

ORDINANCE NO. 183852

*Authorize Collection Agreement with the Mt. Hood National Forest to fund administrative steps in the Bull Run land exchange process. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bull Run Watershed Management Unit Agreement between the Water Bureau and the Mt. Hood National Forest, signed on December 17, 2007, stated that both parties would pursue a land exchange in order to obtain a more logical and efficient land ownership pattern for the Bull Run watershed.
2. Council approved the Agreement to Initiate (ATI) the proposed Bull Run land exchange in February 2010 and the ATI was fully executed by both parties on March 29, 2010.
3. The proposed land exchange would involve approximately 2,500 acres of City-owned land and 2,800 acres of Forest Service land.
4. The approved ATI disclosed estimates of the costs and projected schedule for the exchange and the authorizing ordinance (no. 183539) stated that authorization to transfer funds to the Forest Service will be obtained through a forthcoming intergovernmental agreement between the parties.
5. Council approved adoption of City Code chapter 21.36 in February 2010. This new Code chapter applies the same tree-cutting restrictions contained in the federal Bull Run Management Act to City-owned lands in and adjacent to the Bull Run Watershed Management Unit.
6. The final decision to exchange lands is contingent on the outcome of an environmental analysis that will include public input and review, disclosure of environmental impacts and opportunities for administrative appeal.
7. The Forest Service requires that the Water Bureau enter into a Collection Agreement to fund their agency's participation in the land exchange process. The total estimated funds that will be transferred to the Forest Service for this project is \$246,715.
8. Funds will be distributed to the Forest Service over four fiscal years beginning in FY2009-10. Funds are available in the FY2009-10 budget and additional funds will be requested in the FY2010-11, 2011-12 and 2012-13 budget requests.

NOW, THEREFORE, the Council directs:

- a. The Water Bureau Administrator and Auditor are authorized on behalf of the City to execute a Collection Agreement with the Mt. Hood National Forest in a form in accordance with the agreement attached as Exhibit A.
- b. The Water Bureau Administrator and Auditor are hereby authorized to pay for services provided by the Forest Service under said agreement when payment is requested by their agency.
- c. Amendments to the Collection Agreement may be executed by the Water Bureau Administrator. Any increase exceeding twenty-five percent of the total compensation would require City Council approval.

Section 2. The Council directs an emergency exists because the Collection Agreement must be fully executed by the end of FY09-10 in order to transfer funds to the Forest Service from the Water Bureau's FY09-10 budget; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUN 02 2010

Commissioner Leonard
Prepared by Richard Robbins
May 14, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By *Emily Matasa* Deputy

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Agenda No.

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Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Leonard	CLERK USE: DATE FILED <u>MAY 27 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>Handwritten: 7/10/10</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>Susan Parsons</i></u> Deputy
BUREAU APPROVAL Bureau: Portland Water Bureau Bureau Head: David G. Shaff <i>Handwritten: [Signature]</i>	ACTION TAKEN:
Prepared by: Richard Robbins Date Prepared: May 14, 2010	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date June 2, 2010	
City Attorney Approval	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>10 min.</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	