

Memorandum of Understanding
Between BES & OMF for the
Kalbrenner Property

This memorandum of understanding (“this MOU”) is between the Bureau of Environmental Services (“BES”) and the Office of Management and Finance, Bureau of Internal Business Services (“OMF”), and is effective as of the last date of signature below (“the Effective Date”).

RECITALS

- A. The City owns real property located at the 10600 block of SE Reedway and depicted on Exhibit A (“the Property”). The Property is managed by BES.
- B. BES acquired the Property in 1993 for the purpose of floodplain mitigation. BES has plans to include the Property as part of the Springwater Wetlands Complex project with construction tentatively planned for the summer of 2018.
- C. On October 7, 2015, through Ordinance Numbers 187370 and 187371, City Council declared a housing emergency for one-year, with the option of extending it in six-month increments (“the Housing Declaration”). The declaration allows Council to waive temporarily certain portions of the City’s zoning and building requirements in the City Code and to commit funds to housing and homeless issues.
- D. The Mayor has requested the use of the Property as a site to shelter temporarily persons who may be homeless and has asked OMF to coordinate and manage the City’s efforts in that regard.
- E. The Property has potential environmental and human health risks due to contaminated soil placed on the Property by unknown parties, and neighboring property owners have expressed concerns about the current presence of unauthorized individuals trespassing on and near the Property.

TERMS

- 1. This MOU terminates and replaces the document titled “Re: Memorandum of Understanding for the conditions of use of the Kalbrenner property (105th and Reedway) as a temporary homeless camp,” dated 5/19/2016.
- 2. BES and OMF will jointly investigate the risks and possibilities of using the Property as a site to shelter temporarily persons who may be homeless. Such issues include, but are not limited to, the following:
 - a. Identifying land use, zoning, and building code regulations that may permit or limit the contemplated use. This includes, but is not limited to:

- i. Determining whether regulatory approvals or waivers are required or can be waived, and the time required to obtain such approvals or waivers.
 - ii. Identifying the potential impact of the Housing Declaration on those regulatory requirements.
 - b. Identifying appropriate sheltering apparatus and site designs (for example, removable tents, wheeled pods, and framed constructions) in light of the nature and conditions of the Property.
 - c. Conducting reasonable property inspections through such actions as:
 - i. Identifying site hazards.
 - ii. Identifying remediation measures necessary to protect City employees, contractors, and agents and other potential users of the Property.
 - d. Determining the terms and conditions of property use and behavioral expectations that the City should impose upon the users of the Property.
 - e. Determining the applicability of any obligations imposed on the City through the Release and Hold Harmless Agreement in the matter of *Anderson et al. v. City of Portland*, United States District Court of Oregon case no. 08-1447 AA, to the City's proposed use of the Property.
 - f. Identifying any City policies that may be relevant to decisions to use this Property, including but not limited to sustainability and social justice considerations.
- 3. If the City determines the Property should not be used for the proposed purpose, then BES and OMF will review property investigation expenditures to ensure that no BES ratepayer funds or resources dedicated under the Homelessness Declaration are spent for purposes not otherwise permitted.
- 4. If the City decides to use the Property for the proposed purpose, BES and OMF will formalize property management roles and responsibilities in an inter-agency agreement that will include, but not be limited to:
 - a. Identifying appropriate measures to protect the Property, the public, and the environment;
 - b. Identifying key staff for property management, public outreach, media inquiries, permitting, and ordinance preparation;

- c. Ensuring that no BES ratepayer funds are used in the project; and
- d. Identifying appropriate source of funding and fiscal center codes for property management expenditures, including liability claims.

BES:




Signature

Director of Environmental
Title Services

June 2, 2016
Date

OMF:



Signature

Director, Bureau of Internal Business
Title Services

Title

June 2, 2016
Date