

RESOLUTION 16-26

A RESOLUTION BY THE CITY OF OAK HARBOR ACKNOWLEDGING THE ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION (ISLAND RTPO) AND AUTHORIZING MEMBERSHIP THEREIN

WHEREAS, Island County, the City of Oak Harbor, the City of Langley, the Town of Coupeville, the Port of South Whidbey, the Port of Coupeville, and Island County Public Transportation Benefit Area Corporation find it appropriate to form a county-wide, regionally focused transportation planning organization hereby known as the ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION; and

WHEREAS, 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 currently engage in joint transportation planning activities under an Interlocal Agreement signed by the City of Oak Harbor on February 26, 2016, which created the Island Transportation Planning Organization; and

WHEREAS, effective July 1, 2016, Island County will qualify to be an RTPO under revised RCW 47.80.020 which authorizes the creation of regional transportation planning organizations (RTPOs) within the state and each organization shall be formed through the voluntary association of local governments within a county or within geographically contiguous counties. Each organization shall:

- 1. encompass at least one (1) county;**
- 2. . . . have a population of at least seven-five thousand (75,000) and contain a Washington state ferries terminal . . . ; and**
- 3. have as members all counties within the region and at least sixty percent (60%) of the cities and towns within the region representing a minimum of seventy-five percent (75%) of the cities' and towns' population; and**

WHEREAS, an Interlocal Agreement and Bylaws for the Island RTPO need to be established; and

WHEREAS, the City of Oak Harbor intends to enter into an Interlocal Agreement under the authority of Chapter 39.34 RCW to provide for the joint and/or cooperative exercise of their powers, privileges, and authorities for comprehensive transportation planning; and

WHEREAS, the City of Oak Harbor desires to become a member of the newly formed Island RTPO; and

WHEREAS, the City of Oak Harbor supports Island County to serve as the lead planning agency until such time as a decision of the Island RTPO Policy Board designates a different lead planning agency;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Oak Harbor that:

1. The City of Oak Harbor acknowledges the formation of Island RTPPO and authorizes membership of the City of Oak Harbor therein, conditioned upon the dissolution of the Island Transportation Planning Organization and termination of the accompanying Interlocal Agreement.
2. The Mayor is authorized to sign the Interlocal Agreement creating the Island Regional Transportation Planning Organization (IRTPO).

PASSED by the City Council and approved by its Mayor this 6th day of September, 2016.

CITY OF OAK HARBOR



Robert 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 7th 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, AND PORT OF COUPEVILLE, TO FORM THE ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION (IRTPO), AND DEFINE ITS JURISDICTIONAL AREA AND DUTIES.

THIS INTERLOCAL AGREEMENT “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 District of South Whidbey Island, hereinafter referred to as the “Port of South Whidbey,” a public port district of the State of Washington, the Port District of Coupeville, hereinafter referred to as the “Port of Coupeville,” a public port district of the State of Washington, 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, chapter 47.80 RCW authorizes the formation of a Regional Transportation Planning Organization (RTPO) by voluntary association of local governments within a county; and

WHEREAS, an RTPO may be created, pursuant to RCW 47.80.020, provided the RTPO shall:

- (1) Encompass at least one complete county;
- (2) . . . have a population of at least seventy-five thousand and contain a Washington state ferries terminal . . .; and
- (3) Have as members at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

WHEREAS, Island County, the City of Oak Harbor, City of Langley , Town of Coupeville, Island Transit, Port of South Whidbey, and the Port of Coupeville, find it appropriate to form a county-wide, regionally

focused transportation planning organization hereby known as the “ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION” or “IRTPO”; and

WHEREAS, each RTPO formed by local governments shall create a transportation policy board (“Executive Board”) to review, consider, and approve regional transportation policies of the RTPO and shall allow representatives of major employers within the region, the department of transportation, and member transit districts, port districts, cities, towns and the County within the region to participate in policy making; and

WHEREAS, among other duties, each RTPO shall perform the duties set forth in RCW 47.80.023, including, but not limited to, the following: (i) develop and periodically update a regional transportation plan in cooperation with the State Department of Transportation, providers of public transportation, ports, and local governments within the region; and (ii) designate a lead planning agency to coordinate preparation of said regional transportation plan and carry out the other responsibilities of the Organization; and

WHEREAS, a cooperative process between Island County, the City of Langley, the City of Oak Harbor and the Town of Coupeville resulted in the development of the current Island County Countywide Planning Policies, which were adopted by Ordinance C-100-15 in 2015; and

