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253-2022

Ordinance

Authorize Bureau of Environmental Services Director to execute certain real property agreements to allow the Bureau to carry out its functions and business more efficiently

Referred (Archived)

The City of Portland ordains:

Section 1. The Council finds:

1. The Director of the Bureau of Environmental Services (BES) already has authority, either under City Code or ordinance, to sign certain agreements, such as easements or permits, when used for improvements to the public sewer system.
2. Each year, BES requests Council approval for signing authority on many other agreements that fall outside the scope of the current signature authority. In many cases, such agreements are routine, administrative documents needed to carry out regular business. BES also negotiates with members of the community wishing to use BES assigned property, typically via leases or licenses, but does not have the authority to sign final documents.
3. The authorization granted herein applies only to revenue-generating agreements or agreements requiring BES to make payments of \$50,000 or less to another party.
4. This authorization does not apply to agreements subject to the City's procurement rules.
5. This ordinance is not intended to repeal, amend, or supersede any similar authorization granted by City Code or ordinance to the Director of the Bureau of Environmental Services, the Chief Procurement Officer, or other City officers.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

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Coordinator II

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Requested Agenda Type

Regular

6. This ordinance is not intended to repeal, amend, or supersede the process created for surplus property disposition by Resolution 37143.
7. This ordinance is not intended to repeal, amend, or supersede the process created to maximize investment in City owned facilities by Resolution 37017 and ADM 13.01
8. This delegation of authority to the Director of the Bureau of Environmental Services to execute certain intergovernmental and real property agreements will allow the Bureau of Environmental Services to carry out its functions and business more efficiently.

NOW, THEREFORE, the Council directs:

- A. The Director of Environmental Services, or designee, are authorized to execute, on behalf of the City, any real property agreement, including but not limited to, leases, licenses, permits, and easements, along with amendments and renewals of such agreements, provided that the direct cost to the City does not exceed \$50,000 annually and, unless there would be no direct cost to the City, that the agreement is for a purpose related to the mission and goals of the signing Bureau. Such agreements may contain indemnification language. All agreements must be approved as to form by the City Attorney.

Impact Statement

 [Impact Statement](#) (24.75 Kb)

Budget Office Financial Impact Analysis

This ordinance would delegate the ability to include indemnification language in easements or other real property interests to the Director of the Bureau of Environmental Services. There are no known financial or budgetary impacts from allowing the bureau to include indemnification language in these agreements, although BES does expect to see a modest income stream from leases granted under this authority.

Agenda Items

253 Regular Agenda in [April 6, 2022 Council Agenda](#)

Referred to Commissioner of Public Safety

IMPACT STATEMENT

Legislation title: Authorize the Director of the Bureau of Environmental Services to execute certain real Property Agreements needed for Environmental Service Purposes

Contact name: Eli Callison

Contact phone: 503-823-8757

Presenter name: Eli Callison

Purpose of proposed legislation and background information:

The Bureau of Environmental Services is authorized under Portland City Code 17.16.140 to approve, accept, and amend a sewer easement or other real property interest for public improvements to the public sewer of the City. Occasionally, these agreements require indemnification language not specifically authorized elsewhere in City Code. This ordinance would delegate the ability to include indemnification language in easements or other real property interests to the Director of the Bureau of Environmental Services.

The Bureau of Environmental Services manages over 750 acres of City property. BES will occasionally be approached by non-profits, community groups, film agencies, or private parties looking to access BES property. For non-profit, or community use, BES typically uses a permit to allow a short-term use of BES property at no charge to the user. These permits are called "Permits of Entry". When film use is requested, BES uses the fee chart as provided by the Office of Management and Finance. When a private party is looking to use BES property for commercial reasons, BES will lease the property at the current market rate for the land in question, provided that the requested use does not affect BES's need for the site. At times, BES will own a residential property that it needs to rent until the property is deemed surplus or the structure is demolished to make way for a restoration project. BES may rent the property at the current market rate for residential use.

Financial and budgetary impacts:

- In authorizing the Director to engage in real property transactions that allow access to City property, there will be no impact to the budget. BES expects to see a modest income stream from leases granted under this authority. There are no known financial or budgetary impacts from allowing the Bureau to include indemnification language in these agreements.

Community impacts and community involvement:

- This ordinance is expected to streamline certain interactions that BES has with members of the community, non-profit groups and other private parties.

100% Renewable Goal:

This action does not increase nor decrease the City's total energy use.

This action does not increase nor decrease the City's renewable energy use.

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