

February 18, 1998  
July 9, 1998

CG/425M2  
clerk 5/8/98

Introduced By: LARRY PHILLIPS  
GREG NICKELS

Proposed No.: 98-311

MOTION NO. **10508**

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A MOTION authorizing the County Executive to execute an amendment to an existing interlocal agreement with the city of Burien, relating to the development, improvement, operation and maintenance of parks and recreation sites.

WHEREAS, the city of Burien (the "city") desires to work cooperatively with King County (the "county") to provide parks and recreation opportunities for citizens of the recently incorporated city and surrounding communities, including unincorporated King County, and desires to own, operate and maintain parks, open space, recreation facilities and programs inside the city's boundaries, and

WHEREAS, the county has provided funds for parks and recreation improvements to the city in Capital Improvement Project 349782 and now desires to authorize transfer of those funds to the city to provide one-time, limited funding toward the development, improvement, operation and maintenance of parks and recreation sites, and

WHEREAS, the county desires to transfer non regional parks and recreation programs to local jurisdictions as directed by King County Motion 8056 and Ordinance 12349, and

1           WHEREAS, the city has an outstanding obligation of approximately \$403,000 to  
2 the county for services provided under the terms of section 3.1 of the existing interlocal  
3 agreement, as previously amended, and

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WHEREAS, it is in the public interest that jurisdictions cooperate to provide public services and programs;

NOW, THEREFORE BE IT MOVED by the Council of King County:

The county executive is hereby authorized to execute an amendment to the existing interlocal agreement relating to the ownership, funding, operation and maintenance of parks, open space, recreation facilities and programs, substantially in the form attached,

PROVIDED THAT,

Funds to be provided by the county to the city under the terms stipulated in the section 14.1 of the amended interlocal agreement will not be transferred to the city prior to the transfer of funds from the city constituting payment of the city's outstanding obligation under section 3.1 of said document.

PASSED by a vote of 10 to 0 this 27<sup>th</sup> day of July,  
1998.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

*Louise Miller*  
Chair

ATTEST:

*Emerson*  
Clerk of the Council

Attachments: Amendment to Interlocal Agreement Between King County and the city of Burien.

**10508**

**AMENDMENT TO**  
**Interlocal Agreement Between**  
**King County and the City of Burien**  
Relating to the Ownership, Funding, Operation and Maintenance  
of Parks, Open Space, Recreation Facilities and Programs

WHEREAS, King County (hereafter County) and the City of Burien (hereafter City), have an agreement whereby the City and County have agreed upon the transfer of certain local parks, recreation and open space sites as further detailed in the existing agreement, section 1.1, signed in February 1993 by the parties which is attached hereto as Exhibit 1, and

WHEREAS, that document provides, in Section 12, that the agreement may be amended at any time by mutual agreement, and

WHEREAS, the County and the City have mutually agreed to a transfer of certain funds from the County to the City for use in parks and recreation services as detailed below, and

WHEREAS, the County and the City wish to amend the existing interlocal agreement;

NOW, THEREFORE, in consideration of the terms and conditions contained herein, it is mutually agreed by and between the County and the City that the Interlocal Agreement relating to the Ownership, Funding, Operation and Maintenance of Parks, Open Space, Recreation Facilities and Program is hereby amended as follows:

The following new sections are added to the existing Agreement and to the extent that the prior agreement is in conflict with this amendment, this amendment shall prevail:

**NEW SECTION 14: Project Funds:**

14.1 Within ninety (90) days of the execution of this agreement by the parties, King County agrees to transfer the balance of the funds in Project 349782, estimated to be \$430,000 to the City, to be used exclusively for the development, improvement, operation and maintenance of the City parks.

14.2 The parties acknowledge that the funds listed in subsection 14.2 above constitute all County funds agreed to be provided for the development, improvement, operation and maintenance of the City parks and recreation sites. The County makes no commitment to further support the programs, projects, operations or maintenance of City parks and recreation sites, and assumes no obligation for further support of the parks except as expressly set forth herein.

**NEW SECTION 15: City Responsibilities**

15.1 Upon the execution of this agreement by both parties, the City agrees to proceed with the development, improvement, operation and maintenance of the City parks.

15.2 The parties acknowledge that the City will assume complete responsibility for the development, improvement, operation and maintenance of the City parks and for administration of any capital projects. These responsibilities include, but are not limited to hiring and control of personnel, contracting for design, engineering or construction services, standards of personnel, payroll, and ordering of and payment for supplies and equipment.

15.3 The City agrees that the transfer of funds detailed in Section 14 constitutes fulfillment of all County obligations relating to parks and recreation and further agrees said funds transfer constitutes full and complete resolution of parks and recreation issues, disagreements or potential disputes relating to the transfer of local parks and recreation sites as itemized in Section 1.1 of the existing Interlocal Agreement

NEW SECTION 16: Use of Funds

16.1 The City agrees to use the funds transferred by the County for the development, improvement, operation and maintenance of the City parks, and for no other purpose. Such use may include operation, maintenance, design, project management, project administration and construction purposes.

16.2 The City agrees to refund in full any King County funds transferred for the City parks and used for purposes not authorized by this agreement plus interest at market rates.

NEW SECTION 17: Relationship of the Parties

17.1 The intent of the parties is that the City shall serve as owner and operator of all parks within the City limits, as described in the existing interlocal agreement, section 1.1 The County will provide limited funds only, as described in Section II above, to assist in the operation, maintenance, development and improvement of the City parks.

17.2 The City shall be responsible for following all applicable Federal, State and local laws, rules and regulations in the administration of this project, and assures their procedures are consistent with laws relating to public contract bidding procedures, and the County neither incurs nor assumes any responsibility for the City's bid, award or construction process. The City further assures procedural consistency with King County Women and Minority Business Enterprise rules, and Affirmative Action, non-discrimination and fair employment rules, regulations and ordinances.

IN WITNESS WHEREOF, the parties have executed this Amendment

King County

City of Burien

\_\_\_\_\_  
King County Executive

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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Approved as to Form

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Approved as to Form

\_\_\_\_\_  
King County  
Deputy Prosecuting Attorney

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date