

ORDINANCE NO. 190258

Authorize the Portland Water Bureau to execute a Collection Agreement with the United States Forest Service in the amount of \$215,000 to fund juvenile fish monitoring activities required by the Bull Run Water Supply Habitat Conservation Plan (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bull Run Water Supply Habitat Conservation Plan (HCP) was approved by City Council through Ordinance No. 182235 on October 1, 2008 and was formally approved by the National Marine Fisheries Service (NMFS) in April 2009.
2. The HCP was created to bring the City of Portland's (City) water supply facilities and operations in the Bull Run watershed into compliance with the federal Endangered Species Act and the Clean Water Act. The HCP is a 50-year plan to protect and improve aquatic habitat in and around the Bull Run River while continuing to manage the Bull Run watershed as a water supply for the City.
3. The HCP commits the City to provide funding to support juvenile fish monitoring to document the effectiveness of habitat restoration projects for fish in the Sandy River Basin. The Portland Water Bureau has worked with federal, state, local government agencies as well as the Sandy River Basin Partners to develop the HCP.
4. The Portland Water Bureau collaborates with various government agencies to perform the work, including partially funding juvenile fish monitoring activities by the United States Forest Service (USFS).
5. The Water Bureau will complete a five year Collection Agreement with the USFS in January 2021 for juvenile fish monitoring and seeks to enter into a new Collection Agreement with the USFS to partially fund the staffing and operation of rotary fish traps, and to provide for necessary supplies in the Upper Sandy River Basin for the purposes of juvenile fish monitoring activity.
6. Funds of \$215,000 will be distributed to the USFS for a period of five years. Funding of \$40,180 is available in the Fiscal Year (FY) 2020-21 Budget. Funds of \$174,820 will be requested in the FY 2021-22 through FY 2024-25 Budgets.

NOW, THEREFORE, the Council directs:

- a. The Portland Water Bureau Director is authorized to execute on behalf of the City a Collection Agreement with the United States Forest Service in the amount of \$215,000 substantially in accordance to the Collection Agreement attached as Exhibit A.

- b. Amendments increasing the total compensation for an agreement may be agreed to and executed by the Portland Water Bureau Director up to twenty-five percent of the total agreement amount. Any increase exceeding twenty-five percent of the total compensation of the agreement would require City Council approval.
- c. All agreements authorized by this ordinance are subject to approval as to form by the City Attorney's Office.
- d. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Passed by the Council, January 13, 2021

Commissioner Mingus Mapps
Prepared by: Burke Strobel
December 14, 2020

Mary Hull Caballero

Auditor of the City of Portland

By *Keelan McClymont*
Deputy

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mingus Mapps</p>	<p>CLERK USE: DATE FILED <u>December 28, 2020</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Keelan McClymont</u> Deputy</p> <p><small>Digitally signed by Keelan McClymont Date: 2020.12.28 09:15:44 -08'00'</small></p>
Mayor—Finance & Administration - Wheeler	
Position 1/Utilities - Rubio/Fritz <small>Tim Crail on behalf of Commissioner Fritz Digitally signed by Tim Crail on behalf of Commissioner Fritz Date: 2020.12.17 13:47:58 -08'00'</small>	
Position 2/Works - Ryan	
Position 3/Affairs - Hardesty	
Position 4/Safety - Mapps	
BUREAU APPROVAL	
Bureau: Water Bureau Bureau Head: Edward Campbell <small>Digitally signed by Edward Campbell Date: 2020.12.15 13:59:06 -08'00'</small>	
Prepared by: Burke Strobel Date Prepared: 12/14/2020	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <small>Karen Moynahan Digitally signed by Karen Moynahan Date: 2020.12.15 10:10:36 -08'00'</small>	
Council Meeting Date January 6, 2020	

ACTION TAKEN:

January 6, 2021 Passed to Second Reading January 13, 2021 at 9:30 am

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input checked="" type="checkbox"/></p> <p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Rubio</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Ryan</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>4. Mapps</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Rubio	✓		2. Ryan	✓		3. Hardesty	✓		4. Mapps	✓		Wheeler	✓	
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