

ORDINANCE NO. 187680

Authorize a Cost Recovery Agreement for \$24,237 to fund an environmental analysis to renew an easement with the U.S. Forest Service for continued operation of Water Bureau facilities at Bull Run Lake (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Water Bureau has operated water storage facilities at Bull Run Lake under U.S. Forest Service special use authorization since 1921. On June 25, 1997, City Council through Ordinance No. 171321 approved a 20-year easement for continued operation of Water Bureau facilities at Bull Run Lake.
2. The easement identifies the water supply from Bull Run Lake as a contingency supply and expires in 2017. Per the terms of the easement the Water Bureau must renew the easement upon expiration in order to continue use of its water storage facilities at the lake. The Water Bureau is negotiating an updated 30-year easement with the U.S. Forest Service for operation of water facilities at Bull Run Lake.
3. The U.S. Forest Service's process to renew an easement includes a new National Environmental Policy Act (NEPA) analysis of potential environmental impacts to Bull Run Lake. The NEPA that informed the current easement was completed in 1995.
4. The Water Bureau seeks to enter into a Cost Recovery Agreement with the U.S. Forest Service to fund the NEPA analysis required by the U.S. Forest Service to renew the Bull Run Lake easement.
5. This agreement will fund an updated NEPA analysis that is required by the U.S. Forest Service in order to renew the Bull Run Lake easement. Pending completion of the NEPA analysis and a successful update of the easement, the Water Bureau plans to return to Council in the future with a separate ordinance to authorize the renewed easement.
6. Funds will be distributed to the U.S. Forest Service in the total amount of \$24,237. Funding is available in the FY 2015-16 Budget and will be requested in the FY 2016-17 Budget.

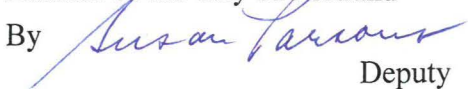
NOW, THEREFORE, the Council directs:

- a. That Portland Water Bureau Administrator is authorized to execute on behalf of the City a Cost Recovery Agreement with the U.S. Forest Service in the amount of \$24,237 generally in accordance with the Cost Recovery Agreement attached as Exhibit A.

- b. That the Portland Water Bureau Administrator is authorized to amend on behalf of the City the said agreement with such changes deemed to be appropriate in individual circumstances as approved by the City Attorney's Office and not exceeding twenty-five percent of the total compensation of the Cost Recovery Agreement.
- c. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Passed by the Council, APR 13 2016

Commissioner Nick Fish
Liane Davis
February 9, 2016

Mary Hull Caballero
Auditor of the City of Portland
By  Deputy

332 367

✓140

Agenda No.
ORDINANCE NO. 187680
 Title

✓ Authorize the Water Bureau to execute a Cost Recovery Agreement for \$24,237 to fund an environmental analysis to renew an easement with the U.S. Forest Service for continued operation of Water Bureau facilities at Bull Run Lake (Ordinance)

INTRODUCED BY Commissioner/Auditor: Commissioner Nick Fish	CLERK USE: DATE FILED <u>MAR 29 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish <i>Ninf</i> Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Water Bureau Head: Michael Stuhr, P.E. <i>[Signature]</i> Prepared by: Liane Davis Date Prepared: February 9, 2016	ACTION TAKEN: APR 06 2016 PASSED TO SECOND READING APR 13 2016 9:30 A.M.
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 April 6, 2016	
City Attorney Approval: <i>GF</i> required for contract, code, easement, franchise, comp plan, charter	

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

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	✓	
5. Hales	5. Hales	✓	