

Portland, Oregon
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
 For Council Action Items**

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

1. Name of Initiator T. Klutz	2. Telephone No. 823-7503	3. Bureau/Office/Dept. Water/Business Operations Group
4a. To be filed (date): April 26, 2012	4b. Calendar (Check One) Regular Consent 4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	5. Date Submitted to Commissioner's office and FPD Budget Analyst: April 26, 2012
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed

1) Legislation Title:

Amend Code to clarify duties and responsibilities of the Water Bureau Administrator and ratify existing lease agreements (Ordinance; amend City Code Title 21, Chapter 21.12 Water Services)

2) Purpose of the Proposed Legislation:

Amend City Code Chapter 21.12.330, to identify and clarify the authorities of the Chief Engineer and Bureau Administrator over the approval of agreements for leases and licenses relating to the Water Bureau's interests and obligations in real property.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|-----------------------------------------------------------------------|------------------------------------|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |
| <input checked="" type="checkbox"/> Internal City Government Services | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

No effect on incoming revenue is foreseen. The proposed legislation will result in more efficient management of Water Bureau real property leases and licenses.

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)*

No costs to the City are foreseen. The legislation clarifies existing roles and activities.
 No funding source is necessary to implement the proposed legislation.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*
 No positions will be created, eliminated or re-classified as a result of this legislation.

- **Will positions be created or eliminated in future years as a result of this legislation?**
 No positions will be created, eliminated in future years as a result of this legislation.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES:** Please proceed to Question #9.
 NO: Please, explain why below; and proceed to Question #10.

A review of the assessment questions for the "City of Portland Public Involvement Assessment Tool" does not indicate a need for public involvement. The proposed legislation modifies existing City Code language to clarify an existing internal procedure, which has no public involvement component. The results of the proposed legislation will result in more efficient management of the Water Bureau's real property leases and licenses.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

c) How did public involvement shape the outcome of this Council item?

d) Who designed and implemented the public involvement related to this Council item?

e) Primary contact for more information on this public involvement process (name, title, phone, email):

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No future public involvement is anticipated or necessary as the proposed changes relate to internal City operations.

David G. Shaff, Administrator



BUREAU DIRECTOR (Typed name and signature)

EXHIBIT A

City Code Title 21 is amended as follows:

1. Amend Subsection 21.12.330 to Add Article C as follows:

C. Lease and License Agreements: The Administrator may approve, accept, and amend on behalf of the City Council, leases, licenses, permits, or other similar agreements for use by others of Water Bureau property upon such terms and conditions as the Administrator deems to be in the best interest of the City and when approved as to form by the City Attorney.

EXHIBIT B
EXISTING PWB LEASE AGREEMENTS

FACILITY / LOCATION	LESSEE / TENANT	DOCUMENT TYPE & DATE
NE 105th & Fremont Site	AT&T Wireless	Lease (1997); Lease Amendment 1 & Memorandum of Lease (2009)
Alfred Site	AT&T Wireless	Lease Amendment 1 & Memorandum of Lease (2009)
Arrowood Site	AT&T Wireless	Lease Amendment 2 (1990); Lease Amendment 3 (2008); Lease Amendment 4 & Memorandum of Lease (2009)
Arrowood Site	T-Mobile	Lease (2001)
Collins View Site	Clearwire	Lease (2008)
Patton Site	AT&T Wireless	Lease Amendment 1 (2007); Lease Termination/Rental (2008)
Patton Site	Cricket	Lease & Memorandum of Lease (2006); Lease Termination/Rental (2008)
Patton Site	Sprint	Lease Termination/Rental (2008)
Patton Site	Verizon	Lease Termination/Rental (2008)
Rivergate Site	AT&T Wireless	Lease (2008); Lease Amendment 1 (2009)
Rose Parkway Site	AT&T Wireless	Lease Amendment 1 & "Memorandum of Lease" (2009)
Rose Parkway Site	Cricket	Lease & Memorandum of Lease (2006)
Rose Parkway Site	Sprint	Lease Amendment 1 (2008)
Salmon St. Site	Sprint	Lease (2001); Lease Amendment 1 (2008)
St. Johns Site	Clearwire	Lease (2008)
St. Johns Site	Cricket	Lease (2007)
Vernon Site	AT&T Wireless	Lease Amendment 1 (2009)
Vernon Site	Clearwire	Lease (2008); Lease Amendment 1 (2010)
Vernon Site	Maritime Fire & Safety Assoc.	Lease (2007)
Vernon Site	Sprint	Lease (2001); Lease Amendment 1 (2008)
Vernon Site	T-Mobile	Lease (2003)
Vernon Site	Verizon	Lease Amendment 1 (2010)

ORDINANCE No.

Clarify duties and responsibilities of the Water Bureau Administrator and ratify existing lease agreements (Ordinance; amend Code, Chapter 21.12)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Water Bureau owns and manages facilities used to supply water to the City. The Water Bureau has entered into lease or license agreements when doing so provides a benefit to the City.
2. City Charter Chapter 11 Special Services, Article 1 Water Works, Section 11-102 Administration states the Council may rent or lease equipment or facilities to or from others, and may sell or otherwise dispose of City property, facilities, supplies or equipment, as it finds convenient.
3. Ordinance No. 182053, passed by the Council on July 16, 2008, added City Code 21.12.330 (A) which authorizes the Chief Engineer to approve, accept and amend on behalf of the City Council easements, permits, rights-of-way, former rights-of-way and related documents needed for the construction and management of the water system of the City of Portland.
4. Ordinance No. 182053 also added City Code 21.12.330 (B) which authorizes the Chief Engineer and the Administrator to approve, accept and amend on behalf of the City Council contracts and related documents for real property interests, excluding easements, needed for the construction and management of the water system of the City of Portland.
5. Additional language is needed to clarify City Code 21.12.330 and identify the responsibilities and authority of the Water Bureau Administrator to include signing authority for non-water purposes and as a lessor.
6. The Water Bureau has existing lease agreements as described in Exhibit B which need to be ratified by City Council concurrent with the passage of this Ordinance.

NOW, THEREFORE, the Council directs:

- a. Amend City Code Title 21, Chapter 21.12 Water Services as set forth in Exhibit A of this Ordinance to clarify the responsibilities and authority of the Water Bureau Administrator to approve, accept, and amend on behalf of the City Council, leases, licenses, permits, or other similar agreements for use by others of Water Bureau property upon such terms and conditions as the Administrator deems to be in the best interest of the City and when approved as to form by the City Attorney.

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- b. The Water Bureau will report on all leases in accordance with the requirements of the Accounting Division of the Bureau of Financial Services of the Office of Management and Finance.
 - c. Prior to entering into any lease or other arrangement allowing the placement of private telecommunications equipment on Water Bureau facilities, the Water Bureau shall consult with the Office for Community Technology.
 - d. The lease agreements as described in Exhibit B are ratified by the City Council upon passage of this Ordinance.

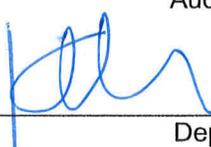
Passed by the Council,

Commissioner Leonard
Thomas Klutz
April 11, 2012

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

Agenda No.
ORDINANCE NO.
Title

Amend Code to clarify duties and responsibilities of the Water Bureau Administrator and ratify existing lease agreements (Ordinance; amend City Code Title 21, Chapter 21.12 Water Services)

<p>INTRODUCED BY Commissioner/Auditor: Leonard</p>	<p>CLERK USE: DATE FILED <u>APR 27 2012</u></p>
<p>COMMISSIONER APPROVAL</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</p> <p><i>Early Leonard / Council Clerk</i> Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Water Bureau Head: David Shaff <i>DeShaff 04.20.2012</i></p> <p>Prepared by: T. Klutz Date Prepared: April 11, 2012</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 May 2, 2012</p>	<p>ACTION TAKEN:</p> <p>MAY 02 2012 REFERRED TO COMMISSIONER OF PUBLIC SAFETY</p>
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>CP</i></p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT *Pulled*

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	