

CHAPTER 239.

[Senate Bill No. 45.]

INTERLOCAL COOPERATION ACT.

AN ACT relating to state and local governments; providing for interlocal governmental cooperation on a state, local government, and federal basis; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Interlocal Co-
operation Act
—Purpose.

Section 1. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

Short title.

Sec. 2. This act may be cited as the “Interlocal Cooperation Act.”

Definitions.

Sec. 3. For the purposes of this act, the term “public agency” shall mean any city, town, county, public utility district, port district, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

The term “state” shall mean a state of the United States.

Sec. 4. (1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that

laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

Agreement for joint or co-operative action—Financing.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

- (a) Its duration;
- (b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created;
- (c) Its purpose or purposes;
- (d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;
- (e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;
- (f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (a), (c), (d), (e) and (f) enumerated in subdivision (3) hereof, contain the following:

- (a) Provision for an administrator or a joint board responsible for administering the joint or

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cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented;

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

(5) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

(6) Financing of joint projects by agreement shall be as provided by law.

Agreements to be filed—Interstate agreements.

Sec. 5. Prior to its entry into force, an agreement made pursuant to this act shall be filed with the city clerk and county auditor and with the secretary of state. In the event that an agreement entered into pursuant to this act is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

Sec. 6. In the event that an agreement made pursuant to this act shall deal in whole or in part

with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction.

Submission of agreement for state approval.

Sec. 7. Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

Participating agencies—Powers.

Sec. 8. Any joint board created pursuant to the provisions of this act is hereby authorized to accept loans or grants of federal, state or private funds in order to accomplish the purposes of this act provided each of the participating public agencies is authorized by law to receive such funds.

Receipt of loans or grants.

Sec. 9. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: *Provided*, That such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

Contracts—Limitation on powers.

Sec. 10. Nothing in this act shall be construed to increase or decrease existing authority of any public agency of this state to enter into agreements or contracts with any other public agency of this state or

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of any other state or the United States with regard to the generation, transmission, or distribution of electricity or the existing powers of any private or public utilities.

Powers are
supplemental.

Sec. 11. The powers and authority conferred by this act shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of any public agency.

Powers—Lim-
itation.

Sec. 12. No power, privilege, or other authority shall be exercised under this act where prohibited by the state Constitution or the Constitution or laws of the federal government.

Submission of
agreements to
office of com-
munity affairs

Sec. 13. In the event that an agreement made pursuant to this act shall deal in whole or in part with matters of land-use planning, air or water pollution, zoning, building or housing codes, or any other matter for which specific responsibility has been assigned to the *local affairs division* or the office of community affairs by legislative action, then such agreement shall be submitted to the *local affairs division* or the office of community affairs at least sixty days prior to the effective date of the agreement. The *local affairs division* or the office of community affairs may file written comments with the parties to the proposed agreement not less than fifteen days prior to the effective date of the proposed agreement. Such comments shall not be binding upon the parties to the proposed agreement but may be used by the parties to determine the advisability of adopting, rejecting or amending the proposed agreement.

Severability.

Sec. 14. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the

provision to other persons or circumstances is not affected.

Sec. 15. The effective date of this act is July 1, 1967. Effective date.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967, with the exception of three items in Section 13.

NOTE: Governor's explanation of partial veto is as follows:

"This legislature has faced with responsibility the problems of rapid urbanization in the state. Utilizing the excellent work of the Legislative Council as a basis, the legislature has met the challenge which I gave in my State of the State Message 'to assure that in Washington the cure is at least better than the illness and that as a government we can establish a design for urban living which will permit a maximum of individual freedom within the framework of responsible common action.' I called at that time for 'legislation which will both allow and encourage cooperative action between different classes of cities and between cities and counties, where the collective requirement exceeds the individual capacity.' Senate Bill 45 does exactly that, and the legislature should be commended for its unanimous enactment.

"The language of Section 13 was added by amendment on January 25, 1967. At that time, it was impossible to know that House Bill 78, establishing an office of community affairs, would also successively be enacted. Therefore, the language in three places in Section 13 provides that information be furnished either to the local affairs division or the office of community affairs. Senate Bill 45 will become law on July 1, 1967. On that same date, the local affairs division will no longer be in existence, its duties having been transferred to the office of community affairs. To avoid any confusion and ambiguity in the law, I believe all reference to the local affairs division should be deleted. I have therefore vetoed the reference to this division in the three places it appears in Section 13.

"With the exception of these items, which I have vetoed, the remainder of the bill is approved."

DANIEL J. EVANS,
Governor.