



City Council

Approval of an Ordinance Amending Olympia Municipal Code 3.16.020 Clarifying Signatory Authority Related to Interlocal Agreements and Other Contracts

Agenda Date: 2/26/2019
Agenda Item Number: 4.J
File Number: 19-0088

Type: ordinance **Version:** 2 **Status:** Passed

Title

Approval of an Ordinance Amending Olympia Municipal Code 3.16.020 Clarifying Signatory Authority Related to Interlocal Agreements and Other Contracts

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the ordinance amending Olympia Municipal Code 3.16.020 to clarify the level of approval required for interlocal agreements and other contracts second reading.

Report

Issue:

Whether to approve an ordinance amending Olympia Municipal Code 3.16.020 to clarify the level of approval required for interlocal agreements and other contracts.

Staff Contact:

Greg Wright, Fire Chief, 360.753.8466
Annaliese Harsen, Deputy City Attorney, 360.753.8003

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis has not changed from first to second reading.

The City of Olympia operates under the Optional Municipal Code found in Chapter 35A of the Revised Code of Washington (RCW). That Chapter provides optional municipal code cities with the authority to contract. The interlocal cooperation act provides supplemental authority to contract with other governmental entities and sets out specific items that must be included in an interlocal

agreement under Chapter 39.34 RCW. But, not all contracts with another jurisdiction should be characterized as an interlocal agreement.

The current language in Olympia Municipal Code (OMC) 3.16.020 characterizes all City contracts with any other governmental jurisdiction as an interlocal agreement requiring Council approval. When the City wishes to contract with a non-governmental agency, however, the City Manager has authority to enter into a contract of up to \$300,000 without Council approval, with certain exceptions.

In an increasing number of situations, labeling every contract with another governmental entity as an “interlocal agreement” that requires Council approval is problematic. For example, the Fire Department has developed two regional business models, a fire training center and a fire vehicle repair function. Some Thurston County Fire agencies contract for large amounts of service from these two business models via interlocal agreements. Those agreements are typically long term and more complex. Smaller agencies with less developed training services occasionally contact the Fire Training Center for one-time fire training, often associated with mandated requirements that they cannot fulfill on their own. More typically, and more urgently, vehicle breakdowns that require the specialty knowledge of mechanics that are Emergency Vehicle Technician certified, like the mechanics at the Olympia Fire Department, come to the fire vehicle repair business model. These departments requesting repairs are typically in a crisis. Under the language of OMC 3.16.020, if the City doesn’t already have an interlocal agreement in place to provide training or vehicle repair services to these jurisdictions, the Fire Department must craft an agreement to send through Council for approval. These are often one-time services and the problem is the time it would take to send an agreement of this type through Council makes the service impossible. These agencies are typically our mutual aid partners, so in situations when our partner’s fire fleet is compromised, we in Olympia are potentially at risk should we have a large, multi-alarm fire.

To rectify those situations where a contract with a single jurisdiction is necessary and the terms are simple, a change in Olympia Municipal Code is necessary. This change will allow the City Manager or the City Manager’s designee to enter into contracts up to \$300,000 with other governmental entities, just as the City currently does with non-governmental entities. In more complex relationships with other jurisdictions, for example, contracts involving multiple jurisdictions, those establishing a joint board or separate legal entity, those creating a long-term commitment, or those with complex terms, an interlocal agreement sent through Council will continue to be recommended.

Neighborhood/Community Interests (if known):

None

Options:

1. Approve the ordinance adding amending Olympia Municipal Code 3.16.020 to change approval authority related to interlocal agreements and contracts with other governmental jurisdictions on second reading.
2. Do not approve the ordinance amending Olympia Municipal Code 3.16.020 to change approval authority related to interlocal agreements and other contracts with governmental entities. This option will continue to impede contracts between the City and other governmental agencies, making time sensitive contracting impossible and, in emergency circumstances, could compromise mutual aid assistance.

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Financial Impact:
None

Attachments:
Ordinance.