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191157

Ordinance

## Authorize Portland Water Bureau Director to execute certain Intergovernmental, Utility, and Cooperative Improvement Agreements with the Oregon Department of Transportation for projects that have potable water infrastructure services in construction areas

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Director of the Portland Water Bureau already has the authority, either by City Code or ordinance, to sign certain agreements, easements, leases, and licenses for Portland Water Bureau property upon reasonable terms and conditions approved as to form by the City Attorney.
2. Each year, the Portland Water Bureau enters into Intergovernmental, Utility, and Cooperative Improvement Agreements (Agreements) with the Oregon Department of Transportation (ODOT) that require City Council authorization but are not subject to City procurement regulations. The bureau has potable water infrastructure services in many of the construction areas that are part of ODOT projects. This includes water pipes and other services in the project areas that must be moved.
3. In many cases, the Agreements have a cost of approximately \$500,000 or less and may, in fact, result in reimbursement by ODOT to the Portland Water Bureau for services completed by crews on projects. The authorization granted herein applies to Agreements where the Portland Water Bureau receives revenue from ODOT for work completed and for those requiring payment of \$500,000 or less to ODOT relating to infrastructure projects that impact Portland Water Bureau utilities.
4. This authorization granted herein does not apply to agreements subject to procurement rules.
5. By delegating to the Portland Water Bureau Director the authority to execute Intergovernmental, Utility, and Cooperative Improvement

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Water](#)

Contact

Jodie Inman  
Chief Engineer

✉ [jodie.inman@portlandoregon.gov](mailto:jodie.inman@portlandoregon.gov)

📞 [503-823-1289](tel:503-823-1289)

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date  
January 25, 2023

Agreements with ODOT, the bureau will be able to carry out Portland Water Bureau functions and business more efficiently.

NOW, THEREFORE, the Council directs:

- A. That the Portland Water Bureau Director is authorized to execute on behalf of the City Intergovernmental, Utility, and Cooperative Improvement Agreements with the Oregon Department of Transportation for infrastructure projects that impact Portland Water Bureau facilities. All Intergovernmental, Utility, and Cooperative Improvement Agreements shall be approved as to form by the City Attorney. Any individual Intergovernmental, Utility, or Cooperative Improvement Agreement shall not exceed \$500,000.
- B. Amendments increasing the total amount of an Intergovernmental, Utility, and Cooperative Improvement Agreement may be agreed to and executed by the Portland Water Bureau Director for up to twenty-five percent of the total agreement amount and are subject to approval as to form by the City Attorney's Office.
- C. 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.

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  
January 25, 2023

Auditor of the City of Portland  
Simone Rede

## **Impact Statement**

### **Purpose of Proposed Legislation and Background Information**

The Director of the Portland Water Bureau already has the authority, either by City Code or ordinance, to sign certain agreements, easements, leases, and licenses for Portland Water Bureau property upon reasonable terms and conditions approved as to form by the City Attorney.

Each year, the Portland Water Bureau enters into Intergovernmental, Utility, and Cooperative Improvement Agreements (Agreements) with the Oregon Department of Transportation (ODOT) that require City Council authorization. The Portland Water Bureau owns and maintains water facilities that conflict with the State Improvement Projects and must be removed and relocated. This includes water pipes and other services in the project area that must be moved.

This legislation will delegate the Portland Water Bureau Director the authority to execute Intergovernmental, Utility, and Cooperative Improvement Agreements with ODOT which will allow the bureau to carry out Portland Water Bureau functions and business more efficiently.

### **Financial and Budgetary Impacts**

Agreements authorized through this ordinance to reimburse ODOT will not exceed \$500,000 with authority to approve changes up to 25% of the original agreement, and in some cases, these agreements can result in reimbursement by ODOT to the Portland Water Bureau for services completed by crews on projects. The authorization granted herein applies to Agreements where the Portland Water Bureau receives reimbursement from ODOT for work completed and for those requiring payment of \$500,000 or less, with authority to exceed by up to 25%, to ODOT relating to infrastructure projects that impact Portland Water Bureau utilities. Funding has been allocated in the FY 2022–23 Water Bureau budget. Funds will be planned and requested in future Water Bureau budgets.

The Portland Water Bureau currently maintains the water system within the ODOT project limits. Adjusting the water infrastructure included in these projects will not change the long-term financial obligations of the City. Relocating and replacing aging infrastructure will reduce risk, future maintenance and replacement needs for those assets. The proposed legislation will not create, eliminate, or reclassify any positions now or in the future. No change in the forecasted water rates is anticipated as a result of this action.

### **Community Impacts and Community Involvement**

The Oregon Department of Transportation leads the public involvement effort and performs outreach to affected residents and businesses for each project. The projects support City equity goals by improving access to services to low-income and under-served residents and businesses and improving pedestrian, cyclist, and traffic safety in high-traffic corridors.

### **100% Renewable Goal**

This legislation does not increase or decrease the City's total energy use and does not increase or decrease the City's renewable energy use.

### **Agenda Items**

#### **63 Regular Agenda in January 18-19, 2023 Council Agenda**

Passed to second reading

Passed to second reading January 25, 2023 at 9:30 a.m.

## **86 Regular Agenda in January 25, 2023 Council Agenda**

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea