
SENATE BILL 6097

State of Washington

57th Legislature

2001 Regular Session

By Senators Winsley and Rasmussen

Read first time 02/21/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to joint powers of public agencies; and
2 amending RCW 39.34.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.34.030 and 1992 c 161 s 4 are each amended to read
5 as follows:

6 (1) Any power or powers, privileges, or authority exercised or
7 capable of exercise by a public agency of this state may be
8 exercised and enjoyed jointly with any other public agency of this
9 state having the power or powers, privilege, or authority, and
10 jointly with any public agency of any other state or of the United
11 States to the extent that laws of such other state or of the
12 United States permit such joint exercise or enjoyment. Any agency
13 of the state government when acting jointly with any public agency
14 may exercise and enjoy all of the powers, privileges, and
15 authority conferred by this chapter upon a public agency. Any power
16 or powers, privileges, or authority exercised or capable of
17 exercise by one or more public agencies of this state may be
18 exercised jointly through a cooperative agreement with any other

1 public agency of this state so long as at least one of the
2 participating public agencies has the power or powers, privilege,
3 or authority. Where two or more public agencies of this state
4 jointly exercise through a cooperative agreement any power or
5 powers, privilege, or authority held by at least one of the
6 participating agencies, the participating agencies acting through
7 the joint powers agreement shall be empowered to act as fully as
8 if the participating agencies were one combined public agency
9 vested with the same power or powers, privileges, or authority.

10 (2) Any two or more public agencies may enter into agreements
11 with one another for joint or cooperative action pursuant to the
12 provisions of this chapter: PROVIDED, That any such joint or
13 cooperative action by public agencies which are educational
14 service districts and/or school districts shall comply with the
15 provisions of RCW 28A.320.080. Appropriate action by ordinance,
16 resolution, or otherwise pursuant to law of the governing bodies
17 of the participating public agencies (~~shall be~~) is necessary
18 before any such agreement may enter into force.

19 (3) Any such agreement shall specify the following:

20 (a) Its duration;

21 (b) The precise organization, composition, and nature of any
22 separate legal or administrative entity created thereby together
23 with the powers delegated thereto, provided such entity may be
24 legally created. Such entity may include a nonprofit corporation
25 organized pursuant to chapter 24.03 or 24.06 RCW whose membership
26 is limited solely to the participating public agencies or a
27 partnership organized pursuant to chapter 25.04 RCW whose partners
28 are limited solely to participating public agencies and the funds
29 of any such corporation or partnership shall be subject to audit
30 in the manner provided by law for the auditing of public funds;

31 (c) Its purpose or purposes;

32 (d) The manner of financing the joint or cooperative
33 undertaking and of establishing and maintaining a budget therefor;

34 (e) The permissible method or methods to be employed in
35 accomplishing the partial or complete termination of the agreement
36 and for disposing of property upon such partial or complete
37 termination;

38 (f) Any other necessary and proper matters.

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

6 (a) Provision for an administrator or a joint board responsible
7 for administering the joint or cooperative undertaking. In the case
8 of a joint board, public agencies party to the agreement shall be
9 represented;

10 (b) The manner of acquiring, holding, and disposing of real and
11 personal property used in the joint or cooperative undertaking.
12 Any joint board is authorized to establish a special fund with a
13 state, county, city, or district treasurer servicing an involved
14 public agency designated "Operating fund of joint board".

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

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

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