

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/17/2012

City Council Meeting Date
Agenda Items Only

David Jurgens
Submitted By

Water/Wastewater
Division

Utilities
Department

Action Required:

Approving an Intergovernmental Agreement Between the City of Fayetteville and Northwest Arkansas Regional Planning for services related to the cooperative regional efforts to monitor, evaluate, and report the likely effects that future proposed changes to stream standards and wastewater discharge requirements may have on Northwest Arkansas, with an authorized expenditure of up to \$40,000 for the agreement and a \$5,000 contingency.

\$ 45,000.00
Cost of this request

5400.5100.5314.00
Account Number

10027-1001
Project Number

\$ 59,856.00
Category / Project Budget

\$ 59,856.00
Funds Used to Date

\$ -
Remaining Balance

Phosphorus Reduction
Program Category / Project Name

Wastewater Treatment
Program / Project Category Name

Water and Sewer
Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

Previous Ordinance or Resolution # 99-10
Date

[Signature]
City Attorney

Original Resolution Date: 6/1/2010
Original Contract Number: N/A
Date 3-30-12

Paul a. Beeler
Finance and Internal Services Director

4-3-2012
Date

03-30-12 P03:15 RCVD
Received in City Clerk's Office
Kim G.

Don Man
Chief of Staff

4-3-12
Date

Received in Mayor's Office
ENTERED 4/2/12
[Signature]

Donald Jordan
Mayor

4/3/12
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Water and Sewer Committee

Date: March 30, 2012

Subject: Intergovernmental Agreement with Northwest Arkansas Regional Planning for Monitoring Evolving Water Quality Issues

RECOMMENDATION

Staff recommends approval of an Intergovernmental Agreement Between the City of Fayetteville and Northwest Arkansas Regional Planning to continue the intergovernmental working group efforts for services related to the cooperative regional efforts to monitor, evaluate, and report the likely effects that future proposed changes to stream standards and wastewater discharge requirements may have on Northwest Arkansas, with an authorized expenditure of up to \$40,000 for the agreement and a \$5,000 contingency.

BACKGROUND

Coordinated through NWARPC, the Cities of Fayetteville, Springdale, Rogers, Bentonville, and Siloam Springs, and Washington and Benton Counties, are working together in an effort to ensure our interests are fully represented in any future decisions that may be made by the Arkansas Department of Environmental Quality (ADEQ) and EPA Region 6 relating to phosphorus, future proposed changes to stream standards, and wastewater discharge requirements. Using an approved professional selection process, the group has hired several firms to conduct scientific evaluations and to facilitate the group's efforts.

Fayetteville's focus is that we are well into many activities that protect our watersheds generally and reduce nutrients very specifically. The Nutrient Reduction Plan, stream bank protection ordinance, low impact development ordinance, aggressive public education campaigns, evaluation of the stormwater utility, and strict stormwater management are all examples of efforts completed, underway, and programmed in the future. We believe these efforts can produce better results for water quality at significantly reduced cost from simply reducing the WWTP permit limits.

DISCUSSION

This agreement is the formal instrument that defines Fayetteville's financial commitment to the group. It contains all of the requirements of Resolution 10-99, passed by the City Council on June 1, 2010. The agreement continues the efforts made by the previous agreement, and:

- A. Commits Fayetteville to pay an equal 20% share, not to exceed \$40,000;
- B. Does not commit the City of Fayetteville to any action beyond its fair share of the regional analysis;
- C. Does not authorize litigation or any expenditure to prepare for litigation.

BUDGET IMPACT

\$59,856 is available in project 10027 approved by Resolution 99-10.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION FOR SERVICES RELATED TO COOPERATIVE REGIONAL EFFORTS TO MONITOR, EVALUATE AND REPORT LIKELY EFFECTS THAT FUTURE PROPOSED CHANGES TO STREAM STANDARDS AND WASTEWATER DISCHARGE REQUIREMENTS MAY HAVE ON NORTHWEST ARKANSAS IN THE AMOUNT OF \$40,000.00, AND APPROVING A \$5,000.00 PROJECT CONTINGENCY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement with the Northwest Arkansas Regional Planning Commission for services related to cooperative regional efforts to monitor, evaluate and report likely effects that future proposed changes to stream standards and wastewater discharge requirements may have on Northwest Arkansas in the amount of \$40,000.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a project contingency of \$5,000.00.

PASSED and APPROVED this 17th day of April, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE
NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION**

This agreement is made this ____ day of _____, 2012 by and between the City of Fayetteville, Arkansas, hereinafter called City, and the Northwest Arkansas Regional Planning Commission, hereinafter called NWARPC.

I. PURPOSE

The purpose of this Agreement is to establish scope of work and payment limits for services related to the cooperative regional efforts to monitor, evaluate, and report the likely effects that future proposed changes to stream standards and wastewater discharge requirements may have on Northwest Arkansas.

II. BACKGROUND

Key components in federal efforts to achieve the goals and objectives of the Clean Water Act involve discharge standards and limitations for wastewater treatment facilities, and the establishment of total maximum daily loads (TMDL's) for the Illinois River and other waterways. Local governments, at substantial cost to ratepayers, have made extensive investments in wastewater facilities and operations to achieve compliance with prescribed regulatory standards. It appears that federal authorities may be poised, through consideration of methods other than those that were used in establishing current permit requirements, to impose more stringent standards which will render recently constructed and improved wastewater treatment facilities in the region inadequate. Considering the potential impact on ratepayers and the overall economic impact on the region, it is imperative that proposed changes to water quality standards and discharge requirements be based on sound science, be achievable from a scientific standpoint, be economically feasible, and represent fair, equitable, and necessary measures to comply with the goals and objectives of the Clean Water Act. In the interest of economy and efficiency, a cooperative regional approach is being undertaken to analyze the issues, the potential impacts, and the best collective responses of various approaches to meet newly proposed standards.

III. THE CITY OF FAYETTEVILLE AGREES:

- A. To pay an equal share, not to exceed \$40,000, to the NWARPC for the purposes set forth herein.
- B. That this agreement does not commit the City to be party in any legal action.
- C. That the Mayor, or a designee appointed by the Mayor, shall represent the City on all matters associated with this cooperative effort.

IV. THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION AGREES TO:

- A. Enter into cooperative agreements with, and represent other Northwest Arkansas entities, which hereinafter are collectively referred to as the Intergovernmental Work Group. Members of the Intergovernmental Work Group are willing participants in a cooperative effort to analyze and respond to: 1) stream and lake modeling and the resulting development of TMDL's for receiving streams; 2) possible revisions to stream designations and water quality standards; and

3) the likely imposition of more stringent wastewater discharge limits for point sources in the Illinois River Watershed.

B. To assist in the selection of engineering, legal, and other professional consultants employed to perform desired services requested by the Intergovernmental Work Group.

C. Perform contract administration for any engineering, legal, or other professional consultant working for the Intergovernmental Work Group.

V. ARKANSAS FREEDOM OF INFORMATION ACT:

City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a FOIA request is presented to the City, or to the NWARPC, each party will do everything possible to provide the documents in a timely manner as prescribed in the FOIA (A.C.A. 25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

VI. CHANGES, MODIFICATIONS, OR AMENDMENTS:

Changes, modifications, or amendments to this agreement shall not be allowed without a formal written agreement amendment approved by the Mayor and the City Council in advance of the change.

IN WITNESS WHEREOF, the City of Fayetteville and the Northwest Arkansas Regional Planning Commission have executed these presents by their respective authorized representatives, having been authorized to do so by appropriate resolution.

Northwest Arkansas Regional Planning Commission

City of Fayetteville



Director

Mayor

Witnessed By:

City Clerk

