

## CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of an amendment of the Professional Services Agreement with Cascadia Law Group PLLC, outside counsel for the City in the appeal of the City's Phase II NPDES stormwater permit in an amount not to exceed \$188,205 plus applicable taxes.

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## EXECUTIVE SUMMARY

Puget Soundkeeper Alliance ("PSA") and the Washington State Association of Water and Sewer Districts ("WASWD") appealed the 2019 renewals of the Phase I and Phase II NPDES Western Washington Municipal Stormwater Permits, and the City intervened in the appeal to protect its interests. The City engaged Cascadia Law Group to assist the City with the appeal. The amendment to the Professional Services Agreement is necessary to provide sufficient funding for the City to continue to protect its interests in the appeal. The appeal hearing is scheduled to begin May 2021.

## RECOMMENDATION

Move to adopt Resolution 9818

## BACKGROUND/ANALYSIS

The Washington State Department of Ecology ("Ecology") issues the Phase I and II Municipal Stormwater Permits ("Permit") every five years. The City's municipal stormwater discharges are regulated under the Phase II permit, which is a programmatic permit relying on a variety of programs, requirements, and measures to meet state and federal standards for water quality. The 2019-2024 Phase I and Permits became effective on August 1, 2019 and will expire on July 31, 2024.

PSA and WASWD both appealed Ecology's reissuance of the permits to the Pollution Control Hearings Board ("PCHB"). The City and the Phase I jurisdictions intervened in the appeals to protect their respective interests. The issues involved could have serious financial and resource implications for the City. The hearing before the PCHB is currently scheduled for May 15-28, 2021.

A Professional Services Contract was originally executed with Cascadia Law Group in October 2019. This first amendment is necessary to continue the legal services in preparation for the upcoming May hearing, beginning with motions that are scheduled for this November.

## POLICY & FISCAL IMPACTS

### Policy Impact

Bellevue City Code

City policy provides that professional services contracts in excess of \$90,000 require Council approval.

**Fiscal Impact**

This action obligates the City to increase the total contract amount for legal services provided by Cascadia Law Group by \$188,205, plus applicable taxes.

Original Contract	\$ 90,000
Amendment #1	\$188,205
<b>Total New Contract Amount</b>	<b>\$278,205</b>

Sufficient funds exist in the 2019-2020 operating budget to fund this amendment.

**OPTIONS**

1. Adopt the Resolution authorizing execution of an amendment to the Professional Services Agreement with Cascadia Law Group PLLC, outside counsel for the City in the appeal of the City's Phase II NPDES stormwater permit in an amount not to exceed \$188,205 plus applicable taxes.
2. Do not adopt the Resolution and provide alternative direction to staff.

**ATTACHMENTS & AVAILABLE DOCUMENTS**

Proposed Resolution No.9818

**AVAILABLE IN COUNCIL LIBRARY**

Amendment #1 to the Professional Services Agreement