings

Section 1. Any member agency may appeal from an action of a Subregional Council to the Executive Board, or an action of the Executive Board to the full Assembly, by filing with the Executive Director written notice of appeal within 30 days after the action from which the appeal is taken. Such notice shall state the reason for the appeal, describe the regional significance of the action, and be accompanied by a certified copy of a resolution of the member agency who is making the appeal. By two-thirds (2/3) vote of the Executive Board or full Assembly as appropriate, the action may be reversed, modified or remanded for reconsideration.

Section 2. All meetings of the Council of Governments shall conform to the Open Public Meetings Act codified under RCW 42.30. The Executive Board shall adopt procedures to ensure appropriate notice of all meetings of the Council of Governments.

Section 3. The organization shall maintain in force a resolution providing for public hearings with respect to proceedings before the Council of Governments regarding the adoption or interpretation of a general plan or elements thereof, and the Executive Director shall undertake all actions necessary to carry out the provisions of such a resolution.

ARTICLE XI

Executive Director

The Executive Director shall be appointed or removed by the Executive Board. The Executive Director shall have the following duties and responsibilities:

A) The Executive Director shall be responsible for overall super-

1 vision and management of the business of the Council of Governments
2 including, without limitation of the foregoing: keeping a written
3 record of all actions of the Assembly or the Executive Board;
4 receiving monies payable to the Council of Governments and
5 disbursement thereof as authorized by the Assembly or the
6 Executive Board; maintaining accurate and complete accounts of
7 all receipts and disbursements; supervising all studies and programs
8 authorized by the Council of Governments; supervising all staff,
9 including the hiring and firing of staff, and where agreed-upon
10 procedures are in effect then those procedures will be adhered to;
11 and performing such other duties as may be assigned to the Executive
12 Director from time to time by the full Assembly or the Executive
13 Board.

14 B) The Executive Director shall have authority to execute contracts
15 in the name of the Council of Governments which are in conformance
16 with the work program and budget and which are in the amount of
17 five thousand dollars (\$5,000) or less without the prior approval of
18 the Executive Board. The President shall be notified of such action.
19 A contract in which the Council of Governments is party and which is
20 in the amount of greater than five thousand (\$5,000) shall require the
21 prior approval of the Executive Board before execution by the
22 Executive Director.

23 C) The Executive Director shall prepare, under direction of the
24 Executive Board or committee thereof, an annual work program and
25 budget.

26 ARTICLE XII

27 Work Program and Budget

28 Section 1. The work program and budget shall be presented to the
29 Executive Board for review, revision and adoption before being
30 presented to the full Assembly.
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1 Section 13. The Chairperson and other members of all Executive Board
2 Committees shall be designated by the Executive Board and member-
3 ship may include elected officials, local government staffs, citizens,
4 professionals in the field, or other experts.
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6 ARTICLE IX

7 Meetings of the County Subregional Councils

8 Pursuant to the Interlocal Agreement, there shall be a County Sub-
9 regional Council for each of the subregions within the boundaries of the
10 Puget Sound Council of Governments. The County Subregional Councils
11 shall serve as permanent semi-autonomous bodies with such powers and
12 authorities as hereinafter provided.
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14 Section 1. Date: Each Subregional Council shall meet as a majority
15 of their members may determine provided, however, that each
16 Council shall meet at least once monthly.

17 Section 2. Composition: Each Subregional Council shall consist of
18 the member general purpose local governments within each subregion,
19 and other public agencies within the subregion who receive the approval
20 of the Subregional Council.

21 Section 3. Purpose: Each Subregional Council shall meet to carry-out
22 the following responsibilities:

23 A) General Responsibilities. The Subregional Councils are to
24 be the primary planning organization of the Puget Sound Council
25 of Governments. They will carry the principal burden for the
26 planning that is done for regional plans and policies. The
27 primary function of the regional staff is to coordinate the
28 activities between and among Subregional Councils and to
29 establish uniform methods for accomplishing the agreed upon
30 objectives of the planning organization. The planning process is
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1 to evolve from the plans adopted by general purpose local
2 governments which will be coordinated and agreed upon at
3 the subregional level and integrated into regional plans and
4 policies. All issues are subregional unless deemed other-
5 wise by the Executive Board or through the appeals process
6 stated in Article X.

7 B) Subregional Issues. The Subregional Councils shall have
8 the power to review and take action on A-95 applications and
9 environmental impact statements of less than regional significance
10 and to establish additional planning functions and activities to
11 be carried out as deemed necessary and pertain to the authority
12 and responsibility of its members and are of less than regional
13 significance.

14 The Subregional Councils shall have authority to initiate topics
15 for consideration by the Executive Board or full Assembly.

