

AN INTERLOCAL COOPERATION AGREEMENT BETWEEN ELIGIBLE LOCAL GOVERNMENTS TO REVIEW, EVALUATE, AND MONITOR CONDITIONS AND OPERATIONS AT THE HANFORD NUCLEAR RESERVATION (HANFORD) AND ESTABLISHING THE HANFORD COMMUNITIES

This **INTERLOCAL AGREEMENT**, effective the 1st day of January, 2022, is hereby entered into by and between the Cities of Richland, Kennewick, Pasco, and West Richland, and the Counties of Benton and Franklin (hereinafter referred to as "Participating Jurisdictions").

WHEREAS, the Interlocal Cooperation Act, RCW 39.34 allows public agencies to make the most efficient use of their powers by enabling them to cooperate with each other on the basis of mutual advantage to provide services and facilities that will best meet the needs of each community; and

WHEREAS, environmental contamination at Hanford and the U.S. Department of Energy's consequential environmental remediation and waste management activities impose numerous health, safety, and socio-economic impacts on the well-being of the residents of Richland, Kennewick, Pasco, West Richland, and unincorporated portions of Benton and Franklin Counties; and

WHEREAS, the vast majority of those who work at Hanford live in and around the Cities of Richland, Kennewick, Pasco, and West Richland; and the counties therein; and

WHEREAS, although each jurisdiction fully reserves the right to pursue its own interests with regard to Hanford, through joint utilization of personnel and other resources these jurisdictions are desirous of entering into a program to review, evaluate and monitor conditions at Hanford and policies, programs and operations of the Department of Energy (DOE) and others in regard to Hanford,

NOW THEREFORE, in consideration of the mutual covenants contained herein, it is agreed in accordance with the provisions of RCW 39.34.030 as follows:

I. PURPOSE

The purpose of this Agreement is to make available jointly to the Participating Jurisdictions technical, analytical, and other resources to review, evaluate and monitor conditions at Hanford such as cleanup, workforce and community transition. Information will also be made available regarding policies, programs and operations of the DOE and others with regard to Hanford, and to enhance citizen understanding of such. To that end, the Participating Jurisdictions have established and periodically renew this Interlocal Cooperation Agreement creating an administrative entity to be known as the "*Hanford Communities*" to:

1. Coordinate efforts concerning Hanford activities and issues requiring local government interaction or participation between the Hanford Communities, the DOE, local, state, and national agencies;
2. Interact with the DOE, the Washington State Department of Ecology, the U. S. Environmental Protection Agency, and others regarding Hanford environmental contamination, remediation, waste management, response to emergencies, and work force and site transition issues;

3. Evaluate reports, findings, and recommendations regarding ongoing, planned and possible cleanup and waste management activities at Hanford, including actual or potential environmental and socio-economic impacts on the Hanford Communities or individual Participating Jurisdictions;
4. Prepare special studies, assessments, surveys, and related efforts regarding Hanford for the use of the Hanford Communities or individual Participating Jurisdictions and/or to further public information and enhance citizen understanding of Hanford-related issues; and
5. Prepare and issue position papers, give testimony, and sponsor other activities designed to inform the public about environmental, waste management, emergency management, and site transition activities; and
6. Prepare and present issue papers and sponsor activities in support of workforce and community transition issues.

II. ORGANIZATION

1. **Eligibility:** Full membership in the Hanford Communities Interlocal is limited to the cities of Richland, Kennewick, Pasco, and West Richland and the counties of Benton and Franklin. Affiliate memberships are open to local government entities other than general purpose governments.
2. **Governing Board:** The governing bodies of each Participating Jurisdiction shall identify one (1) elected legislative representative from its governing body to serve on the Governing Board of the Hanford Communities. Governing Board members shall focus on addressing issues at the policy level and shall advocate positions consistent with the annual Issue Agenda.
3. **Administrative Board:** The chief administrative officers, or designees, of the Participating Jurisdictions shall constitute the Administrative Board of the Hanford Communities. Administrative Board members shall address the day-to-day activities of the Hanford Communities consistent with executing the policy decisions made by the Governing Board.
4. **Operating Jurisdiction:** The Operating Jurisdiction may be one of the Participating Jurisdictions or a third-party qualified to carry out the items enumerated in "Section I - Purpose" on behalf of the Hanford Communities. The Operating Jurisdiction's rules, regulations, and ordinances, unless otherwise specifically provided for herein, apply to the administrative entity. Employees of the administrative entity are employees of the Operating Jurisdiction, which shall provide all necessary support services. With oversight from the Administrative Board, the Operating Jurisdiction shall administer the Hanford Communities budget, from which authorized program expenses shall be reimbursed. The Operating Jurisdiction shall provide these reimbursed services at no administrative charge to participants of this Interlocal Agreement.
5. **Officers:** There shall be a Chairperson and Vice-chairperson for the Governing Board and the Administrative Board, respectively. The Chairperson and Vice-chairperson shall be elected from among the membership of each board to serve one-year terms effective January 1 of each year.

