

ORDINANCE No. 186839

Amend Bull Run Watershed Protection Code to include the U.S. Department of Interior Bureau of Land Management as a managing partner, to update enforcement provisions and adopt an updated map of the Bull Run Watershed Closure Area (Ordinance; amend Code Sections 21.36.010-21.36.040)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bull Run watershed, located within the Bull Run Watershed Management Unit, (BRWMU) is the primary water supply for approximately 935,000 persons in the Portland metropolitan area and is closed to public entry.
2. The Portland Water Bureau shares management responsibilities for protection and stewardship of the BRWMU with the U.S. Department of Agriculture Forest Service (Forest Service) and the U.S. Department of Interior Bureau of Land Management (BLM).
3. In 2010, the City Council adopted Ordinance No. 183540 that established the boundaries of the Bull Run Watershed Closure Area (Closure Area), which included City and Forest Service lands within the BRWMU and City lands adjacent to the western edge of the BRWMU.
4. The Portland Water Bureau has an existing Intergovernmental Agreement with the Forest Service to share enforcement authority for the public closure on Forest Service lands within the Closure Area.
5. In 2010, BLM lands were not included in the Closure Area because the agency had not yet formally closed its lands within the BRWMU to public entry; however, in 2011, BLM adopted an administrative Closure Order that formally closed these lands.
6. In 2013, the Portland Water Bureau and BLM entered into an Intergovernmental Agreement to share enforcement authority for the public closure of BLM lands within the Closure Area.
7. Ordinance No. 183540 was passed pursuant to the authority granted in ORS 448.295 to ORS 448.325. When the City Code was passed in 2010, the penalty listed in ORS 448.305 (3) was an unclassified misdemeanor, which carried with it a \$100 fine and or up to 30 days in jail. In 2011, the penalty for violation of an ordinance passed pursuant to the authority granted under ORS 448.295 to ORS 448.325 was changed by the Oregon State Legislature from an unclassified misdemeanor to a Class C misdemeanor, which carries with it a \$1250 fine and or up to 30 days in jail.
8. Under City Code Section 21.24.090, the Administrator has authority to pursue enforcement of any violation of City Code Sections 21.36.020 or 21.36.030.

9. The BRWMU includes lands from three counties, including Multnomah, Clackamas, and Hood River Counties. City Code Section 21.36.040, which authorizes enforcement of the Closure Area, named Multnomah County as the only court of jurisdiction for crimes committed in the BRWMU, regardless of the county in which the crime takes place. The proposed code changes correctly assign court jurisdiction for enforcement of trespass and other closure violations to the county in which the crime occurs.
10. There is no financial impact of the proposed Council action as this amendment is to update City Code to include the BLM as a managing partner, to update the enforcement provisions, and to incorporate BLM lands into an updated map of the Closure Area.

NOW, THEREFORE, the Council directs:

- a. City Code, Sections 21.36.010, 21.36.020, 21.36.030, and 21.36.040 are amended to include the BLM as a managing partner for the Bull Run Watershed Closure Area, to update enforcement provisions, and to incorporate BLM lands into an updated map of the Bull Run Watershed Closure area in accordance with Exhibit A.

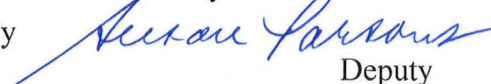
Passed by the Council:

OCT 08 2014

Commissioner Fish
Edward Campbell
August 20, 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

Agenda No. **ORDINANCE NO. 186839**

Bull Run Watershed Protection Title

Amend City Code Sections 21.36.010-21.36.040 to include the U.S. Department of Interior Bureau of Land Management as a management partner, update enforcement provisions, and adopt an updated map of the Bull Run Watershed Closure Area (Ordinance; amend Code Sections 21.36.010, 21.36.020, 21.36.030, 21.36.040)

<p>INTRODUCED BY Commissioner/Auditor: Commissioner Nick Fish</p>	<p>CLERK USE: DATE FILED <u>SEP 26 2014</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>N.F.</i></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Water <i>FOR</i></p> <p>Bureau Head: David G. Shaff <i>[Signature]</i></p> <p>Prepared by: Edward Campbell Date Prepared: August 20, 2014</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <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 October 1, 2014</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>OK</i></p>	
<p>ACTION TAKEN: OCT 01 2014 PASSED TO SECOND READING OCT 08 2014 9:30 A.M.</p>	

V-Tom

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 type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 10 min. (for presentation, testimony and discussion)</p>

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