

## IMPACT STATEMENT

**Legislation title:** Authorize City Attorney to initiate a validation action under ORS 33.710-.720 regarding the expenditure of ratepayer funds to implement the Community Opportunities and Enhancement Program and the resolutions and ordinances creating and implementing the Community Opportunities and Enhancement Program (Resolution)

**Contact name:** Karen L. Moynahan

**Contact phone:** (503) 823-4047

**Presenter name:** Karen L. Moynahan

**Purpose of proposed legislation and background information:**

This Resolution authorizes the City Attorney, or her designee, to initiate a validation action in the Multnomah County Circuit Court. The purpose of the action is to obtain a Court validation of the ratepayer rubric, attached to the Resolution as Exhibit A, which will provide the City with Court approval of the expenditure of ratepayer funds on the Community Opportunities and Enhancement Program (COEP). The validation suit is intended to provide the City with certainty in the administration of the COEP program and stem potential litigation challenging the City's expenditure of ratepayer funds.

**Financial and budgetary impacts:**

The filing of a validation in the Multnomah County Circuit Court will not have a financial or budgetary impact. Council has already directed City bureaus, including the Water Bureau and the Bureau of Environmental Services, to set aside 1% of hard construction costs on each City public improvement construction contract to fund COEP. Because one goal of the validation suit is to stem potential litigation challenging the City's expenditure of ratepayer funds, the Resolution could potentially save the City future legal fees.

**Community impacts and community involvement:**

This is a matter involving the City's legal authority under the Portland City Charter to expend ratepayer funds on COEP projects. Community impacts will include increased diversity in the construction workforce, which will ultimately lead to a deeper, more competitive pool of qualified applicants for City construction contracts, including those relating to water and sewer projects.

**100% Renewable Goal:**

Not applicable.

### Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



CITY OF  
**PORTLAND, OREGON**

OFFICE OF THE CITY ATTORNEY

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Date: March 9, 2019

To: City Council

From: Karen L. Moynahan *KLM*  
Chief Deputy City Attorney

RE: Amendment request for Council Agenda Item 212

**Authorize City Attorney to initiate a validation action under ORS 33.710-.720 regarding the expenditure of ratepayer funds to implement the Community Opportunities and Enhancement Program and the resolutions and ordinances creating and implementing the Community Opportunities and Enhancement Program (Resolution)**

Due to an oversight, the following changes are needed in the Whereas Section. The amendment will be presented at the Council meeting on March 11, 2020.

WHEREAS, the 2018 Portland Metro Region Construction Workforce Market Study found that an additional 445 ~~2,700~~ apprentices, 1,074 ~~3,400~~ minority and 1,416 ~~4,900~~ female construction workers are necessary to meet the Metro area's five-year demand for construction workers; and

WHEREAS, by training low-income, disadvantaged, minority and women workers in needed construction trades, and by training and supporting D/M/W/ESB/SDVBE contractors, and by providing businesses ~~by training low-income, disadvantaged, minority and women workers in needed construction trades, and by training and supporting D/M/W/ESB/SDVBE contractors,~~ technical assistance, outreach, recruitment, and retention activities, the overall workforce in the construction trades will increase and will result in more competitive bidding among contractors, which will directly benefit the Water Bureau and Bureau of Environmental Services in their procurement of contractors for their construction projects; and

KLM/jk