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191176

Ordinance

Authorize the Chief Administrative Officer or designee to negotiate and execute one or more lease agreements for laboratory space for *Cryptosporidium* genotyping to support the Water Bureau Bilateral Compliance Agreement with the Oregon Health Authority

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. On December 18, 2017, the Oregon Health Authority (OHA) issued a Bilateral Compliance Agreement ("Agreement") with the Portland Water Bureau (PWB), revoking the 2012 Bull Run Treatment Variance and requiring a schedule for installing *Cryptosporidium* treatment including providing protective interim measures until treatment is installed. Water that meets all surface water and *Cryptosporidium* treatment requirements must be served to customers no later than September 30, 2027.
2. Until surface water treatment requirements are met, the PWB must meet interim measures as described in the Agreement which includes monitoring Bull Run source water for *Cryptosporidium*. For any sample in which the presence of *Cryptosporidium* is detected, the PWB must attempt to have the sample genotyped to provide information about the risk to public health.
3. At PWB's Water Quality Laboratory (WQL), *Cryptosporidium* analysis in water samples is conducted but, without significant construction time and costs, there is not the required laboratory space available for the genotyping process. At PWB's Interstate campus (Interstate), two staff have the experience and skills necessary to conduct *Cryptosporidium* genotyping.
4. City Binding Policy ADM 13.01 directs bureaus to locate their operations in City owned or controlled facilities when these facilities reasonably meet the business need of the bureaus. Resolution No. 37017 reaffirmed ADM 13.01 and directed the Office of Management and Finance (OMF) to work with bureaus to fully implement relevant policies by bringing City operations back into City-owned facilities when cost

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Facilities; Management and Finance](#)

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

February 22, 2023

effective to do so, and to bring leases or rental agreements to Council for approval.

5. OMF and PWB have strategically assessed the space needs against availability of space in existing City-owned facilities and there are no viable options to accommodate PWB's current space needs.
6. Per Ordinance 189951, dated May 6, 2020, OMF was given authority to enter into a 3-year lease agreement on behalf of PWB for laboratory space at 524 N. Tillamook St., in support of the Agreement's regulatory requirement that *Cryptosporidium* samples be genotyped. The lease will expire May 31, 2023, and OMF desires to assist PWB with lease extension negotiations or, if needed, identify a new space that will continue to support PWB in its *Cryptosporidium* analysis work for approximately five to six more years in order to fulfill obligations under the Agreement.
7. The expected financial impact is estimated at \$1867/month which is already built into the budget for FY 22/23. Annual lease rental rate increases are estimated at 3% and shall be incorporated and budgeted into subsequent fiscal year budgets.

NOW, THEREFORE, the Council directs:

- A. The Chief Administrative Officer or designee is authorized to execute any relevant documents including, but not limited to, amendments and extensions necessary to lease property for Portland Water Bureau's *Cryptosporidium* genotyping project purposes. Subject to OMF strategically assessing availability of City-owned properties first and consistent with Section 1 findings, all documents will be reviewed by the Office of Management and Finance's Planning and Portfolio Management team for commercially acceptable terms and condition and approved as to form by the City Attorney prior to execution.

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
February 22, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

To support the regulatory requirement that *Cryptosporidium* samples be genotyped, the PWB has been leasing laboratory space since 2020 at 524 N. Tillamook St, adjacent to Interstate and WQL. PWB desires to continue leasing this optimal location to facilitate the timely processing of *Cryptosporidium* samples to be genotyped and as a molecular laboratory for extracting and amplifying *Cryptosporidium* DNA using polymerase chain reaction (PCR).

Financial and Budgetary Impacts

The expected financial impact is estimated at \$1867/month which is already built into the budget for FY 22/23. Annual lease rental rate increases are estimated at 3% and shall be incorporated and budgeted into subsequent fiscal year budgets.

Community Impacts and Community Involvement

Portland City Council directed the PWB in 2008 to seek a *Cryptosporidium* treatment variance for the purpose of benefiting the community and exploring options that did not require construction or associated costs. The Bull Run Treatment Variance was granted by OHA in 2012 but it was revoked in 2017 after exceeding the *Cryptosporidium* concentration threshold required to maintain the variance. The current proposed legislation supports the requirements of the Bilateral Compliance Agreement's interim measures and the community interest of public health protection.

100% Renewable Goal

Not applicable.

Agenda Items

137 Consent Agenda in [February 15, 2023 Council Agenda](#)

Passed to second reading

Passed to second reading February 22, 2023 at 9:30 a.m.

154 Consent Agenda in [February 22, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea