

EXHIBIT A

An Intergovernmental Agreement between the City of Portland and [Name of Public School District] to implement GreenBucks, a voluntary program to solicit and allocate donations for the maintenance, repair, remodeling and improvement of qualified stormwater management facilities

This agreement is entered into pursuant to ORS Chapters 190 and 454, between the City of Portland, hereinafter called the City as represented by its Bureau of Environmental Services, hereinafter called BES, and [Name of Public School District], hereinafter called District, under the authority of the charters and laws applicable to the City and the District for the purposes set forth below.

I. PURPOSE AND INTENT

It is in the interest of the City and the District to effectively manage stormwater runoff through the design, construction, maintenance and operation of vegetated stormwater management facilities. Such facilities increase the effectiveness and useful life of public stormwater infrastructure, prevent pollutants from entering public water bodies and aquifers, provide community educational and aesthetic amenities, and increase ecosystem services that restore and preserve the health of Portland watersheds.

Public school properties in Portland provide ideal locations for vegetated stormwater management facilities. In many cases, such locations provide stormwater management and ecosystem service benefits that extend beyond the District property to include the surrounding neighborhood. The City has a special interest in working with the District to ensure that stormwater management facilities on District property located in the city are well maintained in effective operating condition.

GreenBucks is a voluntary program to solicit and allocate voluntary donations from Portland utility ratepayers to support the maintenance, repair, remodeling and improvement of qualified stormwater management facilities. This agreement establishes the terms, conditions and procedures to be used by the District and the City to implement GreenBucks.

II. Goals. The City and the District will interpret and perform the requirements of this agreement in a manner that achieves the following GreenBucks goals:

- A. Community Engagement. Provide a simple and easy method for City utility ratepayers to increase their awareness of, and support for, (1) sustainable stormwater management techniques, (2) the use of vegetated stormwater management facilities on public school properties, (3) the benefits of such facilities to the school, surrounding neighborhood and watershed, and (4) financial and other voluntary ways to help maintain the effectiveness of stormwater management facilities.

- B. Effective Maintenance of Stormwater Management Facilities. Provide financial support to public school districts to maintain the effective performance of qualified stormwater management facilities.
- C. Incentives for Enhanced and New Facilities. Provide incentives to public school districts to invest in new or expanded stormwater management facilities, and to upgrade or remodel existing facilities to increase their watershed benefits.

III. District Responsibilities.

- A. Public Information and Program Outreach. The District, in cooperation with the City, will develop and provide information to students, parents, teachers, administrators and community stakeholders about GreenBucks, District facilities that benefit from the program, and general information about stormwater management and watershed health. The District will work with the City to develop additional City program information for public distribution.
- B. Registration of Stormwater Management Facilities.
 - 1. On or before March 1, 2011, the District will register each existing stormwater management facility by completing and filing a registration form provided by the City.
 - 2. The District will register new stormwater management facilities constructed after March 1, 2011 by completing and filing a City registration form for each new facility. The registration must be received by April 1 in order to receive a GreenBucks maintenance allowance in July of the same calendar year.
 - 3. The District does not have to re-file a registration form for a certified facility unless the District alters or modifies the facility in a manner that materially changes its function, effectiveness and estimated cost of regular maintenance. If re-registration is required, the District will follow the same process as provided by the City for new registrations.
 - 4. The District will provide additional information as requested by the City to clarify the registration, determine the eligibility of the facility, and determine the annual maintenance allowance for the facility.
 - 5. The District will provide access to stormwater management facilities for the purpose of completing the registration process. The District will schedule the site visit within 30 days of the request from the City, at a date and time that is mutually acceptable to the District and City. The District and the City may agree to extend the date of the site visit beyond the 30-day deadline, provided the site visit occurs at least 30 days prior to the annual allocation of the annual regular maintenance allowance.

- C. Maintenance of Certified Stormwater Management Facilities. Once a stormwater management facility is certified, the District will perform regular maintenance and repair as reasonably required to keep the facility in an effective working condition. Such maintenance will be reasonably consistent with recorded operations and maintenance plans, the manufacturer's operations and maintenance specifications, and guidance provided by the City.
- D. Notice of Changes to Certified Stormwater Management Facilities. Beginning on June 1, 2011 and annually thereafter, the District will provide written notice of any certified stormwater management facility that has been removed, decommissioned or rendered ineffective during the preceding 12-month period.
- E. Inspection of Certified Stormwater Management Facilities.
 - 1. The District will provide access to stormwater management facilities for the purpose of determining their level of maintenance and effective operating condition.
 - 2. The District will schedule the inspection within 30 days of receiving a written request from the City, unless extended by mutual agreement of the District and the City.
 - 3. The date and time of the inspection will be established by mutual agreement between the District and the City, and conducted in accordance with District requirements for visits to school campuses and facilities.
- F. Recordkeeping and Accounting
 - 1. The District will maintain records that fully document the construction, maintenance, repair, modification, enhancement and other activities performed on each certified stormwater management facility. The documentation will be in sufficient detail to report on the activities and costs by facility by fiscal year. The documentation may include itemized and dated payments for contracted services, time sheets, photographs of site conditions, and other records of direct services performed by District personnel.
 - 2. The District will maintain sufficient accounting records to document the aggregate costs of regular maintenance of all certified facilities, incurred by fiscal year.
 - 3. The District will retain documents and accounting records for each certified facility for at least 5 fiscal years.
 - 4. Within 30 days of the District's receipt of written request from the City, the District will provide access to documentation and accounting records for certified facilities.

IV. City Responsibilities

- A. Public Information and Program Outreach. In cooperation with the District, the City will develop and provide information to City ratepayers and the general public about GreenBucks, District facilities that benefit from the program, and general information about stormwater management and watershed health.
- B. GreenBucks Donations.
 1. The City will receive, record and account for all GreenBucks donations, and will maintain accounting controls to ensure that GreenBucks donations are used solely for the following purposes:
 - a. Regular Maintenance Allowances. The City will make annual payments to public schools districts to be used exclusively to pay for regular maintenance and repair of certified stormwater management facilities.
 - b. Administrative Services. The City will retain no more than 5% of annual GreenBucks donations to defray the costs of program administration, marketing, outreach, accounting, reporting and other related administrative services.
 - c. Grants for Enhancing, Remodeling or Improving Existing Certified Stormwater Management Facilities, and Constructing New Facilities. At its discretion, based on the availability of GreenBucks cash balances, the City may provide grants and other payments to participating public school districts for the purpose of enhancing, remodeling and/or improving existing certified stormwater management facilities, and constructing new stormwater management facilities. The City will work with participating districts to develop policies and procedures to these grants. Under no circumstance is the City authorized to use GreenBucks donations for grants to construct new stormwater management facilities that are required by the City to meet stormwater management regulations or are required as a condition of development or redevelopment.
- C. Certification of Registered Stormwater Management Facilities
 1. The City will review the registration information provided by the District for each stormwater management facility to determine eligibility based on the following criteria:
 - a. The facility is located on a public school property that is located in the City of Portland.

- b. The facility is a vegetated system that is designed, sized, located and constructed to provide effective stormwater management for the impervious area served.
 - c. The facility is in sufficient operating condition to provide effective stormwater management.
 - d. The District's estimate of the annual costs of maintenance is reasonable, based on information provided by the District and the City's experience with maintaining similar facilities.
- 2. The City may request additional information and photographic evidence from the District to complete a review of a stormwater management facility.
- 3. If the District estimate of regular maintenance costs is greater than 15% in excess of the average costs for similar facilities, as determined by the City, the City may adjust the allowable maintenance costs for the facility for the purpose of allocating the annual regular maintenance allowance.
- 4. The City will provide written notice to the District of the final determination of District registrations, including information about the process the District may use to appeal the rejection of a District facility or the adjustment of estimated maintenance costs. The Director of Environmental Services, or a designee, is authorized to make the final determination of an appeal.

D. Annual Registry of Certified Stormwater Facilities.

- 1. The City will establish an annual registry of certified stormwater facilities on or before June 30 of each calendar year. The annual registry will include the following:
 - a. existing facilities that the City certified in a prior calendar year, and the District continues to maintain and operate consistent with the terms of this agreement, less previously-certified facilities that the District reported having been removed, decommissioned or rendered ineffective during the preceding 12-month period; and
 - b. existing certified facilities that have been re-registered and re-certified during the preceding 12-month period as a result of alterations or modifications that materially changed their function, effectiveness and estimated costs of regular maintenance.

