

**INTERLOCAL COOPERATION AGREEMENT AMONG
CITY OF BURLINGTON, CITY OF MOUNT VERNON, CITY OF SEDRO WOOLLEY,
SKAGIT COUNTY, SKAGIT TRANSPORTATION AUTHORITY, PORT OF SKAGIT,
AND WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
ESTABLISHING THE SKAGIT METROPOLITAN PLANNING ORGANIZATION**

This agreement is made by and among the City of Burlington, the City of Mount Vernon, the City of Sedro Woolley, Skagit County, the Skagit Transportation Authority, the Port of Skagit, and the Washington State Department of Transportation, each hereinafter referred to as a Member Agency or, collectively, Member Agencies.

WHEREAS, 23 USC §134 and 49 USC §5303 require that a Metropolitan Planning Organization be established to develop transportation plans and programs in Skagit County and to establish a planning process which is continuing, cooperative, and comprehensive;

WHEREAS, the Growth Management Act, Chapter 36.70 RCW, requires local governments to adopt transportation plans that are consistent with comprehensive land use plans;

WHEREAS, the Washington State Department of Transportation –Northwest Region is authorized to participate in transportation planning pursuant to Chapter 47.06 RCW;

WHEREAS, the Member Agencies acknowledge the need to engage in cooperative planning and decision-making on transportation issues and the benefits to be derived therefrom;

WHEREAS, the City of Burlington Council authorized the execution of this Agreement by Resolution No. 3-2003, adopted on 02/03, 2003;

WHEREAS, the City of Mount Vernon Council authorized the execution of this Agreement by Resolution No. 620-03, adopted on 02/26, 2003;

WHEREAS, the City of Sedro Woolley Council authorized the execution of this Agreement by Resolution No. 672-03, adopted on 02/26, 2003;

WHEREAS, the Skagit County Board of Commissioners authorized the execution of this Agreement by Resolution No. R20030288, adopted on August 25, 2003;

WHEREAS, the Skagit Transit Executive Board authorized the execution of this Agreement by Resolution No. 2008-11, adopted on March 19, 2003;

WHEREAS, the Skagit County Port District Board of Commissioners authorized the execution of this Agreement by Resolution No. 03-04, adopted on March 18, 2003; and

Whereas the Parties entered into this 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:

NOW, THEREFORE, in consideration of the premises and promises, terms and conditions set forth below, it is hereby agreed to as follows:

ARTICLE I PURPOSE

1.01 The purpose of this agreement is to establish a Metropolitan Planning Organization (MPO) for the contiguous urbanized portion of the Skagit County Metropolitan Statistical Area pursuant to 23 USC §134 and 49 USC § 5303 and to ensure that the metropolitan area has a continuing, cooperative, and comprehensive planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods.

1.02 In the development of transportation plans and programs for areas within the Skagit MPO boundaries, Member Agencies shall be guided by the following objectives and purposes:

- A. To adopt bylaws and operating policies and procedures, elect officers, enter into contracts and agreements, apply for and accept grants, and appoint policy and advisory committees.
- B. To adopt a plan for staffing, budget and operations of the MPO.
- C. To promote public involvement in the MPO process.
- D. To promote transportation facilities, programs and policies which support growth, stability and transportation efficiency in the metropolitan area.
- E. To recommend transportation system level of service (LOS) standards.

- F. To direct and coordinate the development, adoption, review and amendment of the metropolitan transportation plan and improvement program.
- G. To assure consistency and coordination among transportation plans adopted by the Member Agencies, and between the metropolitan transportation plan and the regional transportation plan.
- H. To provide assistance and information to local governments toward adoption of local transportation plan elements within their individual comprehensive plans.

1.03 This agreement is limited to the above purposes and objectives and does not supercede or apply to any other power, obligation, privilege or authority which may be held or exercised by individual Member Agencies.

ARTICLE II METROPOLITAN PLANNING ORGANIZATION

2.01 **Metropolitan Planning Organization Established.** The Skagit Metropolitan Planning Organization (Skagit MPO) is established pursuant to this agreement.

2.02 **Designation of Member Agencies.** The Member Agencies of the Skagit MPO are the City of Burlington, the City of Mount Vernon, the City of Sedro Woolley, Skagit County, the Skagit Transportation Authority, the Port of Skagit, and the Washington State Department of Transportation—Northwest Region, Mount Baker Office (non-voting).

2.03 **Geographical Boundaries.** The metropolitan planning area boundary will, at a minimum, cover the urbanized areas and the contiguous geographic areas likely to become urbanized within the twenty year forecast period covered by the transportation plan. The planning area boundaries are hereby designated as evidenced in Exhibit "A" attached hereto, or as amended by designation of the Board and Governor.

2.04 **Development of the Long Range Plan.** The Skagit MPO shall develop a long range plan for the Planning Area that includes, at a minimum, the following:

- A. Identification of transportation facilities (including, but not limited to major roadways, transit, multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system.
- B. Adoption of a financial plan that demonstrates how the long range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and

programs, recognizing that legislative action may be required to implement certain measures.

C. Assessment of capital investment and other measures necessary to:

- i. ensure preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization and rehabilitation of existing and future transit facilities; and
- ii. make the most efficient use of existing transportation facilities and services to relieve vehicular congestion and maximize mobility of people and goods.

D. Proposed transportation enhancement activities, as appropriate.

E. A public process that provides timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs and projects.

2.05 Development of Transportation Improvement Program. The Skagit MPO shall develop a six-year transportation improvement program that is consistent with the Skagit MPO long-range transportation plan. The program shall be updated at least every two years. The program shall be approved by the Skagit MPO, and shall include the following:

A. A prioritized list of proposed projects and project segments, and strategies to be carried out within the first three years after the initial adoption of the transportation improvement program.

B. A financial plan that indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects, programs and strategies.

C. A public process that provides citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties with reasonable notice of and an opportunity to comment on a proposed program prior to its adoption by the Skagit MPO. The program shall be published or otherwise made available for public review.

2.06 Planning Factors. In developing transportation plans and programs, the Skagit MPO shall at a minimum consider the following:

A. Supporting the economic vitality of the metropolitan area;

- B. Increasing the safety and security of the transportation system for motorized and nonmotorized users;
- C. Increasing the accessibility and mobility options available to people and for freight;
- D. Protecting and enhancing the environment, promoting energy conservation, and improving quality of life;
- E. Enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;
- F. Promoting efficient system management and operation; and
- G. Emphasizing the preservation of the existing transportation system.

2.07 Relationship with the RTPO. The Planning Area of the Skagit MPO is a Subarea of the Skagit-Island Regional transportation Planning Organization (SIRTPO). Each Member Agency of the Skagit MPO shall continue active membership in the SIRTPO. The plans and programs of the Skagit MPO shall be coordinated and consistent with the SIRTPO.

ARTICLE III MANAGEMENT

3.01 Creation of Board.

- A. **Membership.** Management of the Skagit MPO is vested in a Board composed of each Member Agency appointing one (1) representative and one (1) alternate to serve in the absence of the appointed representative, except in the case of Mount Vernon, which shall have one (1) representative with two (2) votes, and whose alternate shall also have two (2) votes when serving in place of the appointed Mount Vernon representative. All representatives shall have one (1) vote, except for the Mount Vernon representative who shall be vested with two votes, and the WSDOT representative who shall be a nonvoting member of the Skagit MPO.
- B. The Board shall meet at least two times per year, immediately preceding the scheduled meeting of the Skagit-Island RTPO.
- C. A quorum shall be necessary for the Board to conduct business. A quorum shall occur if a majority of the voting representatives of the Member Agencies is present.
- D. **Decision-making.** All decisions of the Board shall be by an affirmative vote of not less than a majority of those present at a meeting where the Board quorum is met, provided that adoption of the Metropolitan Transportation Plan, the

Transportation Improvement Program, annual budget and amendments, and bylaws shall require approval of not less than two-thirds of voting Board members (or their alternates) present at a meeting where the Board quorum is met.

3.02 Authority of the Board. The Board shall have the following authority:

A. The Board and the Skagit MPO shall have all powers permitted by law and necessary to carry out the duties of an MPO.

B. To adopt bylaws, elect officers, enter into contracts, apply for and accept grants and other funding proposals on behalf of the Skagit MPO, and to create and appoint members of such committees as may assist Skagit MPO planning and programs.

C. To designate Skagit MPO staff, who shall perform those duties assigned by the Board.

D. To develop a plan for staffing and operations of the Skagit MPO.

E. To develop and approve the annual operating budget for the Skagit MPO.

3.03 Staff. The Skagit MPO operations will be staffed by the Skagit Council of Governments and its contractors, or as directed by the Skagit MPO Board.

ARTICLE IV FUNDING AND BUDGETS

4.01 Funding. Skagit MPO administration and operations shall be financed through such federal, state, local and/or private funding as may become available and as appropriated therefore by statute, resolution or ordinance.

4.02 Special Fund. All revenues of the Skagit MPO shall be held in a special fund by the Skagit County Treasurer.

4.03 Budget. The Skagit MPO shall adopt an Annual Operating Budget. A Preliminary Operating Budget and request for dues shall be submitted to Member Agencies for adoption, and no later than August 1st of each calendar year.

4.04 Dues. Member agency dues to cover expenses of the Skagit MPO shall be based on the Annual Budget adopted pursuant to Section 4.03 and Skagit MPO bylaws. All dues shall become due and payable to the Board no later than January 31st of each year, recognizing that legislative action of each Member Agency may be required to authorize payment of dues to the Skagit MPO. The Washington State Department of Transportation – Northwest Region, Mount Baker Office is a non-voting member and is therefore not subject to the payment of dues.

4.05 Accounting. All budgeting, accounting and financial transactions shall be conducted through Skagit County in accordance with the budget approved by the Board, applicable federal and state requirements, Generally Accepted Accounting Principles (GAAP), and methods prescribed by the Washington State Budgeting, Accounting and Reporting System (BARS).

4.06 Fiscal Year. The fiscal year of the Skagit MPO shall be the calendar year.

4.07 Records Access. Each Member Agency shall have full access to all Skagit MPO facilities, operations, and records.

ARTICLE V DURATION AND TERMINATION OF AGREEMENT

5.01 Duration. This Agreement shall become effective on the approval by resolution, ordinance, or otherwise pursuant to the law of the governing bodies of all Member Agencies. This Agreement shall remain in full force and effect in perpetuity or until terminated by seventy-five percent (75%) of the Agencies which are party to this Agreement.

5.02 Disposition of Assets and Liabilities. Upon termination of this Agreement, the debts, liabilities, and obligations shall be paid from Skagit MPO assets: provided, that Member Agencies shall not be liable for Skagit MPO debts, liabilities and obligations upon termination. The remaining net assets of the Skagit MPO shall be distributed to Member Agencies in proportion to their respective contributions to the Skagit MPO.

5.03 Duration, Termination, and Withdrawal. Any member agency shall have the right to withdraw from the organization and this agreement by giving thirty (30) days written notice to the Organization. The member counties and cities that are parties to the Interlocal Agreement establishing the MPO agree that withdrawal will not absolve them of responsibility for meeting financial and other obligations of annual contracts or agreements which exist between the State of Washington or the federal government and the MPO at the time of withdrawal.

ARTICLE VI PERFORMANCE OF AGREEMENT

6.01 Compliance with All Laws. Each Member Agency shall comply with all federal, state and local laws, rules, regulations and ordinances applicable to the performance of this Agreement, including without limitation all those pertaining to wages and hours, confidentiality, disabilities and discrimination.

6.02 Maintenance and Audit of Records. The Skagit MPO shall maintain books, records, documents and other materials relevant to its performance under this Agreement which sufficiently and accurately reflect any and all direct and indirect costs and expenses incurred or paid in the course of performing this Agreement. These

records shall be subject to the inspection, review and audit by the other Member Agencies or their designees, the Washington State Auditor's Office, and authorized federal agencies. The Skagit MPO shall retain such books, records, documents and other materials for a period of not less than five (5) years following termination of this Agreement, or such longer period as may be required by law.

ARTICLE VII AMENDMENT OF AGREEMENT

7.01 This Agreement may be amended in whatever manner the Board shall determine and specify in its bylaws.

IN WITNESS WHEREOF, this Inter-Local Agreement shall have full force and effect from and after this 19th day of March, 2003 and shall continue in full force and effect until such time as the organization is dissolved as provided for in this agreement.

Marjorie Westmar
City of Burlington

Shk R. R. R.
City of Mount Vernon

Sharon Dillon
City of Sedro Woolley

Don Munk
Skagit County

John F. F.
Port of Skagit

John C. Cheney
Skagit Transit

Todd F. F.
Washington State Department of Transportation, Northwest Region, Mount Baker Office