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190912

Emergency Ordinance

***Authorize a Management Agreement with Pioneer Courthouse Square, Inc. to operate and manage the Pioneer Courthouse Square**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Pioneer Courthouse Square, Inc. (PCS), through its Board of Trustees, has managed Pioneer Courthouse Square on behalf of the City for approximately 40 years.
2. The current Interim Management Agreement will expire on June 30, 2022.
3. This new three (3) year Management Agreement:
 - A. Clarifies responsibilities for contract performance and expectations on deliverables.
 - B. Modifies City funding allocations in the amount of \$470,000.00 per year in direct payments, plus the retention of site lease and event revenues, in-kind payments, and other funding sources in the amount of approximately \$1,580,000 per year. The aggregate value of funding, revenue, in-kind payments, and other sources of funding for the term of this Agreement is approximately \$6,150,000.00.
 - C. Memorializes a one-time payment to be made to PCS in the amount of \$89,641.00 for FY 2021/2022 graffiti, structural repairs and security, authorized through Ordinance 190606, the Fall Supplemental Budget adjustment approved on November 17, 2021.
 - D. Establishes a capital reserve fund for site improvements.
 - E. Updates other terms and conditions to perform prudent management services on behalf of the City.

4. Due to its extensive history and knowledge of the Square, PCS is uniquely qualified to continue managing the Square, in order to carry-out uninterrupted operations, event programming, maintenance,

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Parks & Recreation](#)

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Requested Agenda Type

Regular

security, advertising, and restroom services.

5. Pursuant to City Code 5.68, Professional, Technical and Expert Services Contracts, if services or expertise required for a project are only available from a sole source, or justifiably available from only one contractor, then the Chief Procurement Officer may authorize selection of a contractor without following the prescribed competitive contracting requirements. This sole source contract is being acquired as an exception to the competitive selection process identified in PCC 5.68 and the PTE Manual. A public notice was posted, and no protests were received.

NOW, THEREFORE, the Council directs:

- A. The Director of Portland Parks and Recreation, or designee, is authorized to execute a Management Agreement and any amendments with Pioneer Courthouse Square, Inc., upon terms and conditions in substantial conformance with this Ordinance, and upon approved as to form by the City Attorney.

Section 2. The Council declares that an emergency exists because a delay will cause interrupted services, management, and programming of Pioneer Courthouse Square, negatively effecting downtown businesses, community and visitors to the City; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 29, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

Pioneer Courthouse Square, Inc. (PCS), through its Board of Trustees, has managed Pioneer Courthouse Square (Square) on behalf of the City for approximately 40 years. PCS manages programming, the all-gender public restroom, advertising, security, and commercial leases, among other things. The current Interim Management Agreement will expire on June 30, 2022. The current Interim Management Agreement City funding is on average \$470,000 per year. In addition, PCS receives approximately \$1,580,000 in annual in-kind contributions, event revenue, commercial lease revenue and other funding, for an average annual revenue or funding of \$2,050,000.

Financial and Budgetary Impacts

This new three (3) year Management Agreement establishes City funding at \$470,000 per year. PCS will continue to retain annual revenues from commercial leases, in-kind contributions, event revenue, and other sources of funding. In addition, PCS will receive a one-time payment of \$89,641.00 for FY 2021/2022 graffiti, structural repairs, and security, authorized through Ordinance 190606.

Community Impacts and Community Involvement

This Management Agreement will allow the Square to operate without interruption and negative impacts to the community and visitors. The PCS Board of Trustees is represented by downtown business community members and the general public.

100% Renewable Goal

N/A

Budget Office Financial Impact Analysis

This ordinance authorizes a 3-year management agreement between PP&R and Pioneer Courthouse Square Inc. (PCS). The \$470,000 cash contribution to PCS is budgeted as a cost in the PP&R FY 2022-23 Adopted Budget. Outyear costs (\$470,000 in Y2 and \$470,000 in Y3) will be budgeted in the bureau's budget as part of FY 2023-24 and FY 2024-25 Budget Development. Additionally, PP&R will send PCS \$89,641 in General Fund discretionary resource for graffiti, structural repairs, and security, as authorized by Council in the FY 2021-22 Fall Supplemental Budget.

Agenda Items

600 Regular Agenda in [June 29-30, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea