

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. _____

Authorizing an Intergovernmental Agreement with the City of Portland for County to Reimburse City up to \$3.6 Million for City Design and Construction Services on the Sellwood Bridge Project

The Multnomah County Board of Commissioners Finds:

- a. In August 2010, County, the Oregon Department of Transportation (ODOT) and the Federal Highway Administration (FHWA) published the Final Environmental Impact Statement (FEIS) for the Project. In September 2010, FHWA issued a Record of Decision (ROD) approving the FEIS.
- b. The City of Portland (City) and County entered into an Intergovernmental Agreement for Funding of the Project, pursuant to City Ordinance No. 184402 of February 2, 2011 and County Resolution No. 2011-012 of February 3, 2011. The parties executed an amended and restated intergovernmental agreement for funding of the Project on or about January 15, 2013. Subsequently, the parties entered into the first amendment to that amended and restated intergovernmental agreement on or about February 11, 2015. The original and the amended and restated intergovernmental agreement for funding of the Project, and any amendments thereto, will be collectively referenced as the "Funding IGA."
- c. In accordance with the Funding IGA, City's contribution to the Project is based on a percentage of actual Project costs, but is capped at a maximum of \$86 Million. City bureaus have been supporting the Project design and construction process, primarily through staff time. The Funding IGA recognizes and allows City to recover those costs incurred in support of the Project.
- d. The purpose of the IGA is to authorize County to reimburse and pay for City services and expenditures associated with the Project, as identified in the IGA. The Parties acknowledge in the IGA that County's reimbursement obligation will include those Project services performed and expenditures incurred by City to date as well as Project work still to be performed.
- e. The IGA also includes County's and Portland Water Bureau's agreement to install waterline betterments in conjunction with the Project. Those betterments, estimated at \$497,000 cannot be paid with federal funds. The IGA recognizes the separate betterment work and authorizes County to invoice City for those items.
- f. Pursuant to ORS Chapter 190, City and County are authorized to enter into this Intergovernmental Agreement. The Project is receiving funds from several sources, including federal funds. As a result, the cost reimbursements may be subject to audits by ODOT or FHWA, as required by any federally funded project.

The Multnomah County Board of Commissioners Resolves:

1. The County Chair is authorized to enter into the IGA with the City of Portland and modify the IGA as necessary or desirable to further its intent or the intent of the Funding IGA, so long as such modifications do not result in a material increase in the obligations of Multnomah County or a material decrease in the benefits for Multnomah County.

ADOPTED this ____ day of August, 2015.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Kenneth M. Elliott, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director, Department of County Services