



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 14, 2018

Ordinance 18827

Proposed No. 2018-0487.2

Sponsors Upthegrove

1 AN ORDINANCE authorizing the use of an amendment
2 template to interlocal cooperation agreements with the
3 cities of Auburn, Bellevue, Black Diamond, Bothell,
4 Burien, Carnation, Covington, Des Moines, Duvall,
5 Enumclaw, Federal Way, Issaquah, Kenmore, Kent,
6 Kirkland, Lake Forest Park, Mercer Island, Milton,
7 Newcastle, Normandy Park, North Bend, Pacific,
8 Redmond, Renton, Sammamish, Seattle, Shoreline,
9 Snoqualmie and Tukwila, Vashon Park District and
10 Vashon-Maury Island Trust, for open space acquisition
11 projects.

12 STATEMENT OF FACTS:

- 13 1. King County conservation futures tax levy funds are collected from
14 throughout King County as a dedicated portion of property taxes, for the
15 acquisition of open space and natural resource lands.
- 16 2. K.C.C. 26.12.010 established procedures for the annual allocation of
17 conservation futures tax levy funds, which directs the conservation futures
18 citizens committee to make funding recommendations to the King County
19 executive, to consider for inclusion in the annual appropriation ordinance.

- 20 3. Funds are disbursed to cities or other entities through new interlocal
21 cooperation agreements or amendments to existing interlocal agreements.
- 22 4. Currently, all amendments to existing interlocal agreements require
23 approval by the respective city council or other governing entity and the
24 county council.
- 25 5. In the past, after the council appropriated moneys for projects for
26 entities with which the county already has interlocal agreements, the
27 executive transmitted a proposed ordinance for approval of amendments to
28 the interlocal agreement, with each entity to contractually recognize the
29 moneys already appropriated by attaching a funding allocation attachment
30 for affected entities.
- 31 6. All amendments or modifications to the existing interlocal agreements other
32 than those amendments that contractually allocate conservation futures already
33 appropriated by council shall require council review and approval by ordinance.

34 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

35 SECTION 1. Findings:

36 A. To reduce the duplication of council review, a template amendment for
37 existing conservation futures interlocal agreements, Attachment A to this ordinance,
38 provides that once the council has appropriated moneys for an entity's projects, the
39 executive is authorized to execute follow-on amendments to that entity's existing
40 interlocal agreement setting forth the conservation futures allocation, if the affected entity
41 agrees, without prior council approval.

42 B. Attachment B to this ordinance is the council-approved template for the

43 follow-on funding amendments.

44 C. All amendments or modifications to the existing interlocal agreements other
45 than those amendments that contractually allocate council-appropriated conservation
46 futures moneys shall require council review and approval by ordinance.

47 SECTION 2. A. The executive is hereby authorized to execute an amendment to
48 the interlocal agreements with the cities of Auburn, Bellevue, Black Diamond, Bothell,
49 Burien, Carnation, Covington, Des Moines, Duvall, Enumclaw, Federal Way, Issaquah,
50 Kenmore, Kent, Kirkland, Lake Forest Park, Mercer Island, Milton, Newcastle,
51 Normandy Park, North Bend, Pacific, Redmond, Renton, Sammamish, Seattle, Shoreline,
52 Snoqualmie and Tukwila, Vashon Park District and Vashon-Maury Island Trust, for open
53 space acquisition projects, in substantially the form of Attachment A to this ordinance.

54 B. The executive is authorized to execute follow-on amendments, substantially in

55 the form of Attachment B to this ordinance, with each respective entity receiving
56 conservation futures funding as previously appropriated by the council.

57

Ordinance 18827 was introduced on 10/8/2018 and passed by the Metropolitan King
County Council on 11/13/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council



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2018 NOV 20 PM 1:21
CLERK
KING COUNTY COUNCIL

APPROVED this 19 day of NOVEMBER 2018.

Dow Constantine, County Executive

Attachments: A. Amendment to the Conservation Futures Interlocal Cooperation Agreement, Revised
10/26/18, B. Proposed Funding Amendment Template

**AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND _____
FOR OPEN SPACE ACQUISITION PROJECTS**

Preamble

THIS AMENDMENT is entered into between the _____ and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the ____ day of (Month), (Year), as previously amended.

The parties mutually desire to amend the terms and conditions of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to amend the Agreement as follows:

Amendment 1: Article VIII. Other Provisions

The text in Section 8.2 is deleted in its entirety and replaced with the following:

The parties reserve the right to amend or modify this agreement. Amendments or modifications to disburse funds approved by the County Council must be by written instrument signed by the parties. Other amendments also must be approved by the respective City and County Councils.

Amendment 2: Article VII. Responsibilities of County

The first two sentences of this article are deleted and replaced with the following:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy proceeds in the amounts and for the projects shown in Attachment A to this agreement and as well as in those amounts and for those projects shown in subsequent amendments to this agreement. The City may request additional funds; however, the County has no obligation to provide funds to the City for the Projects in excess of the total amounts shown in Attachment A and any subsequent amendments.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

This document shall be attached to the existing Interlocal Cooperation Agreement, and shall become Amendment ____.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

Dow Constantine
King County Executive

Mayor

Date: _____

Date: _____

Approved as to form:

Approved as to form:

Dan Satterberg
King County Prosecuting Attorney

AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF _____
FOR OPEN SPACE ACQUISITION PROJECTS

Preamble

The King County Council, through Ordinance 9128, has established a Conservation Futures Levy Fund and appropriated proceeds to King County and certain cities. This amendment is entered into to provide for the allocation of additional funds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF _____ and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the ____ day of (Month), (Year), as previously amended.

The parties agree to the following amendments:

Amendment 1: Article 1. Recitals

A paragraph is hereby added to the Recitals Section to provide for a Conservation Futures Levy proceeds allocation for the _____ project, and hereafter reads:

- On _____, 20__, the King County Council passed Ordinance _____, which appropriated a total of _____ dollars (\$_____) in 20__ Conservation Futures Levy proceeds to the City of _____ for the _____ project. In accordance with Section 8.2, the executive or designee is authorized to execute this Amendment.

Amendment 2: Article V. Conditions of Agreement

Section 5.1 is amended to include the Exhibit __ attached to this Amendment, which lists a 20__ Conservation Futures Levy proceeds allocation for the _____ project.

Amendment 3: Exhibit __

The Interlocal Cooperation Agreement is hereby amended by adding Exhibit __, attached hereto.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

Attachment B (proposed funding amendment template) - 18827

Once fully executed, this Amendment shall be incorporated into the existing Interlocal Cooperation Agreement as if fully set forth, and shall become Amendment__.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF _____

Dow Constantine
King County Executive

Mayor

Date: _____

Date: _____

Approved as to form:

Approved as to form:

Dan Satterberg
King County Prosecuting Attorney

City Attorney

Attachment B (proposed funding amendment template) - 18827

EXHIBIT ____

**20__ CONSERVATION FUTURES LEVY PROCEEDS
CITY OF _____ ALLOCATION**

| Jurisdiction | Project Name (Project Number) | Allocation |
|--------------|-----------------------------------|------------|
| [Name] | [Project Name] ([Project Number]) | \$ |
| TOTAL | | \$ |

Project Description: