

MOTION NO. **8669**

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A MOTION authorizing an interlocal agreement between the Cities of Auburn and Kent, and King County to equally share the costs of engineering and design work for the Mill Creek Basin Flood Control Plan.

WHEREAS, the PARTIES to this agreement (the Cities of Auburn and Kent, and King County) share jurisdiction over portions of the twenty-two square mile Mill Creek Basin, and

WHEREAS, solutions to drainage, flood, and water quality problems and resource management issues in the Mill Creek Basin require cooperation between jurisdictions, and

WHEREAS, the Mill Creek Basin and the Green River are hydrologically connected in that water flowing from the Mill Creek Basin into the Green River raises water levels downstream and the Mill Creek Basin experiences significant backwater flooding from the Green River, and

WHEREAS, the PARTIES have shared equally in the cost of Mill Creek studies conducted as part of the Green River Basin Program since 1985, and

WHEREAS, the PARTIES have conducted preliminary design studies of needed outlet facilities for the lower Mill Creek Basin and have completed environmental studies on fisheries, water quality, and wetlands under the auspices of the Green River Basin Program, and

WHEREAS, King County, under a State Centennial Clean Water Fund Grant and in cooperation with the Cities of Auburn and Kent, is developing a Mill Creek Basin Water Quality Management Plan which will provide design guidelines for Mill Creek Basin flood control facilities and improve the basin's water quality, and

WHEREAS, the United States Army Corps of Engineers' Special Area Management Plan (SAMP), sponsored by the PARTIES, is intended to provide a wetlands management plan and stormwater management plans and facilities for the Mill Creek Basin to be integrated into the design of the Mill Creek Basin Flood Control Plan, and

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WHEREAS, the Green River Flood Control Zone District, activated in 1990, does not make provisions for funding planning, design, and implementation of the Mill Creek Basin Flood Control Plan, and

WHEREAS, the Green River Basin Executive Committee approved the Mill Creek Interlocal Agreement at a meeting on December 11, 1991;

NOW THEREFORE, BE IT MOVED by the Council of King County:

The county executive is hereby authorized to enter into an interlocal agreement in substantially the form attached hereto as Exhibit A with the cities of Auburn and Kent to equally share the costs of engineering and design work for a flood control system for the lower Mill Creek Basin and to carry out King County responsibilities specified in the attached agreement.

PASSED this 1st day of June, 1992

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Chudrey Burger
Chair

ATTEST:

Gerald G. Peterson
Clerk of the Council



Green River Basin Program

8669

Interlocal Agreement

Mill Creek Basin Program

THIS AGREEMENT is entered into by and among the following PARTIES: the CITY OF AUBURN, a municipal corporation in the State of Washington (hereinafter referred to as "AUBURN"), the CITY OF KENT, a municipal corporation of the State of Washington (hereinafter referred to as "KENT") and the COUNTY OF KING (hereinafter referred to as "KING COUNTY").

WHEREAS, the PARTIES hereto share jurisdiction over portions of the twenty-two square mile Mill Creek Basin; and

WHEREAS, solutions to both drainage and flooding problems as well as enhancement of resource potentials in the basin cannot be fully controlled or implemented by measures taken solely within the boundaries of any one of the PARTIES; and

WHEREAS, the Mill Creek Basin and the Green River are hydrologically connected in that water flowing from the Mill Creek Basin into the Green River raises water levels downstream and the Mill Creek Basin experiences significant back-water flooding from the Green River; and

WHEREAS, since 1987, all the PARTIES have shared equally in the costs of Mill Creek Studies conducted as part of the Green River Basin Program; and

WHEREAS, the PARTIES, under the auspices of the Green River Basin Program, have conducted preliminary design studies of needed outlet facilities for the lower Mill Creek Basin and have completed environmental studies on fisheries, water quality, and wetlands; and

WHEREAS, KING COUNTY, under a State Centennial Grant and in cooperation with AUBURN and KENT, is developing a Mill Creek Basin Water Quality Plan which will provide design guidelines for Mill Creek Basin flood control facilities to effect improvements in the Basin's water quality; and

WHEREAS, the Corps of Engineers' Special Area Management Plan, sponsored by the PARTIES and intended to provide a wetlands management plan for the Mill Creek Basin, needs to be integrated into the design decisions that will be a part of the Mill Creek Basin Flood Control Plan; and

WHEREAS, the stormwater management plans and facilities of AUBURN, KENT, and KING COUNTY which are tributary to flood control facilities needed in the lower Mill Creek Basin should be integrated into the Mill Creek Basin Flood Control Plan; and

WHEREAS, the activation of the Green River Flood Control Zone District in 1990 did not make provisions for funding planning, design and implementation of the Mill Creek Basin Flood Control Plan; and

WHEREAS, the Green River Basin Executive Committee has recommended continued sharing of costs for planning, design and implementation of the Mill Creek Basin Flood Control Plan through an agreement among AUBURN, KENT, and KING COUNTY.

THEREFORE, the PARTIES agree to the following:

1. PRINCIPALS AND OBJECTIVES

- 1.1 The PARTIES agree that there is a significant flooding problem in the Mill Creek Basin caused by hillside runoff and water backing up into the basin from high flows in the Green River and that there is a need for a Mill Creek Basin Flood Control Plan.
- 1.2 The PARTIES agree to utilize the studies of the Mill Creek Basin that were conducted under the Green River Basin Program in the development of the Mill Creek Basin Flood Control Plan.
- 1.3 The PARTIES agree that the Mill Creek Basin Flood Control Plan will include environmental elements in the planning process to preserve, protect and enhance water quality, wetlands, fisheries habitat and usage, and wildlife habitat and usage.
- 1.4 The PARTIES agree that the objective of this agreement is to complete the engineering and design plans for a comprehensive flood control system for the lower Mill Creek Basin and to implement this system.

2. Work Program, Budget and Schedule

- 2.1 The PARTIES approve the 1991-1992 work program and schedule for the Mill Creek Basin Flood Control Plan design phase as outlined in Attachment A.

- 2.2 By September 1 annually, the PARTIES will review and approve a Mill Creek Basin Flood Control Plan work program, budget and schedule for the subsequent year's activities.
- 2.3 The PARTIES will review and approve the work conducted on the Mill Creek Basin Flood Control Plan during the current year at the end of each quarter.

3. Implementation Funding

- 3.1 The PARTIES agree to investigate long term funding options to implement recommended and approved Mill Creek Basin projects. Options may include but are not limited to: creation of a Mill Creek Flood Control Zone District, establishment of a subzone or equivalent special purpose district within the Green River Flood Control Zone District, and other feasible funding alternatives.
- 3.2 The PARTIES agree to investigate opportunities to secure federal funds to implement recommended and approved Mill Creek Basin projects through coordination and local sponsor agreements with the Soil Conservation Service on the Westside Green River Watershed Project and participation as local sponsor for flood control work undertaken by the U.S. Army Corps of Engineers under their Section 205 Small Projects Authority.

4. Coordination

- 4.1 The PARTIES agree to submit all work products produced in conjunction with the Mill Creek Basin Flood Control Plan for review by the Green River Basin Technical Committee and the Green River Basin Executive Committee.
- 4.2 The PARTIES agree to jointly participate with the Corps of Engineers in the Mill Creek Special Area Management Plan to ensure its compatibility with the Mill Creek Basin Flood Control Plan.
- 4.3 The PARTIES agree to coordinate planning and design of the Mill Creek Basin Flood Control Plan with the Mill Creek Water Quality Plan being developed by King County.

5. Administration

KING COUNTY shall be the responsible entity for administering this agreement including administration of consultant contracts; preparation of work plans, schedules and budgets; and coordination of billing and reimbursement for work performed.

6. Cost Sharing

- 6.1 The PARTIES agree to equally share (33% each) the costs required for the completion of annual work programs, pursuant to Section 1 above, which will cover planning, design and final engineering plans and specifications for flood control improvements for the Mill Creek Basin.
- 6.2 Each party agrees to annually present to its legislative body a request for funding equivalent to its respective share of the work program and budget as approved pursuant to Section 1 herein no later than November 1, annually.
- 6.3 No element of the approved annual work program and budget which involves cost sharing by the PARTIES, shall be initiated until all participating parties have secured funding for their respective shares or until the work program and budget have been revised and approved pursuant to the conditions established in Section 1 herein.
- 6.4 Any funds collected from any of the PARTIES in a given year but not expended during that year, will be credited to the party's (parties') account(s) for the subsequent year.

7. Termination or Amendment:

This agreement may be amended or terminated only by the expressed agreement of all parties pursuant to legislative action by each signatory to this agreement.

8. Duration:

The duration of this agreement shall be one year from the effective date provided that the annual work program and budget will be approved in accordance with Sections 2 and 6 herein.

9. Effectiveness:

This agreement shall be filed and submitted for approval by the requisite authorities and upon the last such filing or approval, the agreement shall come into and be of full force and effect.

10. Hold Harmless:

Nothing in this agreement is intended to create any legal duty toward any person not a party of this agreement. None of the obligations in this agreement or any breach of the obligations shall give rise to legal action or a claim for damages by any person not a party to this agreement.

KING COUNTY

The signing of this agreement was authorized by the governing body of KING COUNTY adopted at a meeting on 1991.

ATTEST

By:

By:

Title: County Executive

Date:

Date:

AUBURN

The signing of this agreement was authorized by the governing body of the CITY OF AUBURN adopted at a meeting on 1991.

ATTEST

By:

By:

Title: Mayor

Date:

Date:

KENT

The signing of this agreement was authorized by the governing body of the CITY OF KENT adopted at a meeting on 1991.

ATTEST

By:

By:

Title: Mayor

Date:

Date: