

FOURTH AMENDMENT TO AGREEMENT FOR JOINT OPERATION OF
FIRE AND EMERGENCY MEDICAL PROTECTION FACILITIES DATED
APRIL 18, 2016

This Fourth Amendment to the Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities dated April 18, 2016, is entered into between SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 12, a municipal corporation, hereafter referred to as "District 12," and the CITY OF MARYSVILLE, a municipal corporation, hereafter referred to as "City."

WHEREAS, the parties have been negotiating to develop a service delivery model for provision of fire and EMS services; and

WHEREAS, the parties are continuing discussions of the service delivery model; and

WHEREAS, the parties agree that extending the current agreement to December 31, 2019, is necessary to continue to deliver fire and EMS services to citizens.

NOW, THEREFORE,

The Agreement between the City and District 12 dated April 18, 2016, including its First and Second Amendments, is amended as follows:

1. Section 1.5 is amended to read as follows:

"1.5. 'Board of Directors' or 'Board' shall mean the joint board composed of four appointees of the City and three appointees of the District as further described in paragraph 4 below."

1. Section 2 entitled, "Term," is amended to read as follows:

"This agreement shall be effective August 1, 2003 and shall terminate December 31, 2019, unless extended by mutual written agreement of the parties."

2. Section 3 entitled, "Renegotiation of Terms," is amended to read as follows:

"During calendar years 2018 to 2019 the parties, either through designated staff and/or through committees appointed by the City and Fire District 12 agree within 14 days of full execution of this Agreement to establish a regular schedule to meet and negotiate in good faith for the purpose of developing a service delivery model for provision of fire and EMS services to their respective jurisdictions after the expiration of this Agreement. Service delivery models to be negotiated may include, but not be limited to the following:

- A. Renewal or extension of this Agreement with appropriate revisions;
- B. Establishment of a Regional Fire Authority;
- C. Establishment of separate City and Fire District departments

In the event the parties are unable to reach written agreement to either extend this agreement with revisions or to develop a mutually agreed upon alternative service delivery model by September 1, 2019, the parties will begin the process of winding down the Marysville Fire District and taking the necessary steps consistent with this agreement and applicable law to independently provide services to their respective jurisdictions. Each party pledges to cooperate and exercise good faith to accomplish a smooth transition.”

4. Section 4, entitled, “Board of Directors” is amended to read as follows:

“**BOARD OF DIRECTORS.** The operations of the Department necessary to carry out the purposes of this agreement shall be administered by a Board of Directors consisting of seven members, as defined in this agreement. The City shall appoint four members to the Board of Directors, provided that the appointees shall consist of four city council members or three city council members and the mayor. District 12 shall appoint three fire commissioners to the Board. The Board shall have the authority to administer and manage the operations of the Marysville Fire District, all jointly owned properties and equipment and all properties and equipment of each party used by the Marysville Fire District. The Board shall have the authority and powers granted by this instrument and such additional authority and powers as may from time to time be conferred on it by the legislative bodies of both parties. A quorum of the Board shall consist of a simple majority of the appointed members. Actions of the Board shall require the affirmative vote of the majority of the members of the Board present. The Fire Chief shall report to and operate under the supervision and control of the Board of Directors.

The Board shall have the power to:

- i. Develop or amend appropriate board governance procedures, such as by-laws, and to appoint a Chair.
- ii. Approve the Department budget.
- iii. Appoint the Fire Chief and, when appropriate, terminate the Fire Chief. Supervise the Fire Chief, through its Chair, to include an annual performance appraisal.
- iv. Set the salary range for the Fire Chief.
- v. Adopt personnel rules and regulations for Department employees.
- vi. Ratify collective bargaining agreements for Department employees.
- vii. Set service and performance goals for the Department.”

5. Section 5, entitled, “Meetings of the Board of Directors,” is amended to read as follows:

“MEETINGS OF BOARD OF DIRECTORS. All meetings of the Board of Directors shall be held in compliance with the Open Public Meetings Act, chapter 42.30 RCW. Meetings will be held in the Marysville City Council chambers and the date and time of the regular monthly meeting of the Board of Directors shall be established by resolution of the Board.”

9. Section 13.8 entitled, "Financial Contribution By City," is amended to read as follows:

“The 2019 contribution is estimated to be \$ \$12,104,597, with estimated District combined levy rate of \$ \$1.5134 /\$1,000 AV (regular levy - \$ \$1.0165 /\$1,000 and EMS Levy - \$ \$0.4969 /\$1,000 AV).”

4. Except as provided herein, all other provisions of the agreement between the parties dated April 18, 2016, including its First, Second, and Third Amendments, shall remain in full force and effect, unchanged.

DATED THIS 17 DAY OF October, 2018.

CITY OF MARYSVILLE

SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 12

Ja Y. Williams
Mayor

Tanya Christoffersen
Chairperson

Richard C. Ross
Commissioner

Ina Block
Deputy City Clerk

Commissioner

Approved as to Form:

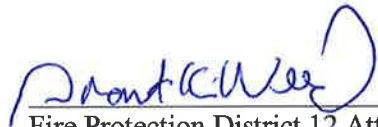


City Attorney



Fire District Secretary

Approved as to Form:



Fire Protection District 12 Attorney