

# ORDINANCE No. 186019

\*Authorize a no-cost Permit and Right of Entry agreement with the Port of Portland to grant city staff access to three Port sites (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Area Watershed Monitoring and Assessment Program (PAWMAP) randomly selects sites to conduct field work to quantitatively assess and survey water quality, biological communities, Macroinvertebrates, avian, physical habitat, and fish within Portland's watersheds.
2. The monitoring work directly implements the Portland Watershed Management Plan and supports compliance with state and federal regulations including the Clean Water Act, Endangered Species Act and Portland Harbor cleanup.
3. Three randomly selected sites fall on Port of Portland property and require a *Permit and Right Of Entry* agreement between the City of Portland and the Port of Portland. An indemnification requirement in the agreement requires authorization from City Council before the Director of BES can execute the Right of Entry.
4. Shown in the attached Exhibit 1, the no-cost Agreement grants city staff access to three sites on Port property for the purpose of collecting data and conducting an array of habitat assessments to support the watershed monitoring program.

NOW, THEREFORE, the Council directs:

- a. The Commissioner in charge is authorized to execute an agreement with the Port of Portland for access for the purposes of collecting data and conducting an array of habitat assessments at specific sites located on Port property in a form substantially in accordance with the agreement attached as Exhibit 1, for the purpose described in Section 1

Section 2. The Council declares that an emergency exists because timely execution of the Agreement is required to authorize current work and avoid gaps or delays in data collection. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,  
Charlie Hales  
Office of the Mayor

MAY 15 2013

Ronda Fast  
4/25/13

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

By



Deputy

Agenda No. **186019**  
**ORDINANCE NO.**  
 Title

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<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <u>Mayor Charlie Hales</u></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau:</p> <p>Bureau Head: <u>Dorman</u></p> <p>Prepared by:</p> <p>Date Prepared:</p> <p>Financial Impact &amp; 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  <u>5/15/13</u></p> <p><b>City Attorney Approval:</b> <u>EPS</u>          required for contract, code, easement, franchise, comp plan, charter</p>	<p>CLERK USE: DATE FILED <u>MAY 10 2013</u></p> <p style="text-align: right;">LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	