

48098

RESOLUTION No. 37099

Authorize the City to intervene in the matter of The United States of America v. Linnton Plywood Association, U.S. District Court Case No. 3:14-1772, pending in the United States District Court for the District of Oregon. *(Resolution)*

WHEREAS, the United States Environmental Protection Agency has filed a complaint and proposed consent decree in the United States District Court that would resolve the Linnton Plywood Association's federal liabilities for the Portland Harbor Superfund site;

WHEREAS, the City and other entities that have conducted the remedial investigation and feasibility study in the Portland Harbor Superfund site have claims against Linnton Plywood that are not recognized in the proposed consent decree;

WHEREAS, acceptance by the Court of the consent decree would significantly limit the City's ability to pursue those claims;

WHEREAS, the proposed consent decree may serve as a precedent for future settlements of liabilities for the Portland Harbor Superfund; and

WHEREAS, the City Attorney believes that there is good and legally sufficient cause to initiate litigation;

NOW, THEREFORE, be it resolved by the City Council of the City of Portland that the City Attorney is authorized to take whatever action is necessary to resolve this matter.

Adopted by the Council: **DEC 11 2014**

Commissioner Mayor Charlie Hales
Prepared by: Nanci Klinger, Sr. Deputy City Attorney
Date Prepared: December 4, 2014

LaVonne Griffin-Valade

Auditor of the City of Portland

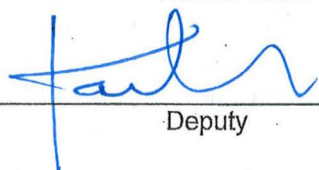
By



Deputy

Agenda No.
RESOLUTION NO. 37099
Title

Authorize the City to intervene in a proceeding in the matter of The United States of America v. Linnton Plywood Association, U.S. District Court Case No. 3:14-1772, pending in the United States District Court for the District of Oregon. (Resolution)

INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>DEC 05 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By:  Deputy
Position 2/Works - Fish	ACTION TAKEN:
Position 3/Affairs - Saltzman	DEC 10 2014 RESCHEDULED TO DEC 10 2014 AT 2PM
Position 4/Safety - Novick	DEC 10 2014 RESCHEDULED TO DEC 11 2014 AT 2PM
BUREAU APPROVAL Bureau: City Attorney's Office Bureau Head: Tracy P. Reeve	
Prepared by: Nanci Klinger Date Prepared: December 4, 2014	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date 12/10/14	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____
Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 15 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	