

**FIRST AMENDMENT TO
INTERLOCAL AGREEMENT BETWEEN
THE PORT OF TACOMA
AND
THE CITY OF TACOMA
REGARDING MUTUAL COOPERATION & SUPPORT FOR STORMWATER
MANAGEMENT**

THIS FIRST AMENDMENT (the “First Amendment”) is made and entered into this 22nd day of January, 2025, by and between the Port of Tacoma, a public port district organized under the laws of the State of Washington (hereafter, “Port”), and the City of Tacoma, a municipal corporation of the State of Washington (hereafter, “City”), each referred to individually as a “Party” and collectively as “the Parties,” in consideration of the mutual covenants contained herein.

RECITALS

WHEREAS, the Parties have a common interest in the proper management of stormwater to protect the water quality of Commencement Bay, its waterways, and other receiving waters in and around the City and Port; and

WHEREAS, the Port and the City each have a responsibility to comply with the terms and conditions of their respective NPDES Phase I Municipal Stormwater Permits (“MS4 Permit”) issued by the Department of Ecology; and

WHEREAS, the Parties recognize there is a mutual benefit in cooperating and coordinating the integration of certain MS4 Permit program elements to ensure better water quality in Commencement Bay, its waterways, and other receiving waters, and have a shared interest in exploring ways to create efficiencies and cost savings with regard to stormwater management; and

WHEREAS, in recognition of these interests and benefits, the Parties have entered into a series of interlocal agreements for mutual cooperation and support for stormwater management since September 2013; and

WHEREAS, the Parties entered into the current interlocal agreement (the “2020 Interlocal Agreement”) on September 24, 2020; and

WHEREAS, the 2020 Interlocal Agreement is set to expire on February 28, 2025; and

WHEREAS, the Parties wish to continue to work cooperatively in stormwater management; and

WHEREAS, the Parties are negotiating a new interlocal agreement to replace the 2020 Interlocal Agreement once it expires; and

WHEREAS, the new interlocal agreement may not be executed by the time the

2020 Interlocal Agreement expires.

NOW, THEREFORE, pursuant to the above recitals that are incorporated herein as if fully set forth below, and in consideration of the mutual promises, benefits, and obligations hereinafter set forth, the Parties agree as follows:

AGREEMENT

1. Extension of Term. The 2020 Interlocal Agreement shall remain in effect through the date of August 31, 2025, unless extended by mutual agreement. The Parties may terminate the 2020 Interlocal Agreement earlier than August 31, 2025 by mutual agreement.

2. No Other Amendments. Except as amended by this First Amendment, all the terms and provisions of the 2020 Interlocal Agreement shall remain in full force and effect.

3. First Amendment to Control. In the event of any conflict between the terms and conditions set forth in the 2020 Interlocal Agreement and this First Amendment, the terms and conditions of this First Amendment shall control.

4. Incorporation. This First Amendment sets forth the entire and final agreement and understanding of the Parties with respect to the subject matter of this First Amendment.

5. Amendments. This First Amendment may not be modified or amended except by an instrument in writing executed by the Parties.

6. Severability. Should any word, phrase, clause, sentence, or paragraph of this Agreement or its application be declared invalid or void by a court of competent jurisdiction, the remaining provisions of this Agreement or its applications of those provisions not so declared shall remain in full force and effect.

7. Counterparts. This First Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

SIGNATURES ARE ON NEXT PAGE

CITY OF TACOMA

Signed by:
By: Geoffrey M. Smyth, P.E.
7783EADFFB7B4FF
Geoffrey M. Smyth, P.E.
Its: Interim Director, Environmental Services

Date: 02/15/2025

DocuSigned by:
By: Andy Cherullo, Finance Director
1FAFA3DA59164E0
Andy Cherullo
Its: Finance Director

Date: 02/18/2025

Signed by:
By: Elizabeth A. Pauli, City Manager
5EF9F48393D34A8
Elizabeth A. Pauli
Its: City Manager

Date: 02/24/2025

Approved as to form:

Signed by:
By: Kristin Lamson, Deputy City Attorney
E2B06868741C4DB
Kristin Lamson
Its: Deputy City Attorney

Date: 02/20/2025

DocuSigned by:
By: Nicole Emery
31BC93AB5FF944B
Nicole Emery
Its: City Clerk

Date: 02/24/2025

PORT OF TACOMA

By: Eric Johnson
Eric Johnson
Its: Executive Director

Date: Jan. 22 2025

Approved as to form:

By: Heather Burgess
Heather Burgess
Its: General Counsel

Date: 1/22/2025



RESOLUTION NO. 41617

1 A RESOLUTION relating to stormwater management; authorizing the execution
2 of an amendment to the Interlocal Agreement with the Port of Tacoma,
3 for mutual cooperation and support regarding agency stormwater
management, to extend the agreement through August 31, 2025.

4 WHEREAS the Interlocal Agreement ("ILA") between the Port of Tacoma
5 ("Port") and the City has been in place since 2020, as adopted by Resolution
6 No. 40655, and

7
8 WHEREAS amending the ILA to grant the extension will allow the parties to
9 evaluate the impacts of new permit conditions in the new Phase 1 Municipal
10 Stormwater Permit and new Industrial Stormwater General Permit, and review draft
11 updates to the City's Stormwater Management Manual available in Quarter 2 of
12 2025, which may impact the conditions in the new ILA, and

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14 WHEREAS this extension does not alter any of the existing conditions of
15 the ILA, and is solely to extend the expiration date from February 28, 2025, to
16 August 31, 2025, and

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18 WHEREAS the cooperation documented in this ILA is mutually beneficial
19 because each party benefits from the coordinated approach by increased efficiency
20 in operations for stormwater management, and

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22 WHEREAS the amendment also promotes more effective collaboration to
23 reduce pollutants in municipal stormwater to the maximum extent practicable within
24 two interconnected and independently owned and operated municipal stormwater
25 systems; Now, Therefore,
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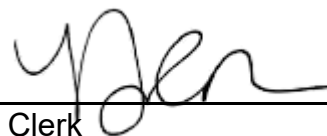
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute an amendment to the Interlocal Agreement with the Port of Tacoma, for mutual cooperation and support regarding agency stormwater management, to extend the agreement through August 31, 2025, as more specifically set forth in the document on file in the office of the City Clerk.

Adopted February 11, 2025


Mayor

Attest:


City Clerk

Approved as to form:


Deputy City Attorney