16 C) Regional Issues. Subregional Councils shall have the right
17 to review and the opportunity to comment, prior to final approval
18 or recommendation for approval by the Executive Board, on the
19 annual budget, regional transportation plan, prospectus, trans-
20 portation improvement program, transportation systems program,
21 regional development plan, A-95 review and environmental
22 impact statements of regional significance and other programs
23 as may be undertaken by the Puget Sound Council of Governments
24 including the unified work program for a fiscal year. Such
25 right to review and opportunity for comment shall be a pre-
26 condition for final approval or recommendation for approval by
27 Executive Board or full Assembly.

28 Section 4. Voting: Each Subregional Council shall establish its own
29 method of voting; however, the initial voting structures shall be on a
30 per capita basis.

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King County	5 representatives
Seattle	4 representatives
Bellevue	1 representative
Other towns and cities located	
within King County	2 representatives
Kitsap County	2 representatives
Bremerton	1 representative
Pierce County	3 representatives
Tacoma	2 representatives
Other towns and cities located	
within Pierce County	1 representative
Snohomish County	3 representatives
Everett	1 representative
Other towns and cities located	
within Snohomish County	1 representative

Section 3. Appointment: Representatives from member agencies shall be appointed in a manner as hereinafter provided:

- A) In the case in which member agencies are permanently assigned positions on the Executive Board, the method of appointment is at the discretion of the member agency.
- B) If the representative is to be chosen to represent a number of non-central city jurisdictions, the method of appointment is at the discretion of the subregional member agencies.
- C) Each Executive Board representative shall be an elected official and may have one designated alternate. The alternate must be an elected official also from the same subregion.
- D) The name, address and phone number of all representatives and their designated alternates shall be filed in writing with the Executive Board.

Section 4. Notice: Agenda with supporting materials shall be mailed at least seven (7) days in advance of all regularly scheduled meetings; provided, however, that if the President or Executive Board or a

1 County Subregional Council determine that an emergency exists they
2 make a finding to that effect in which event a special meeting may be
3 held on telephonic and written notice delivered to each representative
4 at least five (5) days in advance. The agenda for a special meeting shall
5 be limited to those items specified in the notice.

6 Section 5. Purpose: The purpose of the meetings of the Executive Board
7 shall be to direct the affairs of the Puget Sound Council of Governments
8 between the annual meetings of the full Assembly. The Executive
9 Board shall exercise on behalf of the Puget Sound Council of Govern-
10 ments all delegated powers and managerial and administrative authority.
11 The Executive Board shall appoint and remove the Executive Director.

12 Section 6. Quorum: A simple majority of representatives of the
13 Executive Board shall constitute a quorum.

14 Section 7. Voting: Each representative of the Executive Board shall
15 have one vote.

16 Section 8. Voting: All actions of the Executive Board shall be majority
17 vote unless otherwise provided.

18 Section 9. Voting: A two-thirds(2/3) majority vote may be called for
19 by any member of the Executive Board on any issue unless otherwise
20 specifically provided. When a simple majority is required on a vote,
21 it shall be one-half (1/2) plus one of those present and voting. When
22 a two-thirds (2/3) majority is required, it shall be a two-thirds (2/3)
23 majority of those present and voting.

24 Section 10. Committees: The President may appoint or the Executive
25 Board may require the President to appoint ad hoc or standing Executive
26 Board Committees to advise or assist the Board in its function.

27 Section 11. Ad hoc Executive Board Committees shall have a specific
28 charge, within a given time frame, with a required and stated product,
29 and shall cease to exist after their function is performed.

30 Section 12. Standing Executive Board Committees shall be established as
31 necessary and provided with a charge appropriate to their functions.

1 President shall ensure that the functions of the Puget Sound Council of
2 Governments are carried out to the best of his or her ability. The
3 President shall have the responsibility to direct the Executive Director
4 and the staff; and shall make such reports as needed.

5 Section 2. Vice President: The Vice President shall preside and perform
6 the duties of the President and in the absence of the President. The
7 Vice President shall serve also as Vice President of the Executive Board.

8 9 ARTICLE VII

10 Meetings of the full Assembly

11 Section 1. Date: The full Assembly of the Puget Sound Council of
12 Governments shall meet annually, with such meetings held on the
13 second Thursday of the month of January, or as necessary at the call
14 of the President.

15 Section 2. Composition: The full Assembly shall be composed of the
16 elected officials from member agencies located within the boundaries of
17 the four-county region of King, Pierce, Snohomish and Kitsap counties
18 who become parties to the agreement establishing the Puget Sound
19 Council of Governments in accordance with Article IV, Section 2 of
20 these Bylaws.

21 Section 3. Notice: Written notice and the agenda of all Assembly
22 meetings shall be delivered or mailed to all member agencies at least
23 ten days prior to the meeting; provided, however, that if the President
24 or Executive Board determine that an emergency exists they may make
25 a written finding to that effect in which event a meeting may be held on
26 written notice delivered to each member at least three days before the
27 meeting; and, provided further, that a member may waive notice of
28 the meeting by written instrument filed with the Executive Board.

29 Section 4. Purpose: The purpose of the meeting of the full Assembly
30 will be to adopt or amend a regional development plan or Bylaws, to
31 adopt an annual work program and budget, to elect a President and

1 Vice President and take action on such other matters that the Executive
2 Board or the President may determine.

3 Section 5. Quorum: A quorum of the full Assembly shall be one-half of
4 the member agencies of the organization, provided that the agencies
5 making up such a quorum shall represent at least 50 percent of the
6 regional population.

7 Section 6. Voting: Each member agency of the Puget Sound Council of
8 Governments shall have voting strength in the same proportion that its
9 population bears to the total regional population.

10 Section 7. Voting: Except as specified in Article VII, Section 8, action
11 on all matters coming before the Assembly shall require a simple
12 majority of the votes cast on the issue and the manner of voting shall be
13 determined by the presiding officer except that a roll call vote shall be
14 taken upon the request of any two member agencies.

15 Section 8. Voting: The following matters calling for full Assembly
16 action shall be the subject of a roll call vote and shall require the
17 affirmative vote of two-thirds (2/3) of those present and voting on the
18 matter:

- 19 a) Approval of the annual work program and budget;
20 b) Adoption or amendment of a regional development plan; and
21 c) Amendment of these Bylaws.

22 ARTICLE VIII

23 Meetings of the Executive Board

24 Section 1. Date: The Executive Board shall meet at least once monthly
25 at its designated date and time or upon request of the President, or
26 upon call of two representatives, providing those representatives are
27 from different subregions.

28 Section 2. Composition: The Executive Board shall consist of a total of
29 twenty-six (26) representatives distributed amongst the following member
30 agencies:
31

1 on or before the first day of April of each year, provided however, that
2 the assessment may be paid by calendar quarters. A member agency
3 desiring to pay its assessment by calendar quarter shall notify the
4 Executive Board in writing of its desire on or before the first day of
5 March of each year.

6 Section 4. Withdrawal: Except as provided by the Interlocal Agreement,
7 any member agency desiring to withdraw from the Puget Sound Council
8 of Governments shall submit its resignation in writing to the Executive
9 Board for action, six months prior to the annual assessment. The
10 Executive Board shall be required to accept a member's resignation in
11 instances in which the member's current and past annual assessment
12 are paid in full; in all other instances the Executive Board may act at its
13 own discretion.

14 Section 5. Expulsion: Any member delinquent in payment of its assess-
15 ment may be disqualified by the Executive Board from participation in
16 all or part of the Council of Government's business, including the right
17 to vote, so long as the delinquency exists. A member delinquent for
18 more than one year in the payment of its assessment shall be subject to
19 direct legal action for recovery of the delinquent assessment.

20 21 ARTICLE V

22 Officers

23 Section 1. The officers of the Puget Sound Council of Governments shall
24 be a President and a Vice President.

25 Section 2. Elections: The President and Vice President of the Puget
26 Sound Council of Governments shall be elected by the full Assembly
27 from the Executive Board membership. Nomination of candidates for
28 the office of the President and Vice President shall be presented
29 annually to the full Assembly at its first meeting of the calendar year for
30 the full Assembly's action. The Vice President shall be a member of the
31 Executive Board and from a different subregion than the President.

BYLAWS

ARTICLE I

Name

The name of the organization shall be the Puget Sound Council of Governments.

ARTICLE II

Purpose

The purpose of the Puget Sound Council of Governments shall be to exercise the authority delegated to it pursuant to the Interlocal Agreement; and specifically:

a) To provide a forum for cooperative decision making by the region's elected officials in order to bring about a cooperative, continuous, and comprehensive planning process; and

b) To jointly undertake through its membership participation, A-95 review and continuous, cooperative regional development, land use, housing and transportation planning that results in plans and programs consistent with the adopted Regional Development Plan for the central Puget Sound area.

c) To monitor federal legislation and regulations adopted pursuant to such legislation as directed by the Executive Board; and

d) To engage in legislative lobbying activities at the state and federal level to the extent legally permissable as directed by the Executive Board; and

e) To ensure that the aforementioned purposes of the Puget Sound Council of Governments are carried forth whenever possible at the sub-regional level by County Subregional Councils.

ARTICLE III

Structure

The Puget Sound Council of Governments shall be composed of the full Assembly, with management vested in an Executive Board, and County Subregional Councils.

Section 1. The full Assembly of the Puget Sound Council of Governments shall consist of member agencies, as defined in the Interlocal Agreement.

