

Department of Public Services

Phone: 360-249-4222

Fax: 360-249-3203



100 West Broadway; Suite 31
Montesano, Washington 98563
www.co.grays-harbor.wa.us

GRAYS HARBOR COUNTY

STATE OF WASHINGTON

September 10, 2009

TO: BOARD OF COUNTY COMMISSIONERS
FROM: KEVIN VARNES, DIRECTOR OF UTILITIES & DEV. DIV.
SUBJECT: INTER-LOCAL AGREEMENT SOLID WASTE PLANNING

The attached Inter-Local Agreement has been prepared to document authorization by our cities for the County to lead the current update of our Local Solid Waste Plan and their participation.

The Agreement was prepared with the assistance of the Prosecutor's office along with the review by the City Attorney's. It has been executed by all the cities and awaits the Board's signature.

We recommend approval and request signature of the Agreement by the Board. The Agreement is a condition of plan approval by the State Department of Ecology.

Respectfully,

Kevin Varnes
Director of Utilities & Development Division

ACCEPTED and APPROVED this 14th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
GRAYS HARBOR COUNTY, WASHINGTON

Mike Wilson, Chairman
Albert A. Carter, Commissioner
Terry Willis, Commissioner

ATTEST:

Clerk of the Board Date

G:\PS\Utilities\Kevin V\BOCC 09-10-09

**INTERLOCAL AGREEMENT
BETWEEN GRAYS HARBOR COUNTY
AND THE CITIES OF ABERDEEN, COSMOPOLIS, ELMA, HOQUIAM,
MCCLEARY, MONTESANO, OAKVILLE, OCEAN SHORES AND
WESTPORT**

REGARDING COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN

THIS AGREEMENT, made on the last date written below, by and among GRAYS HARBOR COUNTY, a political subdivision of the State of Washington, and THE CITIES OF ABERDEEN, COSMOPOLIS, ELMA, HOQUIAM, MCCLEARY, MONTESANO, OAKVILLE, OCEAN SHORES and WESTPORT, all municipal corporations organized and existing under the laws of the State of Washington.

1. RECITALS/PURPOSE

- 1.1. The parties hereto, being duly organized and existing governmental units acting pursuant to their authority under RCW Chapter 39.34 agree to participate in a joint effort to prepare and implement a Comprehensive Solid Waste Management Plan as authorized by RCW 70.95.080.
- 1.2. Grays Harbor County ("the County") prepared a Comprehensive Solid Waste Management Plan approved by the Washington State Department of Ecology and adopted by the Grays Harbor County Board of Commissioners through Resolution 01-150 on December 3, 2001. The parties hereto agree that this Agreement will authorize the County to update the Plan for consideration and adoption by the Cities as provided herein.

2. DEFINITIONS

- 2.1 "City" means an incorporated City located in Grays Harbor County, Washington.
- 2.2 "Comprehensive Solid Waste Management Plan" means the Grays Harbor County Comprehensive Solid Waste Management Plan, as adopted by Grays Harbor County Resolution 01-150 on December 3, 2001, and as amended thereafter.
- 2.3 "County" means Grays Harbor County, Washington.
- 2.4 "Solid Waste" means solid waste as defined by RCW 70.95.030, as now in effect or as may be hereafter amended.
- 2.5 "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery

of energy resources from such wastes, or the conversion of the energy in such wastes to more useful forms or combinations thereof, and including such modification of the term as may be made by subsequent amendment to RCW 70.95.030(17).

3. COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN

- 3.1 During the term of this Agreement, each City shall participate with the County in preparing an updated Comprehensive Solid Waste Management Plan for adoption by the parties consistent with the requirements of Chapter 70.95 RCW.
- 3.2 During the term of this Agreement, each City authorizes the County to include information in the Comprehensive Solid Waste Management Plan regarding the management of solid waste generated in each City. The Cities agree to provide information on solid waste programs and applicable data pertaining to their individual jurisdiction to the County as needed for solid waste planning purposes.

4. TERM

- 4.1 This Agreement shall continue in full force and effect during the Plan update process and will expire on the latter date of adoption of the updated Plan by the County and approval by the Washington State Department of Ecology, unless earlier terminated as provided in Paragraph 8.

5. NO SEPARATE LEGAL OR ADMINISTRATIVE AGENCY FORMED

- 5.1 No separate legal or administrative agency is created by this Agreement.

6. REPRESENTATIVES

- 6.1 Each party shall appoint one person as its representative for all matters concerning the administration and implementation of this Agreement.

7. MODIFICATION AND TERMINATION

- 7.1 Modification of this Agreement may be accomplished by written agreement of all the parties hereto and no oral understandings or agreements shall suffice to alter the terms of this Agreement.

7.2 Termination of or withdrawal from this Agreement by any party may be accomplished upon thirty (30) days written notice to the other parties stating the reason for said termination or withdrawal.

8. MISCELLANEOUS

8.1 No waiver by any party of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach whether of the same or of a different provision of this Agreement.

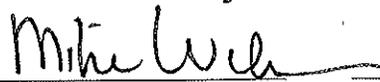
8.2 No other person or entity shall be entitled to be treated as a third party beneficiary of this Agreement.

8.3 The effective date of this Agreement is the date the last agreeing party affixes its signature. As provided by RCW 39.34.040, this Agreement shall be filed prior to its entry in force.

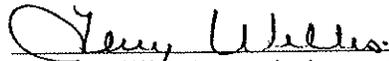
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as duly indicated below.

ADOPTED this 14th day of Sept., 2009.

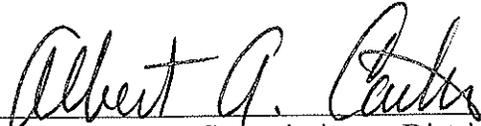
GRAYS HARBOR COUNTY
BOARD OF COMMISSIONERS



Mike Wilson, Chair, Commissioner, District 2



Terry Willis, Commissioner, District 1



Albert A. Carter, Commissioner, District 3

ADOPTED this 14th day of July, 2009.

CITY OF MONTESANO

Ronald W. Schillinger
Ron Schillinger, Mayor

Attest:

Kristy Powell
City Clerk

Approved as to form:

Daniel Glenn (CP)
Daniel O. Glenn, City Attorney

RECEIVED

JUN - 1 2009

ELMA CITY HALL

ADOPTED this 20th day of July, 2009.

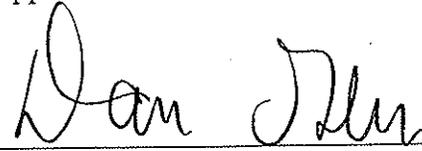
CITY OF ELMA


David Osgood, Mayor

Attest:

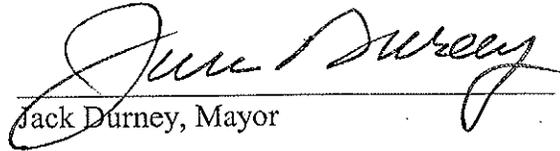

City Clerk

Approved as to form:


Daniel Glenn, City Attorney

ADOPTED this 27th day of JUNE, 2009.

CITY OF HOQUIAM



Jack Durney, Mayor

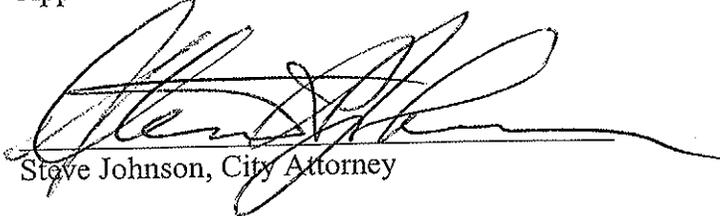
Attest:



Mike Folkers, Finance Director

Mike Folkers, Finance Director

Approved as to form:



Steve Johnson, City Attorney

ADOPTED this 13 day of JULY, 2009.

CITY OF OAKVILLE

Mitchell Smith, Mayor
Mitchell Smith
Mayor Pro Tem

Attest:

[Signature]

City Clerk

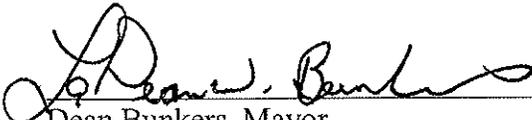
Approved as to form:

[Signature]

Daniel O. Glenn, City Attorney

ADOPTED this 13th day of July, 2009.

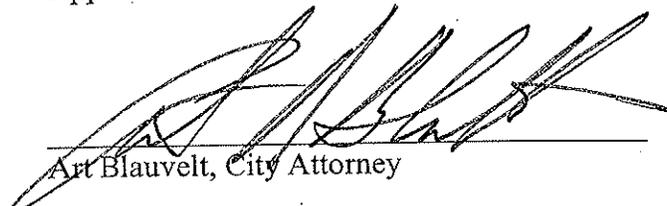
CITY OF OCEAN SHORES


Dean Bunkers, Mayor

Attest:


City Clerk

Approved as to form:


Art Blauvelt, City Attorney

ADOPTED this ____ day of _____, 2009.

CITY OF ABERDEEN



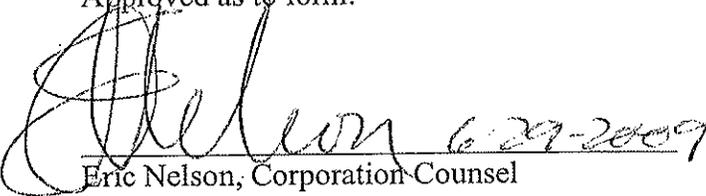
Bill Simpson, Mayor

Attest:



City Clerk

Approved as to form:



Eric Nelson, Corporation Counsel

ADOPTED this 14th day of July, 2009.

CITY OF WESTPORT



Michael Bruce, Mayor

Attest:

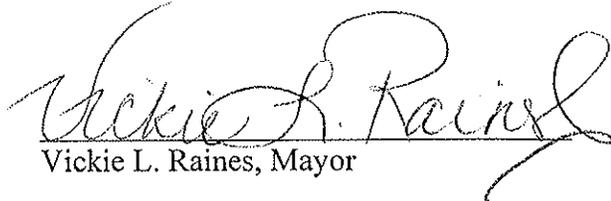

City Clerk

Approved as to form:


Wayne D. Hagen, Jr., City Attorney

ADOPTED this 8 day of June, 2009.

CITY OF COSMOPOLIS


Vickie L. Raines, Mayor

Attest:

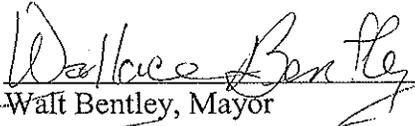

City Clerk

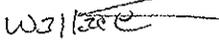
Approved as to form:


Steve Hyde, City Attorney
WSB # 5204

ADOPTED this 30th day of June, 2009.

CITY OF MCCLEARY



Walt Bentley, Mayor


Attest:

City Clerk

Approved as to form:

Daniel Glenn, City Attorney