

**CITY OF OAK HARBOR  
RESOLUTION NO. 16-06**

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN ISLAND COUNTY, CITY OF OAK HARBOR, CITY OF LANGLEY, TOWN OF COUPEVILLE, ISLAND TRANSIT, PORT OF SOUTH WHIDBEY, PORT OF COUPEVILLE, WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, ISLAND COUNTY ECONOMIC DEVELOPMENT ASSOCIATION AND NAVAL AIR STATION WHIDBEY ISLAND TO FORM ISLAND TRANSPORTATION PLANNING ORGANIZATION

WHEREAS, under chapter 39.34 RCW, counties, cities and other public agencies are authorized to enter into interlocal cooperative agreements to jointly engage in activities each is authorized by law to do so on its own; and

WHEREAS, RCW 36.70A.210 establishes a framework for counties and cities to collaborate and establish countywide planning policies to ensure consistency in county and city comprehensive planning regarding regional issues; and

WHEREAS, Countywide Planning Policy 3.8.1 states that "All transportation planning, including that of Federal and State agencies, and Port Districts, should be jointly and cooperatively developed, adopted and implemented through coordinated and collaborative planning efforts"; and

WHEREAS, the City benefits from actively participating in multi-county, multi-jurisdictional, regional transportation planning including planning for Washington State Ferries; and

WHEREAS, in addition, chapter 36.64 RCW also provides for the establishment of a conference for the purpose of studying regional transit issues; and

WHEREAS, in consideration of the above recitals, Island County, City of Oak Harbor, City of Langley, City of Coupeville, Washington State Department of Transportation, Island County Economic Development Association, and Naval Air Station Whidbey Island find it appropriate to form a regional transportation organization known as the ISLAND TRANSPORTATION PLANNING ORGANIZATION; and

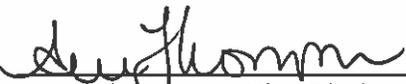
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Harbor, Washington, the Mayor is authorized to enter into this interlocal agreement creating the Island Transportation Planning Organization (ITPO).

PASSED by the City Council of the City of Oak Harbor and approved by its Mayor this 2<sup>nd</sup> day of February 2016.

CITY OF OAK HARBOR

  
\_\_\_\_\_  
BOB SEVERNS, MAYOR

Attest:

  
\_\_\_\_\_  
Anna Thompson, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Nikki Esparza, City Attorney

Return To:

Island County  
P.O. Box 5000  
1 NE 7<sup>th</sup> Street  
Coupeville, WA 98239

AN INTERLOCAL AGREEMENT AMONG ISLAND COUNTY, CITY OF OAK HARBOR, CITY OF LANGLEY, TOWN OF COUPEVILLE, ISLAND COUNTY PUBLIC TRANSPORTATION BENEFIT AREA CORPORATION, PORT OF SOUTH WHIDBEY, PORT OF COUPEVILLE, WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, ISLAND COUNTY ECONOMIC DEVELOPMENT COUNCIL AND NAVAL AIR STATION WHIDBEY ISLAND, TO FORM THE ISLAND TRANSPORTATION PLANNING ORGANIZATION, AND DEFINE ITS PURPOSE AND STRUCTURE.

**THIS AGREEMENT**, is made and entered into among Island County, a political subdivision of the State of Washington, hereinafter referred to as the "County," the City of Oak Harbor, a municipal corporation of the State of Washington, the City of Langley, a municipal corporation of the State of Washington, the Town of Coupeville, a municipal corporation of the State of Washington, the Island County Public Transportation Benefit Area Corporation, herein referred to as "Island Transit," the Port of South Whidbey, a public port district of the State of Washington, the Port of Coupeville, a public port district of the State of Washington, the Washington State Department of Transportation, an agency of the State of Washington, hereinafter referred to as "WSDOT," Island County Economic Development Council, and Naval Air Station Whidbey Island, a Naval Air Station of the United States Department of Defense, hereinafter referred to as "NAS Whidbey," collectively referred to as the "Members."

WITNESSETH:

WHEREAS, under chapter 39.34 RCW, counties, cities and other public agencies are authorized to enter into interlocal cooperative agreements to jointly engage in activities each is authorized by law to do on its own; and

WHEREAS, Island County, the City of Oak Harbor, City of Langley, Town of Coupeville, Island Transit, Port of South Whidbey, Port of Coupeville, WSDOT, Island County Economic Development Association, and NAS Whidbey find it appropriate to form a county-wide, regionally focused transportation planning organization hereby known as the ISLAND TRANSPORTATION PLANNING ORGANIZATION; and

WHEREAS, WSDOT Local Agency Guidelines Manual section 12.3.33 specifies that a "County Lead Agency" is responsible for developing a county-wide approach to select priority transportation

projects in their respective boundaries in areas that are not associated with a Metropolitan Planning Organization (MPO) or Regional Transportation Planning Organization (RTPO); and

WHEREAS, RCW 36.70A.210 establishes a framework for counties and cities to collaborate and establish countywide planning policies to ensure consistency in county and city comprehensive planning regarding regional issues; and

WHEREAS, RCW 36.70A.210(3)(d) provides that a countywide planning policy shall, at a minimum, address policies for countywide transportation facilities and strategies; and

WHEREAS, the Island County Countywide Planning Policies were adopted on November 3, 2015 with the adoption of Ordinance C-100-15; and

WHEREAS, the Countywide Planning Policies' stated transportation goal in 2.10 is that "Island County should be served by an efficient, well connected, multimodal transportation system. Transportation plans, spending decisions, and regulations will be consistent with, and reinforce adopted land use and economic development plans"; and

WHEREAS, Countywide Planning Policy 3.8.1 states that "All transportation planning, including that of Federal or State agencies, and Port Districts, should be jointly and cooperatively developed, adopted and implemented through coordinated and collaborative planning efforts"; and

WHEREAS, Countywide Planning Policy 3.8.2 provides that "the County and Municipalities should each actively participate in multi-county, multi-jurisdictional, regional transportation planning, including planning for Washington State Ferries"; and

WHEREAS, in addition, chapter 36.64 RCW also provides for the establishment of a conference for the purpose of studying regional transit issues;

**NOW, THEREFORE**, in consideration of the above recitals, the Members hereby agree to the terms and conditions as set forth in the following sections of this Interlocal Agreement ("Agreement"):

**Section 1: FORMATION**

A voluntary association and joint board, comprised of representatives of County, City of Oak Harbor, City of Langley, Town of Coupeville, Island Transit, Port of South Whidbey, Port of Coupeville, WSDOT, Island County Economic Development Association and NAS Whidbey is hereby created and shall be known as the Island Transportation Planning Organization, referred to hereinafter as the "ITPO." The ITPO is solely an advisory body to provide recommendations to the Members and the formation of the ITPO is not in any way intended to create a separate legal or administrative entity as the ITPO lacks governmental decision-making authority.

## **Section 2: PURPOSE**

Members recognize that certain rural counties in the State of Washington do not meet the minimum population requirements to participate in the RTPO program under RCW 47.80.020, yet the needs of rural counties and the jurisdictions within them to cooperatively develop and implement the transportation system persists; and

As outlined in the WSDOT Local Agency Guidelines Manual chapter 12, County Lead agencies are responsible for developing a countywide approach to select priority transportation projects in their respective boundaries and have the authority to allocate federal transportation funds;

The purpose of the Island County Transportation Planning Organization shall be for the Members to collaborate at a countywide regional level to ensure that the County, as the County Lead Agency for the region, is allocating federal transportation funds in a manner that most effectively addresses the needs of the entire county and all of the jurisdictions within it in order to solve regional transportation problems of mutual interest and concern.

The Island County Transportation Planning Organization is not authorized to supersede the authority vested in the member agencies, but is intended to serve as a forum for mutual cooperation in an advisory capacity in furtherance of the transportation goal and policies stated in the Countywide Planning Policies.

