



WHEREAS, the cities of Auburn, Bellevue, Federal Way, Issaquah, Kent, Kirkland, Mercer Island, Redmond, Renton, Seattle and Tukwila and King County ("the parties") determined that it is in the public interest that a new public safety radio system, referred to as the Puget Sound Emergency Radio Network ("PSERN"), be implemented to provide public safety agencies and other user groups in the region with improved coverage and capacity, as well as uniformly high-quality radio communications, and

WHEREAS, the parties entered the Puget Sound Emergency Radio Network Implementation Period Interlocal Cooperation Agreement ("the implementation period ILA") that designates King County as the lead agency for planning, procurement, financing, implementation and limited operation of PSERN. The implementation period ILA also establishes a Joint Board to oversee the PSERN project implementation, and

WHEREAS, the owners of KCERCS each agreed to make their 800 MHz frequencies available to the PSERN project to be used in the new PSERN system and to eventually be licensed in the name of the Puget Sound Emergency Radio Network Operator, and

WHEREAS, the parties have negotiated a separate agreement, the Puget Sound Emergency Radio Network Operator Interlocal Cooperation Agreement ("PSERN Operator ILA"), to create a new separate governmental agency under RCW 39.34.030(3)(b) that is organized as a nonprofit corporation under chapter 24.06 RCW to assume the ownership and control of PSERN following full system acceptance, and

WHEREAS, in addition to creating the new agency to be called the Puget Sound Emergency Radio Network Operator ("PSERN Operator"), the PSERN Operator ILA establishes the terms for governance of the PSERN Operator and the terms under which the PSERN Operator will undertake responsibility for the ownership, operations, maintenance, management and ongoing upgrading and replacing of the PSERN system during its useful life, and

WHEREAS, the PSERN Operator will be established approximately eighteen months before the anticipated date for full system acceptance. That will require the filing of incorporation documents with the Washington Secretary of State, the designation of governing board members by the parties to the PSERN

Operator ILA, and agreement on and filing of other documents such as bylaws. The goal is to have the operator ready to assume these functions upon full system acceptance, and

WHEREAS, the oversight and policy-setting body for the PSERN Operator is the PSERN Operator board of directors. When appointed, the board of directors will adopt bylaws and submit articles of incorporation that have been approved by the PSERN Project Joint Board and are proposed to be approved by the metropolitan King County council and the PSERN Operator board of directors;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The articles of incorporation for the PSERN Operator, Attachment A to this motion, and the PSERN Operator board of directors bylaws, Attachment B to this motion, are approved.