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October 18, 2013

10/21/13 Council Meeting

JB/KHM

Sponsor: \_\_\_\_\_

Proposed No.: 2013-0105

LP MOVED

PASSED: 9-0

**STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE 2013-0105,**  
**VERSION 1**

Starting on page 1, delete lines 6 through line 60 and insert

- 1 "1. King County currently has solid waste interlocal agreements and forum
- 2 interlocal agreements, as amended, (collectively "the original
- 3 agreements") with thirty-seven cities in King County. Only the City of
- 4 Seattle, which has its own solid waste system, and the city of Milton,
- 5 which is part of Pierce county's solid waste system do not have such
- 6 interlocal agreements with King County.
- 7 2. The original agreements established the respective responsibilities of
- 8 the parties in the federated solid waste management system, including:
- 9 planning; waste reduction; recycling; and the collection, transfer and
- 10 disposal of mixed municipal solid waste, industrial waste, demolition

11 debris and all other solid waste; and moderate risk waste as defined in  
12 RCW 70.105.010.

13 3. The original agreements recognize the benefits of a federated solid  
14 waste management system and provide for collaborative system planning.

15 4. The original agreements will expire in 2028.

16 5. Working with cities on the metropolitan solid waste management  
17 advisory committee, the solid waste division of the department of natural  
18 resources and parks developed a solid waste transfer and waste  
19 management plan that recommended the renovation of the urban transfer  
20 system.

21 6. The solid waste transfer and waste management plan was adopted by  
22 the King County council in December 2007.

23 7. Working with a group of cities, the executive reached agreement on a  
24 proposed amended and restated interlocal agreement ("the ILA") that will  
25 be effective through December 31, 2040.

26 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

27 SECTION 1. Findings:

28 A. The ILA negotiations were arduous and took place over a two and  
29 one-half year time span, including use of a mediated process. The ILA  
30 provides for continuation of the collaborative approach to system planning  
31 to ensure the continued management of waste in a cost-effective manner.

32 B. The ILA extends the federated solid waste management system for  
33 an additional twelve and one-half years through 2040. It provides for

34 dispute resolution, mechanisms and protocols to safeguard the county's  
35 and cities' general funds, and for mitigation to cities for impacts from solid  
36 waste facilities consistent with RCW 36.58.080.

37 C. The ILA provides for the creation of the Metropolitan Solid Waste  
38 Advisory Committee (MSWAC) to provide a forum for on-going advice  
39 from cities to King County and other jurisdictions as appropriate on  
40 policy, management and planning related to solid waste management and  
41 planning.

42 D. Regional committees were established by amendment of the King  
43 County Charter in 1992 as part of the consolidation of the Municipality of  
44 Metropolitan Seattle (METRO) into King County government. The  
45 charter-based duties of the regional committees are to review and make  
46 recommendations regarding countywide regional policies and plans within  
47 each committee's subject matter. Solid waste policies and plans are not  
48 countywide because the cities of Seattle and Milton plan for and handle  
49 solid waste independent of the federated King county system.

50 E. The ILA reaffirms the historic role that the regional policy  
51 committee has played in the county federated solid waste system's  
52 planning since assuming the responsibilities of the solid waste interlocal  
53 forum in 1996. Among its responsibilities as the solid waste interlocal  
54 forum, the regional policy committee provides advice and  
55 recommendations to the King County executive and council on solid waste  
56 planning and policy pursuant to the forum interlocal agreements, as

57 amended. The ILA provides that the regional policy committee will  
58 continue to perform the forum's advisory duties beyond 2028, until the  
59 ILA's expiration at the end of 2040.

60 F. A fundamental expectation throughout the ILA negotiation process  
61 was that all parties to the original agreements would execute the ILA, with  
62 its extended duration. As of the date of council action on this ordinance  
63 several cities have not determined to enter into the ILA.

64 G. As a result of several cities uncommitted to executing the ILA, the  
65 county and those cities that will be signatories to the ILA should engage in  
66 further discussions to address substantive matters that are expected to arise  
67 in the near future and may require amendments to the ILA. These issues  
68 include but are not limited to:

- 69 1. latecomer provisions;
- 70 2. changes to the disposal rates charged based on the number of  
71 parties to the ILA;
- 72 3. potential alternative financing mechanisms for future capital  
73 investments in solid waste facilities; and
- 74 4. clarification of solid waste management planning responsibilities  
75 for cities that are not committed to the system after 2028.

76 H. The executive and cities are encouraged to discuss the issues  
77 arising as a result of some cities' choice not to enter into the ILA and to  
78 report to the council on the progress of those discussions and any  
79 recommended amendments to the ILA that would be appropriate.

80            SECTION 2. The King County executive is hereby authorized to enter into  
81 amended and restated interlocal agreements, substantially in the form of Attachment A to  
82 this ordinance, with any city that is part of the King County solid waste system."

83

**Attachment:** A. Amended and Restated Solid Waste Interlocal Agreement

Effect: The striker includes findings and asks the executive and the cities that are parties to the ILA to re-engage in negotiations to address issues that may require future amendments to the ILA.

10/21/13 Council Meeting

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Sponsor: Hague

[mr]

Proposed No.: 2013-0105

JH. UDVEN

PASSED: 9-0

1 **AMENDMENT TO THE STRIKING AMENDMENT S1 TO PROPOSED**

2 **ORDINANCE 2013-0105, VERSION 1**

3 On page 2, beginning on line 26, insert:

4 "This agreement was developed consistent with the King County Strategic Plan emphasis  
5 on interjurisdictional cooperation, as exemplified by the theme of "One King County"  
6 and the importance of regional partnerships to our common interests in the efficient  
7 management of the solid waste system."

8 **EFFECT: *Emphasizes the importance of regional partnerships in managing the solid***  
9 ***waste system.***

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Atew  
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