WHEREAS, the Countywide Planning Policies’ (CWPP) stated transportation goal in CWPP 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, CWPP 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, CWPP 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

NOW, THEREFORE, in consideration of the following terms and conditions incorporated herein as part of this agreement, it is agreed among the Members:

Section 1: ORGANIZATION NAME AND MEMBERSHIP

A regional transportation planning organization is hereby created and established in Island County and shall be hereby known as the Island Regional Transportation Planning Organization, referred to hereafter as the “IRTPO.” The membership of the IRTPO shall be comprised of the following Members:

Island County; City of Oak Harbor; City of Langley; Town of Coupeville; Island Transit; Port of South Whidbey; and Port of Coupeville.

Section 2: PURPOSE

Recognizing that coordinated transportation planning of the Counties, Cities and Towns, Washington State Department of Transportation, the ports, transit districts, and other jurisdictions are necessarily interwoven and interdependent and that the interests of all citizens will best be served by coordinated, cooperative, and comprehensive transportation planning, this IRTPO is established to facilitate such appropriate coordination and cooperation and provide for continuing area wide transportation planning in accordance with Section 3, herein.

The IRTPO is neither intended to, nor is it authorized to, supersede the authority vested in the County, Cities and Towns, Washington State Department of Transportation (WSDOT) or Washington State Transportation Commission, but is intended to meet the prerequisites of chapter 47.80 RCW, and chapter 468-86 WAC.

Section 3: DUTIES

The duties of the RTPO shall be as follows:

- (a) To perform the functions of a Regional Transportation Planning Organization (RTPO) as set forth in Ch. 47.80 RCW and Ch. 468-86 WAC, as currently adopted or as amended, specifically:
 - (1) to prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies.
 - (2) to prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with countywide planning policies and with County, city, and town comprehensive plans, and state transportation plans.
 - (3) to certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns with the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and where appropriate, conform with the requirements of RCW 36.70A.070.
 - (4) where appropriate, to certify that countywide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.
 - (5) to develop, pursuant to the requirements in RCW 47.80.023(5), in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The program shall be updated at least every two years for the ensuing six-year period.

(6) to include specific opportunities and projects to advance special needs coordinated transportation, as defined in RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing opportunity for public comment.

(7) to designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization.

(8) to review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(9) to work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

(10) to submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007 and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

- (b) To administer regional transportation funding programs.
- (c) To participate in the development and maintenance of transportation related information necessary to support the functions and responsibilities of the RTPO.
- (d) To promote the regional transportation interests, plans and projects to local, state and federal public and private entities.
- (e) To create committees as necessary to advise the Executive Board (as defined herein) on regional transportation related matters. At a minimum this shall include the Technical Advisory Committee (TAC) whose composition and responsibilities shall be defined by the Executive Board.
- (f) To comply with any other transportation planning requirement set forth in Ch. 47.80 RCW not otherwise mentioned above.
- (g) To perform such other transportation planning and program related functions as the Board may hereinafter determine to be in the best interests of the RTPO in carrying out the duties of the RTPO and the members thereof, which are consistent with the terms of this Agreement and related federal and state law.

Section 4: JURISDICTIONAL AND TRANSPORTATION PLANNING AREA DEFINED

The Organization's jurisdictional area shall consist of all incorporated and unincorporated areas of Island County in Washington State.

Section 5: GOVERNING BODY AND OFFICERS

- A. The governing body (the "Executive Board") of the IRTPO shall include, but is not limited to, representative(s) from Island County, the City of Oak Harbor, Town of Coupeville, City of Langley, Island Transit, and the Port of Coupeville and Port of South Whidbey. The Bylaws of the IRTPO shall govern the membership, meetings, and voting process of the Executive Board of the RTPO.
- B. The Executive Board is responsible for taking official actions performing the duties of the RTPO as set forth in Section 3 of this Agreement. The Executive Board is to receive technical assistance from

the Technical Advisory Committee as described below. The Executive Board shall also appoint the lead agency, through resolution of the RTPO, and shall have the power to create a special subcommittee if one is necessary for a special purpose or project.

