



## **King County**

Department of Transportation  
Metro Transit Division  
General Manager's Office  
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March 4, 2009

The Honorable Dow Constantine  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

RE: ORCA Program – Joint Board accountability

The purpose of this letter is to provide supplementary information regarding the Restated and Amended ORCA Interlocal Agreement (ORCA ILA) particularly related to the roles and responsibility of King County Metro Transit's Joint Board member and the King County Council.

Metro's General Manager is King County's member of the Joint Board. Like other Joint Board members, the General Manager is accountable to our governing board/body. In our case, the governing board/body is two-pronged: the King County Executive for operational issues and the King County Council for policy and budget. Section 5.0 of the ORCA ILA identifies the responsibilities of the Joint Board, but also clearly indicates that each Joint Board member retains accountability to their governing board/body and that certain decisions remain the purview of the governing board/body of each agency.

During the development of the ORCA ILA, the Joint Board had a number of conversations regarding the intent of the ORCA ILA with respect to the Joint Board responsibilities and the Governing Board/Body responsibilities. In these discussions, each Joint Board member made it clear that their participation in Joint Board discussions, decisions and approvals is subject to the limits of accountability and authority they are provided by their respective governing board/body. Time and again over the course of this project, this has been tested and clarified. The authority of a governing board/body is not superseded by actions taken by the Joint Board.

This directly applies to budget approval. The ORCA ILA gives the Joint Board the authority to approve the ORCA Program Budget. In a practical sense, this should be viewed as approving a proposed budget. The ORCA Program Budget will be developed in advance of each agency's formal budget process as it is needed in order for individual agency budgets to be developed and approved. The Joint Board must approve a budget that includes estimates of the costs for each agency. Each agency then incorporates these assumptions into their individual budget request

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that goes to their governing board/body for approval. None of the partner agencies has authority to approve their individual budget, and Joint Board action on the proposed budget cannot bind individual agencies absent governing board approval.

In the event that an agency does not receive approval for their proposed share of the ORCA program budget for a coming year, the Joint Board will be required to develop revised assumptions that can fit within the budgets approved for all the agencies.

Another area that is included in the ORCA ILA that will require ongoing approval of the governing boards/bodies is the provision of regional services. The ORCA ILA identifies a number of regional services that will be provided by the partner agencies. For the ORCA ILA, the Joint Board has identified the agencies that will provide the services – predominantly King County and Sound Transit.

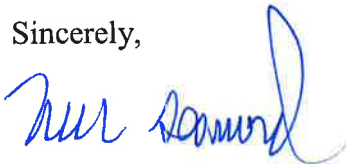
For King County, the ORCA ILA and the accompanying 10-year finance plan, assumes that King County provides Regional Mail Center and Regional Inventory Distribution Center services that were contemplated in the original ORCA ILA as well as one new regional service – ORCA Operations. King County's provision of these regional services includes reimbursement from other agencies as outlined in the ORCA ILA. King County's continued provision of these regional services is subject to ongoing budget authority being provided by the King County Council. Under the terms of the ORCA ILA, King County could stop providing these services by providing sufficient notice to the Joint Board.

This discussion has only focused on budget and regional services, in addition to these areas, over time there may be other initiatives or actions taken by the Joint Board that may require subsequent council approval (e.g. fare policy). Again, in such cases approval from all governing bodies will be sought before moving forward

This letter and the concerns of the King County Council will be shared at April Joint Board meeting where we will ensure that a record of the discussion is included in the meeting minutes.

If there are additional questions, please contact me at 206-684-1619.

Sincerely,



Kevin Desmond  
General Manager  
Metro Transit Division

cc: Councilmembers, King County Council