



## RESOLUTION NO. 40235

1 A RESOLUTION relating to environmental services; authorizing the execution of  
2 Amendment No. 5 to the Agreement for Legal Services with Kenyon Disend,  
3 PLLC, in the amount of \$100,000, for a cumulative total not to exceed  
4 \$300,000, budgeted from ES Wastewater Fund 4300 and ES Solid Waste  
5 Fund 4200, for legal services related to completing implementation of  
6 requirements of the Consent Decree, and in addition, rewriting  
7 Chapter 12.09 of the Tacoma Municipal Code and continuing to provide  
8 legal services regarding environmental law matters.

9 WHEREAS, since 2016, Kenyon Disend, PLLC has been representing the  
10 City in a third-party lawsuit brought under the Clean Water Act, challenging the  
11 City's wastewater pretreatment program, and

12 WHEREAS the third-party lawsuit was settled, resulting in the filing of a  
13 Consent Decree requiring that the wastewater pretreatment program be updated,  
14 including a rewrite of the sanitary and storm sewer code located in Chapter 12.08  
15 of the Tacoma Municipal Code ("TMC"), and

16 WHEREAS the original Agreement for Legal Services with the law firm was  
17 executed on June 27, 2012, and has been amended four times, for a cumulative  
18 contract amount of \$200,000, and

19 WHEREAS it is necessary to further amend the agreement by revising the  
20 hourly rate and increasing the maximum compensation under the agreement in the  
21 amount of \$100,000, for a cumulative total not to exceed \$300,000, budgeted from  
22 ES Wastewater Fund 4300 and ES Solid Waste Fund 4200, to allow the law firm to  
23 assist the City in completing implementation of the requirements of the Consent  
24 Decree, and in addition, rewriting TMC 12.09 (Solid Waste Code), and continuing  
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to provide legal advice and services regarding environmental law matters; Now,

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Therefore,

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

That the proper officers of the City are hereby authorized to execute Amendment No. 5 to the Agreement for Legal Services with Kenyon Disend, PLLC, in the amount of \$100,000, for a cumulative total not to exceed \$300,000, budgeted from the ES Wastewater Fund 4300 and ES Solid Waste Fund 4200, for legal services related to completing implementation of requirements of the Consent Decree, and in addition, rewriting Chapter 12.09 of the Tacoma Municipal Code, and continuing to provide legal services regarding environmental law matters, said agreement to be substantially in the form of the document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney