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Upper Columbia Working Group for Responsible Stewardship:

Organizational Options and Considerations

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Objective

- To assist in developing a framework for studying the occurrence and impact of hazardous waste contamination in the Upper Columbia River sufficient to defer listing the study area on the National Priority (Superfund) List.

Options Reviewed

- County Association
- Interlocal Agreement Title 39

Conferences to Study Regional and Governmental Problems - RCW 36.64.080

- The boards of county commissioners of any county and any counties contiguous thereto and the governing body of any cities and/or towns within said counties may establish and organize a regional agency hereinafter referred to as a conference, for the purpose of studying regional and governmental problems of mutual interest and concern, including but not limited to, facility studies on highways, transit, airports, ports or harbor development, water supply and distribution, codes and ordinances, governmental finances, flood control, air and water pollution, recommendations of sites for schools and educational institutions, hospitals and health facilities, parks and recreation, public buildings, land use and drainage; and to formulate recommendations for review and action by the member counties and/or cities legislative body.

Conference (features)

- Must adopt articles of association and bylaws; must select a chairman and other officers; may employ agents and employees. RCW 36.64.090
- Authorized to contract generally and with the federal government, the state, any municipal corporation and any other governmental agency for the purpose of conducting the study; may receive grants and gifts; may retain consultants. RCW 36.64.100
- Conference is a public purpose and may receive government funds in accordance with budgetary laws and conference bylaws; may include services and facilities. RCW 36.64.110

Interlocal Cooperation Act – RCW 39.34.010

- Permit[s] local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

Interlocal Agreement (features)

- Powers, privileges or authority limited to those vested in member entities;
- Agreement must specify: Duration; precise organization, composition and nature of any separate legal or administrative entity created (including non-profit corp.); purpose(s); financing and budget; other necessary matters;
- If no corporation is formed agreement must also include: provision for administrator or joint board; manner of dealing with property and funding;
- Agreement may not relieve any governmental obligation
- Financing must conform with law.

Non-Profit Corporations
(preliminary considerations)

- 26 USC § 501(c)(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes . . . no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.
- 26 USC § 501(c)(4) (A) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes. . . (B) no part of the net earnings of such entity inures to the benefit of any private shareholder or individual.

Deposit and Control of Funds

RCW 43.09.285

- Joint operating funds deposited in the public treasury of entity as agreed upon by the parties (or largest pop.);
- Subject to the same audit and fiscal controls as the public treasury where the funds are so deposited, unless another rule applies;
- Does not interfere with authority of disbursing officer to disburse funds by contract or agreement.