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191495

Emergency Ordinance

*Amend legal services agreement with Radler White Parks & Alexander, LLP, for outside legal counsel (amend Agreement No. 30006992)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City required the services of outside legal counsel to provide advice regarding the siting of the Portland Water Bureau's filtration plant in Multnomah and Clackamas Counties.
2. The law firm of Radler White Parks & Alexander, LLP, agreed to provide these services by Legal Services Agreement No. 30006992 dated August 12, 2019.
3. Additional services are required to complete the work. The City Attorney's Office and the Water Bureau recommend amending the agreement to increase compensation by \$750,000 for a not-to-exceed amount of \$1,750,000.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to extend Legal Service Agreement No. 30006992, Exhibit A, for an additional amount of \$750,000 and a not-to-exceed amount of \$1,750,000.
- B. If applicable, the provisions of City Code Chapter 5.68 are waived.
- C. The Mayor and the City Auditor are hereby authorized to draw and deliver checks payable to Radler White Parks & Alexander, LLP, when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because additional funds are needed to continue uninterrupted support of the ongoing land use process which is critical to filtration facility's compliance schedule, and necessary to continue timely payments under the

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Water](#)

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Requested Agenda Type

Consent


Date and Time Information

Requested Council Date

October 18, 2023

agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-656.51_KB_documents/2023/exhibit-a-amendment-no.-4.pdf\)](https://www.portland.gov/sites/default/files/council-656.51_KB_documents/2023/exhibit-a-amendment-no.-4.pdf)

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
October 18, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

The purpose of this legislation is to amend the legal services agreement with Radler White Parks & Alexander, LLP, for additional services required to support siting of the Portland Water Bureau's filtration plant in Multnomah and Clackamas Counties.

The Water Bureau is responsible for delivering the Bull Run Filtration Projects (Filtration). This will bring the City of Portland into compliance with federal safe drinking water regulations—the Long Term 2 Enhanced Surface Water Treatment Rule. The Water Bureau has a compliance agreement with the Oregon Health Authority that establishes September 30, 2027, as the compliance deadline for Filtration. The legal services agreement with Radler White Parks & Alexander provides ongoing legal counsel for Filtration.

On August 12, 2019, The City of Portland entered into Contract No. 30006992 with Radler White Parks & Alexander, LLP, for outside legal counsel to provide advice regarding the siting of the Portland Water Bureau's filtration plant in Multnomah and Clackamas Counties. The Original Contract amount was \$100,000. There have been four (4) amendments to the contract:

1. Amendment 1, dated November 11, 2021, extended the contract to August 12, 2023, and added \$100,000 to the contract for a total contract amount of \$200,000.
2. Amendment 2, dated July 13, 2022, extended the contract to August 12, 2029, and added \$800,000 to the contract for a total contract amount of \$1,000,000.
3. Amendment 3, in process, updates attorney hourly billing rates.

This legislation does not change any City policy.

No revenues will be impacted by this legislation.

Financial and Budgetary Impacts

- The amendment to this contract has no long-term financial impacts for the City.
- Funding for the Contract is available in the FY 23-24 Budget and will be requested in the FY 2024-25 Budget.

Community Impacts and Community Involvement

There are no new impacts to the community.

Since 2017, the Water Bureau has been working to keep the community informed and involved using multiple communication tools, including monthly e-newsletters, sharing project information in bill inserts and the annual water quality report, community meetings, engagement with interested parties, and sharing project videos through Portland Water Bureau's social media platforms.

The Water Bureau is considering the full spectrum of impacts to neighbors, indigenous peoples, underrepresented communities, low-income customers, and ratepayers.

100% Renewable Goal

This action does not affect the City's total energy use or renewable energy use.

Budget Office Financial Impact Analysis

This ordinance extends the duration of the contract and increases the amount by \$750k. The contract is being extended and increased because the project for which outside legal counsel was retained continues. The difference in funding for the contract is available in the bureau's budget for this year and next.

Agenda Items

879 Consent Agenda in [October 18, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/10/18)
(<https://www.portland.gov/council/agenda/2023/10/18>)

Passed

Agenda item 879 was pulled from the Consent Agenda for discussion.

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea