

Memorandum Date: August 18, 2008  
Order Date: September 3, 2008

W.3.E.1.

---

**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** Mike Russell, Road Maintenance  
**AGENDA ITEM TITLE:** ORDER/In the Matter of Amending the Intergovernmental Agreement with the City of Eugene to Extend the Expiration Date for Cooperative Services Regarding the National Pollutant Discharge Elimination System (NPDES) Phase II permit held by the County.

---

**I. MOTION**

Move approval of the Order extending the current agreement for an additional three years.

**II. AGENDA ITEM SUMMARY**

In order to meet our obligations under our NPDES Phase II stormwater permit, Lane County partners with the City of Eugene to help fulfill requirements related to stormwater discharges in the areas between the city limits and the urban growth boundary.

Under the agreement, the City of Eugene handles construction and post-construction runoff control and assists us in public education and outreach and illicit discharge detection and elimination. Costs to provide these services are reimbursed to the city under the terms of the agreement

The term of the current agreement has expired and needs to be extended to insure uninterrupted service and compliance with our current permit.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

Through Board Order No. 03-3-12-4, the Board of County Commissioners authorized staff to enter into the agreement with the City of Eugene.

The agreement was executed in May 2004 and expired in February 2008. There have been two amendments to the agreement that have increased the total authorized amount not-to-exceed \$170,000.

This amount is an estimate derived from; 1) the estimated costs associated with the River Road/Santa Clara Stormwater Basin Plan,

2) production, administration, and distribution of educational brochures, and 3) actual costs beyond those collected from fees, fines and penalties for administration and enforcement of erosion and sediment control regulations.

The City has billed the County \$59,550 to-date under the agreement. There is no need to consider increasing the not-to-exceed amount at this time.

Staff is currently working on finalizing a draft Stormwater Master Plan for the River Road/Santa Clara Area as well as coordinating other stormwater related activities with the City of Eugene. The agreement is the basis of our relationship and is needed to continue it.

Staff is asking that the agreement be extended for another three years. All other terms and conditions of the original IGA and amendments will be in full force and effect.

**IV. TIMING/IMPLEMENTATION**

Upon approval, a third amendment will be drafted that extends the term of the agreement according to the Board's direction.

**VI. RECOMMENDATION**

Approve the order to amend the IGA to extend the expiration date for another three years.

**VIII. ATTACHMENTS**

Board Order

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON

**ORDER NO.** ) ORDER/In the Matter of Amending the Intergovernmental  
) Agreement with the City of Eugene to Extend the Expiration  
) Date for Cooperative Services Regarding the National  
) Pollutant Discharge Elimination System (NPDES) Phase II  
) permit held by the County.

**WHEREAS**, Lane County is a regulated Small Municipal Storm Sewer System (MS4) community as defined in the federal National Pollutant Discharge Elimination System (NPDES) Phase II program; and

**WHEREAS**, through Board Order No. 03-3-12-4, the Board of County Commissioners authorized entering into the necessary Intergovernmental Agreements to satisfy requirements under NPDES Phase II; and

**WHEREAS**, an Intergovernmental agreement was executed on May 21, 2004 between Lane County and the City of Eugene to help meet obligations under NPDES Phase II; and

**WHEREAS**, the agreement has expired and there is a need to continue the partnership to meet permit requirements and provide for uninterrupted service; **NOW THEREFORE, BE IT**

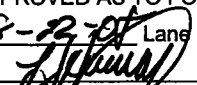
**ORDERED**, that the term of the agreement with the City of Eugene be extended for another three years; **AND BE IT FURTHER**

**ORDERED**, that all other terms and conditions remain in full force and effect; **AND BE IT FURTHER**

**ORDERED**, that the County Administrator be delegated the authority as described in LM 21.145 to sign agreements to extend the expiration date of the IGA pursuant to this Order.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
Faye Stewart, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 8-22-08 Lane County  
  
OFFICE OF LEGAL COUNSEL