## **Section 3: DUTIES AND FUNCTIONS**

The Transportation Planning Organization will fulfill its purpose by performing the following duties and functions and such other or additional duties and functions as determined necessary and appropriate by the Policy Board as described in Section 4 below:

1. Recommend to Island County and the other Members how federal transportation funds allocated to Island County by the Washington State Department of Transportation should be awarded to projects within Island County. As the lead agency, Island County will ultimately decide on the projects through competitive project selection processes determined by Island County and in accordance with State and Federal requirements.
2. Recommend amendments to the State Transportation Improvement Program for projects within Island County to be adopted by the appropriate local government.
3. Be a forum for mutual learning about transportation plans and projects of interest to the Members of the Island Transportation Planning Organization and, when appropriate, the ITPO may prepare and present advisory recommendations in regards to regional transportation planning to the Island County Council of Governments as well as the individual Member governing bodies.

4. Recommend an annual work program to be adopted by Island County as required by the Washington State Department of Transportation in order to receive state transportation planning funds.
5. Coordinate with jurisdictions outside of Island County to periodically study the connectivity between Whidbey and Camano Islands and surrounding regions and identify concerns regarding such connectivity, and prepare an advisory report on these studies.
6. Prepare and periodically update a transportation strategy for the region that will serve as a recommendation for the County, and the cities within the County, to adopt<sup>1</sup>.
7. Prepare a regional transportation plan as a recommendation to be adopted by the Member organizations<sup>2</sup>.
8. Recommend guidelines and principles as well as an advisory report for the periodic review of the transportation element of Island County and the cities' comprehensive plans to be considered for adoption by each local government within Island County.
9. Provide an advisory recommendation as to whether the Transportation Elements of the comprehensive plans of the cities within Island County are consistent with the Island County Transportation Element of its comprehensive plan.
10. Compile and maintain a six-year transportation improvement program (TIP) for all federally-funded transportation projects within the borders of Island County, including projects sponsored by Island County, the Town of Coupeville, the cities of Langley and Oak Harbor, Island Transit, and WSDOT.
11. Review level of service methodologies and develop recommended level of service standards to be adopted by Island County and other Members required as under the GMA.
12. Prepare a recommended update to the Human Services Transportation Plan<sup>3</sup> every four years, and prepare a recommended prioritized human services transportation project list every two years, with final approval by the Board of Island County Commissioners who will submit the final to the Washington State Agency Council on Coordinated Transportation (ACCT).

---

<sup>1</sup> Countywide Planning Policies section 3.8 will serve as the transportation strategy for the organization until or unless a more specific strategy is developed by the ITPO and ultimately adopted by the Member organizations.

<sup>2</sup> The Island County Transportation Element will serve as the regional transportation plan for the organization until or unless a separate regional transportation plan is developed by the ITPO and ultimately adopted by the Member organizations and incorporated into the Island County Countywide Planning Policies.

<sup>3</sup> The HSTP may be developed in conjunction with neighboring jurisdictions that are not part of the ITPO.

**Section 4: ORGANIZATIONAL STRUCTURE**

The Transportation Planning Organization shall be governed by a nine member board of voting members, hereby known as the "Policy Board," made up of the three Island County Commissioners, the mayors from Oak Harbor, Coupeville and Langley, one port commissioner from the Port of South Whidbey, one port commissioner from the Port of Coupeville, and the board chair from Island Transit. Additional non-voting members shall include the community planning liaison from Naval Air Station Whidbey Island and the planning & engineering services manager from the Northwest Region / Mt. Baker area office of the Washington State Department of Transportation. Any members of the state House of Representatives or the Senate whose districts are wholly or partly within the boundaries of the transportation planning organization are considered ex officio, non-voting Policy Board members.

The Transportation Planning Organization shall include a Technical Advisory Committee (TAC) comprised of staff members representing the agencies on the Policy Board, a staff member of the Island County Economic Development Council, and a citizen representative from each County Commissioner District. The primary role of the TAC is to make recommendations to the Policy Board, at the request of the Policy Board, in support of realizing the purpose of the organization and fulfillment of its duties.

