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HOUSE BILL 2615

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Jarrett, Moeller, Ericksen, Clibborn, Edwards, Schindler, Romero and Tom

Read first time 01/16/2004. Referred to Committee on State Government.

1 AN ACT Relating to modifying the interlocal cooperation act  
2 regarding notice requirements for contracting; and amending RCW  
3 39.34.030.

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

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

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

17 (2) Any two or more public agencies may enter into agreements with  
18 one another for joint or cooperative action pursuant to the provisions  
19 of this chapter: PROVIDED, That any such joint or cooperative action

1 by public agencies which are educational service districts and/or  
2 school districts shall comply with the provisions of RCW 28A.320.080.  
3 Appropriate action by ordinance, resolution or otherwise pursuant to  
4 law of the governing bodies of the participating public agencies shall  
5 be necessary before any such agreement may enter into force.

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

7 (a) Its duration;

8 (b) The precise organization, composition and nature of any  
9 separate legal or administrative entity created thereby together with  
10 the powers delegated thereto, provided such entity may be legally  
11 created. Such entity may include a nonprofit corporation organized  
12 pursuant to chapter 24.03 or 24.06 RCW whose membership is limited  
13 solely to the participating public agencies or a partnership organized  
14 pursuant to chapter 25.04 RCW whose partners are limited solely to  
15 participating public agencies and the funds of any such corporation or  
16 partnership shall be subject to audit in the manner provided by law for  
17 the auditing of public funds;

18 (c) Its purpose or purposes;

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

21 (e) The permissible method or methods to be employed in  
22 accomplishing the partial or complete termination of the agreement and  
23 for disposing of property upon such partial or complete termination;

24 (f) Any other necessary and proper matters.

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

29 (a) Provision for an administrator or a joint board responsible for  
30 administering the joint or cooperative undertaking. In the case of a  
31 joint board, public agencies party to the agreement shall be  
32 represented;

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

1 (5) No agreement made pursuant to this chapter (~~shall~~) relieves  
2 any public agency of any obligation or responsibility imposed upon it  
3 by law except that:

4 (a) To the extent of actual and timely performance thereof by a  
5 joint board or other legal or administrative entity created by an  
6 agreement made hereunder, the performance may be offered in  
7 satisfaction of the obligation or responsibility; and

8 (b) With respect to one or more public agencies purchasing or  
9 otherwise contracting through a bid, proposal, or contract awarded by  
10 another public agency or by a group of public agencies, any statutory  
11 obligation to provide notice for bids or proposals that applies to the  
12 public agencies involved is satisfied if the public agency or group of  
13 public agencies that awarded the bid, proposal, or contract complied  
14 with its own statutory requirements and either (i) posted the bid or  
15 solicitation notice on a web site established and maintained by a  
16 public agency, purchasing cooperative, or similar service provider, for  
17 purposes of posting public notice of bid or proposal solicitations, or  
18 (ii) provided an access link on the state's web portal to the notice.

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

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