III. ADMINISTRATION

1. **Budget Preparation:** The Operating Jurisdiction shall prepare a budget in accordance with its budget cycle based upon policies adopted by the Governing Board. The budget shall be approved by the Governing Board of the Hanford Communities.
2. **Funding:** Funds necessary to carry out this Agreement shall come from Participating Jurisdiction assessments and federal, state, and other grants. Assessments shall be based on a funding formula approved by the Hanford Communities Administrative Board.
3. **Meetings:** The Governing Board shall meet annually to approve the Hanford Communities budget and Issue Agenda for the coming year, and other times as needed. The Administrative Board will meet as needed, however, no less frequently than biannually each calendar year. Meetings of the Hanford Communities Governing Board shall be subject to the Washington Open Public Meetings Act.
4. **Dispute Resolution:** Disputes between or among the Participating Jurisdictions and affiliated members regarding the breach, interpretation or enforcement of this Agreement shall be first addressed by the parties in a good faith effort to resolve the dispute. Any remaining disputes shall be resolved by binding arbitration in accordance with RCW 7.04A and the Mandatory Rules of Arbitration.
5. **Liability:** To the extent any liability exceeds the insurance coverage of the Operating Jurisdiction, each remaining Participating Jurisdiction shall be jointly liable for the balance of claim in the same ratio as their percentage contribution is to the annual budget.

IV. DURATION OF THE AGREEMENT

This Agreement shall be effective the 1st day of January, 2022 and shall continue through December 31, 2026. The term of this Agreement may be extended thereafter with the written approval of the Participating Jurisdictions.

V. OWNERSHIP OF PROPERTY

All property, real and personal, acquired with Hanford Communities funds to carry out the purposes of this Agreement shall be owned by and between the Participating Jurisdictions in the same ratio as their percentage of contribution is to the annual budget. Real and personal property owned by the Operating Jurisdiction and used to service its contract with the Hanford Communities shall remain the property of the Operating Jurisdiction.

All documents, studies, and issue papers prepared for or on behalf of the Hanford Communities shall be available to Participating Jurisdictions and affiliates for all purposes. The Operating Jurisdiction is responsible for maintaining Hanford Communities' records consistent with state law for retention of public records, Ch. 40.14 RCW. The Washington Public Records Act shall apply to such records for any request made by the public. The Operating Jurisdiction shall serve as the public records officer for Hanford Communities.

VI. AMENDMENT

The Agreement may be amended upon written approval of a majority of the Governing Board.

VII. WITHDRAWAL

A jurisdiction may withdraw without penalty from this Agreement effective December 31 of any year, provided written notice is given to the Administrative Board no later than the preceding June 30.

RICHLAND

Michael Alvarez
Mayor, City of Richland

Attest:

Cheri Sweton
Richland City Clerk

Approved as to Form:

Heather Kintley
City Attorney

PASCO

[Signature] 1/18/2022
Mayor, City of Pasco
Mayor pro-tem

Attest:

Debra Barkan 1/18/2022
Pasco City Clerk

Approved as to Form:

[Signature] 1/18/2022
Pasco City Attorney

KENNEWICK

Bill McKay
Mayor, City of Kennewick

Attest:

Terri L. Wright
Kennewick City Clerk

Approved as to Form:

Lisa Beaton
City Attorney

WEST RICHLAND

Brent Garry
Mayor, City of West Richland

Attest:

[Signature]
West Richland City Clerk

Approved as to Form:

Bronson Brown
West Richland City Attorney

BENTON COUNTY



Chairman, Benton County
Board of Commissioners

Attest:



Clerk of the Board, Benton County

Approved as to Form

N/A

Benton County Civil Deputy
Prosecuting Attorney

FRANKLIN COUNTY

Chairman, Franklin County
Board of Commissioners

Attest:

Clerk of the Board, Franklin County

Approved as to Form:

Franklin County Civil Deputy
Prosecuting Attorney

BENTON COUNTY

Chairman, Benton County
Board of Commissioners

Attest:

Clerk of the Board, Benton County

Approved as to Form


Benton County Civil Deputy
Prosecuting Attorney

FRANKLIN COUNTY



Chairman, Franklin County
Board of Commissioners

Attest:



Clerk of the Board, Franklin County

Approved as to Form:



Franklin County Civil Deputy
Prosecuting Attorney

RESOLUTION 2022 610

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF EXECUTING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN AND AMONG THE CITIES OF KENNEWICK, PASCO, RICHLAND, AND WEST RICHLAND; AND THE COUNTIES OF BENTON AND FRANKLIN; FOR RENEWAL OF THE HANFORD COMMUNITIES AGREEMENT

WHEREAS, the Interlocal Cooperation Act (Revised Code of Washington 39.34) allows public agencies to make the most efficient use of their powers by enabling them to cooperate with each other on the basis of mutual advantage to provide services and facilities that will best meet the needs of each community; and,

WHEREAS, activities at the United States Department of Energy's Hanford Site have profound and wide-reaching environmental, economic, and social impacts on the bi-county communities; and,

WHEREAS, Benton County is a founding member of "Hanford Communities", which was established in 1994 by interlocal agreement by the cities of Kennewick, Pasco, and Richland, and the counties of Benton and Franklin as a forum for local governments in the Tri-Cities area to exchange information related to Hanford issues, such as cleanup and economic transition; and,

WHEREAS, the interlocal agreement was previously renewed in 1999, 2004, 2009, 2014, and 2016; and,

WHEREAS, Benton County continues to value its involvement and participation with Hanford Communities; **NOW THEREFORE**,

BE IT RESOLVED, by the Benton County Board of Commissioners that Benton County should remain a member of the Hanford Communities organization, and that the Chairman is authorized to sign and execute the new Interlocal Cooperation Agreement between and among the cities of Kennewick, Pasco, Richland, and West Richland, and the counties of Benton and Franklin; renewing Benton County's participation in the Hanford Communities at least until the expiration of this Agreement on December 31, 2026.

Dated this 30 day of Aug., 2022.


Chairman of the Board


Member

JEROME DELVIN - ABSENT
Member

Constituting the Board of Commissioners of Benton County, Washington.

Attest.....

Clerk of the Board

FRANKLIN COUNTY RESOLUTION 2022-020

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

***INTERLOCAL COOPERATION AGREEMENT BETWEEN ELIGIBLE LOCAL GOVERNMENTS TO
REVIEW, EVALUATE, AND MONITOR CONDITIONS AND OPERATIONS
AT THE HANFORD NUCLEAR RESERVATION (HANFORD) DIRECTLY
AFFECTING "HANFORD COMMUNITIES" EFFECTIVE
JANUARY 1, 2022 THROUGH DECEMBER 31, 2026***

WHEREAS, Hanford Communities Executive Director has requested approval of the attached Interlocal Agreement to continue the review, evaluation and monitoring of conditions and operations at the Hanford Nuclear Reservation (Hanford); and


WHEREAS, pursuant to RCW 36.32.120, the legislative authority of each county entity is authorized to enter into contracts on behalf of the county and have the care of county property and management of county funds and business; and

WHEREAS, Franklin County Board of Commissioners constitutes the legislative authority of Franklin County and desires to enter into this arrangement as being in the best interest of Franklin County.

NOW, THEREFORE IT IS HEREBY RESOLVED, the Franklin County Board of Commissioners hereby approve of the Interlocal Cooperation Agreement between the City of Richland, City of Kennewick, City of Pasco, City of West Richland, and Benton County and Franklin County effective January 1, 2022 through December 31, 2026.

DATED this 25th day of January, 2022.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**



Chair




Chair Pro Tem



Member

ATTEST:



Clerk of the Board

RESOLUTION NO. 2022-01

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE
CITIES OF RICHLAND, KENNEWICK, PASCO, AND WEST
RICHLAND AND THE COUNTIES OF BENTON AND FRANKLIN
RELATED TO HANFORD COMMUNITIES.**

WHEREAS, the Interlocal Cooperation Act, Ch. 39.34 RCW, permits local government agencies to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage to provide services and facilities that will best meet the needs of each community; and

WHEREAS, environmental contamination at Hanford and the United States Department of Energy's consequential remediation and waste management activities impose numerous health, safety, and socio-economic impacts on the well-being of the residents of our local communities; and

WHEREAS, the cities of Richland, Kennewick, and Pasco, and the counties of Benton and Franklin (Participating Jurisdictions) entered in to a five-year interlocal agreement in 1994 (Contract No. 92-14), establishing the Hanford Communities as an administrative agency tasked with reviewing, evaluating and monitoring conditions at Hanford and the policies, programs and operations of the Department of Energy (DOE) and others in regard to Hanford; and

WHEREAS, said interlocal agreement was renewed in 1999, 2004, 2009, 2015, and most recently in 2017, for an additional five-year period, to December 31, 2021; and

WHEREAS, the City of Richland continues to value its involvement and participation with the Hanford Communities.


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the Mayor of Richland is authorized to sign and execute an Interlocal Agreement, in substantially the form provided in **Exhibit A** hereto, between and among the cities of Kennewick, Pasco, Richland and West Richland, and the counties of Benton and Franklin, effective January 1, 2022 and ending December 31, 2026.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.


ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 4th day of January, 2022.


Michael Alvarez, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney