

RESOLUTION NO. 699

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, APPROVING AN INTERLOCAL AGREEMENT FOR PHASE ONE REVIEW AND AUTHORIZATION FOR THE PIERCE COUNTY WASTEWATER TREATMENT PLANT UPGRADE PROJECT BETWEEN THE CITY OF UNIVERSITY PLACE AND PIERCE COUNTY

WHEREAS, Pierce County ("the County"), through its Pierce County Public Works and Utilities – Sewer Utility Division owns and operates the Chambers Creek Regional Wastewater Treatment Plant, (herein "WWTP") which is located within the City; and

WHEREAS, in order to ensure that the WWTP continues to operate with sufficient capacity and in a manner which meets all regulatory requirements, the County has planned improvements to the WWTP which are planned to occur in phases over the course of thirty years, and of which the County is commencing the Phase One Project (herein "Phase One Project"); and

WHEREAS, the County completed an Environmental Impact Statement for the WWTP upgrade and expansion in 2009, and secured a Conditional Use Permit from the City in 2010, and now desires to proceed with construction of the Phase One Project; and

WHEREAS, because the WWTP is located in University Place, the City is the responsible agency for construction review and permit authorization, and through this Interlocal Agreement the City and County desire to collaborate in the construction review and authorization process in a manner that will ensure all requirements are addressed in the most efficient manner; and

WHEREAS, in implementing the Phase One Project, the County is utilizing the General Contractor Construction Manager (GCCM) method of project delivery which is significantly different from the traditional design, bid, build method of project delivery, as well as a design process which will have design throughout the construction process rather than be complete prior to construction; and

WHEREAS, the Phase One Project is the first GCCM project to occur within the City's regulatory jurisdiction; and

WHEREAS, it is essential to the success of the GCCM process that the General Contractor Construction Manager be able to schedule, reschedule and generally control the pace of design and construction, without delays associated with traditional review and permitting activities; and

WHEREAS, a highly flexible, non-traditional construction review and permit authorization approach is necessary for the success of the GCCM process, and such a process can only be achieved through a unique level of cooperation between the County and City, potentially involving services from many parts of the City's administration and, therefore, a traditional approach to the determination and payment for City review and authorization services, including the City's standard fee schedule, is also inconsistent with the GCCM process; and

WHEREAS, the County and City acknowledge that there is more than one valid approach to determining potential review and authorization costs for this unique project, and through substantial collaborative due diligence, including analysis of the costs under a traditional permitting approach, and taking into account the County's role in the design and construction review process for this unique project, the City and County have determined that the sum of \$2,250,000.00 (two million, two hundred fifty thousand dollars) is the appropriate sum to compensate the City for all review and authorization costs of the Phase One Project; and

WHEREAS, the City and County recognize that it is impractical for all parties to track and verify every hour spent directly on eligible permit fee-related activities separately from other general activities

that may not be fee eligible, and agree that pursuant to this Agreement, the City's standard permit fee schedule will not apply, and a single mutually agreed-upon fee is both prudent and efficient; and

WHEREAS, by authorizing this Agreement, the legislative bodies of the City and County have rendered a legislative determination that the fees are appropriately calculated; and

WHEREAS, Chapter 39.34 of the Revised Code of Washington allows local governments to enter into interlocal agreements to make most efficient use of their powers by enabling them to work with other local jurisdictions on a mutually advantageous basis.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Incorporation of Recitals. The recitals are hereby incorporated herein as if set forth in full.


Section 2. Legislative Determination of Consideration. The Council of the City of University Place has considered the proposed transaction, including the consideration offered by Pierce County and the services and permits to be provided by the City, all as described in the proposed Interlocal Agreement, and hereby makes a legislative determination that the consideration offered by Pierce County is sufficient and appropriate consideration for the services and permits to be provided by the City.

Section 3. Approval of Form of Documents. The City Council hereby approves execution of the Interlocal Agreement for Phase One Review and Authorization for the Pierce County Wastewater Treatment Plant Upgrade Project Between the City of University Place and Pierce County in substantially the form of the document accompanying this Resolution.

Section 4. Completion of Transaction. The City Manager is authorized to take and execute any additional measures or documents that may be necessary to complete this transaction, which are consistent with the approved form of document attached to this Resolution, and this Resolution.

Section 5. Effective Date. This Resolution shall be effective immediately upon passage by the City Council.

ADOPTED BY THE CITY COUNCIL ON AUGUST 20, 2012.



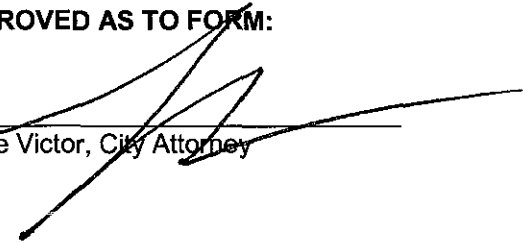
Ken Grassi, Mayor

ATTEST:




Emelita Genetia, City Clerk

APPROVED AS TO FORM:



Steve Victor, City Attorney