

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2615

Chapter 190, Laws of 2004

58th Legislature
2004 Regular Session

INTERLOCAL COOPERATION--CONTRACT NOTICES

EFFECTIVE DATE: 6/10/04

Passed by the House February 11, 2004
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 11, 2004
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 26, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2615** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 26, 2004 - 4:49 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2615

Passed Legislature - 2004 Regular Session

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.

Passed by the House February 11, 2004.

Passed by the Senate March 11, 2004.

Approved by the Governor March 26, 2004.

Filed in Office of Secretary of State March 26, 2004.