

RESOLUTION R-5010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF AUBURN, BAINBRIDGE ISLAND, BELLEVUE, BOTHELL, BREMERTON, BURLINGTON, CAMAS, DES MOINES, EVERETT, FERNDALE, ISSAQUAH, KELSO, KENT, KIRKLAND, LONGVIEW, LYNNWOOD, MOUNT VERNON, POULSBO, RENTON, SAMMAMISH, SEATAC, SNOQUALMIE AND SUMNER AND COWLITZ COUNTY REGARDING LEGAL SERVICES.

WHEREAS, on September 18, 2012, the City Council approved Resolution R-4937 authorizing the City Manager to sign an interlocal agreement to join other participating jurisdictions (the "Coalition") in exploring legal and other avenues available to challenge the then recently adopted Department of Ecology ("DOE") Standards; and

WHEREAS, the Phase II National Pollutant Discharge Elimination System ("NPDES") Permit is required under provisions of the Federal Clean Water Act and requires members of the Coalition to develop and maintain storm water programs; and

WHEREAS, the DOE Standards, purportedly adopted under the NPDES Permit authority, may impose costly burdens on landowners, including members of the Coalition and may also cause costly legal challenges to members of the Coalition as a result of enforcing the Standards; and

WHEREAS, the potential impact of the DOE Standards on members of the Coalition and property owners is so significant and far-reaching, members of the Coalition joined together to file an appeal with the Pollution Control Hearings Board; and

WHEREAS, the Coalition retained outside counsel to represent the Coalition in the appeal and have collectively paid for legal services; and

WHEREAS, the cost of legal services has been higher than originally anticipated and additional funding is needed from the Coalition members; and

WHEREAS, based upon population, the City of Kirkland is being asked to provide an additional \$12,500 in funding for a cumulative total contribution of \$37,500; and

WHEREAS, the members of the Coalition are public agencies as defined by Ch. 39.34 of the Revised Code of Washington, and may enter into interlocal agreements on the basis of mutual advantage to provide services and facilities in the manner and pursuant to forms of governmental organization that will accord best with geographic,


economic, population, and other factors influencing the needs and development of local communities.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is authorized to execute on behalf of the City of Kirkland an amendment to the Interlocal Agreement substantially similar to that attached as Exhibit "A", which is entitled "First Amendment to the Interlocal Agreement between the Cities of Auburn, Bainbridge Island, Bellevue, Bothell, Bremerton, Burlington, Camas, Des Moines, Everett, Ferndale, Issaquah, Kelso, Kent, Kirkland, Longview, Lynnwood, Mount Vernon, Poulsbo, Renton, Sammamish, SeaTac, Snoqualmie and Sumner and Cowlitz County Regarding Legal Services."

Passed by majority vote of the Kirkland City Council in open meeting this 6th day of November, 2013.

Signed in authentication thereof this 6th day of November, 2013.


MAYOR

Attest:


City Clerk

FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF AUBURN, BAINBRIDGE ISLAND, BELLEVUE, BOTHELL, BREMERTON, BURLINGTON, CAMAS, DES MOINES, EVERETT, FERNDALE, ISSAQUAH, KELSO, KENT, KIRKLAND, LONGVIEW, LYNNWOOD, MOUNT VERNON, POULSBO, RENTON, SAMMAMISH, SEATAC, SNOQUALMIE AND SUMNER AND COWLITZ COUNTY REGARDING LEGAL SERVICES

THE INTERLOCAL AGREEMENT ("Agreement") is entered into between the Cities of Auburn, Bainbridge Island, Bellevue, Bothell, Bremerton, Burlington, Camas, Des Moines, Everett, Ferndale, Issaquah, Kelso, Kent, Kirkland, Longview, Lynnwood, Mount Vernon, Poulsbo, Renton, Sammamish, SeaTac, Snoqualmie, Sumner and Cowlitz County is hereby amended as follows:

Paragraph 4.1 of the Interlocal is hereby amended to read as follows:

4.1 The Legal Services' fees and costs shall be shared by members of the Coalition based upon the cost-sharing formula set forth in the First Amended Exhibit "A" attached hereto and incorporated by this reference. This obligation shall continue through conclusion of the Legal Services as provided in Paragraph 2 above, unless a member of the Coalition terminates its participation in this Agreement as provided in Paragraph 5. Members of the Coalition hereby authorize said fees and costs up to \$675,000. Provided, however, any increase in the cost of legal services that would require additional payments from any Coalition members in excess of the obligations set forth in the First Amended Exhibit "A" shall require amendment of this Agreement unless an individual Coalition member expressly volunteers to increase its share without the necessity of amendment of this Interlocal Agreement.

