



SeaTac City Council

Request for Council Action

Agenda Bill #: 6794

Council consideration: An Ordinance authorizing the City Manager to execute a letter of engagement for legal services; authorizing the City Manager to execute an Interlocal Agreement; and amending the 2025-2026 Biennial Budget.

Date Action Requested: RCM: 11/12/2025

Review Dates: PED: 10/16/2025

Prepared By: Evan Maxim, Community & Economic Development Director

Amount: \$350,000

Budgeted?: No

Applicable Fund Name: Port of Seattle ILA Fund 105

ANALYSIS: On December 10, 2024, the City Council authorized the City of SeaTac (AB 6555) to enter into a 4-City Interlocal Agreement with the cities of Burien, Normandy Park, and Des Moines, to facilitate commenting on the then-Draft Environmental Assessment (EA) issued by the FAA on the SAMP. The cities understood that these comments would be considered by the FAA and would be addressed in the issuance of the Final Environmental Assessment by the FAA.

The Final Environmental Assessment was issued concurrently with the FONSI / ROD on September 26, 2025; any challenge to the FONSI / ROD must be filed within 60 days (November 25, 2025). Following the completion of the NEPA review process, the Port of Seattle has indicated that the Port intends to complete its SEPA review process. It is possible that the NEPA environmental review will significantly inform the upcoming SEPA review.

The four cities believe that it is important to retain outside legal counsel to advise each jurisdiction on the best approach to engaging with the FAA and the Port of Seattle around the NEPA and SEPA reviews. To engage joint outside legal counsel, the four cities will need to amend the 4-City Interlocal Agreement. Additional funding and authorization to enter into a letter of engagement with the outside legal counsel is also required of each city participating in the 4-City Interlocal Agreement.

Interlocal Agreement

A draft of the 4-City Interlocal Agreement (ILA) is attached to this memo for review. Please note that the draft ILA retains the language related to the shared consultant and adds language to provide for joint legal counsel to the four cities. Costs for the consultant – and newly added legal counsel – are shared between the four cities proportionally, based upon the population. The City of SeaTac will manage payments for invoices associated with legal counsel and the consultant. A joint appeal of either the FAA's FONSI / ROD or the anticipated Port of Seattle SEPA Environmental Impact Statement will require unanimous approval by the four cities. The ILA contains provisions to allow the four cities to coordinate with each other and legal counsel throughout the process. Any city may withdraw from the Four-City ILA with thirty (30) days prior notice to the other cities.

Letters of Engagement

The City of SeaTac staff took the lead to identify outside legal counsel to support the four cities; following

an interview and review of credentials, staff recommend retaining the legal firms of Leech Tishman (NEPA focus) and Ogden Murphy Wallace (SEPA focus). Each firm has provided a draft Letter of Engagement. Please note that each city will need to enter into a separate Letter of Engagement with both legal firms, to ensure that all communication between the cities and the legal counsel is privileged.

Budget Amendment

Staff are proposing to amend the revenues and expenditures in the Port ILA Fund 105 in the 2025-2026 SeaTac Biennial Budget. The proposed expenditure of \$350,000 represents the estimated cost of legal counsel. SeaTac anticipates that approximately 74% of this expenditure will be covered through the proportional cost sharing agreement between the four cities. Consequently, staff are anticipating up to \$259,000 in revenues from the cities of Burien, Normandy Park, and Des Moines. Please note that the actual expenditure and revenues will depend heavily on the need to engage legal counsel throughout the process.

BUDGET SIGNIFICANCE: The 2025-2026 Biennial Budget for the Port ILA Fund 105 will be amended to reflect \$350,000 in expenditures and an estimated \$259,000 in revenues.

COMMITTEE REVIEW(S) AND RECOMMENDATION(S): On October 16, 2025, the PED Committee recommended that the City Council take action to:

1. Authorize the City Manager to enter into Letters of Engagement with Leech Tishman and Ogden Murphy Wallace,
2. Adopt the Four-City Interlocal Agreement, and,
3. Amend the 2025-2026 Biennial Budget for the Port ILA Fund 105 to reflect \$350,000 in expenditures and an estimated \$259,000 in revenues.

ALTERNATIVE(S): Do not approve the Ordinance and provide direction to the City Manager. It is possible that a delay in retaining legal counsel will affect the City of SeaTac's ability to engage with the FAA and Port around the SAMP environmental review.

ATTACHMENTS:

Ordinance

Ogden Murphy Wallace Letter of Engagement

Leech Tishman Letter of Engagement

Interlocal Agreement

PowerPoint