

**THIRD AMENDMENT TO
INTERLOCAL AGREEMENT BETWEEN
THE PORT OF TACOMA
AND
THE CITY OF TACOMA
REGARDING MUTUAL COOPERATION & SUPPORT FOR STORMWATER
MANAGEMENT**

THIS THIRD AMENDMENT (the “Third Amendment”) is made and entered into this 17 day of December, 2025, by and between the Port of Tacoma, a public port district organized under the laws of the State of Washington (hereafter, “Port”), and the City of Tacoma, a municipal corporation of the State of Washington (hereafter, “City”), each referred to individually as a “Party” and collectively as “the Parties,” in consideration of the mutual covenants contained herein.

RECITALS

WHEREAS, the Parties have a common interest in the proper management of stormwater to protect the water quality of Commencement Bay, its waterways, and other receiving waters in and around the City and Port; and

WHEREAS, the Port and the City each have a responsibility to comply with the terms and conditions of their respective NPDES Phase I Municipal Stormwater Permits (“MS4 Permit”) issued by the Department of Ecology; and

WHEREAS, the Parties recognize there is a mutual benefit in cooperating and coordinating the integration of certain MS4 Permit program elements to ensure better water quality in Commencement Bay, its waterways, and other receiving waters, and have a shared interest in exploring ways to create efficiencies and cost savings with regard to stormwater management; and

WHEREAS, in recognition of these interests and benefits, the Parties have entered into a series of interlocal agreements for mutual cooperation and support for stormwater management since September 2013; and

WHEREAS, the Parties entered into the current interlocal agreement (the “2020 Interlocal Agreement”) on September 24, 2020, which was set to expire on February 28, 2025; and

WHEREAS, the Parties entered into a first amendment (the “First Amendment”) to extend the term of the 2020 Interlocal Agreement to August 31, 2025 in order to allow negotiations for a new interlocal agreement between the Parties to continue; and

WHEREAS, the Parties entered into a second amendment (the “Second Amendment”) to extend the term of the 2020 Interlocal Agreement to December 31, 2025 in order to allow negotiations for a new interlocal agreement between the Parties to continue; and

WHEREAS, the Parties are continuing to negotiate a new interlocal agreement; and

WHEREAS, the new interlocal agreement may not be executed by the time the 2020 Interlocal Agreement expires on December 31, 2025 pursuant to the Second Amendment.

NOW, THEREFORE, pursuant to the above recitals that are incorporated herein as if fully set forth below, and in consideration of the mutual promises, benefits, and obligations hereinafter set forth, the Parties agree as follows:

AGREEMENT

1. **Extension of Term.** The 2020 Interlocal Agreement shall remain in effect through the date of June 30, 2026, unless extended by mutual agreement. The Parties may terminate the 2020 Interlocal Agreement earlier than June 30, 2026 by mutual agreement.

2. **No Other Amendments.** Except as amended by this Third Amendment, all the terms and provisions of the 2020 Interlocal Agreement shall remain in full force and effect.

3. **Third Amendment to Control.**In the event of any conflict between the terms and conditions set forth in the 2020 Interlocal Agreement and this Third Amendment, the terms and conditions of this Third Amendment shall control.

4. **Incorporation.** This Third Amendment sets forth the entire and final agreement and understanding of the Parties with respect to the subject matter of this Third Amendment.

5. **Amendments.** This Third Amendment may not be modified or amended except by an instrument in writing executed by the Parties.

6. **Severability.** Should any word, phrase, clause, sentence, or paragraph of this Agreement or its application be declared invalid or void by a court of competent jurisdiction, the remaining provisions of this Agreement or its applications of those provisions not so declared shall remain in full force and effect.

7. **Counterparts.** This Third Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

SIGNATURES ARE ON NEXT PAGE

CITY OF TACOMA

By: Signed by:
3C45E0741632414
Interim City Manager, Hyun Kim
Hyun Kim
Its: Interim City Manager

Date: 12/22/2025

Approved as to form:

By: Signed by:
F36C005D5FAC44F...
Kristin Lamson, Deputy City Attorney
Its: Deputy City Attorney

Date: 12/22/2025

PORT OF TACOMA

By: Eric Johnson
Eric Johnson
Its: Executive Director

Date: 12/17/2025

Approved as to form:

By: Heather L. Burgess
Heather L. Burgess (2025 13:43:45 PST)
Its: General Counsel

Date: 12/17/2025



RESOLUTION NO. 41819

1 A RESOLUTION relating to stormwater management; authorizing the execution
2 of a third amendment to the Interlocal Agreement with the Port of Tacoma,
3 for mutual cooperation and support regarding agency stormwater
4 management, to extend the agreement through June 30, 2026.

4 WHEREAS an Interlocal Agreement (“ILA”) between the City and the
5 Port of Tacoma (“Port”) has been in place since 2020, and was adopted by
6 Resolution No. 40655, and

7 WHEREAS Resolution No. 41617 extended the original expiration date
8 to August 31, 2025, and

9 WHEREAS Resolution No. 41741 extended the expiration date to
10 December 31, 2025, and

11 WHEREAS extension of the ILA does not alter any of the existing conditions
12 of the ILA and is solely to extend the expiration date from December 31, 2025, to
13 June 30, 2026, and

14 WHEREAS in the fall of 2025, the City began considering implementing
15 System Development Charges (“SDCs”) that will be based on stormwater system
16 impacts from new/redevelopment, and if adopted, the SDCs are expected to go into
17 effect the July 1, 2026, and

18 WHEREAS this extension will allow time for the City and Port to work
19 through implications and impacts from SDCs on matters covered by the ILA; Now,
20 Therefore,

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute a third amendment to the Interlocal Agreement with the Port of Tacoma, for mutual cooperation and support regarding agency stormwater management, to extend the agreement from December 31, 2025, through June 30, 2026, as more specifically set forth in the document on file in the office of the City Clerk.

Adopted December 16, 2025

M Woodards
Mayor

Attest:

[Signature]
City Clerk

Approved as to form:

[Signature]
Deputy City Attorney