



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda Metropolitan King County Council

*Councilmembers: Larry Gossett, Chair; Jane Hague, Vice Chair
Reagan Dunn, Bob Ferguson, Kathy Lambert, Joe McDermott, Julia Patterson, Larry Phillips,
Pete von Reichbauer*

1:30 PM

Monday, February 13, 2012

Room 1001

1. Call to Order

2. Roll Call

To show a PDF of the written materials for an agenda item, click on the agenda item below.

3. Flag Salute and Pledge of Allegiance

Councilmember Patterson

4. Approval of Minutes of January 30, 2012 and February 6, 2012 **pg 7**

Councilmember Hague

5. Additions to the Council Agenda



Sign language and communication material in alternate formats can be arranged given sufficient notice (206-1000).

TDD Number 206-1024.

ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.



Hearing and Second Reading of Ordinances from Standing Committees and Regional Committees

Consent Item - Item 6

Councilmember Hague

6. Proposed Ordinance No. 2012-0035 **pg 23**

AN ORDINANCE authorizing the King County executive to execute an interlocal agreement with the Muckleshoot Indian Tribe for the transfer of King County roads located on the Muckleshoot Indian Reservation; and declaring an emergency.

Sponsors: Mr. Phillips, Mr. Ferguson and Ms. Hague

On 1/9/2012, the Metropolitan King County Council Introduced and Referred to Budget and Fiscal Management Committee.

On 1/23/2012, the Metropolitan King County Council Deferred.

On 1/23/2012, the Metropolitan King County Council Hearing Held.

On 2/7/2012, the Budget and Fiscal Management Committee Recommended Do Pass Substitute Consent.

Public Hearing Required on Consent Item 6

Committee of the Whole

Councilmember Hague

- 7. Proposed Ordinance No. 2011-0494 **pg 41**

AN ORDINANCE relating to the adoption, amendment and repeal of labor policies and the maintenance of adopted labor policies; and amending Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050.

Sponsors: Mr. Gossett and Mr. Dunn

On 12/5/2011, the Metropolitan King County Council Introduced and Referred to Committee of the Whole.

On 12/12/2011, the Committee of the Whole Deferred.

On 1/9/2012, the Metropolitan King County Council Reintroduced and Referred to Committee of the Whole.

On 2/6/2012, the Committee of the Whole Recommended Do Pass.

Public Hearing Required

First Reading of and Action on Motions Without Referral to Committee

- 8. Proposed Motion No. 2012-0067 **pg 47**

A MOTION of the county council accepting a bid for the purchase of the county's Limited Tax General Obligation Bond Anticipation Notes, 2012, in the aggregate principal amount of \$_____; and establishing certain terms of such notes in accordance with Ordinance 16994.

Sponsors: Mr. McDermott

SUBJECT TO A MOTION TO SUSPEND THE RULES TO TAKE ACTION WITHOUT REFERRAL TO COMMITTEE PURSUANT TO K.C.C. 1.24.085

Employment and Administration Committee Consent Agenda Item 9

Councilmember Patterson

9. Approve renewal of contract for legal counsel

First Reading and Referral of Ordinances

10. Proposed Ordinance No. 2012-0065

AN ORDINANCE approving the Sammamish Plateau Water and Sewer District 2010 Comprehensive Water System Plan, December 2010.

Sponsors: Mr. Phillips and Ms. Lambert

First Reading and Referral to the Transportation, Economy and Environment Committee

11. Proposed Ordinance No. 2012-0066

AN ORDINANCE approving the King County Water District 54 Comprehensive Water System Plan, February 2011.

Sponsors: Mr. Phillips and Ms. Lambert

First Reading and Referral to the Transportation, Economy and Environment Committee

12. Proposed Ordinance No. 2012-0070

AN ORDINANCE relating to the elimination of the annual technology report submittal requirement; and amending Ordinance 14005, Section 4, as amended, and K.C.C. 2.16.0757, Ordinance 14155, Section 1, and K.C.C.2.16.07581, Ordinance 14155, Section 3, as amended, and K.C.C.2.16.07583 and Ordinance 14155, Section 4, as amended, and K.C.C. 2.16.07584.

Sponsors: Ms. Lambert

First Reading and Referral to the Government Accountability, Oversight and Financial Performance

First Reading and Referral of Motions

13. Proposed Motion No. 2012-0069

A MOTION urging the Washington state Legislature to enact the Washington Voting Rights Act of 2012.

Sponsors: Mr. Ferguson and Mr. Gossett

First Reading and Referral to the Government Accountability, Oversight and Financial Performance

14. Proposed Motion No. 2012-0072

A MOTION expressing support for measures that amend the Children's Safe Products Act by banning certain toxic flame retardants in products designed for children, and requiring assessment of alternatives to other chemicals of concern, being considered by the Washington state Legislature.

Sponsors: Mr. Phillips

First Reading and Referral to the Transportation, Economy and Environment Committee

15. **Reports on Special and Outside Committees**

Eastside Transportation Partnership - Councilmember Hague

Other Business

16. **Executive Session**

Adjournment

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King County

1200 King County
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516 Third Avenue
Seattle, WA 98104

Meeting Minutes

Metropolitan King County Council

*Councilmembers: Larry Gossett, Chair; Jane Hague, Vice Chair
Reagan Dunn, Bob Ferguson, Kathy Lambert, Joe McDermott,
Julia Patterson, Larry Phillips,
Pete von Reichbauer*

1:30 PM

Monday, January 30, 2012

Room 1001

REVISED - Added Items 37-38
--DRAFT MINUTES--

1. **Call to Order**

*The meeting was called to order at 1:58 p.m.
The Chair recessed the meeting at 2:35 p.m.
The meeting was reconvened at 3:03 p.m.
The Chair recessed the meeting at 4:08 p.m.
The meeting was reconvened at 5:35 p.m.*

2. **Roll Call**

Present: 9 - Ms. Lambert, Mr. von Reichbauer, Ms. Patterson, Mr. Phillips, Mr. Dunn, Mr. Ferguson, Mr. McDermott, Ms. Hague and Mr. Gossett

3. **Flag Salute and Pledge of Allegiance**

Ms. Lambert led the flag salute and Pledge of Allegiance.

4. **Approval of Minutes of January 23, 2012**

*Ms. Hague moved to approve the minutes of the January 23, 2012 meeting as presented.
Seeing no objection, the Chair so ordered.*

5. **Additions to the Council Agenda**

Items 37-38 were added to the Agenda.

6. **Special Item**

Presentation of a Recognition to Valley Medical Center for its outstanding achievements

Ms. Patterson made remarks about Valley Medical Center. She invited Rich Roodman, CEO, Valley Medical Center to the podium, while she, Mr. von Reichbauer and Mr. Dunn read the recognition. Mr. Roodman thanked the Council. Mr. von Reichbauer and Mr. Gossett also made comments. Barbara Mitchell, Senior VP of Marketing and Human Resources and Kim Blakeley, PR and Media Manager, Valley Medical Center, were also in attendance.

7. Plat Tracing

Woodin Creek Estates - Council District 3

Mr. Phillips moved to adopt the DDES finding of fact that the final plat of Woodin Creek Estates complies with the conditions of preliminary plat approval and other applicable laws, and that the Chair is authorized to signify Council approval by signing the final plat at the end of the meeting. Seeing no objection, the Chair so ordered.

Hearing and Second Reading of Ordinances from Standing Committees and Regional Committees

Budget and Fiscal Management

8. Proposed Ordinance No. 2011-0406

AN ORDINANCE relating to the 2011 levy of property taxes in King County for collection in the year 2012; and amending Ordinance 17244, Section 1, Ordinance 17244, Section 2, Ordinance 17244, Section 3, and Ordinance 17244, Section 4.

Sponsors: Ms. Patterson

On 1/30/2012, a public hearing was held and closed.

The enacted number is 17258.

Ms. Patterson moved to suspend the rules in order to relieve the Budget and Fiscal Management Committee of further consideration of Proposed Ordinance 2011-0406. The motion carried.

On 01/30/2012, the following people spoke:

*Sam Bellomio
Alex Zimmerman*

*Ms. Patterson moved Striking Amendment S1. The motion carried by the following vote:
Votes: Yes: 8 - Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Hague, Ms. Lambert, Ms. Patterson, Mr. Phillips and Mr. von Reichbauer
No: 0
Excused: 1 - Mr. McDermott*

*Ms. Patterson moved Title Amendment T1. The motion carried by the following vote:
Votes: Yes: 8 - Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Hague, Ms. Lambert, Ms. Patterson, Mr. Phillips and Mr. von Reichbauer
No: 0
Excused: 1 - Mr. McDermott*

A motion was made by Councilmember Patterson that this Ordinance be Passed as Amended. The motion carried by the following vote:

Yes: 8 - Ms. Lambert, Mr. von Reichbauer, Ms. Patterson, Mr. Phillips, Mr. Dunn, Mr. Ferguson, Ms. Hague, and Mr. Gossett

Excused: 1 - Mr. McDermott

Transportation, Economy and Environment

9. Proposed Substitute Ordinance No. 2011-0495.2

AN ORDINANCE related to the public transportation and the June 2012 and Winter 2013 reduction or elimination of low performing fixed-route bus service and reinvestment of resources into priorities established within the King County Metro Transit Strategic Plan 2011-2021 and Service Guidelines as adopted by Ordinance 17143.

Sponsors: Mr. Phillips

On 1/30/2012, a public hearing was held and closed.

The enacted number is 17259.

On 01/30/2012, the following people spoke:

*Celso Tolman
Mar Murillo
Lynn Sereda
Judy Tobin
Khoe Vo (interpreter Hanh Lai)*

Mr. Ferguson moved Amendment 1.

*Ms. Lambert moved Amendment 1c, to Amendment 1.
Jim Brewer, legal counsel, answered questions of the Council.
John Resha, council staff, answered questions of the Council, clarifying Amendment 1.
Paul Carlson, council staff, answered questions of the Council.
John Resha answered questions of the Council, clarifying Amendment 1c, and noting a technical correction; above 'EFFECT', to insert "Delete lines 95 through 97".
Ms. Patterson requested a roll call vote on Amendment 1c.
Voting on Ms. Lambert's motion to adopt Amendment 1c, the motion was carried by the following vote:
Votes: Yes: 5 - Mr. Dunn, Ms. Hague, Ms. Lambert, Ms. Patterson and Mr. Phillips
No: 4 - Mr. Ferguson, Mr. McDermott, Mr. von Reichbauer and Mr. Gossett*

*Mr. McDermott offered an oral amendment to Amendment 1, as amended, changing text on Amendment 1c. On line 14, after 'to', and before 'collectively' to insert "receive council approval on an outside contractor with professional public involvement experience to independently", and on line 16, after 'the', to insert "Executive".
Anne Noris, Clerk, made some clarification on Mr. McDermott's oral amendment to Amendment 1c.
Mr. Gossett accepted the oral amendment as friendly.
Ms. Patterson had a procedural question regarding the intent of the oral amendment to Amendment 1c.
Mr. McDermott withdrew his oral amendment to Amendment 1c. The Chair so ordered.*

*Kevin Desmond, General Manager, Transit Division, Department of Transportation, answered questions of the Council.
Joe Woods, Deputy Chief of Staff, Executive Office, answered questions of the Council.*

*Mr. Ferguson requested a roll call vote on Amendment 1, as amended. The motion to adopt Amendment 1, as amended, carried by the following vote:
Votes: Yes: 7 - Mr. Dunn, Mr. Gossett, Ms. Hague, Ms. Lambert, Ms. Patterson, Mr. Phillips and Mr. von Reichbauer
No: 2 - Mr. Ferguson and Mr. McDermott*

The Clerk clarified that Amendment 2 was withdrawn by Mr. Phillips and Amendment 3 was withdrawn by Ms. Patterson.

Ms. Hague moved Title Amendment T1. The motion carried.

A motion was made by Councilmember Phillips that this Ordinance be Passed as Amended. The motion carried by the following vote:

Yes: 9 - Ms. Lambert, Mr. von Reichbauer, Ms. Patterson, Mr. Phillips, Mr. Dunn, Mr. Ferguson, Mr. McDermott, Ms. Hague, and Mr. Gossett

Hearing Examiner Consent Agenda Item 10

10. Proposed Substitute Ordinance No. 2011-0464.2

AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Jennett Morgan for property located at 78xx Tolt Highlands Road NE, WA, designated department of natural resources and parks, water and land resources division file no. E11CT012.

Sponsors: Mr. Gossett

The enacted number is 17260.

A motion was made by Councilmember Phillips that this Ordinance be Passed on the Consent Agenda. The motion carried by the following vote:

Yes: 9 - Ms. Lambert, Mr. von Reichbauer, Ms. Patterson, Mr. Phillips, Mr. Dunn, Mr. Ferguson, Mr. McDermott, Ms. Hague, and Mr. Gossett

First Reading of and Action on Motions Without Referral to Committee

11. Proposed Motion No. 2012-0050

A MOTION relating to the organization of the council; and amending Motion 11105 (part), as amended, and OR 1-040.

Sponsors: Mr. Gossett

The enacted number is 13636.

Item 11 was considered with Item 37 as one vote.

Ms. Hague moved to suspend the rules in order to take action on Proposed Motion 2012-0050 without referral to committee pursuant to K.C.C. 1.24.085. The motion carried.

A motion was made by Vice Chair Hague that this Motion be Passed. The

motion carried by the following vote:

Yes: 8 - Ms. Lambert, Mr. von Reichbauer, Ms. Patterson, Mr. Phillips, Mr. Ferguson, Mr. McDermott, Ms. Hague, and Mr. Gossett

Excused: 1 - Mr. Dunn

First Reading and Referral of Ordinances

12. Proposed Ordinance No. 2012-0005

AN ORDINANCE approving and adopting a memorandum of agreement negotiated by and between King County and the Animal Control Officers Guild representing employees in the department of executive services; and establishing the effective date of said agreement.

Sponsors: Ms. Patterson

This matter had its first reading and was referred to the Budget and Fiscal Management Committee.

13. Proposed Ordinance No. 2012-0042

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Steven D. Cline and Linda L. Weller for property located at 20506 Old Mill Road SW, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division file no. E11CT021.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

14. Proposed Ordinance No. 2012-0043

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Phillip and Kathryn Johnson for property located at 22029 Wax Orchard Road SW, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division file no. E11CT047.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

15. Proposed Ordinance No. 2012-0044

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Patricia A. MacLaren for property located at 25109 SE 416th Street, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E11CT050.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

16. Proposed Ordinance No. 2012-0045

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Michael and Vicky Rasmussen for property located at 38322 - 247th Avenue SE, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E11CT051.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

17. Proposed Ordinance No. 2012-0047

AN ORDINANCE authorizing the King County executive to enter into an interlocal agreement with the Washington state Department of Transportation to provide transportation demand management services on an as-requested basis.

