

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 10, 2013

AGENDA ITEM: Memorandum of Understanding	AGENDA SECTION: Legal	
PREPARED BY: Gloria Hirashima, Chief Administrative Officer	DIRECTOR APPROVAL:	
ATTACHMENTS: 1. Memorandum of Understanding signed by Tulalip Tribes	MAYOR	CAO
	AMOUNT: \$	
BUDGET CODE:		

DESCRIPTION:

The Marysville City Council approved a memorandum of understanding (“MOU”) with the Tulalip Tribes on May 28, 2013. The MOU relates to an understanding that the Tribes and City are negotiating a purchase and sale to transfer lines west of Interstate 5 to the Tribes. The MOU also relates to connections that will happen in advance of the transfer. The Tribes made certain revisions to the agreement prior to signature, which are highlighted. Since the MOU has been revised, it will require review again by the Council to authorize the agreement.

RECOMMENDED ACTION: Recommend that Mayor be authorized to sign the revised MOU.
COUNCIL ACTION:

**MEMORANDUM OF UNDERSTANDING
BETWEEN TULALIP TRIBES AND CITY OF MARYSVILLE
REGARDING SALE OF WATER AND SEWER INFRASTRUCTURE
AND FUTURE SERVICES WITHIN THE CONTRACT AREA**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between the City of Marysville ("City") and Tulalip Tribes of Washington ("Tribes").

WHEREAS, the City of Marysville **has an interest** in certain water and sewer infrastructure west of Interstate 5, in the vicinity of Marine Drive, on the Tulalip Tribes Indian Reservation.

WHEREAS, the City of Marysville desires to transfer their said infrastructure to the Tribes and the Tribes wish to purchase said infrastructure.

WHEREAS, a contract has been drafted and both parties intend to complete negotiations over the next several months to conclude and close said sale between City and Tribes.

WHEREAS, pending development applications require action by the City to approve or deny water and sewer connections, and the City wishes to ensure concurrence by the Tribes as the future owner of said connections.

NOW, THEREFORE, THE City and Tribes understand and agree as follows:

1. **WATER AND SEWER INFRASTRUCTURE.** The City and Tribes are currently reviewing a draft water and sewer infrastructure sale contract as well as a draft agreement for conveyance of treated wastewater for the area west of Interstate 5 in the vicinity of Marine View Drive described in said agreements. Subject to final negotiation of the agreements, both parties intend to conclude and close the sale over the next several months, resulting in transfer title and operational control of the system to the Tribes.
2. **PENDING SEWER CONNECTIONS IN SAID AREA.** The City and Tribes have reviewed two proposals to connect to sewer in the pending sale area. Roy Robinson Subaru has proposed a new facility at the northeast corner of 61st Place NE and 33rd Avenue NE. They will be applying to Marysville for a new sewer connection for their facility. Tribes have constructed a gas station at 6327 Marine Drive and wish to connect the facility to sewer. **Also, the Tribes intend to construct/remodel the Q Casino and wish to connect the facility to sewer.** These connections may occur in advance of the sale of the system to the Tribes. The City and Tribes concur that these connections will be consistent with and incorporated into the infrastructure to be sold and transferred to the Tribes upon purchase.
3. **CONNECTION FEES AND RATES.** New connections referenced herein that apply for connection to the City shall pay connection fees **in a pro-rata fashion to Marysville and the Tribes** and pay monthly service rates consistent with Chapter 14.07 of the Marysville Municipal Code. Connections shall be paid at "Outside City" charges and monthly utility rates shall be paid at

"Outside UGA" rates as long as the system remains under ownership by the City. Following sale and transfer of the utility system to the Tribes, the Tribes will determine monthly rates.

DATED this 1 day of June, 2013.

TULALIP TRIBES OF WASHINGTON

By: *Mel Sheldon*
Chairman

CITY OF MARYSVILLE

By: _____
Mayor