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190777

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

Passed

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.
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

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

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Requested Agenda Type

Consent

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.

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
April 20, 2022

Auditor of the City of Portland
Mary Hull Caballero

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

268 Consent Agenda in [April 13-14, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading April 20, 2022 at 9:30 a.m.

300 Consent Agenda in [April 20-21, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea