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# 190651

Emergency Ordinance

## **\*Amend an Intergovernmental Agreement with Multnomah County for the Earthquake Ready Burnside Bridge Project for staffing services (amend Contract No. 30007280)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City and County are authorized under the provision of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190.
2. In April 2015, Multnomah County adopted the Willamette River Bridges Capital Improvement Plan, whereby the Burnside Bridge Seismic Feasibility Study was listed as the highest priority project in the 2015-2019 timeframe.
3. On November 1, 2018, on the recommendation of the Project Policy Group made up of elected and appointed representatives of jurisdictions and agencies with an interest in the Burnside Bridge – including Portland Commissioner Dan Saltzman - the Board of County Commissioners for Multnomah County passed Resolution No. 2018-104. This resolution adopted the Purpose and Need Statement and Range of Alternatives for the Earthquake Ready Burnside Bridge Project and advance for further study in the environmental review phase the No-Build and four Build alternatives of The Feasibility Study Report.
4. The purpose of this Agreement is to establish the City's and the County's tasks necessary to conduct a public planning process required under the National Environmental Policy Act (NEPA) rules (hereafter, NEPA process) with respect to the proposed Earthquake Ready Burnside Bridge Project. The NEPA process of the Project is designed to determine the potential impacts of rebuilding or rehabilitating the Burnside Bridge and to find the Preferred Alternative (PA).

**Introduced by**

[Commissioner Jo Ann Hardesty](#)

**Bureau**

[Transportation](#)

**Prepared by**

Mimi Phillips & Patrick Sweeney

**Date Prepared**

August 31, 2021

**Requested Agenda Type**

Time Certain

5. Through the execution of this Agreement, both the City and County agree to participate in the "Project Management Team" (PMT) to oversee and manage the Burnside Bridge NEPA Process. The PMT is to be comprised of representatives of the County, the City of Portland, Metro, ODOT, Federal Highway Administration (FHWA) and the County's consultants.
6. Should the Project proceed into the design and construction phases after the NEPA process is complete, this Agreement will be amended to reflect new understandings and commitments.
7. On December 19, 2019, Council conditionally approved an ordinance to authorize the original version of the contract (Ord 189814), contingent on the addition of Portland Bureau of Emergency Management (PBEM) to the staffing plan.
8. As directed by Council, the contract was updated to include PBEM staff time in the budget of the IGA. The addition of PBEM to the staffing plan resulted in an \$8,422.00 increase to the grant amount. The previous grant amount of \$1,489,469.00 has increased to \$1,497,891.00. The updated IGA was adopted by council on March 2, 2020 (Ordinance 189883).
9. As part of the NEPA phase, a Draft Environmental Impact Statement (DEIS) was published for public comment on February 5, 2021. Since the publication of the DEIS, Multnomah County has had to re-evaluate the overall budget for this project, which may result in changes to scope that were included in the original publication. As a result of budget adjustments, Multnomah County will be publishing a Supplemental Draft Environmental Impact Statement (SDEIS) to reflect these changes.
10. The SDEIS will extend the NEPA phase of this project and require an additional 12-month time commitment from City Staff. This staff time has resulted in a \$499,805 increase to the IGA amount. The previous IGA amount of \$1,497,891.00 has increased to \$1,997,696.
11. The original ordinance required that the project team return to Council if the IGA compensation amount or terms of the IGA need to be amended. This ordinance and IGA contract have been revised to reflect the increased amount of compensation for City services and the 12-month term extension as a result of the SDEIS process. This ordinance is being re-submitted to Council for final approval.

NOW, THEREFORE, the Council directs:

- A. The Commissioner-in-Charge is hereby authorized to execute a First Amendment to the IGA for the Earthquake Ready Burnside Bridge Project in the additional amount of \$499,805 in a form substantially similar to that attached as Exhibit A. Total charges to the amended grant shall not exceed \$1,997,696.
- B. The Commissioner-in-Charge is authorized to execute amendments, approved as to form by the City Attorney, to the scope of the services or the terms and conditions of this Agreement, provided the changes

do not increase the City's financial risk. Increases to the IGA amount must be approved by the City Council.

- C. The OMF Grants Office is authorized to perform all administrative matters in relation to the IGA, agreements or amendments, requests for reimbursement, and to submit required online documents on the Commissioner-in-Charge's behalf.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the grant; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

## Documents and Exhibits

 [Exhibit A](#) (987.29 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
December 16, 2021

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

 [Impact Statement](#) (30.2 Kb)

## Agenda Items

### 912 Time Certain in [December 15-16, 2021 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea