2003,219

# AGREEMENT For the SOUTH COUNTY AREA TRANSPORTATION BOARD

### Parties to Agreement

City of Algona
City of Auburn
City of Block Di

City of Black Diamond

City of Burien

City of Covington
City of Des Moines

City of Enumelaw

Muckleshoot Tribe

City of Federal Way

King County

City of Kent

City of Maple Valley

City of Milton

City of Normandy Park

City of Pacific

City of Renton

City of SeaTac

City of Tukwila

Pierce Transit

Port of Seattle

Puget Sound Regional Council

Sound Transit

Transportation Improvement Board Washington State Department of

Transportation

Transmitted to participating members on October 23, 2002.

THIS AGREEMENT is made and entered into by and among the CITY OF ALGONA, hereafter called "Algona"; the CITY OF AUBURN, hereafter called "Auburn"; the CITY OF BLACK DIAMOND, hereafter called "Black Diamond"; the CITY OF BURIEN, hereafter called "Burien"; the CITY OF COVINGTON, hereafter called "Covington"; the CITY OF DES MOINES, hereafter called "Des Moines"; the CITY OF ENUMCLAW, hereafter called "Enumclaw"; the CITY OF FEDERAL WAY, hereafter called "Federal Way"; KING COUNTY, a legal subdivision of the State of Washington, hereafter called "King County"; the

CITY OF KENT, hereafter called "Kent"; the CITY OF MAPLE VALLEY, hereafter called "Maple Valley"; the CITY OF MILTON, hereafter called "Milton"; the CITY OF NORMANDY PARK, hereafter called "Normandy Park"; the CITY OF PACIFIC, hereafter called "Pacific"; the CITY OF RENTON, hereafter called "Renton"; the CITY OF SEATAC, hereafter called "SeaTac"; the CITY OF TUKWILA, hereafter called "Tukwila"; the PUGET SOUND REGIONAL COUNCIL, hereafter called the "PSRC"; the CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY, hereafter called "Sound Transit"; the TRANSPORTATION IMPROVEMENT BOARD, hereafter called "TIB"; the PORT OF SEATTLE, hereafter called the "Port of Seattle"; PIERCE TRANSIT, hereafter called "Pierce Transit"; the MUCKLESHOOT TRIBE; and the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, hereafter called "WSDOT."

WHEREAS, South King County has a history of multi-jurisdictional transportation planning dating back to the late 1970's including the Green River Valley Transportation Action Plan (GRVTAP), which was a multi-jurisdictional effort coordinated by the Puget Sound Council of Governments (now Puget Sound Regional Council) and involving King County, the Washington State Department of Transportation, (WSDOT) and the cities of Auburn, Kent, Renton and Tukwila; and

WHEREAS, each of the jurisdictions in the South King County area has experienced significant population growth and economic development in the last decade, and projects continued growth and development in the future; and

WHEREAS, the enormous cost of many of the needed transportation improvements and their importance to South King County as a whole demonstrate the need for a cooperative approach to the planning, financing and construction of these improvements; and

WHEREAS, King County, WSDOT and the South King County cities of Auburn, Des Moines, Kent, Renton, Tukwila, SeaTac, Burien, Federal Way, Algona, Pacific, Milton, Normandy Park, Enumclaw, and Black Diamond in 1992 recognized that a cooperative approach to the transportation problems would facilitate application of the South King County jurisdictions for funding from the State of Washington and the United States, and in recognition of this, formed the South County Area Transportation Board (SCATBd) to serve as a central forum for solving transportation issues affecting the South County area jurisdictions, and were later joined by the new cities of Maple Valley and Covington; and the Muckleshoot Tribe.

WHEREAS, the King County Comprehensive Plan for Public Transportation - Long Range Policy Framework, adopted in 1993, divided Metro service into three geographic subareas for the purpose of allocating new transit subsidy; and

WHEREAS, the Six-Year Transit Development Plan, adopted in 1995, calls for the three subarea transportation boards (the Eastside Transportation Partnership, South County Area Transportation Board, and SeaShore Transportation Forum) to review, refine, and recommend service priorities to the King County Executive; and

WHEREAS, Sound Transit relies on the three subarea transportation boards to REVIEW AND recommend modifications to Sound Move Plan implementation related services and projects, and to participate in future phase (Phase II) high capacity transit development efforts.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

### 1.0 Purpose of Agreement

The purpose of the Agreement is to identify the voting and non-voting members of the South County Area Transportation Board (SCATBd), and provide for the continuation of the SCATBd as the South County forum for information sharing, consensus building and coordinating to resolve transportation issues.

### 2.0 Role of SCATBd

The SCATBd is the forum established for the South County subarea of King County (Exhibit 1) at which elected officials may provide input into the following decisions, and such other transportation-related issues as the members determine:

- Development of the King County Metro Six Year Transit Development Plan
- Implementation of transit service priorities
- Recommendations for Transportation Equity Act for the 21st Century (TEA-21) regional project identification and Countywide project selection
- Recommendations for modifications to Sound Move Plan service implementation-related services and projects and development of future Phase II planning efforts.

