



## Legislation Text

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Clerk 10/21/2013

AN ORDINANCE relating to solid waste management, authorizing the King County executive to execute an amended and restated solid waste interlocal agreement pursuant to chapter 39.34 RCW with cities for the continued provision of solid waste management services.

### STATEMENT OF FACTS:

1. King County currently has solid waste interlocal agreements and forum interlocal agreements, as amended, (collectively "the original agreements") with thirty-seven cities in King County. Only the city of Seattle, which has its own solid waste system, and the city of Milton, which is part of Pierce county's solid waste system do not have such interlocal agreements with King County.
2. The original agreements established the respective responsibilities of the parties in the federated solid waste management system, including: planning; waste reduction; recycling; and the collection, transfer and disposal of mixed municipal solid waste, industrial waste, demolition debris and all other solid waste; and moderate risk waste as defined in RCW 70.105.010.
3. The original agreements recognize the benefits of a federated solid waste management system and provide for collaborative system planning.
4. The original agreements will expire in 2028.
5. Working with cities on the metropolitan solid waste management advisory committee, the solid waste division of the department of natural resources and parks developed a solid waste

transfer and waste management plan that recommended the renovation of the urban transfer system.

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

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

B. The ILA extends the federated solid waste management system for an additional twelve and one-half years through 2040. It provides for dispute resolution, mechanisms and protocols to safeguard the county's and cities' general funds, and for mitigation to cities for impacts from solid waste facilities consistent with RCW 36.58.080.

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

D. Regional committees were established by amendment of the King County Charter in 1992 as part of the consolidation of the Municipality of Metropolitan Seattle (Metro) into King County

government. The charter-based duties of the regional committees are to review and make recommendations regarding countywide regional policies and plans within each committee's subject matter. Solid waste policies and plans are not countywide because the cities of Seattle and Milton plan for and handle solid waste independent of the federated King County system.

E. The ILA reaffirms the historic role that the regional policy committee has played in the county federated solid waste system's planning since assuming the responsibilities of the solid waste interlocal forum in 1996. Among its responsibilities as the solid waste interlocal forum, the regional policy committee provides advice and recommendations to the King County executive and council on solid waste planning and policy pursuant to the forum interlocal agreements, as amended. The ILA provides that the regional policy committee will continue to perform the forum's advisory duties beyond 2028, until the ILA's expiration at the end of 2040.

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

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

1. Latecomer provisions;
2. Changes to the disposal rates charged based on the number of parties to the ILA;
3. Potential alternative financing mechanisms for future capital investments in solid waste facilities; and
4. Clarification of solid waste management planning responsibilities for cities that are not committed to the system after 2028.

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

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