RESOLUTION NO. 2010-03

A RESOLUTION OF THE CITY OF EAST WENATCHEE, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT AMONG THE CITY OF WENATCHEE, CHELAN COUNTY, AND DOUGLAS COUNTY FOR DEVELOPMENT AND IMPLEMENTATION OF PROJECTS RELATED TO REGIONAL STORMWATER MANAGEMENT AND PLANNING, AND ESTABLISHING AN EFFECTIVE DATE.

1. Recitals
   a. Preamble. The City Council of East Wenatchee ("City Council") finds that it is in the best interests of the City of East Wenatchee ("City") and its citizens to work with the City of Wenatchee, Douglas County, and Chelan County in the development of stormwater programs and procedures.
   b. Authority. RCW 39.34.030(2) authorizes two or more public agencies may enter into interlocal cooperation agreements with one another for joint or cooperative action. The agencies must take appropriate action by ordinance or by resolution before any such agreement may enter into force.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO RESOLVE AS FOLLOWS:

Section 1: Action. The City Council authorizes the Mayor to sign the Interlocal Agreement which is attached to this Resolution as Exhibit A.

Section 2: Effective Date. This resolution becomes effective on the date that it is passed by the City Council. Exhibit A becomes effective upon recording by the Auditor.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on this 23rd day of March, 2010.

CITY OF EAST WENATCHEE,
WASHINGTON

By
Steven C. Lacy, Mayor

ATTEST:

Dana Barnard, City Clerk

FILED WITH THE CITY CLERK: 3/17/2010
PASSED BY THE CITY COUNCIL: 3/23/2010
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INTERLOCAL AGREEMENT FOR
DEVELOPMENT AND IMPLEMENTATION OF PROJECTS RELATED TO REGIONAL STORMWATER MANAGEMENT AND PLANNING

This agreement ("Agreement") is made and entered among Douglas County, Chelan County, the City of Wenatchee ("Wenatchee") and the City of East Wenatchee ("East Wenatchee"), collectively the "Parties".

WHEREAS, Chapter 39.34 RCW provides for the formation of interlocal agreements that enable local governments to effectively cooperate with each other to the benefit of local communities;

WHEREAS, the Federal Clean Water Act, 33 U.S.C. § 1251 et seq. and the Phase II Stormwater Final Rule promulgated by the U.S. Environmental Protection Agency ("EPA") require the operators of certain small municipal separate stormwater sewer systems to obtain National Pollutant Discharge Elimination System ("NPDES") permit coverage;

WHEREAS, in Washington State, the EPA has delegated authority for the Federal Clean Water Act, including development and administration of the Phase II municipal stormwater management program, to the Washington State Department of Ecology ("Ecology");

WHEREAS, Douglas County, Chelan County, Wenatchee and East Wenatchee have applied for coverage under the Phase II Municipal Stormwater Permit;

WHEREAS, on January 17, 2007, Ecology issued the Eastern Washington Phase II Municipal Stormwater Permit ( Permit Effective Date: February 16, 2007, Permit Expiration Date: February 15, 2012);

WHEREAS, Douglas County, Chelan County, Wenatchee and East Wenatchee entered into a MEMORANDUM OF UNDERSTANDING FOR STORM WATER MANAGEMENT PLANNING in January 2004, under which Douglas County, Chelan County, Wenatchee and East Wenatchee have been participating in the public process related to the development and issuance of the Phase II NPDES Stormwater Permit;
WHEREAS, the Phase II Stormwater Permit requires municipalities subject to its terms to have a stormwater management program that contains the following minimum elements: public education and outreach, public involvement and participation, illicit discharge detection and elimination ("IDDE"), construction site stormwater control, post-construction stormwater management, pollution prevention and good housekeeping for municipal operations, Total Maximum Daily Load requirements, and program compliance evaluation;

WHEREAS, under the Stormwater Grants Program, Ecology will fund selected eligible stormwater projects, including projects related to public education, information and communication; development of stormwater management programs and procedures; purchase of equipment necessary for implementation of stormwater management;

WHEREAS, Wenatchee received two Municipal Stormwater Grants of Regional or Statewide Significance from Ecology on behalf of the Parties: G1000365, FY 10 Wenatchee Valley IDDE Program Implementation and G1000366, FY 10 Stormwater Operations & Maintenance Plan for Eastern Washington Communities;

WHEREAS, the Parties wish to continue their cooperative approach to complying with state and federal standards for stormwater management.

The Recitals above are incorporated and made part of this Agreement.

NOW, THEREFORE, the Parties hereby agree as follows:

1. The purpose of this Agreement is to establish the Parties' responsibilities for the implementation of the Wenatchee Valley Illicit Discharge Detection and Elimination program as set forth in G1000365 and to develop stormwater operations and maintenance plans as detailed in G100366.

2. Wenatchee shall be the lead agency for the purposes of the grants referenced in this Agreement.

3. The Parties will cooperate with each other and Ecology to negotiate the terms of the grant agreements. Wenatchee will execute and administer the financial assistance agreements with Ecology as approved by the parties.

4. The Parties will work together to accomplish the regional activities.
   a. The Parties will cooperatively develop a scope of work for each project and will cooperatively select any consultant chosen to accomplish activities regionally, semi-regionally or locally.
   b. The consultant will contract with Wenatchee for the accomplishment of regional activities when approved by the Parties.
5. The projects shall be funded by the grants only. Each Party shall otherwise bear its own costs in carrying out this Agreement.

6. Equipment purchased with grant funding will be disbursed as approved by the Parties and in accordance with the terms of grant agreement G1000365. Each party shall be responsible for the on-going maintenance, operation, repair and disposal of the equipment they receive.

7. As proposed in the grant applications to Ecology, staff time may be billed to the two grants as allowed by G1000365 and G1000366 and up to the specified amounts as follows:
   a. G1000365, FY 10 Wenatchee Valley IDDE Program Implementation
      i. Wenatchee $6,700
      ii. Chelan County $5,300
      iii. Douglas County $4,500
      iv. East Wenatchee $4,500
   b. G1000366, FY 10 Stormwater Operations & Maintenance Plan for Eastern Washington Communities
      i. Wenatchee $4,800
      ii. Chelan County $5,300
      iii. Douglas County $4,500
      iv. East Wenatchee $3,600

8. This Agreement does not create any separate legal or administrative entity.

9. This Agreement is effective upon signature by all Parties and shall remain in effect through the first permit cycle unless terminated earlier pursuant to its terms.

10. Any Party may withdraw from the Agreement upon thirty (30) days' written notice to the other Parties.

11. This Agreement shall terminate if Ecology fails to provide the grant funding and upon the withdrawal of at least three (3) of the Parties, or by mutual written agreement of all Parties.
Adopted: March 23, 2010

ATTEST:

[Signature] Dana Barnard
City Clerk

March 23, 2010

APPROVED AS TO FORM:

[Signature] [Name]
City Attorney

3/24/2010
DOUGLAS COUNTY
BOARD OF COUNTY COMMISSIONERS

Ken Stanton, Chair
Dale Snyder, Vice Chair
Mary Hunt, District Member

3-16-10

Date

ATTEST:

Clerk of the Board

Date

APPROVED AS TO FORM:

Prosecuting Attorney

Date
Adopted: March 25, 2010

CITY OF WENATCHEE
Dennis Johnson, Mayor

Date 3-25-10

ATTEST:
Dennis Johnson, Mayor

Date

APPROVED AS TO FORM:

City Clerk

March 25, 2010

Date

City Attorney

3/29/10

Date