

ORDINANCE No. 185346

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 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. Amending City Code 21.12.330 to provide the Administrator of the Portland Water Bureau with the authority to lease or license equipment or facilities to others, when consistent with the City Charter and in the City's best interest, provides the Water Bureau and City Council with the most efficient way to establish and perform agreements for leases and licenses.
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.

- 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, MAY 23 2012

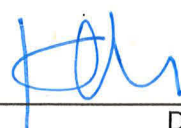
Commissioner Leonard
Thomas Klutz
May 2, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Gayla Jennings*
Deputy

Agenda No.
ORDINANCE NO. 185346
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Leonard</p>	<p>CLERK USE: DATE FILED <u>MAY 11 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>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</p> <p>Prepared by: T. Klutz Date Prepared: May 2, 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 16, 2012</p>	<p>ACTION TAKEN:</p> <p>MAY 16 2012 PASSED TO SECOND READING MAY 23 2012 9:30 A.M.</p>
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	

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

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