

Return To:

Island County
P.O. Box 5000
1 NE 7th Street
Coupeville, WA 98239

AN INTERLOCAL AGREEMENT AMONG ISLAND COUNTY, CITY OF OAK HARBOR, CITY OF LANGLEY, TOWN OF COUPEVILLE, ISLAND COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION, PORT OF SOUTH WHIDBEY, PORT OF COUPEVILLE, TO FORM THE ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION (IRTPO), AND DEFINE ITS ORGANIZATION AND POWERS, AND ITS JURISDICTIONAL AREA.

THIS AGREEMENT, is made and entered into among Island County, a political subdivision of the State of Washington, hereinafter referred to as the "County," the City of Oak Harbor, a municipal corporation of the State of Washington, the City of Langley, a municipal corporation of the State of Washington, the Town of Coupeville, a municipal corporation of the State of Washington, the Island County Public Transportation Benefit Area Corporation, herein referred to as "Island Transit," the Port of South Whidbey, a public port district of the State of Washington, the Port of Coupeville, a public port district of the State of Washington, collectively referred to as the "Members."

WITNESSETH:

WHEREAS, under chapter 39.34 RCW, counties, cities and other public agencies are authorized to enter into interlocal cooperative agreements to jointly engage in activities each is authorized by law to do on its own; and

~~**WHEREAS**, on December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) into law which provided authorization for "Federal aid highways, highway safety programs, and transit programs, and for other purposes;" and~~

WHEREAS, RCW 47.80.020 authorizes the creation of a Regional Transportation Planning Organization (RTPO or Organization) by voluntary association of local governments within a county; provided the RTPO shall:

- (1) Encompass at least one complete county;
- (2) . . . have a population of at least seventy-five thousand and contain a Washington state ferries terminal . . . and
- (3) Have as members at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

WHEREAS, Island County, the City of Oak Harbor, City of Langley , Town of Coupeville, Island Transit, Port of South Whidbey, and the Port of Coupeville, find it appropriate to form a county-wide, regionally focused transportation planning organization hereby known as the ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION (IRTPO); and

WHEREAS, each RTPO formed by local governments shall create a transportation policy board (“Policy Board”) to provide policy advice to the RTPO and shall allow representatives of major employers within the region, the department of transportation, and member transit districts, port districts, cities, towns and the County within the region to participate in policy making; and

WHEREAS, among other duties, each RTPO shall: (i) develop and periodically update a regional transportation plan in cooperation with the State Department of Transportation, providers of public transportation, ports, and local governments within the region and shall (ii) designate a lead planning agency to coordinate preparation of said regional transportation plan and carry out the other responsibilities of the Organization; and

WHEREAS, pursuant to the above referenced state laws, the Members are desirous of establishing the Island Regional Transportation Planning Organization (IRTPO) to carry out the responsibilities of the RTPO as provided in state transportation legislation as well as other responsibilities determined by the Organization.

WHEREAS, a cooperative process between Island County, the City of Langley, the City of Oak Harbor and the Town of Coupeville resulted in the development of the Island County Countywide Planning Policies, which were adopted by Ordinance C-100-15 in 2015; and

WHEREAS, the Countywide Planning Policies’ stated transportation goal in 2.10 is that “Island County should be served by an efficient, well connected, multimodal transportation system. Transportation plans, spending decisions, and regulations will be consistent with, and reinforce adopted land use and economic development plans”; and

WHEREAS, Countywide Planning Policy 3.8.1 states that “All transportation planning, including that of Federal or State agencies, and Port Districts, should be jointly and cooperatively developed, adopted and implemented through coordinated and collaborative planning efforts”; and

WHEREAS, Countywide Planning Policy 3.8.2 provides that “the County and Municipalities should each actively participate in multi-county, multi-jurisdictional, regional transportation planning, including planning for Washington State Ferries”; and

NOW, THEREFORE, in consideration of the following terms and conditions, to include the above recitals, which are incorporated herein as part of this Agreement, it is agreed among the Members;

Section 1: NAME/ORGANIZATION

A voluntary association and joint board, comprising representatives of the Members, major employers, and Washington State Department of Transportation is hereby created and shall be known as the Island Regional Transportation Planning Organization, referred to hereinafter as the “IRTPO” or Organization.

Section 2: PURPOSE

Recognizing that coordinated transportation planning of the Counties, Cities and Towns, Washington State Department of Transportation, the ports, transit districts, and other jurisdictions are necessarily interwoven and interdependent and that the interests of all citizens will best be served by coordinated, cooperative, and comprehensive transportation planning, this Organization is established to facilitate such appropriate coordination and cooperation and provide for continuing area wide transportation planning in accordance with Section 3, herein.

The Organization is not authorized to in any way supersede the authority vested in the County, Cities and Towns, Washington State Department of Transportation (WSDOT) or Washington State Transportation Commission, but is intended to meet the prerequisites of RCW Chapter 47.80, and 468-86 WAC.

Section 3: POWERS AND FUNCTIONS

The functions, responsibilities, and powers of the RTPO shall be as follows:

- ~~(a)~~ To perform the functions of a Regional Transportation Planning Organization (RTPO) for the Members, which includes those functions set forth in the FAST Act legislation of December 4, 2015, and related rules, as amended to implement FAST Act as well as those functions, which may be required hereinafter by subsequent Federal and State Transportation legislation.
- ~~(b)~~(a) To perform the functions of a Regional Transportation Planning Organization (RTPO) as set forth in Ch. 47.80 RCW and Ch. 468-86 WAC, as currently adopted or as amended.
- ~~(c)~~(b) To engage in regional transportation planning.
- ~~(d)~~(c) To administer regional transportation funding programs which are incorporated within the adopted Unified Planning Transportation Plan (UPWP).
- ~~(e)~~(d) To participate in the development and maintenance of transportation related information necessary to support the functions and responsibilities of the RTPO.
- ~~(f)~~(e) To promote the regional transportation interests, plans and projects to local, state and federal public and private entities.
- ~~(g)~~(f) To create committees as necessary to advise the Policy Board (as defined herein) on regional transportation related matters. At a minimum this shall include the Technical Advisory Committee (TAC) whose composition and responsibilities shall be defined by the Board.
- ~~(h)~~(g) To comply with the Transportation Planning requirements set forth in Ch. 47.80 RCW.

Comment [CH1]: Recommend deleting all references to the FAST Act
The RTPO is a State organization and not subject to the FAST ACT.

Comment [CH2]: These are the laws and regulations governing the RTPO, not the Federal Fast Act.

(h) To perform such other transportation planning and program related functions as the Board may hereinafter determine to be in the best interests of the RTPO and the members thereof, which are consistent with the terms of this Agreement and related federal and state law.

Section 4: JURISDICTIONAL AND TRANSPORTATION PLANNING AREA DEFINED

The Organization's jurisdictional area shall consist of all incorporated and unincorporated areas of Island County in Washington State.

Section 5: GOVERNING BODY AND OFFICERS

- A. The governing body (the "Policy Board") of the Organization shall consist of the Members named within Section 1 above and one (1) representative from Washington State Department of Transportation (WSDOT), Northwest Region/Mt. Baker Area. Each Member and WSDOT shall have one vote on the Policy Board, with the exception of Island County which shall have three votes, one for each Commissioner present or represented. Each Member and WSDOT may vote according to the Organization's rules, established within the Interlocal Agreement and governing by-laws. Representatives of Member organizations shall either be elected representatives of that organization, or shall be authorized to represent a Member organization through election or appointment by that organization, as allowed within the bylaws. The IRTPO shall be kept informed by each Member organization of the name of the duly authorized representative.
- B. Associate membership shall be open to other governmental and non-governmental agencies interested in regional planning and shall be elected to membership by a majority of the Policy Board. Associate members shall be non-voting.

Pursuant to RCW 47.80.040, all legislators whose districts are wholly or partially within the designated boundaries of the IRTPO, are considered ex-officio (non-voting) members of the Policy Board.

Alternate Policy Board representatives may serve in the absence of the designated representative so long as the alternate representative is an elected or appointed official of the appointing Member or Other Member's parent agency (or governing body, as appropriate) and whose name has been placed on record with the Organization. All alternate Policy Board representatives must serve in the same capacity as the regularly designated representative as defined hereinabove. The Policy Board shall elect from its Members a Chairperson and Vice-Chairperson ("Officers") according to the Organization's by laws.

The Regional Transportation Planning Organization shall include a Technical Advisory Committee (TAC) comprised of staff members representing the agencies on the Policy Board, a staff member of the Island County Economic Development Council, and a citizen representative from each County Commissioner District. The primary role of the TAC is to make recommendations to the Policy Board, at the request of the Policy Board, in support of realizing the purpose of the organization and fulfillment of its duties. In addition to the TAC, a broad range of stakeholders including, but not limited to, regional employers,

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school districts, and community groups may provide technical assistance and input to the Policy Board whether directly, or through the TAC.

Section 6: **DURATION**

This agreement is perpetual until the joint and comprehensive undertaking is either voluntarily dissolved or discontinued pursuant to RCW 47.80.020, or as established by an amendment to this agreement.

Section 7: **MEETINGS AND VOTING**

The Island Regional Transportation Planning Organization Policy Board shall meet at such times and places as set forth in the Bylaws. The Chair of the Policy Board, as well as the Vice-Chairperson, shall be elected at the first meeting of each calendar year. To be eligible for the Chair position, the Policy Board Member shall have served on the Policy Board for at least one (1) year. These requirements may be modified by the organization through its by laws to form the initial officer set. The meetings shall be conducted in accordance with chapter 42.30 RCW, the Open Public Meetings Act. A quorum for conducting business shall be at least 6 voting members present. The quorum number may be modified by the organization through its by laws. All decisions must be made by a majority vote of the quorum present at a meeting.

Section 8: **ADMINISTRATIVE STAFF AND SUPPORT**

The Island County Transportation Planner shall provide administrative support and assistance to the Transportation Planning Organization.

Section 9: **ALLOCATIONS OF COSTS, APPROPRIATIONS, EXPENDITURES**

It is anticipated that most projects and programs of the Organization will involve mutual benefit to its Members. Additional contributions to the RTPO's budget may be made to accomplish projects and programs deemed to be of particular pertinence or benefit to one or more of the Member agencies.

Funds shall be used in accordance with the adopted budget and work plan. The Lead Planning Agency may make expenditures in accordance with State and Federal Laws and accounting requirements, the approved Organization's budget, work plan and approved policies and procedures, and shall maintain records of expenditures and report regularly to the Policy Board on budget activity. This shall occur not less than the meeting frequency established by the Policy Board of the RTPO.

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Section 10: AMENDMENTS AND NEW MEMBERS

This Agreement may be amended by majority vote of the Member' governing bodies. New members or Other Members may join the Organization through application to the RTPO for inclusion and upon written acceptance of the terms of this Agreement. Organizations eligible for membership shall be as allowed under 47.80 RCW or this Agreement for Other Members.

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Section 11: TERMINATION OF MEMBERSHIP

An individual Member agency may withdraw from the Island Regional Transportation Planning Organization by giving sixty (60) days written notice to the Island Regional Transportation Planning Organization. The Voting Member agencies that withdraw will not absolve themselves from the responsibility for meeting any obligations or agreements which exist between the Island Regional Transportation Planning Organization and its Member organizations at the time of withdrawal.

Note that should sufficient members terminate their membership in the IRTPO, the ability of the organization to maintain viability within this agreement may be compromised as per 47.80 RCW.

Section 12: PRIOR WRITTEN AGREEMENTS

All prior agreements regarding the Island Regional Transportation Planning Organization are superseded by this agreement.

Section 13: EFFECTIVE DATE

This Agreement shall become effective upon the signature of each of the Members' governing bodies or executive with signing authority and the filing of this agreement with the Island County Auditor on the same date as the last signatory to sign this document. This Agreement may be signed in counterparts, each which shall be considered the same as an original.

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Section 14: NO FINANCIAL OBLIGATION FOR MEMBERS

No dues or other finances will be imposed upon members of the Island Regional Transportation Planning Organization.

Section 15: PROPERTY UPON TERMINATION

No property will be purchased by or shared between Members in a formal capacity as a function of their involvement in the Island Regional Transportation Planning Organization.

Section 16: INDEMNIFICATION

Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agrees to save, indemnify, defend, and hold the other party(s) to this Interlocal Agreement harmless from any such liability.

Section 17: SEVERABILITY

If any provision of this Agreement, or its application to any person or circumstance is held invalid, the remainder of the Agreement, or the application of the provision to other persons or circumstances is not affected.

DRAFT

Voting Members

Board of Island County Commissioners
Island County, Washington

City of Oak Harbor

Richard M. Hannold, Chair Date

Bob Severns, Mayor Date

City of Langley

Town of Coupeville

Tim Callison, Mayor Date

Molly Hughes, Mayor Date

Port of South Whidbey

Port of Coupeville

Curt Gordon, Commissioner Date

John Mishasek, Commissioner Date

Island County Public Transportation Benefit Area Corporation dba Island Transit

Jackie Henderson, Secretary Date

Washington State Dept. of Transportation, NW Region / Mt. Baker Area

John N (Jay) Drye Jr., P.E., Assistant Regional Administrator Date