

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute the Extension of the Sewer Use Agreement Between the City of Shoreline and Olympic View Water and Sewer District
DEPARTMENT:	Public Works
PRESENTED BY:	Randy Witt, Director
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

In 1991, the Ronald Wastewater District (“Ronald”) entered into an agreement with the Town of Woodway relating to Woodway’s use of Ronald’s sanitary sewer system. This Sewer Use Agreement was later transferred from Woodway to Olympic View Water and Sewer District (“Olympic View”) and then amended by Ronald and Olympic View. On April 30, 2021, the City assumed Ronald.

Since the assumption of Ronald, Shoreline and Olympic View have been discussing the administration of various agreements that Shoreline assumed from Ronald, including the Amended Sewer Use Agreement, and need additional time to resolve the manner in which Shoreline and Olympic View can work together to provide sanitary sewer service in a manner that benefits the public. Tonight, staff is requesting Council authorization for the City Manager to execute this agreement (Attachment A) to extend the Amended Sewer Use Agreement between the City and Olympic View, which is set to expire on November 15, 2021, for one year.

RESOURCE/FINANCIAL IMPACT:

Approval of this agreement will not require new resources or have a financial impact on the City.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute the extension of the Sewer Use Agreement between the City of Shoreline and Olympic View Water and Sewer District.

Approved By: City Manager **JN** City Attorney **MK**

BACKGROUND

In 1991, the Ronald Wastewater District (“Ronald”) entered into an agreement with the Town of Woodway relating to Woodway’s use of Ronald’s sanitary sewer system (“Sewer Use Agreement”). In 2004, the Town of Woodway transferred its sanitary sewer system by mutual agreement to the Olympic View Water and Sewer District (“Olympic View”) and in 2004 and again in 2005, Ronald and Olympic View amended the Sewer Use Agreement (“Amended Sewer Use Agreement”). On April 30, 2021, the City of Shoreline (“Shoreline”) assumed Ronald and now is responsible for wastewater services in the city.

Since the assumption, Shoreline and Olympic View have been discussing the administration of various agreements that Shoreline assumed from Ronald, including the Amended Sewer Use Agreement, which is set to expire on November 15, 2021. Shoreline and Olympic View need additional time to resolve the manner in which Shoreline and Olympic View can work together to provide sanitary sewer service in a manner that benefits the public.

An agreement extending the term of the Amended Sewer Use Agreement for one year has been developed (Attachment A) which should provide sufficient time to review and update the agreement. Olympic View is scheduled to consider this agreement at their November 1st Board meeting. Tonight, staff is requesting Council authorization for the City Manager to execute this agreement to extend the Amended Sewer Use Agreement between the City and Olympic View.

ALTERNATIVES ANALYSIS

An alternative to not entering into this one-year extension agreement would be to have the Amended Sewer Use Agreement expire, which would mean that the mechanisms for maintenance, billing, adding connections, etc., between the City and Olympic View would end. Notably and most immediate, the City would be unable to invoice Olympic View for services provided. Staff does not recommend this alternative and recommends that Council authorize this extension agreement.

COUNCIL GOAL(S) ADDRESSED

This item address City Council Goal #2: Continue to deliver highly-valued public services through management of the City’s infrastructure and stewardship of the natural environment.

RESOURCE/FINANCIAL IMPACT

Approval of this agreement will not require new resources or have a financial impact on the City.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute the extension of the Sewer Use Agreement between the City of Shoreline and Olympic View Water and Sewer District.

ATTACHMENTS

Attachment A - Extension of the Sewer Use Agreement between the City of Shoreline and Olympic View Water and Sewer District



Shoreline Receiving # _____

**EXTENSION OF SEWER USE AGREEMENT
BETWEEN
CITY OF SHORELINE AND OLYMPIC VIEW WATER AND SEWER DISTRICT**

WHEREAS, in 1991, the Ronald Wastewater District (“Ronald”) entered into an agreement with the Town of Woodway relating to Woodway’s use of Ronald’s sanitary sewer system (“Sewer Use Agreement”); King County Recorder’s No. 9202260057; and

WHEREAS, in 2004, the Town of Woodway transferred its sanitary sewer system by mutual agreement to the Olympic View Water and Sewer District (“Olympic View”), Woodway Ordinance No. 04-436, and subsequently assigned its rights and responsibilities in the Sewer Use Agreement to Olympic View; and

WHEREAS, in 2004 and again in 2005, Ronald and Olympic View amended the Sewer Use Agreement (“Amended Sewer Use Agreement”); and

WHEREAS, on April 30, 2021, the City of Shoreline (“Shoreline”) assumed Ronald as provided for in RCW 35.13A, including its contractual obligations, and Ronald was dissolved by court order, King County Recorder’s No. 20210409001400; and

WHEREAS, Shoreline and Olympic View have been discussing the administration of various agreements that Shoreline assumed from Ronald due to the assumption, including the Amended Sewer Use Agreement which will expire on November 15, 2021; and

WHEREAS, Shoreline and Olympic View need additional time to resolve the manner in which Shoreline and Olympic View can work together to provide sanitary sewer service in a manner that benefits the public;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, Shoreline and Olympic View make the following amendments and/or modifications to the Amended Sewer Use Agreement:

1. **Shoreline Assumption of Ronald:** Shoreline agrees that it will assume and accept all of the provisions of the Amended Sewer Use Agreement, that agreement being the one originally entered into between the Town of Woodway and the Ronald Wastewater District, King County Recorder’s No. 9202260057, and transferred by the Town of Woodway to Olympic View in 2004, and, as amended in 2004 and 2005.

- 2. **Extension of Term:** As provided in Section 6.2 of the Amended Sewer Use Agreement, Shoreline and Olympic View mutually agree to extend the term by one (1) year so as to expire at 11:59 pm local time on November 15, 2022.
- 3. **Terms and Conditions of Existing Agreement Remain the Same:** The parties agree that, except as specifically provided in this amendment, the terms and conditions of the Amended Sewer Use Agreement remain in full force and effect.

EXECUTED, this the day of , 2021.

CITY OF SHORELINE

OLYMPIC VIEW WATER & SEWER DISTRICT

Name: Debbie Tarry
 Title: City Manager

Name: John Elsasser
 Title: Board President

Shoreline Receiving # _____
 Extension of Sewer Use Agreement