

ORIGINAL

RESOLUTION 2011 - 21

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON, APPROVING
INTERGOVERNMENTAL LOCAL AGREEMENT BETWEEN
YAKIMA COUNTY AND THE CITIES OF YAKIMA, UNION GAP AND SUNNYSIDE**

WHEREAS, Yakima County and the Cities of Yakima, Union Gap and Sunnyside have participated in an Intergovernmental Local Agreement to cooperate in compliance with the federal NPDES Phase II Stormwater regulation and the State of Washington's Eastern Washington Phase II Municipal Stormwater General Permit; and

WHEREAS, the City Council finds and determines that approval of such agreement is in the best interests of residents of the City of Sunnyside, and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. That the "Intergovernmental Stormwater Agreement," a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved; and the City Manager is hereby authorized to execute and administer this agreement for and on behalf of the City of Sunnyside.

Section 2. This Resolution shall be effective upon passage, approval and signatures hereon as required by law.

PASSED this 11th day of April, 2011.



JAMES A. RESTUCCI, MAYOR

ATTEST



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:



MENKE JACKSON BEYER EHLIS & HARPER, LLP
Attorneys for the City of Sunnyside

EXHIBIT 'A'

INTERGOVERNMENTAL LOCAL AGREEMENT EXTENSION
FOR STORMWATER PERMIT COMPLIANCE ACTIVITIES
BETWEEN
YAKIMA COUNTY
AND
THE CITIES OF
YAKIMA, UNION GAP AND SUNNYSIDE
March, 2011

THIS AGREEMENT is made and entered into between Yakima County, a municipal corporation of the State of Washington, hereinafter referred to as "County", and the Cities of Yakima, Union Gap and Sunnyside, all being municipal corporations, hereinafter referred to as "Yakima", "Union Gap" and "Sunnyside" respectively, or "Cities" when it includes all, or "City" when it is either Yakima, Union Gap or Sunnyside; and,

WHEREAS, Yakima County and the Cities of Yakima, Union Gap and Sunnyside are required to comply with the State of Washington's Eastern Washington Phase II Municipal Stormwater General Permit, hereinafter referred to as "Permit"; and,

WHEREAS, the County and Cities formed the Regional Stormwater Policy Group to ascertain the most cost beneficial course of action for the Parties in order to provide the best value to their citizens concerning NPDES II stormwater plan development for respective Municipal Separate Storm Sewer Systems; and,

WHEREAS, the County and Cities acknowledge the financial and consistency benefits of a regional plan and agree to continue as primary and co-permittees to meet the Permit requirements of regulated small MS4s, as allowed under the Permit; and,

WHEREAS, the County and Cities have agreed that the County would administer and manage a Permit as the primary permittee with Cities as co-permittees for the respective Municipal Separate Storm Sewer Systems; and,

WHEREAS, the County and Cities under RCW Chapter 39.34, have the legal authority to enter into interlocal agreements for the sewerage and stormwater management programs within its boundaries consistent with relevant laws; and,

WHEREAS, the County and Cities have authority to operate and maintain storm and surface water management systems and many other services as provided for under their relevant laws; and,

WHEREAS, the County and Cities have enjoyed a strong and effective partnership under an existing interlocal agreement for permit years four and five effective November 10, 2009; and,

WHEREAS, the existing interlocal agreement specifies timelines for a future interlocal agreement to share permit compliance tasks in a future permit to be issued by Washington State Department of Ecology, and,

EXHIBIT 'A'

WHEREAS, the Washington State Department of Ecology is approximately six months behind schedule developing the next permit that will specify compliance tasks to be shared by the County and Cities; and,

WHEREAS, the County and the Cities would like to continue the regional stormwater approach for public benefit; and,

NOW, THEREFORE, in consideration of the covenants and agreements to be kept and performed by the parties hereto, it is agreed as follows:

Section 1. Modification of previous ILA

The ILA titled "*Intergovernmental Local Agreement For Stormwater Permit Compliance Activities Between Yakima County And The Cities Of Yakima, Union Gap And Sunnyside, September, 2009*" (2009 ILA) is modified as follows:

Section 12. Duration

This Agreement is for Years four (4) and five (5) of the Permit effective February 16, 2007 (current Permit) and will be reviewed by all Parties upon receipt of a Public Review and Comment Draft of the Municipal Stormwater General Permit issued by Ecology for discharges on or after February 16, 2012 (next Permit) for consideration of continuing the Agreement beyond the current permit cycle, and for potential amendment of responsibilities.

A decision and written commitment to amend and/or extend the Agreement for the next Permit is required from all Parties within 60 days of receipt of a Public Review and Comment Draft of the next Permit or the Agreement terminates upon issuance of the next Permit.

Section 2. Retention of previous ILA sections

A. All other sections of the 2009 ILA remain valid and binding.

Section 3. Effective Date / Counterparts

This Agreement may be signed in counterparts, with each Party hereto receiving copies of all participating Party's fully executed signature pages. This Agreement shall become effective when executed by all Parties hereto.

IN WITNESS WHEREOF, this instrument has been executed in duplicate by authority of lawful actions by the Councils and Board of County Commissioners.

EXHIBIT 'A'

CITY OF YAKIMA

Kevin J. Bouchey, Chairman

R.A. Zais, Jr., City Manager

Rand Elliott, Commissioner

Date: _____

Attest: _____

Michael D. Leita, Commissioner

*Constituting the Board of County Commissioners for
Yakima County, Washington*

City Clerk

Date: _____

CITY OF UNION GAP

Attest: Tiara Girard

Jim Lemon, Mayor

Date _____

Clerk of the Board

Attest: Kathryn Thompson

Approved as to Form:

City Clerk

Deputy Prosecuting Attorney

CITY OF SUNNYSIDE

Mark J. Gervasi, City Manager

Date _____

Attest: Deborah A. Estrada



City Clerk

BOARD OF YAKIMA COUNTY
COMMISSIONERS
