

KC 496-12A
FIRST AMENDMENT
INTERLOCAL AGREEMENT FOR EMERGENCY MANAGEMENT SERVICES

This First Amendment (“Amendment”) to the Interlocal Agreement for Emergency Management Services (“ILA”) is entered by and among Kitsap County (“County”) and the Cities of Bremerton, Port Orchard, Poulsbo, and Bainbridge Island.

WHEREAS, the parties previously executed an Interlocal Agreement for Emergency Management Services, KC 496-12.

WHEREAS, the City of Bainbridge Island has since established and is operating an independent local organization for emergency management in accordance with the state comprehensive emergency management plan and program pursuant to RCW 35.52.070, rather than continuing as a participating party of the joint local organization for emergency management (Kitsap County Department of Emergency Management).

WHEREAS, the City of Bainbridge Island is requesting that the Kitsap County Department of Emergency Management and Kitsap County Department of Emergency Management Council (“Council”) continue to function in a support capacity for the Bainbridge Island Emergency Management Program and accordingly is to remain a member of the Council as identified in this Amendment.

WHEREAS, the parties desire to amend the ILA to reflect the change in roles, responsibilities, and funding.

NOW, THEREFORE, in consideration of the mutual promises of the parties, the parties agree as follows:

1. Section 3 (Powers and Duties of the Department of Emergency Management) of the ILA is amended and replaced with the following:

Section 3. Powers and Duties of the Department of Emergency Management.

The Department of Emergency Management shall provide emergency management services and programs to the residents of, and on behalf of, the County and the City of Bremerton, the City of Poulsbo, and the City of Port Orchard. In addition, the Department of Emergency Management, pursuant to RCW 38.52.070, is designated as the local emergency management organization for the County and the City of Bremerton, the City of Poulsbo, and the City of Port Orchard and is vested with emergency management powers and authority to the maximum extent permitted by RCW 38.52. The Department of Emergency Management will function as programmatic support for the City of Bainbridge Island’s Emergency Management Program.

2. Section 6 (Composition of Council) paragraph (a) of the ILA is amended and replaced with the following:

Section 6. Composition of Council

- a. The Council shall be composed of the following five persons or their designee:
 1. One (1) county commissioner;
 2. The mayors of Bremerton, Port Orchard, Poulsbo, and Bainbridge Island.
3. Section 9 (Powers and Duties of Director) of the ILA is amended to exclude the City of Bainbridge Island from receipt of the services identified in paragraphs (c), (d), (f), and (g).
4. Section 9 (Powers and Duties of Director) paragraph (e) of the ILA is amended and replaced with the following:

Coordinate the local emergency management program(s) with state, federal, and other local programs, if applicable.
5. Section 11 (Funding) of the ILA is amended and replaced with the following:

Funding.

The budget for the Kitsap County Department of Emergency Management that is not funded after receipt of contributions (i.e., from the City of Bainbridge Island), grants, or gifts shall be funded by assessments made in accordance with this section. The assessment amount for each city participating in the joint local organization for emergency management (i.e., the City of Bremerton, the City of Port Orchard, and the City of Poulsbo) shall be based upon a per capita charge. In calculating the per capita charge, the population of each city participating in the joint local organization for emergency management (numerator) is divided by the total population of the County (denominator) and that percentage is then multiplied by the total amount required for the following year's budget that does not include grant funding. The assessment amount for the County shall be that amount which is obtained when the population of the unincorporated portion of the County is divided by the total population of the County and that percentage is then multiplied by the budget amount that does not include grant funding. Population figures utilized shall be the latest figures available from the Bureau of Census as updated periodically by the Washington State Office of Financial Management (OFM). Assessments shall be paid on an annual basis and will include an additional annually agreed amount to be deposited in the department of emergency management contingency fund which will be paid pro rata by the County, the City of Bremerton, the City of Port Orchard, and the City of Poulsbo consistent with the calculations in this paragraph. The population of the City of Bainbridge Island will not be included in the calculations in this paragraph.

The City of Bainbridge Island will provide a contribution of \$10,000 to the Kitsap County Department of Emergency Management for 2019, and \$22,000 annually thereafter to be distributed as deemed appropriate by the Department of Emergency Management.

6. Section 12 (Fund Established) of the ILA is amended and replaced with the following

Funds Established. Moneys received and collected on behalf of the Department of Emergency Management shall be deposited in the Kitsap County Department of Emergency Management Fund and a Kitsap County Department of Emergency Management Contingency Fund as provided in Section 11. Both funds will be maintained by the County Treasurer.

The Kitsap County Emergency Management Fund is intended to supplement the Department of Emergency Management costs in the event of the issuance of a Kitsap County Emergency Management declaration or proclamation.

7. Section 21 (Term) of the ILA is amended and replaced with the following:

Term. This ILA will remain in effect for twelve (12) months from the effective date of this Amendment and may be extended or returned for consecutive annual terms.

8. Section 22 (Withdrawal) of the ILA is amended and replaced with the following:

Withdrawal. Any party to this Interlocal Agreement for Emergency Management Services may withdraw by giving written notice of such to each of the other participants no later than one hundred and twenty (120) days prior to the end of a calendar year; provided, no participant may withdraw unless it is current in its monetary assessment. In the event such notice is given, the withdrawal shall be effective December 31st of the year such notice was given. Upon receipt of a notice of withdrawal, the remaining participants shall meet as soon as possible thereafter to determine whether there needs to be adjustments or amendments to the Interlocal Agreement for Emergency Management Services and/or County ordinances necessitated by such withdrawal.

9. Effective Date. This Amendment shall be effective as provided in Section 23 of the ILA.

10. Terms Unchanged. Except as expressly provided in this Amendment, all other terms and conditions of the ILA, and any subsequent amendments, addenda or modifications thereto, remain unchanged in full force and effect as to all parties.

11. Counterparts. This Amendment may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, with each counterpart deemed an original. In the event that fewer than all named parties execute this Amendment, the Amendment, when filed as provided herein, shall be effective as between the Parties that have executed the Amendment to the same extent as if no other parties had been named.

12. Severability. The provisions of this Amendment are severable. Any term or condition of this Amendment or application thereof deemed to be illegal, invalid or unenforceable, in whole or in part, shall not affect any other term or condition of the Amendment and the Parties' rights and obligations will be construed and enforced as if the Amendment did not contain the particular provision.

APPROVED AND EXECUTED this 25 day of NOVEMBER, 2019

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON


EDWARD E. WOLFE, Chair


CHARLOTTE GARRIDO, Commissioner


ROBERT GELDER, Commissioner



ATTEST:


DANA DANIELS, Clerk of the Board

APPROVED AND EXECUTED this 26 day of November, 2019

CITY OF PORT ORCHARD

APPROVED:



ROBERT PUTAANSUU, Mayor




APPROVED AS TO FORM:



Sharon Cates, City Attorney

ATTEST:



Brandy Kinearson, City Clerk

APPROVED AND EXECUTED this 20 day of November, 2019

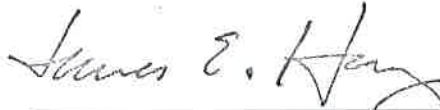
CITY OF POULBSO

APPROVED:




BECKY ERICKSON, Mayor

APPROVED AS TO FORM:



James Haney, City Attorney

ATTEST:



Chiamara Forman, City Clerk

APPROVED AND EXECUTED this 14 day of November, 2019

CITY OF BAINBRIDGE ISLAND

APPROVED:



MORGAN SMITH, City Manager

APPROVED AS TO FORM:



Joe Levan, City Attorney

ATTEST:



Christine Brown, City Clerk

APPROVED AND EXECUTED this 18th day of February, 2020.

CITY OF BREMERTON

APPROVED:



GREG WHEELER, Mayor

APPROVED AS TO FORM:



ROGER LUBOVICH, City Attorney

ATTEST:



ANGELA HOOVER, City Clerk