

RESOLUTION NO. 2198

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH MULTNOMAH COUNTY FOR TRANSFER OF BUILDING PERMIT SERVICES ON CERTAIN UNINCORPORATED PROPERTIES

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City of Troutdale provides a full building services program through its Building Department and has certified personnel to perform plan reviews and structural, mechanical, electrical and plumbing inspections.
2. Multnomah County proposes that the City administer building services in unincorporated areas within the City's Urban Growth Area.
3. An Intergovernmental Agreement (IGA) between The City of Troutdale and Multnomah County is necessary in order to transfer to Troutdale the authority and responsibility to provide these services within unincorporated areas within the City's Urban Growth Area.


NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

- Section 1. That the Mayor is authorized to sign an Intergovernmental Agreement with Multnomah County in order for Troutdale to provide Building Services to unincorporated areas within the City's Urban Growth Area, which is in substantial conformity to that which is attached to the Staff report as Exhibit "A".
- Section 2. The Mayor is authorized to sign any addendums to this IGA that may arise during the period the IGA is in effect.
- Section 3. This resolution shall take effect immediately upon adoption.


YEAS: 6

NAYS: 0

ABSTAINED: 0



Doug Daoust, Mayor
Date: 4/12/2013



Debbie Stickney, City Recorder
Adopted: April 9, 2013


TMC Chapter 2.04 – Authorizes the City Administrator or designee to renumber sections and parts of sections, change capitalization for the purpose of uniformity, correct any clerical, typographical or similar non-substantive errors that do not alter the sense, meaning, effect or substance of any ordinance or resolution. (Ord. #744 Adopted 2/10/04)

At the April 9, 2013 City Council Meeting, Consent Agenda Item #2.4 was a resolution authorizing the City Manager to sign and IGA with Multnomah County for transfer of Building Permit Services on certain unincorporated properties.


The IGA was prepared by Multnomah County and signed by Chair Jeff Cogen on March 6, 2013. The IGA was prepared with a signature line for Mayor Daoust.

At the direction of the City Attorney, David Ross, the resolution has been changed to authorize the Mayor to sign the IGA.

Changes made by:


Debbie Stickney
City Recorder

Approved by:


Craig Ward,
City Manager

4/10/13
Date

INTERGOVERNMENTAL AGREEMENT

Transfer of Building Permit Services

THE CITY OF TROUTDALE and MULTNOMAH COUNTY enter into this agreement pursuant to the authority granted in Chapter 190 of the Oregon Revised Statutes for the purpose of the City of Troutdale providing building permit issuance and related services for Multnomah County.

PARTIES TO THE AGREEMENT

THE CITY OF TROUTDALE is a municipal corporation organized and existing under the laws and constitution of the State of Oregon and is hereinafter referred to as “the City.”

MULTNOMAH COUNTY is a Home Rule political subdivision of the State of Oregon organized and existing under the laws and constitution of the State of Oregon and is hereinafter referred to as “the County.”

RECITALS

In 1986, the City and the County found that the most cost effective and rational method for delivery of building permit issuance and related services is through the City Community Services Department; and

The City and the County recognized the need for transferring permit services from the County to the City; and

In May 1986 the City and the County entered into an Intergovernmental Agreement (1986 IGA) for Transition of Building Permit Services transferring delivery of building permit issuance and related services to the City Community Services Department; and

The City and County agree that it is in the public interest to update the 1986 IGA to reflect changes in the applicable laws and regulations and to clarify the geographic scope of the City’s obligation to provide building permit issuance and related services; and

ORS 190.010 to 190.030 provide for intergovernmental agreements between units of local government, including the City and County, to allow the performance of functions or activities by one unit of local government for another; and

ORS 190.020 requires that an intergovernmental agreement contemplating the performance of functions or activities by one unit of local government for another shall specify the responsibilities and the apportionment of funds between the parties;

NOW, THEREFORE, in consideration of the mutual promises contained herein and pursuant to the provisions of ORS 190.010 – 190.030, the City and County agree as follows:

SECTION I: PURPOSE.

The general purposes of this Agreement are:

- A. To identify the unincorporated County areas for which the City shall provide building permit and other related services and to enumerate those services.
- B. To establish distribution of service fee revenue.
- C. To set forth terms of liability and legal responsibilities.

SECTION II: TRANSFER OF FUNCTIONS.

A. Effective Date. On April 15, 2013, the 1986 IGA, shall terminate and be replaced in its entirety by this Agreement.

B. Permit Service Area. The area covered by this Agreement shall be known as the “Permit Service Area” and shall include:

- i. All unincorporated County areas situated north of I-84 and between the City of Gresham boundary and the Sandy River, as shown in Exhibit 1a.
- ii. The unincorporated properties within Troutdale’s Urban Planning Area identified in Exhibit 1b.

C. Functions Transferred.

- i. Effective April 15, 2013, the City shall provide the following services within the Permit Service Area.
 - 1. Administer the City Adopted Oregon Structural Specialty Code;
 - 2. Administer the City Adopted Oregon Mechanical Specialty Code.
 - 3. Administer the City Adopted Oregon Electrical Specialty Safety Code.
 - 4. Administer the City Adopted Oregon Plumbing Specialty Code.
 - 5. Administer the City Adopted Oregon Residential Specialty Code.
 - 6. Administer the City Adopted Oregon Manufactured Dwelling and Park Specialty Code.

7. Administer the City Adopted Oregon Fire Code and City Fire and Life Safety Code.

ii. Administering the above codes shall mean all aspects of code administration, including but not limited to, collection of fees, plan review, permitting and inspections.

iii. The City shall make available, without charge to the County, records and testimony by City inspection personnel when needed in connection with litigation of building permit service cases.

D. Rights to permit fees. After April 15, 2013, all revenue derived from service and permit fees within the Permit Service Area shall accrue to the City.

E. Level of Service.

The City shall provide a level of service for building code administration and enforcement in the Permit Service Area equal to and consistent with that performed within the City. Such service shall conform to ORS 455.160.

SECTION III: GENERAL TERMS

A. Non-Appropriation Clause. This Agreement is subject to future appropriations by any future City Council or Board of County Commissioners.

B. Separability. If any section, subsection, clause or phrase of this agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining Agreement, which shall continue to be in effect.

C. Termination. This Agreement shall continue indefinitely unless terminated by mutual written consent of the parties.

D. Amendments. This Agreement may be amended by mutual agreement of the parties.

E. Captions. The captions and headings used in this Agreement are not a substantive part of this Agreement. They are intended as a reference tool and shall not be used in interpreting the terms of this Agreement.

F. Indemnity.

1. Subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution, the City shall hold harmless and indemnify the County, its officers, agents and employees from all liability, claims, suits, actions and other proceedings caused by or arising out of the negligence of the City, its agents or employees in the performance of its obligations under this contract.

2. Subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution, the County shall hold harmless and indemnify the City, its officers, agents and employees from all liability, claims, suits, actions and other proceedings caused by or arising out of the negligence of County, its agents or employees in the performance of its obligations under this contract.

G. Cooperation.

City and County recognize the need to continually improve efficiency and uniformity in codes administration and shall cooperate to mutually exchange relevant information and modify procedures as needed to implement this Agreement in an efficient and uniform manner.

H. Service Coordination.

1. The Director of Community Services, or a designee, shall represent the County in all matters of service coordination with the City.

2. The Building Official, or a designee, shall represent the City in all matters of service coordination with the County.

IN WITNESS WHEREOF, the authorized representatives of the City and the County, as parties hereto, acting pursuant to the authority granted to them, have

HEREBY AGREED:

CITY OF TROUTDALE

By Doug Daoust
Doug Daoust
Mayor

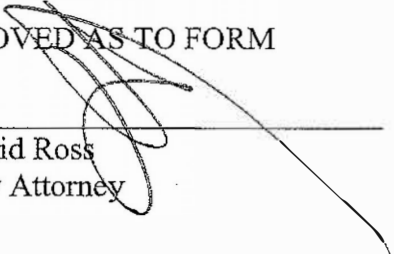
Date 4/12/13


MULTNOMAH COUNTY

By Jeff Cogen
Jeff Cogen
Chair

Date 3/6/13

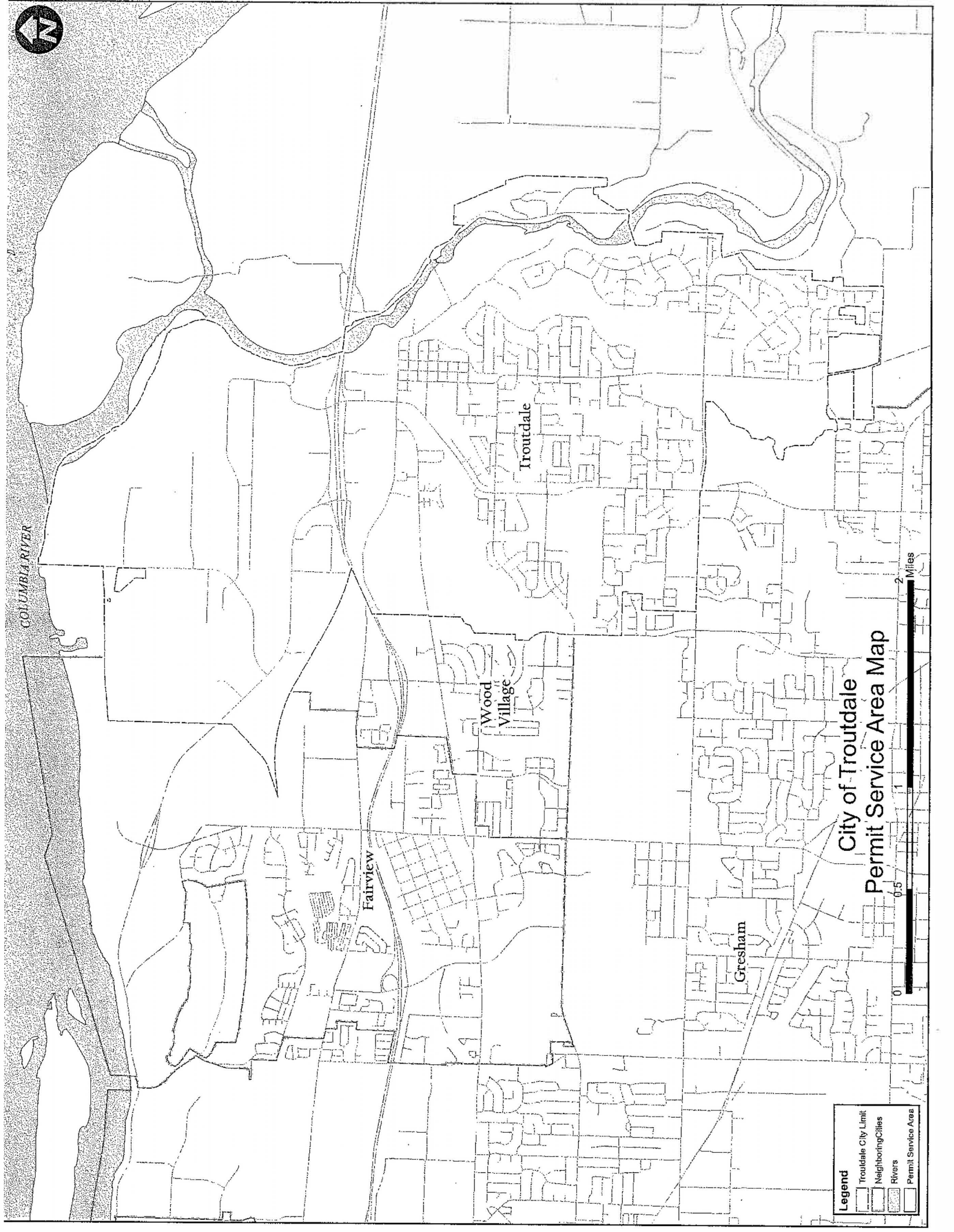
APPROVED AS TO FORM

By  _____
David Ross
City Attorney

By  _____
Lindsay Kandra
Assistant County Attorney



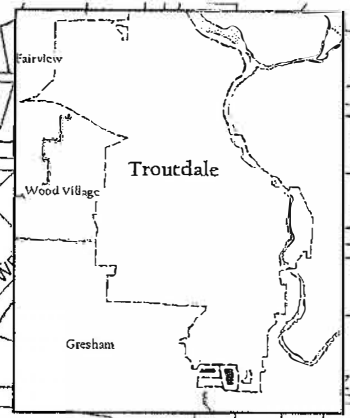
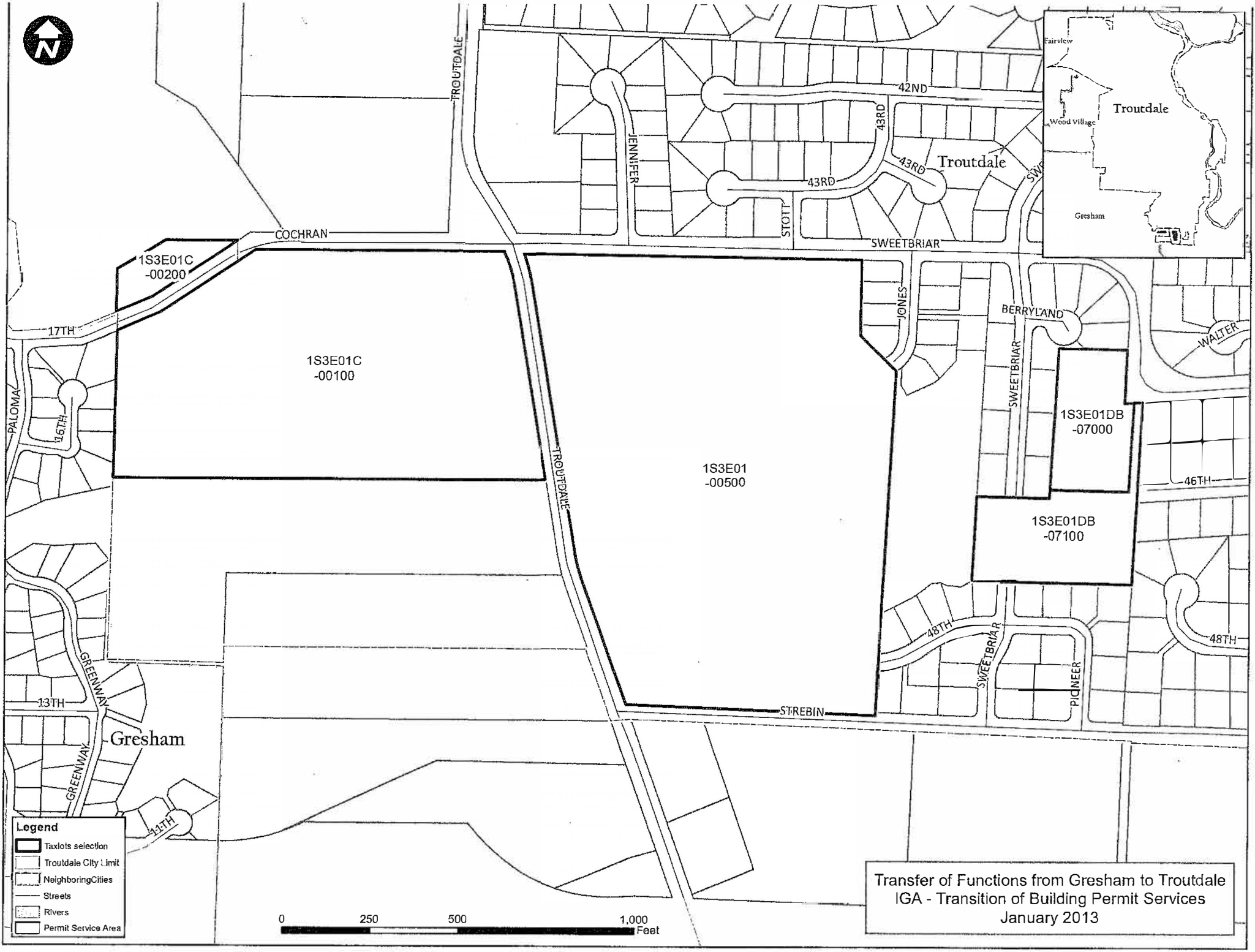
COLUMBIA RIVER



Legend	
[Dashed line symbol]	Troutdale City Limit
[Solid line symbol]	Neighboring Cities
[Stippled area symbol]	Rivers
[Dotted area symbol]	Permit Service Area

City of Troutdale Permit Service Area Map





1S3E01C
-00200

1S3E01C
-00100

1S3E01
-00500

1S3E01DB
-07000

1S3E01DB
-07100

- Legend**
- Taxlots selection
 - Troutdale City Limit
 - Neighboring Cities
 - Streets
 - Rivers
 - Permit Service Area



Transfer of Functions from Gresham to Troutdale
IGA - Transition of Building Permit Services
January 2013