

# ORDINANCE No. 183489

\*Amend contract with Natural Resource Trustees to fund the Natural Resource Damage Assessment for the Portland Harbor Superfund investigation (Ordinance; amend Contract No. 52429)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council has designated the Bureau of Environmental Services (BES) as the City's lead representative for the Superfund program. BES is coordinating this work with multiple other City programs under the comprehensive framework of Portland's River Renaissance.
2. The City has a strong interest in ensuring that the Lower Willamette is restored to a condition that protects human health and the environment in a timely and cost-effective manner.
3. The purpose of the Funding and Participation Agreement is to ensure Natural Resource Trustee participation in identifying natural resource injury resulting from contamination at the Portland Harbor Superfund Site, and developing restoration opportunities. The Natural Resource Trustees include:
  - Department of the Interior
  - Oregon Department of Fish and Wildlife
  - National Oceanic and Atmospheric Administration
  - The Confederated Tribes of the Grand Ronde Community of Oregon
  - The Confederated Tribes of Siletz Indians of Oregon
  - The Confederated Tribes of the Umatilla Indian Reservation
  - The Confederated Tribes of the Warm Springs Reservation of Oregon
  - The Nez Perce Tribe
4. Potentially Responsible Parties funding the Portland Harbor Superfund investigation are responsible for funding natural resource trustee natural resource damage assessment (NRDA) activities. The City entered into the Funding and Participation Agreement in June 2003. The Agreement sets forth a process to establish funding for work beyond May 2004. Since July 2003, the City has contributed about \$1,261,000.
5. The Natural Resource Trustees have developed a scope of work and budget associated with developing an injury assessment plan, restoration approaches and evaluating and ranking natural resource restoration opportunities, and phase 1 injury assessment. The Trustees have estimated the budget for the scope of work to be about \$2.4 million. At this time, the City will continue funding in the amount of \$360,000, and the Trustees will look to other funding sources for the balance.
6. Funds are available in the Environmental Remediation Fund, FY 2009-10 Budget, Bureau of Environmental Services, Cost Center ESDR00004, Account No. 529000.

NOW, THEREFORE, the council directs:

- a. The Commissioner of Public Utilities and Auditor are authorized to execute an agreement amendment with the Portland Harbor Natural Resource Trustees for the purpose described in Section 1, in a form substantially in accordance with the attached Exhibit A, in the amount up to \$360,000.
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Environmental Remediation Fund Budget when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because: the NRDA process is a critical part of the Portland Harbor Superfund that needs to be implemented as expeditiously and effectively as possible. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,  
Amanda Fritz  
Commissioner of Public Utilities

JAN 27 2010

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By



Deputy

[Sara Gardner]  
[January 27, 2010]  
[ESDR00004, Acct 529000] - ord


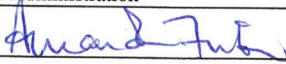
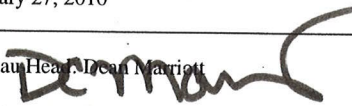
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**ORDINANCE NO.**  
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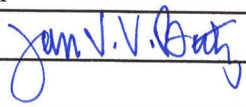
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<b>INTRODUCED BY</b>	CLERK USE: DATE FILED <u>JAN 22 2010</u>
Commissioner Fritz	LaVonne Griffin-Valade Auditor of the City of Portland  By:  Deputy  <b>ACTION TAKEN:</b>
<b>NOTED BY COMMISSIONER</b>	
Mayor—Finance and Administration	
Position 1—Utilities 	
Position 2—Works	
Position 3—Affairs	
Position 4—Safety	
<b>BUREAU APPROVAL</b>	
Bureau: Environmental Services	
Prepared by: Sara Gardner Date Prepared: December 14, 2009	
Financial Impact Statement <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required	
Portland Policy Document If "Yes," requires City Policy paragraph stated in document. <input type="checkbox"/> Yes <input type="checkbox"/> No	
Council Meeting Date January 27, 2010	
Bureau Head 	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
Consent <input checked="" type="checkbox"/>	Regular	1. Fritz	1. Fritz	✓	
NOTED BY		2. Fish	2. Fish	✓	
City Attorney		3. Saltzman	3. Saltzman	✓	
		4. Leonard	4. Leonard	✓	
		Adams	Adams	✓	