

## POULSBO AGREEMENT DISTRIBUTION SCHEDULE

SUBJECT: **Kitsap County and Cities of Bainbridge Island, Bremerton, Port Orchard, Poulsbo and the Suquamish, Port Gamble S'Klallum Tribes Designating Kitsap County as the Lead Agency for the Revision of the Comprehensive Solid Waste Management Plan**

### CONFORM AS TO DATES & SIGNATURES

- (X) Passed by the City Council: 08/13/2008
- (X) Effective: 12/23/2008
- (X) Completion: 12/23/2018
- ( ) Recorded: N/A

### DISTRIBUTE CONFORMED COPIES AS FOLLOWS:

- ( ) City Attorney
- (1) Clerk's Department: Original (Indexing/Scanning)
- (X) Posted to Library Drive and Website
- ( ) Finance:
- ( ) Fire District #18
- ( ) Mayor
- ( ) Municipal Court
- ( ) MRSC
- ( ) Parks/Recreation:
- ( ) Planning/Building:
- ( ) Police:
- (X) Public Works/Engineering: Barry Loveless

  
\_\_\_\_\_  
City Clerk

February 9, 2009  
\_\_\_\_\_  
Date



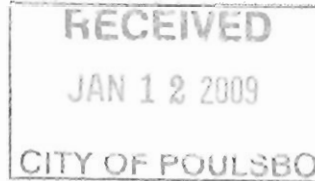
## Kitsap County Department of Public Works

614 Division Street (MS-27), Port Orchard, WA 98366-4699

R. W. Casteel, PE., Director

January 6, 2009

Jill A. Boltz  
City Clerk  
City of Poulsbo  
PO Box 98  
Poulsbo, WA 98370



RE: Interlocal Agreement KC-184-08, between Kitsap County and the Cities, designating, Kitsap County as the Lead Agency for the Revision of the Comprehensive Solid Waste Management Plan.

Dear Ms. Boltz,

Enclosed for your file is a signed copy of the Interlocal Agreement KC-184-08 between Kitsap County the cities of Bainbridge Island, Bremerton, Port Orchard, and Poulsbo. The agreement also includes the Suquamish and Port Gamble S'Klallam Tribes.

If you have any questions, I can be reached at 360-337-5783.

Sincerely,

Marshon Coppinger  
Solid Waste Division

enclosures

**INTERLOCAL AGREEMENT KC-184-08  
BETWEEN KITSAP COUNTY AND CITIES OF BAINBRIDGE ISLAND,  
BREMERTON, PORT ORCHARD, POULSBO /  
SUQUAMISH, PORT GAMBLE S'KLALLAM, TRIBES  
DESIGNATING KITSAP COUNTY AS THE LEAD AGENCY  
FOR THE REVISION OF THE  
COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN**

WHEREAS, RCW 70.95.020 assigns primary responsibility for solid waste planning to local government; and

WHEREAS, RCW 70.105.007(3) assigns responsibility for moderate risk waste planning to local government; and

WHEREAS, RCW 70.95.010 states that solutions to the state's solid waste management problems require regional solutions by local governments as well as intergovernmental cooperation; and

WHEREAS, RCW 70.95.090 requires the comprehensive solid waste management plan to include the estimated long-range planning needs for solid waste handling facilities projected twenty years into the future; and

WHEREAS, RCW 70.95.110 requires all solid waste management plans be maintained in a current condition to be reviewed and revised periodically; and

WHEREAS, RCW 70.95.080 requires counties, in cooperation with the various cities located within such county, to prepare a coordinated, comprehensive solid waste management plan; and

WHEREAS, RCW 70.95.080 also requires each city to (1) prepare and deliver to the county, an independent solid waste management for integration into the county plan; or (2) enter into an agreement with the county to participate in the preparation of a joint city-county plan for solid waste management; or (3) authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county solid waste management plan; and

WHEREAS, RCW 70.105.220 requires each local government to prepare a local hazardous waste management plan which may be amended as the needs arises; and

WHEREAS, local governments may choose to either include a moderate risk waste element of their solid waste plans, or develop moderate risk waste plans separately from their solid waste plans, recognizing that if the local government chooses not to combine the two plans, both plans should be coordinated; and

WHEREAS, Kitsap County has established a Solid Waste Advisory Committee (SWAC) in accordance with RCW 70.95.165 to assist in the development and review of programs and policies concerning solid waste handling and disposal, consisting of representatives of each of

the incorporated cities, Indian tribes, federal facilities, County Commissioner's districts, business, and the solid waste industry; and

WHEREAS, the 1999 Kitsap County Comprehensive Solid Waste Management Plan, as adopted by the Kitsap County, the incorporated cities and Indian tribes within the county and approved by the Washington State Department of Ecology, incorporates both solid waste and moderate risk waste plans; and

WHEREAS, for solid waste and moderate risk waste planning purposes, Kitsap County attributes to a federally-recognized Indian tribe the same status as a city, as referred to in Chapter 70.95 RCW and Chapter 70.105 RCW; and

WHEREAS, it is necessary for grant application purposes to designate the lead solid waste planning agency and for local governments participating in the solid waste management planning process to agree to the planning process;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is hereby agreed:

#### I. PURPOSE OF AGREEMENT

It is the purpose of this agreement to provide for the updating of the Kitsap County Comprehensive Solid Waste Management Plan as mandated in Chapters 70.95 and 70.105 RCW, for collection, recycling and disposal of solid and moderate risk waste produced or generated within the boundaries of Kitsap County, pursuant to the Department of Ecology Planning Guidelines.

#### II. AUTHORITY AND RESPONSIBILITIES

- A. Kitsap County shall act as lead agency for review of the 1999 Kitsap County Comprehensive Solid Waste Management Plan, and for preparation of the 2009 revised Comprehensive Solid Waste Management Plan (CSWMP), incorporating both solid waste and moderate risk waste elements.
- B. It is understood that the planning effort will be coordinated through the Solid Waste Advisory Committee (SWAC), and that the Department of Ecology will consider approval of the revised CSWMP only after all local jurisdictions participating in the planning process have adopted the revised CSWMP by resolution.
- C. Responsibilities for implementation of solid waste programs (including moderate risk waste) will be delineated in the adopted CSWMP.
- D. No separate entity is being created by this Agreement.

#### III. FINANCING AND BUDGET

The County shall maintain a Solid Waste Management Fund as a special fund within the County budget. All revenues and expenses in connection with the Solid Waste Management Program subject to this Agreement shall be budgeted and accounted for through this fund. Receipts deposited in the Solid Waste Management Fund shall be used only for solid waste management purposes unless otherwise required by law, grant,

regulation or separate contract. Funding for the CSWMP update process will be provided solely through the Kitsap County Solid Waste Management Fund. Funding for plan implementation will be as stated within the Plan.

#### IV. PROPERTY RIGHTS

Title to all property acquired with funds from the Solid Waste Management Fund shall vest in Kitsap County. In the event of sale of any surplus property, such funds shall be deposited in the Solid Waste Management Fund unless otherwise required by law, grant, regulation or contract. However, if the Solid Waste Management Fund does not require the revenue generated by the sale of such property, it shall be disbursed to participating jurisdictions by an agreed upon formula to be worked out at time of sale.

#### V. DISPUTE RESOLUTION

Any disputes arising under the terms of this agreement shall be resolved through negotiation and consensus; provided that should negotiation and consensus fail to resolve the issue, it shall be submitted to a mediation panel consisting of the SWAC membership for resolution. Final authority to resolve disputes shall rest with the Board of County Commissioners subject to court review by writ of certiorari for arbitrary and capricious action; provided that the writ is filed within thirty (30) days of the BOCC decision.

#### VI. ADMISSION OF NEW PARTIES

Additional municipal entities may be added to this Agreement upon such terms and conditions as the participating governments and the new party agrees upon in writing.

#### VII. PLAN ADOPTION

The Kitsap County Comprehensive Solid Waste Management Plan and any subsequent plan updates shall be deemed to have been adopted when the plan(s) have been approved by governing bodies (county commission, city/town councils) representing 75% of the population (as set forth by the Washington State Office of Financial Management) of Kitsap County.

#### VIII. AMENDMENTS

This document may be amended at any time following the recommendation of the Solid Waste Advisory Committee and approval by governing bodies (county commission, city/town councils) representing 75% of the population (as set forth by the Washington State office of Financial Management) of Kitsap County. The process for adopting an amendment to this agreement shall be the same as that followed for its original adoption.

#### IX. TERM

Commencing on the date this Agreement is last executed, it shall continue for a term of ten (10) years.

Any party hereto may withdraw and terminate its rights and obligations under this Agreement if it is their intention to establish their own Plan, satisfying all requirements to

do so under the applicable laws of the State of Washington. In such cases, twelve (12) months' notice of intent to withdraw shall be given to all parties hereto.

X. EFFECTIVE DATE

This Agreement shall be effective upon its execution by the Kitsap County Board of Commissioners after execution by all other participating governments.

XI. FILING

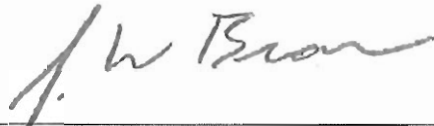
This Agreement shall be filed with the Kitsap County Auditor as required by RCW 39.34.040.

This Agreement shall be effective upon execution by the parties.

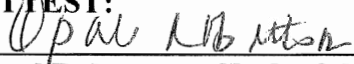
Dated this day 23rd of Dec 2008.

**BOARD OF COMMISSIONERS  
KITSAP COUNTY, WASHINGTON**

  
\_\_\_\_\_  
**STEVE BAUER, Chair**

  
\_\_\_\_\_  
**JOSH BROWN, Commissioner**

  
\_\_\_\_\_  
**JAN ANGEL, Commissioner**

**ATTEST:**  
  
\_\_\_\_\_  
**Opal Robertson, Clerk of the Board**

**INTERLOCAL AGREEMENT KC-184-08**

Dated this day Aug 28<sup>th</sup> of August 2008.

**CITY OF BAINBRIDGE ISLAND**

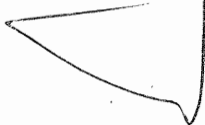
*Darlene Kordonowy*  
Darlene Kordonowy, Mayor

**ATTEST:**

*Rosalind D. Lassoff*  
Rosalind Lassoff, City Clerk

**APPROVED AS TO FORM:**

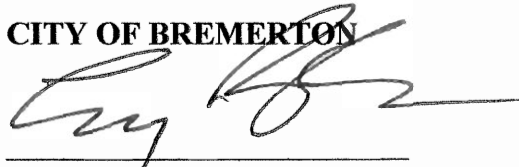
*Paul McMurray*  
Paul McMurray, City Attorney



**INTERLOCAL AGREEMENT KC-184-08**

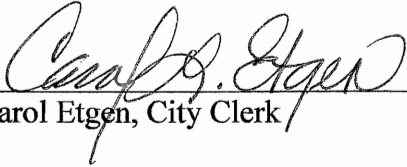
Dated this day 26th of August 2008.

**CITY OF BREMERTON**



Cary Bozeman, Mayor

**ATTEST:**



Carol Etgen, City Clerk

**APPROVED AS TO FORM:**



Roger Lubovich, City Attorney



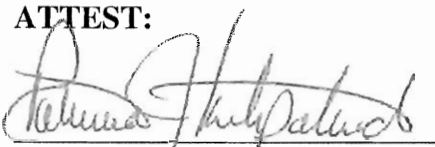
**INTERLOCAL AGREEMENT KC-184-08**

Dated this day 9<sup>th</sup> of September 2008.

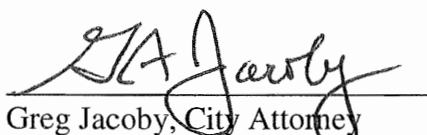
**CITY OF PORT ORCHARD**

  
\_\_\_\_\_  
Lary Coppola, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Patricia J. Kirkpatrick, City Clerk

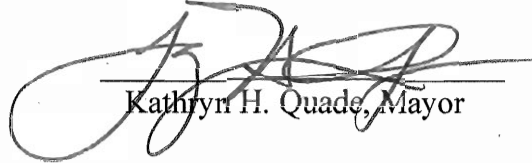
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Greg Jacoby, City Attorney

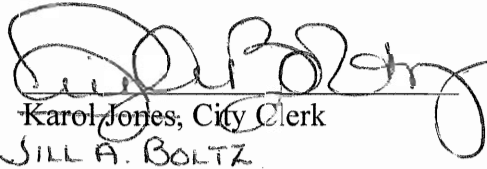
**INTERLOCAL AGREEMENT KC-184-08**

Dated this day 15TH of AUGUST 2008.

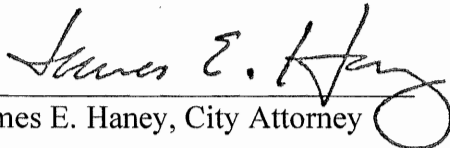
**CITY OF POULSBO**

  
Kathryn H. Quade, Mayor

**ATTEST:**

  
Karol Jones, City Clerk  
JILL A. BOLTZ

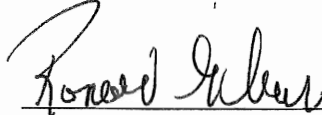
**APPROVED AS TO FORM:**

  
James E. Haney, City Attorney

INTERLOCAL AGREEMENT KC-184-08

Dated this day 5<sup>th</sup> of November 2008.

PORT GAMBLE S'KLALLAM TRIBE



Tribal Council / Tribal Manager

Ronald Charles

ATTEST:



Acting CEO  
Laurie Mattson

APPROVED AS TO FORM:



Attorney

Regina Beckwith

COPY



# THE SUQUAMISH TRIBE

## OFFICE OF THE TRIBAL ATTORNEY

Post Office Box 498  
Suquamish, WA 98392-0498  
Phone (360) 598-3311  
Legal Dept. Fax (360) 598-4293

December 5, 2008

Patricia Campbell  
Kitsap County Department of Public Works  
Solid Waste Division  
614 Division Street M.S. 27  
Port Orchard, WA 98366

**RECEIVED**

DEC 09 2008

KITSAP COUNTY  
SOLID WASTE

Re: Interlocal Agreement KC-184-08

Dear Ms. Campbell:

The purpose of this letter is to notify you that the Suquamish Tribal Council has declined Kitsap County's request to be a signatory to Interlocal Agreement KC-184-08. This Interlocal Agreement designates Kitsap County as the lead agency for the revision of the comprehensive solid waste management plan and has been executed by other local jurisdictions. Although the Suquamish Tribe ("Tribe") is unwilling to become a signatory to this Interlocal Agreement because of several objectionable terms, the Tribe is interested in engaging in meaningful participation in this process. For these reasons, the Tribe is willing to develop a Memorandum of Understanding ("MOU") between the Tribe and parties to the Interlocal Agreement that provides a mechanism for the Tribe to provide meaningful non-binding participation concerning the revision of the comprehensive solid waste management plan. We are prepared to work with the County and other jurisdictions to reach consensus on the terms of the MOU.

Please contact me at your convenience at (360) 394-8488 if you have questions or need additional clarification.

Sincerely,

Melody Allen  
Tribal Attorney

**INTERLOCAL AGREEMENT KC-184-08**

Dated this day \_\_\_\_\_ of \_\_\_\_\_ 2008.

**SUQUAMISH TRIBE**

\_\_\_\_\_  
Tribal Council / Tribal Manager

**ATTEST:**

\_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Attorney