

## ORDINANCE NO. 187621

Amend the Regional Water Sales Agreements with Tualatin Valley Water District and the City of Tualatin regarding the purchase of interruptible water during the summer (Ordinance; amend Contract No. 52668 and Contract No. 52669)

The City of Portland ordains:

Section 1. The Council finds:

1. The City entered into Regional Water Sales Agreements (Agreements) in 2006 with the Tualatin Valley Water District (TVWD) and the City of Tualatin (Tualatin) under which the City provides a firm supply of potable water on an annual basis for the life of the Agreements.
2. The Agreements also provide that TVWD and Tualatin may purchase interruptible water in the winter or summer at reduced rates, but on a non-firm basis.
3. The City, on the one hand, and TVWD and Tualatin, on the other, differently interpret the Agreements' terms on purchase and accounting for interruptible water and have engaged in dispute resolution concerning those differences as provided by the Agreements.
4. The parties have now resolved their differences and wish to memorialize their resolution by amending the Agreements.

NOW, THEREFORE, the Council directs:

- a. The Commissioner-in-Charge of the Water Bureau and Mayor are authorized to execute amendments to the Regional Water Sales Agreements substantially in accordance with the forms attached hereto as Attachment A and Attachment B.
- b. The Commissioner-in-Charge is authorized to take all action and give all notices allowed to the City under all Regional Water Sales Agreements with all wholesale customers.
- c. The Commissioner-in-Charge and the Mayor, pursuant to their powers under Portland City Code 21.28.020, may hereafter amend any Regional Water Sales Agreements.

Passed by the Council, MAR 09 2016

Commissioner Nick Fish  
Michael Stuhr  
February 11, 2016

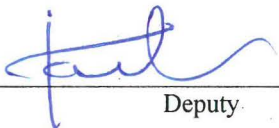
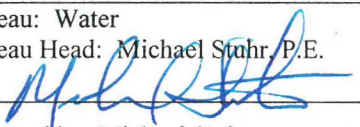

**Mary Hull Caballero**  
Auditor of the City of Portland

By  Deputy

197 234 ---  
Agenda No.  
**ORDINANCE NO. 187621**  
Title

Amend the Regional Water Sales Agreements with Tualatin Valley Water District and the City of Tualatin,  
(Ordinance; amend Contract No. 52668 and Contract No. 52669)

*regarding the purchase of interruptible water during the summer*

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Nick Fish</b>	CLERK USE: DATE FILED <b>FEB 23 2016</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland  By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: Water Bureau Head: Michael Stuhr, P.E.  Prepared by: Michael Stuhr Date Prepared: February 11, 2016  Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>  Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  Council Meeting Date <b>March 2, 2016</b>  City Attorney Approval:  required for contract, code, easement, franchise, comp plan, charter	ACTION TAKEN: <b>MAR 02 2016 PASSED TO SECOND READING MAR 09 2016 9:30 A.M.</b>

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/> <i>Pulled</i>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (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"/>	
5. Hales	5. Hales	<input checked="" type="checkbox"/>	