

# ORDINANCE No. 186810

\* Authorize the Mayor to enter into a Funding and Participation Agreement with the Portland Harbor Natural Resource Trustees to pursue settlement of natural resource damages.

The City of Portland ordains:

Section 1. The Council finds:

1. The City has participated in the funding of a Natural Resource Damage Assessment Plan by the Portland Harbor Natural Resource Trustee Council (Trustees).
2. The Trustees have determined that parties participating in funding the Assessment Plan may enter into negotiations with the Trustees to resolve their natural resource damages liability before a Record of Decision is issued for the Portland Harbor Superfund Site. In order to enter into settlement discussions, the City must execute a Funding and Participation Agreement to fund the Trustees' review of materials submitted by the City to establish the City's liability.
3. It is in the best interests of the City to enter into the Funding and Participation Agreement and to reach an early settlement with the Trustees.
4. Funds to support this effort are available in the General Fund.

NOW, THEREFORE, the Council directs:

- a. It is in the interest of the City to enter into the attached Funding and Participation Agreement in a form substantially in accordance with Exhibit A so that the Trustees' review the City's materials and subsequent settlement discussions can proceed.
- b. The Mayor is authorized to enter into the Funding and Participation Agreement on behalf of the City and to enter into any amendments thereto, and; the Mayor and Auditor are hereby authorized to draw and deliver warrants up to a total of \$400,000 chargeable to the General Fund when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because the Funding and Participation Agreement must be signed in order to begin the early settlement process; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: OCT 01 2014

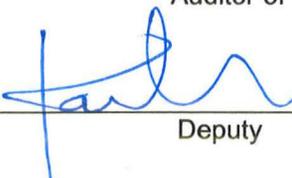
Mayor Charlie Hales  
Prepared by:

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

By:   
Deputy

Agenda No.  
**ORDINANCE NO. 186810**  
 Title

\* Authorize the Mayor to enter into a Funding and Participation Agreement with the Portland Harbor Natural Resource Trustees to pursue settlement of natural resource damages. (Ordinance)  
*relating to the Superfund site*

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| <p><b>INTRODUCED BY</b><br/>                 Commissioner/Auditor:<br/> <b>Mayor Charlie Hales</b></p>   | <p>CLERK USE: DATE FILED <u>SEP 12 2014</u></p>   |
| <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales <i>JAH</i></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 style="text-align: center;">LaVonne Griffin-Valade<br/>                 Auditor of the City of Portland</p> <p>By: <br/>                 Deputy</p> |
| <p><b>BUREAU APPROVAL</b><br/>                 Bureau: Mayor's Office</p>  | <p><b>ACTION TAKEN:</b></p> <p style="text-align: center;">SEP 17 2014 RESCHEDULED TO OCT 1 2014 9:30 AM</p>  |
| <p>Prepared by: Rachael Wiggins<br/>                 Date Prepared: 9/8/2014</p>   |   |
| <p>Financial Impact &amp; Public Involvement Statement<br/>                 Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>   |   |
| <p>Portland Policy Document<br/>                 If "Yes" requires City Policy paragraph stated in document.<br/>                 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>                                |   |
| <p><b>City Auditor Office Approval:</b><br/>                 required for Code Ordinances</p>  |   |
| <p><b>City Attorney Approval:</b><br/>                 required for contract, code, easement, franchise, comp plan, charter</p>  |   |
| <p>Council Meeting Date <b>9/17/2014</b></p>   |   |

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