

# **Kitsap 911 Public Authority**

## **Resolution 2016-009**

### **Requesting Termination of the Interlocal Agreements regarding Emergency Communications and Other Services between Kitsap County and various parties.**

WHEREAS, since 1991 certain governmental entities situated in Kitsap County have been a party (“Parties”) to an interlocal agreement (“ILA”) establishing a joint board, known as “CENCOM,” providing for the joint and cooperative provision of 911 emergency communications services to citizens within the Parties’ respective jurisdictions;

WHEREAS, since 1991, Kitsap County has served as the administrator for the CENCOM joint board, equipping, operating, staffing, and maintaining facilities necessary to provide 911 communication services, issuing Limited Tax General Obligation Bonds to finance and refinance construct, equip, acquire, and improve 911 facilities and systems in furtherance of the joint and cooperative undertaking; and

WHEREAS, the Parties desire to continue to provide a county-wide operation of 911 emergency communications services by reorganizing and re-establishing Cencom as a Public Authority, changing the name of the new organization from “CENCOM” to “Kitsap 911,” transferring all CENCOM assets and liabilities to Kitsap 911, and transferring all administrative functions heretofore performed by Kitsap County to Kitsap 911, and

WHEREAS, the ILA provides for termination by either party providing written notice of such to the other at least thirty (30) days prior to the specified termination date once the following conditions have been met:

- A) The Kitsap County Board of Commissioners enacts an ordinance and issues a charter establishing a public authority as authorized by RCW 35.21.730 through RCW 35.21.759 to provide a countywide enhanced 911 emergency communications system; and
- B) The Board of Directors of the authority established by the Kitsap County Board of Commissioners takes final action on the following:
  - a. Accepting transfer of any and all assets and liabilities held by Kitsap County on behalf of CENCOM,
  - b. Accepting transfer of all CENCOM personnel who are employed by Kitsap County on behalf of CENCOM on the date the public authority was established,
  - c. Recognizing the collective bargaining representative for CENCOM employees existing on the date the public authority was established,

- d. Adopting those wages, hours, and working conditions that exist for CENCOM employees on the date the public authority was established as the status quo, and
- e. Accepting transfer of all employment liabilities which Kitsap County has or may incur on behalf of CENCOM.

**WHEREAS**, on April 25, 2016 the Board of County Commissioners adopted ordinance 532-2016 enacting chapter 2.110 of the Kitsap County code (the “Ordinance”), creating the Kitsap 911 Public Authority; approving a charter therefor; establishing a Board of Directors to govern the affairs of Kitsap 911; and providing how Kitsap 911 shall conduct its affairs; and

**WHEREAS**, Kitsap 911 (the “Authority”) is a public corporation organized pursuant to RCW 35.21.730; and

**WHEREAS**, on May 3, 2016 the Kitsap 911 Board of Directors adopted Resolution 2016-002 recognizing the Kitsap County 911 Employees Guild (the “Guild”), which has been the exclusive bargaining unit for represented CENCOM employees since 2003.

**NOW, THEREFORE, BE IT RESOLVED** by the Kitsap 911 Board of Directors as follows:

**Section 1. Transfer of Assets and Liabilities.** The Authority requests Kitsap County transfer all assets and liabilities held by Kitsap County on behalf of CENCOM effective January 1, 2017. The Board of Directors authorizes the Executive Committee to review and accept these assets and liabilities.

**Section 2. Assignment of Contracts.** The Authority requests Kitsap County assign all contracts executed by Kitsap County on behalf of CENCOM to Kitsap 911 effective January 1, 2017.

**Section 3. Transfer of Employees and employment liabilities.** The authority requests Kitsap County transfer all personnel who are employed by Kitsap County on behalf of CENCOM to Kitsap 911 effective at the conclusion of the December 12-December 25, 2016 pay period and issue final checks on December 30, 2016 in accordance with a transition agreement between the County, the Authority, and the Guild. The Board of Directors authorizes the Executive Committee to review and accept all employment liabilities which Kitsap County has or may incur on behalf of CENCOM prior to the transfer of employees.

**Section 4. Adopting Wages, hours, and Working Conditions.** Unless superseded by a Collective Bargaining agreement between the Authority and Guild, all wages, hours of work, and working conditions established through Collective Bargaining Agreement KC-216-16 between the County and the Guild are hereby established as the status quo for Kitsap 911.

**Section 5. Executive Committee Authority.** The Board of Directors delegates authority to the Executive Committee to execute agreements with Kitsap County or take any other actions necessary to implement this resolution, except those actions which are expressly reserved for the full Board of Directors in the Ordinance.

**Section 6. Termination of the Interlocal Agreements regarding Emergency Communications and Other Services between Kitsap County and various parties .** The


Board of Directors authorizes and requests the Chair of the Board of Directors and Chair of the Board of County Commissioners provide written notice on or before November 23, 2016 to each party terminating the ILA effective at 0500 on December 26<sup>th</sup>.

**Section 7. Severability.** If any provision of this Resolution or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Resolution which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this Resolution are declared to be severable.


**Section 8. Effective Date.** Except as otherwise provided herein, this resolution shall become effective immediately upon adoption and signature as provided by law.

**MOVED AND PASSED** at a regular meeting of the Kitsap 911 Board of Directors on September 6, 2016 of which all Directors were notified and a quorum was present.

**KITSAP 911 BOARD OF DIRECTORS**

  
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DAVID ELLINGSON, CHAIR

ATTEST:

  
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Richard A. Kirton, Executive Director