

**Resolution 196**

A RESOLUTION OF THE GOVERNING BOARD OF NORCOM, AMENDING THE NORCOM INTERLOCAL AGREEMENT TO CLARIFY THE STATUS OF CERTAIN MERGED PRINCIPALS FOR PURPOSES OF GOVERNING BOARD OPERATIONS, AND PROVIDING OTHER MATTERS RELATED THERETO.

**WHEREAS**, the Northeast King County Regional Public Safety Communications Agency (“NORCOM”) is a consolidated public safety communications agency formed by and serving as an instrumentality of its member public agencies (the “Principals”) pursuant to chapters 39.34 and 24.06 of the Revised Code of Washington (“RCW”) and the NORCOM Interlocal Agreement dated October 17, 2007, including all subsequent amendments (the “ILA”); and

**WHEREAS**, pursuant to Sections 6.i and 20 of the ILA, the Governing Board of NORCOM, by Supermajority Vote (as defined in the ILA), has authority to amend certain provisions of the ILA; and

**WHEREAS**, Section 6.p. of the ILA provides direction with respect to Governing Board operations in the event that a Principal annexes into another Principal or becomes a member agency of a Public Safety Interlocal Operation that is a Principal; and

**WHEREAS**, in such event, the “merged” Principal’s rights and obligations under the ILA (including its seat and voting rights on the Governing Board) are assumed in full by the Principal into which it has merged; and

**WHEREAS**, Woodinville Fire and Rescue (“Woodinville”), a Principal of NORCOM, has entered into a long-term service agreement with Eastside Fire & Rescue (“Eastside”); and

**WHEREAS**, pursuant to the services agreement, Woodinville will continue to be governed by its elected Board of Commissioners, will retain title to its capital assets, and will retain its separate legal entity status, and all operations, staffing and services previously provided by Woodinville will be assumed by Eastside; and

**WHEREAS**, because Woodinville has effectively “merged” into Eastside for all purposes, the Governing Board now desires to clarify that the treatment in the ILA for an annexed or merged Principal shall apply when a Principal is effectively “merged” into another Principal under the terms of a service agreement;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of NORCOM as follows:

Section 1. Definitions. To the extent applicable, capitalized terms in this resolution are intended to have the same meanings as the terms that are so defined in Section 3 (“Definitions”) of the ILA. In any conflict of definitions, the ILA controls. When not provided for in the ILA, capitalized terms have the meanings assigned in this resolution, including in the recitals hereto.

Section 2. Amendment to Interlocal Agreement. The form of Amendment to Interlocal Agreement attached as Exhibit A (the “Amendment”) is hereby approved. The Chair of the Governing Board is hereby authorized and directed to execute the Amendment on behalf of the Governing Board.

Section 3. Further Authority; Prior Acts. The Chair of the Governing Board and the Executive Director are authorized and directed to take all as in their judgment may be necessary or desirable to carry out the provisions of this resolution. All actions taken prior to the effective date of this resolution in furtherance of and not inconsistent with the provisions of this resolution are ratified and confirmed in all respects.

Section 4. Severability. The provisions of this resolution are separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, holds any provision of this resolution invalid or unenforceable as to any person or circumstance, the offending provision, if feasible, is modified to be within the limits of enforceability or validity. If the offending provision cannot be modified, it is null and void with respect to the particular person or circumstance. All other provisions of this resolution in all other respects, and the offending provision with respect to all other persons and all other circumstances, remain valid and enforceable.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage and adoption.

Passed by a Supermajority Vote of the Governing Board in an open meeting on this 10<sup>th</sup> day of December, 2021.

Signed in authentication thereof on this 10<sup>th</sup> day of December, 2021.

NORTH EAST KING COUNTY  
REGIONAL PUBLIC SAFETY  
COMMUNICATIONS AGENCY

By   
Chair, NORCOM Governing Board

Attest: 

EXHIBIT A  
AMENDMENT TO INTERLOCAL AGREEMENT  
(attached)

**AMENDMENT TO  
NORTH EAST KING COUNTY REGIONAL PUBLIC SAFETY  
COMMUNICATIONS AGENCY INTERLOCAL AGREEMENT**

This AMENDMENT TO NORTH EAST KING COUNTY REGIONAL PUBLIC SAFETY COMMUNICATIONS AGENCY INTERLOCAL AGREEMENT (this "Amendment") dated this 10<sup>th</sup> day of December, 2021, amends that certain NORTH EAST KING COUNTY REGIONAL PUBLIC SAFETY COMMUNICATIONS AGENCY INTERLOCAL AGREEMENT, dated October 17, 2007 (the "Interlocal Agreement").

WITNESSETH

**WHEREAS**, the Northeast King County Regional Public Safety Communications Agency ("NORCOM") is a consolidated public safety communications agency formed by and serving as an instrumentality of its member public agencies (the "Principals") pursuant to chapters 39.34 and 24.06 of the Revised Code of Washington ("RCW") and the Interlocal Agreement; and

**WHEREAS**, pursuant to Sections 6.i and 20 of the Interlocal Agreement, the NORCOM Governing Board (the "Governing Board") by Supermajority Vote (as defined in the Interlocal Agreement) has authority to amend certain provisions of the Interlocal Agreement; and

**WHEREAS**, Section 6.p. of the Interlocal Agreement provides direction with respect to Governing Board operations in the event that a Principal annexes or is merged into another Principal or becomes a member agency of a Public Safety Interlocal Operation that is a Principal; and

**WHEREAS**, the Governing Board now desires to clarify that the treatment in the ILA for an annexed or merged Principal shall apply when a Principal is effectively "merged" into another Principal under the terms of a service agreement;

**NOW, THEREFORE**, in consideration of the foregoing premises the Interlocal Agreement is amended as follows:

AGREEMENTS

**Section 1.01. Definitions.** All words and phrases not otherwise defined herein shall have the meanings given to them in the Agreement.

**Section 1.02. Amendment to Interlocal Agreement.** Section 6.p. (Merger of a Principal with another Principal Directly Served by NORCOM) of the Agreement is hereby amended as follows (additions are double underlined and deletions are stricken):

Section 6.p. Merger of a Principal with another Principal Directly Served by NORCOM. In the event a Principal annexes to another Principal, or becomes a member agency of a Public Safety Interlocal Operation that is a Principal, or enters into a service or other operating contract pursuant to which another Principal effectively assumes all operations of the Principal, and as a result of such annexation or contractual action (collectively herein, "merger"), a public safety operation (e.g. fire/EMS operation or police operation) of the "merged" Principal is no longer Directly Served by NORCOM, then the "merged" Principal's rights and obligations under this Agreement (including its seat and voting rights on the Governing Board, for all purposes, including establishing a quorum) with respect to the merged public safety operation shall be assumed in full by the Principal into which it has merged, including without limitation any amounts owed NORCOM for services rendered or with respect to any borrowing program per Section 13. Provided, however, that if a "merged" Principal retains a separate public safety operation that is Directly Served by NORCOM, that Principal shall remain a Principal and shall retain all its rights and obligations under this Agreement with respect to its Directly Served public safety operation as agreed to by NORCOM and such Principal.

**Section 1.03. Ratification and Confirmation.** All other terms and conditions of the Interlocal Agreement are hereby ratified and confirmed.

**Section 1.04. Effective Date.** The amendment set forth herein shall be effective after approved by an affirmative Supermajority Vote of the Governing Board, as provided in the Interlocal Agreement.

Dated: December 10, 2021.

NORTH EAST KING COUNTY  
REGIONAL PUBLIC SAFETY  
COMMUNICATIONS AGENCY

By   
Chair, NORCOM Governing Board