

# FINANCIAL IMPACT STATEMENT

183944

## For Council Action Items

(Use this form for Ordinances and Resolutions)

(Deliver original to Financial Planning Division. Retain copy.)

|   |   |   |
|---|---|---|
| 1. Name of Initiator<br>Sara Gardner/Rick Applegate | 2. Telephone Number<br>503-823-7025/503-823-7094  | 3. Bureau/Office/Dept.<br>BES/Office of<br>Director/Portland Harbor |
| 4a. To be filed (date)<br><br>June 23, 2010         | 4b. Calendar (Check One)<br>Regular Consent 4/5ths<br><br><input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> | 5. Date Submitted to FPD<br>Budget Analyst:                         |

**1) Legislation Title:** \*Amend Intergovernmental Agreement with the Institute for Tribal Government at Portland State University for services associated with the Portland Harbor Superfund Site (Ordinance; Amend Contract No. 36462)

**2) Purpose of the Proposed Legislation:** Ordinance authorizing the City to continue Intergovernmental Agreement with the Institute for Tribal Government (Institute) at Portland State University. The Institute provides services in support of the City's Government-to-Government relationship with Tribal Governments interested in the Portland Harbor Superfund site.

**3) Revenue:**

**Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated identify the source.**

This Ordinance will not generate or reduce current or future revenue coming to the City.

**4) Expense:**

**What are the costs to the City as a result of this legislation? Include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract include the local contribution or match required.**

The estimated cost for the first year of the agreement is \$30,000. Funds are available in the Environmental Remediation Fund, FY 2010-2011 Budget, Bureau of Environmental Services, Center Code [ESDR000004], Account No. 529000. The agreement can be renewed for an additional two years, for a cost not to exceed \$40,000 per year.

**5) Staffing Requirements:**

**a) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? If new positions are created include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term, indicate the end of the term.**

No positions will be created or eliminated as a result of this legislation

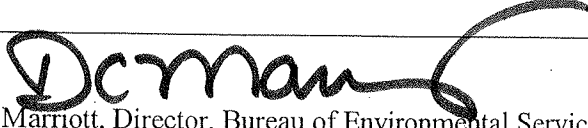
**b) Will positions be created or eliminated in future years as a result of this legislation?**

No positions will be created or eliminated as a result of this legislation

**6) Change in Appropriations: Budget changes for the current year must go through the BMP Process. This section may only be use with prior permission of your OMF analyst for exceptions.**

Reflect the dollar amount to be appropriated by this legislation. Include the appropriate center codes and accounts to be used by Central Accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.

| Fund          | Center Code | Account | Amount | Project Fund | Project No. |
|---------------|-------------|---------|--------|--------------|-------------|
| UNIT USE ONLY |             |         |        |              |             |
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*EM*   
Dean Marriott, Director, Bureau of Environmental Services  
APPROPRIATION UNIT HEAD (Typed name and signature)

City Council  
Agenda Item  
Staff Supplemental Report

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TO: Commissioner Amanda Fritz  
THROUGH: Patti Howard & Matt Grumm

FROM: Rick Applegate/Sara Gardner

DATE: June 7, 2010

RE: \*Amend Intergovernmental Agreement with the Institute for Tribal Government at Portland State University for services associated with Portland Harbor Superfund Site (Ordinance; Amend Contract No. 36462)

Requested Council Hearing Date: June 23, 2010

#### I. RECOMMENDATION

This is an emergency ordinance because continuing this important work will better position the City Superfund program to work proactively and cooperatively with the Six Tribal governments that are involved with Portland Harbor.

#### II. BACKGROUND

Six Tribal governments have an interest in the environmental cleanup and natural resource restoration opportunities in Portland Harbor. Tribal governments play an important role in this project as natural resource trustees, sovereign nations. Effective communication between these Tribal governments and the City of Portland will be critical to the City's efforts in keeping the Superfund cleanup moving and identifying and implementing opportunities for early restoration of natural resources.

The Institute for Tribal Government is at Portland State University. The Institute serves elected tribal governments from across the nation and also provides training to local, state and federal government agencies and others who are interested in learning more about tribal governments. Mr. Sampsel has strong working relationships with elected officials of the six Tribes interested in Portland Harbor. Given the initial progress Mr. Sampsel had already made on the City's behalf within the Tribal community, it is advantageous for the City to continue developing communication strategies and strengthening our Government-to-Government relationships.

#### III. FINANCIAL IMPACT

This amendment continues Contract No. 36462 in the amount of \$30,000. Funds are expected to be available in the FY 2011 budget in the amount of \$30,000 are available in the FY 2011

Portland Harbor Professional Services. Additional authorization of \$10,000 for the upcoming two years provides flexibility to meet project needs.

#### IV. LEGAL ISSUES

Throughout the Superfund investigation, the City will be assessing its potential liability for sediment contamination in the Portland Harbor. Potential liability for damages to natural resources will also need to be assessed. The legal aspects of liability assessment and management will be directed by the City Attorney's office, and the Contractor will be able to provide technical support for the City's legal analysis.

#### V. CONTROVERSIAL ISSUES

The City has a unique role in the Superfund project, as both a potentially responsible party and a member of the Lower Willamette Group, and a government entity charged with the public responsibility of protecting the river and its resources. The City desires to work in a government-to-government relationship with Tribal governments. This differs from the private parties in the LWG. Due to this unique relationship, the City will be developing relationships with the Tribes that will differ from the private LWG members.

#### VI. LINK TO CURRENT CITY POLICIES

Continuing appropriate communication with the six Tribes will aid the City's Superfund Program efforts to coordinate ongoing City restoration projects in the Lower Willamette with natural resource damage issues in the Portland Harbor. A strong Government-to-Government relationship developed on the Portland Harbor project will assess future involvement of Tribal governments in other key City-Wide programs such as River Renaissance. As an example, ongoing relationships with representatives of the Confederated Tribes of the Siletz Indians, The Confederated Tribes of the Grand Ronde Community, and the Columbia River Inter-Tribal Fish Commission have facilitated their involvement in the City's Watershed Science Advisory Group that is working with City staff to develop a City Wide Watershed Management Plan.

#### VII. CITIZEN PARTICIPATION

The Portland Harbor Community Advisory Group has expressed interest in learning more about Tribal Governments and their interests in the Cleanup, and the City will provide whatever assistance is needed to make this happen.

#### VIII. OTHER GOVERNMENT PARTICIPATION

The Tribes are part of the government team working on the Superfund site, and Tribal issues and concerns will be considered as the cleanup and restoration work continue. One of the key roles for the Bureau's Superfund program will be to inform the Tribes about the ongoing natural resource restoration efforts through the Watershed and ESA programs –and how these efforts can support natural resource restoration in Portland Harbor. This IGA will provide assistance to the City in identifying Tribal concerns and communicating how current City efforts can address these concerns.

IX. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? \_\_\_\_\_ WHAT IS THEIR BUSINESS LICENSE NUMBER? \_\_\_\_\_ IS THEIR ACCOUNT WITH THE CITY CURRENT? Yes IF NOT, HOW MUCH IS OWING? \_\_\_\_\_