

ORDINANCE No. 185061

*Approve an Intergovernmental Agreement with the Metro Regional Government to receive \$150,000 for Portland Brownfield Redevelopment Assessment as part of the Construction Excise Tax Planning Grant Program (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

1. The Portland City Council shares the Metro Council's goals for smart planning that readies land for development, removes barriers to private investment in development, and improves the livability of the region.
2. The Portland City Council is supportive of the recent extension of the Metro Construction Excise Tax (CET) program, and the allocation of funds to planning activities for areas inside the Urban Growth Boundary.
3. In January 2010, the City submitted seven grant applications to Metro for consideration and the Portland Brownfield Redevelopment Assessment was selected for funding. The City of Portland proposed matching funds in the amount of \$50,448 by the Bureau of Planning and Sustainability in the form of salary, benefits, and materials and services.
4. The Metro CET is the subject of a legal challenge filed in Oregon; the Oregon Circuit Court heard *Homebuilders Association of Metropolitan Portland, Eastview Development Inc., and Matrix Development Corp. dba Legend Homes v Metro*, Case No. 0908-11067 and the plaintiffs' lawsuit against Metro was dismissed; however plaintiffs have appealed that dismissal to the Court of Appeals, Appeal No. A146059, which is currently pending.
5. In recognition of the importance of the City leading the economic planning effort for Portland Brownfield Redevelopment Assessment, Metro and the City proposed to equally share the risk of a successful appeal as described in Exhibit A.

NOW, THEREFORE, the Council directs:

- a. The Mayor is authorized to sign a Construction Excise Tax Grant intergovernmental agreement with Metro in the amount of \$150,000, to fund assessment of brownfield redevelopment opportunities, in a form substantially similar to Exhibit A attached to this Ordinance, meeting the approval as to form of the City Attorney's Office.
- b. The FY 2010/2011 budget is hereby amended as follows:

GRANTS FUND
Fund 217
Business Area – PN00
Bureau Program Expenses - \$150,000

- c. The Office of Management & Finance Grants Office is authorized to perform all administrative matters in relation to the grant application, grant agreement or amendments, requests for reimbursement from the grantor, and to submit required online grant documents on the Mayor's behalf.
- d. The Director of the Bureau of Planning and Sustainability is authorized to accept on behalf of the City of Portland any subsequent modifications by Metro for Central Excise Tax Planning grant for Portland Brownfield Redevelopment Assessment provided such modifications do not increase the City of Portland's financial obligation or risk. Any modifications that increase the City of Portland's financial obligation or risk must be authorized by the Portland City Council.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the grant. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

DEC 14 2011

Mayor Sam Adams

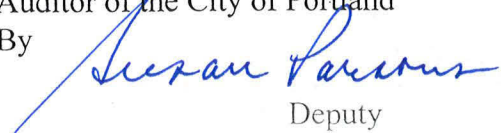
Prepared by: Tyler Bump

Date Prepared: Dec. 7, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

1352

✓140

180081

Agenda No.
ORDINANCE NO. 185061
Title

*Approve an intergovernmental agreement with the Metro Regional Government to receive \$150,000 for Portland Brownfield Redevelopment Assessment as part of the Construction Excise Tax-Planning Grant Program (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>DEC 09 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson Prepared by: Tyler Bump Date Prepared: Nov. 18, 2011 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input checked="" type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date December 14, 2011	
City Attorney Approval: required for contract, code, easement, franchise, coop plan, charter <u>[Signature]</u>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> 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	✓	