

## ORDINANCE No. 184384

\*Authorize a Master Intergovernmental Agreement with the Oregon Department of Transportation to implement stormwater retrofits (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On March 8, 2006, the City Council adopted the 2005 Portland Watershed Management Plan, which describes actions necessary for improvement of watershed health in Portland. An important strategy within that Plan is stormwater management for both improved hydrologic function and stormwater quality. Site design and retrofits of existing development were identified as actions needed to reduce the amount of stormwater runoff and the pollutants that it might otherwise carry.
2. Most watersheds in the Portland area are water quality impaired and have Total Maximum Daily Loads (TMDLs) issued by the Oregon Department of Environmental Quality (DEQ) for temperature and a variety of urban stormwater pollutants. Many areas are also critical habitat for ESA-listed species, but those uses are affected by urban impacts and transportation corridor stormwater discharges.
3. On September 24, 2009, the Oregon Department of Transportation (ODOT) entered into an agreement with the Northwest Environmental Defense Center (NEDC) to settle NEDC's claims regarding ODOT's management of stormwater under its National Pollutant Discharge Elimination System (NPDES) permit. That agreement provided in part, for \$2.1 million in stormwater retrofits per year associated with ODOT's transportation related projects in urban areas of the Willamette River Watershed from FY2011 through FY2014.
4. Several project partnership opportunities have been identified between the City of Portland and ODOT for transportation related stormwater retrofits of common interest to improving watershed health conditions. To simplify the administration of those joint stormwater projects, a master intergovernmental agreement (IGA) between Portland and ODOT is needed to facilitate resource and fund sharing in implementation of the projects. A master IGA will provide general authorization of the method and types of projects covered, and project details will be covered later by individual work order agreements incorporated as addendums to the master IGA.
5. ODOT selects projects annually for their stormwater retrofit program from among applications received from various urban jurisdictions within the Willamette Valley. The ODOT project selection committee meets on January 12, 2011, to apply broad selection criteria based on ODOT's stormwater program objectives. Preliminary Portland projects submitted in collaboration with ODOT staff for that process are shown in Attachment 1.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services is authorized to execute a master intergovernmental agreement (IGA) with ODOT for the purpose described in Section 1, for mutual support with ODOT to plan, design, construct, establish, and maintain stormwater retrofit projects, generally in the form and substance of the agreement as shown in Attachment "A".
- b. Specific work under the IGA will be by work order agreements as determined by mutual consent of ODOT and the Bureau of Environmental Services, and incorporated as amendments to the IGA. The Director of the Bureau of Environmental Services is authorized to execute amendments to the IGA, including work order agreements, provided that BES's cumulative contribution under the IGA does not exceed ODOT'S maximum contribution of \$4,000,000.
- c. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget, as needed for completion of each project as defined by work order agreements, when demand is presented and approved by the proper authority.
- d. The The Mayor and Auditor are hereby authorized to receive funds creditable to the Sewer System Operating Fund Budget, as needed for completion of each project, as defined by work order agreement when received and approved by the proper authority.

Section 2. The Council declares that an emergency exists because significant implementation delays have occurred while the project selection process was developed and project submittals were drafted. When ODOT's selection occurs on January 12, 2011 and authorization to proceed is given to draft work order agreements, the first year of the program will already be half over. The most immediate projects under the master IGA, tree planting and invasives removal/revegetation, are seasonally dependent and best done in January and February. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,  
Dan Saltzman  
Commissioner of Public Affairs

JAN 26 2011

Dave Kliewer  
January 10, 2011

ESWS000002, ESWS000006, ESWS000007, ESWS000008,  
ESWS000009, ESWS000010, ESWS000011: 529000- ord

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By



Deputy

Agenda No. **184384**  
**ORDINANCE NO.**  
 Title

\* Authorize a Master Intergovernmental Agreement with the Oregon Department of Transportation to implement stormwater retrofits (Ordinance)

<p><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <i>Saltzman</i></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Dan Saltzman</i></p> <p>Position 4/Safety - Leonard</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Environmental Services                  Bureau Head: <i>DeMan</i></p> <p>Prepared by: Dave Kliever                  Date Prepared: January 10, 2011</p> <p>Financial Impact Statement                  Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>                  Not Required <input type="checkbox"/></p> <p>Portland Policy Document                  If "Yes" requires City Policy paragraph stated in document.                  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date                  January 26, 2011</p> <p><b>City Attorney Approval</b></p>	<p>CLERK USE: DATE FILED <u>JAN 21 2011</u></p> <p>LaVonne Griffin-Valade                  Auditor of the City of Portland</p> <p>By: <i>[Signature]</i>                  Deputy</p> <p><b>ACTION TAKEN:</b></p>
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**AGENDA**

**TIME CERTAIN**  1 of 2  
 Start time: 9:30

**Total amount of time needed: 20 minutes**  
 (for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
 Total amount of time needed: \_\_\_\_\_  
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	