



Legislation Text

File #: 2015-0045, **Version:** 3

AN ORDINANCE authorizing the King County executive to enter into and implement a memorandum of agreement with the cities of Auburn, Bellevue, Federal Way, Issaquah, Kent, Kirkland, Mercer Island, Redmond, Renton, Seattle and Tukwila, relating to the ownership, governance and management of the Puget Sound emergency radio network after construction.

STATEMENT OF FACTS:

1. King County currently has a countywide emergency public safety radio network. The King County Emergency Radio Communication System ("the KCERCS") that supports over sixteen thousand radios and over one hundred separate police, fire, emergency medical and other government agencies.
2. The KCERCS was funded by a countywide ballot measure placed on the ballot by the council's adoption of Ordinance 10464, and approved by the voters of King County in September 1992.
3. Portions of the KCERCS are separately owned by the Eastside Public Safety Communications Agency, the Valley Communications Center, Seattle, and King County (collectively "the coowners") with a jointly owned switch controlling the entire network.
4. The KCERCS is approaching twenty years old, and is increasingly requiring repairs.
5. The KCERCS 's vendor has stated that it will stop supplying replacement parts and repairing used parts for the network by December 31, 2018. King County must replace the network or risk performance degradation.

6. The council previously established a capital improvement project to plan for the network's replacement.
7. Executive staff has been working with the KCERC's users and the coowners to plan its replacement with a new network to be called the Puget Sound emergency radio network ("the PSERN"), and to plan PSERN's ownership, governance and management after it is constructed.
8. If the council adopts an ordinance placing a funding measure on the ballot and the voters approve such a measure, the project would deploy a new PSERN infrastructure and replace the subscriber units and dispatch consoles currently in use.
9. The cities of Auburn, Bellevue, Federal Way, Issaquah, Kent, Kirkland, Mercer Island, Redmond, Renton, Seattle and Tukwila and King County ("the parties") have negotiated and the executive has transmitted to council a proposed interlocal agreement that designates King County as the lead agency for planning, procurement, financing, implementation and limited operation of the PSERN, Puget Sound Emergency Radio Network Operator Interlocal Cooperation Agreement ("the implementation period ILA"). The implementation period ILA also establishes a joint board to oversee the PSERN project if funding is secured.
10. The parties have also negotiated a Memorandum of Agreement Regarding Future Operation of The Puget Sound Emergency Radio Network ("the MoA") attached as Attachment A to this ordinance. In the MoA, the parties agree to create a new nonprofit government corporation ("the PSERN operator") to assume the ownership, governance and operation of the PSERN once it is constructed, and thereafter throughout its useful life.
11. The parties also agree to work in good faith and use their best efforts to negotiate and enter into a second interlocal agreement ("ILA 2") that will establish the terms and conditions applicable to the future operation of PSERN and the incorporation of the PSERN operator.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County executive is hereby authorized to enter into an memorandum of agreement, in substantially the same form as the Memorandum of Agreement Regarding Future Operation of The Puget Sound Emergency Radio Network ("the MoA"), Attachment A to this ordinance, with the cities of Auburn, Bellevue, Federal Way, Issaquah, Kent, Kirkland, Mercer Island, Redmond, Renton, Seattle and Tukwila for the Puget Sound emergency radio network project, and to take all actions necessary to implement the terms of the memorandum of agreement.

SECTION 2. As part of the executive's MoA implementation responsibilities to represent the interests of King County in the negotiations of the interlocal agreement to establish the terms and conditions governing the future operation of PSERN and the incorporation of the PSERN operator ("ILA 2"), the executive shall require any ILA 2 to include a term that requires the PSERN operator to create an advisory body comprised of radio users, including fire commissioners, to advise the PSERN operator on the concerns and issues facing radio users and that this obligation to create and maintain the advisory board to also be included in the PSERN operator's articles of incorporation or its board of director's bylaws as appropriate.

SECTION 3. As part of the executive's MoA implementation responsibilities to represent the interests of King County in the negotiations of the interlocal agreement to establish the terms and conditions governing the future operation of PSERN and the incorporation of the PSERN operator ("ILA 2"), the executive shall require the ILA 2:

A. To not contain terms that purport either that the PSERN operator board of directors would be created under RCW 39.34.030(4) or that the board would not be a separate legal or administrative entity within the meaning of RCW 39.34.030(3);

B. To contain terms that specify that the affairs of the PSERN operator shall be managed by a board;

C. To contain terms that specify the composition of the board, its powers and responsibilities and the quorum and meeting requirements of the board, and require these terms to also be set forth either in the PSERN operator articles of incorporation or bylaws as applicable;

D. To contain terms that specify that before any person, other than the King County executive, may serve as the county's selected voting member on the PSERN operator board of directors, the King County council must approve that selection and require these terms to also be set forth either in the PSERN operator articles of incorporation or bylaws, as applicable; and

E. To contain terms that specify that before the PSERN operator may be incorporated, the proposed articles of its incorporation and any initial bylaws to be adopted by the board shall be approved by motion by the King County council.