The Transportation Planning Organization Policy Board shall select from among its voting members a Chairperson and Vice-Chairperson, who shall be selected according to the Bylaws.

**Section 5: DURATION**

The Island County Transportation Planning Organization, as a long range county-wide, regionally focused transportation planning organization, shall continue in duration until the Members decide to mutually dissolve the ITPO or, at least for a Member organization, the Member organization decides to terminate its membership in the ITPO in accordance with Section 8 of this Agreement.

**Section 6: MEETINGS AND VOTING**

The Transportation Planning Organization Policy Board shall meet at such times and places as set forth in the Bylaws. The Chair of the Policy Board, as well as the Vice-Chairperson, shall be elected at the first meeting of each calendar year. The meetings shall be conducted in accordance with chapter 42.30 RCW, the Open Public Meetings Act. A quorum for conducting business shall be a majority of voting members present. All decisions must be made by a majority vote of the quorum present at a meeting.

**Section 7: ADMINISTRATIVE STAFF AND SUPPORT**

The Island County Transportation Planner shall provide administrative support and assistance to the Transportation Planning Organization.

**Section 8: TERMINATION OF MEMBERSHIP**

An individual Member agency may withdraw from the Island County Transportation Planning Organization by giving sixty (60) days written notice to the Island County Transportation Planning Organization. The Voting Member agencies that withdraw will not absolve themselves from the responsibility for meeting any obligations or agreements which exist between the Island County Transportation Planning Organization and its Member organizations at the time of withdrawal.

**Section 9: EFFECTIVE DATE**

This Agreement shall become effective upon the signature of each of the Members' governing bodies or executive with signing authority and the filing of this agreement with the Island County Auditor on the same date as the last signatory to sign this document. This Agreement may be signed in counterparts, each which shall be considered the same as an original. Prior to its entry into force, this Agreement shall be filed with the Island County Auditor.

**Section 10: NO FINANCIAL OBLIGATION FOR MEMBERS**

No dues or other finances will be imposed upon members of the Transportation Planning Organization.

**Section 11: PROPERTY UPON TERMINATION**

No property will be purchased by or shared between Members in a formal capacity as a function of their involvement in the Transportation Planning Organization.

**Section 12: INDEMNIFICATION**

Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agrees to save, indemnify, defend, and hold the other party(s) to this Interlocal Agreement harmless from any such liability.

**Section 13: SEVERABILITY**

If any provision of this Agreement, or its application to any person or circumstance is held invalid, the remainder of the Agreement, or the application of the provision to other persons or circumstances is not affected.

**Voting Members**

Board of Island County Commissioners  
Island County, Washington

\_\_\_\_\_  
Helen Price Johnson, Chair      Date

City of Oak Harbor

  
\_\_\_\_\_  
Bob Severns, Mayor      2-3-16  
Date

City of Langley

\_\_\_\_\_  
Fred McCarthy, Mayor      Date

Town of Coupeville

\_\_\_\_\_  
Nancy Conard, Mayor      Date

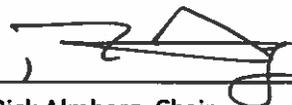
Port of South Whidbey

\_\_\_\_\_  
Curt Gordon, Commissioner      Date

Port of Coupeville

\_\_\_\_\_  
Marshall Bronson, Commissioner      Date

Island County Public Transportation Benefit Area Corporation dba Island Transit

  
\_\_\_\_\_  
Rick Almberg, Chair      02-03-14  
Date

***Non-Voting Members***

Washington State Dept. of Transportation, NW Region / Mt. Baker Area

\_\_\_\_\_  
Todd Harrison, Assistant Regional Administrator

\_\_\_\_\_  
Date

Naval Air Station Whidbey Island

\_\_\_\_\_  
Jennifer Meyer, Community Planning Liaison

\_\_\_\_\_  
Date

Island County Economic Development Council

\_\_\_\_\_  
Ron Nelson, Executive Director

\_\_\_\_\_  
Date