Section 6: TECHNICAL ADVISORY COMMITTEE

- A. The advisory body (the “Technical Advisory Committee” or “TAC”) of the RTPO shall be comprised of the TAC committee members as listed in Appendix A to the IRTPO Bylaws. The TAC may vote according to the rules established within the Bylaws for Island Regional Transportation Planning Organization. Although the TAC meetings shall be available to the public, the TAC is not subject to the requirements of the Open Public Meetings Act, chapter 42.30 RCW, because the TAC is advisory only as it provides recommendations to the Executive Board for consideration and official action.
- B. The primary role of the TAC is to provide technical advice and information to the Executive Board, to support the Executive Board in the fulfillment of its duties. In addition to the TAC, a broad range of stakeholders including, but not limited to, regional employers, school districts, and community groups, may provide technical assistance and input to the IRTPO Executive Board whether directly, or through the TAC, upon request of the Executive Board.

Section 7: DURATION

This Agreement is perpetual unless a Member of the IRTPO decides to terminate its own membership pursuant to Section 10 of this Agreement. The effect of a Member withdrawing from the IRTPO will not affect the Agreement as to the remaining Members, unless the participation requirements in RCW 47.80.020(3) are no longer met.

Section 8: MEETINGS AND VOTING

The IRTPO Executive Board shall hold its meetings and conduct its voting in accordance with the Bylaws of the IRTPO.

Section 9: ADMINISTRATIVE STAFF AND SUPPORT

The Lead Agency, appointed by the IRTPO Executive Board, shall provide administrative support and assistance to the Regional Transportation Planning Organization, including its Executive Board and Technical Advisory Committee.

Section 10: TERMINATION OF MEMBERSHIP

An individual Member agency may withdraw from the Island Regional Transportation Planning Organization by giving sixty (60) days written notice to the Island Regional Transportation Planning Organization. Any Voting Member agency that withdraws does not absolve such member agency from

the responsibility for meeting any obligations or agreements which exist between the Island Regional Transportation Planning Organization and its Member organizations at the time of withdrawal, if any.

Note that should sufficient members terminate their membership in the IRTPO, the ability of the organization to maintain viability within this agreement may be compromised as per 47.80 RCW.

Section 11: TERMINATION OF THE ITPO

All prior agreements regarding the Island Transportation Planning Organization (ITPO) are superseded by this agreement and the members, by signing this Agreement, hereby agree to the immediate termination of the February 2016 interlocal agreement that formed the ITPO. The ITPO recently met at a regular meeting and adopted a resolution intended to dissolve the ITPO and wind up its affairs. The ITPO agreed to dissolve and terminate the February interlocal agreement because the ITPO agrees with the formation of the new IRTPO through the adoption of this Agreement. The signatories to this Agreement all agree with and ratify the action taken by the ITPO to dissolve and wind up its affairs, and the ITPO is therefore hereby dissolved and the newly formed IRTPO will resume its duties.

Section 12: EFFECTIVE DATE

This Agreement shall become effective upon the signature of each of the Members' governing bodies or executive with signing authority and the recording 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.

Section 13: NO FINANCIAL OBLIGATION FOR MEMBERS

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

Section 14: 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 15: INDEMNIFICATION

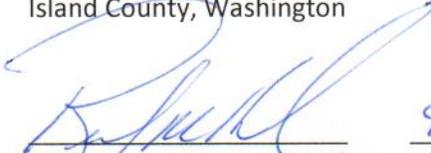
Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agrees to hold the other party(s) to this Interlocal Agreement harmless from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

Section 16: SEVERABILITY

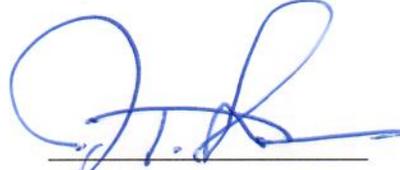
If any provision of this Agreement, or its application to any person or circumstance is held invalid, the remainder of the Agreement, or the application of the provision to other persons or circumstances is not affected.

Members

Board of Island County Commissioners
Island County, Washington


Richard M. Hannold, Chair 9/28/16
Date

City of Oak Harbor


Bob Severns, Mayor 9/28/16
Date

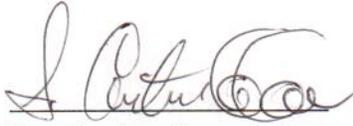
City of Langley


Tim Callison, Mayor 9/28/16
Date

Town of Coupeville


Molly Hughes, Mayor 9/28/16
Date

Port of South Whidbey


Curt Gordon, Commissioner 9/28/16
Date

Port of Coupeville


John Mishasek, Commissioner 9/28/16
Date

Island County Public Transportation Benefit Area Corporation dba Island Transit


Jackie Henderson, Secretary 9.28.16
Date