

PORT OF SEATTLE

RESOLUTION NO. 3696, as amended

A RESOLUTION of the Port Commission of the Port of Seattle establishing a Port Stormwater Utility and adopting a Stormwater Utility Charter pursuant to RCW 53.08.040 et seq. and other statutes for the purpose of establishing, operating, furnishing, and funding a stormwater system comprising facilities, services, and programs for the management, collection, control, conveyance, treatment, and discharge of stormwater within the Port of Seattle.

WHEREAS, the Port of Seattle's Century Agenda calls for the Port to create jobs and economic vitality while becoming the greenest and most energy-efficient port in North America; and

WHEREAS, as a steward of Puget Sound waters and the environment, the Port works diligently to ensure its stormwater management strategies are efficient and effective, and will meet or exceed all requirements; and

WHEREAS, the Port owns, operates, and maintains an extensive stormwater collection, conveyance, control, and discharge system ("Stormwater System") for the Seaport and Real Estate (jointly "Marine") divisions serving over 1,300 acres of Port-owned properties and adjacent non-Port-owned properties; and

WHEREAS, the Port owns, operates, and maintains an extensive Stormwater System for the Aviation division serving over 1,600 acres of Port-owned Airport properties; and

WHEREAS, the Port manages its Marine and Airport Stormwater Systems in accordance with local, state, and federal stormwater regulations and requirements, including the Phase I Municipal Stormwater General Permit for Marine properties, and the Airport's individual National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit No. WA-002465-1 issued by the State Department of Ecology; and

WHEREAS, the Port is responsible for the cost of maintaining, inspecting, cleaning, upgrading, and operating both the Marine and Airport Stormwater Systems to meet those requirements; and

WHEREAS, the cost to the Port of meeting its Marine Stormwater System responsibilities is estimated at nearly \$25 million over the next several years; and

WHEREAS, the cost to the Port of meeting its Airport Stormwater System responsibilities is estimated at nearly \$16 million over the next several years; and

WHEREAS, neither the Marine nor the Airport Stormwater Systems contribute any material stormwater discharge to the stormwater systems operated by the cities of Seattle and SeaTac; and

WHEREAS, the Port and its tenants pay the cities of Seattle and SeaTac fees to support operations of the cities' stormwater utilities, while the Port largely manages stormwater flows from its property; and

WHEREAS, in 2014, the Port and its private operators will pay approximately \$4 million in fees to the City of Seattle, which the City plans to increase by ~~10%~~9.9% in 2015, with further increases planned for subsequent years; and

WHEREAS, in 2014, the Port and its tenants will pay approximately \$451,860 in fees to the City of SeaTac, which could substantially increase in 2016 after the expiration of the 2005 Interlocal Agreement between the City of SeaTac and the Port of Seattle, with further increases planned for subsequent years; and

WHEREAS, RCW 53.08.040, RCW 53.08.043, and other statutes grant port districts the authority to establish and operate stormwater systems and stormwater utilities to serve port district properties and other properties and to set the terms, conditions, and rates for such enterprise; and

WHEREAS, a stormwater utility operated by the Port, as set forth in the Stormwater Utility Charter attached at Exhibit A ("Port Stormwater Utility"), will provide direct funding dedicated to local oversight, attention, and management of the Port's Stormwater System; and

WHEREAS, the Port Stormwater Utility would have immediate access to the funds needed to improve stormwater management and services for the benefit of Puget Sound, and better meet environmental and other requirements affecting the Marine and Airport Stormwater Systems; and

WHEREAS, applying that dedicated funding directly to the Port's stormwater activities will mean better use and economy of the Port's taxpayer and tenant revenues; ~~and~~

WHEREAS, the Port Stormwater Utility and its ability to provide services will benefit from a smooth, certain and conflict-free transition from City management to Port management;

NOW THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Seattle as follows:

Section 1. The recitals set forth above are hereby adopted by the Port Commission as authority, findings, and conclusions supporting the actions taken herein.

Section 2. The Port of Seattle Stormwater Utility Charter, attached as **Exhibit A** and incorporated by this reference, is adopted to establish the Port Stormwater Utility and operate the Port Stormwater System.

Section 3. The Port's executive staff is directed and authorized to implement the Port of Seattle Stormwater Utility Charter and to work with adjacent jurisdictions for the efficient transfer, integration, and coordination of stormwater management activities.

Section 4. Except as described in Section 5, ~~The~~ the foregoing actions shall be implemented by the executive staff with all due speed, with the goal of implementation on or before January 1, 2015. The executive staff shall brief the Commission on its activities as appropriate.

Section 5. The Airport Utility will become activated pursuant to subsequent Commission action.

ADOPTED by the Port Commission of the Port of Seattle at a duly noticed meeting thereof, held this _____ day of _____, 2014, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Commissioners