

WRIA 9 ILA Renewal Comments

July 23, 2014

TEXT (Proposed additions <u>underlined</u> , deletions struck out)	RATIONALE	SOURCE
GENERAL COMMENTS		
<ul style="list-style-type: none"> • Add, subtract, clarify before August meeting (edits, strikethroughs, etc). 		Covington
<ul style="list-style-type: none"> • Overall: does “2005” need to be added to the Salmon Habitat Plan? Replace with “WRIA 9” so independent of date • <u>Throughout the ILA</u>: replace “Governing Board” with “ILA Parties” or “party members to the ILA” or “party members of the Watershed Ecosystem Forum” • In some cases: the Watershed Ecosystem Forum should replace the Governing Board • Keep the name “Watershed Ecosystem Forum” instead of changing to “Watershed Forum” 	<ul style="list-style-type: none"> • Once it’s updated, will have a new date so is it better to keep broad • Simplifies the document. “Governing Board” takes away from the concept of stakeholders in the Watershed Ecosystem Forum. • The Parties to the ILA make the budget and cost share decisions but the Forum also makes decisions • No reason to change the Forum name – it’s a good one. 	Seattle
<ul style="list-style-type: none"> • Review use of “Parties to the ILA” where “Governing Board” is used throughout the document. 	<ul style="list-style-type: none"> • Not clear that the “Governing Board” is the Local Government members. 	Management Committee
PREAMBLE		
<ul style="list-style-type: none"> • Is Washington Salmon Coalition the correct name? • Remove “in” (3rd “Whereas”, 2nd page, before “2005 Salmon Habitat Plan). 		Covington
<ul style="list-style-type: none"> • WHEREAS, the Parties have a strong interest to maximize achievement of multiple benefits by integrating salmon recovery planning and actions with floodplain management, agriculture, forestland, <u>education, recreation</u>, and water supply and water quality; and 	<ul style="list-style-type: none"> • These are other areas directly affected by salmon recovery planning. Recreation could include trail use or recreational boating on the river. 	Kent
<ul style="list-style-type: none"> • Fourth “WHEREAS”: to implement <u>in implementing</u> • Sixth “WHEREAS”: to maximize <u>in maximizing</u> 	<ul style="list-style-type: none"> • Grammatical changes for clarity. 	King County
<ul style="list-style-type: none"> • Third Whereas from bottom: delete “with” and replace with “into” 	<ul style="list-style-type: none"> • Otherwise sounds like expanding the salmon recovery actions beyond salmon recovery – the point is to make sure salmon recovery is integrated into floodplain 	Seattle

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	management etc. actions.	
<ul style="list-style-type: none"> Page 2 Fourth Whereas: the change to the language should have also removed the word "in" just before striking "<u>participating</u>" 		Tacoma
SECTION 1. DEFINITIONS		
<ul style="list-style-type: none"> 1.2 suggested edit: "The Governing Board is comprised of the parties to the WRIA 9 Interlocal Agreement (ILA Parties) responsible for implementing this Agreement." 	<ul style="list-style-type: none"> Original sentence is confusing? 	Covington
<ul style="list-style-type: none"> 1.2: Strike the first sentence and revise it to read: "<u>The Governing Board</u> is responsible for implementing this Agreement." 1.5: Add "<u>The Management Committee</u>" 	<ul style="list-style-type: none"> Grammatical changes for clarity. 	King County
<ul style="list-style-type: none"> Add definition of flood hazard management and floodplain management with respect to salmon habitat or add "related to salmon habitat restoration" to these terms. Remove definition and references in other definitions to "Governing Board" and replace with some version of "party members to the ILA" or Party Members of the WRIA 9 Watershed Ecosystem Forum" etc. 	<ul style="list-style-type: none"> Should keep focus on salmon habitat restoration purpose See rationale above under General Comments 	Seattle
<ul style="list-style-type: none"> Page 3 Sec. 1.5: strike the word "elected" (twice) from the definition and just say "seven officials." 	<ul style="list-style-type: none"> Tacoma is proposing that its appointed representative be the Tacoma Water Superintendent or designee, not an elected official. 	Tacoma
SECTION 2. PURPOSES		
<ul style="list-style-type: none"> 2.3: To provide <u>a mechanism to provide</u> information that ILA Parties could should use to inform land use planning, regulations, environmental programs, education, and enforcement of applicable codes 	<ul style="list-style-type: none"> This edit would make the proposed new section consistent with the other listed purposes of the agreement, which are to provide a mechanism for activities, supply of information and project recommendations. Information provided to ILA Parties may or may not be compatible or consistent with codes 	Kent

