

# COMMISSION AGENDA

Item No: 5B

Meeting: 8/15/19

**DATE:** July 29, 2019

**TO:** Port Commission

**FROM:** Eric D. Johnson, Executive Director

Sponsor: Jason Jordan, Director, Environmental and Planning Services

Project Manager: Deanna Seaman, Environmental Senior Project Manager

**SUBJECT:** Authorization for the ED 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 ED 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 ED to sign a second one-year extension of this agreement while both parties negotiate potential changes and updates to the language, 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 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, the first extension expires September 30, 2018 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 a second one-year extension amendment request. During this additional one-year term, parties will continue to work on potential changes. The City would like to include language regarding access to properties via a Covenant and Easement; 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 and an increase to service and labor rates in Exhibit A, which COT and POT staff propose expire September 30, 2020.

#### **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
- Commission approved first amendment to the ILA for one year
- Proposed second amendment to the ILA for an additional year

**I. NEXT STEPS**

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