

COMMISSION AGENDA

Item No: 5E

Meeting: 7/26/18

DATE: July 11, 2018

TO: Port Commission

FROM: John Wolfe, Chief Executive Officer

Sponsor: Jason Jordan, Director, Environmental and Planning Services

Project Manager: Deanna Seaman, Environmental Senior Project Manager

SUBJECT: Authorization for the CEO to sign a one-year extension of the Interlocal Agreement with the City of Tacoma for Mutual Cooperation & Support Regarding Agency Stormwater Management.

A. ACTION REQUESTED

As referenced in Resolution No. 2017-01-PT, Exhibit A, Delegation of Authority Master Policy, Paragraph IV.A. requires authorization from Port Commission to enter into ILAs with other public agencies.

Request authorization for the CEO to execute a one-year extension of the Interlocal Agreement with the City of Tacoma for Mutual Cooperation & Support Regarding Agency Stormwater Management. The First draft Amendment is attached.

B. SYNOPSIS

The City of Tacoma and the Port of Tacoma entered into a five-year Interlocal Agreement (ILA) on July 23, 2013. The purpose of the ILA is to memorialize the cooperation between the two agencies for managing the Municipal Separate Storm Sewer System Permit (MS4). Authorization is requested for the CEO to sign a one year extension of this agreement while both parties negotiate potential changes and updates to the language, rates, and services detailed in the agreement for the following years.

C. BACKGROUND

In 2009 the Port of Tacoma requested a review of surface water fees charged by City of Tacoma on Port of Tacoma properties. The requested review resulted in \$300,000 in "account changes" billed to the Port of Tacoma. The Port appealed this review with the City of Tacoma Hearing Examiner. During this time, the Port and the City worked together to create a new rate structure for wetlands, correct billing for certain parcels (those under water, certain properties whose square footages were incorrect), and created a water front property rate for those parcels that do not drain to City owned infrastructure. This rate is 50% of the rate charged to parcels that drain to City owned infrastructure.

This work is memorialized in Tacoma City Code 12.08 and in the attached ILA for which staff is seeking a one-year extension. The ILA also contains language that memorializes cooperation for site inspections, provides for a courtesy review of stormwater conveyance and treatment on Port projects that do not drain to City Infrastructure thereby greatly accelerating Site Development Permits, and a provision for reimbursing stormwater system work one party does for another as requested by either party.

The Original five-year ILA was signed by Tacoma City Council and the Port Tacoma Commission on or about September 23, 2013 and is thus due for renewal.

D. ILA DETAILS

The ILA allows for cooperation in the following areas

- Courtesy stormwater review by City Environmental Services in conjunction with other required project review for Port projects that discharge to Port-owned MS4 infrastructure.
- Surface Water fee reduction for Port water front properties that do not discharge to City storm sewer infrastructure.
- Spill response coordination.
- Site source control inspections where both parties have an interest in the property stormwater system because it discharges to one or both party's systems.
- Annual coordination with permit requirements where there is significant overlap in jurisdiction and responsibilities.

Justification for This Time Extension Request:

- This is an amendment for a one-year extension request. During the one-year term, parties will work on potential changes. The City would like to include language regarding access to properties and the Port is looking at its entire response to the MS4 permit and both parties need time to work through these issues.
- There are no changes to the language of the current Agreement other than the time extension, which COT and POT staff propose expire September 30, 2019.

E. FINANCIAL SUMMARY

Estimated Cost of Extension

There is no financial impact to extending the ILA for the proposed period.

Financial Impact

Not applicable.

F. ECONOMIC INVESTMENT/JOB CREATION

This is a status quo extension and will neither create nor eliminate jobs.

G. ENVIRONMENTAL IMPACTS/REVIEW

Permitting: This will continue our courtesy stormwater system review for site development permits which does make the process go much faster.

Remediation: No impacts.

Water Quality: No impacts.

Air Quality: No impacts

H. ATTACHMENTS TO THIS REQUEST

- Executed copy of 2013 ILA 069777
- Proposed first amendment to the ILA for one year

I. NEXT STEPS

Approve extension and authorization and return to Commission in the fall with recommendations for the Port's overall stormwater program approach.