Sponsors: Mr. Phillips

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

18. Proposed Ordinance No. 2012-0048

AN ORDINANCE authorizing the King County executive to enter into amendments to interlocal cooperation agreements with the cities of Auburn, Bellevue, Des Moines, Federal Way, Issaquah, Kenmore, Kent, Normandy Park, Seattle, Snoqualmie and Tukwila for the disbursement of conservation futures tax levy funds appropriated under Ordinance 17232.

Sponsors: Mr. Phillips

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

19. Proposed Ordinance No. 2012-0049

AN ORDINANCE requiring the King County executive to develop a climate action plan by June 29, 2012; amending Ordinance 17166, Section 2, and K.C.C. 18.50.010 and adding a new chapter to K.C.C. Title 18.

Sponsors: Mr. Phillips and Mr. Ferguson

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

First Reading and Referral of Motions

20. Proposed Motion No. 2012-0046

A MOTION approving a report describing the organizational impacts of the Strategic Plan for Road Services required in the 2012 Budget Ordinance, Ordinance 17232, Section 121, Proviso P1.

Sponsors: Mr. Phillips

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

Reintroductions of Ordinances

21. Proposed Ordinance No. 2010-0461

AN ORDINANCE authorizing a zone reclassification on certain property located on two parcels totaling 129.5 acres about two miles south of the City of Black Diamond on the Enumclaw-Black Diamond Road, Postal City Enumclaw, at the request of Bill Selander for Interwest Development NW, Inc., department of development and environmental services file no. L07TY402.

Sponsors: Mr. Ferguson and Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

22. Proposed Ordinance No. 2010-0513

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Sandra J. Sheriff for property located at 19435 244th Avenue SE, Maple Valley, WA 98038, designated department of natural resources and parks, water and land resources division file no. E10CT008.

Sponsors: Mr. Ferguson and Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

23. Proposed Ordinance No. 2011-0404

AN ORDINANCE authorizing a subdivision on certain property located on the west side of West Snoqualmie River Road and the Snoqualmie River, north of 19th Way, Postal City Fall City, at the request of John Tomlinson department of development and environmental services file no.: L04P0032 with associated shoreline permit department of development and environmental services file no.: L07SH003.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

24. Proposed Substitute Ordinance No. 2011-0464.2

AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Jennett Morgan for property located at 78xx Tolt Highlands Road NE, WA, designated department of natural resources and parks, water and land resources division file no. E11CT012.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Metropolitan King County Council.

25. Proposed Ordinance No. 2011-0465

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Grand Ridge Country Estates LLC for property located at 24033 SW Issaquah-Fall City Road, Issaquah, WA 98029, designated department of natural resources and parks, water and land resources division file no. E11CT013.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

26. Proposed Ordinance No. 2011-0466

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Donald W. Rutledge for property located at 19777 SE 384th Street, Auburn, WA 98092, designated department of natural resources and parks, water and land resources division file no. E11CT014.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

27. Proposed Ordinance No. 2011-0467

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Michael Bowe and Myrna Reyes for property located at 23726 Wax Orchard Road SW, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division file no. E11CT015.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

28. Proposed Ordinance No. 2011-0468

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Deena L. Fuller for property located at 46503 - 276th Avenue SE, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E11CT016.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

29. Proposed Ordinance No. 2011-0469

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Andrew and Jane Valencia for property located at 16909 Vashon Highway SW, Vashon, WA 98022, designated department of natural resources and parks, water and land resources division file no. E11CT017.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

30. Proposed Ordinance No. 2011-0470

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Beau W. Chambers for property located at 21402 Sweeney Road SE, Maple Valley, WA 98038, designated department of natural resources and parks, water and land resources division file no. E11CT018.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

31. Proposed Ordinance No. 2011-0471

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Earl and Ena Soushek for property located at 48041 - 284th Avenue SE, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E11CT019.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

32. Proposed Ordinance No. 2011-0472

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Robert Spencer for property located at 21407 NE Union Hill Road, Redmond, WA 98053, designated department of natural resources and parks, water and land resources division file no. E11CT022.

Sponsors: Mr. Gossett

This matter was reintroduced and referred to the Hearing Examiner.

33. Proposed Ordinance No. 2011-0485

AN ORDINANCE relating to fees and other charges assessed by the real estate services section for processing applications and authorizing use of King County property through right-of-way construction permits; and amending Ordinance 1711, Section 4, as amended, and K.C.C. 14.44.040.

Sponsors: Ms. Patterson

This matter was reintroduced and referred to the Budget and Fiscal Management Committee.

34. Proposed Ordinance No. 2011-0493

AN ORDINANCE making willful violation of wage payment requirements a basis for debarment or suspension from consideration for the award of contracts with the county; and amending Ordinance 12138, Section 18, as amended, and K.C.C. 4.16.145.

Sponsors: Mr. Ferguson and Mr. Gossett

This matter was reintroduced and referred to the Government Accountability and Oversight Committee.

35. Proposed Substitute Ordinance No. 2011-0495.2

AN ORDINANCE related to the public transportation and the June 2012 and Winter 2013 reduction or elimination of low performing fixed-route bus service and reinvestment of resources into priorities established within the King County Metro Transit Strategic Plan 2011-2021 and Service Guidelines as adopted by Ordinance 17143.

Sponsors: Mr. Phillips

On 01/30/2012, a public hearing was held and closed.

This matter was reintroduced and referred to the Metropolitan King County Council.

36. Reports on Special and Outside Committees

The Chair reported on the Congressional delegation trip to Washington, DC, indicating the members who participated had very productive discussions regarding issues, programs and funding resources of priority importance for King County with senators and members of Congress.

Mr. Phillips, Ms. Lambert and Ms. Patterson also made comments.

Extra Items**First Reading of and Action on Motions Without Referral to Committee****37. Proposed Motion No. 2012-0062**

A MOTION relating to the organization of the council; and amending Motion 10651, Section IV, as amended, and OR 1-030, Motion 11122, Section D, as amended, and OR 2-020, Motion 10651, Section V, as amended, and OR 2-030, Motion 11122, Section G, as amended, and OR 2-040, and Motion 11122, Section H, as amended, and OR 2-050.

Sponsors: Mr. Gossett

The enacted number is 13637.

Item 37 was considered with Item 11 as one vote.

Ms. Hague moved to suspend the rules in order to take action on Proposed Motion 2012-0062 without referral to committee pursuant to K.C.C. 1.24.085. The motion carried.

Anne Noris, Clerk, made some clarification regarding Proposed Motion 2012-0062, and confirmed what revisions needed to be made.

A motion was made by Vice Chair Hague that this Motion be Passed. The motion carried by the following vote:

Yes: 8 - Ms. Lambert, Mr. von Reichbauer, Ms. Patterson, Mr. Phillips, Mr. Ferguson, Mr. McDermott, Ms. Hague, and Mr. Gossett

Excused: 1 - Mr. Dunn

Other Business

First Reading of and Action on Emergency Ordinances Without Referral to Committee

38. Proposed Ordinance No. 2012-0063

AN ORDINANCE relating to council rules and order of business; and amending Ordinance 11683, Section 4, as amended, and K.C.C. 1.24.035; and declaring an emergency.

Sponsors: Mr. Gossett

On 01/30/2012, a public hearing was held and closed.

The enacted number is 17261.

Ms. Hague moved to suspend the rules to hold a public hearing on Proposed Ordinance 2012-0063 less than seven days after first reading pursuant to K.C.C. 1.24.095 and to take action without referral to committee pursuant to K.C.C. 1.24.085. The motion carried.

*Jim Brewer, legal counsel, answered questions of the Council.
Anne Noris, Clerk, made some clarification regarding Proposed Ordinance 2012-0063, and confirmed what revisions needed to be made.*

A motion was made by Vice Chair Hague that this Ordinance be Passed. The motion carried by the following vote:

Yes: 7 - Ms. Lambert, Ms. Patterson, Mr. Phillips, Mr. Ferguson, Mr. McDermott, Ms. Hague, and Mr. Gossett

Excused: 2 - Mr. von Reichbauer, and Mr. Dunn

Adjournment

The meeting was adjourned at 6:03 p.m.

Approved this _____ day of _____.

Clerk's Signature

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Meeting Minutes

Metropolitan King County Council

*Councilmembers: Larry Gossett, Chair; Jane Hague, Vice Chair
Reagan Dunn, Bob Ferguson, Kathy Lambert, Joe McDermott,
Julia Patterson, Larry Phillips,
Pete von Reichbauer*

11:00 AM

Monday, February 6, 2012

**SPECIAL MEETING
Bellevue City Hall
450 110th Ave NE
Bellevue, WA 98009
--DRAFT MINUTES--**

1. **Call to Order**

The meeting was called to order at 11:05 a.m.

2. **Roll Call**

Present: 8 - Ms. Lambert, Mr. von Reichbauer, Ms. Patterson, Mr. Dunn, Mr. Ferguson,
Mr. McDermott, Ms. Hague and Mr. Gossett

Excused: 1 - Mr. Phillips

3. **Special Item**

State of the County Address

The Chair called on Mayor Conrad Lee, City of Bellevue, who welcomed the Council and Executive.

Executive Constantine delivered his State of the County Address.

First Reading and Referral of Ordinances

4. **Proposed Ordinance No. 2012-0051**

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Greg Barton for property located at approximately 300xx 208th Place NE, Preston, WA 98050, designated department of natural resources and parks, water and land resources division file no. E11CT030.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

5. Proposed Ordinance No. 2012-0052

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Cynthia and Gerald Duppong for property located at 5524 258th Avenue NE, Redmond, WA 98053, designated department of natural resources and parks, water and land resources division file no. E11CT031.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

6. Proposed Ordinance No. 2012-0053

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Maureen Sunn for property located at 5507 258th Avenue NE, Redmond, WA 98053, designated department of natural resources and parks, water and land resources division file no. E11CT031a.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

7. Proposed Ordinance No. 2012-0054

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Edward K. English for property located at 34213 328th Way SE and Jeff Schweter for property located at 34125 328th Way SE, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E11CT041.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

8. Proposed Ordinance No. 2012-0055

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by John W. and Joan O. English for property located at 33404 SE 339th Place, Elbert and Cara English for property located at 33909 SE 339th Place, and Brian R. and Diane K. Jones for property located at 33707 SE 339th Place, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E11CT042.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

9. Proposed Ordinance No. 2012-0056

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Darien Payne and Robert Tingleff for property located at 4924 322nd Avenue SE, Fall City, WA 98024, designated department of natural resources and parks, water and land resources division file no. E11CT044.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

10. Proposed Ordinance No. 2012-0057

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Todd and Leslie Erickson for property located at 27830 SE Highpoint Way and Melanie Barlow for property located at 6825 280th Avenue SE, Issaquah, WA 98027, designated department of natural resources and parks, water and land resources division file no. E11CT055.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

11. Proposed Ordinance No. 2012-0058

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Chris and Carol Rathe for property located at 5715 308th Avenue SE and Dale and Lisa Garrett for property located at 30506 SE 58th Street, Preston, WA 98050, designated department of natural resources and parks, water and land resources division file no. E11CT056.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

12. Proposed Ordinance No. 2012-0059

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by John and Rene Westman for property located at 9313 300th Place SE, John and Teresa Schmoer for property located at 9211 300th Place SE, Vytenis Babrauskas for property located at 9000 300th Place SE, Jerry Tierney and Jan Drange for property located at approximately 90xx 300th Place SE and Kenneth and Terry Roberts for property located at 30115 SE 88th Street, Issaquah, WA 98027, designated department of natural resources and parks, water and land resources division file no. E11CT057.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

13. Proposed Ordinance No. 2012-0060

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by James M. Hammond for property located at 34430 328th Way SE, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E11CT059.

Sponsors: Mr. Gossett

This matter had its first reading and was referred to the Hearing Examiner.

14. Proposed Ordinance No. 2012-0061

AN ORDINANCE authorizing the King County executive to enter into an interlocal agreement with participating King County cities to formalize the King County-Cities Climate Collaboration, a partnership to work together to directly respond to climate change.

Sponsors: Mr. Phillips and Mr. Ferguson

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

First Reading and Referral of Motions

15. Proposed Motion No. 2012-0064

A MOTION relating to county efforts to reduce climate pollution and prepare for the effects of climate change on the environment, human health and the economy and to minimize King County's operational environmental footprint, and rescinding Motion 12362.

Sponsors: Mr. Phillips and Mr. Ferguson

This matter had its first reading and was referred to the Transportation, Economy and Environment Committee.

Reintroductions of Ordinances

16. Proposed Ordinance No. 2011-0372

AN ORDINANCE increasing transparency as it relates to the executive's budget and budget reporting; and amending Ordinance 12076, Section 2, as amended, and K.C.C. 4.04.020; and Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030.

Sponsors: Mr. Phillips and Ms. Lambert

This matter was Reintroduced and referred to the Budget and Fiscal Management Committee.

Adjournment

The meeting was adjourned at 11:58 a.m.

Approved this _____ day of _____.

Clerk's Signature

1 AN ORDINANCE authorizing the King County executive
2 to execute an interlocal agreement with the Muckleshoot
3 Indian Tribe for the transfer of King County roads located
4 on the Muckleshoot Indian Reservation; and declaring an
5 emergency.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. The Interlocal Cooperation Act, chapter 39.34 RCW, authorizes the county to
9 enter into agreements with other units of government, including Indian tribes, to jointly
10 exercise their existing powers and authority.

11 B. The Muckleshoot Indian Tribe ("the tribe") is a federally recognized Indian
12 tribe occupying the Muckleshoot Indian Reservation ("the reservation") located in King
13 and Pierce counties.

14 C. King County owns portions of 164th Avenue Southeast, Southeast 172nd
15 Avenue and 392nd Street Southeast on one side of the centerline of these roads on the
16 reservation in unincorporated King County.

17 D. The Bureau of Indian Affairs ("the bureau") also owns portions of 164th
18 Avenue Southeast, Southeast 172nd Avenue and 392nd Street Southeast on the other side
19 of the centerline of these roads on the reservation.

20 E. The portions of 164th Avenue Southeast, Southeast 172nd Avenue and 392nd
21 Street Southeast referenced in subsections C. and D. of this section are currently part of
22 the King County road system and the bureau's Indian Reservation Roads Program.

23 F. The tribe desires to improve and maintain those portions of 164th Avenue
24 Southeast, Southeast 172nd Avenue and 392nd Street Southeast in order to better service
25 the Muckleshoot Tribal Administrative Complex and Health and Wellness Center.

26 G. In order to facilitate the tribe's desire to improve and maintain these roads, the
27 King County agrees that it would be advantageous for the ownership of the road
28 segments to be consolidated in the bureau and the tribe.

29 H. The Intergovernmental Property Transfer Act, chapter 39.33 RCW, allows the
30 county to transfer real property on such terms and conditions as may be mutually agreed
31 on by the county and the tribe.

32 I. The tribe must apply for a Federal Highway Administration, Indian
33 Reservation Roads High Priority Non-Emergency Grant for Road Improvements before
34 March 1, 2012, to receive funding from the Federal Government in order to carry out the
35 improvement of 164th Avenue Southeast, Southeast 172nd Avenue and 392nd Street
36 Southeast.

37 J. In order to be eligible to apply for the grant, the tribe must have title to the
38 right-of-way for those three roads, which, due to this federal time constraint, requires the
39 immediate action of transferring ownership of the roads. Enactment of this ordinance as
40 an emergency ordinance is necessary to provide immediate authority for the executive to
41 execute the interlocal agreement for transfer.

42 K. It is in the public's interest to transfer the portions of 164th Avenue Southeast,
43 Southeast 172nd Avenue and 392nd Street Southeast, as described in Attachment A to
44 this ordinance, to the tribe.

45 SECTION 2. The King County executive is hereby authorized to execute an
46 interlocal agreement, substantially in the form of Attachment A to this ordinance, with
47 the Muckleshoot Indian Tribe for the transfer of county roads located on the Muckleshoot
48 Indian Reservation.

49 SECTION 3. The county council finds as a fact and declares that an emergency
50 exists and that this ordinance is necessary for the immediate preservation of public peace,

51 health or safety or for the support of county of county government and its existing public
52 institutions.
53

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. Interlocal Agreement Between King County and the Muckleshoot Indian Tribe
Relating to Transfer of County Roads Located on the Muckleshoot Indian Reservation dated January 31,
2012

**INTERLOCAL AGREEMENT BETWEEN KING COUNTY AND THE
MUCKLESHOOT INDIAN TRIBE RELATING TO TRANSFER OF COUNTY ROADS
LOCATED ON THE MUCKLESHOOT INDIAN RESERVATION**

THIS AGREEMENT is made and entered into by and between the parties (“Parties”) to this Agreement, which are King County, a political subdivision of the State of Washington (“County”) and the Muckleshoot Indian Tribe (“the Tribe”), a federally recognized Indian Tribe.

WHEREAS, the Interlocal Cooperation Act, RCW 39.34, authorizes the County to enter into agreements with other units of government, including Indian tribes to jointly exercise their existing powers and authority; and

WHEREAS, the Tribe is a federally recognized Indian tribe occupying the Muckleshoot Indian Reservation (“Reservation”) located in King and Pierce Counties; and

WHEREAS, the County owns portions of S.E. 172nd Avenue and 392nd Street S.E. on one side of the centerline of these roads on the Reservation in unincorporated King County; and

WHEREAS, the Bureau of Indian Affairs (“Bureau”) also owns portions of S.E. 172nd Avenue and 392nd Street S.E. on the other side of the centerline of these roads on the Reservation; and

WHEREAS, the above-referenced portions of S.E. 172nd Avenue and 392nd Street S.E. are currently part of the King County road system and the Bureau's Indian Reservation Road Program; and

WHEREAS, the Tribe desires to improve and maintain these portions of S.E. 172nd Avenue and 392nd Street S.E. in order to better serve the Muckleshoot Tribal Administrative Complex and Health and Wellness Center; and

WHEREAS, the Tribe also desires to own and maintain 164th Avenue SE, which is contiguous to SE 392nd Street; and

WHEREAS, in order to facilitate the Tribe’s desire to improve and maintain these roads, the Parties agree that it would be advantageous for the ownership of the road segments to be consolidated in the Bureau of Indian Affairs and the Tribe; and

WHEREAS, the Intergovernmental Property Transfer Act, RCW 39.33, as recently amended, allows the County to transfer real property or property rights to the Tribe, on such terms and conditions as may be mutually agreed upon by the proper authorities of the County and the Tribe; and

WHEREAS, the County wishes to convey its property interests in 164th Avenue S.E., S.E. 172nd Avenue and 392nd Street S.E. to the Tribe and the Tribe desires to acquire such interests; and

WHEREAS, relief from the burden of carrying out future road maintenance on 164th Avenue S.E., S.E. 172nd Avenue and 392nd Street S.E. by the County amounts to valuable consideration supporting the transfer to the Tribe; and

WHEREAS, as provided herein and as part of the Indian Reservation Road Program, the portions of these roads transferred to the Tribe will remain open and available for public use as provided by federal law; and

WHEREAS, the County finds it is in the public interest to transfer its interest in portions of 164th Avenue S.E., S.E. 172nd Avenue and 392nd Street S.E to the Tribe so that the Tribe can operate and maintain the full width of said roads for continued public use as part of the Bureau of Indian Affairs Reservation Road Program.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Tribe and the County agree as follows:

1. Conveyance of Title

1.1. Within thirty (30) days of execution of this Agreement, the County shall convey by quitclaim deed the properties described in Exhibit A and Exhibit B ("the Properties") attached hereto and incorporated herein by reference, to the Tribe, subject to all rights, conditions, covenants, obligations, limitations and reservations of record for said properties. The Tribe agrees to abide by and enforce all rights, conditions, covenants, obligations, limitations and reservations for the Properties. The Tribe covenants that the Property shall continue to be used and maintained in perpetuity for road-related purposes, unless otherwise agreed by the County. If the County consents to the sale of the properties described in Exhibit A and/or Exhibit B and said properties are sold for non-road purposes, the Tribe shall pay the County the appraised value of the property at the time the property is sold, as determined by an MAI appraiser selected by mutual agreement by the County and the Tribe; or if the properties described in Exhibit A and/or Exhibit B are traded for non-road related properties, the Tribe shall pay the County the appraised value of the property at the time of the trade, as determined by an MAI appraiser selected by mutual agreement by the County and the Tribe.

1.2 All deeds shall also contain the following specific covenants pertaining to use, which covenants shall run with the land for the benefit of the County. The County and the Tribe agree that the County shall have standing to enforce these covenants, which shall be set forth as follows:

"The Tribe covenants that the Properties shall continue to be operated and maintained in perpetuity for public road purposes open and available to both members and nonmembers as provided in 25 C.F.R. §170.120."

1.3 The Tribe at its option may convey title to the Properties to the United States in trust for the Muckleshoot Indian Tribe, provided that, such conveyance shall not relieve the Tribe of any obligation under this Agreement or the deed.

2. Condition of Premises and Responsibility for Operations, Maintenance, Repairs, and Improvements

2.1 The Tribe has inspected and knows the condition of the Properties and agrees to accept the Properties in an AS IS condition, and to assume full and complete responsibility for all operations, maintenance, repairs, and improvements of the Property.

2.2 The County does not make and specifically disclaims any warranties, express or implied, including any warranty of merchantability or fitness for a particular purpose, with respect to the Properties, and no official, employee, representative or agent of the County is authorized otherwise.

2.3 The Tribe acknowledges and agrees that except as indicated in paragraph 3.2, the County shall have no liability for, and that the Tribe shall release and have no recourse against the County for, any defect or deficiency of any kind whatsoever in the Property without regard to whether such defect or deficiency was known or discoverable by the Tribe or the County.

2.4 The Tribe acknowledges and agrees that the Tribe shall be responsible for all day-to-day management, operation, and maintenance of the Properties, and to respond to public inquiries regarding the same;

2.5 The Tribe acknowledges and agrees that any failure to comply with this section 2 shall constitute a material breach of this Agreement.

3. Environmental Liability

3.1 "Hazardous Materials" as used herein shall mean any hazardous, dangerous or toxic wastes, materials, or substances as defined in state or federal statutes or regulations as currently adopted or hereafter amended.

3.2 Nothing in this Agreement shall be deemed to waive any statutory claim for contribution that the Tribe might have against the County under federal or state environmental statutes and that arises from hazardous materials deposited or released on the Properties by the County during the County's period of ownership. The Tribe may not, however, assert such a claim to the extent that the Tribe creates the need for or exacerbates the cost of remediation upon which a statutory claim for contribution is based as a result of the Tribe performing maintenance and/or construction activities on the Properties, changing the configuration of the Properties, or changing the use of the Properties.

3.3 If the Tribe discovers the presence of hazardous materials at levels that could give rise to a statutory claim for contribution against the County, it shall immediately notify the County in writing. Such notice shall in no event be provided more than 30 days after discovery. The Parties shall make their best efforts to reach agreement as to which party is responsible for remediation under the terms of this Agreement prior to undertaking any remediation.

3.4 In no event shall the County be responsible for any costs of remediation that exceed the minimum necessary to satisfy the state or federal agency with jurisdiction over the remediation.

4. Indemnification and Hold Harmless

4.1 King County shall indemnify and hold harmless the Tribe and its elected officials, officers, agents or employees, or any of them, from and against any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, (i) which are caused by or result from a negligent action or omission of the County, its officers, agents and employees in performing its obligations pursuant to this Agreement, and/or (ii) arising from those occurrences related to the Property that occurred prior to the effective date of conveyance of the Property to the Tribe, except to the extent that indemnifying or holding the Tribe harmless would be limited by Section 3 of this Agreement. In the event that any suit based upon such a claim, action, loss or damage is brought against the Tribe or the Tribe and the County, the County shall defend the same at its sole cost and expense and, if final judgment be rendered the Tribe and its elected officials, officers, agents and employees or jointly the Tribe and the County and their respective elected officials, officers, agents and employees, the County shall satisfy the same.

4.2 In executing this Agreement, the County does not assume liability or responsibility for or in any way release the Tribe from any liability or responsibility which arises in whole or in part from the existence or effect of Tribe laws, rules or regulations, and which would not otherwise arise in the absence of the Tribe's laws, rules, or regulations. The Tribe shall indemnify, defend, and hold harmless the County from any cause, claim, suit, or action arising out of this agreement or the deed that is based on the Tribe's law, rules, or regulations, and which would not arise in the absence of such laws, rules, or regulations.

4.3 The Tribe shall indemnify and hold harmless the County and its elected officials, officers, agents and employees, or any of them, from and against any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, (i) which are caused by or result from a negligent act or omission of the Tribe, its officers, agents and employees in performing obligations pursuant to this Agreement, and/or (ii) arising from those occurrences related to the Properties that occur on or after the effective date of conveyance of the Properties to the Tribe, except to the extent that indemnifying or holding the County harmless would be limited by Section 3 of this

Agreement. In the event that any suit based upon such a claim, action, loss or damage is brought against the County or the County and the Tribe, the Tribe shall defend the same at its sole cost and expense and, if final judgment be rendered against the County and its officers, agents and employees or jointly against the County and the Tribe and their respective officers, agents and employees, the Tribe shall satisfy the same.

- 4.4 Each party to this Agreement shall immediately notify the other of any and all claims, actions, losses or damages that arise or are brought against that party relating to or pertaining to the Properties.
- 4.5 Each party agrees that its obligations under this Section 4 extend to any claim, demand, and/or cause of action brought by or on behalf of any employees, or agents. For this purpose, each party, by mutual negotiation, hereby waives, with respect to the other party only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW, but only to the extent necessary to indemnify the other party.

5. Audits and Inspections

- 5.1 Until December 31, 2020, the records of the Parties related to any matters covered by this Intergovernmental Agreement and not otherwise privileged shall be subject to inspection, review, and/or audit by any other party at the requesting party's sole expense. Such records shall be made available for inspection during regular business hours within a reasonable time of the request. The Parties acknowledge and agrees that in order to fulfill their obligations under this paragraph, they must preserve all of their records pertaining to the Properties until such date. King County shall fulfill its obligation to preserve such records consistent with RCW 40.14.070 and state regulations promulgated thereunder.

6. Limited Waiver of Sovereign Immunity; Dispute Resolution; Reversion of Title

- 6.1 The Tribe expressly agrees to waive its sovereign immunity for the limited purpose of lawsuits or other legal proceeding brought by the County to enforce the terms of this Agreement or the Deed transferring the Properties in accordance with this Agreement in the courts of the State of Washington or United States.
- 6.2 The Tribe acknowledges and agrees that the County shall have standing to sue the Tribe in Washington State superior court to enforce specific performance of this Agreement, to enforce specific performance of the terms of the Deed transferring the Properties, or for such other legal or equitable remedy as the County deems appropriate in its sole discretion. The County may at any time seek injunctive relief or specific performance in King County Superior Court if the County reasonably believes that the Tribe has breached any covenant contained in the Deed or in this Agreement. Except as provided in this Section 6.2, the County may not seek from any court any provisional remedy

pending the fulfillment of all dispute resolution requirements set forth in Sections 6.3 through 6.4.

- 6.3 It is intended that any disputes between the Parties concerning this Agreement or interpretation of the Deed to the Properties should be resolved by the Parties through direct, oral discussion and, if such is not possible, then through the dispute resolution framework established in Section 6.4 below. All stated time frames for resolving disputes may be lengthened by mutual consent.

No violation of a covenant, duty or obligation shall be considered a material breach of such covenant, duty or obligation unless and until (1) the complaining party delivers to the other party, by certified mail, return receipt requested or by another means of certifiable delivery, a written notice which identifies the alleged violation of a covenant and demands that the other party cure such violation within ten (10) business days of receiving the written notice, and (2) the other party fails to timely cure the violation. During the same ten (10) business days following certified receipt of the notice of violation, the Parties will have one or more government to government discussions, including at least one face to face meeting, to discuss and resolve the alleged breach. Prior to the first face to face meeting, the responding party shall provide the other party with a written response. If a party fails to timely cure following receipt of the notice of violation and the parties do not otherwise resolve their dispute, cessation of that activity after the time allotted for cure has passed shall not be deemed a cure of the alleged breach, except by express waiver of the complaining party. Either party may initiate dispute resolution pursuant to Section 6.4 below to contest the notice of violation and allegation of breach, the failure to cure or the sufficiency of the cure, as the case may be.