- c. new facilities that the District registered prior to the current filing deadline, and the City reviewed and certified prior to June 30 of the current calendar year.
- 2. The registry will contain the following information for each certified facility:
 - a. the facility type, footprint, year built and amount of impervious area managed;
 - b. the site address and property identifier for the school property that contains the certified facility; and
 - c. the annual regular maintenance allowance as certified by the City.

E. Annual Certification of GreenBucks Transactions, Balances and Allocations

- 1. On or before July 31 of each year, the City will prepare a financial report of GreenBucks balances and transactions for the preceding fiscal year. The report will include the following:
 - a. the beginning cash balance of GreenBucks donations;
 - b. the amount of GreenBucks payments made to participating public school districts and other participating agencies and programs;
 - c. the amount of administrative costs incurred by the City (not to exceed 5% of annual donations received);
 - d. the amount of GreenBucks donations received by the City; and
 - e. the ending cash balance of GreenBucks donations.
- 2. On or before July 31 of each year, the City will certify the following allocation of the ending cash balance of GreenBucks donations as of June 30 of the preceding fiscal year:
 - a. Regular Maintenance Allocation. The City will set aside the lesser of the following two amounts to be paid to participating public school districts for the regular maintenance of certified facilities:
 - i. An amount not less than 95% of the ending cash balance.

- ii. An amount equal to the sum of regular maintenance allowances for all certified facilities on the most current annual registry of certified GreenBucks facilities, adjusted for annual inflation from the year the estimates were made.
 - b. Administrative Services Allocation. The City will set aside an amount not more than 5% of the ending cash balance to defray the costs of administering GreenBucks.
 - c. Reserve for Grants and Incentives. The City will reserve the amount of the ending cash balance that remains after distributing regular maintenance allowances and the allowance for administrative services. The City, in cooperation with participating districts, will manage the reserve to advance GreenBucks purposes and goals.
- F. Payment of Regular Maintenance Allocations to the District. The City will determine the annual payment to the District for regular maintenance by multiplying the amount of the total certified allocation available for regular maintenance times the District's pro-rata share of annual maintenance allowances for certified facilities as reported on the most current annual registry of certified GreenBucks facilities. The City will determine the District's pro-rata share by dividing annual estimated maintenance allowance for each certified facility by the total estimated maintenance allowance of all certified facilities, and then summing the resulting values for all of the District's certified facilities. The resulting value represent's the District's share, stated as a percentage, of the total estimated maintenance allowance.
- G. Grants and Incentives for Enhanced and New Facilities. The City will determine when to make available all or a portion of the reserve for grants and incentives to fund enhancements and modifications to existing facilities and the construction of new qualified facilities. The City will consult with participating public school districts and other community stakeholders to determine the method to be used to expend all or part of the reserve. The Director of Environmental Services, or designee, will make the final determination based on the amount of the available reserves, an assessment of possible project requests and current City stormwater management and watershed health goals.
- H. Audits, Reports and Public Documents.
- 1. Audits of GreenBucks Facilities and Maintenance Documents. The City will conduct periodic audits to confirm that GreenBucks allocations are being used by the District for the purposes set forth in this agreement.

- a. The City will provide a written notice at least 30 days prior to the audit with instructions and an inventory of documents and photographic evidence to be reviewed.
- b. The City will work with the District to conduct site inspections of certified stormwater management facilities.
- c. The City will provide a written report at the conclusion of each audit and provides 30 days for the District to respond to the audit before the audit report is prepared and the audit file is closed.
- d. The audit may result in changes to the certification of individual District facilities. Before such a determination is made, the City will provide an opportunity for the District to review and comment on the proposed determination.

2. Reports.

- a. On or before August 31, 2012, the City will prepare and present to City Council a report on the development and initial implementation of GreenBucks. The report will include findings and recommendations for ongoing implementation of the program.
- b. On or before August 31, 2013, and annually thereafter, the City will prepare an annual report that summarizes GreenBucks financial and program activity for the preceding fiscal year.

3. Public Records. All GreenBucks reports, certifications, determinations and program documents are public records and available for review upon written request to the City.

V. Indemnity and Hold Harmless.

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend and hold harmless the District from and against all liability, loss and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this agreement.

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, District shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from the acts of District, its officers, employees and agents in the performance of this agreement."

VI. Contacts

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[NAME OF PUBLIC SCHOOL
DISTRICT]

By: _____

Its: _____

Date: _____

BUREAU OF ENVIRONMENTAL
SERVICES

By: _____

Its: _____

Date: _____