The other two subareas have similar forums: the Eastside Transportation Partnership and the SeaShore Transportation Forum.

## 3.0 Voting and Non-Voting Members

## 3.1. The members of SCATBd and their voting rights shall be as follows:

MEMBERS	NUMBER OF REPRESENTATIVES	VOTING
Algona	1	Yes
Auburn	1	Yes
Black Diamond	1	Yes
Burien		Yes
Covington	1	Yes
Des Moines		Yes
Enumclaw	1	Yes
Federal Way	1	
King County	2	Yes
Kent		Yes
Maple Valley	1	Yes
Milton		Yes
Muckleshoot Tribe		Yes
Normandy Park		Yes
Pacific		Yes_
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Renton	1	Yes
SeaTac	1	Yes
Tukwila	1	Yes
Port of Seattle	1	No
Puget Sound Regional Council	1	No
Sound Transit	1	No
Pierce Transit	1	No
Transportation Improvement Board	1	No
Washington State Department of Transportation	1	No

- 3.2 Existing or new cities legally formed under the laws of incorporation of the State of Washington may petition SCATBd for membership. The number of SCATBd representatives and the status of new members shall be determined by a simple majority of voting representatives present at a meeting of the SCATBd at which a quorum is present.
- 3.3 Private sector groups that represent the South County may be added as nonvoting members in SCATBd as determined by a simple majority of voting representatives present at a meeting of the SCATBd at which a quorum is present.

#### 4.0 SCATBd

- 4.1 Each member city shall be entitled to one position on the Board. King County shall be entitled to two positions, one for the King County Executive, and one for a King County Councilmember representing the South King County area. The Port of Seattle, PSRC, TIB, Pierce Transit, Sound Transit and WSDOT shall be entitled to one position each. Each member shall appoint one representative and one alternate to the Board, each for one-year terms. For the County and cities, the representative shall be an elected official; the alternate may be an elected official or high level staff member.
- 4.2 The Board will be responsible for overall program direction, approving Technical Advisory Committee recommendations, and on-going communication with the governing body of each member jurisdiction.
- 4.3 A majority of the voting representatives shall constitute a quorum of the Board, which shall be required to conduct business. The Board shall act by majority vote of the quorum. The Board shall establish its own bylaws and rules of procedure, and may modify these as appropriate. Such bylaws and rules shall be consistent with the provisions of the Agreement, and modifications to such bylaws and rules will not alter this Agreement.
- 4.4 The Chair and Vice-Chair shall be elected by a majority of the voting representatives on the SCATBd, and each shall be one of the representatives of the county or a member city. The Chair and Vice Chair shall serve a term of one year from January 1 through December.
- 4.5 The Chair and Vice Chair shall conduct the SCATBd activities within adopted procedures and guidelines. They are responsible for setting meeting agendas, ensuring fair opportunity for discussion, signing correspondence, and speaking on behalf of SCATBd.

4.6 With a simple majority, the SCATBd can adopt resolutions in support of member jurisdictions or activities in the region, authorize studies, and approve correspondence or request information.

#### 5.0 Committees

- 5.1. The Board may establish such committees as are necessary to carry out its purpose including but not limited to a Technical Advisory Committee as described below.
- 5.2. Each member jurisdiction or agency shall appoint an appropriate department director or division manager to the Technical Advisory Committee (TAC). The City of Seattle, Pierce County, the City of Tacoma, and Pierce Transit may appoint similar level staff to the TAC. Other jurisdictions, agencies, or groups may be added as determined by the Board. The TAC shall provide technical assistance as requested by the Board and shall advise the Board of emergent transportation issues for the Board's consideration. To the extent possible, existing technical or other work groups with which South County jurisdictions are participating should be used. South County area staff could, if necessary, form a subarea caucus for the purpose of assisting in bringing issues to the Technical Advisory Committee or the Board.

### 6.0 Lead Agency

King County shall provide general administrative and program support for the SCATBd and will be the Lead Agency for the purposes of coordination and receipt of any funds or contract administration. King County assumes wage and benefits cost of its staff performing Lead Agency responsibilities.

## 7.0 Member Agency Staff Support

Each member jurisdiction and agency is expected to contribute such staff as is necessary to accomplish the work program adopted by the SCATBd.

## 8.0 Work Program

The SCATBd may undertake activities consistent with its purposes and shall prepare an annual work program for the following year and progress report on the year just completed for submittal to its members.

## 9.0 Cost Sharing Guidelines:

- 9.1 At such time that member jurisdictions and agencies agree that a specific undertaking of the Board requires financial support, these guidelines shall generally apply:
- (1) Annual Review of Financing: The Board shall determine by June 30 of 2003 whether membership dues or other financial contribution will be requested of the Board jurisdictions and agencies.

- (2) Member Jurisdictions: Costs shall be shared among member jurisdictions other than King County by a method as determined by action of the Board. Unless agreed to otherwise, King County's share shall be limited to the costs of providing staff support.
- (3) Member Agencies: The member agencies shall not be expected to make a direct funding contribution. However, subject to the availability of member funding, in-kind contributions may be necessary as determined by an action of the Board.
- (4) Modification to Agreement Required: A modification to this agreement specifying costsharing, purpose, scope of work and other details is required to obligate a member jurisdiction to funding participation.

### 10.0 Withdrawal of a Party from this Agreement

Each party, for its convenience and without cause or for any reason whatsoever, may withdraw from participation in this Agreement by providing written notice, sent certified mail, return receipt required, to all of the other parties at least thirty (30) days in advance of the effective date of the withdrawal. A withdrawing party shall not be entitled to a refund of any dues or other payments to SCATBd but shall make any contributions required to be paid to other parties under this Agreement for costs, which had been obligated prior to the effective date of the withdrawal. In the event a party withdraws, the remaining parties shall amend this Agreement as necessary to reflect changes in the named parties and cost and revenue allocations. In the event of withdrawal by a party, this Agreement shall terminate as to that party but shall continue in effect with respect to the remaining parties. However, the termination of this Agreement with respect to one or more parties shall not affect any of the parties' rights or obligations, including any rights or obligations of a withdrawing party, that are expressly intended to survive termination.

Each party's funding to perform its obligations under the Agreement, beyond the current appropriation year, is conditional upon appropriation by the party's governing body of sufficient funds to support said obligations. Should such an appropriation not be approved for a future year, a party may exercise its right to withdraw as provided herein, or remain as a non-voting member.

#### 11.0 Duration

This Agreement shall take effect upon being duly adopted by the governing bodies of all parties and executed by the authorized representatives of all parties. This Agreement shall remain in effect until December 31, 2005, unless terminated earlier or extended in accordance with Section 17.0.

#### 12.0 Termination

All parties to this Agreement must agree to terminate this Agreement in order for such termination to be effective. If all parties desire to terminate this Agreement, they shall execute a Declaration of Termination. Upon termination, no party shall be required to make any additional contributions. Any remaining funds shall be refunded to the parties to this Agreement according to Section 14.0.

## 13.0 Real and Personal Property

The acquisition of real property is not anticipated under this Agreement. Any personal property acquired pursuant to this Agreement shall be held by the Lead Agency. In the event this Agreement expires or is terminated in accordance with Section 12.0, any personal property other than cash shall remain with the Lead Agency.

#### 14.0 Return of Funds

At such time as this Agreement expires or is terminated in accordance with Section 12.0, any unexpended and uncommitted funds shall be distributed in equal shares among the contributing parties at the time of termination.

### 15.0 Filing

This Agreement shall be filed with the King County Department of Records and Elections.

### 16.0 Legal Relations

- 16.1 The parties shall comply with all applicable state and federal laws and regulations.
- 16.2 This Agreement is solely for the benefit of the parties hereto and gives no right to any other party. No joint venture or partnership is formed as a result of this Agreement. No employees or agents of one party or any of its contractors or subcontractors shall be deemed, or represent themselves to be, employees of any other party.
- 16.3 Each party shall defend, indemnify and hold harmless the other parties and all of their officials, employees, principals and agents from all claims, demands, suits, actions, and liability of any kind whatsoever which arise out of, are connected with, or are incident to any negligent acts of the indemnifying party, its contractor, and/or employees, agents, and representatives in performing the indemnifying party's obligations under this Agreement. The parties agree that their obligations under this paragraph extend to claims made against one party by the other party's own employees. For this purpose, the parties, by mutual negotiation, hereby waive, as respects the other party only, any immunity that would otherwise be available against such claims under the industrial insurance provisions of RCW Title 51. In the event any party incurs attorney's fees, costs or other legal expenses to enforce the provisions of this section, against the other party, all such reasonable fees, costs and expenses shall be recoverable by the prevailing party.
- 16.4 The provisions of this Section shall survive and remain applicable to each of the parties notwithstanding any termination or expiration of this Agreement and notwithstanding a party's withdrawal from this Agreement.

## 17.0 Entirety and Modifications

17.1 This Agreement merges and supersedes all prior negotiations, representations and agreements between the parties relating to the subject matter hereof and constitutes the entire agreement between the parties.

This Agreement may be modified or extended only by written instrument signed by all parties hereto.

## 18.0 Counterparts

The signature pages of this Agreement may be executed in any number of counterparts, each of whom shall be an original.

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### Signature Page

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed and delivered by its duly authorized officer or representative as of the date set forth below its signature.

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Robert L. McAdams

City Attorney

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