- 6.4 If direct discussions pursuant to Section 6.3 above are unsuccessful in resolving the dispute, any party may make a written demand for mediation before a single mediator in Seattle, Washington or at another place as the parties may agree in writing. If the parties cannot agree on the selection of a mediator within ten (10) business days of the date the written demand letter was received, then the mediation will be administered by J.A.M.S., Seattle, Washington Office, or its successor, using a mediator selected by J.A.M.S. from its roster. Any mediator selected must have at least five (5) years' legal experience in real estate law and, to the extent possible, a fundamental knowledge of Indian law.

- 6.5 If the dispute remains unresolved after fulfillment of the dispute resolution requirements set forth in Sections 6.3 and 6.4, either party may initiate an action in the courts of the State of Washington or United States to enforce the terms of this Agreement and the Deeds, as provided herein.

7. Waiver and Amendments

Waiver of any breach of any term or condition of this Agreement shall not be deemed a waiver of any prior or subsequent breach. No term or condition shall be waived, modified or deleted

except by an instrument, in writing, signed by the parties hereto and approved by the King County Council and the Muckleshoot Tribal Council or their successors in interest.

8. Entire Agreement and Modifications

This Agreement and its Exhibits sets forth the entire agreement between the parties with respect to the subject matter hereof. It may be supplemented by addenda or amendments, which have been agreed upon by both parties in writing, signed by the parties hereto and approved by the King County Council and the Muckleshoot Tribal Council or their successors in interest. Copies of such addenda and amendments shall be attached hereto and by this reference made part of this contract as though fully set forth herein.

9. Duration and Authority

This Agreement shall be effective upon signature and authorization by both parties. The terms, covenants, representations and warranties contained herein shall not merge in the deed of conveyance, but shall survive the conveyance and shall continue in force unless both parties mutually consent in writing to termination. The undersigned have the necessary authority to bind the parties to all terms of this Agreement and the Agreement has been approved by each party's legislative body as required under applicable laws.

10. Notice

Any notice provided for herein shall be sent to the respective parties at:

King County:

Paulette Norman, Director
Road Services Division
King County Department of Transportation
KSC-TR-0313
201 S. Jackson Street
Seattle, WA 98104-3856

Tribe:

Chairperson
Muckleshoot Tribal Council
39015 – 172nd Ave. SE
Auburn, WA 98092-9763

11. Interlocal Cooperation Act

11.1 The County and the Tribe enter into this Agreement pursuant to the Washington State Interlocal Cooperation Act, RCW 39.34. As a home rule charter county and political subdivision of the State of Washington, the County has the inherent authority to acquire, hold and dispose of real property, all of which it does pursuant to King County Code Chapter 4.56, RCW 36.34 and

39.33. As a sovereign nation and an Indian Tribe federally recognized pursuant to 25 U.S.C. §§ 479a and 479a-1(a), the Tribe has the inherent authority to enter into this Agreement.

11.2 The purpose of this Agreement is to transfer the Property from the County to the Tribe, retaining certain rights in the County and subjecting the Tribe's ownership interest to certain terms and conditions to ensure continued maintenance, public use and access to the Property.

11.3 This Agreement does not create a separate joint board or other legal or administrative entity.

11.4 The parties shall hold and dispose of property as set forth in this Agreement.

11.5 The parties are each responsible for their own finances in connection with this Agreement, and nothing in this Agreement shall be deemed or construed otherwise.

11.6 The duration of this Agreement shall be perpetual, unless terminated by the Parties through an amendment to this Agreement or a separate agreement, either of which must be: (a) approved by the King County Council and the Muckleshoot Tribal Council or their successors in interest; and (b) executed with equal formality as this Agreement.

11.7 This Agreement will be recorded by the County or otherwise be made public by it in conformance with the Interlocal Cooperation Act.

IN WITNESS WHEREOF, the parties have executed this Agreement.

King County

Muckleshoot Indian Tribe

King County Executive

Tribal Chairperson

Date

Date

Approved as to Form:
King County
Senior Deputy Prosecuting Attorney

Approved as to Form:
Attorney for the Muckleshoot Tribe

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this ____ day of _____, 2011, personally appeared before me _____ to me known to be the _____ of the Muckleshoot Indian Tribe, and acknowledged this instrument to be the free and voluntary act and deed of the Muckleshoot Indian Tribe for uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written

Notary Public in and for the State of Washington
Residing at _____

My appointment expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this ____ day of _____, 2011, personally appeared before me _____ to me known to be the _____ of King County, and acknowledged this instrument to be the free and voluntary act and deed of King County for uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written

Notary Public in and for the State of Washington
Residing at _____

My appointment expires _____

EXHIBIT A
Legal Description for S.E. 172nd Avenue

Those portions of Section 1, Township 20 North, Range 5 East, Willamette Meridian, King County, Washington, being described as follows:

That portion of the 172nd Avenue SE right-of-way, lying northerly of the SE 392nd Street right-of-way, also known as J.T. Ray Road – County Road No. 1632, and located in said Section 1.

EXHIBIT B
Legal Description for 392nd Street S.E. and 164th Avenue S.E.

Those portions of Section 1, Township 20 North, Range 5 East, Willamette Meridian, King County, Washington, being described as follows:

Those portions of the SE 392nd Street right-of-way, also known as J.T. Ray Road – County Road No. 1632, and the 164th Avenue SE right-of-way, located in said Section 1.



King County

Metropolitan King County Council
Budget and Fiscal Management Committee

Agenda Item No.: _____ Date: January 7, 2012

Proposed No.: 2012-0035 Prepared By: John Resha

REVISED STAFF REPORT

SUBJECT:

Proposed Ordinance 2012-0035 would authorize the Executive to sign an Interlocal Agreement (ILA) with the Muckleshoot Indian Tribe (Tribe) for the transfer of roads to the Tribe.

COMMITTEE ACTION

On February 7, 2012, the Budget and Fiscal Management Committee approved Proposed Substitute Ordinance 2012-0035, as amended, with a "do pass" recommendation.

BACKGROUND:

The Road Services Division (RSD) faces a significant backlog of roadway facilities requiring maintenance and preservation assistance due to a long standing disconnect between available resources and volume of work. This disconnect led to the adoption of the Strategic Plan for Road Services (SPRS), which requires a prioritization of work, as well as prioritizing partnerships to meet community needs.

Portions of 172nd Avenue SE, SE 392nd Street, and 164th Avenue SE exist on tribal lands but are currently owned and maintained by King County. These facilities provide direct access to the Tribe's administrative complex and its Health and Wellness Center.

Based on the priorities of SPRS, RSD is unlikely to invest significant resources in maintenance or invest in enhancing the facilities to meet growing tribal needs. At the same time, however, federal resources are available exclusively to Native American tribes through the Federal Highway Administration's Indian Reservation Roads

programs for preservation and enhancement of these types of facilities owned by a tribe.

ANALYSIS:

Proposed Ordinance 2012-0035 would transfer the facilities, already on tribal lands, to the Tribe in a manner consistent with park and road transfers associated with annexations, and as provided for in RCW 39.33, the Intergovernmental Property Transfer Act.

The ILA, Attachment A to Proposed Ordinance 2012-0035 contains specific language (Section 1.2) that requires maintenance of the facilities for road purposes in perpetuity with general public access for all, including both members and non-members of the Tribe.

RSD estimates that it will save \$16,000 per year in maintenance expenditures. These savings would be directly reinvested in other existing maintenance needs.

Both the Prosecuting Attorney's Office and Council's legal counsel have reviewed the agreement. A minor technical issue clarifying future Council requirements was identified and agreed to by all parties.

Of additional note, the Tribe needs to submit their application for federal funds immediately to meet federal requirements for grant eligibility. In order to accomplish this goal and provide adequate review and deliberation time for Council, a declaration of emergency would be necessary.

AMENDMENT

The proposed ordinance was amended to declare an emergency in order to make the ILA effective immediately and assist the Tribe in applying for and receiving federal funds to preserve and enhance the roadway facilities, and to address minor technical issues agreed to by both parties.

REASONABLENESS:

Action on Proposed Ordinance 2012-0035 as amended would constitute a reasonable business decision.

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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 6, 2012

Ordinance

Proposed No. 2011-0494.1

Sponsors Gossett and Dunn

1 AN ORDINANCE relating to the adoption, amendment and
2 repeal of labor policies and the maintenance of adopted
3 labor policies; and amending Ordinance 12014, Section 55,
4 as amended, and K.C.C. 3.16.050.

5 STATEMENT OF FACTS:

6 1. There currently is no explicit procedure for the adoption, amendment
7 and repeal of labor policies or for the maintenance of adopted labor
8 policies.

9 2. It would be helpful to adopt such a procedure.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Ordinance 12014, Section 55, as amended, and K.C.C. 3.16.050 are
12 each hereby amended to read as follows:

13 A. The labor policy committee shall meet as it deems necessary to obtain the
14 testimony of members of the public, the bargaining agent, bargaining representatives or
15 their designees, county department management and others in order to consider such
16 testimony in policy decisions before the committee (~~((but))~~). The labor policy committee
17 shall not engage in bargaining with bargaining representatives or represented employees.

18 B. The labor policy committee shall provide an opportunity for bargaining
19 representatives or their designees to address the (~~((policy))~~) committee (~~((prior to))~~) before

20 the adoption of overall policy. Overall policy, and all amendments to adopted policies,
21 shall be established only upon an affirmative vote by a majority of the members of the
22 labor policy committee.

23 C. The bargaining agent shall recommend to the labor policy committee overall
24 changes to adopted policies that would be required to implement the changes proposed in
25 K.C.C. 3.16.055_D, and an overall estimate of the monetary value, if any, of these
26 changes, including both costs and benefits.

27 D. The bargaining agent may seek further clarification of adopted policies from
28 the labor policy committee at any time during the negotiations.

29 E. By June 30 of each year, the executive shall report to the labor policy
30 committee regarding employment policies applicable to nonrepresented employees.

31 F. By June 30 of each year, the prosecuting attorney shall, in conjunction with the
32 executive, report to the labor policy committee on all pending litigation involving
33 nonrepresented employees.

34 G. For the purpose of maintaining an effective collective bargaining process, the
35 strategies and related information presented by the bargaining agent shall be maintained
36 as confidential. In addition, proposed or adopted policies designated as confidential shall
37 be considered policy formulation documents and be maintained as confidential and
38 exempt from public disclosure as provided in RCW 42.56.280. The labor policy
39 committee shall develop guidelines to assist in accomplishing such confidentiality.

40 H. Any councilmember may propose the adoption, amendment or repeal of any
41 labor policy by filing with the clerk of the council a memorandum that includes the
42 proposed policy. Any proposed amendment shall set forth the existing policy and show

43 proposed changes as in the form required for ordinances by K.C.C. 1.24.075. The clerk
44 shall provide a copy of the proposal to the executive, each councilmember and the lead
45 staff for the labor policy committee. The proposal shall be designated by the
46 councilmember either as public or as confidential pending action by the committee on the
47 policy. Adopted policies may be designated as confidential by an affirmative vote of a
48 majority of the members of the policy committee.

49 I. The clerk of the council shall maintain a compilation of adopted policies. The

50 clerk shall make publicly available all public policies, and shall maintain as confidential
51 all labor policies designated as confidential policy formulation documents.
52

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



King County
Metropolitan King County Council
Committee of the Whole

STAFF REPORT

Agenda Item No.:	4	Date:	6 Feb 2012
Proposed Ordinance No.:	2011-0494	Prepared by:	Nick Wagner

SUMMARY

Proposed Ordinance 2011-0494 (pp. 3-6 of these materials) would clarify the process for adopting labor policies. This is the second time that the ordinance has been considered in the Committee of the Whole; the first time was on 12 December 2011.

BACKGROUND

The Council rules (Chapter 1.24 of the King County Code) prescribe the procedure for adoption, amendment, and repeal of ordinances and motions, but there currently is no explicit procedure for the adoption, amendment, and repeal of labor policies or for the maintenance of adopted labor policies.¹ Proposed Ordinance 2011-0494 is based on the premise that it would be helpful to adopt such a procedure.

THE PROPOSED LEGISLATION

Labor Policies in General

Proposed Ordinance 2011-0494 would provide in part:

- “Any councilmember may propose the adoption, amendment or repeal of any labor policy by filing with the clerk of the council a memorandum that includes the proposed policy. Any proposed amendment shall set forth the existing policy and show proposed changes as in the form required for ordinances by K.C.C. 1.24.075.”
- “The clerk shall provide a copy of the proposal to the executive, each councilmember and the lead staff for the labor policy committee.”

¹ Historically, there has been inconsistency in the manner of adoption, amendment, and repeal of labor policies. For example, some policies have been adopted by motion by the full Council; others have been adopted by less formal action within the labor policy committee. A recent example of the latter was the extensive revision of the county labor policies in 2010.

The ordinance implicitly leaves to the discretion of the councilmember whether to include a statement of factual findings or reasons for the labor policy.

The county code already provides that labor policies are to be adopted or amended by a vote of a majority of the members of the Council’s labor policy committee (KCC 3.16.050(B)).

Confidential Labor Policies

The proposed ordinance would require a councilmember proposing a labor policy to designate it as public or confidential; however, a policy would be deemed confidential only if that designation was supported by the affirmative vote of a majority of the members of the labor policy committee.

The ordinance would provide that “proposed or adopted policies designated as confidential shall be considered policy formulation documents and be maintained as confidential and exempt from public disclosure as provided in RCW 42.56.280.”

Maintenance of Labor Policies by the Council Clerk

The proposed ordinance would direct the Council Clerk to:

- “[M]aintain a compilation of adopted policies”;
- “[M]ake publicly available all public policies”; and
- “[M]aintain as confidential all labor policies designated as confidential policy formulation documents.”

No Effect on Designation of Labor Policy Committee

The proposed ordinance would have no effect on the designation of the full Council as the Council’s “labor policy committee” in section 3.16.015(H) of the King County Code.

No Effect on Substance of Current Labor Policies

The proposed ordinance would prescribe only the process for adoption, amendment, and repeal of labor policies, and for maintenance of the records concerning such policies. The ordinance would have no effect on the substance of current labor policies.

ATTACHMENTS

Page

1. Proposed Ordinance 2011-0494	3
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KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 8, 2012

Motion

Proposed No. 2012-0067.1

Sponsors McDermott

1 A MOTION of the county council accepting a bid
 2 for the purchase of the county’s Limited Tax
 3 General Obligation Bond Anticipation Notes, 2012,
 4 in the aggregate principal amount of \$_____;
 5 and establishing certain terms of such notes in
 6 accordance with Ordinance 16994.

7

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Gossett, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: None