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<ul style="list-style-type: none"> • 2.2, 2.9: either add “habitat-related” in front of flood hazard reduction and floodplain management or define in definitions section • 2.3: delete “should” and replace with “can” or “may” or “are encouraged to” • 2.9: insert “multiple benefit” after “other” • 2.9: replace “ILA Parties” with “Watershed Ecosystem Forum” • 2.10: insert “WRIA 9” before “administrative” • 2.14: delete “Governing Board” 	<p>and policies in a given jurisdiction, and should not be recommended for use by all ILA Parties through the ILA.</p> <ul style="list-style-type: none"> • Keep focus on salmon habitat not beyond – too vague otherwise • “should” is too close to “shall” and too directive. Point can still be made by one of these replacements • So it’s clear that the focus is salmon recovery with respect to multiple benefit projects • The other stakeholders could bring dollars to the table • Clarification edit • Watershed Ecosystem Forum already defined as including the parties to the ILA so it’s redundant 	Seattle
SECTION 3. EFFECTIVE DATE AND TERM		
<ul style="list-style-type: none"> • Too soon to comment on this 		Seattle
SECTION 4. ORGANIZATION AND MEMBERSHIP OF THE WRIA 9 GOVERNANCE STRUCTURE		
<ul style="list-style-type: none"> • Revise language in 4.4 referring to Tacoma’s cost-share to be more specific: “Tacoma’s cost share will be determined on an annual basis <u>using the following formula: [insert formula]</u> and will be included in the annual updates to Exhibit A.” • Add additional language as a new 4.4.3: “4.4.3. <u>The parties intend to provide for inflation and growth in WRIA funding over time.</u>” 	<ul style="list-style-type: none"> • How is Tacoma’s cost share currently calculated? Would it make sense to better define how their cost share is calculated in this new ILA – to provide certainty? If so, what kind of formula could we use? • Puts ILA parties on notice that when they sign the ILA it is reasonable to expect the cost-share to go up a little bit each year to reflect the cost of inflation (without specifying an exact percentage in the ILA). 	King County

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<ul style="list-style-type: none"> • Title: Delete “governance structure” and insert “ecosystem” between “Watershed” and “Forum”. • First sentence: Add “Watershed Ecosystem Forum” back into first sentence. Restore “to serve as”. After “Agreement” insert “in partnership with non-party members to the ILA”. • Second sentence: replace “Governing Board” with “Watershed Ecosystem Forum” and include reference to all stakeholders • See General comment per replacing all references to “Governance Board” in rest of section 4 • 4.3: signed by “an authorized representative” of the Service Provider and by “an authorized representative” of the WRIA 9 Watershed Ecosystem Forum” • Why 	<ul style="list-style-type: none"> • See General Comments for rationale for all these • Clarification edit • Forum is inclusive; authorized means one of the ILA parties presumably the Chair? 	Seattle
<ul style="list-style-type: none"> • Page 5 sec. 4.1: Each Party to this Agreement <u>except Tacoma</u> shall appoint one (1) elected official to serve as its primary representative, and on (1) alternate representative to serve on the WRIA 9 <u>Governing Board</u>Watershed Forum. The alternate representative may be a different elected official or senior staff person. <u>Tacoma’s representative shall be the Tacoma Water Superintendent or designee, which shall be senior staff person.</u> 	<ul style="list-style-type: none"> • Tacoma’s interest in the Governing Body is best represented by the head of its Water Utility. 	Tacoma
SECTION 5. VOTING		
<ul style="list-style-type: none"> • Same comment replacing “Governing Board” with “party members” or other language except for following • 5.2: replace Governing Board with “Watershed Ecosystem Forum” 	<ul style="list-style-type: none"> • To cover cases where there may be decisions the Forum takes? Instead of narrowing 	Seattle

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<ul style="list-style-type: none"> Clarify who votes, and on what topics 	<ul style="list-style-type: none"> For example, some funding issues are voted on by all member entities of the Watershed Ecosystem Forum while other funding issues can only be voted upon by the city and county members. 	Management Committee
SECTION 6. IMPLEMENTATION AND ADAPTIVE MANAGEMENT OF THE 2005 SALMON HABITAT PLAN		
<ul style="list-style-type: none"> 6.1: Add Watershed Ecosystem Board to replace Governing Board, except where specific reference to only the ILA Parties And rest of section: seems confused about who is who. Worth discussing. Add Watershed Ecosystem Forum back in, or ILA Parties, depending. 	<ul style="list-style-type: none"> Wouldn't the Watershed Ecosystem Forum make decisions about the Plan? Not just the ILA Parties? 	Seattle
SECTION 7. OBLIGATIONS OF PARTIES; BUDGET; FISCAL AGENT; RULES		
<ul style="list-style-type: none"> 7.1: Replace "Governing Board" with "parties to the ILA" or other language 7.4: "on behalf of the WRIA 9 Watershed Ecosystem Forum" in both places instead of "Governing Board" 	<ul style="list-style-type: none"> Same as under General Comments The funding is really on behalf of the whole body, since it results in implementing the salmon plan 	Seattle
SECTION 8. LATECOMERS		
<ul style="list-style-type: none"> Why limit to 12 months? 		Covington
<ul style="list-style-type: none"> SAME COMMENTS RE GOVERNING BOARD 		Seattle
SECTION 9. TERMINATION		
<ul style="list-style-type: none"> Page 11 sec. 9.2: This Agreement may be terminated in its entirety at any time by the written agreement of all of the Parties. <u>In the event this Agreement is terminated all unexpended funds shall be refunded to the Parties pro rata based on each Party's cost share percentage of the total budgeted funds and any real or personal property acquired to</u> 	<ul style="list-style-type: none"> RCW 39.34.030 requires the interlocal agreement to describe how funds or property held under the agreement will be disbursed in the event the agreement is terminated. 	Tacoma

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<u>carry out the purposes of this Agreement shall be returned to the contributing Party if such Party can be identified, and if the Party cannot be identified the property shall be disposed of and the proceeds distributed pro rata as described above for unexpended funds.</u>		
SECTIONS 10-19.		