

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

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

1. Name of Initiator Edward Campbell		2. Telephone No. (503) 823-2794	3. Bureau/Office/Dept. Water / Resource Protection and Planning /
4a. To be filed (date): September 25, 2014	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO Budget Analyst: September 17, 2014
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 City Code Sections 21.36.010-21.36.040 to include the U.S. Department of Interior Bureau of Land Management as a managing 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)

2) Purpose of the Proposed Legislation:

The purpose of this action is to provide administrative updates to City Code Sections 21.36.010, 21.36.020, 21.36.030, and 21.36.040 concerning protections for the Bull Run watershed. The proposed action will add the U.S. Department of Interior Bureau of Land Management (BLM) as a managing partner of the Bull Run Watershed Management Unit (BRWMU) along with Water Bureau and the U.S. Forest Service (Forest Service), update enforcement provisions to be consistent with the authorities granted under both Oregon Revised Statutes (ORS) and City Code, and adopt an updated map of the Bull Run Watershed Closure Area (Closure Area) that includes BLM lands that are now formally closed to public access.

In February 2010, the City Council adopted Ordinance No. 183540 that established the boundaries of the Closure Area, including City and Forest Service lands. The land belonging to the BLM within the BRWMU was not included in the Closure Area because it had not yet formally closed its lands to public entry. In 2011, BLM adopted an administrative order in relation to the Closure Area that formally closed its Bull Run lands to public entry. A 2013 Intergovernmental Agreement between the City and BLM now grants the City shared enforcement authority with BLM on BLM lands in the Closure Area.

Ordinance No. 183540 was passed by the Portland City Council in 2010 pursuant to the authority granted in ORS 448.295 to ORS 448.325. At the time, the penalty for violation 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. The penalty for violation of an ordinance passed pursuant to the authority granted in ORS 448.295-448.325 was changed in 2011 by the Oregon State Legislature from an unclassified misdemeanor to a Class C misdemeanor. A Class C misdemeanor carries with it a \$1250 fine and or up to 30 days in jail. The 2010 City Code was written to explicitly list the \$100 fine and 30 days in jail associated with an unclassified misdemeanor. This proposed City code change aligns

the City Code with the updated penalty listed under ORS 448.305 (3) and keeps the City Code consistent with the ORS into the future.

Additionally, the code is amended to provide the Water Bureau Administrator authority to pursue enforcement of any violations of City Code Sections 21.36.020 or 21.36.030 pursuant to the authority found in City Code Section 21.24.090. This code change enables the Water Bureau Administrator to levy a civil fine for violations of the aforementioned City Code sections and is one more tool designed to keep the watershed safe from unauthorized entry.

City Code Section 21.36.040 is also amended to correctly assign court jurisdiction for enforcement actions to the county in which the violation occurs. The code previously named only Multnomah County, but is now amended to include Clackamas and Hood River Counties, both of which include part of the BRWMU.

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 checked="" 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 | | | |

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.

5) Expense: What are the costs to the City as a result of 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 year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. 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.)**

The proposed City Code amendment will have no financial impact.

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.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No.

(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.

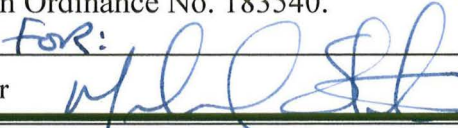


This city code change enacts administrative updates to the commitments made in Ordinance No. 183540, which had a full public process.

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 this item enacts administrative updates to the commitments made in Ordinance No. 183540.

FOR: 
 David G. Shaff, Administrator  Acting Administrator
 APPROPRIATION UNIT HEAD (Typed name and signature)  MICHAEL STUHR