All other provisions of the Interlocal Agreement remain in full force and effect.

IN WITNESS, the parties below execute this First Amendment to the Coalition Interlocal Agreement which shall become effective as of _____, 2013.

AUBURN: CITY OF AUBURN By: _____ Print Name: _____ Its: _____ Date: _____	BAINBRIDGE ISLAND: CITY OF BAINBRIDGE ISLAND By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____	NOTICES TO BE SENT TO: _____

<p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p>

<p>BELLEVUE:</p> <p>CITY OF BELLEVUE</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>BOTHELL:</p> <p>CITY OF BOTHELL</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p>
<p>BREMERTON:</p> <p>CITY OF BREMERTON</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>BURLINGTON:</p> <p>CITY OF BURLINGTON</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>

<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p>

<p>CAMAS:</p> <p>CITY OF CAMAS</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>COWLITZ COUNTY:</p> <p>COWLITZ COUNTY</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p>
<p>DES MOINES:</p> <p>CITY OF DES MOINES</p>	<p>EVERETT:</p> <p>CITY OF EVERETT</p>

By: _____ Print Name: _____ Its: _____ Date: _____	By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	APPROVED AS TO FORM: _____
FERNDALE: CITY OF FERNDALE By: _____ Print Name: _____ Its: _____ Date: _____	ISSAQUAH: CITY OF ISSAQUAH By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	
KELSO:	KENT:

CITY OF KELSO By: _____ Print Name: _____ Its: _____ Date: _____	CITY OF KENT By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	APPROVED AS TO FORM: _____

KIRKLAND: CITY OF KIRKLAND By: _____ Print Name: _____ Its: _____ Date: _____	LONGVIEW: CITY OF LONGVIEW By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	APPROVED AS TO FORM: _____

LYNNWOOD: CITY OF LYNNWOOD By: _____ Print Name: _____ Its: _____ Date: _____	MOUNT VERNON: CITY OF MOUNT VERNON By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	APPROVED AS TO FORM: _____

POULSBO: CITY OF POULSBO By: _____ Print Name: _____ Its: _____ Date: _____	RENTON: CITY OF RENTON By: _____ Print Name: _____ Its: _____ Date: _____
NOTICES TO BE SENT TO: _____ _____ _____	NOTICES TO BE SENT TO: _____ _____ _____

<p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p>

<p>SAMMAMISH:</p> <p>CITY OF SAMMAMISH</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>SEA-TAC</p> <p>CITY OF SEA-TAC</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>	<p>NOTICES TO BE SENT TO:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>() _____ - _____ (Telephone)</p> <p>() _____ - _____ (Facsimile)</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p>	<p>APPROVED AS TO FORM:</p> <p>_____</p>

<p>SNOQUALMIE:</p> <p>CITY OF SNOQUALMIE</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>	<p>SUMNER:</p> <p>CITY OF SUMNER</p> <p>By: _____</p> <p>Print Name: _____</p> <p>Its: _____</p> <p>Date: _____</p>
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NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)	NOTICES TO BE SENT TO: _____ _____ _____ () _____ - _____ (Telephone) () _____ - _____ (Facsimile)
APPROVED AS TO FORM: _____	APPROVED AS TO FORM: _____

FIRST AMENDED EXHIBIT "A"

TO

INTERLOCAL AGREEMENT REGARDING LEGAL SERVICES

For purposes of pursuing an appeal of the 2013-18 NPDES permit issued by the state Department of Ecology on August 1, 2012, the following delineates the financial contributions to be made by members of the Governmental Entities Coalition.

Entities with a population of up to 10,000:	\$15,000
Entities with a population between 10,001 and 30,000	\$22,500
Entities with a population between 30,001 and 50,000	\$30,000
Entities with a population above 50,000	\$37,500