



Req. #13612

## RESOLUTION NO. 38724

1 A RESOLUTION relating to stormwater systems; authorizing the execution of an  
2 Interlocal Agreement with the Port of Tacoma for the purpose of providing a  
3 cooperative framework for coordination of certain stormwater management  
4 activities.

4 WHEREAS the City is required to develop and implement a stormwater  
5 management plan under its Phase I Municipal Separate Storm Sewer System  
6 Permit ("MS4 Permit"), which permit is issued by the Washington State Department  
7 of Ecology to all Phase I permittees in Western Washington, and  
8

9 WHEREAS the Port of Tacoma ("Port") is considered a secondary permittee  
10 under the MS4 Permit because it owns and operates its own municipal stormwater  
11 system within the city limits of Tacoma, and

12 WHEREAS the MS4 Permit encourages the City and Port to coordinate  
13 stormwater management activities when possible, and  
14

15 WHEREAS the proposed Interlocal Agreement ("Agreement") would provide  
16 a cooperative framework for coordinating certain stormwater management  
17 obligations under the MS4 Permit with the goal of reducing stormwater impacts to  
18 Commencement Bay, its waterways, and other receiving waters, and  
19

20 WHEREAS, under the Agreement, each party would remain responsible for  
21 its own MS4 Permit compliance, and

22 WHEREAS the Agreement provides for, among other things, access to Port  
23 properties by City staff for inspection and spill response as requested by the Port;  
24 compensation to the City for certain services when the Port has requested such  
25 services; collaboration on review of Port development and/or redevelopment  
26



1 projects; and annual meetings to discuss stormwater MS4 Permit-related issues,  
2 and

3 WHEREAS any related expenses incurred by the City will be reimbursed by  
4 the Port in accordance with the terms of the Agreement, and

5 WHEREAS the Port approved the proposed Agreement on July 25, 2013;

6 Now, Therefore,


7 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

8 That the proper officers of the City are hereby authorized to enter into an  
9 Interlocal Agreement with the Port of Tacoma, in accordance with RCW 39.34, the  
10 Interlocal Cooperation Act, for the purpose of providing a cooperative framework  
11 for coordination of certain stormwater management activities, said agreement to be  
12 substantially in the form of the proposed document on file in the office of the City  
13 Clerk.  
14  
15  
16


17 Adopted SEP 10 2013

18   
19 Mayor

20 Attest:

21   
22 City Clerk

23 Approved as to form:

24   
25 Deputy City Attorney  
26



CITY CLERK USE ONLY

REQUEST FOR **RECEIVED**  
 ORDINANCE  RESOLUTION


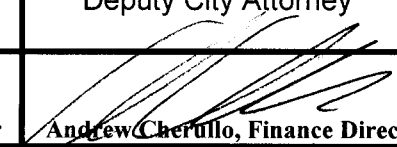
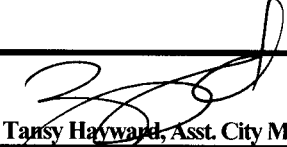
Request #: 13612  
Ord./Res. #: 38724

AUG 13 2013

1. DATE: August 8, 2013

**CITY CLERK'S OFFICE**

2. SPONSORED BY: COUNCIL MEMBER(S) N/A

<b>3a. REQUESTING DEPARTMENT/DIVISION</b> ESD/Science & Engineering <b>3b. "RECOMMENDED FOR ADOPTION" FROM</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee <b>3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD?</b> <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	<b>4a. CONTACT (for questions):</b> Michael P. Slevin III, P.E. Environmental Services Director <b>PHONE:</b> 253-591-5528	
	<b>4b. PERSON PRESENTING:</b> Michael P. Slevin III, P.E. Environmental Services Director <b>PHONE:</b> 253-591-5528	
	<b>4c. ATTORNEY:</b> Doug Mosich Deputy City Attorney <b>PHONE:</b> 253-591-5626	
 Michael P. Slevin III, P.E., Environmental Services Director	 Andrew Cherullo, Finance Director	 Tansy Hayward, Asst. City Manager

5. REQUESTED COUNCIL DATE: September 10, 2013

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Authorize an Interlocal Agreement, in accordance with the Interlocal Cooperation Act (RCW Chapter 39.34), with the Port of Tacoma for the purpose of providing a cooperative framework for coordinating certain stormwater management activities.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

The City is required to develop and implement a stormwater management plan under its Phase I Municipal Separate Storm Sewer System Permit ("MS4 Permit"), issued by the Washington State Department of Ecology. This programmatic permit is issued to all Phase I Permittees in Western Washington. The Port of Tacoma is considered a secondary permittee under the MS4 Permit because it owns and operates its own municipal stormwater system within the city limits of Tacoma. The MS4 Permit encourages the City and the Port of Tacoma to coordinate respective stormwater management activities when possible. This Interlocal Agreement would provide a cooperative framework for coordinating certain stormwater management obligations under the MS4 Permit, with a goal of helping to reduce stormwater impacts to Commencement Bay, its waterways, and other receiving waters. Each party would remain responsible for their own MS4 Permit compliance under the Interlocal Agreement.

Coordination under the Interlocal Agreement includes, among other things: providing access to Port properties by City staff for inspection and spill response as requested by the Port, compensating the City for certain services when the Port has requested such services, collaborating on review of Port development/redevelopment projects, and meeting annually with the Port to discuss stormwater MS4 permit related issues.

The Port of Tacoma approved the Interlocal Agreement on July 25, 2013.

REQUEST (CONT)

CITY CLERK USE ONLY

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8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
City of Tacoma MS4 Phase 1 NPDES Permit	City Clerk
City / Port Interlocal Agreement	City Clerk
Memo to Port Commission	City Clerk

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A.  A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B.  A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C.  A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

11. FINANCIAL IMPACT:       EXPENDITURE       REVENUE

- A.  NO IMPACT (NO FISCAL NOTE)
- B.  YES, OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, (NO FISCAL NOTE)  
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other (PORT) \$	Total Amount
4301 Surface Water				

Note: Any expense the City incurs will be reimbursed by the Port according to the agreement.

If an expenditure, is it budgeted?     Yes     No    Where? Cost Center:  
Acct #:



38724

City of Tacoma

Memorandum

**TO:** T.C. Broadnax  
City Manager

**FROM:** Michael P. Slevin III, P.E. *MS* *fw*  
Environmental Services Director

**SUBJECT:** Council Action Memo - Interlocal Agreement with Port of Tacoma  
September 10, 2013

**DATE:** August 14, 2013

**SUMMARY:**

The Environmental Services Department is requesting authorization to enter into an Interlocal Agreement in accordance with the Interlocal Cooperation Act (Chapter 39.34 RCW) with the Port of Tacoma for the purpose of providing a cooperative framework for coordinating certain stormwater management activities.

**BACKGROUND:**

The City is required to develop and implement a stormwater management plan under its Phase I Municipal Separate Storm Sewer System Permit (MS4 Permit), issued by the Department of Ecology. This programmatic permit is issued to all Phase I Permittees in Western Washington. The Port of Tacoma is considered a secondary permittee under the MS4 Permit because it owns and operates its own municipal stormwater system within the City limits of Tacoma. The MS4 Permit encourages the City and the Port of Tacoma to coordinate respective stormwater management activities when possible. This Interlocal Agreement would provide a cooperative framework for coordinating certain stormwater management obligations under the MS4 Permit, with a goal of helping to reduce stormwater impacts to Commencement Bay, its waterways, and other receiving waters. Each party would remain responsible for their own MS4 Permit compliance under the Interlocal Agreement.

Coordination under the Interlocal Agreement includes, among other things: providing access to Port properties by City staff for inspection and spill response as requested by the Port, compensating the City for certain services when the Port has requested such services, collaborating on review of Port development/redevelopment projects, and meeting annually with the Port to discuss stormwater MS4 Permit related issues.

**ISSUE:**

The City and the Port of Tacoma each have responsibility to perform certain actions to manage stormwater in a manner that is cost efficient for the citizens and effective in protecting the receiving waters of Commencement Bay. This Agreement helps the parties work together towards those ends.

**RECOMMENDATION:**

Staff from the City and Port have worked closely together to craft this Agreement to be a useful tool both parties may utilize as we fulfill our independent MS4 Permit obligations. The Environmental Services Department recommends authorization of this Interlocal Agreement.

38724

Resolution No. \_\_\_\_\_

Adopted: SEP 10 2013

Maker of Motion: Campbell

Seconded: Woodards

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe				X
Mr. Campbell	X			
Mr. Ibsen	X			
Mr. Lonergan	X			
Mr. Mello				X
Mr. Thoms	X			
Ms. Walker	X			
Ms. Woodards	X			
Mayor Strickland	X			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe				
Mr. Campbell				
Mr. Ibsen				
Mr. Lonergan				
Mr. Mello				
Mr. Thoms				
Ms. Walker				
Ms. Woodards				
Mayor Strickland				